

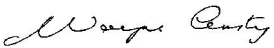


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Item No. 10.1.2

Halifax Regional Council
September 23, 2008

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY: 
Wayne Anstey, Acting Chief Administrative Officer

DATE: September 10, 2008

Subject: **Case 01188: Fall River - Alternate Housing Forms /Water Service Area**

ORIGIN

- Motion of Regional Council on June 24, 2008

RECOMMENDATION

It is recommended that Regional Council:

1. Initiate the process to consider amending the Planning Districts 14 and 17 Municipal Planning Strategy and Land Use By-law to consider:
 - a) permitting alternate housing forms other than single unit dwelling within an Open Space Design Development;
 - b) permitting increased density within an Open Space Design Development for alternate housing forms where the development is within the water service boundary and within a centre identified under the Regional Plan; and
2. Initiate the process to consider amending Schedule B of the Regional Subdivision By-law to include PID#00506501 within the Water Service Boundary; and
3. Request staff to follow the public participation program as approved by Council in February 1997 plus additional consultation with the Fall River Vision Implementation Committee.

BACKGROUND

At the June 24, 2008 Regional Council meeting, staff was requested to consider an amendment to the Planning Districts 14 and 17 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to consider increasing the permitted density for alternate housing in an open space subdivision where municipal water is provided. Further, Council requested that consideration be given to amending the Regional Subdivision By-law Service Requirement Map to include PID#00506501 (a 47 acre property in Fall River) within the water service area.

Open Space Development is a creative form of subdivision which is intended to protect environmentally and culturally sensitive areas and features and maintain connectivity of open space. The Regional Plan has identified Open Space Developments (Attachment A) as the tool for subdivisions greater than eight lots in many areas of the Municipality including much of Planning Districts 14 and 17.

Much of the existing housing form in the Planning Districts 14 and 17 area is single-unit residential and there is a shortage of other forms of housing such as semi-detached, townhouse or multi-unit buildings. Under the Regional Plan, Open Space Development permits alternate housing forms (such as semi-detached, townhouse and multiple unit dwellings), however the MPS policy for Planning Districts 14 and 17 does not enable townhouses and multiple unit dwellings. The R-1B (Suburban Residential) Zone, that applies to a large portion of Fall River, permits single and two unit dwellings, however two unit dwellings are typically precluded by zone requirements. The prohibition of these housing forms originates with past issues regarding septic systems and the inability of groundwater sources to supply higher densities related to alternate housing forms (Attachment B).

The Regional Plan provides policy (Attachment A) which allows Council to consider higher densities within open space subdivision located in centres where enabled in the local MPS. Currently, the Planning Districts 14 and 17 MPS does not enable this option.

Fall River's Community Vision and Action Plan was adopted in principle by HRM Council on the 30th of October 2007 and an implementation project is currently underway. The proposed request relates to a number of actions which are related to the Fall River Vision. The Fall River Vision and Action Plan specifies the following:

Houses should remain primarily single-detached units and exclude high-rise apartments. Alternative housing options, such as duplexes, townhouses and low-rise (maximum 3-story) multi-unit dwellings, can allow for senior citizens who have a desire to continue to live in Fall River, as well as for young families who have a need for these alternative types. These housing types would ensure that development remains at a low-to-medium density.

DISCUSSION

The following is an overview of issues identified in Council's motion:

Rational for Plan Policy Change

In order for Planning Services to recommend considering a change to the MPS, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated. Since the approval of the MPS in 1989, there has been a significant change in the demographics of the plan area. The proportion of single unit housing to other forms of housing has increased and the community has aged thus creating a need for alternate housing forms. This issue has been specifically outlined in the Fall River Vision.

Given the substantial change in demographics, staff wish to advise that it is reasonable to consider such a request subject to a review of the issues identified below.

Alternate Housing Forms in Open Space Developments: The Regional Plan envisioned the inclusion of a variety housing forms in an Open Space Development where the local MPS permits those housing forms (Policy S-32). Housing forms could include single unit, semi-detached, townhouse or multi-unit. The MPS precludes most alternate housing forms other than single unit dwellings due to concerns with malfunctioning septic systems. Since the creation of the MPS in 1989, there have been significant changes in Provincial septic regulations and in septic technologies which deal with many of the historical issues. An amendment to the Planning Districts 14 and 17 MPS would be required to enable a full range of housing options in an Open Space Development.

There have been many inquiries to staff and the local Councillor to enable housing forms which may appeal to persons who may no longer desire single unit dwellings as their housing choice. Through the Fall River Vision process, the lack of alternate housing forms has been identified as critical impediment to the development of housing types that meet the need for seniors and younger people who wish to live in the Fall River Community.

An Open Space development as envisioned by the Regional Plan is an ideal means to permit alternate housing forms. Staff have reviewed the request to amend the MPS and LUB to permit alternate housing forms in an Open Space Development and support the initiation of a process to consider this change.

Increased Density for Alternate Housing Forms in a Centre and Water Service Boundary: The Regional Plan contemplates the ability of a local MPS to increase densities in an Open Space Development in a Centre identified by the Regional Plan if enabled by local MPS policy (Policy S-16).

Issues identified include compatibility, provision of water and septic design. Compatibility can be dealt with during a development agreement process. Septic issues through the septic permitting process. The provision of water can be dealt with a requirement that any increased density be located

within a municipal water service boundary.

Inclusion of PID#00506501 within the Water Service Boundary: The owner of this property (Map 1 and 2) has expressed an interest in developing alternate housing forms to provide options for local residents. The property owner has also expressed an interest in having the water service boundary extended to include the subject lands so that a reliable potable water supply can be provided to support the development. In this regard there is an opportunity for the use of this specific site as a demonstration project for the above noted policy changes. As the need for alternate housing forms is important to the community, it is reasonable to consider this request.

If initiated, the review of this request would take place under Regional Plan Policy SU-14 (Attachment A) which outlines considerations for reviewing such proposals. Further, staff would fully advise Council of technical limitations, infrastructure requirements and cost implications after a full review.

Fall River Vision and Action Plan: The Fall River Vision outlines how the community sees the area develop in the coming years. The action plan identifies community priorities to achieve the vision. An implementation strategy has been developed and actions will take place in the coming year to begin implementation of the Vision. The proposed MPS amendment are contemplated by the Vision and generally consistent with the intent of the Vision. While the pursuit of these amendments would seem to duplicate the Vision implementation process, both Planning Applications and Regional and Community Development support a process to consider the changes requested as they may provide short term relief of the critical shortage of alternate housing forms in the Fall River and District 14 and 17 MPS area. Staff propose to include the Fall River Vision Implementation Committee as a key component of the public participation process.

Conclusion:

Staff recommends that Regional Council direct staff to begin the process to consider amending the Planning District 14 and 17 MPS and LUB to permit alternate housing forms in Open Space Design Developments, permit an increase in density within those developments where alternate housing forms are included and the inclusion of PID#PID#00506501 within the Water Service Boundary as identified in the recommendation section of this report.

BUDGET IMPLICATIONS

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

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 initiate the MPS amendment process as stated in this report. This is the recommended course of action.
2. Council may choose to initiate the MPS amendment process for one or more of the three proposed amendments. This alternative is not recommended as staff feels that there is merit in considering all of the amendments.
3. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS cannot be appealed. This alternative is not recommended as staff feels that there is merit in considering the amendments.

ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Relevant Regional Plan Policies
Attachment B	Relevant MPS Policies (Planning Districts 14 and 17)


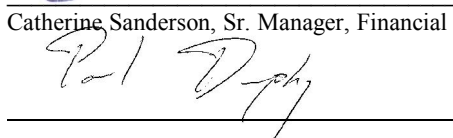
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

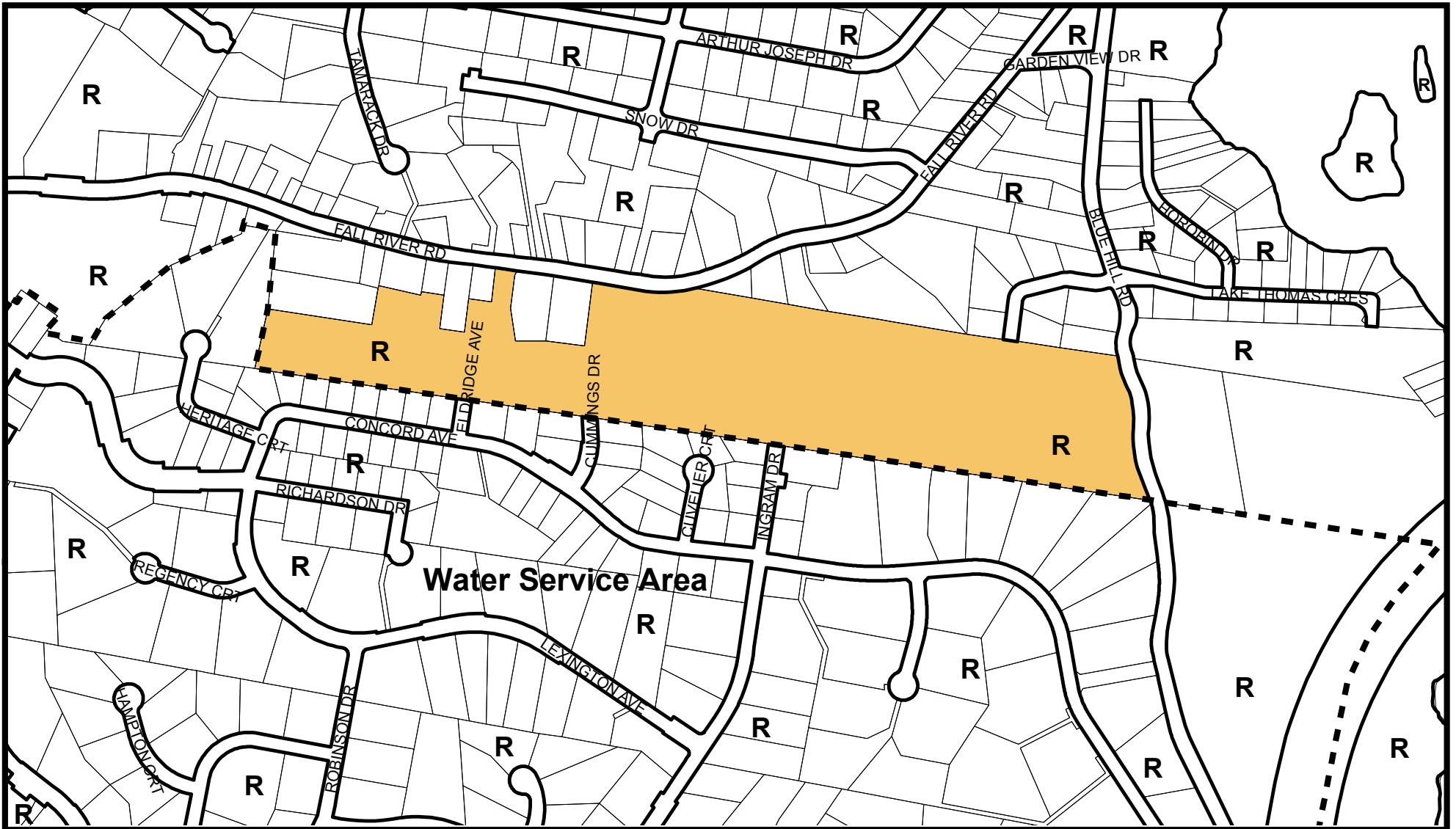
Report Prepared by: Andrew Bone, Sr. Planner- Planning Applications: Community Development 869-4226



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

Financial Approval by: _____
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562



Map 1
Generalized Future Land Use



Shubenacadie Lakes Plan Area

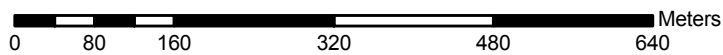
R Residential Designation

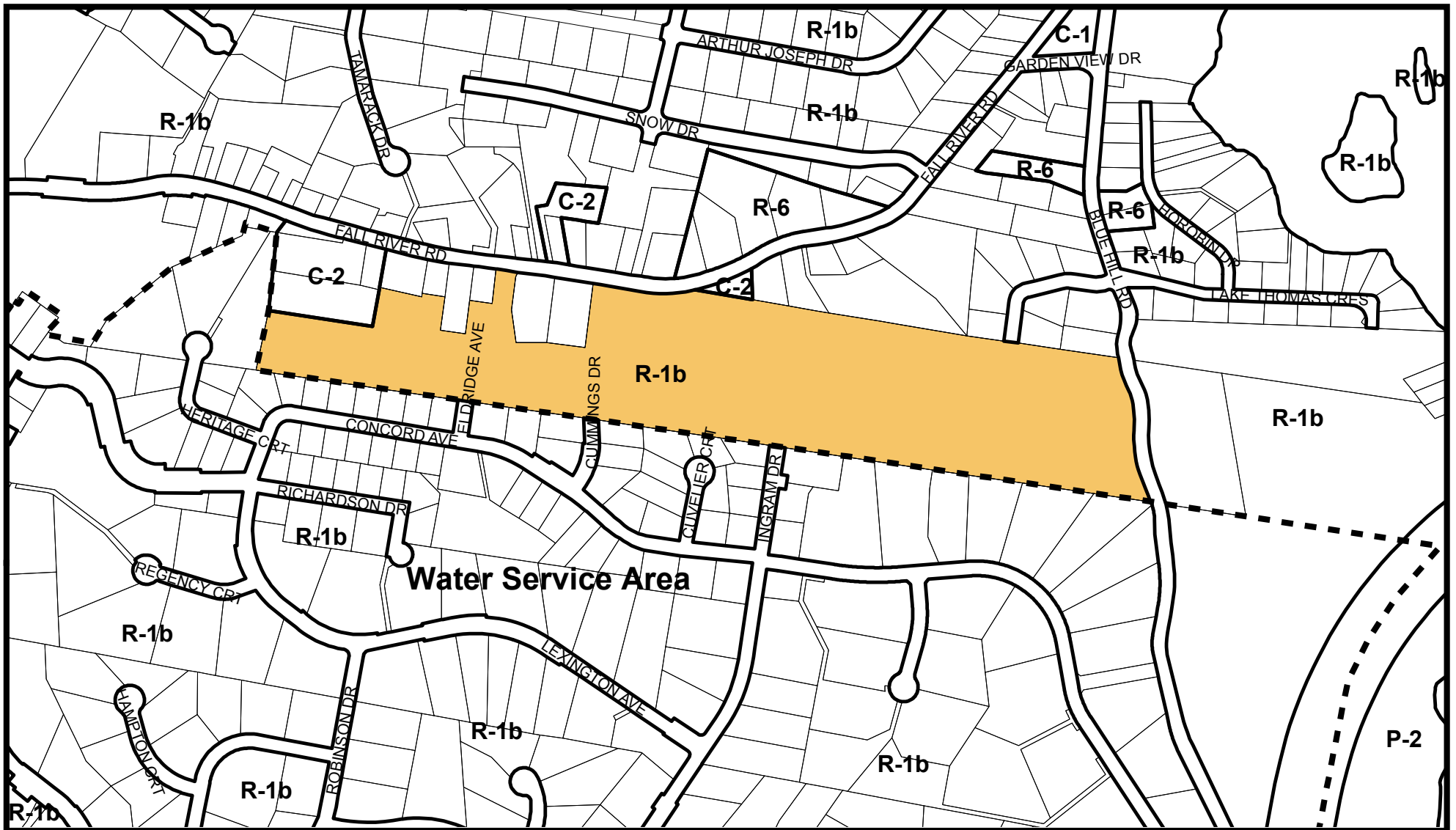


Property to be considered for inclusion in the Water Service Area



Water Service Area





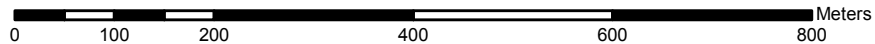
Map 2
Zoning

Shubenacadie Lakes Plan Area

- R-1b Suburban Residential Zone
- R-6 Rural Residential Zone
- C-1 Local Business Zone
- C-2 Community Commercial Zone
- P-2 Community Facility Zone

Property to be considered for inclusion in the Water Service Area

Water Service Area



Attachment A
Relevant Regional Plan Policies

**3.5 MANAGEMENT OF RESIDENTIAL DEVELOPMENT WITHIN
RURAL DESIGNATIONS**

Citizens have indicated that maintaining the character of rural lands and rural communities, as well as preserving and supporting the sustainable economic growth of the natural resource sector, are important objectives of this Plan. The widespread residential development of land throughout the Rural Commuter, Rural Resource, and Agriculture Designations would be inconsistent with the Plan's goals and objectives of creating compact mixed-use communities and protecting rural character, natural environment and natural resources.

Large scale residential development can impact features that define rural character, including large expanses of forest, pastoral landscapes, scenic views and other important cultural features. Such development may take natural resource lands out of production and may conflict with existing resource activities such as farming, forestry and mining. Extensive road development to service these developments may fragment open space, affecting important environmental features and leaving islands of natural habitat that may not be large enough to sustain biodiversity. Further, extensive residential development strains existing community services and adds pressure for the development of costly infrastructure in unplanned areas.

To minimize these impacts, large scale as-of-right residential development will be discouraged in the Rural Commuter, Rural Resource and Agricultural Designations. Provisions will be established to allow small scale infill development on existing roads and to allow limited development on new roads in the Rural Commuter and Rural Resource designations. Further, with the adoption of this Plan, the Residential Growth Management Controls within the Hammonds Plains, Beaver Bank and Upper Sackville Secondary Planning Strategy and the Interim Growth Management Controls as approved in 2004 will no longer be in effect. Notwithstanding, provisions will be made within the Hammonds Plains, Beaver Bank and Upper Sackville Secondary Planning Strategy to allow for the future development of large scale subdivisions on lands zoned or under application for rezoning to a Comprehensive Development District prior to Council's first notice of its intention to adopt this Plan.

3.5.1 Open Space Design Developments

Large-scale residential development may be considered through a development agreement if it is in some form of Open Space Design. Open Space Design Development is a creative form of development designed to conserve a connected system of open space. It begins with the identification of primary conservation areas to be protected - such as riparian buffers, wetlands, vernal pools, natural corridors, slopes exceeding 30%, rock outcropping, archeological sites, floodplains, and natural resources. It follows with the identification of secondary conservation areas that should be protected or carefully developed. These include mature forests, slopes between 15% and 30%, scenic

views, trails, historic sites and buildings. Building sites are then located on the lands where soils are best suited for development and are then connected through a common road system. Lot lines are then drawn to delineate the extent of private or public ownership of the parcel.

In its classic form, Open Space Design Developments are designed to achieve connectivity in open space by retaining conservation areas under single ownership such as in the form of a condominium corporation or HRM. There are concerns, however, that the small lots required to achieve the classic form of Open Space Design may not be feasible in all areas of HRM without experiencing interference between private wells. There is also a desire by some homeowners to service the dwelling units with individual on site sewage disposal systems and the Nova Scotia Department of Environment and Labour will not allow these systems to be located off-site into the commonly owned lands. It may, therefore, be necessary to allow the entire parcel or portions of the development to be subdivided into large, privately-owned lots. HRM will strive to achieve Open Space Design in these areas by establishing maximum building site disturbance areas and minimizing the extent of road development to avoid impact on the primary and secondary conservation areas. This form of Open Space Design Development may be considered only in the Rural Commuter and Rural Resource Designations.

In areas where there are sufficient soil and water conditions to allow the developer to set aside a significant majority of the parcel as common open space, densities will be increased from one unit per hectare to one unit per 0.4 hectares. This form of Open Space Design Development may be considered in all rural designations, including the Agricultural Designation, as it would leave a substantial amount of the conservation land intact under single ownership. This would minimize the impact of development on larger tracts of land required to maintain a viable commercial farm.

To provide an opportunity for more active use of the common open space, consideration of golf courses as an appropriate use within the classic form of Open Space Design Development shall be given during secondary planning processes. Given the prevalent use of pesticides and irrigation needs of golf courses it may be most appropriate that golf courses only be considered within centres where municipal water distribution systems are to be provided. Analysis at the secondary planning level will benefit from the findings of watershed studies and community visioning.

S-15 HRM shall permit the development of Open Space Design residential communities, as outlined in this Plan, within the Rural Commuter and Rural Resource designations and within the Harbour designation outside of the Urban Service Area, but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-25 and within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area. HRM will consider permitting the maximum density of such developments to one unit per hectare of gross site area. In considering approval of such development agreements, HRM shall consider the following:

- (a) where the development is to be serviced by groundwater and as determined through a hydrogeological assessment conducted by a qualified professional, that there is an

- adequate supply of ground water to service the development and that the proposed development will not adversely affect groundwater supply in adjacent developments;
- (b) that there is sufficient traffic capacity to service the development;
 - (c) the types of land uses to be included in the development which may include a mix of residential, associated public or privately-owned community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses;
 - (d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;
 - (e) the lot frontages and yards required to minimize the extent of road development, to cluster building sites on the parcel and provide for appropriate fire safety separations;
 - (f) that the building sites for the residential units, including all structures, driveways and private lawns, do not exceed approximately 20% of the lot area;
 - (g) approximately 80% of the lot is retained as a non-disturbance area (no alteration of grades, except for the placement of a well or on-site sewage disposal system in the non-disturbance area shall be permitted and provision shall be made for the selective cutting of vegetation to maintain the health of the forest);
 - (h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;
 - (i) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;
 - (j) trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and preserved;
 - (k) parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;
 - (l) that the proposed roads and building sites do not significantly impact upon any primary conservation area, including riparian buffers, wetlands, 1 in 100 year floodplains, rock outcroppings, slopes in excess of 30%, agricultural soils and archaeological sites;
 - (m) the proposed road and building sites do not encroach upon or are designed to retain features such as any significant habitat, scenic vistas, historic buildings, pastoral landscapes, military installations, mature forest, stone walls, and other design features that capture elements of rural character;
 - (n) that the roads are designed to appropriate standards as per Policy T-2;
 - (o) views of the open space elements are maximized throughout the development;
 - (p) opportunities to orient development to maximize the capture of solar energy;
 - (q) the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;

- (r) the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource use and the proposed development to mitigate future community concerns; and
- (s) consideration be given to any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

S-16 Further to Policy S-15, within the Rural Commuter, Rural Resource and Agricultural Designations, HRM shall permit an increase in density for Open Space Design Developments up to 1 unit per 4000 square metres, or greater in centres as may be provided for in secondary planning strategies, where approximately 60% or more of the site is retained in single ownership of an individual, land trust, condominium corporation or the Municipality. Notwithstanding Policy E-5, the parkland dedication shall be relaxed to a minimum of 5% for this type of development. In considering approval of such development agreements, HRM shall consider the following:

- (a) the criteria specified in Policy S-15, with the exception of items (f) and (g); and
- (b) that the common open space cannot be used for any other purpose than for passive recreation, forestry, agriculture or conservation-related use except for a portion of which may be used as a village common for active recreation or the location of community facilities designed to service the development.

3.6.1 Meeting the Needs of a Diverse Population

The Halifax Regional Municipality has a diverse population with respect to age, income, ethnic background, household size, family type and tenure. Housing represents the largest monthly expenditure for most households in HRM and if housing consumes too much of the available income, families or individuals may be forced to reduce their budget for food, clothing, or other necessities. This Plan recognizes the growing need and the importance of housing diversity and affordability to community planning.

S-32 HRM shall, through the secondary planning process, consider conducting a housing needs analysis which should include the need for affordable housing, special-needs housing, manufactured housing and rental accommodation.

7.3.1 Water Service Areas

Although this Plan encourages a more compact urban form in which development is serviced with wastewater and water distribution systems, this Plan recognizes that there are already in existence some developments serviced with a water distribution system and on-site sewage disposal systems.

Prior to amalgamation in 1996, the former Halifax County Municipality was allocated a portion of the Pockwock and Lake Major water supplies. HRM intends to recognize the existing Water Service Districts and refer to them as Water Service Areas under the Subdivision By-law. While the establishment of new Water Service Areas is important in supporting the settlement form established in this Plan, HRM should also endeavour to complete the installation of water services within the previously established Water Service Districts.

Water service boundaries were established to limit where water services would be permitted. The boundaries also served to respond to concerns that extending water distribution systems to rural areas would increase the pace of development thereby straining limited community services and possibly reducing the performance of the water distribution system to unsatisfactory levels. These concerns remain and HRM will therefore only allow for further extensions in accordance with the policies which follow.

SU-12 In recognition of the existing Water Service Districts under the Halifax County Municipality Subdivision By-law, HRM shall, through the Subdivision By-law, establish Water Service Areas within which development shall be permitted which is serviced by a public water distribution system but without a municipal wastewater system. Within these areas, a water distribution system shall be required to service all new subdivisions located adjacent to an existing water distribution system where a new or extended public street or highway is proposed. Further, no water distribution system shall be permitted to extend outside of a Water Service Area.

SU-13 HRM may consider establishing new Water Service Areas, subject to the financial ability of HRM to absorb any related costs, provided a wastewater management plan is also considered in accordance with Policy SU-20, if:

- (a) the area is within a Rural Commuter, Rural Resource or Agricultural centre and it has been determined through a secondary planning process that new growth is to be encouraged in this area;
- (b) an Open Space Design development is proposed within a Rural Commuter, Rural Resource or Agricultural centre pursuant to Policy S-16;
- (c) the lands are adjacent to an existing Water Service Area and an Open Space Design development is proposed within an Urban Reserve designation pursuant to Policies IM-18 and S-16; or
- (d) a study has been prepared by a qualified person verifying that there is a water quality or quantity problem in an existing community that cannot reasonably be rectified by an alternative means.

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

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

Attachment B
Relevant MPS Policies (Planning Districts 14 and 17)

RESIDENTIAL DESIGNATION

- P-65 It shall be the intention of Council to establish the Residential Designation as shown on the Generalized Future Land Use Map (Map 1). Within the Residential Designation, it shall be the intention of Council to support the growth of the low density residential environment and associated community uses.
- P-66 Within the Residential Designation, it shall be the intention of Council to establish a suburban residential zone which permits single unit dwellings, two unit dwellings, community uses, and limited office and day care facilities **and small scale bed and breakfast establishments (C-May 27, 1997 / M-July 2, 1997)** within a dwelling.

While the predominant form of housing within the Residential Designation is the single unit dwelling, there are also some two unit dwellings and apartment buildings located in this designation as well as throughout the Plan Area. Past experience with septic system failures and overall concern with density, community form, and the need to protect surface water quality, suggests that multiple unit housing is not appropriate without full central municipal services. New multiple unit dwellings will not, therefore, be permitted within the Plan Area.

There are however, a number of locations where private sewage treatment plants or extremely large septic tanks and fields have already been installed. While some of these systems are not in use it may be appropriate to consider their redevelopment for multiple unit residential uses subject to the provisions of a development agreement.

- P-68 It shall be the intention of Council to prohibit the development of new multiple unit dwellings within the plan area. Council may, however, consider permitting multiple unit residential uses within any designation, on lands which are served by oversize septic tanks and fields or private sewage treatment plants which where in existence prior to the effective date of this strategy, according to the provisions of Sections 55, 66 and 67 of the Planning Act. In considering such an agreement, Council shall have regard to the following:
- (a) the means by which solid and liquid waste will be treated;
 - (b) provisions for the continuing maintenance of the proposed development;
 - (c) that the architectural design and scale of any building(s) is compatible with nearby land uses;
 - (d) provisions for landscaping;
 - (e) the location, size and number of access points and parking areas, and
 - (f) the provisions of Policy P-155.