

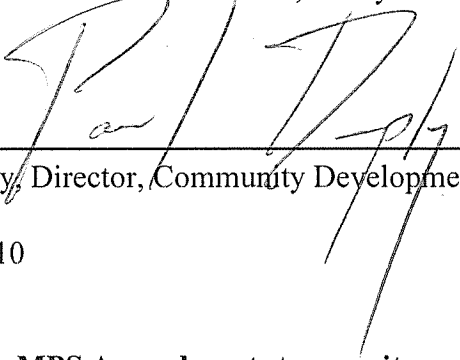


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Marine Drive, Valley and Canal Community Council
June 9, 2010

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

SUBMITTED BY:



Paul Dunphy, Director, Community Development

DATE: May 20, 2010

SUBJECT: **Case 01278: MPS Amendments to permit a mobile home development in Lake Echo**

ORIGIN

Application by Mountain View Mobile Homes to amend the Planning Districts 8 and 9 Municipal Planning Strategy and Land Use By-law to permit a new mobile home community in Lake Echo.

RECOMMENDATION

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

1. Take no action on the requested amendments to the Planning Districts 8 and 9 Municipal Planning Strategy to permit a new mobile home park within Lake Echo until a Visioning exercise is completed for the community.

EXECUTIVE SUMMARY

This application seeks to amend Planning Districts 8 and 9 Municipal Planning Strategy (MPS) in order to enable consideration of a new mobile home park in Lake Echo. The proposal is for 200 dwellings sites situated within 4 pods or phases. The applicant is proposing a wastewater treatment system that would utilize a drip irrigation method of effluent dispersal and water service would be provided by on-site wells. The current MPS does not permit new mobile home parks due to environmental issues and concern with the impact such a use may have on community character.

Two public information meetings have been held in Lake Echo regarding this application. The main concerns were the environmental effects of on-site wastewater treatment, property values, traffic impacts, community character, capacity of schools, and the provision of protective services.

Staff developed potential land use options to permit a new mobile home park within Lake Echo but neither option can address the impact of the development on community character. The proposed amendments would result in the percentage of mobile homes within Lake Echo increasing to over 40 percent of the total housing stock. Therefore, staff recommend that Council not consider the requested amendments until a visioning exercise is conducted for Lake Echo. The visioning exercise would determine the direction of the community wish to move forward with before considering any land use option.

BACKGROUND

Mountain View Mobile Home Park Limited is the former owner and operator of Wonderland and Mountain View Mobile Home Parks in Lake Echo. The initial park was established in 1972 and currently has approximately 350 mobile home spaces. The Municipal Planning Strategy (MPS) that covers the Lake Echo community does not permit any new mobile home parks. Mountain View Ltd. has requested amendments to the MPS to permit a new mobile home park on their lands situated off Circle Drive within the community of Lake Echo.

- Subject properties:** located off Circle Drive in the northeast corner of Lake Echo (Map 1);
- Lot area:** the two parcels of land have a combined area of 240 hectares (594 acres);
- Current use:** lands are undeveloped and the majority of the lands are tree covered;
- Proposed use:** a new mobile home park;
- Designation:** the designation on the lands is Mixed Use (MU) with a small portion designated Lake Echo Community (C) (Map 1);
- Zoning:** current zoning is RE (Rural Enterprise) and R-1 (Single Unit Dwelling) (Map 2);
- Surrounding Uses:** existing mobile home park, single unit dwellings, and recreation area.

Proposal

The applicants wishes to develop a new mobile home park on lands which abut Circle Drive in Lake Echo (Attachment A). The subject lands contain approximately 240 hectares (594 acres) and almost the entire Jack Weeks Lake in the northern area. The applicant's proposal is to amend Planning Districts 8 and 9 MPS and LUB in order to enable a new mobile home park. The concept plan submitted with the application is for 200 dwellings. These are set out in a cluster type pattern along side the park road. The recreation lands and trail system for the use of the park residents is also shown on the concept plan. The dwellings are proposed to be serviced by on-site wastewater treatment with dispersal of treated effluent to the soil. Potable water to service the residents of the proposed park is proposed to be supplied from on-site wells.

Existing MPS Policy

The subject lands are split designated between Mixed Use (MU) and Lake Echo Community (C) designations. The MU designation applies to the majority of the lands as shown on Map 1. The MU designation allows for a range of land uses while restricting certain types of residential, commercial and industrial land uses that would detract from the character of the community or degrade the natural environment.

A small portion of the lands are designated Lake Echo Community (C) designation (Map 1). Lands within the designation shall constitute the area in which low density residential development and uses which support such a residential environment are pre-eminent. There is community concern that any mobile home development be in keeping with the existing residential single family homes located in subdivisions. Therefore, the MPS supports the development of mobile homes if they are located within a mobile home subdivision rather than dispersed over a wide area. Further, the designation does not permit new mobile home parks despite the community changing from a rural to a suburban community.

Regional MPS Policy

Under the Regional MPS, the subject lands are also split designated between Rural Commuter and the Open Space and Natural Resources designations. The majority of the lands are within the Rural Commuter designation with a portion on the northwest shores of Jack Weeks Lake within the Open Space and Natural Resources designation (Map 1). The Rural Commuter designation envisions a mix of low to medium density residential, open space design subdivisions and a mix of commercial, institutional and recreational uses. The Open Space and Natural Resource designation has been applied to those areas encompassing a natural network of open space in the interior of HRM and allow for limited development potential.

Community Visioning

Lake Echo is identified as a Rural Commuter centre under the Regional MPS and as such will participate in a Community Visioning exercise to update the existing secondary planning strategy. The comprehensive Community Visioning process for Lake Echo will determine boundaries, population targets, specific land uses, densities and implementation methods.

To assist the community in the above Visioning exercise the Regional MPS provides for the preparation of a watershed management and servicing study of Porter's Lake and Lake Echo to determine the potential of providing municipal wastewater, stormwater and water distribution systems. A consultant has been engaged to prepare this study.

Affordable Housing

The Regional MPS recognizes the need for affordable housing within a community and throughout the region. Also it envisions that the issue of affordable housing would be addressed within any community visioning exercise. Mobile home parks do provide an affordable housing option for residents.

Mobile Home Park By-law

Within the former boundaries of Halifax County, all existing and future mobile home parks are subject to the Mobile Home Park By-law (By-law No 29) which was adopted in 1986. The By-law only permits Canadian Standards Association (CSA) Z240 residential units to be placed in mobile home parks - typically known as single or double wide mobile homes.

By-law No. 29 requires an owner to submit a plan for approval before an operating permit may be issued and this permit must be renewed annually. The plan is evaluated by HRM and relevant Provincial departments such as Health, Environment and Transportation. Attachment B contains excerpts from the existing Mobile Home Park By-law in regards to detailed requirements.

The existing By-law is currently in the process of being updated and standardized across HRM.

DISCUSSION

Staff have reviewed the application based upon the applicable policies of the Planning Districts 8 and 9 Municipal Planning Strategy (Attachment C) and the feedback received from the community. The existing MPS does not permit new mobile home parks based on resident's concerns for environmental protection of Lake Echo and community character. These concerns were again expressed at the public information meetings held on the application.

In order for Council to consider amending MPS policy to permit a new mobile home park within Lake Echo, the issues of environmental protection of Lake Echo and community character would need to be addressed. Therefore, any option that permits a new mobile home park needs to address these two issues and others.

Land Use Options:

To permit a new mobile home park on the subject lands, Council would first have to re-designate all of the lands to Lake Echo Community designation. and choose one of two options:

- 1) establish new policy to permit a new mobile home park by development agreement ;or
- 2) establish new policy that rezones the lands and permits mobile home parks by site plan approval.

Attachment D, contains a brief explanation of both processes.

To evaluate how each option addresses the proposed use and the two key issues, three guiding principles were developed (Level of Control, Impact on Community Character, and Public Consultation) to determine the preferred approach.

1. Level of Control

Due to the concerns raised in the existing MPS and those raised by the community, any option to permit a new mobile home park would need to provide a high degree of control over a number of factors, such as environmental protection, wastewater and water systems, location of development, number of units, layout, maintenance issues, appearance of buildings, road access, protection of vegetation, landscaping and recreational land. Without a detailed proposal at this time, the preferred option would have to address such factors when a detailed application is submitted.

Options: Of the two approaches, the development agreement provides the higher level of control over a much broader range of issues on a site specific basis. The development agreement option can address environmental issues (type of treatment, require an hydrogeological assessment, etc.), density of the development, phasing, maintenance, access and others. A rezoning and site plan approval can also address issues on a specific site basis but the range of issues that can be controlled is much less.

2. Impact on Community Character

Under the existing MPS, it is clear that there are concerns with the impact of a new mobile home parks may have on community character as follows:

“At the present time the (Wonderland Mobile Home) park accounts for approximately twenty-two per cent of the dwellings in the community and it is felt that this proportion is sufficiently high for this type of residential development. The Designation, therefore, does not support any new mobile home parks.”

The local MPS also expresses concerns with the impact of such development on the provision and quality of other services within the community such as education, recreation, and fire and police protection. Therefore, any option considered by Council must address the impact of a new mobile home park on the larger community, not just the abutting land uses.

Options: The development agreement process allows staff and Council to evaluate the detail application relative to its impact on certain community issues such as transportation, recreational land, schools, and other community facilities and services. However, the development agreement approach is not the best tool to determine the impact of the development on the entire community. The rezoning and site plan approval process would only focus on the evaluation of the site, not the community.

3. Public Consultation:

The application in front of Council is only for a site specific plan amendment. The applicant has an overall concept for the new park but does not have a formal detailed proposal at this time. Due to the lack of detail, concerns have been raised on what will be developed on the lands. Therefore, it is essential that any option considered by Council provide the public with an opportunity to view the detailed proposal and provide feedback on it before Council makes its decision.

Options: Under the development agreement process there is a requirement for a public information meeting, a public hearing, and consultation with the applicable Watershed Advisory Board. Through these requirements the public have an opportunity to be informed about the development and to provide feedback to staff and Council. The rezoning and site plan approval process does provide a similar level of public consultation. The public are only involved after the permit has been approved and residents within 30 metres of the lands wish to appeal the permit to Council. The appeal is only on the conditions of the permit, not on whether the use should be permitted or not.

Conclusion:

Of the two land use options, staff is of the opinion that a development agreement is the more effective land use tool to address site specific issues relative to any future mobile home park such as environmental protection, size of the development, etc.. However, the development agreement approach is not the best tool to evaluate the impact of the development on community character an issue identified under the current MPS. To address this issue, a more comprehensive approach is necessary.

Alternative Option: Visioning

The existing MPS raises concerns with the amount of mobile homes in the community and its impact on community character. When the MPS was prepared in 1989 the percentage of mobiles represented 22% of the housing stock within the Lake Echo designation that includes a portion of Mineville. Currently, the percentage of mobiles within the community of Lake Echo sits at 32%. The proposed new development would create at least an additional 200 units which would increase the percentage of mobiles within the community of Lake Echo to over 40% which, in staff's opinion, is much higher than the community envisioned. Staff contend that the issue of community character needs to be addressed first before a land use option is chosen to deal with the requested site specific amendment. A comprehensive approach, such as visioning, would allow the community to determine what its vision is for Lake Echo rather than debating the character of the community in response to a single application.

The Lake Echo community is designated as a centre under the Regional MPS and is identified for a visioning exercising within the next 5 years as shown in Attachment E. Visioning is a comprehensive review process that deals with a wide range of community issues such as services and transit, not just planning and development issues. Due to the impact the requested MPS amendments may have on community character, staff recommend that Council wait until visioning is conducted for Lake Echo before considering the submitted application. If Council determines that

the time delay is too long before visioning would begin, Council could re-organize the list of visioning centres and move Lake Echo closer to the top of the list.

Final Option

If Council reviews the above noted options and determines that the proposed development presents too many uncertainties, nor does it adequately address the public's issues and concerns to confidently go forward, then the final option for Council is to reject the proposed amendment and direct staff to take no action at this time.

Conclusion

The development agreement option can adequately address both the level of control necessary for the development and the need for public consultation. However, the development agreement option is not the best tool to address community character. Staff believe that addressing the overall impact on community character is paramount in a community like Lake Echo that clearly values the built and natural environments. Therefore, staff recommend that Council wait until visioning is completed for Lake Echo before making any decision on the site specific plan amendment.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through Public Information Meetings. A public hearing has to be held by Council before they can consider approval of any amendments.

An initial Public Information Meeting (PIM) was held on July 29, 2009 and a second PIM was held on January 14, 2010. The main concerns brought forward by the public were the environmental effects of on-site wastewater treatment, impact on property values, traffic impact, high proportion of mobile homes in the community, capacity of schools and provision of protective services.

For the Public Information Meetings, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 1. Attachments F and G contain a copy of the minutes from the meetings. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 1.

Any proposed MPS and LUB amendments will potentially impact the following stakeholders: local residents and property owners.

ALTERNATIVES

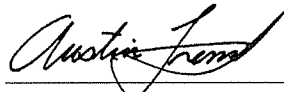
1. Council may choose to wait for the completion of a visioning exercise for Lake Echo prior to considering a MPS amendment that permits a new mobile home park within the community. This is the recommended course of action.
2. Council may direct staff to prepare the necessary amendments for a new mobile home park by either development agreement or rezoning and site plan approval.
3. Council may choose not to consider any MPS amendments. A decision to approve or refuse an application to amend a Municipal Planning Strategy is not subject to appeal to the Nova Scotia Utility and Review Board.

ATTACHMENTS

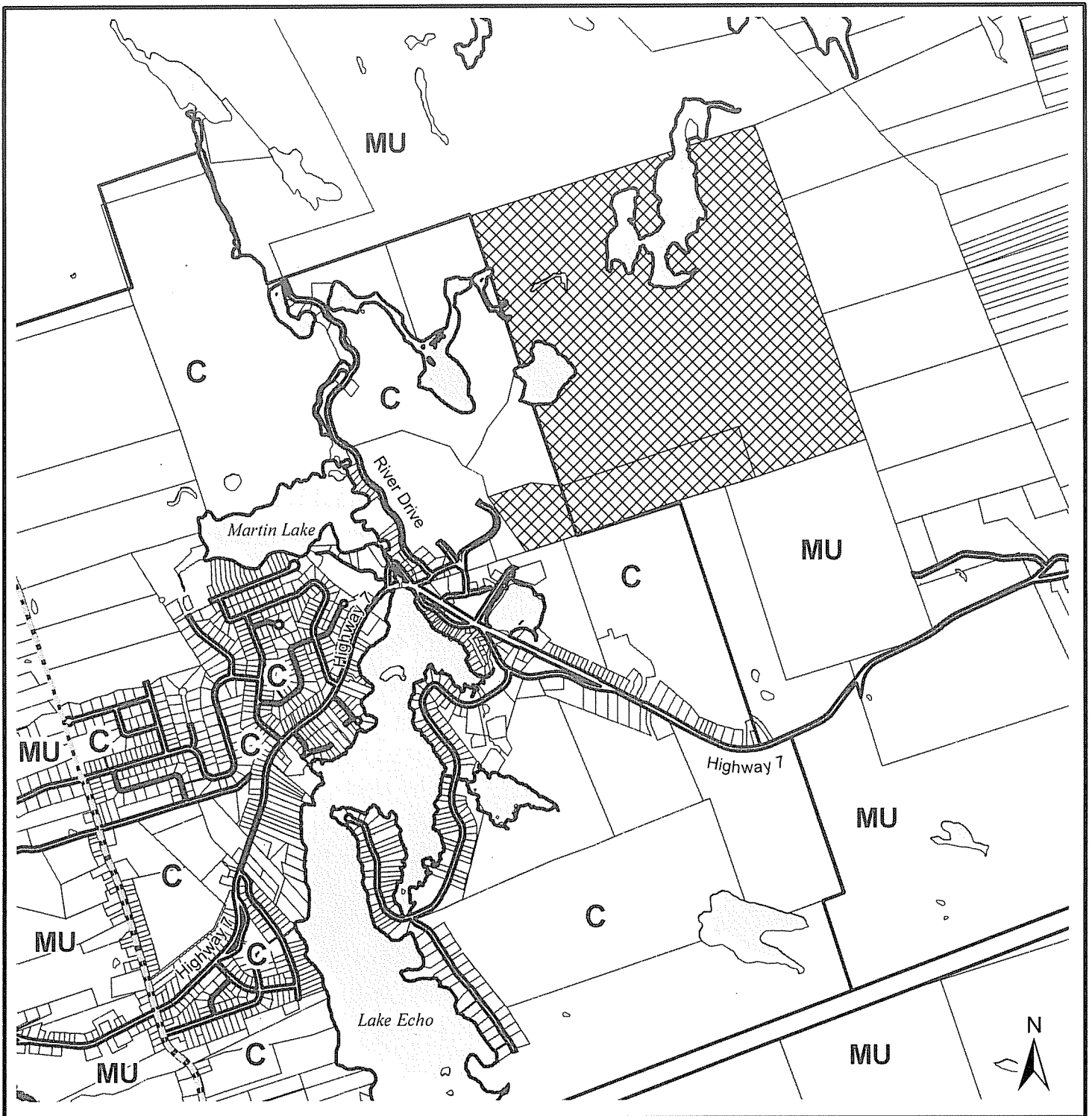
Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification
Attachment A	Conceptual Site Plan
Attachment B	Excerpts from the Mobile Home Park By-law
Attachment C	Excerpts from the Planning Districts 8 and 9 Municipal Planning Strategy
Attachment D	Description of Development Agreement and Site Plan Approval
Attachment E	Schedule of Community Visioning Exercises
Attachment F	Minutes from Public Information Meeting, July 29, 2009
Attachment G	Minutes from Public Information Meeting, January 14, 2010
Attachment H	Petition
Attachment I	Public Correspondence to Council
Attachment J	Email Submissions

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

Report Prepared by : Darrell Joudrey, Planner, Planning Applications, 490-4181





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



Map 1 Generalized Future Land Use

PIDs 40141236 & 40519555

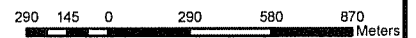
-  Subject Properties
-  Plan Area Boundary

Lake Echo/Porters Lake Plan Area
LM, NP, LL, CB, and EP Plan Area

Designation

Lake Echo/ Porters Lake	C	Lake Echo Community
	MU	Mixed Use
LM, NP, LL, CB and EP	MU	Mixed Use

HALIFAX
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COMMUNITY DEVELOPMENT
PLANNING SERVICES




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Lake Echo/Porters Lake and LM, NP, LL, CB, & EP Plan area


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




Map 2 Location and Zoning

PIDs 40141236 & 40519555

 Subject Properties

 Notification Boundary

 Plan Area Boundary

Lake Echo/Porters Lake Plan Area
LM, NP, LL, CB, and EP Plan Area

Zone

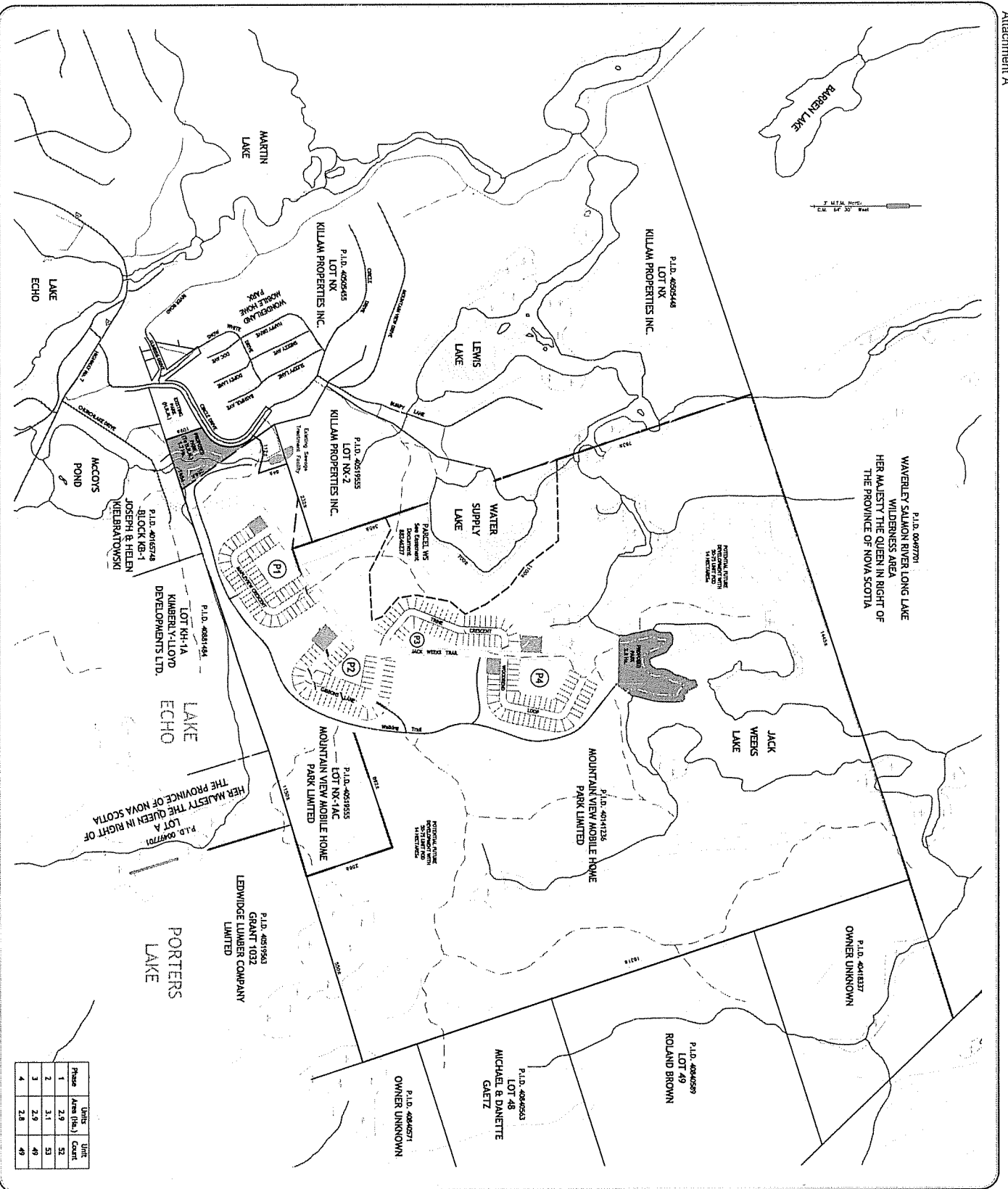
Lake Echo/ Porters Lake	R-1	Single Unit Dwelling
	R-6	Rural Residential
	R-A	Residential A
	RE	Rural Enterprise
	MR	Mixed Resource
	PA	Plan Amendment
LM, NP, LL, CB and EP	RS	Rural Settlement
	RA	Residential

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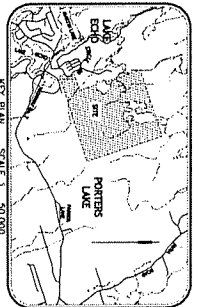
310 155 0 310 620 930
Meters

This map is an unofficial reproduction of a portion of the Zoning Map for the Lake Echo/Porters Lake & LM, NP, LL, CB, & EP Plan Area

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



Phase	Area (Ha.)	Unit Count
1	2.9	52
2	3.1	53
3	2.9	49
4	2.5	49



NOTES

- Developer: Mountain View Mobile Home Park Limited, 24 Heywood Court, Porters Lake, BC T2C 1C3.
- All unit sizes are a maximum of 15m wide and 5m deep, providing a minimum area of 252 sq.m.
- The total number of proposed units = 203 (144 houses).
- All boundaries and dimensions are subject to survey.
- All parcel identification numbers (P.I.D.'s) are the Nova Scotia Assessment Authority's (NSAA) parcel identification numbers.
- Colour is used to indicate the use of the land. Dimensions are shown in metres on 1:10,000 mapping. Dimensions are shown in feet on 1:50,000 mapping.
- Particulars shall be based on 1:10,000 mapping.
- All development shall be in accordance with Halifax County Municipality Zoning By-law No. 22 (April 1994) and the Municipality's Official Development Plan (2000).
- Watercourse (Phase 1) shall be constructed and pipe to average watercourse.
- Each unit will be provided a connection to potable water service.

Proposed Unit
 Green Space
 Sewerage Treatment Facility
 Water Body
 Proposed Park
 Wet Area
 Boundaries
 Boundaries (Other Lands)
 Boundaries (Community)
 Elevation Contour
 Woods Road or Trail
 Proposed Walking Trail
 Watercourse Buffer Limit

CONCEPTUAL SITE PLAN
MOUNTAIN VIEW MOBILE HOME PARK
 PHASES 1 TO 4 INCLUSIVE
 A DEVELOPMENT OF LANDS OF MOUNTAINVIEW MOBILE HOME PARK LIMITED
 CIRCLE SPRING
 HALIFAX COUNTY
 NOVA SCOTIA

SCALE: 1 : 5000
 Project: 5520
 Date: August 3, 2010
 Drawing No.: 210