

REGIONAL PLAN ADVISORY COMMITTEE

MINUTES

November 17, 2010

PRESENT: Mr. Fred Morley, Chair
Councillor David Hendsbee, Vice-Chair
Mr. William Book
Ms. Margo Grant
Councillor Peter Lund
Mr. Paul Pettipas
Mr. Floyd Dykeman
Ms. Cheryl Newcombe
Ms. Christina MacLeod
Ms. Carole Pelletier
Ms. Talia D'Alessio

REGRETS: Councillor Gloria McCluskey
Mr. Sam Metlej

STAFF: Mr. Roger Wells, Supervisor, Regional and Community Planning
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

Mr. Fred Morley, Chair, called the meeting to order at 2:36 p.m. in Halifax Hall, 2nd Floor, City Hall, 1841 Argyle Street, Halifax.

The Committee agreed to deal with Item 8.1 at this time.

8.1 Nova Scotia Wetland Conservation Policy

Ms. Lorrie Roberts, Acting Executive Director, assisted by Mr. David Briggins, Hydrogeologist, from the Nova Scotia Department of Environment, provided a verbal update on the Wetland Conservation Policy. Highlights of the presentation are as follows:

- under the current Environment Act, approval is required to alter a wetland
- the current decision making process is based on avoidance rather than compensation; any way to avoid developing on a wetland is encouraged; if unavoidable, compensation will be considered
- the Department of Environment is aware of the development community's concerns and the challenges in avoiding a wetland area

Mr. Floyd Dykeman entered the meeting at 2:42 p.m.

- two documents have been prepared for publication: the *Nova Scotia Wetland Conservation Policy* and *A Proponents Guide to Wetland Conservation*
- no new regulations or legislation are being proposed
- the key policy objectives are to manage human activity in or near wetlands with the goal of no loss in wetlands of special significance, and; preventing net loss in area and function of all other wetlands; promoting wetland securement and stewardship; increase the awareness of the importance of wetlands in the landscape; promote a long term net gain in wetland types, and; to encourage the use of buffers to ensure the integrity of wetlands adjacent to development
- the proposed policy applies to all wetlands in Nova Scotia with the exception of wetlands that are less than 100 meters square in total area and linear developments less than 60 meters long and 10 meters wide in shrub and wooded swamps; designated marshlands under the Agricultural Marshland Conservation Act as agricultural land; wetlands that develop within drainage ditches
- the public consultation in regard to the policy ended in December 2009 after meeting with 38 key stakeholder groups (700 people) including numerous teleconferences and 133 written responses received
- comments heard through the consultation process were: the environmental community did not like the 100 metre square and linear exemptions; buffers should be required; Developers felt the minimum size exemption should be set at 2000 meter square; compensation should be based on the importance of the

wetland, and; all wetland delineations to be conducted by an independent assessor

- In the Forestry Sector, many small woodlot owners were happy with the policy; FPANS wants the forested wetlands exempted
- The Agricultural sector wants all farms exempted; relaxed enforcement of the policy for the first two years; a current inventory to decide if a wetland is present and that all marshlands be exempt

Ms. Roberts explained that the new approach includes an emphasis on education, and; a more decentralized, transparent decision making process with more flexibility/industry specific provisions. There will be opportunity for further discussion after the policy is adopted. Ms. Roberts advised that she is confident that the policy does not negatively impact HRM's planning process.

Ms. Talia D'Alessio and Ms. Christina MacLeod entered the meeting at approximately 3:00 p.m.

In response to a concern raised by Mr. Pettipas, Ms. Roberts advised that challenges in regard to decision making/enforcement in the past had been due to resources. To address this concern, the Department of Environment has: hired a Wetland Specialist who will interpret the policy across the region; structured itself better by decentralizing and providing better direction to staff; recently conducted training for all provincial Inspectors.

In response to a question by Mr. Pettipas, Ms. Roberts advised that the Department is satisfied with their regulatory tools. How they make their decision in regard to who is approved and why is a policy piece. The Department's authority is pretty broad, however; what is important are their decisions. The *Proponents Guide to Wetland Conservation* is the policy and clearly outlines how those decisions will be made.

In response to concerns raised by Councillor Hendsbee, Ms. Roberts advised that:

- in regard to 100 series highways she was not certain at this point whether or not there would be detours around wetlands when constructing 100 series highways
- she was uncertain, in regard to the density issues, in rural/urban contexts
- the Developer would be responsible for developing a compensation plan to be approved by the Province; any money collected for compensation purposes would be dealt with in a transparent, accountable mechanism. Considering that land ownership changes, a good compensation project has to last.
- a lot of the issues raised are considered operational matters and the province will remain as flexible and open as possible
- the province does have an inventory of wetlands and it is available online. There may be further improvements to the mapping/data in regard to the wetland inventory.

Mr. Pettipas explained that when you purchase a large property, such as 200 acres, you must walk that land to determine the wetland areas. He noted that Surveyors are including wetland areas in their surveys.

In response to a question by Ms. Margo Grant, Ms. Roberts explained that a Developer may create a new wetland or enhance an existing one to compensate for the wetland being altered by their development. Paying the province a compensation fee would be one option; consideration is being given to education as compensation as it is not always possible to replace what has been lost although the aim would be to replace the function of the wetland.

Mr. Morley expressed concern that the *Nova Scotia Wetland Conservation Policy* may affect the acquisition and resale of Business Park property. HRM has to ensure there is enough Business Park land for future development for many years. The cost of buying new land may increase as more land may have to be purchased in order to obtain the amount required to develop.

Mr. Mike Wile, Manager, Business Parks, Real Property, Transportation and Public Works, advised that although the *Nova Scotia Wetland Conservation Policy* is good, there has been some challenges in the past when creating industrial park land as it is challenging to locate larger parcels of land without a wetland on it. He suggested that special consideration be given to business/industrial park land as it would not be possible to build around the wetland which results in the requirement to purchase more land in order to spread out further. Mr. Wile expressed concern that private industry has received approval to infill a wetland for a residential grocery store development yet HRM has been denied similar requests and have also been advised that adding buffers is not compensation.

Ms. Roberts, in response to Mr. Wile's concerns, advised that the Department of Environment will no longer deny approval of a development due to a wetland area. The Developer will be advised that they will have to compensate for any alteration to the wetland area which may then become a question of affordability for the Developer.

Mr. Wile noted that exemptions for roads that have to wind around a wetland should be considered as the amount of land required cannot be avoided; the area required for streets was 10% and is now 30%. He suggested that creative solutions for compensation be considered such as engineered wetlands.

In response to questions by Councillor Lund, Ms. Roberts advised that the policy should be official soon and is not required to go through the Legislature. Currently, cash payments made as compensation for wetland alterations are being held until a mechanism is in place to deal with those payments. She advised that when a highway is twinned, the provincial Department of Transportation and Infrastructure Renewal will provide compensation if the area affects a wetland.

In response to concerns raised by Councillors Lund and Hendsbee concerning the definition of wetlands being clarified to cover stormwater management areas and septic fields/centralized sewer systems that use wetland areas for discharge, Ms. Roberts explained that she was not able to answer that question, however; she acknowledged that an existing wetland versus a “created” wetland was an issue as a “created” wetland would be a functioning wetland.

Mr. Morley thanked the presenters.

The committee agreed to deal with Items 8.3 and 8.4 at this time.

8.3 The Strategic Urban Partnership Initiative

Mr. Andy Fillmore, Project Manager, Urban Design, Community Development, provided a verbal update on the Strategic Urban Partnership (SUP) proposal, the Halifax Greenprint Initiative and HRM by Design. Highlights of the presentation are as follows:

- Halifax is at a crossroads in regard to capital ideas being geared toward positioning Nova Scotia better to acknowledge the important role of the economic core and directing growth to the urban core.
- the three levels of government have not been communicating well and the SUP is a means to assist with better communication with their goal being to identify and champion key policy changes and initiatives as well as seeking opportunities for collaboration on major urban core improvement and capital investment projects
- the SUP will also include non government organizations and other major stakeholders
- the impact of the global finance issues and demographic shifts strengthens the direction for more growth to urban areas where the infrastructure exists
- the 2009 third quarter data shows a vacancy rate of 6.9% (increasing) for downtown office space and a 12.6% (declining) vacancy rate in the suburban areas; the 2010 third quarter data shows a downtown vacancy rate of 10.3% (increasing) and a 7.5% (decreasing) in the suburban areas
- population in the urban areas has decreased from 1971 to the present while the suburban and commutershed areas have increased while population in the rural areas remains constant
- densifying the downtown would assist in reducing GHG's (Greenhouse Gas Emissions) by changing the ways of movement and settlement
- there are over 800 opportunities for development, as per the Opportunities Sites Task Force data, in the downtown involving 260 acres, 51 of which are vacant or under-utilized lots in the downtown
- three large parking lots will be developed with the resulting jobs creating confidence in the private sector to invest more in the area

In response to a comment raised by Mr. Morley, Mr. Fillmore noted that public investment in HRM's downtown would be magnified five (5) times by the private sector as they would spend approximately five times what HRM would provide in incentives/tax breaks. HRM is entering into extreme competition with other cities.

- exploration and development of new financial and policy tools that would encourage private sector investment and development in the capital district / regional center such as: a financial and social Return on Investment (ROI) approach to public investment; area improvement reserves; urban development agreements; improved cost sharing with other levels of government; density bonusing in the regional centre; and, changes to the commercial tax structure
- the Urban investment Toolkit provides a list of "tools" under the following headings: public/private partnership; planning and regulatory; municipal, provincial and federal resources. The goals are to have more people living and working in the downtown; having a positive business and development climate; and, having a beautiful, walkable, vibrant downtown
- the Capital Ideas solution would be to follow the Regional Plan in regard to Smart Growth
- the relative cost of municipal services for a lot size of 760 square feet per dwelling with a residential density of 92 people per acre would be \$1,416 per year compared to \$5,240 per year for a lot size of 2.5 acres per dwelling unit with a residential density of 1.2 people per acre.
- in regard to revenue versus density, as density increases the tax revenue also increases, therefore; concentrating investment and development in areas with existing municipal hard infrastructure such as streets, roads, pipes and by following the Regional Plan and HRM by Design is encouraged

Referencing slide # 32 of his presentation relating to the deficit (cost of providing municipal services) versus the sustainable (tax revenue); Mr. Fillmore advised that to the left of the tipping point was not sustainable over time. The goal is to maximize revenue while minimizing cost and improving livability.

- a successful downtown uplifts the entire region
- building height issues are now under control and a Heritage Conservation District(s) has been created as well as a Greenprint "Code" and The Design Manual (guideline) that encourages design excellence in architecture and public space/streetscape/waterfront design

Mr. Fillmore then responded to questions of the Committee as follows:

- HRM has done all it can in regard to the already approved development proposals for the Peninsula
- the capital ideas were unanimously approved by Regional Council

Mr. Pettipas noted that, in regard to the process, it is still easier to develop in an area like Sackville than in the downtown and businesses/development will go where it is easiest.

Mr. Floyd Dykeman commented that it would be interesting to have a presentation on HRM's Economic Strategy and how proactive it is in regard to attracting investment downtown considering that if the universities and military were removed there would not be much of a private sector underpinning. HRM could have a first class mid-size city, however; the strength and dynamic energy that comes out of the downtown will determine whether that occurs.

In response to a comment raised by Mr. Pettipas, Mr. Roger Wells, Supervisor, Regional and Community Planning, noted that the Greater Halifax Partnership has been in contact with the province as HRM and the Province need to work together to avoid conflicting economic strategies.

Mr. Fillmore responded to further questions of the Committee as follows:

- the slower application rates for development are now due to the economic downturn
- Municipal Planning Strategy (MPS) amendments are not required
- the issue of urban versus the suburban commercial tax rates/reform will be brought forward to Regional Council by the HRM Finance department
- the SUP will commence with a workshop prior to the December 2010 holiday season

Mr. Pettipas noted that 20% of new construction cost is government fees/charges which is the highest, percentage wise, across the country.

Mr. Morley thanked Mr. Fillmore for his presentation.

8.4 The Halifax Greenprint Initiative

This item was dealt with earlier in the meeting along with Item 8.3. See page 6.

The Committee dealt with Item 2 at this time.

2. ELECTION OF CHAIR/VICE-CHAIR

The Legislative Assistant called for nominations for Chair of the Regional Plan Advisory Committee for the 2011 term.

MOVED by Mr. Pettipas, seconded by Mr. Dykeman that Mr. Morley be nominated as Chair of the Regional Plan Advisory Committee for the 2011 term.

The Legislative Assistant gave the third call for nominations; hearing none it was **MOVED by Mr. Pettipas, seconded by Mr. Dykeman that nominations cease. MOTION PUT AND PASSED.**

Mr. Morley accepted the nomination as Chair for the 2011 term.

MOTION PUT AND PASSED.

Mr. Morley was appointed Chair of the Regional Plan Advisory Committee for the 2011 term.

Mr. Morley then called for nominations for the position of Vice-Chair of the Regional Plan Advisory Committee for the 2011 term.

MOVED by Councillor Lund, seconded by Mr. Pettipas that Councillor Hendsbee be nominated as Vice-Chair for the 2011 term.

Mr. Morley gave the third call for nominations; hearing none it was **MOVED by Mr. Pettipas, seconded by Councillor Lund that nominations cease. MOTION PUT AND PASSED.**

Councillor Hendsbee accepted the nomination as Vice-Chair for the 2011 term.

MOTION PUT AND PASSED.

Councillor Hendsbee was appointed Vice-Chair of the Regional Plan Advisory Committee for the 2011 term.

3. APPROVAL OF MINUTES – October 20, 2010

MOVED by Mr. Book, seconded by Ms. D'Alessio that the October 20, 2010 minutes, as presented, be approved. MOTION PUT AND PASSED.

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

Move: Items 8.1, 8.3 and 8.4 to be dealt with first on the agenda.

Additions: 9.1 Cost of Servicing Study Update
9.2 Annual Regional Plan Review

The Committee approved the agenda as amended.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. CONSIDERATION OF DEFERRED BUSINESS

6.1 Approval of Minutes – September 15, 2010

MOVED by Councillor Hendsbee, seconded by Mr. Book that the minutes of September 15, 2010, as presented, be approved. MOTION PUT AND PASSED.

7. CORRESPONDENCE, PETITIONS AND DELEGATIONS – NONE

8. REPORTS

8.1 Nova Scotia Wetland Conservation Policy

This item was dealt with earlier in the meeting. See page 3.

8.2 Committees of Council Review

The Legislative Assistant advised that appointments to the Standing Committees would be done next week. Once the Standing Committees were operational, they would continue the review of the existing Boards and Committees. All membership on all HRM Boards and Committees remains status quo until further notice.

8.3 The Strategic Urban Partnership Initiative

This item was dealt with earlier in the meeting. See page 6.

8.4 The Halifax Greenprint Initiative

This item was dealt with earlier in the meeting. See page 6.

8.5 Proposed 2011 Meeting Schedule

The Committee agreed to the schedule as presented with further discussion to held surrounding the February 2011 meeting date.

9. ADDED ITEMS

9.1 Cost of Servicing Study – Update

Mr. Roger Wells, Supervisor, Regional and Community Development, provided a verbal update on the Cost of Servicing matter that was before Regional Council on Tuesday, November 16th. He read the full motion approved by Council and thanked the Committee for their work on this matter. He noted that Council was appreciative of the level of intelligence outlined in the Committee's report/recommendations. The majority

of the Committee's recommendations were approved by Regional Council following a good debate on the issue.

9.2 Annual Regional Plan Review

In response to a question by Councillor Lund, Mr. Wells explained that staff has commenced work on a "scope" for the Regional Plan review that will be brought before the Committee for input prior to going to Regional Council.

10. NEXT MEETING DATE

The next meeting is scheduled for December 15, 2010.

11. ADJOURNMENT

The meeting was adjourned at 5:14 p.m.

Chris Newson
Legislative Assistant