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Item No. 11.4.1 (ii)

Regional Plan Advisory Committee
September 16, 2009

TO: Chair and Members of Regional Plan Advisory Committee

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Paul Dunphy", written over a horizontal line.

Paul Dunphy, Director of Community Development

DATE: September 9, 2009

SUBJECT: Case 01290 - RMPS Amendment, Westphal

ORIGIN

An application by Terrain Group Inc. and Kiel Developments Ltd., for lands of Geldart's Property Developments Ltd., for the following:

- An amendment to the Regional Municipal Planning Strategy to redesignate the subject property from Urban Reserve to Rural Commuter;
- An amendment to the Regional Subdivision By-law to expand an existing Water Service Area in order to include the subject property; and
- A development agreement to permit an open space design subdivision on the subject property.

RECOMMENDATION

It is recommended that Regional Plan Advisory Committee recommend that Halifax Regional Council not initiate the process to consider amending the Regional Municipal Planning Strategy to redesignate the subject property from Urban Reserve to Rural Commuter in order to enable consideration of a Water Service Area expansion and an open space design subdivision.

EXECUTIVE SUMMARY

This application seeks to change the Regional Plan designation of a 100 acre parcel in Westphal from Urban Reserve to Rural Commuter in order to enable a classic open space design development. The proposal argues that the location of the lands within the Urban Reserve area, current sewer capacity issues and the potential for a compact design that is sensitive to environmental impacts warrant consideration of the proposed RMPS amendment.

However, the Urban Reserve designation is an important component of the RMPS that is intended to provide a long term supply of fully serviced land in strategic locations of suburban HRM. Redesignating a single property within this Urban Reserve area may have implications for similar applications in this and other Urban Reserve areas. Staff are of the opinion that the RMPS amendment is premature in the absence of a more comprehensive and regional review regarding the importance and viability of providing full services to this, and other, Urban Reserve areas. In this regard, Halifax Water is currently undertaking a Wastewater Management Functional Plan which will examine this matter in detail. The results of this study will provide important infrastructure planning information as a lead-up to the 5 year Review of the Regional Plan, scheduled for 2011.

As a result, staff recommends that Council not initiate the process to amend the RMPS to redesignate the subject property at this time, but rather, await the findings of the WWMFP. Based on this study, Council will be in a better position to determine the appropriate development form for this property and surrounding land holdings within this Urban Reserve designation. Should amendments be warranted, these could be incorporated as part of the Regional Plan Review process.

BACKGROUND

Overview

This is an application to amend the Regional Municipal Planning Strategy (RMPS) by changing the Generalized Future Land Use Map (GFLUM) designation of the subject property in Westphal to Rural Commuter from Urban Reserve. In addition to the RMPS amendment, development of the subject property as proposed also requires the following:

- An amendment to Schedule B of the Regional Subdivision By-law in order to expand the abutting Water Service Area to the subject lands. The RMPS and Subdivision By-law amendments would be considered by Regional Council; and
- Contingent upon Regional Council approving both the RMPS and Subdivision By-law amendments, the proposal also requires that Marine Drive, Valley and Canal Community Council (MDVCCC) consider a development agreement application for an open space design subdivision.

Subject Property

The subject property (PID 00460733) comprises a portion of an area that is designated Urban Reserve under the Regional Municipal Planning Strategy, as illustrated on Map 1. During the review of a recent Pre-application submission for an open space design subdivision on the subject property,

HRM staff identified that an amendment to the RMPS GFLUM was required in order for the application to proceed as proposed and illustrated on Map 2. Pursuant to RMPS policies S-15 and S-16, open space design subdivisions may only be considered within specific designations, such as the Rural Commuter designation, and may not be considered within the Urban Reserve designation.

The RMPS placed seven areas, all of which demonstrated long term potential for servicing with sewer and water, within the Urban Reserve designation. This specific Urban Reserve area in Westphal is bounded by fully serviced residential development in the Broom Road area of Cole Harbour (within the Urban Settlement designation), lands that abut Highway 7, and residential subdivisions adjacent Highway 207 and Ross Road that are designated Rural Commuter and serviced with central water only, as illustrated on Maps 1 and 3.

RMPS Context

During the preparation of the RMPS, HRM commissioned the Greenfield Areas Servicing Analysis Study to compare the land use and servicing opportunities and constraints of several large undeveloped areas located adjacent to existing service boundaries. One of the areas identified in the study as the 'Nova Scotia Home for Children Lands', includes the subject property as well as approximately 12 other parcels, comprising approximately 850 acres, the largest of which is the former site of the Nova Scotia Home for Coloured Children (approximately 315 acres). The study concluded that fully serviced urban development of this greenfield site was not recommended in the short term due to significant sanitary sewer and transportation issues and the lands were eventually designated Urban Reserve under the RMPS.

The Urban Reserve (UR) designation is applied to lands that abut the Urban Settlement designation in locations where central sewer and water services may eventually be provided. It is intended to ensure that HRM has a long-term supply of serviceable land beyond the 25 year horizon of the RMPS. Therefore, opportunities for unserviced development are limited within the UR designation so as not to compromise the future potential for comprehensive and efficient development once services may be provided.

Wastewater Management Functional Plan

Halifax Water is currently undertaking a Wastewater Management Functional Plan, as identified in the RMPS. This comprehensive analysis, expected to take approximately 1.5 years to complete will, in part, develop and evaluate the infrastructure servicing needs to address the longer term growth projections and potential opportunity sites outlined in the Plan. Areas designated Urban Reserve will be included in this analysis. The findings and conclusions of the Functional Plan will form a key component of Council's five year review of the RMPS, scheduled to take place in 2011.

Open Space Design Subdivisions

In addition to focussing fully serviced urban development in strategic and comprehensively planned areas, the RMPS also seeks to achieve residential development that protects the character of rural communities and natural systems within areas located outside of service boundaries. This new

approach, known as the Open Space Design concept, is intended to protect features of natural or cultural significance, provide a connected system of open space and minimize extensive road development and the loss of important resource lands.

Community Councils may consider proposals for open space design subdivisions on lands within the Rural Commuter, Rural Resource and Agricultural designations of the RMPS through the development agreement process. Although open space design subdivisions may be based on the traditional form of individual on-site well and septic systems, the RMPS also provides the opportunity for a combination of piped water (where available) and shared sewage treatment systems. The latter approach provides for a more compact form of residential development where 60% of the site is maintained as open space and dwellings are clustered together on the remaining 40% in a tighter lot fabric than traditional rural subdivisions. This form of development is limited to areas with access to existing trunk water systems or to a sufficient supply of water. The subject property does abut the existing Water Service Area on Ross Road.

DISCUSSION

The Urban Reserve designation applied to the subject property limits development until such time as central sewer and water are available. The applicant has provided the following rationale in support of the proposed RMPS amendments:

- The applicants contend that the extension of central sewer to the lands is unrealistic given capacity constraints at the Eastern Passage Sewage Treatment Plant, and as a result, they argue that the lands should be redesignated Rural Commuter to enable development that reflects the character of abutting residential subdivisions;
- The western portion of the larger UR area abuts the Urban Settlement designation and Urban Service Area (sewer and water) in the Broom Road/Forest Hills area. The subject property is located at the eastern end of the larger UR area adjacent Ross Road and abuts a Water Service area within the Rural Commuter designation, as illustrated on Map 3. The applicants argue that any sewer expansion would likely begin on the western portion of the UR area and that the eastern portion, including the subject property, is least likely to be serviced with sewer in the short term;
- The proposal also suggests that development of an open space design subdivision would have a lower environmental impact on Cole Harbour than fully serviced urban style development. This assertion is based on the premise that an open space design will result in a greater amount of open space and less hard surface than a fully serviced urban development. As a result, they contend that the volume, temperature and impact of stormwater flowing to Cole Harbour would be less than that resulting from a denser, fully serviced development; and

- The application includes a proposal to extend the abutting Water Service Area to the lands and the use of shared sewage treatment system(s) under the 'classic' form of open space design. The applicants contend that, as currently proposed, the development could result in a denser lot fabric than traditional unserved subdivisions and would not preclude the future extension of sanitary sewer to the same degree as typical rural development.

The applicants also contend that Policy IM-18 of the RMPS (Attachment A) enables the consideration of an open space design subdivision on the subject property since the use can be considered on the abutting Rural Commuter lands. However, previous interpretation of similar abutting designation policies has enabled consideration of a limited amount of development consistent with and immediately abutting the existing subdivision(s). The creation or extension of a street would be consistent with past interpretations of this type of policy, but the staff are of the opinion that development of an entire 100 acre parcel would exceed the intent of RMPS Policy IM-18.

The applicant's proposal focusses on a single parcel within a larger UR area that includes approximately 850 acres and 11 other properties. While the subject property is located at the opposite side of the UR area than the abutting Urban Settlement designation and Urban Service Area, several other properties within this Urban Reserve designation are also located at the opposite end and abut the Rural Commuter designation and Water Service Area along Ross Road. The primary purpose for the UR designation is to ensure that unserved or partially served development does not occur until careful and comprehensive consideration is given to the potential for fully served development of the area. Initiating a process to consider removing one parcel from the Urban Reserve to allow for its development would compromise the intent of the RMPS and may result in similar applications within this and other UR designated areas across HRM.

The density and amount of pavement in the proposed classic open space design may be less than those found in typical as-of-right subdivisions in fully served areas. However, any fully served development within this UR area is contingent upon a future comprehensive master planning exercise. This process would include significant public and stakeholder consultation and carefully consider issues such as environmental protection.

Staff are of the opinion that, from a regional planning perspective, it is more prudent to consider the matter in the context of this entire UR area as part of the 5 year review of the RMPS. Furthermore, Halifax Water is currently undertaking the Wastewater Management Functional Plan (WWMFP), which is intended to be completed ahead of the 5 year Plan review. This Functional Plan will, in part, evaluate and make recommendations on the long term infrastructure servicing needs of the region, including the subject UR area. It will examine, for example, the capacity constraints of the Eastern Passage WWTP in relation to optimizing treatment capacity at the Dartmouth WWTP, to determine if there may be a cost effective means to divert flows between plants, thereby creating increased overall capacity. The study will provide important information regarding the viability for providing sanitary sewer to the subject area and perhaps beyond.

Conclusion

Staff are of the opinion that the proposed RMPS amendment is premature, pending the results of the WWMFP and the 5 year review of the RMPS. Therefore, staff recommend that Regional Council not initiate the process to consider amending the land use designation of the subject property from Urban Reserve to Rural Commuter at this time. If Council sees merit in considering the requested amendment, but considers the request to be premature, the matter could be addressed as part of the 5 year review of the RMPS in approximately 2 years. In the mean time, an open space subdivision of a limited scale could be considered by MDVCCC pursuant to RMPS Policy IM-18 (included in Attachment A).

BUDGET IMPLICATIONS

The HRM costs associated with processing 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 not to initiate the RMPS amendment process. This is the recommended course of action as staff are of the opinion that the application is premature pending the 5 year review of the RMPS and completion of the Waste Water Management Functional Plan.
2. Council may choose not to initiate the RMPS amendment process at this time but request that staff bring the issue forward for consideration during the upcoming 5 year review of the RMPS.
3. Council may choose to initiate the RMPS amendment process and direct staff to follow the public participation program approved in February 1997.

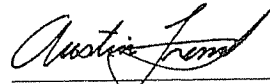
ATTACHMENTS

- | | |
|---------------|---|
| Map 1: | RMPS Generalized Future Land Use Map |
| Map 2: | Proposed Open Space Design Subdivision Concept Plan |
| Map 3: | Proposed Water Service Area Expansion |
| Attachment A: | Excerpts from the Regional Municipality Planning Strategy |

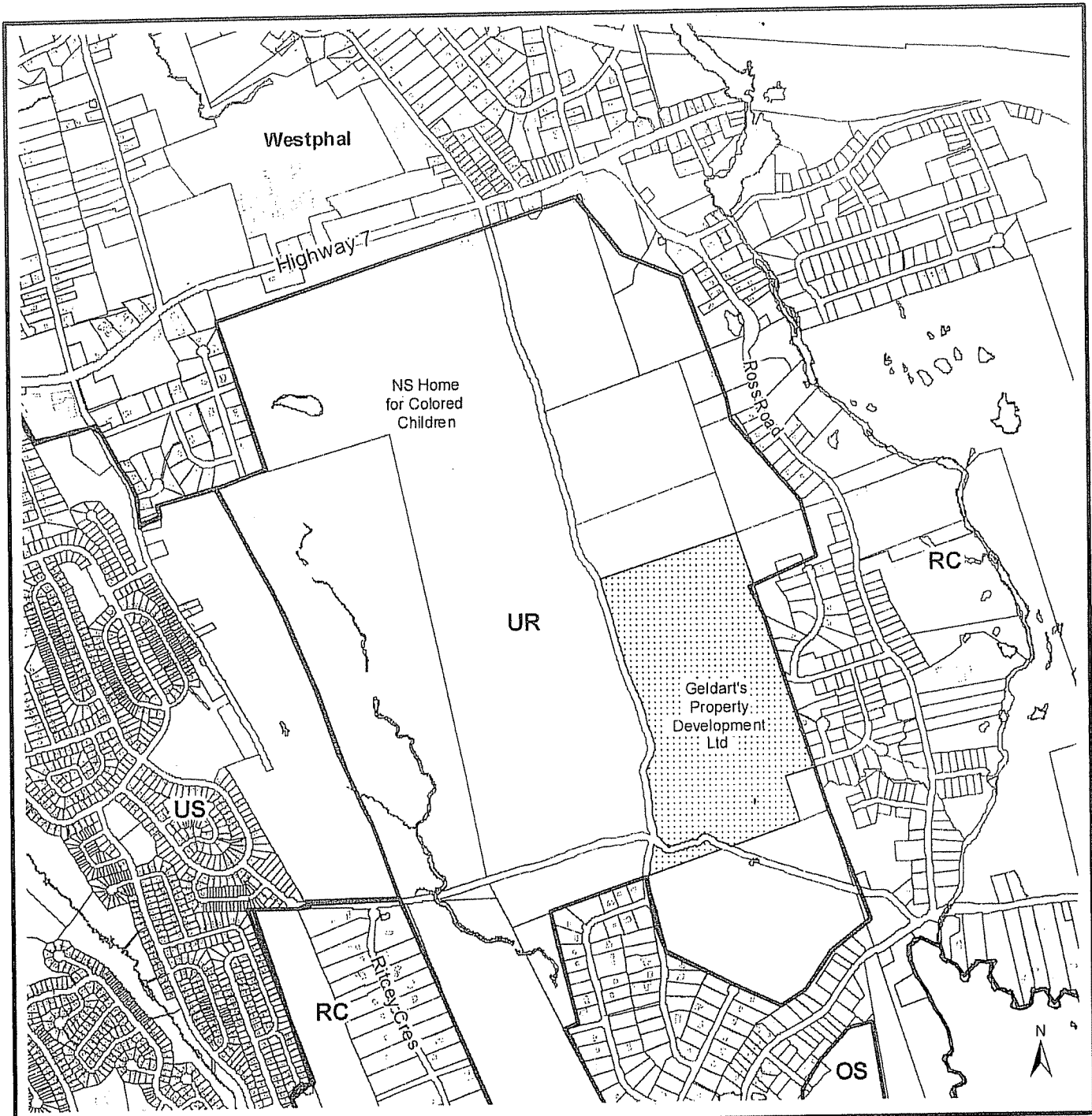
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Joseph Driscoll, Senior Planner, Community Development, 490-3991

Report Approved by:




Austin French, Manager of Planning Services, 490-6717



Map 1 Generalized Future Land Use

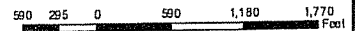
Regional Plan

 Subject Property

Designation

- RC Rural Commuter
- UR Urban Reserve
- OS Open Space and Natural Resource
- US Urban Settlement

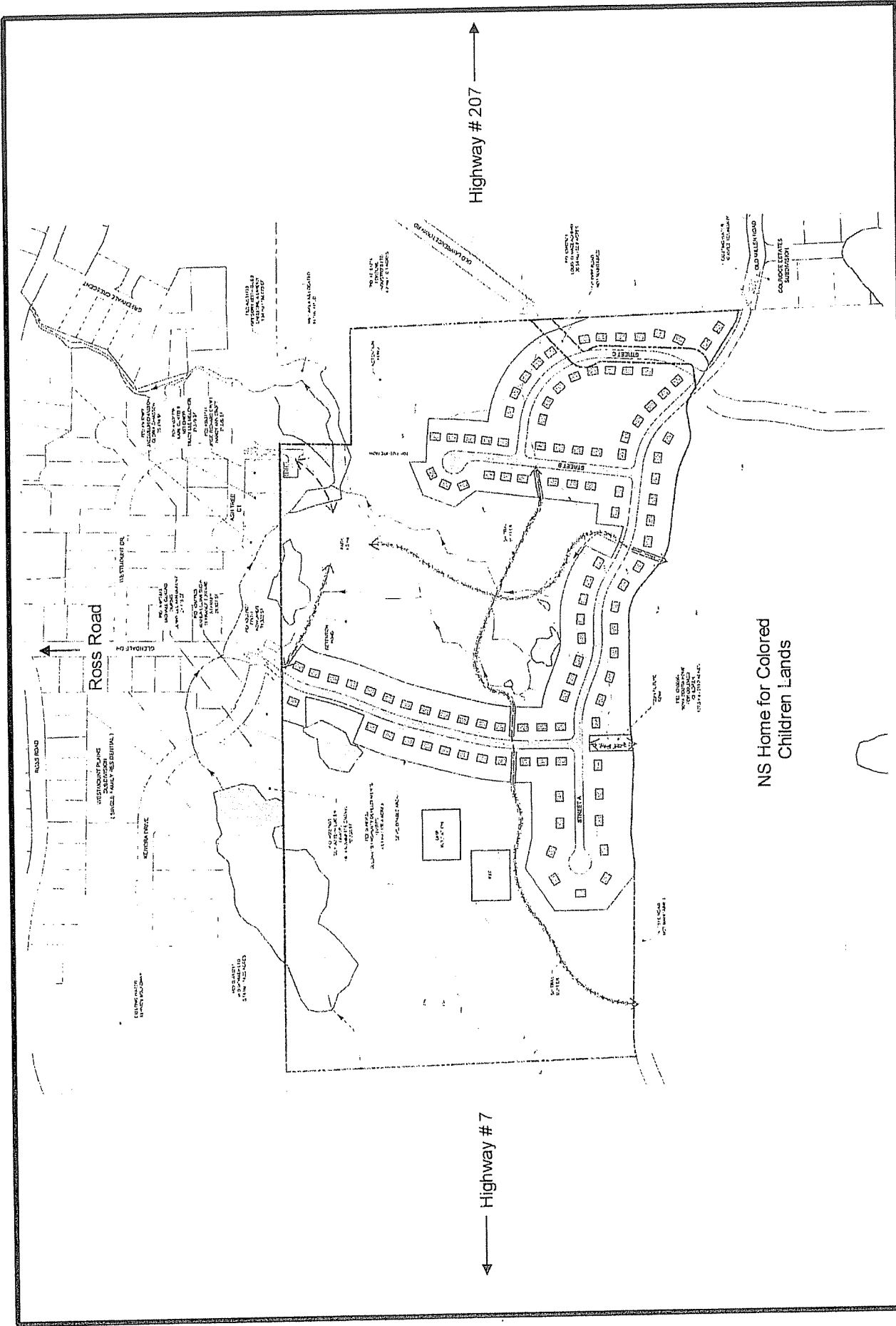
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COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Cole Harbour/Westphal Plan Area

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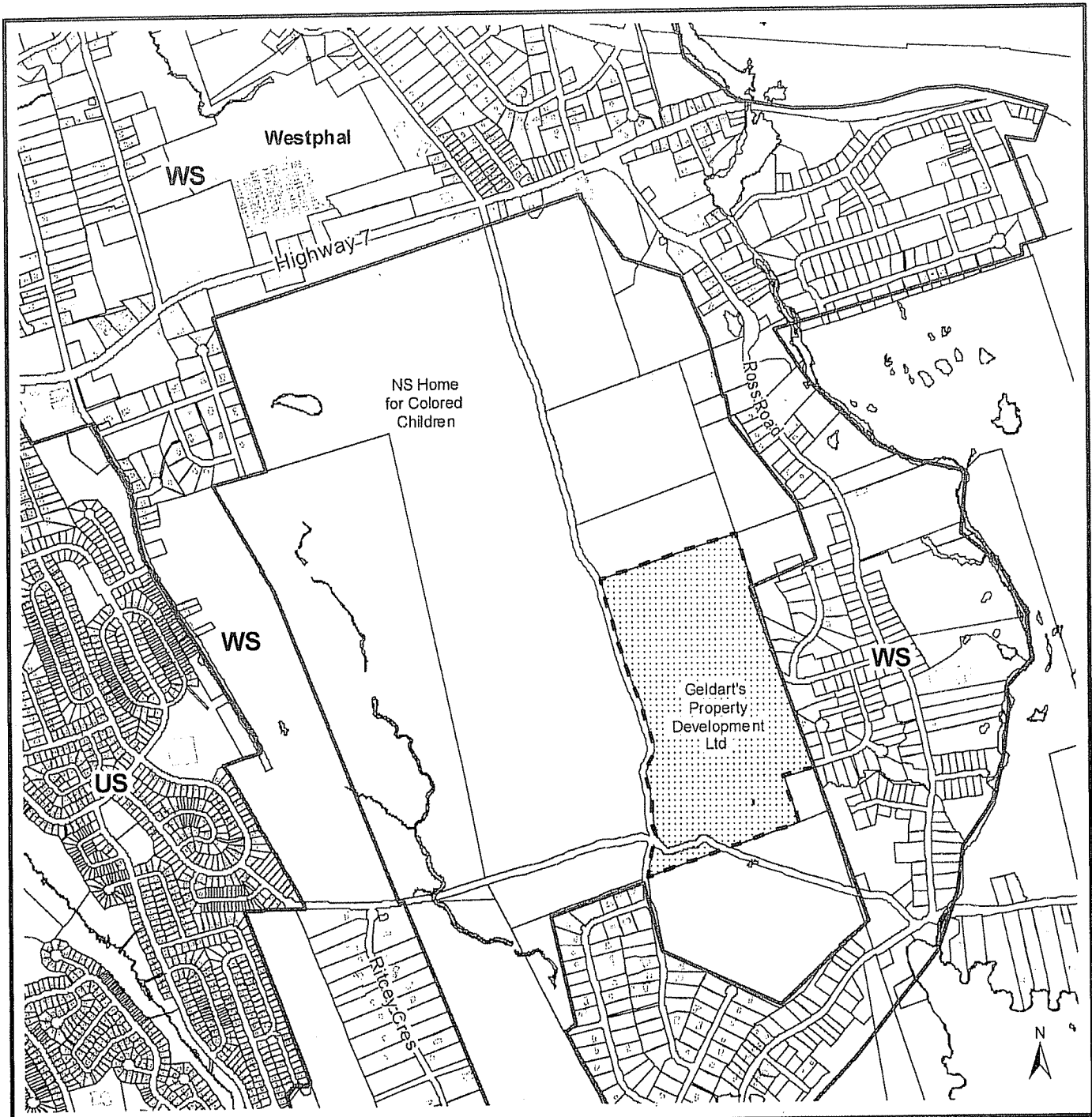
Cole Harbour/ Westphal Plan Areas



**Map 2 Proposed Open Space Design
Subdivision Concept Plan**


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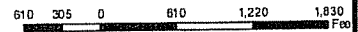
Map 3 Proposed Water Service Expansion

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 Area to be included in the Water Service Area

Service Area

- US Urban Service (Sewer & Water)
- WS Water Service (Water only)



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Cole Harbour/ Westphal Plan Areas

Attachment A
Excerpts from the Regional Municipal Planning Strategy

3.2 URBAN RESERVE DESIGNATION

The primary intent of the Urban Reserve Designation is to ensure there is a continuous supply of land that can be serviced with central (municipal wastewater and water distribution) services beyond the 25 year time horizon of this Plan. The Urban Settlement Designation identifies those lands which HRM intends to service within the next 25 years. The Urban Reserve Designation focuses on those lands abutting the Urban Settlement Designation which could be serviced beyond the next 25 years to ensure the Municipality has a long-term supply of serviceable lands. Providing services to these lands may be considered within the 25 year time frame of this Plan subject to Policy IM-18. The following seven areas of land have been designated as Urban Reserve:

1. interior lands bounded by Highway 7, Ross Road, Highway 207 and Broom Road (Cole Harbour/Westphal);
- S-4 HRM shall establish the Urban Reserve Designation for those lands situated outside the Urban Settlement Designation where central services (municipal wastewater and water distribution) may eventually be provided, as shown on the Generalized Future Land Use Map (Map 2). The primary intent of this designation shall be to retain sufficient lands which shall provide an adequate supply of serviceable land beyond the time horizon of this Plan.

3.3.1 Rural Commuter Designation

The primary intention of the Rural Commuter Designation is to focus low to medium-density uses within defined centres which are within easy commuting distance to the Regional Centre, to support the delivery of convenience services to the surrounding settlement area, protect the natural resource base and preserve the natural features that foster the traditional rural community character. Residential development within this designation has historically been characterized by large lot residential developments. Many residents who reside here commute to the urban and suburban centres for employment.

- S-6 HRM shall establish the Rural Commuter Designation, shown on the Generalized Future Land Use Map (Map 2), as the area within commuting distance of the Regional Centre that has been heavily influenced by low-density residential development. The primary intent of this designation shall be to protect the character of rural communities and conserve open space and natural resources by focussing growth within a series of centres, as shown on Settlement and Transportation Map (Map 1), and carefully controlling the amount and form of development between centres. The three types of centres within the designation are the Rural Commuter, Rural Commuter District and Rural Commuter Local centres.

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.

7.3.1 Water Service Areas

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.