

**REGIONAL PLAN ADVISORY COMMITTEE
MINUTES
October 21, 2009**

- PRESENT:** Deputy Mayor David Hendsbee, Vice-Chair
Ms. Alison Baker
Mr. Robert Batherson
Ms. Margo Grant
Councillor Peter Lund
Councillor Gloria McCluskey
Ms. Cheryl Newcombe
Ms. Carole Pelletier
Mr. Paul Pettipas
Ms. Maija Warnock
- ABSENT:** Mr. Fred Morley, Chair (regrets)
Mr. Floyd Dykeman (regrets)
Ms. Katherine Ruta
- STAFF:** Mr. Roger Wells, Supervisor, Regional & Community Planning
Ms. Chris Newson, Legislative Assistant
Ms. Jill Doane, Legislative Support

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1. CALL TO ORDER

Deputy Mayor Hendsbee, Vice-Chair, called the meeting to order at 3:06 p.m. in the Helen Creighton Room, Dartmouth Library, Alderney Drive, Dartmouth.

2. APPROVAL OF THE MINUTES - September 16, 2009

MOVED by Mr. Robert Batherson, seconded by Ms. Margo Grant that the minutes of September 16, 2009, as presented, be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED BY Mr. Robert Batherson, seconded by Councillor Gloria McCluskey that the agenda, as presented, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 CARSHARE Halifax

An update on the requested staff report will be provided at the November meeting.

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 Request to Amend Regional Plan and Subdivision By-Law - Geldart Property, Westphal

- A copy of the PowerPoint presentation for Case 01290: Regional Municipal Planning Strategy Amendment: Westphal was before the Committee.
- An extract of the Regional Plan dated June 7, 2006, Pages 15-16, Section 5. Re-designate the Geldart Lands in Cole Harbour from Urban Reserve to Urban Settlement, was before the Committee.
- An extract of the Halifax Regional Council minutes of May 16, 2006, pages 5-27, Item 8.1 Regional Municipal Planning Strategy (The Regional Plan), was before the Committee.
- A copy of Attachment "D" Response to the Regional Plan document, from the June 13, 2006 meeting of Regional Council, was before the Committee.
- A copy of the Regional Plan Policy Amendment Criteria Checklist was circulated to the Committee at this time.
- A copy of the September 9, 2009 staff report was before the Committee.
- A DVD and Map from Terrain Group, provided by Deputy Mayor Hendsbee, was before the Committee.

Mr. Joseph Driscoll, Planner, presented an update on the request to amend the Regional Plan Subdivision By-Law in regard to the Geldart Property, Westphal.

In response to Mr. Pettipas, Mr. Driscoll advised that the open forum concept was not available when the Regional Plan was developed and there were currently no completed open forum subdivisions in HRM.

The Committee acknowledged staff's concerns that a decision on the re-designation await the findings of the Wastewater Management Functional Plan and as outlined in the staff report; *"the application was premature in the absence of a more comprehensive and regional review regarding the importance and viability of providing full service to this area"*.

Upon further discussion, the Committee agreed to forward the matter on to Regional Council with the recommendation to initiate the process to re-designate the 100 acres for the following reasons:

- The property owner has been attempting to develop the land since prior to the Regional Plan process and has worked with the municipal regulations in place during the process. He has developed a design that should satisfy the requirements of the Regional Plan. Policy IM-18 was reviewed in regard to abutting land uses.
- The concerns in regard to sewer and water service to the proposed development could be alleviated by extending the abutting water service area to the lands and the use of shared sewage treatment system(s). Given that the property in question was located at the bottom of a hill, the chances of sewer being extended to that area would be slim and an alternative development option would be stalled due to sewer servicing concerns for a service that may not extend to that area. There would be a communal cistern rather than individual septic systems per lot. Water service now abuts the Cole Harbour area and any Capital Cost Charges in regard to infrastructure could be outlined during the development process.
- Concern was also expressed in regard to what impact an approval for re-designation of this portion of land would have on the other Greenfield Studies.
- Due to the low density proposed for the development area, there would be little impact on the existing transportation network. The proposed design of the development area may provide alternative exits to the existing subdivisions.
- In regard to policy IM-18, abutting properties include a wetland area as well as a green belt and environmentally sensitive areas.
- The Committee also expressed concern that other property owners would come forward for amendments to the Regional Plan for individual properties if this request were approved.

MOVED BY Mr. Paul Pettipas, seconded by Councillor Peter Lund that the Regional Plan Advisory Committee recommend that Halifax Regional Council initiate the process to consider amending the Regional Municipal Planning Strategy to re-designate the subject property from Urban Reserve to Rural Commuter in order to enable consideration of a Water Service Area expansion and an open space design subdivision. MOTION PUT AND PASSED.

5.2 Project 01341: Cost of Servicing Study and Requests to Initiate Secondary Planning Strategies (Community Plan Amendment Requests)

- A staff report dated September 29, 2009 was before the Committee.
- A copy of the Regional Plan Policy Amendment Criteria Checklist was circulated to the Committee at this time.

The Committee agreed to hear the presentations prior to staff presenting their report.

5.2.1 Presentations

(i) Sandy Lake

Mr. Barry Zwicker, representative for the Sandy Lake area, provided the following comments during his presentation:

- the Regional Plan review will only commence in two years time and the Secondary Planning Strategies should not be held off until then;
- What does HRM have to lose? Nothing; What does HRM have to gain? Lots; What does HRM have to fear? Nothing.
- the property owners want to be part of consultative process and request that the Regional Plan Advisory Committee turn down the staff recommendation and request a consultative process for long term planning in HRM.
- He requested that the matter not be delayed due to a lack of municipal staff to process the applications.

In response to Councillor Lund, Mr. Zwicker advised that the CBCL report indicated that the sanitary sewer would go to the main treatment plant on the peninsula.

The Committee thanked Mr. Zwicker for his presentation.

(ii) Port Wallis (Wheppy Lands)

Mr. Greg Zwicker, Terrain Group, provided the following comments during his presentation:

- 40 years of planning has already taken place for the Port Wallis area (since 1971);
- the North Dartmouth Trunk Sewer was now complete;
- at the June 2, 2009 Regional Council session, HRM Finance staff confirmed that they had no concern in regard to the municipality's fiscal health in relation to the Bedford West Secondary Planning Strategy; he questioned why there was now concern being expressed in regard to fiscal health;
- in referencing the concrete road for the Shearwater / DND lands, he suggested that the Port Wallis area development may be more affordable than the Shearwater land;
- In regard to development time lines, he explained that if the Secondary Planning Strategy were to be approved now, it would be 2013 before any shovels were in the ground. If approval had to wait until 2016, it would be 2020 before any shovels were in the ground.
- Terrain Group wants to meet the need for housing in Dartmouth;
- He noted that the \$13 million interchange was not required for this development.

In response to Councillor McCluskey, Mr. Zwicker advised that traffic from the project would

be directed to the proposed Highway 107 By-Pass to Main Street once constructed. Deputy Mayor Hendsbee noted that the existing infrastructure would be used until the interchange was built. Ms. Alison Baker commented that currently, traffic was horrible no matter which route was taken.

In response to Councillor McCluskey, Ms. Kendra McKenzie, Halifax Water, advised that the CBCL study showed that the sewer would be placed up and around Lake Charles, through the canal beside the water and natural gas lines and a tunnel built under the canal with two pits on either side.

In regard to affordable housing, Mr. Pettipas inquired whether or not the homes would be built for the \$225,00 - \$275,000 market considering that the average family income in HRM was only \$76,500.

Mr. Roger Wells noted that staff would address the issue of affordable housing in the coming months.

Ms. Carole Pelletier advised that it was difficult to find affordable housing as homes in the \$200,000 range sold very quickly and what was currently on the market was not affordable to the public who were majority first time home buyers.

The Committee thanked Mr. Zwicker for his comments.

(iii) Highway 102 Corridor Lands

- A letter dated October 20, 2009 from Birchdale Properties Inc. was before the Committee.
- A copy of the PowerPoint presentation and letter from Mr. Chris Lowe, President, Birchdale Projects Inc. was circulated to the Committee at this time.

Mr. Chris Lowe, President, Birchdale Properties Inc., commented that:

- he represented four property owners for the 1200 acres, a vacant urban infill site bordering on Bayers Lake and the Blue Mountain Birch Cove Lakes area;
- land has been developed all around the subject property;
- access to the proposed park would be difficult without cutting through the subject lands;
- there were two points for consideration: the policy relating to the Regional Municipal Planning Strategy (S-3) and the municipality's fiscal health;

Mr. Batherson retired from the meeting at 4:55 p.m.

- he circulated a map of the area at this time and explained that the orange line was 1 km from the site; there were six (6) bus routes around the site as well as schools, fire service and public library system;
- the impact of this project on existing municipal / school services would be minimal;
- the project would be completely financed by the developers; they are requesting only

- 5% of the transportation costs;
- the property owners would like the opportunity to provide a rebuttal to the staff report;
- the project would be mixed use and would meet the needs of seniors and single Moms who work in Bayers Lake and study at Mount Saint Vincent University;
- developing the project would provide access into the wilderness area and there would be three access points into the project area;
- the concept for the development was approved in 1996 by the then Council;
- many of the services required already exist;
- there would be no burden on HRM's capacity as the development would be compact and efficient.

Responding to comments/questions from the Committee, Mr. Lowe provided the following comments:

- the interchange would extend into Bayers Lake Business Park and the functional plan area. A traffic impact study was done resulting in the suggestion for an underpass under the Bi-Centennial Highway. The developers were willing to fund that underpass.
- the proposed project would actually reduce impact on the Bi-Centennial highway as people would be able to live/work/shop in the area thereby reducing traffic.
- the three dams were owned by Annapolis Group and met the current national standards. Some of the dam structures were 200 years old and with ongoing maintenance, since 2006, they were good for another 100 years. Annapolis Group intends to maintain the dams to the highest standards.

Mr. Pettipas noted that in regard to the Bi-Centennial Highway, Capital Cost Contributions would not help as there were no opportunities for Capital Cost Contributions with the province.

Mr. Mike Laycock, Annapolis Group, advised that the water system should be with HRM as it was inside an urban area. He noted that Halifax Water looks after all major infrastructure and they should have the dam system as well. Annapolis Group will maintain, for now, the water license for the system.

The Committee thanked Mr. Lowe for his presentation.

(iv) Regional Parks

- A written submission from Mr. Bob McDonald was circulated to the Committee.

Mr. Bob McDonald, resident of Clayton Park area, commented that he has been involved with the preservation of natural areas such as the Blue Mountain/Birch Cove area. He noted that Map 13 from the EDM study of the Blue Mountain area was contained in the Regional Plan document; a document that provides the framework for opportunities for protection. He expressed concern with the Secondary Planning Strategy for this area and agreed with the staff recommendation that no development take place at this time as development would impact the watershed. He clarified that the Highway 102 West Corridor was the Birch Cove Lakes area. The lakes existed prior to the first dams and were

not man made although one or two lakes disappeared when taken over by Susie and Quarry Lakes. The proposed development area was not an urban infill/brown fill area; it more closely resembled an urban wilderness. He noted that all provincial crown land in the proposed Regional Park area had already been protected. Mr. McDonald extended an invitation to take the Committee members on a hike through the area.

Mr. Kurt Pyle, Acting Supervisor, Planning Applications, and Mr. Paul Morgan, Planner, clarified the land area boundaries. Mr. Morgan advised that page 21 of the staff report outlined the boundaries and page 68 noted the intention that over time there would be acquisition of lands as finances permit.

In response to Mr. Pettipas, Mr. Lowe explained that HRM was not in conflict with the development and that HRM did not own any of the land. There was a sleeper policy and if HRM wished to purchase the land, the existing quarry would not be able to operate, therefore; HRM would also have to purchase the quarry. HRM could not move forward without the portion of private lands.

Mr. Paul Dunphy, Director, Community Development, advised the Committee that they should take their time in making a thoughtful and informed decision.

5.2 Staff Presentation

Mr. Paul Morgan, Planner, presented the staff report in regard to Project 01341 - Cost of Servicing Study and Requests to Initiate Secondary Planning Strategies (Community Plan Amendment Requests).

Mr. Paul Dunphy, Director, Community Planning, noted that there were some points of disagreement in regard to the interpretation of factual information presented. He explained that the Committee could request that staff partake in a consultative process with the developers/property owners. The projects presented were wonderful projects and the issue was not the location of the proposed developments; the issue was when would it be appropriate for those developments to come forward. The Regional Plan outlined potential growth sites with consideration of whether additional serviced lands were needed. He provided the following clarification in regard to points raised by the presenters:

- although the developer would pay for a lot, HRM would still have to service those streets and roads and would not want more roads than was needed;
- table 2, page 7 of the staff report, shows the population growth statistics for the Port Wallis area as 10,500.
- local infrastructure costs were always 100% paid for by the developers, however; these types of developments would require over-sizing which would be where the Capital Cost Contribution policy would come into play. HRM would contribute for such items as transit as whoever benefits would pay the cost.
- the CBCL study did not take into consideration the provincial road work system; there may be some cost sharing required which would be a potential liability to HRM in regard to added costs.
- additional fiscal implications to HRM would be in regard to the Regional Wastewater Functional Plan that was underway by Halifax Water and not expected to be completed until 2011. There may be other capital requirements identified as a result

of that study.

- the conclusion, at this point, was that the development would have no fiscal benefits and would create additional costs with no tangible benefits.

Councillor McCluskey cautioned the Committee in regard to potential liability to HRM by referencing the Mount Hope Interchange issue. The developers were to pay the costs, however; \$6 million of that may have to be covered by HRM and its taxpayers.

The Committee deferred the matter to the November meeting and requested a Supplementary Report from staff containing more information/clarity on the following:

- an update from Halifax Water in regard to the sewer/water servicing including capacity requirements;
- more concrete figures;
- clarity on the contentious issues and whose interpretation of the Regional Plan and proposed Secondary Planning Strategies was correct, HRM's or the developers;
- if the proposals were to be approved; what would the phasing be and what would the time-lines be (how quickly would development happen);
- clarity on the HRM staffing/workload - provide a forecast of current workloads for staff and an update on visioning for water studies with a tangible schedule;
- confirmation that approval given for the Bedford West Secondary Planning Strategy (SPS) in June 2009 would not affect the remaining three SPS's going forward;
- information from the Nova Scotia Real Estate Association /Canada Mortgage and Housing in regard to housing market trends for the next few years.

Mr. Dunphy noted that getting into that level of detail (housing market trends) was premature at this point as HRM had no policy to legislate affordable housing and was only able to suggest mixed use in regard to density not affordability.

Councillor McCluskey requested that this matter be the only item on the November agenda.

6. REPORTS - NONE

7. ADDED ITEMS - NONE

8. NEXT MEETING DATE

The Committee agreed that the next meeting would be held on November 18th as November 4th was too short a time frame for staff to provide the information requested.

9. ADJOURNMENT

The meeting adjourned at 6:07 p.m.

Chris Newson
Legislative Assistant