

Draft Minute Extract of Marine Drive, Valley and Canal Community Council – November 22, 2010

8.1 Case 01278 – Application to amend the Planning Districts 8 and 9 Municipal Planning Strategy and Land Use By-law

(i) Supplementary Report
(ii) HRM Topsoil Removal Permit (*verbal update*)

This matter was deferred from the Marine Drive, Valley and Canal Community Council June 9, 2010 meeting pending a supplementary report.

The following was before the Community Council:

- A supplementary staff report dated November 4, 2010.
- A letter from Blair MacKinnon, Heritage House Law Office, to Mr. Michael Gaudreau, resident of Lake Echo, dated November 16, 2010 re: Citizens for Responsible Development in Lake Echo.
- A letter from EDM Environmental Design and Management Ltd. dated November 22, 2010 with attached correspondence dated August 16, 2010.

Mr. Darrell Joudrey, Planner, Community Development, provided an overview of the staff supplementary report dated November 4, 2010.

Mr. Hugh Morrison, Development Engineer, Community Development, provided an update of the Topsoil Removal Permit issued for the site. Highlights were as follows:

- a topsoil removal permit application was made and issued for the proposed property (PID 40141236)
- during an audit inspection HRM staff did not notice any signs of siltation coming off the site into the waterways
- the Department of Environment has been onsite on more than once occasion and has not noticed any siltation
- the applicant has hired a consultant engineer to do some water testing in respect to the acid bearing rocks; the Department of Environment has also been onsite performing water testing
- the Department of Environment has indicated that the PH values onsite are typical of background PH values within the area and other watercourses; presently everything onsite meets all of the Department's regulations and they have no concerns with the site as it currently exists
- a full review would be required by the Department of Environment if a Development Application was granted for the site

Councillor Hendsbee stepped down as Chair at 8:17 p.m. and Councillor Dalrymple assumed the Chair.

In response to questions of clarification raised by Councillor Hendsbee, the following was noted by staff:

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- the community character as described under the 1989 *Municipal Planning Strategy* (MPS) still exists
 - relatively little residential development has occurred within the core area around the lake
 - both the hybrid and classic/cluster system relates to a higher density; the hybrid form if used in Lake Echo would have to meet the requirements of the Land Use By-law (LUB); developing lots with 100 foot frontage and on a public standard road (R-1 standard)
 - the classic/cluster form of hybrid system would preserve 60% of the overall lands in open space/conservation design while using 40% to locate the dwellings, driveways and items associated with the residential development
 - HRM staff feel the classic/cluster form does not reflect the form of the existing housing within Lake Echo, as there would be one lot with a driveway and clusters of housing off of the lot (small site areas); under this scenario there is enough disruption in the community character that there would either have to be requirements under a Development Agreement or HRM would have to work through the community to address community character

Councillor Hendsbee expressed concern that most of the properties by today's standards are undersized according to the MPS for the area.

- the number of leased units within the community under Statistics Canada's study was approximately 1%; the study looked at residents having ownership of their mobile home (the land was leased but not the dwelling)
- the current Mobile Home Park By-law is the County of Halifax By-law, produced in 1986; the proposed By-law amendments are still under review by staff
- the existing By-law would have to be amended to allow the proposed CSA A277 model, which requires a Public Hearing process; the By-law presently only permits the CSA Z240 model
- an application without a Development Agreement would require the applicant to provide a water withdrawal rate to the Department of Environment for review; this would ensure that water withdrawal could be sustained for the number of mobile homes within the park; the applicant would also have to meet Provincial licensing requirements for the water supply
- an application through a Development Agreement would require the applicant to submit a groundwater assessment; this would provide an in depth review of the availability of water respecting the quality/quantity on the site as well as reveal the impact on surrounding areas
- the Department of Environment requires that the applicant submit a preliminary design study to determine whether the proposed system is applicable to the lands, once approved the applicant is then required to complete a detailed design study which includes a geophysical analysis of the site and soil information
- a site specific groundwater analysis could take approximately two to three months; however, it depends on the consultant, the area, time of year, etc.

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- watershed studies review the impacts on the lakes and watercourse systems; whereas, a groundwater study is specific to the effects on groundwater

In response to a question raised by Councillor Hendsbee respecting whether the hydrological study could be done at the same time or in advance of the Lake Echo Watershed Study, Mr. Kurt Pyle, Supervisor, Planning Applications and Heritage, Community Development, advised that he would consult with HRM's engineers and report back in regard to the preferred approach.

Councillor Hendsbee noted the following points:

- the preliminary studies have identified that there is no acid bearing rock formations within this particular area
- he visited the site after the recent significant rain fall and there were no signs of siltation runoff into the streams or on the site
- the operator's statement, included the November 4, 2010 supplementary staff report, identifies that the Department of Environment has been continuously monitoring the current mobile home park's septic system and the system meets the Department's requirements

In response to a question raised by Councillor Hendsbee, Mr. Morrison clarified that one of the comments made by the Department of Environment was that they did notice in some circumstances that the water on the site tested/sampled happen to be better samples than ones taken off the site.

Further discussion ensued with staff responding to questions. The following points were noted by staff:

- the request for a groundwater study would be given to the applicant when the application is first made; the pre-application period is treated as the first stage of the open space design study and the Groundwater Assessment Level 1 study is due at that time; once complete, the applicant can then submit a fully detailed application and must submit a Groundwater Assessment Level 2 Assessment, which includes addressing any deficiencies from the Level 1 Assessment; the report is prepared by a qualified hydrogeologist
- HRM is able to require a groundwater assessment through a Development Agreement
- the developer can apply for an Municipal Planning Strategy (MPS) amendment and/or Land Use By-law (LUB) amendments at the same time as the Development Agreement (DA); these would be heard at the same public hearing; however, approval is first sought for the MPS amendments and then at a subsequent Community Council meeting the DA would be considered
- staff was asked by the developer to consider a community workshop or design in lieu of a community visioning exercise; staff has not had an opportunity to discuss this option to date

Councillor Hendsbee suggested that the Community Council direct staff to:

- proceed with the application and MPS amendments to Planning Districts 8 and 9 that permits a new mobile home park
- proceed with a DA in conjunction with the MPS amendments; and
- that a community consultation exercise be incorporated within this process

Further, any recommendations from the community consultation be forwarded to the Community Council through a public information meeting prior to moving forward to Regional Council.

Mr. Pyle noted that he does not believe the Municipality has the authority to require an applicant to do an MPS amendment and DA at the same time. Under HRM's Legislation the present application is valid and would require consultation with the applicant to confirm whether or not they are agreeable to doing a DA. He suggested that the Community Council could defer their decision and allow staff to discuss this option with the applicant.

Councillor Streach expressed concern with moving forward on this matter. He indicated that District 1 recently went through a community visioning exercise which brought resolution to similar types of issues. He suggested that if consultation is to be held, that the community needs to be involved in this process and not just between staff and the developer.

During the ensuing discussion, the following points of clarification were noted by staff:

- the Community Council could ask that servicing in this area be considered at a conceptual level under the Lake Echo Watershed Study; this would review the cumulative impacts of development on the receiving waters, not just from the proposed development but all surrounding lands; the consultant could do a detailed design study; however, staff would have to obtain an estimate of the additional cost to the Lake Echo Watershed Study budget
- Regional Council can choose to approve amendments to the MPS while the Lake Echo Watershed Study is taking place
- Lake Echo is the 23rd community out of 33 communities listed for Community Visioning; staff is presently undertaking a Community Visioning exercise for Woodside which is fourth on the list

In response to a question raised by Councillor Streach respecting how the community of Lake Echo can be moved up the Community Visioning list, Ms. Maureen Ryan, Senior Planner, Community Development suggested that the finding of the Lake Echo Watershed Study will identify how vulnerable the receiving waters are. At that time the Community Council could make a case to Regional Council in conjunction with the Halifax Watershed Advisory Board to place a greater priority on the situation.

MOVED by Councillor Hendsbee, seconded by Councillor Streach, that Marine Drive, Valley and Canal Community Council recommend that Halifax Regional Council:

- 1. Direct staff to bring the new HRM Mobile Home Park By-law forward and incorporate the new housing standard CSA A277 being proposed within the November 4, 2010 staff supplementary report.**

Further, that Marine Drive, Valley and Canal Community Council:

- 2. Defer Case 01278 – Application to amend the Planning Districts 8 and 9 Municipal Planning Strategy and Land Use By-law and allow staff to consult with the applicant in regard to reviewing the application process to amend the Municipal Planning Strategy, as well as, the creation of a Development Agreement and report back to the Community Council;**
- 3. Await the outcome of the Watershed Study for Lake Echo and from the analysis of this Watershed Study, make a request to Halifax Regional Council that the Community of Lake Echo be higher on the priority list of Community Visioning processes; and**
- 4. Direct staff to assess the possibilities of including a more detailed analysis of the proposed Mobile Home Park impacts as a component of the Watershed Study.**

MOTION PUT AND PASSED.

Councillor Hendsbee assumed the Chair at 9:09 p.m. and Councillor Dalrymple took his seat.