HALIFAX
REGIONAL MUNICIPALITY

PO Box 1749
Halifax, Nova Scotia
B3J3A5 Canada

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North West Community Council
September 12, 2006

TO: North West Community Council

SUBMITTED BY: Gail Harnish /for
Barb Grant, Vice Chair
North West Planning Advisory Committee

RE: Case 00833: Rezoning to Institutional/Development Agreement, 806 Kearney Lake Road, Bedford

DATE: September 7, 2006

ORIGIN

North West Planning Advisory Committee meeting - September 6, 2006

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council:

1. Move First Reading and Notice of Motion to consider the proposed rezoning and development agreement, and schedule a public hearing.

2. Approve the rezoning of 860 Kearney Lake Road PID#41140989 from RSU (Residential Single Unit) Zone to SI (Institutional) Zone as set out in Attachment "E" of the staff report dated August 1, 2006.

3. Approve the development agreement as set out in Attachment "F" of the staff report dated August 1, 2006, to permit the establishment of a church and permit disturbance within 30.5 m (100 feet) of a watercourse, with an amendment to add clause 6.13(a) to state "The Developer shall install a three sided culvert at the driveway watercourse crossing subject to approval by the Nova Scotia Department of the Environment".

4. Require that the development agreement be signed and registered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

The proposed clause 6.13(a) has been added to the draft development agreement in italics.

ATTACHMENTS

Staff report dated August 1, 2006

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Barb Grant, Vice Chair, North West PAC

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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
September 6, 2006

TO: North West Planning Advisory Committee

SUBMITTED BY: Paul Dunphy, Director, Planning and Development Services

DATE: August 1, 2006

SUBJECT: **Case 00833: Rezoning to Institutional/ Development Agreement, 806 Kearney Lake Road, Bedford**

ORIGIN

Application by Full Gospel Church to rezone to SI (Institutional) Zone and enter into a development agreement for 806 Kearney Lake Road.

RECOMMENDATION

It is recommended that North West Community Council:

1. Move First Reading and Notice of Motion to consider the proposed rezoning and development agreement, and schedule a public hearing.

2. Approve the rezoning of 860 Kearney Lake Road PID#41140989 from RSU (Residential Single Unit) Zone to SI (Institutional) Zone as set out in Attachment "E".

3. Approve the development agreement as set out in Attachment "F" to permit the establishment of a church and permit disturbance within 30.5 m (100 feet) of a watercourse.

4. Require that the development agreement be signed and registered within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

The proposal is to rezone the subject parcel at 806 Kearney Lake Road from RR (Residential Reserve) Zone to SI (Institutional) Zone to permit the construction of a church. The proximity of an adjacent watercourse and wetland necessitates a development agreement to permit excavation adjacent to the watercourse.

The primary issue relates to downstream flooding. HRM Engineering has suggested measures for inclusion in the development agreement to address downstream flooding. Staff is satisfied that the proposed use is generally compatible with the adjacent residential development.

The proposal was reviewed by the Bedford Waters Advisory Board and staff has included provisions in the development agreement to reflect their recommendations.

The site was redesignated and rezoned during the Regional Plan and Bedford West planning processes. Since this application was received prior to either of these documents being adopted by Council, the application is still subject to the policies of the Bedford Municipal Planning Strategy (MPS) which were in place when the application was made. Policy Z-25 of the Bedford MPS was adopted to clarify this.

It is the opinion of staff that the proposed development meets the policy intent and that all issues are reasonably dealt with through the proposed development agreement. Staff is recommending that Council approve the proposed rezoning and development agreement, attached as Attachment E and F.

BACKGROUND

Proposal: The proposal is to:

- rezone the subject parcel from RR (Residential Reserve) Zone to SI (Institutional) Zone (Attachment "E").
- construct a church of approximately 30,000 square feet in size.
- enter into a development agreement to allow excavation within 100 feet of a watercourse (Attachment "F").

Site Description: The site is located at 806 Kearney Lake Road (PID#41140989), near the intersection of Kearney Lake Road and Hammonds Plains Road. The site is 3.46 hectares (8.54 acres) in size, undeveloped, forested and slopes toward Kearney Lake Road. The site contains one intermittent watercourse and a wetland which occupy approximately 20 percent of the site.

Surrounding Land Uses: Lands located immediately to the north, south and east of this site are zoned RR (Residential Reserve) Zone and currently undeveloped. Lands to the west are zoned R-1 (Single Unit Dwelling) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

and developed as the Blue Mountain Estates residential subdivision. Three developed residential properties immediately abut the western property line.

DISCUSSION

Enabling Policy

Policy Z-25 of the Bedford MPS and Policy IM-21 of the Regional Plan allow Council to consider planning applications such as this one which were received prior to the Bedford West Secondary Planning Strategy and first reading of the Regional Plan.

Policy S-3 of the Bedford MPS enables Council to consider a rezoning to SI (Institutional) Zone for a church. Crossing of the intermittent watercourse is required in order to access the site. In addition Policy E-8 of the Bedford MPS enables infill and excavation within 100 feet of a watercourse by considered of a development agreement. Relevant MPS policies are attached as Attachment C.

Rezoning to SI (Institutional) - Policy Intent

The Bedford MPS does not pre-zone land for specific uses such as institutional uses, but contains Policy S-3 which allows Council to consider a rezoning to institutional uses within any designation subject to a review under Policy Z-3. Policy Z-3 is a general implementation policy that requires a full planning analysis prior to Council's consideration. Identified concerns are detailed further under the Issues section of this document.

Development Agreement for Reduced Watercourse Setback - Policy Intent

The Bedford MPS requires a 100-foot setback from watercourses and prohibits infill and excavation within the setback. Policy E-8 allows Council to reduce this setback to 50 feet subject to a development agreement. An environmental study must be produced which identifies the impact of the proposal on the adjacent watercourse. The study is to addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction.

Issues

Physical Suitability of Site for Development: The proposed development is adjacent to an intermittent watercourse and a wetland. The total area of the site covered by the watercourse and wetland is approximately 0.33 hectares (0.83 acres) or approximately 20 percent of the site. The wetland area provides stormwater retention for much of the adjacent watershed. Floodplains have been identified for the watercourse by a qualified engineer.

Development of the site will require grade alterations and disturbance of the watercourse for a crossing. The developer is attempting to minimize the disturbance of the watercourse and is generally maintaining a 30.5m (100 feet) setback of all parking areas and buildings except for the driveway crossing. However in order to maximize buffers adjacent to the residential area, the

applicant has requested the ability to reduce the watercourse setback to 20 m (66 feet) for select portions of the development.

Given the physical characteristics of the site, there appears to be no reason to preclude development of the site as approximately 80 percent of the site could easily accommodate built development.

Environmental - Protection of the Watercourse and Wetland: The proposed development agreement requires a 100-foot setback of all built development except for the driveway crossing and select intrusions to 20 m (66 feet).. The end result is the protection of approximately 25 percent of the site as a non-disturbance zone to protect the watercourse and wetland.

Environmental - Downstream /Upstream Flooding: Downstream Flooding is the most serious concern identified for the subject site. There has been a long standing flooding problem downstream of the subject site. Staff has concluded that this site could be developed without impacting on the flooding problems under conditions outlined in the proposed agreement.

Assorted other environmental issues were explored but upon evaluation were not significant in nature. Three environmental studies were prepared in support of this application. These studies will be circulated to Council under separate memorandum.

The following measures have been incorporated into the proposed development agreement to reflect environmental issues identified:

- an analysis of the pre and post development site runoff, with the requirement of zero increase in the 1:10 year peak discharge from the fully developed site;
- a requirement that the stormwater system be designed to control the flow of stormwater in a major storm (1:100yr) event so as to prevent basement flooding and damage to property;
- a requirement that the parking area is to be primarily curbed and paved with a hard surface material and all flows directed to a cental area for treatment by an oil / grit separator;
- the use of a combination of water retention methods including roof detention and central storage;
- ensuring that the driveway crossing culvert be sized to accommodate a major storm event (1 in 100 year storm);
- ensuring that there be no net loss in the storage capacity of the floodplain;
- a temporary storm water detention pond during construction;
- an erosion and sedimentation control plan designed and implement on the site;
- full time supervision of erosion and sedimentation control measures during construction; and
- a centralized oil/ grit separator for all flows from the parking lot to remove contaminants;

Compatibility of the Proposed Institutional Use with Surrounding Residential Area: The proposed SI (Institutional) Zone (Attachment D) permits a broad variety of uses varying from churches, schools, various public services to private recreational clubs. Typically institutional zones are placed on land in or adjacent residential areas to provide services to the surrounding area. Ideally these uses are located on collector roads for community accessibility as is true with this proposal.

The proposed development meets and exceeds the requirements of the SI (Institutional) Zone. The site has been designed to minimize the impact of the church on the surrounding low density residential properties and includes a design that includes:

- maintenance of as much natural treed buffer as possible;
- building orientation which minimizes the impact of the structure on adjacent residential areas;
- buffers that minimize the impact of the proposed church; and
- lighting directed away from residential areas.

Traffic: A traffic statement prepared by a qualified professional engineer indicated that the development is not expected to have a noticeable impact on the adjacent road network as the majority of church activities take place during evenings and weekends. In addition there is no direct access to adjacent residential streets.

Crime Prevention and Environmental Design:
The site was reviewed by the Community Response team to provide comments on crime prevention through design. The maintenance of the watercourse buffer provides some challenges on the site in order to minimize any potential criminal activity. Staff has included the ability to have a care taker unit within the building in order for the church to enhance security In addition staff have provided the church with suggestions relating to security which would enhance security but are typically outside permitted provisions of a development agreement.

Public Information Meeting: A public information meeting was held on November 3, 2005 (see Attachment A). Approximately 50 members of the public attended this meeting with most being from the adjacent Blue Mountain Estates subdivision. Should Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified as shown on Map 3.

Bedford Waters Advisory Committee: The committee recommended the inclusion of measures in the agreement to deal with:

- a central stormwater retaining pond
- monitored and controlled outflow systems from the roof
- proper management of the Stormceptors
- Certification of maintenance of the sceptic tanks
- an engineering review of downstream flows

The Committee's detailed recommendation is found as Attachment B.

BUDGET IMPLICATIONS

None

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. Council may choose to approve the proposed rezoning and development agreement. This is the recommended course of action.

2. Council may choose to refuse the proposed rezoning and development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff is satisfied that both the proposed rezoning and development agreement are consistent with the policies and intent of the MPS.

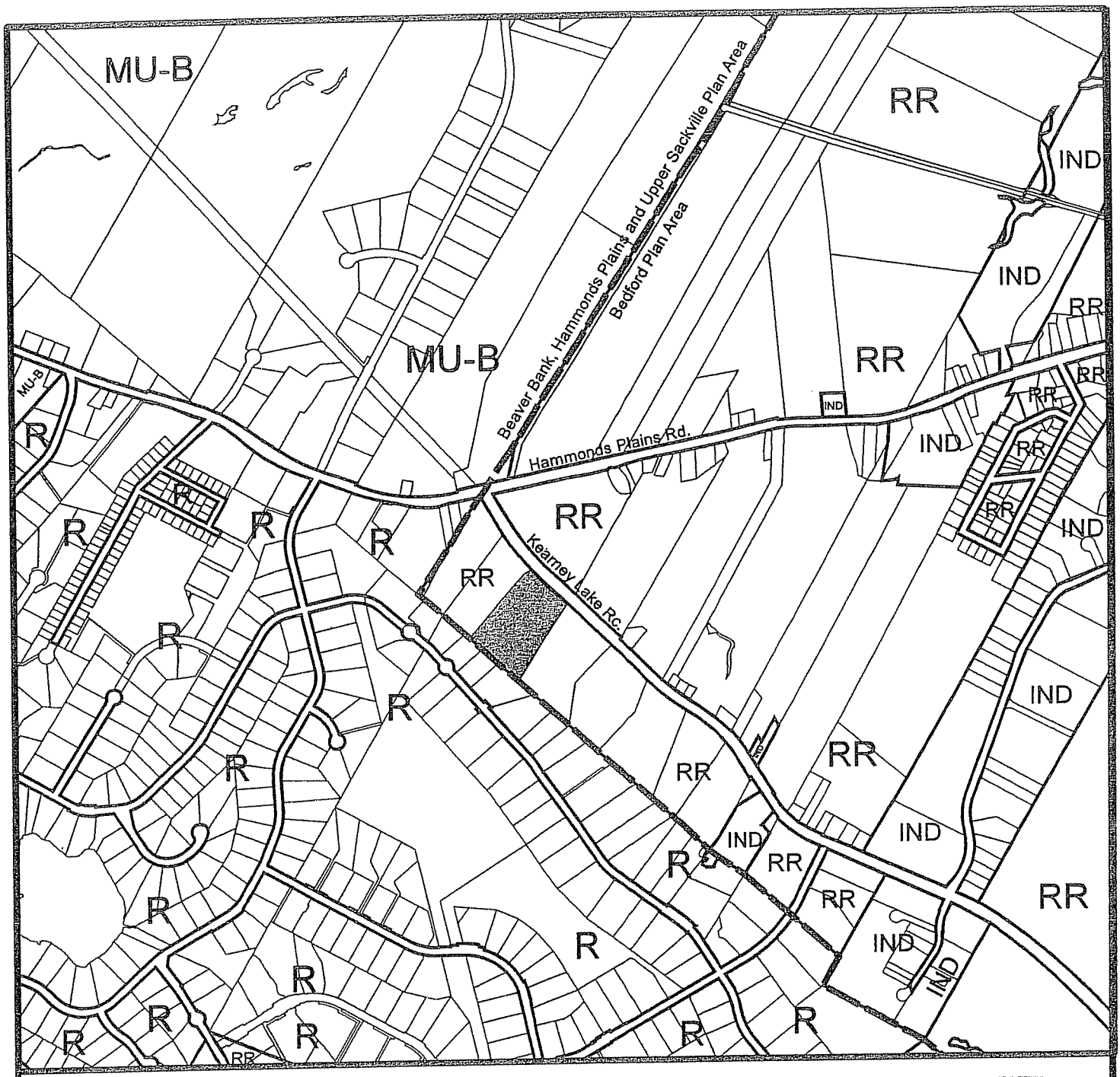
3. Council may choose to alter the terms of the proposed development agreement. This may necessitate further negotiations with the applicant and additional report(s) In the event substantive revisions are requested subsequent to advertising for a public hearing, an additional public hearing may be required.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Notification Map
Attachment "A"	Minutes from Public Information Meeting (November 3, 2005)
Attachment "B"	Draft Bedford Waters Advisory Board Motion
Attachment "C"	Relevant MPS Policy
Attachment "D"	Zone Requirements - SI (Institutional) Zone
Attachment "E"	Proposed Amendment to Bedford Land Use By-law
Attachment "F"	Proposed Development Agreement Amendment

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Planner 1, Planning and Development Services, 869-4226



Map 1
Generalized Future Land Use

Subject Property to be rezoned from RR(Residential Reserve) to SI(Institutional)

HALIFAX
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Planning Services

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Bedford Plan Area

RR Residential Reserve Designation
IND Industrial Designation

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

R Residential Designation
MU-B Mixed Use B Designation

440 0 440 880
Meters

July 18, 2006

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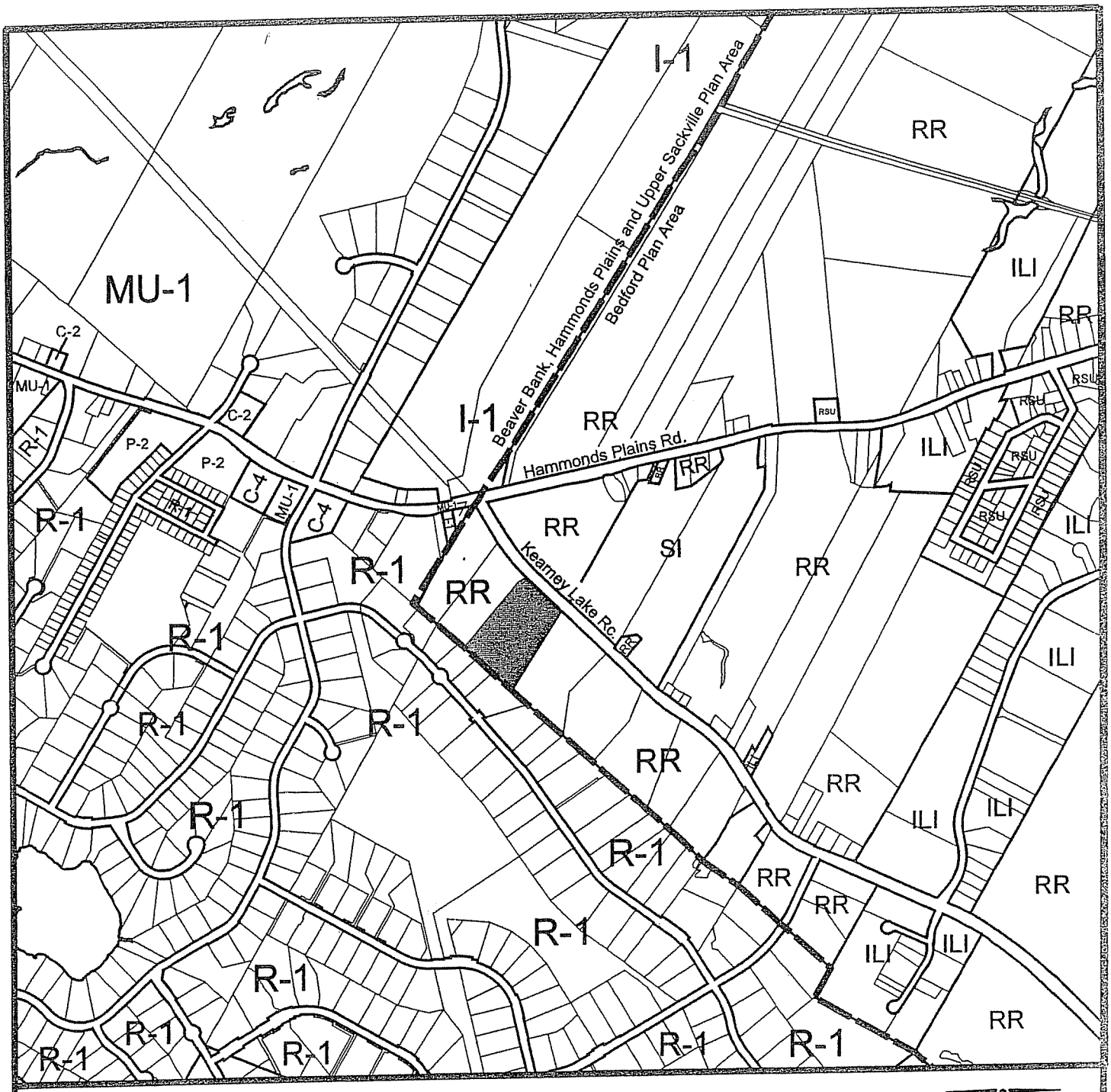

Map 2
Proposed Rezoning

Subject Property to be rezoned from RR(Residential Reserve) to SI(Institutional)

HALIFAX
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Planning Services

N

Bedford Plan Area

RSU	Single Dwelling Unit Zone
RR	Residential Reserve Zone
ILI	Light Industrial Zone
SI	Institutional Zone

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

MU-1	Mixed Use 1 Zone
R-1	Single Unit Dwelling Zone
C-4	Highway Commercial Zone
I-1	Mixed Industrial Zone
P-2	Community Facility Zone

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July 18, 2006

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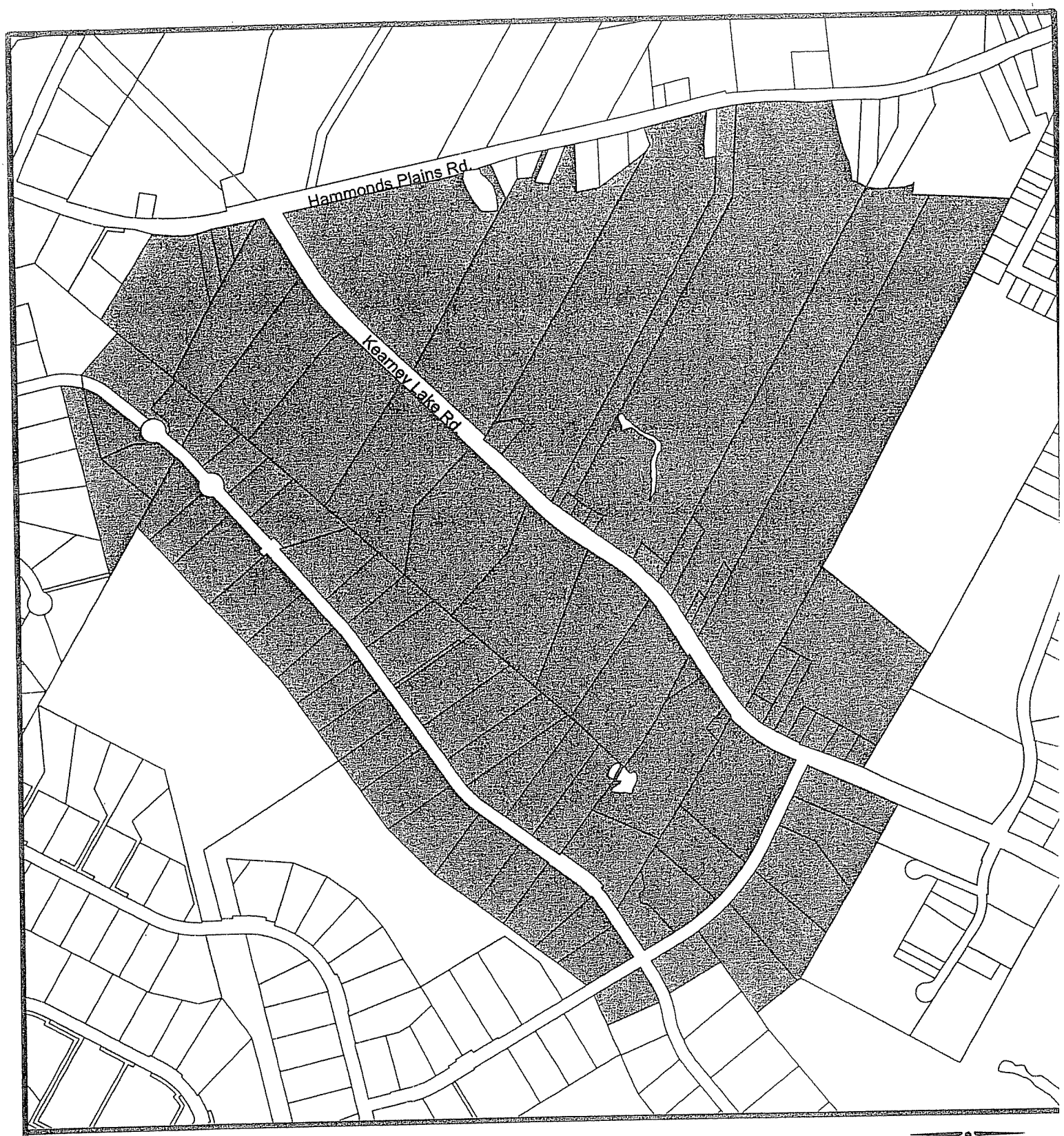

Map 3
Notification

Notification Area

HALIFAX
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Planning Services

N

Meters
0 75 150 300 450 600

July 18, 2006

HRM does not guarantee the accuracy of any base map information on this map.

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Attachment "A"
Minutes from Public Information Meeting -November 3, 2005

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 00833 - FULL GOSPEL CHURCH

7:00 P.M.
Thursday, November 3, 2005
Basinview Drive Community Elementary School, Cafeteria

IN ATTENDANCE:	Andrew Bone, Planner, HRM Planning Services Cara McFarlane, Administrative Support, HRM Planning Services
ALSO PRESENT:	Councillor Gary Meade, District 23 Councillor Len Goucher, District 21 Ernie Yarn, Full Gospel Church Jason Hamilton, Chapelstone Developments
PUBLIC IN ATTENDANCE:	Approximately 46

The meeting commenced at approximately 7:10 p.m.

Introductions - Andrew Bone

The reason for tonight's meeting is to discuss an application by Full Gospel Church to rezone 806 Kearney Lake Road from RR (Residential Reserve) Zone to SI (Institutional) Zone and to enter into a development agreement to permit construction of a church on the subject property.

Mr. Bone introduced himself as the Planner assigned to this application; Gary Meade, Councillor for District 23; Len Goucher, Councillor for District 21; Cara McFarlane, Administrative Support, recording the minutes for tonight's meeting; Ernie Yarn, Full Gospel Church; and Jason Hamilton, Chapelstone Developments Limited, consultants working on project.

After tonight, staff will forward concerns and issues to different departments and agencies for comment. Eventually a staff report to council will be drafted identifying any issues, resolution or results, and comments. In the end, staff will make a recommendation to council on whether or not the proposal meets the requirements of the municipal plan. There are actually two processes involved with this application: a rezoning and a development agreement process. The two processes are quite similar. The reason there is a development agreement is because there is a watercourse on the site and the developer needs to cross that watercourse in order to get to the site. As a result, they need to do some excavation in a typical non-disturbance zone; therefore, in Bedford the development agreement would be required. Mr. Bone explained the processes to the public. He also explained what a development agreement is.

This application will go to the Bedford Waters Advisory Board (BWAB) as there is a watercourse on the site. BWAB is a very active group. Their role is public education and the keeping of records and documents related to water quality. They also provide planning comment on any matters where there is a watercourse within a set distance where a planning matter is being considered. BWAB will provide their comments and suggestions to staff and the applicant. They may request additional information from the applicant.

In this particular case, the initial proposal has been forwarded and presented to the board and they have asked for additional information. Councillor Goucher added that BWAB is a very technical oriented committee and many members were present at this meeting.

The applicant may wish to change their proposal. If the change is substantial, staff will make the decision as to whether or not another public information meeting will be held. North West Community Council (NWCC) will either approve or deny the application. Presently, we are about one month into the application. This type of application typically takes approximately five to six months.

The location of the subject property was shown on overhead. Developed and undeveloped parcels in the area were shown as well. The property itself is about eight acres in size. There is one major watercourse on the parcel of land which was shown on overhead. Department of Environment (DOE) will be on site to determine if there are any other watercourses on the property.

Mr. Bone explained the difference between the RR Zone and SI Zone.

There are two plan areas. The dash line shown on the overhead separates Bedford and Beaver Bank, Hammonds Plains and Upper Sackville. In Bedford the RR Zone intended to discourage residential development to keep a tight control on where development could occur. A RR Zone requires five acres and 360 feet of frontage. This provides for a much more cost effective service. There hasn't been a lot of development because of that. On the Hammonds Plains side of things, Kingswood area and further out, the planning rules are different. There have been large amounts of suburban development in these areas.

Dave Plummer asked what the intent of the RR Zone is. Mr. Bone said to discourage a large amount of residential development. It would be similar to a holding zone.

What did the zone encourage? Residential development, but on large lots. It didn't preclude any other uses. Councillor Goucher said it was used to maximize infrastructure. Mr. Bone stated that the zone permits residential development but with specific requirements. There is a policy within the Bedford Municipal Planning Strategy (MPS) that allows for SI Zones to develop in Bedford but through a development agreement.

Presentation - Full Gospel Church - Ernie Yarn

The church has been in the area for over 80 years and presently located on the corner of North and Oxford Streets and have been there for the last 41 years. The congregation has grown substantially over the last five to seven years. The existing building seats approximately 250 people and the

services usually bring in 275 to 280 people. The church is no longer able to run programs in the existing building; thus, approximately 2 ½ years ago they started to look for a new property to build a new church. About a year ago this particular piece of property on the Kearney Lake Road was purchased. Many meetings with the city have been held and studies on the property have been done with various engineering groups and Jason Hamilton of Chapelstone Developments. Chapelstone has built many churches and has a great deal of experience on building churches on serviced and unserviced lands.

The proposed building is approximately 28,000 square feet, which will facilitate seating for approximately 600 people with a full size gymnasium and multi purpose centre to run various programs. It is a two storey structure. Floor plans and different elevations were shown on overhead. There will be parking for approximately 200 spaces.

Mr. Bone showed the identified watercourse (shaded area on overhead). One of the requirements of the Bedford MPS is to try to maintain a 100 foot setback from the watercourse; however, they will have to cross the brook to get to the site. The site will be serviced with a septic field and well water. The details of the septic haven't been determined yet. Septic and parking location were shown on overhead. The church is situated away from the watercourse.

A resident asked what the elevation from the parking lot to the vaulted ceiling is. From the drawing, it looks like it is sitting on top of a nolle. Mr. Bone mentioned that if it is a concern, a comment can be provided to council. The maximum height is 35 feet based on the average measurement around the structure.

A resident asked how far the church is set back from the Kearney Lake Road. How far is the front of the church to the rear of the property? Mr. Bone said it is 157 metres from Kearney Lake Road and 27 metres (90 feet) to the rear of the property.

A resident wanted to know what is going to be left to protect the properties on Blue Forest Lane. The parking lot seems to be a lot closer to the property line so that the residents along Blue Forest Lane will see nothing but cars and people from their back decks and backyards.

Mr. Yarn explained the proposed floor plans.

A resident asked what is the distance form the back of the parking space to the back property line. Mr. Bone explained that 10 metres is being proposed. The result in the end will be on how the church handles the issues brought up this evening.

A resident asked if there is parking lot lighting proposed and if so, what type. Mr. Yarn said that is something they would entertain. There was not much proposed on that subject yet. Mr. Bone said from a general perspective, lighting is a concern from a safety perspective and maintaining a certain level of lighting is certainly a requirement of the Municipality. One of the review agencies involved in this application would be the Planning & Development Services team who is qualified and trained in crime prevention for environmental design.

Presentation from the Community of Blue Mountain and Kearney Lake Road

Dennis Young, Blue Forest Lane, got involved with a group of people in the community and the group overwhelmingly opposes to the development. A paper was tabled. The paper was based on a very limited amount of information. The group has requested through the Freedom of Information Act a whole series of information which they have yet to receive. A petition signed by 85 of the residents in the community was tabled.

The group wanted to look at the macro issues of development in the area and the impact of the parcel of land itself and the impact to the residents in the community. MLA's in Bedford and Hammonds Plains were approached as there are significant Provincial issues at stake. There has not been a response. Mr. Young thanked both Deputy Mayor Goucher and Councillor Meade for their interaction with the residents. He also thanked Mr. Bone for his help in answering some questions the group has had.

The opposition is not about the church but the development itself and the process of trying to make the development fit on a hostile piece of land. The draft regional plan looks at a vision for a healthy, vibrant and sustainable community, environment and a strong economy. The plan seems to be well thought out and future development will follow the process. This development does not fit any of the principles evident in the regional plan.

In our neighbourhood we see uncontrolled development. The community of Hammonds Plains is the laughing stock of the region in terms of infrastructure it does not have. Kingswood North will compound our neighbourhood and community issues significantly. Uncontrolled development has significant Provincial and Federal jurisdictional issues.

Mr. Young referred to Principles 1, 5 and 7 in the regional plan (see Attachment A - presentation from the Community of Blue Mountain and Kearney Lake Road). This rezoning will destroy wilderness, corrupt its natural beauty and pollute its sensitive environment ecosystem. The building will have to fit on an unfriendly building lot. The development will generate more traffic to the community when infrastructure and public facilities cannot support what is there today. The development will have a great impact on transportation, safety, public health, environment, fisheries and wildlife in the area. The group has only learned about this application and meeting within the last two weeks. These are some of the issues thought about in a very short period of time.

Dave Plummer, Blue Forest Lane, said such a development in the area impacts the land owners and residents of the Kearney Lake Road area, the entire Blue Mountain area and areas along Hammonds Plains Road. The traffic corridors will be impacted to great extent given the shear volumes. There have already been two other pieces of land sold to institutional organizations. It won't be long before the other two land owners will apply for rezonings. The community at large has voiced a large concern over the development of this parcel of land. The land is bought up by developers then divided into residential reserve lots and almost immediately sold to institutional organizations. This is very worrisome for the community to see not only this lot, but the framework of the whole area, quickly being deteriorating.

Mr. Plummer is familiar with and aware of the watercourses in area. Some of the watercourses are not mapped at this time. DOE will certainly find out what they might be looking at when they do a site visit. The community as a whole is objected to the proposal. The area shown on the map is actually a staging area for water. All waters from the Kingswood subdivision and the streams associated with this all flood directly onto these lands. Unfortunately the stormwater system from the new Kingswood School dumps itself onto Vrege Court down onto Brenda through Kingswood Drive and into the power line and ends up in an area shown on the map. He showed the watercourse on the map. The green line on the map indicates the floodplain. There are several existing watercourses that are not mapped. Residents are fully aware of these watercourses (indicated in red). There are several watercourse that feed into watershed areas and that is where the proposed septic field is to be located.

There are some issues with the volume of water. There is a stream that runs along his property. He has deeded the rights across the property to have water dumped from the Kingswood area and it has significantly increased over the years. The brook has swelled to over capacity, has uprooted trees and floods the whole area. He is concerned that the developer and future property owners and the property owners present tonight don't have a full handle on how much water is on these lands and what these watercourses are actually doing.

The building was laid down on aerial pictures. Because this church will be located at the back of the property, it is a great concern that it will be a place for criminal activity as it is hidden from the road.

There is a serious noise issue. The church is in close proximity to all the homes in the area. The traffic is of great volumes as it is and will only be worse.

Properties along the Kearney Lake Road are constantly being flooded out and HRM has had to build a berm along the edge of Kearney Lake Road to try to contain the flow of water from entering onto the road. Some property owners have gone through great extent and expense to have water diverted so it will not flood their houses.

Mr. Plummer believes that due consideration has not been given to what these lands actually do. If these lots were to be developed there would be huge volumes of water coming off this lot. Given the church size and parking lot, he would like to know where the water will be going and what is in mind for the flow of these waters as well as pollutants that will be entering a delicate ecosystem.

David Wojcik, Blue Forest Lane, said this presentation is on behalf of the Kearney Lake/Blue Mountain community with their permission. This is not an issue of Blue Mountain residents and the church, it is a planning issue.

The watershed is much more complex than what you actually see. Some of these photos were done during the rain. In the regional plan they describe a watercourse as with or without water. These drawings of watercourses are very conservative. Many watercourses go through this area.

Residents on Kearney Lake Road are suffering now. The subject property does its part to slow down the water that is going onto those properties. A commercial size septic field will make their life more difficult.

Pollutants from parking lots will wash off into the ecosystem. There are fish in the watercourse. In addition, there is a whole ecosystem in the area that needs the marshland.

The location of the church really becomes a hideaway for the criminal element. The police will not be able to monitor the area. This development will open up an entranceway to a community that is not accessible at present.

The group would like to be kept in the loop with respect to the development planned. The applicant has to consider the new regional plan. An environment study needs to be done of the whole watershed area.

The proposed septic field is one half to one acre and will allow water to skip right on by to the basements of the residents. The group has consulted with the Kearney Lake Road neighbours.

Mr. Young asked for copies of all studies and reports prepared for this development: the independent environmental assess done for the area, Federal Fisheries report, Department of Transportation report, the RCMP and HRP police report, the zoning report in regards to Bedford West and the implication on these lands, the comprehensive watershed report and flow of water in the area, the Department of Health report on the construction of the commercial septic system, Department of Public Works report on the implications they will live with after the water starts to flow onto the Kearney Lake Road, and the DOE report and any other reports done particular to this property and surrounding area.

Questions and Comments

Daniel Rice, Blue Forest Lane, concerned that elective representatives cannot be trusted to look out for our best interest. Zoning should not be allowed to change after the fact and bring all these issues to light after invested a lot of money and time into individual properties.

Mr. Bone explained that the planning documents lay out the rules as to what is permitted and not permitted as far as rezoning and development agreements and lays out what council can consider. Those documents are stagnant documents and don't change often. This policy has been in place since 1991. The applicant hasn't made a request to change the policy. They have made a request under the MPS to implement one of the options available to them.

Deputy Mayor Goucher objects to Mr. Rice's comment. Every application is based on the up and up and what is good for the community. This one won't be any different from any of the others. The decision will be made on the MPS, Land Use By-law (LUB) and any related planning. This meeting is the first part of a very lengthy process. He suggested the group take their presentation to BWAB and to ask for further information.

Sandy Nugent, Kearney Lake Road, asked if it would make a difference if a department store or school was to go on that property. Mr. Bone said from a very general perspective, the MPS lays out what can and cannot be done. For the most part, 99 % of the time properties in Bedford cannot be rezoned. There is only one policy available in the Bedford plan that will allow a property to be rezoned and that would be to Institutional Zone.

Ms. Nugent is concerned that the water will not be drained away. More water comes down with added construction. Mr. Bone explained that water with this site is probably the main issue. The applicant has submitted an environmental study making comments on some very specific issues. A revision to that has been requested and probably some further revision based on what has been said at this meeting will be needed.

A resident on Kearney Lake Road said her property is flooded mostly year round. She has been looking for help from the city for years. They already have four sump pumps. Who is going to help when further flooding happens? Mr. Bone said John Sheppard will be involved in the review process. The resident wanted all property owners to know, from experience, what may happen to their properties afterwards.

Gail Rice, Blue Forest Lane, asked if quality of life is taken into account when making these decisions. This is a disastrous impact on the quality of life for all the residents. Mr. Bone explained that one of the review requirements in the MPS covers all sorts of things. This will be discussed in a report. He uses all relevant outside agencies to comment on specific issues and then makes a general recommendation to council based on the proposal. He will provide advice to council based on what he feels are the big and small issues and provide advice from a professional perspective of what he feels is reasonable. All of tonight's concerns will be dealt with in the staff report. If council does not feel all issues have been addressed, they will ask for further clarification. Council has the final decision.

Tom McCutcheon, Blue Forest Lane, asked if the church knew of all the issues involved with this piece of property before purchasing it. Mr. Bone explained that people buy properties at their own risk. In this case, the church acquired the property, but went through a pre-application process. The pre-application process deals with a lot of the technical issues relating to a proposal. He explained the pre-application process. The church had a list of comments forwarded to them from different departments.

Mr. Yarn mentioned that DOE was out to the property prior to the pre-application and an engineer being on site. We knew there were watercourse issues and we started to work with city to try to find ways to achieve crossing it.

Mr. Plummer said when he questioned DOE, they didn't seem to know anything about this proposal. Mr. Bone has a comment from DOE from a very early stage. He cannot say whether or not DOE was actually on site as it is not a requirement of the pre-application process.

Patricia Levangie, Blue Forest Lane, wonders if the properties zoned RR (Residential Reserve) are problem pieces of land. Mr. Bone explained that the difference in the zoning is based primarily on the previous municipal history in the area. Every property is unique and has its own challenges. All rezonings are looked at on an individual basis.

Mr. Young asked if the applicants were given any indication that this property could not be rezoned during the pre-application process. Mr. Bone said no. The pre-application identifies any technical issues.

Mr. Plummer is concerned that planning looks at the individual lots and not the whole picture (bigger scope). Mr. Bone indicated that many lots have different challenges. The application would be looked at in the bigger picture.

Deputy Mayor Goucher thanked Councillor Meade, HRM staff, the Community of Blue Mountain and Kearney Lake Road and the Full Gospel Church for their attendance. He introduced Kevin Dean and Elaine Loney who are member of BWAB and thanked them for being at the meeting.

Mr. Bone encouraged people to take his card and give him a call or send a written comment on any issues or concerns not heard this evening.

Adjournment

The meeting adjourned at approximately 9:07.

Attachment B
Draft Bedford Waters Advisory Board Recommendation

4.1.7 Case 00833 - Application by Full Gospel Church to re-zone PID#41140989 from Residential Reserve (RR) Zone to Institutional Zone (SI) and develop the site as a church by development agreement

MOVED BY Mr. Hattin, seconded by Mr. Pilkington that the Bedford Watershed Advisory Board table the SNC Lavilin Report and recommend that North West Community Council:

1. Approve Case 00883, application by Full Gospel Church to re-zone PID#41140989 from Residential Reserve (RR) Zone to Institutional Zone (SI) and develop the site as a church by development agreement subject to the following:
   - a stormwater central retaining pond
   - monitored and controlled outflow systems from the roof
   - proper management of the Stormceptors
   - Certification of maintenance of the sceptic tanks
   - an engineering review of downstream flows

2. Forward the boards concerns regarding the sceptic tanks to the Board to the Department of Environment pending an engineering review for downstream flows.

3. Request that staff determine if the is a way to measure actual pre and post flows from the site, if so that periodic measurements of such flows at various rainfall levels be a requirement for a reasonable period of time, and if post construction flows at various rainfall levels exceed pre construction flows, the developer be required to take further controlling measures.

MOTION PUT AND PASSED.

Attachment C
Relevant MPS Policy

Bedford Municipal Planning Strategy Policies in Existence Prior to First Reading of the Regional Plan and the Bedford West Secondary Strategy

RESIDENTIAL

Policy R-6:

It shall be the intention of Town Council to establish a "Residential Reserve" designation on the Generalized Future Land Use Map. The Residential Reserve designation will be applied to the residential areas outside the Residential Development Boundary which are to be serviced with on-site services. Residential development in these areas shall be limited until such time as full services can be provided to permit efficient land servicing and provision of services to these areas. A reduction of lot size and frontage requirements will be permitted for those unserviced lots upon which there is an existing dwelling at the time of approval of this Strategy. Such lots shall have a minimum area of one acre and a minimum frontage of 120 feet on an existing street. In addition, the lot at 700 Kearney Lake Road (PID 40648370) may be developed under regulations similar to unserviced lots with an existing dwelling. (Regional Council-April 24, 2001, Effective-May 25, 2001)

Policy R-7:

It shall be the intention of Town Council to establish a Residential Reserve Zone (RR) which shall permit single unit residences on large lots, special care facilities for up to 10 residents, and local parks.

INSTITUTIONAL

Background

Institutional facilities within the Town of Bedford range from the post office, schools, churches, and fire halls, to activities associated with utilities such as telephone switching stations, sewage treatment plants, and water reservoirs. In the context of the MPS an Institutional land use designation shall be applied on the Generalized Future Land Use Map where institutional uses shall be permitted as per Policy S-1. Within the Land Use By-law institutional uses will be divided into two categories with two zones (Policy S-2):

1) Those facilities directly associated with the provision of public or private utilities, such as water, sewage collection and treatment, power, telephone, natural gas and transmission facilities, commonly referred to as 'hard services'.
2) Those facilities that are directly associated with the provision of 'soft services' such as schools, religious organizations, cemeteries, police and fire protection, hospitals, libraries, municipal offices, post office, and the like.

In preparing this section of the Municipal Planning Strategy the following objective was used as a guideline:

INSTITUTIONAL OBJECTIVE

To promote the development of adequate institutional facilities to meet the needs of the Town and, where appropriate, to ensure that all such facilities are of high quality, durable, energy efficient, safe and attractive design.

Non-Utility Institutional Uses
Additional schools, churches, cemeteries, fire halls, and libraries, are required as a function of population growth. As the population increases, there will be a need for more schools, additional libraries, and additional fire protection. As with utilities, these uses will be regulated through the Land Use By-law by a specific zone. Existing facilities will be zoned appropriately with all new proposals for such uses requiring a rezoning before a development permit may be issued (Policy S-3).

INSTITUTIONAL OBJECTIVE

To promote the development of adequate institutional facilities to meet the needs of the Town and, where appropriate, to ensure that all such facilities are of high quality, durable, energy efficient, safe and attractive design.

Policy S-1:

It shall be the intention of Town Council to create an Institutional land use designation on the Generalized Future Land Use Map. The Institutional designation shall permit the full range of institutional and utilities land uses.

Policy S-2:

It shall be the intention of Town Council to regulate institutional uses through the establishment of two institutional zones within the Land Use By-law; one zone to regulate non-utility institutional uses (Institutional - SI Zone) and a second for utility functions (Utilities - SU Zone). Permitted uses within the SI Zone shall include, but not be limited to churches, schools, cemeteries, public buildings, special care facilities, daycare facilities and recycling depots. Permitted uses within the SU Zone shall include, but not be limited to electrical substations, highway utilities, public sewage treatment plants and water reservoirs, telephone switching stations and recycling depots. These zones shall be applied to existing institutional and utility uses within the Town.

Policy S-3:

It shall be the intention of Town Council to permit new utility and institutional uses on any land use designation, except WFCDD, CCDD, and RCDD designation, through the zoning amendment process subject to the rezoning criteria in Policy Z-3. No lands will be prezoned for such uses.

Watercourse Protection
It is an accepted fact that virtually any change in the natural terrain will affect storm runoff. Given this situation, it becomes necessary to ensure that storm runoff is controlled in terms of water quality.

Quality control becomes significant in several aspects. For example, storm water runoff reaching recreational areas such as lakes and beaches may effectively force the closure of these areas due to excessive discoloration and sedimentation. Eventually, uncontrolled runoff can affect a body of water biologically so that fish and plant life are destroyed. The most noticeable degradation of water quality caused by storm water runoff occurs during the construction phase of development. The quantity of runoff increases during construction as a result of vegetation being removed; the exposed soil in combination with the increased quantity of runoff results in the soil being eroded and eventually deposited in nearby watercourses. Quality of runoff is also affected after development. Dirt and oils on streets and fertilizers from lawns are additional foreign substances which are picked up by surface runoff after an area is developed and contribute to water quality degradation.

There are several mechanisms which can be employed to minimize the impact of development on the quality of surface runoff. Policies E-3 to E-8 discuss these approaches. Policy E-3 refers to Town Council's intention to encourage the use of innovative storm water management mechanisms to reduce the development impacts on watercourses. These mechanisms will work to reduce the increase of storm water runoff as well as minimize the effect on water quality.

Policy E-4 prohibits the erection of single dwelling units, two unit dwellings, and townhouses or the excavation or infilling of land within fifty feet of a watercourse or water retention area to distance disturbed areas from watercourses to minimize the potential for sedimentation. This fifty foot buffer shall be maintained with existing vegetation. Multiple unit dwellings shall be subject to the same setback and buffer provisions as commercial and industrial uses as per Policy E-8. Excavation or infilling activity associated with single and two unit dwellings and townhouses may occur between fifty (50) and thirty-five (35) feet of a watercourse or water retention area, by development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the fifty foot site disturbance provisions and where mitigation measures are proposed which will compensate equally for the reduced effectiveness of the 50' natural buffer. This "no net loss in effectiveness" shall be demonstrated through an environmental study which examines the issues of runoff quality and quantity, erosion potential, and sedimentation both during and after construction. The aforementioned study shall be reviewed by the Bedford Waters Advisory Committee (Policy E-5). The Bedford Waters Advisory Committee is requested to implement a water quality sampling program of all lakes and rivers in the Town to provide historical data on water quality. This program would be similar to the activities of the Dartmouth Lakes Advisory Board (Policy E-7). Stricter provisions have been placed on the setback of structures in commercial and industrial zones. Policy E-8 requires a 100 foot setback from a watercourse or water retention area for industrial, commercial, or multiple unit buildings as the impact of these larger developments during and after construction is usually greater. A reduction in the buffer may be considered through a development agreement subject to the undertaking of an environmental study and the installation of mechanism which ensure a "no net loss in the effectiveness" of the buffer. Watercourses and water retention areas referred to in Policies E-4 to E-8 are identified on the map showing environmentally sensitive areas in the Town. Properties abutting the Bedford Basin are exempt from the requirements of the these policies.

Environmentally Sensitive Areas

As outlined in Policies E-13 and E-14, certain hydrologic and geomorphic features have been identified as environmentally sensitive areas requiring protection. These areas specifically include slopes greater than 20% and water retention areas (lakes, ponds, swamps, bogs, and marshes). Slopes greater than 20% when cleared for development create the potential for erosion problems. Water retention areas are key elements in a successful storm water drainage system as they serve as areas in which water can gather during heavy rainfall. When these areas are infilled, their storage capacity is lost. The water, of course, must go elsewhere, and the result is either the creation of a flooding problem or the need to build expensive storm drains to carry the extra load. In addition to being a retention area, swamps and bogs act as natural filter systems; as water passes through a swamp it leaves behind many of the impurities being carried. Policies E-13 and E-14 indicate that development within these identified environmentally sensitive areas shall be prohibited unless it can be demonstrated, through an environmental impact study as part of a development agreement process, that the environmental constraints are non-existent or can be overcome without adversity to the natural environment. Environmentally sensitive areas outside the Residential Development Boundary shall be identified through a study as referenced in Policy E

ENVIRONMENT OBJECTIVE

The objectives of Town Council with respect to the environment in Bedford are as follows:

> To encourage a safe, healthy and enjoyable living environment for all residents of the Town by providing, as economically as possible, adequate sewer and water systems within the context of the Halifax-Dartmouth metropolitan region and to encourage only that growth for which the Town can afford to provide these services; to manage and regulate development and land use practices in the Town in order to minimize adverse impacts on the natural environment; to manage and enhance both the physical and manmade environments in order to maintain the unique and distinctive character of the Town; to develop a municipal round table on the environment and the economy which has a format similar to those at the provincial and federal levels.

ENVIRONMENTAL POLICIES

Policy E-4:

> It shall be the intention of Town Council in Residential, Residential Reserve, or RCDD zones to prohibit except by development agreement the erection of any structure or the excavation or infilling of land within 50 feet of a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, except the Bedford Basin. This 50 foot buffer shall be maintained with existing vegetation and is applicable to single dwelling units, two unit dwellings, and townhouses. All multiple unit dwellings, regardless of which zone they are located in, shall be subject to the same setback and buffer provisions as commercial and industrial uses and per Policy E-8. Excavation or infilling activity associated with single unit dwelling, two unit dwellings, and townhouses may occur between 50 and 35 feet of a watercourse, by development agreement, where it is demonstrated that a property can not be reasonably developed by

complying with the 50 foot site disturbance provisions and where mitigation measures are proposed which will compensate equally for the reduced effectiveness of the 50' natural buffer. This "no net loss in effectiveness" shall be demonstrated through an environmental study which examines the issues of runoff quality and quantity, erosion potential, and sedimentation both during and after construction. Commercial uses in the RCDD zone shall be subject to the setback and buffer provisions of Policy E-8.

Policy E-5:

It shall be the intention of Town Council to require that development proposals undertaken by development agreement pursuant to Policy E-4 include an environmental study which addresses the issues identified in Policy E-4 and the mitigation of any potential adverse development impacts associated with these issues. The mitigation measures shall be embodied within the development agreement and compliance with the agreement will be subject to Section 80 (1),(2) of the Planning Act. The chart in Appendix A is to be used as a guide when undertaking an environmental study pursuant to this policy.

Policy E-6:

It shall be the intention of Town Council to request that the Bedford Waters Advisory Committee provide a written comment on developments being undertaken by a development agreement pursuant to Policy E-4 and *E-8* prior to a recommendation being made by the Bedford Planning Advisory Committee.

Policy E-8:

In areas where Industrial ILI or IHI Zones, Institutional Zones (RC-Mar 18/03;E-May10/03), or Commercial Zones abut a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, Town Council shall prohibit the erection of any structure, or the excavation or filling in of land within 100 feet of the watercourse or water retention area. This 100 ft. area shall be maintained with existing vegetation or landscaped. A reduction in the buffer from 100' to 50' may be considered by Town Council by a development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions. A development agreement shall be subject to the provisions of Policy Z-3, and the undertaking of an environmental study which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction. The development agreement shall outline the specific measures to be used to ensure a no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse. The setback and site disturbance provisions of this policy are applicable also to commercial uses in an RCDD zone and multiple unit dwellings in all zones. Single unit dwellings, two unit dwellings and townhouses in all zones are subject to the setback provisions of Policy E-4. Policy E-8 shall not apply to properties abutting the Bedford Basin.

Environmentally Sensitive Areas

Policy E-13:

It shall be the intention of Town Council to identify on a map areas which are environmentally sensitive to development. This map shall be known as the Environmentally Sensitive Areas Map. These areas, which require special consideration in their development because of the presence of certain hydrologic and geomorphic features, are slopes which exceed 20% and water retention areas [lakes, ponds, swamps, bogs, marshes]. Environmentally sensitive areas within the two large undeveloped portions of the Town located within the Residential Development Boundary have been studied and identified: a) Union Street RCDD, and b) Papermill Lake RCDD.

Policy E-14:

Town Council shall require that environmentally sensitive areas as identified in Policy E-13 remain in a natural state, unless as part of a development agreement the proponent undertakes an environmental impact study to determine whether the environmental constraints are non-existent or can be overcome without adversity to the environment. The study shall identify the area's sensitivities through consideration of the items listed in the chart within Appendix A. The study shall address the impact of the proposed development on the area's identified sensitivities and how the impact(s) may be mitigated. The study shall also establish a means of monitoring any potential impacts during the development phase and for a specific time following development. Proposals considered under this policy shall be subject to the evaluation criteria contained in Policy Z-3.

IMPLEMENTATION

Policy Z-3:

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters :

1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;
2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;
3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:
   i) the financial capability of the Town to absorb any capital or operating costs relating to the development;
   ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical

site conditions for private on-site sewer and water systems;

iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;

iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;

v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;

vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;

vii) the adequacy of recreational land and/ or facilities;

viii the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;

ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;

x) the presence of significant natural features or historical buildings and sites;

xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;

xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,

xiii suitability of the proposed development's siting plan with regard to the physical characteristics of the site.

6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:

i) type of use, density, and phasing;

ii) traffic generation, access to and egress from the site, and parking;

iii) open storage and landscaping;

iv) provisions for pedestrian movement and safety;

v) provision and development of open space, parks, and walkways;

vi) drainage, both natural and subsurface;

vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,

viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.

7. Any other matter enabled by Sections 73 and 74 of the Planning Act.

8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:

i) provide Council with a clear indication of the nature of the proposed development; and

ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.

9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:
   a) a plan to a scale of 1":100' or 1":40' showing such items as:
      i) an overall concept plan showing the location of all proposed land uses;
      ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
      iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
      iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
      v) plan(s) showing all proposed streets, walkways, sidewalks,bus bays and bike routes;
      vi) a description of any protected viewplanes; and,
      vii) an indication of how the phasing and scheduling is to proceed.
   b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.
   c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.
10. Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)

Relevant Bedford Municipal Planning Strategy Policies approved by Regional Council as part of the Bedford West Secondary Planning Strategy

Policy Z-25: Applications for a development agreement or rezoning on file prior to Council's first notice of it's intention to adopt or amend this Plan shall be considered under the policies in effect at the time the application was received. Where any such application is withdrawn, significantly altered, or rejected by Council, any new application shall be subject to all applicable policies of this Plan.

Relevant Draft Regional Plan Policies

IM-21 Applications for a development agreement or rezoning on file prior to Council's first notice of its intention to adopt this Plan shall be considered under the policies in effect at the time the complete application was received. Where any such application is withdrawn, significantly altered, or rejected by Council, any new application shall be subject to all applicable policies of this Plan. Further, HRM shall, through the applicable land use by-law, provide relaxation of the new land

use by-law requirements adopted to implement this Plan for development pursuant to any rezoning application approved between December 1, 2005 and April 29, 2006.

Attachment D
Zone Requirements - SI (Institutional) Zone

PART 20 INSTITUTIONAL (SI) ZONE

No development permit shall be issued in an Institutional (SI) Zone except for one or more of the following uses:

a) churches;
b) schools;
c) cemeteries;
d) fire stations;
e) libraries;
f) police stations;
g) public buildings;
h) post offices;
i) private recreational facilities and clubs;
j) museums
k) P and POS uses, subject to the P and POS Zone requirements
l) special care facilities
m) daycare facilities/nursery schools/ early learning centres;
n) recycling depot
o) any uses accessory to the foregoing uses.

ZONE REQUIREMENTS SI

In any Institutional (SI) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area ..... 10,000 sq. ft
Minimum Lot Frontage ..... 100 ft.
Minimum Front Yard ..... Local Street 20 ft; Collector or Arterial 30 ft.
Minimum Rear Yard ..... 20 ft.
Minimum Side Yard ..... 8 ft., or half the height of the building, whichever is greater
Flankage Yard ..... Local Street 20 ft; Collector or Arterial 30 ft.
Maximum Height of Building ..... 35 ft.
Lot Coverage 35%

Attachment "E"
Case 00876: Proposed Amendments for Bedford Land Use By-law

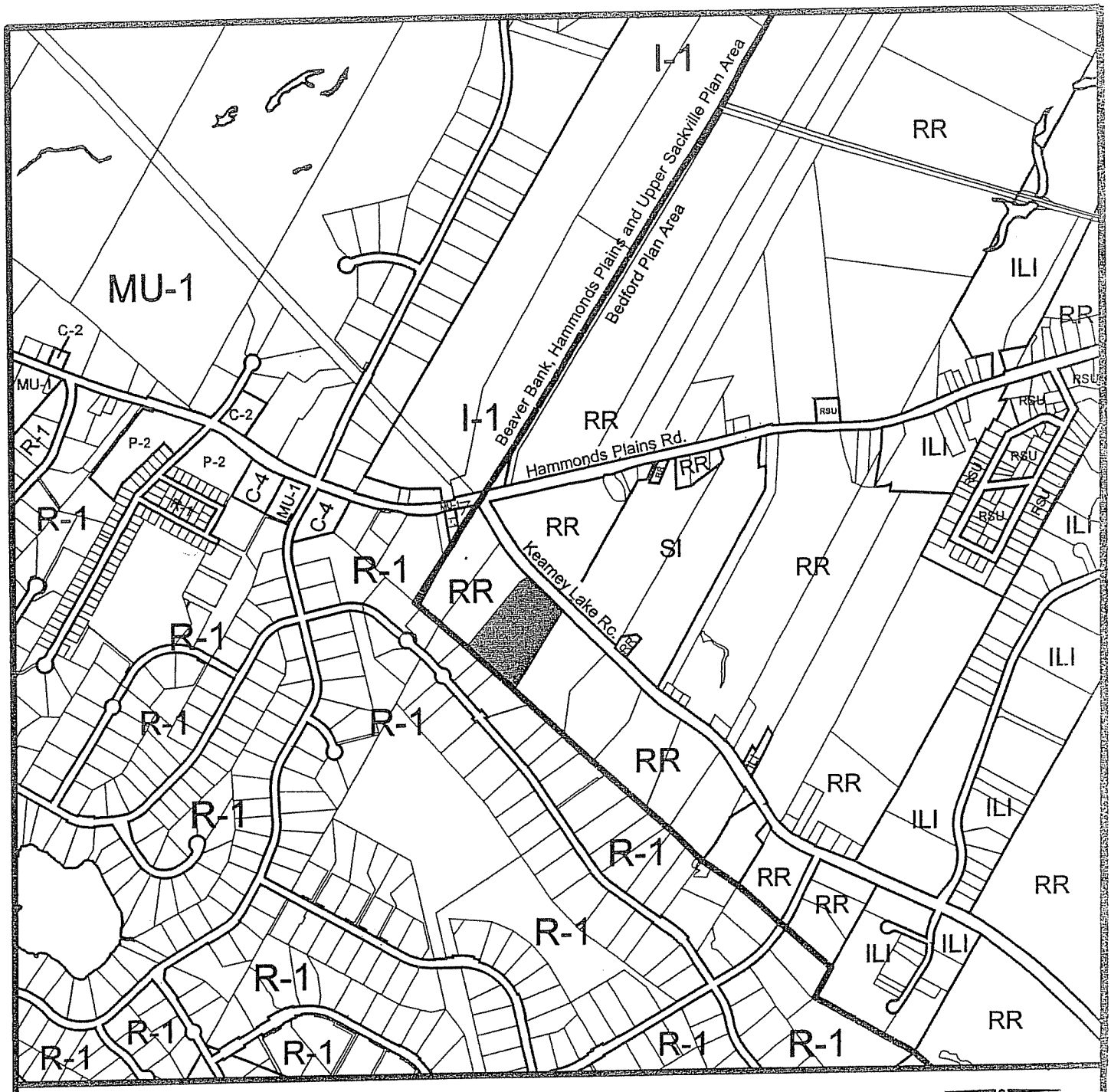
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law of Bedford as enacted by as enacted by Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended as follows:

1. The Bedford Zoning Map is further amended by rezoning 806 Kearney Lake Road (PID 41140989) from RSU (Single Unit Dwelling) Zone to SI (Institutional) Zone to as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford as set out above, was passed by a majority vote of the whole North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2006

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this___ day of _____, 2006

_____
Jan Gibson
Municipal Clerk



Schedule "A"
Proposed Rezoning

Subject Property to be rezoned from RR(Residential Reserve) to SI(Institutional)

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

Bedford Plan Area

RSU	Single Dwelling Unit Zone
RR	Residential Reserve Zone
ILI	Light Industrial Zone
SI	Institutional Zone

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

MU-1	Mixed Use 1 Zone
R-1	Single Unit Dwelling Zone
C-4	Highway Commercial Zone
I-1	Mixed Industrial Zone
P-2	Community Facility Zone

N

440 0 440 880 Meters

July 18, 2006

HRM does not guarantee the accuracy of any base map information on this map.

F:\Repmaps\Devagreer\00833\ScheA.mxd (AKT)

Attachment "F"
Proposed Development Agreement

THIS AGREEMENT made this day of , 2006,

BETWEEN:

TRUSTEES OF THE FULL GOSPEL CHURCH
a body corporate, in the Halifax Regional Municipality,
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Lot 3, Civic 806 Kearney Lake road, PID#41140989 and which said lands are more particularly described in Schedule A hereto (hereinafter called the"Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for infill and excavation within 100 feet of a watercourse on the Lands pursuant to the provisions of the Municipal Government Act and pursuant to Policy(ies) E-8 of the Bedford Municipal Planning Strategy and Part 3 (c) (m) of the Bedford Land Use Bylaw;

AND WHEREAS a condition of the granting of approval of Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

AND WHEREAS the North West Community Council approved this request at a meeting held on [**INSERT - Date**], referenced as Municipal Case Number 00833;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 2: GENERAL REQUIREMENTS AND ADMINISTRATION

2.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

2.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Bedford Land Use By-law and the Subdivision By-law, as may be amended from time to time.

2.3 Applicability of Other Bylaws, Statutes and Regulations

Further to Section 2.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.

2.4 Conflict

Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

Where the written text of this agreement conflicts with information provided in the Schedules attached to this agreement, the written text of this agreement shall prevail.

2.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands owned by the Developer.

2.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 3: DEFINITIONS

3.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use Bylaw and Subdivision Bylaw.

PART 4: USE OF LANDS AND DEVELOPMENT PROVISIONS

4.1 SCHEDULES

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this agreement.

The schedules are:

(a) Legal Description of the Lands(s)
(b) Site Plan
(c) Elevations (Front, Rear, North, South, Street Name, etc.)
(d) Floor Plan(s) (First, Main, Ground, Second, Typical etc)

4.2 GENERAL DESCRIPTION OF LAND USE

4.2.1 The use(s) of the Lands permitted by this Agreement are the following:

(a) church and any accessory uses including a care takers or pastor's dwelling unit; and

(b) Any uses permitted within the existing zone applied to the Lands subject to the provisions contained within the Land Use Bylaw for Bedford as amended from time to time and this agreement.

4.2.2 The Development Officer may approve unenclosed structures attached to a main building such as verandas, decks and porches and steps, mobility disabled ramps, to be

located within the minimum front, side and rear yards provided the provisions of the Bedford Land Use Bylaw and the applied zone as amended from time to time for such structures are adhered to.

4.3 DETAILED PROVISIONS FOR LAND USE

4.3.1 Building Location

(a) The proposed buildings shall be sited as generally illustrated on Schedule "B".

(b) The Development Officer, may approve minor changes to the-location of the building provided the relocation meets the intent and specific provisions of this Agreement and the building is not located closer to the existing residential properties in Blue Mountain Estates as generally illustrated in Schedule "B".

(c) Accessory buildings shall be permitted as determined by the Land Use By-law for Bedford except the minimum setback for any accessory building from the property lines shall be 30 meters (100 feet). Furthermore, the placement of accessory buildings shall not be permitted in areas required as buffers by this agreement.

4.3.2 Building Size

(a) The footprint of the church shall not exceed 1672 square meters (17,000 square feet) as generally illustrated on Schedule "B" and the total gross floor area shall not exceed 2787 square meters (30,000 square feet).

4.3.3 Building Height

(a) The building shall not exceed 10.69 m (35 feet) in height.

(b) The Development Officer shall determine the height of the structure as defined in the Land Use By-law for Bedford, as amended from time to time.

4.3.4 Parking and Access

(a) A parking area shall provide the number of parking spaces required by the Land Use By-law for Bedford .The parking area shall be as generally illustrated on Schedule "B".

(b) The driveway access shall be located off Kearney Lake Road as generally illustrated on Schedule "B".

(c) The throat width of the driveway shall not exceed 22 feet (6.7 m)in width plus shoulder and side slope unless otherwise approved by the Development Officer.

(d) The width of the driveway at the street line shall meet the requirements of By-law S-300.

4.3.5 Lighting

(a) Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

(b) All exterior lighting shall be directed downward with fully shielded luminaries to prevent unnecessary glare.

(c) Security lighting shall be provided adjacent to all concrete sidewalks and entrances to the building.

4.4 LANDSCAPING

Landscape Plan Details

4.4.1 A detailed Landscape Plan prepared by a Landscape Architect (that is a full member, in good standing, of Canadian Society of Landscape Architects) shall be submitted with the application for Development Permit. The detailed landscape plan shall include, as a minimum, planting as identified in this agreement and shall identify measures to provide a buffer and/or screening between the building and adjacent residential properties as well as for aesthetic enhancement. The plan should maintain as much of the natural landscape and vegetation as can be reasonably achieved.

Landscape Details

4.4.2 Planting details for each type of plant material proposed on the plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety).

4.4.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

4.4.4 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as fencing, retaining walls, pergolas, recycling facilities, etc shall be provided to the Development Officer, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.

Entrances

4.4.5 Decorative plantings shall be provided at the entrances to the building consisting of a combination of small decorative trees, shrubs and ground covers.

Fencing

4.4.6 The developer may provide a solid board wood fencing a minimum of five feet in height but no greater than six feet in height between the proposed church and the adjacent residential properties.

Retaining walls

4.4.7 All retaining wall systems are to be identified including the height and type of fencing proposed in conjunction with it. A construction detail of any fence and wall combination should be provided.

Private Walkways and Trails

4.4.8 Concrete sidewalks shall be located as shown on schedule "B" and composed of poured in place concrete.

4.4.9 Sidewalks should be designed to be barrier free where possible.

4.4.10 Trails may be provided within the watercourse setbacks on the property provided no tree cutting is required. Trail beds may be lined with wood chips or bark mulch.

Reinstatement

4.4.11 All disturbed areas not used for buildings, structures, walkways and parking areas shall be reinstated with a combination of trees, shrubs, sod or decorative ground covers including plants, mulch, or decorative stone.

Land Use Buffer Areas

4.4.12 Land Use Buffers areas (marked as Trees to Remain) shall be provided as generally shown on Schedule "B" The Land Use Buffer areas shall be provided for the purpose screening and buffering on the Lands. Land Use Buffer area shall be identified at the time of detailed site and/or grading plan approval to maximize tree retention. All grading plans shall indicate areas where existing vegetation is to be maintained, areas to be protected from disturbance during the installation of services, construction of parking areas, construction of buildings, landscaping and any future activity on an individual lot unless otherwise specified in this agreement. The Land Use Buffer areas shall be clearly delineated on the Site Plan and Grading Plan for each lot and in the field prior to and during construction.

4.4.13 If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Section 6.16, the Developer or the land owner shall replace each tree with two new trees of ½ inch (38mm) caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units.

Occupancy

4.4.14 Prior to issuance of an Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Altantic Provinces Association of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement

4.4.15 Notwithstanding the above, the occupancy permit may be issued provided the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost to complete the landscaping. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the developer not complete the landscaping within twelve months of issuance of the occupancy permit, the Municipality may use the deposit to complete the landscaping as set out by this agreement. The developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the developer upon completion of the work and its certification.

4.5 SIGNS

The sign requirements shall be accordance with the Bedford Land Use Bylaw as amended from time to time.

4.6 OUTDOOR STORAGE AND DISPLAY

4.6.1 No outdoor storage shall be permitted on the Lands except for refuse containers.

4.7 MECHANICAL EQUIPMENT

4.7.1 Mechanical equipment shall be permitted on the roof provided the equipment is screened or incorporated in to the architectural treatments and roof structure. Such equipment shall not be visible from the adjacent residential subdivision or from Kearney Lake Road.

4.7.2 Any ground mounted mechanical equipment shall be screened from view from the adjacent residential subdivision or from Kearney Lake Road with a combination of fencing and landscaping elements.

4.7.3 Propane tanks and electrical transformers shall be secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing or masonry walls, with suitable landscaping.

4.7.4 All mechanical equipment shall be sited in a manner as to minimize the disturbance to adjacent residential properties. Furthermore no mechanical equipment shall be located between the church and the adjacent residential subdivision and no exhaust fans shall be permitted to face the adjacent residential properties.

4.8 MAINTENANCE

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

5.0 STREETS AND MUNICIPAL SERVICES

5.1 All construction shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. The Development Officer, in consultation with the Development Engineer, may give consideration to minor changes to the street network, provided the modifications serve to maintain or enhance the intent of this Agreement.

5.2 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

Private Water and Septic Systems

5.3 The Lands shall be serviced through privately operated on-site water distribution system.

5.4 The Lands shall be serviced through privately owned and operated septic system or treatment facility.. The Developer agrees to have prepared by a qualified professional and submitted to the Municipality, the NS Department of the Environment and Labour and any other relevant agency, a design for the private septic system. In accordance with Section 9.5, no building permit shall be issued prior to the Development Officer receiving a copy of all permits, licences, and approvals required by the NS Department of the Environment and Labour respecting the design, installation, construction of the on-site sewer system. Any septic field shall be located above the elevation of the 1:100 year floodplain.

Municipal Water Distribution and Sanitary Sewers

5.5 Should Municipal sewer and water service become available adjacent to the site, the property owner may connect to the services subject to Section 5.6 and 5.7.

5.6 The water distribution system shall conform with the construction requirements of the Halifax Regional Water Commission.

5.7 The sanitary sewer system shall conform with the design and construction standards of the Municipal Service Systems Manual, unless otherwise acceptable to the Development Engineer.

Solid Waste Facilities

5.8 The building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.

5.9 Refuse containers shall be confined to the loading areas of each building, and shall be screened from surrounding properties and public view by means of opaque fencing or masonry walls with suitable landscaping.

5.10 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any residence, street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal affect on abutting property owners by means of opaque fencing/masonry walls with suitable landscaping.

Blasting

5.11 All blasting shall be in accordance to By-law B-300 (Blasting By-Law) as amended from time to time.

6.0 ENVIRONMENTAL PROTECTION MEASURES

Stormwater Management Plans and Erosion and Sedimentation Control Plans:

6.1 The Developer shall engage a qualified professional to prepare a Stormwater Management Plan which identifies structural and vegetative stormwater management measures such as, infiltration, retention, and detentions controls, wetlands, vegetative swales, filter strips, and buffers to minimize any significant adverse impacts on receiving watercourse during and after construction. The plans shall indicate the sequence of construction, the areas to be disturbed, all proposed erosion and sedimentation control

measures and stormwater management measures, including a monitoring/sampling program, which are to be in place prior to and during development of that phase.

6.2 A stormwater management plan shall be prepared which conforms with:

(a) the schematics presented on Schedule "B";

(b) the requirements of the Nova Scotia Department of the Environment and the Municipal Service Systems Manual; and

6.3 Furthermore the stormwater management plan shall require:

(a) an analysis of the pre and post development site runoff, with the requirement of zero increase in the 1:10 year peak discharge from the fully developed site.

(b) the system be designed to control the flow of stormwater in a major storm (1:100yr) event so as to prevent basement flooding and damage to property.

(c) A temporary storm water detention pond during construction.

(d) the parking area to be primarily paved with a hard surface material such as asphalt and all flows directed to a cental area for treatment by an oil / grit separator.

(e) Flows from the site be managed through a combination of retention methods including roof top and parking lot storage with controlled outflows.

(f) Confirmation of the location of the 1 in 100 year floodplain.

6.4 There shall be no disturbance within 100 feet of any watercourse or associated wet areas on the site (as generally identified in Schedule B) except for a single driveway crossing.

6.5 There shall be no disturbance within the 1:100 year floodplain for any watercourse except for a driveway crossing and any measures required to maintain the capacity of the floodplain.

6.6 Any excavation or placement of fill shall maintain no net loss in the capacity of the 1:100 year floodplain.

6.7 The driveway crossing of the watercourse shall be sized to accommodate flooding from a 1:100 year storm event.

6.8 The Developer agrees to have prepared by a Professional Engineer and submitted to the Municipality for review by the Development Engineer and the Department of the Environment (if applicable) a detailed Erosion and Sedimentation Control Plan. The

plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Department of the Environment and shall include means to deal with subsurface flows. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

6.9 The Developer agrees to have prepared by a Professional Engineer and submitted to the Municipality for review and approval by the Development Engineer a detailed Master Site/Grading Plan. No work is permitted on the site until the requirements of this clause have been met and implemented unless otherwise stated in the Agreement.

6.10 The Developer shall post security as required under the Bedford Grade Alteration By-law to ensure that all environmental protection measures are properly implemented and maintained. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer at the time of issuance of the final occupancy permit or release of Landscaping security bond whichever is later, provided all measures for environmental protection have been implemented to the satisfaction of the Development Officer, in consultation with the Development Engineer, and that all disturbed surfaces have been permanently reinstated, and that all landscaping has become established. Should the Developer fail to complete the Erosion and Sedimentation Control measures to the satisfaction of the Development Officer, in consultation with the Development Engineer shall be cashed and deposited to the Municipality.

6.11 The Developer agrees to construct at its own expense the Stormwater Management System which conforms to the concept design reviewed by the Development Engineer pursuant to this section. The Developers shall provide certification from a Professional Engineer that the system, or any phase thereof, has been constructed in accordance with the approved design

6.12 The Developer agrees to provide full time professional site supervision during the excavation, grade alteration and construction of storm water management systems to ensure that the environmental protection measures are properly implemented and maintained.

6.13 The developer shall install an oil/grit separator(s) to treat all flows from the parking areas as per section 6.3.

(a) *The Developer shall install a three sided culvert at the driveway watercourse crossing subject to approval by the Nova Scotia Department of the Environment.*

Non-Disturbance/Tree Habitat Conservation Areas

6.14 Non-disturbance/tree habitat conservation areas shall be provided as generally shown on Schedule B. The non-disturbance area shall be a minimum of 100 feet (30.5 m) from the watercourse and wetland except for the driveway crossing or as generally indicated on Schedule B. Where reduced, the non-disturbance zone shall be a minimum of 20 m (66 feet) except for the driveway crossing.. The non-disturbance/tree habitat conservation areas shall be provided for the purpose of retaining substantial natural vegetation on the Lands.

6.15 Non-disturbance/Tree Habitat Conservation areas shall be identified at the time of detailed site and/or grading plan approval to maximize tree retention. All grading plans shall indicate areas where existing vegetation is to be maintained, areas to be protected from disturbance during the installation of services, construction of buildings, landscaping unless otherwise specified in this agreement. The non-disturbance/tree habitat conservation areas shall be clearly delineated on the Site Plan and Grading Plan and in the field prior to and during construction.

6.16 The following activities may occur within the non-disturbance/tree habitat conservation areas provided that approval by the Development Officer, in consultation with the Development Engineer, has been granted.

(a) removal of standing hazardous or diseased trees may be permitted by the Development Officer who may require verification in writing by a qualified professional (i.e.. Arborist, Urban Forester, Landscape Architect).
(b) removal of fallen timber and dead debris where a fire or safety risk may be permitted by the Development Officer who may require verification in writing by a qualified professional (i.e.. Arborist, Urban Forester, Landscape Architect).
(c) placement of a natural based pathway (i.e.. mulch, wood chip or appropriate equivalents);
(d) construction of fences provided the construction and placement results in minimal soil disturbance and removal of vegetation;
(e) placement of a retaining wall for the purpose of soil stabilization which is constructed of natural or simulated natural-appearance materials; and
(f) municipal services, power lines or other utility or service infrastructure.

6.17 Non-disturbance/tree habitat conservation areas shall be identified by the Developer with snow fence or other appropriate continuous physical barrier or delineation and signage in the field prior to any site preparation (i.e.. tree cutting, and excavation activity). The snow fence or other appropriate continuous physical barrier or delineation and signage shall be maintained by the Developer for the duration of the construction and the snow fence or other appropriate continuous physical barrier or delineation and signage in the field may only be removed only upon the issuance of the occupancy permit.

6.18 If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Section 6.16, the Developer or the land owner shall replace the trees with two new trees of a native species of ½ inch (38mm) caliper] as directed by the Development Officer, in consultation with the appropriate HRM Business Units.

Stormwater Treatment Chambers or Devices

6.19 The Developer agrees, at its own expense, where any stormwater treatment chambers or devices are provided, such devices shall be maintained in accordance with the manufacturer's specifications.

6.20 Prior to installing any stormwater treatment chambers or devices on the site, which are to be privately maintained, the Developer shall submit a schedule of future inspection and cleaning prepared by a professional engineer based on the manufacturer specifications. This schedule shall be undertaken for as long as this agreement is in force.

6.21 All removed contaminants shall be disposed of according to all applicable guidelines and regulations of the Nova Scotia Department of Environment and Labour.

Monitoring Program

6.22 The Developer shall prepare a detailed Monitoring and Maintenance Program for the stormwater management system. Such program shall require the approval of the Development Officer, on the advice of the Development Engineer. The program shall include baseline testing prior to any site works commencing. The purpose of the program shall be to determine:

(a) whether or not stormwater leaving the Lands during all site works and construction complies with the removal efficiency of the stormwater management unit (removal efficiency specifications of the unit shall be included in the Monitoring and Maintenance Program); and

(b) The post-development efficiency of the storm water management system

6.23 Further to Section 6.22, the program shall indicate the frequency of testing, materials/chemicals tested, analysis methodology, inspection and maintenance schedule (clean-out) for the systems, methodology for maintenance, reporting schedule (including compliance certificate) and any other related matters. The Monitoring and Maintenance Program shall be the responsibility of the Developer, and shall commence at construction on the site and shall continue for a period of 3 months from the permanent stabilization of the Lands. Should it be determined, at any time during this period, that the system is not performing as per design specifications or achieving the identified performance measures, the Developer shall undertake, at his expense, any and all remedial or

additional measures necessary. Copies of the results of the testing program shall be forwarded to the Bedford Waters Advisory Board and the Nova Scotia Department of the Environment for information purposes.

Failure to conform to Plans

6.24 If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under Section 6.0, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection plans.

6.25 Further, the Municipality may redeem the provided security and undertake the required measures as deemed appropriate, including but not limited to:

(a) the installation of appropriate on-site and off-site erosion and sedimentation control measures and interim stormwater management measures to ensure compliance with the approved plans;
(b) protection and stabilization of exposed surfaces and stockpiles of materials prior to anticipated rain events; and
(c) the identification and remediation of any sedimentation which has occurred on the Municipality's property or within an the Municipality's storm water system, and the installation of temporary measures as may be approved by the Nova Scotia Department of Environment and Labour to reduce the potential for introduction of suspended solids into any watercourse.

7.0 AMENDMENTS

Amendments to any matters shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

8.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

The Developers agree that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developers. The Developers further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developers agrees allow for such an inspection during any reasonable hour within one day of receiving such a request.

8.2 Failure to Comply

If the Developers fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developers 30 days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:

(1) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developers from continuing such default and the Developers hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy; and/or

(2) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development agreement, whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants or remedial action, shall be a first lien on Property and be shown on any tax certificate issued under the Assessment Act.

(3) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or

(4) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement; and/or

8.3 Environmental Protection

In matters concerning environmental protection and mitigation the Municipality shall be entitled to draw in whole or in part on the security as required under this Agreement and use the proceeds therefrom to ensure that the protection measures are in place as required pursuant to the terms of this Agreement.

9.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

9.1 Registration

A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall incur all cost in recording such documents.

9.2 Subsequent Owners

9.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.

9.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

9.3 Commencement of Development

9.3.1 In the event that construction on (or development of) the Lands has not commenced (or deemed complete) within five years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.

9.3.2 For the purposes of this section, commencement shall means completion of the footings for the proposed building.

9.3.3 If the Developer(s) fails to complete the development, or after 7 years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

(a) retain the Agreement in its present form;
(b) negotiate a new Agreement;
(c) discharge this Agreement.

9.4 Completion of development

Upon the completion of the development or portions thereof, or within/after 7 years from the date of registration of this Agreement with the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

(a) retain the Agreement in its present form;
(b) negotiate a new Agreement;
(c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Bedford, as may be amended from time to time.

9.5 Issuance of Permits

Prior to the issuance **building permit,** all of the following must be submitted to the Development Officer:

(a) NS Department of Environment and Labour approval of the new site sewage disposal system as required by this Agreement;

(b) NS Department of Environment and Labour approval for the crossing of the watercourse.

(c) NS Department of Environment and Labour approval for the discharge of stormwater in to the watercourse.

(d) NS Department of Environment and Labour approval of the new potable water supply as a Public Drinking Water Supply (if required).

(e) Landscape Plan prepared by a certified landscape architect as required by this Agreement.

(f) Erosion and Sedimentation Control Plan prepared by a qualified person as required by this agreement.

(g) Stormwater Management Plan prepared by a qualified person as required by this agreement.

(h) Site Grading Plan prepared by a qualified person as required by this agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2006.

SIGNED, SEALED AND DELIVERED in the presence of

_____

TRUSTEES OF THE FULL GOSPEL CHURCH

Per: _____
ERNIE YARN

Per: _____
ALDIN AUTON

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality duly authorized in that behalf in the presence of

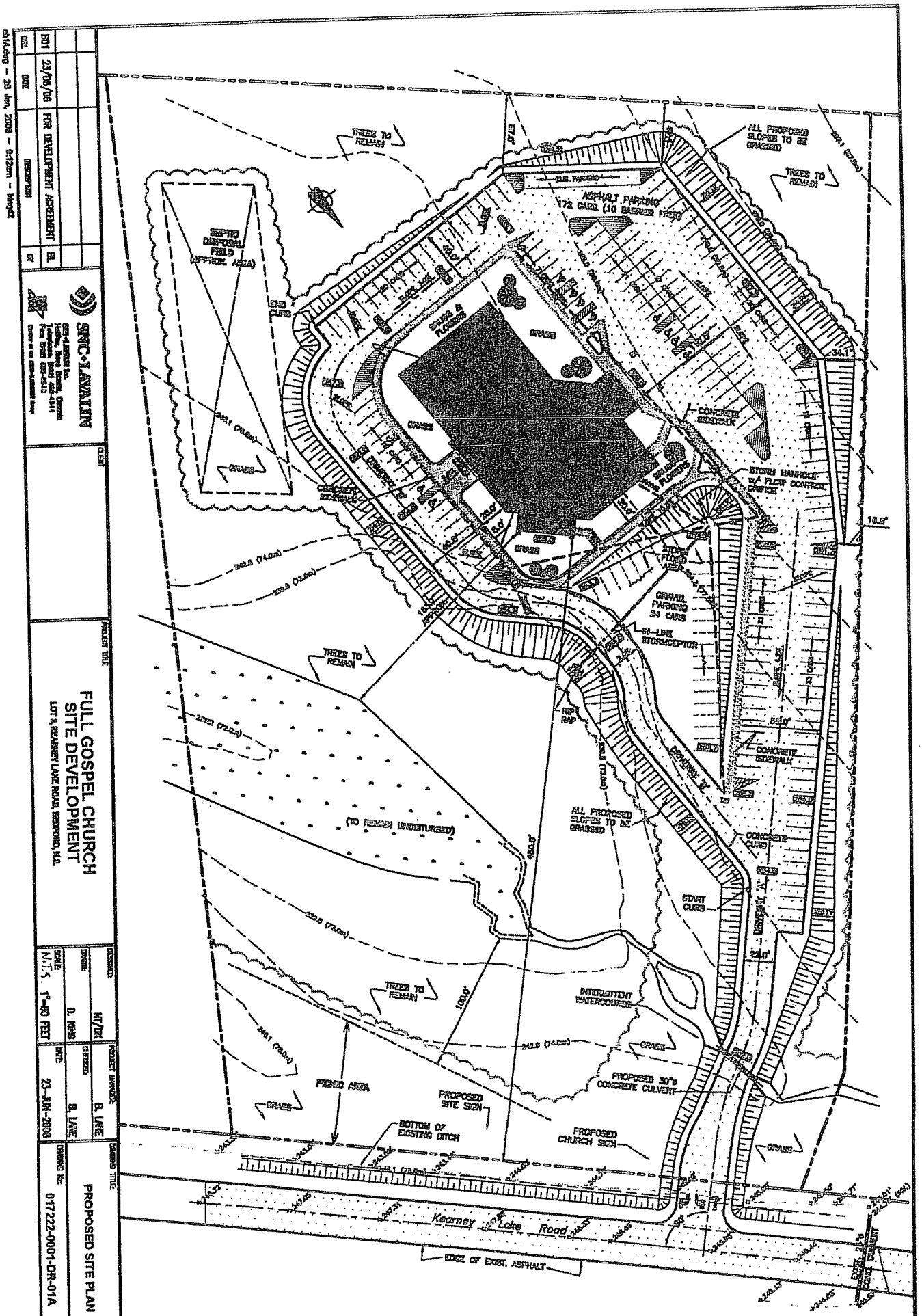
_____

_____
HALIFAX REGIONAL MUNICIPALITY

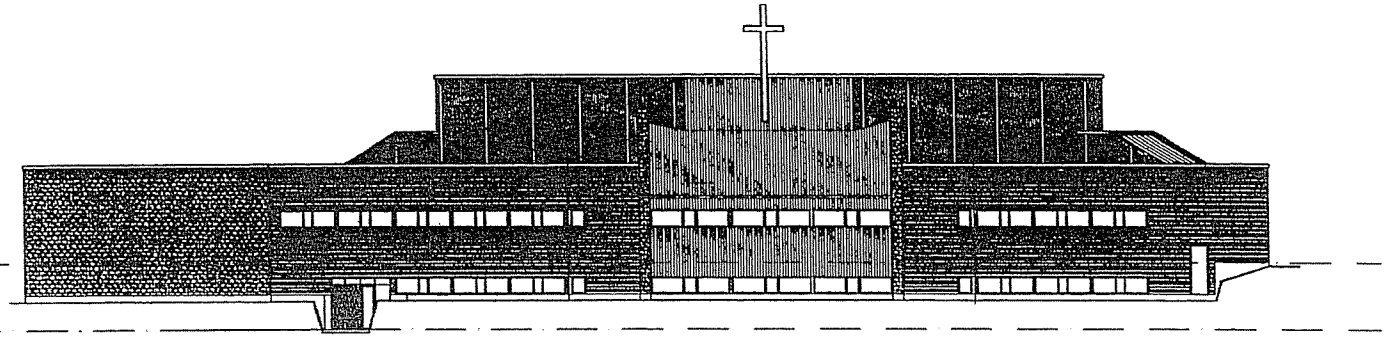
Per: _____
MAYOR

Per: _____
MUNICIPAL CLERK

Schedule B - Site Plan

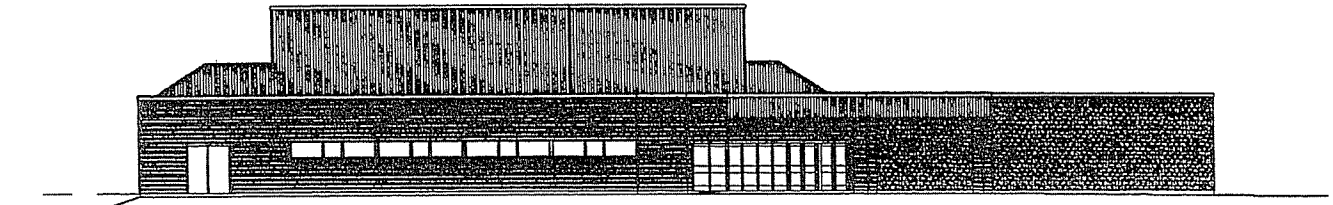


Schedule C - Elevations



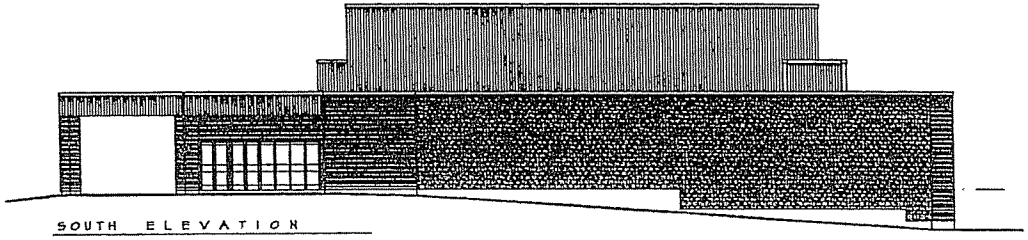
NORTH-EAST ELEVATION

SCALE 1:100



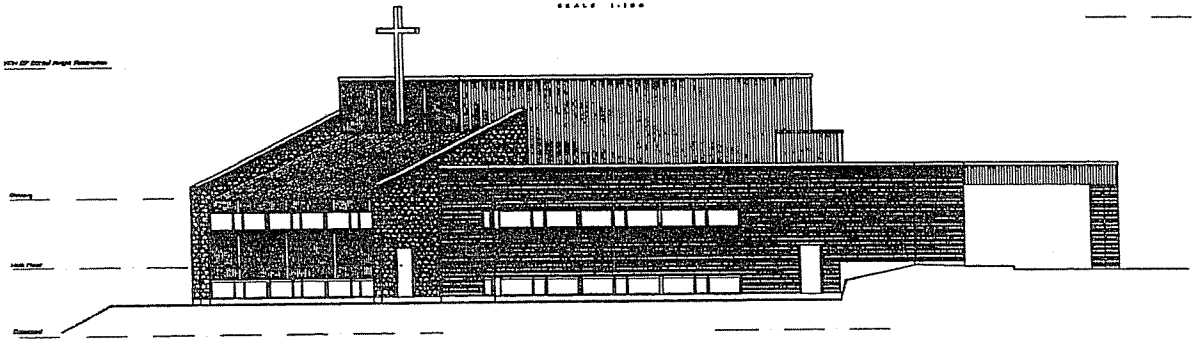
WEST ELEVATION

SCALE 1:100



SOUTH ELEVATION

SCALE 1:100



NORTH ELEVATION

SCALE 1:100

Chapelstone DEVELOPMENTS INC.

architecture + planning

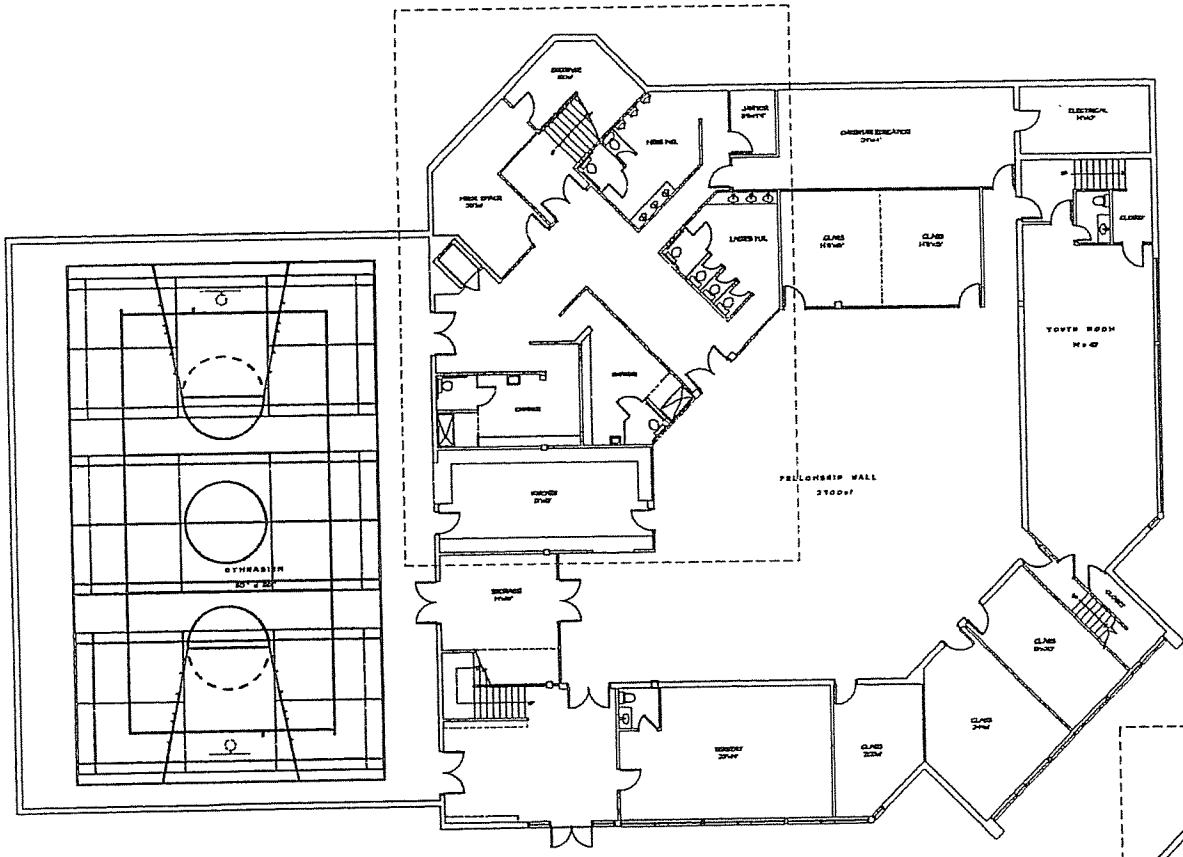
prepared for

Full Gospel Church

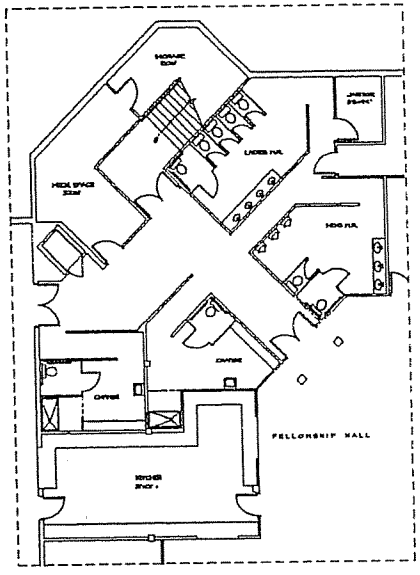
Halifax, Nova Scotia

PRELIMINARY E2

Schedule D - Floor Plan 1of 3



LOWER FLOOR PLAN



PARTIAL ALTERNATE PLAN

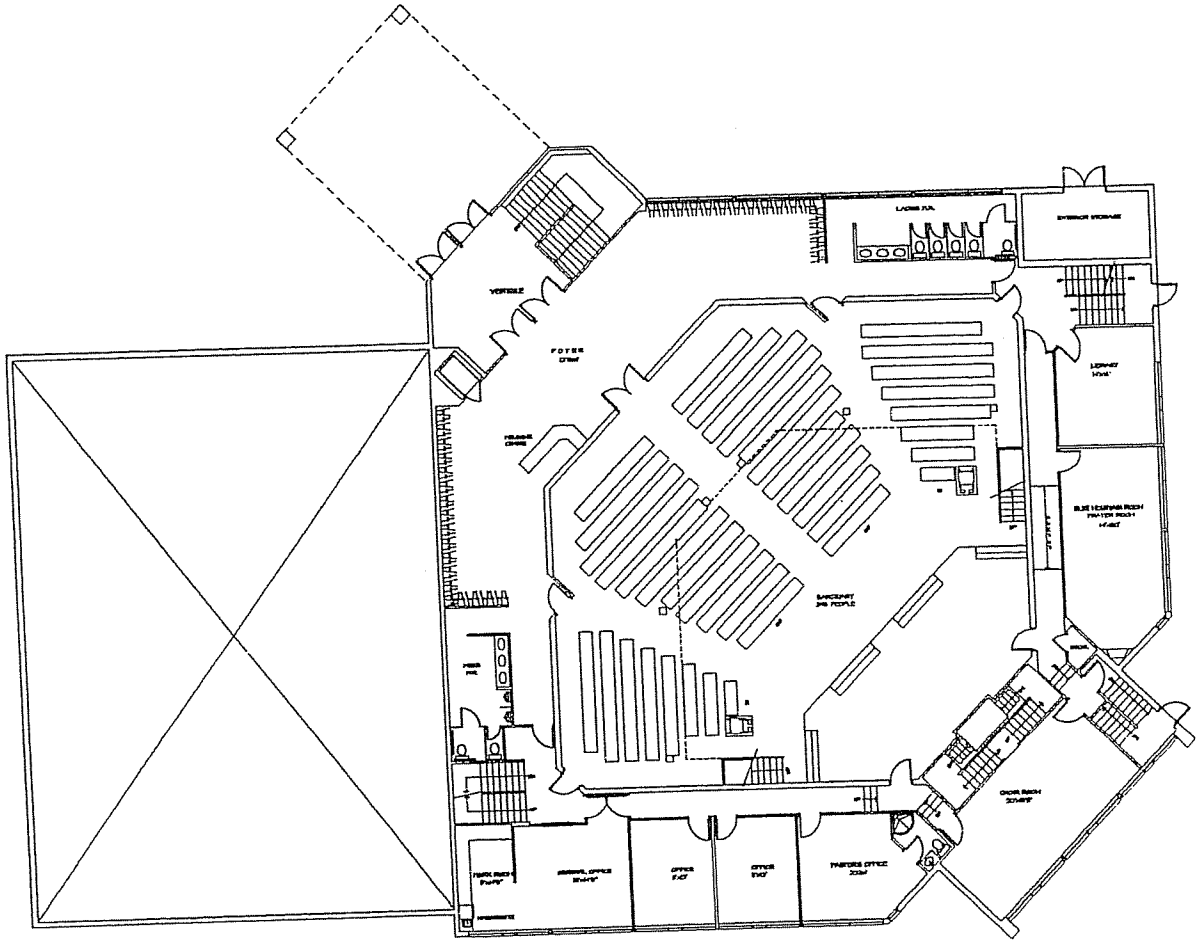
Chapelstone DEVELOPMENTS INC.

architecture + planning

prepared for
Full Gospel Church

PRELIMINARY E2

Schedule D - Floor Plans 2 of 3



MAIN FLOOR PLAN

SCALE 1:100

Chapelstone
DEVELOPMENTS INC.

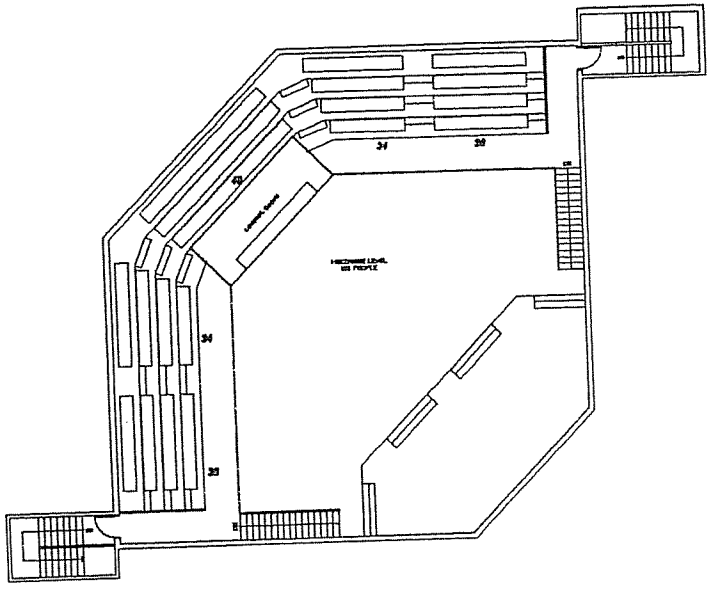
limited
architecture + planning

prepared for
Full Gospel Church

Halifax, Nova Scotia

PRELIMINARY E2

Schedule D - Floor Plans -3 of 3



MEZZANINE PLAN

SCALE 1:100

Chapelstone
DEVELOPMENTS INC.

fmlfad
architecture + planning

proposed for
Full Gospel Church

Halifax, Nova Scotia

PRELIMINARY E2