



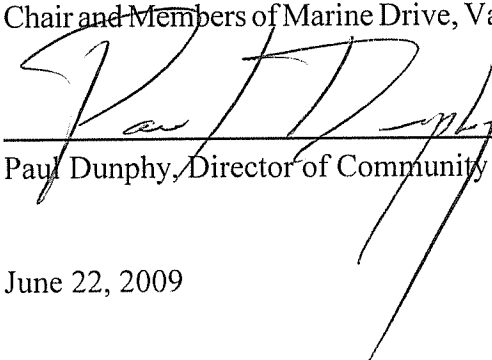
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

10.1.1

**Marine Drive, Valley and Canal Community Council**  
**August 26, 2009**

**TO:** Chair and Members of Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** June 22, 2009

**SUBJECT:** **Case 01263: Water Service Area Expansion, Middle Musquodoboit**

**ORIGIN**

On March 31, 2009 Halifax Regional Council passed the following motion:

*Moved by Councillor Streach, seconded by Councillor Karsten that Halifax Regional Council:*

- 1. Initiate the process to consider amendments to the Regional Subdivision By-Law and the Musquodoboit Valley/Dutch Settlement MPS to establish a Water Service Area along Highway 224 in Middle Musquodoboit; and*
- 2. Request staff to follow the public participation program as approved by Council in February 1997.*

**RECOMMENDATION**

It is recommended that Marine Drive, Valley and Canal Community Council recommend that Regional Council:

1. Give First Reading and schedule a public hearing to consider amendments to the Regional Subdivision By-law and the Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy (MPS) and Land Use By-law (LUB) as set out in Attachments A, B and C of this report; and
2. Approve the proposed amendments to the Regional Subdivision By-law and Musquodoboit Valley/ Dutch Settlement MPS and LUB, as set out in Attachments A, B and C, to expand a Water Service Area in Middle Musquodoboit to include lands that abut an existing water main on Highway 224 in Middle Musquodoboit.

## **BACKGROUND**

Council has initiated the process to consider amendments that would expand a Water Service Area in Middle Musquodoboit. The purpose of the amendments is to enable Halifax Water to take ownership of a private water main that the Province of Nova Scotia constructed to service two school properties in the area. Unless the amendments are approved, residents that abut the new water system do not have the ability to connect to the system even though there is capacity. The Province has indicated that they will transfer ownership of the system to Halifax Water at no cost, thereby eliminating the need for a local improvement charge to pay for the cost of constructing the system.

Halifax Water cannot take ownership of the water main or allow abutting properties to connect to the system unless the properties are included within a Water Service Area. The proposed amendments to the Regional Subdivision By-law and the Musquodoboit Valley/Dutch Settlement MPS and LUB are included as Attachments A, B and C respectively. If the proposed amendments are not approved, the water main will remain a private lateral that services the school properties and abutting property owners will not have an opportunity to connect to the central water system.

### History

Middle Musquodoboit is a rural community located on the Musquodoboit River. Approximately 300 properties in the centre of the community are located within an Urban Service Area that is serviced with central sewer and water by Halifax Water (Map 1).

In 2004 the Province of Nova Scotia constructed a water main that runs approximately 1,150 metres outside the existing service boundary to Musquodoboit Valley Education Centre and Musquodoboit Rural High School. This initiative did not include extension of central sewer to the school properties. The water main is located outside the service boundary and is classified as a private lateral.

The new water system abuts approximately 20 properties on Highway 224 that are currently serviced by on-site water and sewer systems. HRM and the Province had discussed the potential for Halifax Water to take over the system at some point so it was designed and constructed to Halifax Water standards.

### Resident Petition and Council Initiation

Residents in the subject area submitted a petition to Regional Council on October 28, 2008 requesting the ability to connect to the central water system. The request was forwarded to staff and on March 31, 2009 Regional Council initiated the process to consider amendments to the Regional Subdivision By-Law and Musquodoboit Valley/ Dutch Settlement MPS to establish a water service area along Highway 224 in Middle Musquodoboit.

### Plan Policy

The Regional Municipal Planning Strategy (RMPS) enables Council to consider the extension or creation of Water Service Areas. Policy SU-14 (Attachment D) enables expansion of existing Water Service Areas subject to consideration of several issues which include that the lands are in proximity

to a water main planned or constructed by Halifax Water. In addition, Policy EC-7 (Attachment E) of the Musquodoboit Valley/Dutch Settlement MPS identifies Council's intention to consider the extension of central services to the high school provided that the public system can accommodate the expansion.

## DISCUSSION

In most circumstances, changes to service boundaries are contemplated as part of more complex and larger scope exercises such as secondary planning, community visioning or master planning initiatives. As a result, service boundary expansions are usually subject to considerations regarding engineering issues, costs, timing, and the size and location of the expanded service area. However, this proposed water service area expansion in Middle Musquodoboit is much more straight forward than a typical service area expansion for several reasons:

- The infrastructure has been constructed and is functioning properly;
- The Province of Nova Scotia will transfer ownership of the water main to Halifax Water at no cost, thereby eliminating the need for a local improvement charge;
- The water main was designed and constructed to Halifax Water standards;
- Halifax Water has indicated that there is capacity to service the additional lands;
- Area residents that abut the water main have submitted a petition requesting the ability to hook up to the water system; and
- The proposed location and area for the water service area expansion is defined and limited in scope to approximately 20 properties given that the water main is already constructed.

### Public Participation

A public meeting was held to discuss the proposed water service expansion during which area residents indicated support for the water service expansion. The minutes for the meeting are included as Attachment F.

If Council decides to hold a Public Hearing on the proposed amendments, notices that indicate the date, time and location of the Hearing will be published in the newspaper in accordance with the *HRM Charter Act*. In addition, all property owners within the notification area indicated on Map 1 and who attended the public meeting and signed the sign-up sheet will be sent written notification.

### Additional Service Area Expansion Request

At the public meeting a question was raised relative to the possibility of future extensions to other areas in the community including the Exhibition Grounds. It was noted by members of the Middle Musquodoboit Agricultural Society that they are in the process of trying to arrange government funding to upgrade their facilities at the Exhibition Grounds and this may include a request to hook into central services.

As indicated at the public meeting, staff are of the opinion that this particular service boundary expansion should be limited to properties that directly abut the new water main along Highway 224.

The Exhibition is located at the opposite end of the community, and it does not directly abut the existing service boundary, so it would require design and construction of the infrastructure as well as an assessment and assignment of costs. Staff are of the opinion that other service area expansions should not be considered within the scope of this exercise as they would require consideration of more complex engineering issues, much different cost considerations and further consultation with the community. The issue of considering a service expansion to the Exhibition Grounds could be considered as a separate case.

#### Maintenance of On-Site Sewage Disposal Systems in Water Service Areas

Areas serviced with piped central water but not piped sewer face an increased risk of individual on-site sewage disposal system failures as a result of the unlimited supply of water and hydraulic overloading. Pursuant to RMPS Policy SU-20 (Attachment D), HRM and Halifax Water intend to consider options for ensuring regular maintenance of individual septic systems through measures such as the introduction of an on-site sewage disposal system maintenance by-law or the establishment of Wastewater Management Districts. Properties within the proposed Water Service Area may be subject to future initiatives undertaken to ensure effective maintenance and performance of on-site sewage disposal systems within Water Service Areas.

#### Conclusion

The proposed amendments to the Regional Subdivision By-Law and Musquodoboit Valley/Dutch Settlement MPS and LUB, as set out in Attachments A, B and C, would enable area residents to take advantage of a unique opportunity to hook into a new and operational water main system without the need for a local improvement charge. Unlike typical service expansions, these property owners would not be responsible to pay for the cost of constructing the water main and would have the option to pay the hook-up and contractor fees to connect to the public water system if they wish to connect to the system.

Staff are of the opinion that the proposed amendments are consistent with the Regional Municipal Planning Strategy and the Musquodoboit Valley/Dutch Settlement MPS. The amendments would enable Halifax Water to provide water service to lands that abut a new trunk water main that was designed and constructed to its standards in accordance with RMPS Policy SU-14. The proposed amendments are also consistent with the objective of Policy EC-7 of the local MPS by extending water service to the high school. Therefore, staff recommend that Regional Council approve the proposed amendments to the Regional Subdivision By-Law and Musquodoboit Valley/Dutch Settlement MPS and LUB as set out in Attachments A, B and C of this report.

#### BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310.

Nova Scotia Transportation and Infrastructure Renewal has indicated that the Department will transfer the water main system, which has been built to Halifax Water standards, to Halifax Water at no cost. As a result, there is no need to introduce a Local Improvement Charge By-Law.

Individual property owners that wish to connect to the water system would be responsible for the cost to bring a water lateral from the water main to their dwelling. In addition, a \$1250 capital cost type connection fee for the Middle Musquodoboit Water Service Area is administered by and payable to Halifax Water.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

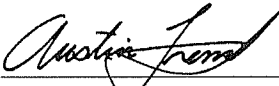
1. Regional Council may approve the proposed amendments to the Regional Subdivision By-Law and the Musquodoboit Valley and Dutch Settlement MPS and LUB, as contained in Attachments A, B and C in order to expand the Water Service Area in Middle Musquodoboit to include properties that directly abut an existing water main along Highway 224. This is the recommended course of action.
2. Regional Council may refuse the requested amendments. A request to amend the Regional Subdivision By-Law or a MPS is at the discretion of Council. This alternative is not recommended as staff feel that there is merit in proceeding with amendments to the Regional Subdivision By-Law, MPS and LUB.

### **ATTACHMENTS**

Map 1	Middle Musquodoboit Water Service Area and Proposed Expansion
Attachment A	Proposed Amendments to the Regional Subdivision By-Law
Attachment B	Proposed Amendments to the Musquodoboit Valley/Dutch Settlement MPS
Attachment C	Proposed Amendments to the Musquodoboit Valley/Dutch Settlement LUB
Attachment D	Excerpts from the Regional Municipal Planning Strategy
Attachment E	Excerpts from the Musquodoboit Valley/Dutch Settlement MPS
Attachment F	Public Meeting Minutes

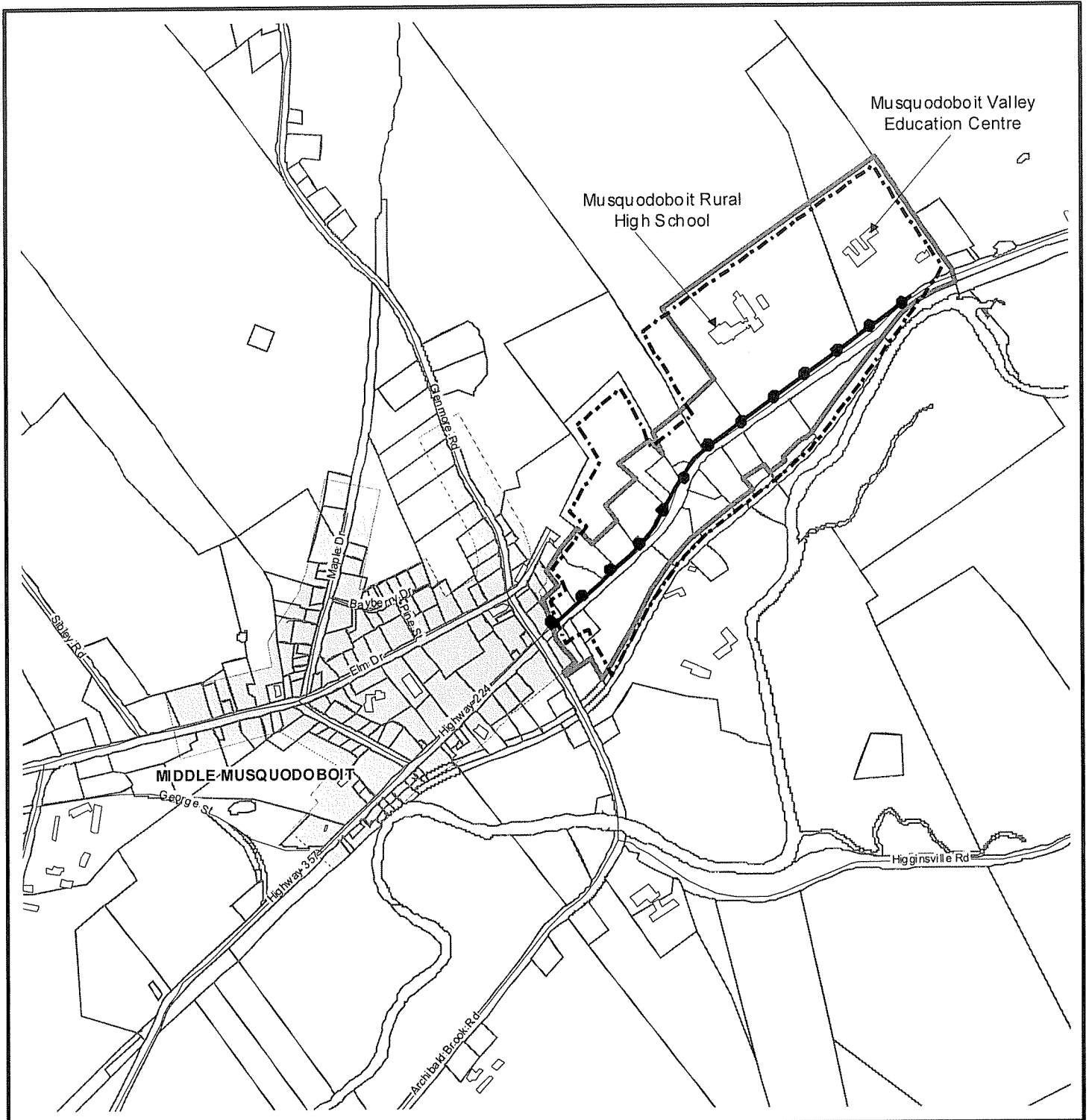
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Joseph Driscoll, Senior Planner, Planning Services, 490-3991

Report Approved by:   
Austin French, Manager of Planning Services, 490-6717

Financial Approval by: \_\_\_\_\_  
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by: \_\_\_\_\_  
Paul Dunphy, Director of Community Development



**Map 1 Middle Musquodoboit Water Service Area and Proposed Expansion**



- Urban Service Area
- Notification Boundary

- Proposed Water Service Area Expansion
- New Water Main to High School

This map is an unofficial reproduction of a portion of the Musquodoboit Valley/ Dutch Settlement Plan Area.

HRM does not guarantee the accuracy of any representation on this plan

Musquodoboit Valley/  
Dutch Settlement Plan Area

**Attachment A: Proposed Amendments to the Regional Subdivision By-Law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Regional Subdivision By-Law as enacted by the Halifax Regional Council on the 27<sup>th</sup> day of June 2006 and approved by the Minister of Service Nova Scotia and Municipal Relations on the 26<sup>th</sup> day of August 2006 as amended, is hereby further amended as follows:

1. Schedule "B", Service Requirement Map, shall be amended by creating a new Water Service Area along a portion of Highway 224 in Middle Musquodoboit as illustrated on the attached Schedule A.

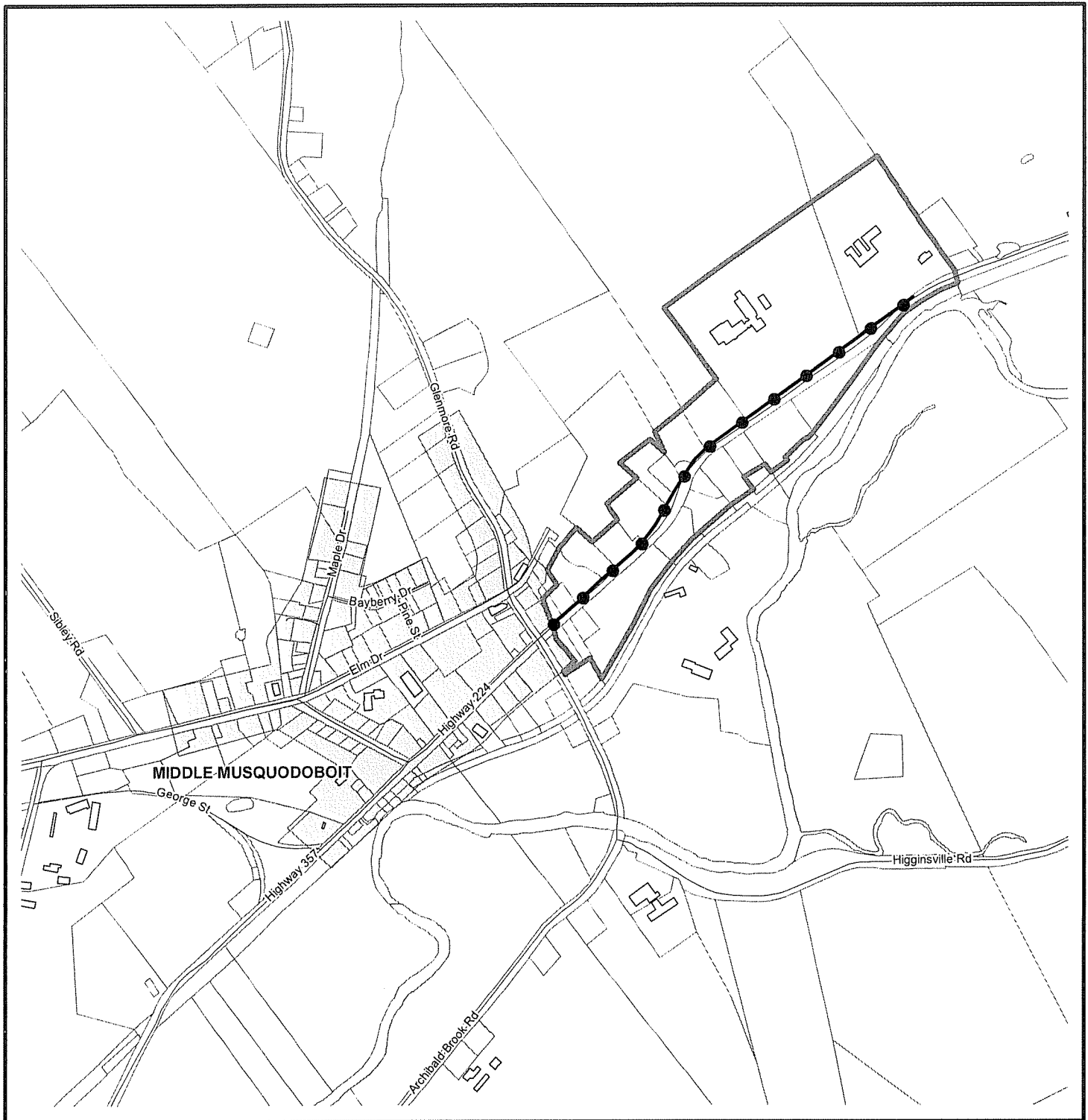
I HEREBY CERTIFY that the amendments to the Regional Subdivision By-Law as set out above, were passed by a majority vote of the Halifax Regional Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_




Acting Municipal Clerk





**Schedule A Proposed Amendments to Regional Subdivision Bylaw (Schedule B- Service Requirement Map)**

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES

-  Urban Service Area
-  Proposed Water Service Area Expansion
-  New Water Main to High School

Musquodoboit Valley/  
 Dutch Settlement Plan Area

This map is an unofficial reproduction of a portion of the Musquodoboit Valley/ Dutch Settlement Plan Area

HRM does not guarantee the accuracy of any representation on this plan

**Attachment B: Proposed Amendments to the Musquodoboit Valley/Dutch Settlement MPS**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy as enacted by the former Halifax County Municipality on the 19<sup>th</sup> day of February 1996 and approved by the Minister of Municipal Affairs on the 3<sup>rd</sup> day of May 1996, is hereby further amended as follows:

1. The first sentence of the second paragraph of the preamble to Policies EC-6 and EC-7 is amended by replacing the reference to 'Map 2' of the MPS with a reference to 'Schedule B of the Regional Subdivision By-Law' as follows:

*The treatment system for Middle Musquodoboit consists of sewer and water treatment plants which were designed to service only the area within the existing central service boundary (~~Map 2~~) as illustrated on Schedule B of the Regional Subdivision By-Law.*

2. Policy EC-8 is amended to delete the reference to Map 2 of the MPS and replacing that with reference to Schedule B of the Regional Subdivision By-Law as follows:

*EC-8 In recognition of the need to protect fresh water sources in the Plan Area, it shall be the Council's intention to ensure that Stormwater Policy and Design criteria shall become effective within those portions of the Plan Area which are serviced by central services (~~Map 2~~) as illustrated on Schedule B of the Regional Subdivision By-Law or where the Municipality's Department of Engineering and Works considers it necessary through amendments to the Subdivision By-law.*

3. Map 2, Servicing Boundary - Middle Musquodoboit, is deleted from the MPS.

I HEREBY CERTIFY that the amendments to the Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy as set out above, were passed by a majority vote of the Halifax Regional Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Acting Municipal Clerk

**Attachment C: Proposed Amendments to the Musquodoboit Valley/Dutch Settlement Land Use By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Musquodoboit Valley/Dutch Settlement Land Use By-law as enacted by the former Halifax County Municipality on the 19<sup>th</sup> day of February 1996 and approved by the Minister of Municipal Affairs on the 3<sup>rd</sup> day of May 1996, is hereby further amended as follows:

1. Sub-sections 7.2 (a) and (e) of the Land Use By-law are amended by replacing references to “Central Services” and “On-site Services”, identified with strikeout text below, with “Central Sewer and Water Services” and “On-site Sewage Disposal Systems” respectively:

7.2 VIL ZONE REQUIREMENTS:

In any VIL Zone, no development permit shall be issued except in conformity with the following requirements:

<del>Central Services</del>	<del>On-site Services</del>
<b><u>Central Sewer and Water Services</u></b>	<b><u>On-site Sewage Disposal Systems</u></b>

- (a) Minimum lot area:

<del>Central Services</del>	<del>On-site Services</del>
<b><u>Central Sewer and Water Services</u></b>	<b><u>On-site Sewage Disposal Systems</u></b>

Senior citizen  
housing

<del>Central Services</del>	<del>On-site Services</del>
<b><u>Central Sewer and Water Services</u></b>	<b><u>On-site Sewage Disposal Systems</u></b>

- (e) Maximum Lot Coverage:

I HEREBY CERTIFY that the amendments to the Musquodoboit Valley/Dutch Settlement Land Use By-law as set out above, were passed by a majority vote of the Halifax Regional Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_

Acting Municipal Clerk

**Attachment D: Excerpts from the Regional Municipal Planning Strategy**

SU-14 HRM may consider expanding existing Water Service Areas to existing communities, subject to the financial ability of HRM to absorb any costs related to the expansion, if:

- (a) the lands are in proximity to a trunk water main planned or constructed by the Water Commission to improve the performance of the water distribution system;
- (b) a study has been prepared by a qualified person verifying that there is a water quality or quantity problem that cannot reasonably be rectified by an alternative means; or
- (c) there are environmental concerns related to the long-term integrity of on-site sewage disposal systems and a wastewater management plan is also considered in accordance with Policy SU-20.

SU-20 To protect public health and the environment, HRM shall investigate a means to ensure that on-site sewage disposal systems are maintained. Without limiting the generality of the foregoing, consideration shall be given to adopting a maintenance by-law, establishing Wastewater Management Districts and establishing a funding mechanism with the Water Commission administering a waste water management fee as approved by HRM.

**Attachment E: Excerpts from the Musquodoboit Valley/Dutch Settlement MPS**

EC-7 It shall be the intention of Council to consider extending central services to the Musquodoboit Rural High School upon upgrading the system in the future.

Attachment F: Public Meeting Minutes

MARINE DRIVE VALLEY AND CANAL COMMUNITY COUNCIL

MINUTES

April 23, 2009

PRESENT: Deputy Mayor, David Hendsbee, Chair  
Councillor Steve Streach  
Councillor Barry Dalrymple

STAFF: Mr Joseph Driscoll, Senior Planner  
Mr. Sean Audas, Development Officer  
Mr. Kurt Pyle, Supervisor, Planning Applications  
Mr. Jamie Hannam, Director of Engineering, Halifax  
Water  
Mr. David Greener, Legal Services  
Ms. Barbara Coleman, Legislative Assistant

**Case # 01263 - Proposal to amend the Regional Subdivision By-law and Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy (MPS) in order to extend the Water Service Area Boundary in Middle Musquodoboit.**

Mr. Joseph Driscoll presented the report to Council. He introduced Mr. Jamie Hannam, Director Engineering Services, Halifax Water who was also in attendance. This is looking at the possibility of extending water services in Middle Musquodoboit. He outlined the process and the steps that will take place throughout the process.

Mr. Hannam advised there are five cost elements involved, the first of which is the transfer of ownership from the province to the Halifax Water Commission.

Councillor Streach advised the MLA Brooke Taylor had advised that the province had indicated it would be willing to sell the line for one dollar.

Mr. Hannam advised there are four other costs which are cost for laterals and plumbing hookup would be the property owner responsibility, there may be a small permit fee from the province to open and close the street, there may be a charge to offset the previous costs of the water system and a go forward cost of a water bill.

Councillor Hendsbee asked for clarification that this would be for domestic water only and the residents would be protected from paying the fire protection tax rate.

Ms. Irene Bentley, 22174 Highway 224, asked if one contractor conduct all of the lateral work or would each homeowner be responsible to hire a contractor to hook up to their home. Staff clarified that the homeowners would have to do their own hookup and hire their own private contractor. On further question, staff advised that the Water Commission would own the lateral from the main to the property line, from there to the property would be the homeowners responsibility. The water lateral must be built to Water Commission standards. People have a choice as to whether or not they want to hook up.

Councillor Hendsbee advised the properties will not be assessed for the installment of the water infrastructure since the Province will give it to HRM at no cost. However, residents will have to pay a one time charge to hook up if they want to connect to the public system.

Mr. Hannam advised there will be a charge for their share of the historical cost of the water treatment plant payable at the time they choose to hook up to the water line.

Mr. Barry Wilkens, 12116 Highway 224, stated it is his understanding that it is a done deal.

Councillor Streach stated it would be up to the community to say whether or not it wants this and then the next step would be a staff report backing up what was said tonight and then a public hearing to approve the necessary amendments. Staff advised a report would be going forward to Council within a few months.

Councillor Streach stated that the provincial turnaround has been quick and stated that he would expect the water to be there this year.

A resident of 11 264 Highway 224 noted asked if the ground search and rescue building could hook up to the water line. Staff advised that it could so long as existing water main constructed by the Province abuts the property.

Mr. George McQuarrie, 12104 Highway 224, indicated that he wants to connect. Their house is on the north side of Hwy. 224. They have dug two wells and a drilled well but didn't get any water. Their deed shows they have water rights but the neighbours deed says that they do not. It is important they get water.

Ms. Cathy Millar, representing the Department of Natural Resources, questioned if there would be a difference in the rates for a provincial government building versus a residence. Staff stated the only difference would be in charges associated with water volume usage.

Councillor Streach noted there are many local contractors in the area that could do the work.



Mr. Lorne Leaman, Meaghers Grant, noted that the agricultural society has buildings at the Exhibition Grounds and asked if any thought had been given to providing water to that part of the community. Councillor Streach noted a large building is being proposed for the exhibition grounds and there is a desire to have both sewer and water laterals to the property to make it more viable. They are pursuing the opportunity for multi-level government funding.

Councillor Hendsbee questioned whether they could acquire an easement to put a private lateral to the end of Elm Drive. Staff advised they would have to clarify this and get back to Council with a response.

Councillor Streach questioned whether there was an opportunity to piggyback on this meeting tonight and the public hearing or if it needs to be a stand alone process? Mr. Kurt Plye noted that perhaps it would be best as a stand alone project.

Mr. Chris Parker, RR# 2 Shubenacadie, 107 McFedridge Rd, inquired about capacity for Glenmore Road? He was told 'no' in the past because of the defined service boundary and the need to reserve capacity for infill lots. He stated that it sounds like the capacity issue can now be revisited in context of this plan. He stated he is hoping the boundary can be opened up for Glenmore Road as well.

Councillor Hendsbee stated the Water Commission may look at a looped service across George Street.

Councillor Streach stated that an opportunity to do a loop infrastructure can be discussed noting the Middle Musquodoboit water system is on the current infrastructure list.

Mr. Driscoll advised that within the next few years HRM will likely begin a larger planning study for Middle Musquodoboit that will consider many issues related to community development including the potential for service area expansions. That may be a better time to consider other service area expansions as they would be quite different than this unique situation.

On question, Councillor Streach advised sewer was not under discussion for the extension of the water service area as far as the high school.

In response to a question regarding hook up if your property was on the opposite side of the road to the line, staff advised it would be the responsibility of the property owner to bring the hook up across the road to their property.

As there were no further speakers the public meeting was closed.