
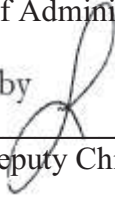


Item No. 9.3 (ii)
Halifax Regional Council
Committee of the Whole
May 20, 2014
Halifax Regional Council
June 24, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY: _____
Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: April 29, 2014

SUBJECT: **Regional Plan Review – Response to Council Questions**

SUPPLEMENTARY REPORT

ORIGIN

At the February 25, 2014 meeting, Council passed motions which directed staff to:

- make certain amendments to the Regional Plan amendment; and
- prepare responses to questions raised at the meeting and report back to Regional Council by the second meeting in May 2014.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII: Planning and Development and Part IX: Subdivision

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give first reading to the regional plan amendment package presented at the February 25, 2014 Council meeting with the amendments approved at the February 25, 2014 meeting, as presented in Attachment C and accompanying maps 1 and 2; and
2. Schedule a public hearing.

BACKGROUND

At the February 25, 2014 Council meeting, a staff report was tabled with the recommended draft 4 of the revised Regional Plan, a revised Regional Subdivision By-law and amendments of various municipal planning strategies, land use by-laws and heritage protections by-laws with accompanying reports from the Heritage Advisory and Design Review Committees. A copy of the reports and amendments can be found at:

<http://www.halifax.ca/council/agendasc/140225-rc-Agenda.html> under item 8.2.

Council passed motions which directed several minor amendments be made to the draft planning documents and which requested staff to respond to a number of questions.

DISCUSSION

The questions raised by Council with accompanying responses in summary format is presented in Attachment A. Attachment B includes a more detailed response to the questions but first begins with an overview of servicing issues raised by a number of these questions. The amendments directed by Council are listed in Attachment C.

Staff recommend that first reading be given to the amendment package presented at the February 25, 2014 meeting with the amendments directed by Council and schedule a public hearing for a meeting in June 2014. After considering the submissions at the hearing, Council may direct staff to make any further amendments deemed appropriate.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report. The revised Regional Plan identifies priorities for investments as well as specific policies and projects with implications for capital and operating budgets. Approval of the revised Regional Plan does not commit the Council to undertake any of the projects identified by it. Where projects are brought forward for approval, the financial implications will be addressed in a staff report.

COMMUNITY ENGAGEMENT

A public participation program was undertaken in accordance with that approved by Council. A summary of this program is included in the September 18, 2013 staff report¹. Details and additional background information can also be found at <http://www.halifax.ca/planhrm/RP5.html>

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report. Protection of the environment and sustainability are core principles of the revised Regional Plan with supporting

¹ <http://www.halifax.ca/boardscom/documents/AttachmentC-RP5CEReportFinal.pdf>

policies found throughout.

ATTACHMENTS

Attachment A: Summary Response to Council Questions

Attachment B: An Overview of Servicing Issues and Detailed Response to Council questions

Attachment C: Amendments to the Regional Planning Strategy as directed by Regional Council at the February 25, 2014 meeting

Map 1: Revised Schedule I of the Regional Subdivision By-law

Map 2: Revised Schedule H of the Regional Subdivision By-law

Map 3: Requests for Inclusion in the Urban Service Area Boundary in Beaver Bank

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: Maureen Ryan, Senior Planner, 490-4799; Paul Morgan, Planner, 490-4482

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Report Approved by: _____
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Report Approved by: _____
Jane Fraser, Director, Planning and Infrastructure, 490-7166

ATTACHMENT A: SUMMARY RESPONSE TO COUNCIL QUESTIONS

Question	Previously Considered?	Summary Response/Implications
<p>(1) What are the implications of re-designating the Purcell's Cove Backlands from Urban Reserve to Urban Settlement or Rural Commuter and, in particular, the below considerations taken into account?</p> <p>a) Will water and sewer services come to the Backlands in time for it to be developed at the end of 2026 and if not, is the urban reserve be still viable?</p> <p>b) Are current and planned water system investments for the Backlands too small in capacity to support urban format development in the future?</p> <p>c) What is the developable lot capacity for the lands under rural commuter in the Backlands? What are the implications for traffic and other services if the lands develop under the rural commuter?</p>	<p>Request for re-designation made through RP+5 review process. No amendments recommended by the Community Design Advisory Committee or staff.</p> <p>Planning and Engineering Feasibility Study for Purcell's Cove Road Servicing (CBCL, July 2013) provided preliminary design options with associated costs.</p>	<ul style="list-style-type: none"> • Re-designation to Urban Settlement would result in pre-mature infrastructure expenditures as there is ample inventory of fully serviced lands in the Western Region. • The Rural Commuter Designation would see the lands developed with on-site wastewater services precluding the eventual development with full municipal services. • The decision for when municipal services extends to this area rests with Regional Council through its approval authority and then with property owners through investment decisions. Urban Reserve designation signifies intent to consider development after 2031. • Existing wastewater infrastructure does not have capacity to service this area. Upgrades can be included in a major infrastructure development program proposed by Halifax Water if Council so directs. • Under the Rural Commuter provisions, the development lot capacity cannot be accurately determined without detailed assessment of soil capability for on-site disposal systems and environment and cultural features constraint analysis.

Question	Previously Considered?	Summary Response/Implications
(2) What provisions exist or could be included to allow one time small scale (1-3 lot) subdivisions in the Open Space and Natural Resource, Urban Reserve & Rural Commuter designations?	Various limits for residential development considered for residential development throughout the RP+5 process.	<ul style="list-style-type: none"> • Small scale subdivisions are permitted within the Rural Commuter Designation and Open Space and Natural Resource Designation under the Regional Subdivision By-law. • Within the Urban Reserve Designation, subdivisions for up to 20 dwelling units may be considered on lands abutting Urban Settlement or Halifax Harbour designations. Community Council approval is required for land use by-law amendment and Regional Council approval required if municipal water or wastewater servicing is proposed.
(3) What are the implication of designating all or a portion of the Cole Harbour/Westphall Urban Reserve near Highway 7 and Ross to Road to Urban or Rural Commuter or CDD and amending the water service district accordingly?	At the Oct. 29, 2013 meeting, Council rejected a request to re-designate 104 acres of this Urban Reserve to Rural Commuter and to allow for a residential development with municipal water and on-site disposal systems.	<ul style="list-style-type: none"> • Re-designation to Urban Settlement would result in pre-mature infrastructure expenditures as there is ample inventory of fully serviced lands in the Western Region • The Rural Commuter Designation would see the lands developed with on-site wastewater services precluding the eventual development on full services. • Rezoning to CDD would serve no practical purpose. • Extending the water service district boundary without determining if system upgrading costs are required is not consistent with proposed Regional Plan servicing policies.
(4) What are the implications of applying the CDD Zone to certain sites on the Eastern Shore; if not the entire defined Eastern	Provisions are made in the current and proposed Regional Plan for certain sites but not the entire region.	<ul style="list-style-type: none"> • A CDD zone has been applied to certain sites within Lake Echo, Porters Lake and Muquodoboit Harbour under Regional Plan • For the entire Eastern Shore, policies would have to be established in

Region?		community planning strategies. The zone is only intended for larger scale developments through development agreements. Process would be costly and time consuming for smaller developments.
Question	Previously Considered?	Summary Response/Implications
(5) Within Fall River, identify areas with current ground water quantity or quality issues or on-site sewer issues that may be considered for inclusion in the service boundary along with a mechanism to allow the timely extension of sewer or water services to those areas	A watershed study was prepared for HRM which identified water and wastewater issues in this community with alternative solutions and associated costs	<ul style="list-style-type: none"> • Mechanism for allowing service extensions is addressed in the Regional Plan servicing policies and the Rivers-Lakes Secondary Planning Strategy
(6) What are the implications of grandfathering the approved Seven Lakes and Nature Ridge developments under the 2006 Regional Plan open space conservation planning bylaws?	This request was never raised during the plan review deliberations.	<ul style="list-style-type: none"> • Grandfathering is not needed as development agreements have been approved.
(7) What are the implications of the issues raised in the WSP correspondence dated Feb. 19, 2014 including: a) That policies S-15 (a), and S-16(a) be amended to permit 1 unit per 4,000 square metres as may be provided for in secondary planning strategies;	Council received this submission at the Feb. 25, 2014 meeting. Submissions regarding the standards for Open Space Design Developments were considered throughout the RP+5 review process.	<ul style="list-style-type: none"> • Eliminating these policies would allow for conservation by design developments of unlimited scale outside designated rural growth centres which would undermine regional plan objectives to focus new growth in centres where supporting services and infrastructure are already available; maintain the character of rural communities; and direct growth so as to balance property rights and life-style opportunities with responsible fiscal and environmental management.

<p>b) the deletion of “net developable references in Table 3-4 and footnote 17; and</p> <p>c) the deletion of policies S-15 (a), S-16 (a) and S-17(e);</p> <p>d) amending the Growth Centre Map for Porters Lake whereby the circle does not cross over the lake or over Les Collins Avenue in West Chezzetcook.</p>		<ul style="list-style-type: none"> • Would undermine objectives to prevent development in environmentally sensitive areas and reduce the potential for wells to exceed the long-term capacity of local aquifers through the requirement for hydrogeological assessments. • Establishing a limit of 20 dwelling units on is intended to reduce the risk that the Municipality would be requested to assume ownership in the event property owners would not co-operate in maintenance and snow clearing. • Expanding the Porters Lake Rural Growth Centre Boundary at this time could undermine community options for achieving a more compact form of planned growth through the upcoming Secondary Planning Process for Porters Lake.
<p>(8) What are the implications should Regional Council choose to designate the lands recently acquired by NS Nature Trust described as PIDs below along the Eastern Shore as PA – Protected Areas (PIDs 0551192, 40028151, 40028136, 40028078, 40028144, 40027799, 40027740, 41252420, 41252412)</p>	<p>Other lands acquired by NS Nature Trust have been zoned PA (Protected Area) as requested.</p>	<ul style="list-style-type: none"> • The request is supported by the Regional Plan.

A more detailed response to each question is provided in Attachment B.

ATTACHMENT B: DETAILED RESPONSE

Servicing Issues: An Overview

Many of the questions focused on the implications for development on both municipal water and wastewater services and on-site services. The most significant points in the responses are highlighted as follows:

- Recent studies have found that retrofitting existing communities with municipal water or wastewater services tends to be very costly and, in many instances, unaffordable to benefitting property owners without subsidization. The Municipality should carefully consider the costs, allocation of costs and alternatives before any commitment is made.
- Requests for retrofitting communities with municipal water or wastewater services are inevitably made where on-site water or wastewater systems have failed. Requirements have been made in the Regional Plan and Subdivision By-law to reduce the potential for failures by requiring groundwater assessments for subdivisions serviced by wells and by establishing lot sizes that reduce the potential for unsustainable well drawdowns on aquifers.
- Halifax Water has a policy that the capital costs of extending municipal water or wastewater services to either new developments or existing communities must be cost neutral to Halifax Waters existing customer base. All growth related costs, including costs required for upgrades to the regional systems must be assumed by the new users unless subsidized by Regional Council or senior levels of government.
- Halifax Water may provide partial bridge financing for extensions of services if it has the financial capacity provided that the debt (principal and interest) is not funded through the rate base and is recouped through capital cost contributions or local improvement charges collected from benefitting property owners. Any debt financing and capital cost contribution must be approved by its Board of Directors and the N.S. Utility and Review Board. The capacity of Halifax Water to finance service extensions to new developments may be constrained in coming years due to significant expenditures that will be required to upgrade the existing wastewater system for environmental compliance. Service extensions are traditionally financed by local improvement charges, capital cost contributions or infrastructure funding.
- Decisions regarding where and when municipal water or wastewater services are extended rests primarily with Regional Council through its regulatory authority. However, the timing will also depend on whether benefitting property owners are prepared to pay for the costs and possibly whether debt financing can be made available through the Municipality, Halifax Water or a senior level of government.

- Under its regulations, Halifax Water may refuse connections that would adversely affect its systems. The revised Regional Plan therefore requires notification from Halifax Water and the N.S. Utility and Review Board that any required capital cost contributions have been approved as a condition for Regional Council approval of any extension to municipal water or wastewater service areas under the Regional Subdivision By-law.
- If Council extends the service area boundaries without agreement on cost allocation, there is a risk that property owners will expect the Municipality to pay for or subsidize the required costs of upgrading services. This situation could be costly and contrary to two principles established by the Regional Plan to: (1) provide a framework which leads to a predictable, fair, cost-effective and timely decision making; and (2) manage development to make the most effective use of land, energy and infrastructure.
- Municipal water and wastewater service boundary extensions were not within the scope of the regional plan review process. The Regional Plan contemplates that extensions will only be approved after secondary planning strategies have been prepared.

1. What are the implications of re-designating the Purcell's Cove Backlands from Urban Reserve to Urban Settlement or Rural Commuter and, in particular, the below considerations to be taken into account :

The primary implication of re-designating these lands to Urban Settlement would be the premature development of lands on municipal water and wastewater services in the Western Region where there is an ample supply of serviced land already in place.

Re-designation to Rural Commuter would allow for development with on-site water and wastewater systems without the benefit of a comprehensive community plan and would undermine any future opportunity for a serviced urban development.

A) Will water and sewer services come to this area in time for it to be developed at the end of 2026 and if not, is the urban reserve be still viable?

Halifax Water has advised that, in the future, it will be preparing a design for a new wastewater sewer main that will extend along MacIntosh Run to the wastewater treatment facility at Herring Cove. The main is a component of the regional wastewater system deemed necessary to satisfy growth related demands for the planning period 2011 to 2041. Before commencing, it will be consulting with HRM to determine if capacity should be allocated for future development of the Purcell's Cove area backlands.

The decisions regarding if and when municipal water and wastewater services are extended to this area rests firstly with Council and then with the property owners. Council would be required to approve an extension of the Urban Service Area by an amendment to the Regional Subdivision By-law. Under the draft Regional Plan policies, a watershed study would first have to be undertaken and a secondary planning strategy approved, unless otherwise exempted by

Council. The property owners would then have to collaborate as to when the service extensions would take place and how to allocate the costs.

Halifax Water does not decide if and when service extensions take place but it has important roles in the process. Under its policies, any extension of services must conform to its design regulations and be cost neutral to its customer base. It would therefore review the proposal to ensure conformity with its regulations and to ensure that any upgrades needed to maintain services levels to its existing customers are included in the design. Once satisfied that the system had been installed in accordance with its requirements, it accepts ownership.

Halifax Water may decide to participate in the project cost funding if the extension could improve service levels to the surrounding areas. Otherwise, the cost of extending the services would have to be assumed by the property owners, HRM or other senior levels of government.

Halifax Water could also assist in facilitating development by allocating costs among benefitting property owners and by determining capital cost contributions (CCC) needed to recoup costs. Under legislative requirements, any CCCs or loans would have to be approved by Halifax Water and the N.S. Utility and Review Board.

B) Are current and planned water system investments in the area too small in capacity to support urban format development in the future?

Last year, the Purcell's Cove Servicing Feasibility Study (CBCL, June 2013) was tabled with Council which presented various options that could allow for servicing of this area with estimates of the associated costs for each². No direction has been given by Council to proceed with evaluating any of the options in further detail. However, as indicated above, Halifax Water will undertake expansion of the trunk infrastructure in this area. Council will have the opportunity to allocate capacity to this area before the expansion take place.

C) What is the developable lot capacity for the lands under rural commuter in this area? What are the implications for traffic and other services if the lands develop under the rural commuter?

If the land use designation of these lands is Rural Commuter, development of these lands would require Community Council approval of a development agreement under policy provisions for Conservation Design Developments found under section 3.4.1 of the draft Regional Plan. These developments are to be serviced with on-site waste disposal systems which may be for individual housing units or shared among a number of units with either groundwater or municipal water.

Without a more detailed assessment of these lands or knowledge of the servicing proposal, it would be very difficult to provide any reliable assessment of development capacity. Some of the

² A copy of the report can be found at: <http://www.halifax.ca/council/agendasc/131029rcAgenda.html> under item 11.3.1.

issues are summarized as follows:

- If a ground water supply is proposed, a hydrogeological assessment must be submitted to determine the adequacy of supply to service the development without adversely affecting the supply in adjacent developments.
- An assessment of the adequacy of ground conditions would be needed to determine minimum lot sizes under N.S Environment regulations for on-site disposal systems..
- Riparian buffers, wetlands, floodplains, bare rock and slopes in excess of 30% are not to be included as developable lands and environmentally and culturally significant lands are to be protected.
- Unless also designated by the Regional Plan as a Rural Growth area, individual applications would be restricted to a maximum of 100 dwelling units for a Lower Density Classic Conservation Design development and 30 dwelling units for a Hybrid Conservation Design development. In either case, the applicant's property would have to a minimum of 20 metres of continuous frontage on Purcells Cove Road. Under current lot configurations, certain properties would not be eligible and others may have development potential constricted by these restrictions. However, the property owners could conceivably re-subdivide existing properties before making application so as to increase the development potential.

With regard to traffic implications, the CBCL servicing study concluded that the intersection of Herring Cove and Purcells Cove Roads is currently overcapacity with a very poor level of service during the AM peak hour and that further development of the backland area will exacerbate the situation unless improvements were made.

2. What provisions exist or could be included to allow one time small scale (1-3 lot) subdivisions in the Open Space and Natural Resource, Urban Reserve & Rural Commuter designations?

Small scale subdivisions are currently permitted within the Rural Commuter Designation and Open Space and Natural Resource Designation under the Regional Subdivision By-law.

Within the Rural Commuter Designation up to a maximum of eight lots may be permitted on a new road and an unlimited number of lots may be permitted on an existing road under the Subdivision By-law. Special provisions have also been created to allow for a maximum of three lots without road frontage within the Open Space and Natural Resource Designation.

Within the Urban Reserve Designation, there is no provisions under land use by-laws for any subdivision in order to preclude the development of lands before municipal water and wastewater services are extended. However, on lands which meet or share a common street line with the Urban Settlement or Harbour designation, consideration may be given to allowing developments of up to 20 dwelling units.

This provision would require approval by the Community Council for an amendment to the

applicable land use by-law and Regional Council approval of an amendment to the Subdivision By-law to allow for the extension of municipal services.

3. *What are the implications of designating all or a portion of the Cole Harbour/Westphal Urban Reserve near Highway 7 and Ross to Road to Urban or Rural Commuter or CDD and amending the water service district accordingly?*

Re-designating from Urban Reserve to Urban Settlement would impact the time frame within which Council could consider allowing for development of these lands and potentially bringing serviced development on stream prematurely. Both designations contemplate development on municipal water and wastewater services. The Urban Settlement designation is applied to lands intended for serviced development within the life of the Plan (prior to 2031) whereas the Urban Reserve designation applies to lands intended for serviced development after the life of the Plan.

In either event, the Regional Plan would require that a watershed study be undertaken and a secondary planning strategy be adopted before any development approvals could be granted. The intent of these requirements is to accomplish a more environmentally sensitive and comprehensively planned community.

Work is underway on the Port Wallace master plan to establish an ample supply of serviced land in the eastern region.

Re-designation to Rural Commuter would not allow for development on municipal wastewater services but would allow for conservation by design developments in accordance with the policy provisions contained within section 3.4.1 of the draft Regional Plan. On-site wastewater disposal systems would be required but the systems could be for individual dwelling units or shared among a number of dwelling units. Consideration could also be given to extension of municipal water services.

Development agreement applications could be made on a site specific basis with the approval authority resting with Harbour East and Marine Drive Community Council. Consideration would be given to the design criteria outlined in the Regional Plan.

However, no watershed study would have to be undertaken or secondary planning strategy approved before a development agreement application could be brought forward for approval. This would not allow for a more comprehensive approach to resolving planning issues which may be needed for this area.

Regional Council has previously entertained a plan amendment request to re-designate 104 acres of this Urban Reserve to Rural Commuter to allow for an open space design development with municipal water services and a collective on-site disposal system. The proposal by Kiel Developments Ltd. was accompanied by plans in support of a development agreement application.

Council received the staff report and report of the Community Council last fall³. After deliberation, the request was denied. It is evident from the reports and public meeting minutes that the concerns about the impacts extended well beyond the boundaries of this proponents site. Issues included adequacy of the surrounding road network, stormwater management concerns and impact on existing flooding problems on surrounding properties and environmental impacts on watercourses.

These issues would be better resolved in a more comprehensive manner as currently contemplated by the Regional Planning Strategy through a watershed study and secondary planning strategy.

Applying a CDD (comprehensive development district) zone to these lands would not be inconsistent with the Regional Plan but would not expedite development as a development agreement would be required under the ColeHarbour/Westphal Municipal Planning Strategy which could only be approved where “the development is capable of utilizing existing municipal sewer and water services”⁴. The Regional Plan requirements for a watershed study and secondary planning strategy would still apply.

4. What are the implications of applying the CDD Zone to certain sites on the Eastern Shore; if not the entire defined Eastern Region?

The rural areas of the Eastern Shore are regulated under Eastern Shore East and Eastern Shore West municipal planning strategies and land use by-laws. A mix of resource, commercial, low density residential and community uses are permitted in the Mixed Use Zone that applies to the majority of the lands under the Eastern Shore West Land Use By-law; and the Resource Zone that applies to the majority of the lands under the Eastern Shore East Land Use By-law. Larger scale commercial uses, larger residential subdivisions, multiple unit dwellings and other uses that may have an impact on the surrounding area can be considered through a development agreement.

A CDD Zone is typically applied to large tracts of land that need to be planned comprehensively. This includes areas such as a designated centre or master plan area where new municipal infrastructure has to be coordinated with development on a phase by phase basis.

Applying a CDD Zone throughout the entire Eastern Shore would encumber current development rights, and add significant delays in development approvals. It would also require the review of the entire planning structure for the Eastern Shore which is significant undertaking requiring substantial resources.

5. Within Fall River, identify areas with current ground water quantity or quality issues or on-site sewer issues that may be considered for inclusion in the service boundary along

³ A copy of the reports can be found under item 11.2.1 at:

<http://www.halifax.ca/council/agendasc/131029rcAgenda.html>

⁴ Clause (d) of policy UR-11.

with a mechanism to allow the timely extension of sewer or water services to those areas.

The Fall River – Shubenacadie Lakes Watershed Study⁵ examined groundwater in the Fall River Area and the potential extension of municipal water services. Its findings included:

- Municipal wastewater extension is not likely feasible as Nova Scotia Environment is unlikely to issue any additional approvals for effluent discharge into the Shubenacadie Lakes.
- Additional wells in the densely populated areas of Fall River will be constrained due to the over-abstraction (draw down) of the water table by current development. In four localized areas of the study areas, the groundwater constraints are predicted to be severe,
- The cost of extending municipal water services to all existing development and future development areas to the north of Fall River Road was estimated to be \$61.3 million or \$18,180 per lot. The cost to service future development was estimated to be \$42 million or \$42,030 per lot.

The Phase II River-lakes Secondary and Master Infrastructure Planning process is scheduled to commence in the near future. It will examine options for future residential growth throughout the Fall River/River-lakes Rural Growth Centre, costs for transportation and water services and mechanisms for paying for these services.

As an interim step, Council could give direction to Staff to narrow the scope of this process to include a smaller area for a watermain extension along the Fall River Road.

6. What are the implications of grandfathering the approved Seven Lakes and Nature Ridge developments under the 2006 Regional Plan open space conservation planning bylaws?

A development agreement for the Seven Lakes Development was approved at May 16, 2013 meeting of the Harbour East and Marine Drive Community Council Nature Ridge Development was approved by the same community council on February 6, 2014. The agreements are in effect. Therefore, no grandfathering is needed.

7. What are the implications of the issues raised in the correspondence from WSP dated February 19, 2014, including:

- a. that Policies S-15 (a) and S- 16 (a) be amended to permit 1 unit per 4000 metres square or greater in centres as may be provided in secondary planning strategies; and*
- b. the deletion of the “net developable” references in Table 3-4 and footnote 17;*

The policies are proposed for developments serviced with on-site groundwater and wastewater systems under Conservation Design Developments. The objectives included:

⁵ Jacques Whitford Limited. *Fall River-Shubenacadie Watershed Study*. Prepared for Halifax Regional Municipality, 2009.

- encouraging development within Rural Growth Centres by allowing greater densities within the Centres;
- preventing development in environmentally sensitive areas such as at the headwaters of a lake system, by allocating density on the basis of net developable area;
- reducing the potential for wells to exceed the long-term capacity of local aquifers through the requirement for hydrogeological assessments; and
- reducing the potential for wells to stress regional groundwater aquifers by adopting a minimum density yield within the range of densities recommended in the Lake Echo, Tantallon, and Porters Lake watershed studies .

The requested amendments would undermine these objectives.

c. the deletion of Policies S-15 (a) and S-16(a)

Eliminating these policies would allow for conservation by design developments of unlimited scale outside designated rural growth centres which would undermine stated regional plan objectives to:

- focus new growth in centres where supporting services and infrastructure are already available;
- maintain the character of rural communities
- direct growth so as to balance property rights and life-style opportunities with responsible fiscal and environmental management.

the deletion of Policy S-17(e)

Policy S-17 (c) limits the use of a private driveway to provide access to a maximum of 20 dwelling units within a Conservation Design Development. This is intended to limit the risk to the Municipality if Halifax Regional Municipality was petitioned to provide road services along driveways that have not been developed to municipal standard. This risk however, may be offset since the Municipality does not have to provide snow plowing or maintenance services along a private drive.

d. amending Growth Centre Map for Porters Lake whereby the circle does not cross over the lake or over Les Collins Avenue in West Chezzetcook.

WSP Canada Limited has requested that the size and location of the Porters Lake Rural Growth Centre be shifted and enlarged. In the staff report presented at the Feb. 25 Regional Council meeting, staff proposed that a community planning process for this centre be initiated upon adoption of the revised Regional Plan. One of the matters to be considered is whether it is

feasible to service the area with municipal water and wastewater services. If it is feasible, a more compact form or growth may be facilitated in this area in the central core.

Expanding the Porters Lake Rural Growth Centre Boundary at this time could undermine community options for achieving a more compact form of planned growth through the upcoming Secondary Planning Process for Porters Lake. If it is not feasible to service the area with municipal water and wastewater services, proposed Policy S-10 provides for the expansion of the Porters Lake Growth Centre through the community planning process.

8. *The implications should Regional Council choose to designate the lands recently acquired by NS Nature Trust described as PIDs below along the Eastern Shore as PA – Protected Areas (PIDs 0551192, 40028151, 40028136, 40028078, 40028144, 40027799, 40027740, 41252420, 41252412)*

Policy E-7 of the revised Regional Plan states that HRM shall, through the applicable land use by-law, establish a Protected Area (PA) Zone which is to be applied to wilderness lands and nature reserves as designated by the Province under the Wilderness Protection Act and Special Places Protection Act and to conservation related properties owned by the Province or private conservation organizations.

The request to apply the PA zone to the lands acquired by the Nature Trust is consistent with this policy. The effect would be to prohibit development on these lands as the zone only permits scientific study and education, trails and similar public, conservation and recreational uses. Staff will make the requested amendment to the RP+5 package.

Beaver Bank

In addition to the questions raised in the Council motion, staff was requested to re-evaluate the merits of including two properties in Beaver Bank within the Urban Service Area boundary of the Regional Subdivision By-law to allow for development with municipal water and wastewater services. The properties, illustrated on Map 3, are currently within the Water Service Area boundary which allows for development on municipal water services and on-site waste water disposal systems.

In the February 25, 2014 RP+5 staff report, a response was made to the proposal to remove the communities of Beaver Bank and the Hammonds Plains Road from Regional Plan Policy S-24 and aligning water and waste water on specific properties in Beavertown. The points made are summarized as follows:

- Restrictions were made on subdivision development in Beaver Bank because traffic volumes on the Beaver Bank Road had reached a level where entry from driveways and stop-controlled side streets had become impractical and unsafe.
- The Regional Plan has identified an extension of Margeson Drive from Sackville Drive to the Beaver Bank Road as a long term solution to traffic problem. This is a municipal project which would require collection of capital cost contributions on new developments to help pay

for it. The development charge would be determined through analysis undertaken as part of the proposed secondary planning process.

- Halifax Water advised that the sewer main servicing this community was not designed to accommodate development from additional lands.
- The Regional Plan establishes criteria when Council is considering amendments to the Urban Service Area boundary of the Subdivision By-law. Included are the imposition of municipal charges for growth related transportation improvements and approval by the Utility and Review Board for charges needed to pay for growth related improvements to the water, wastewater or stormwater systems.
- Staff recommended that the Beaverbank community be added to the list of Phase 1 communities where a secondary planning process should be initiated.

Since this report, the traffic situation has been further evaluated and a meeting held with Halifax Water to discuss wastewater servicing. The findings are outlined as follows:

Beaver Bank Road Traffic

In 2004, an assessment of the capability of two-lane commuter roadways was undertaken. The study determined that once these roadways reach a peak hour two-way volume of 1810 vehicles their ability to operate safely and effectively is compromised. It was determined, at the time, that Beaver Bank Road and Hammonds Plains Road had reached that threshold. To avoid operational problems worsening, it was decided that the Municipal Engineer would no longer approve development applications that would contribute additional traffic to these roadways until a remedy could be implemented. Since widening the subject corridors to four lanes was not feasible, the only practical remedy was to construct a new parallel roadway to divert a portion of the traffic.

Since this determination in 2004, volumes on Beaver Bank Road have continued to increase:

Year	2-way peak hour volume
2005	1987
2007	1952
2010	2116
2012	2243

Wastewater Services

The main points are summarized as follows:

- The Beaver Bank water and wastewater system was only designed to service 640 existing dwelling units in a community with many failed on-site systems and potential infill along the

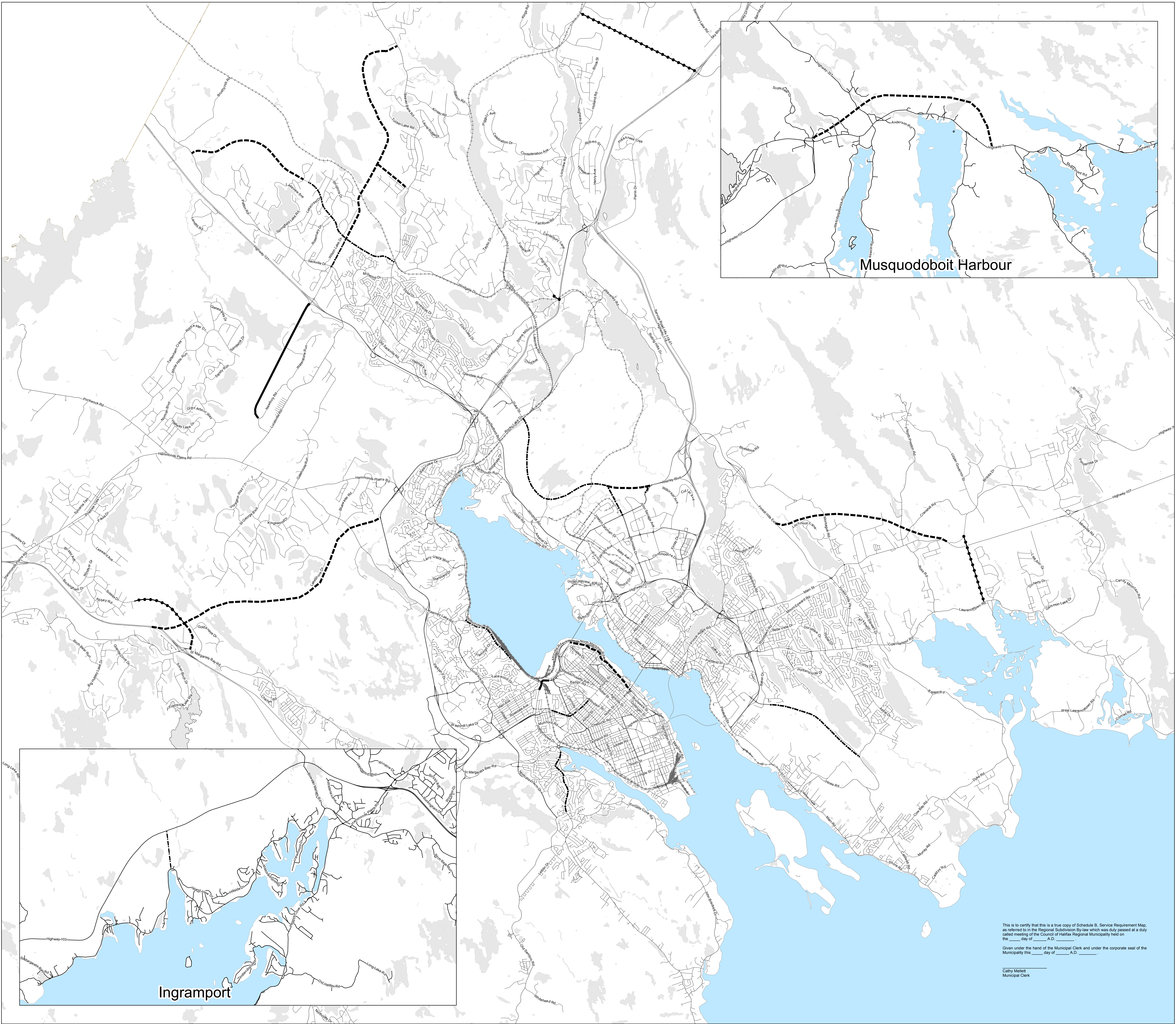
roads where the pipes were extended (estimated at an additional 120 dwelling units). The water distribution system had capacity to service additional lands so the Water Service Area boundary was extended over additional properties.

- The two properties requested to be considered for inclusion within the Urban Service Area have a total area of 156 acres. Assuming a gross density of 4 units per acre, an additional 624 dwelling units would be connected to the municipal wastewater system.
- Halifax Water would require the local system to be monitored for at least one year to determine if there is excess capacity available for new development. In addition to the sewage pipes, there are 10 sewage pumping stations within the Beaver Bank system which would have to be monitored. Even if capacity remains, it may be limited and allocation may be necessary.
- If upgrading is required, the costs could be substantial. The original cost of extending municipal services to Beaver Bank was estimated nearly \$25 million which would be roughly \$39,000 for each existing dwelling served or \$32,900 per dwelling unit if all potential infill lots are developed. The Provincial and Federal governments paid for two-third of the total costs through infrastructure programs which made the remaining costs affordable to the benefitting property owners.
- Extending the Urban Service Area boundary over lands without knowing the cost implications or how the costs would be paid would be contrary to the intent of the infrastructure charge policy that has been adopted by HRM under all Municipal Planning Strategies and to a policy of the draft Regional Planning Strategy. Included among the infrastructure charge objectives is “to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure”. A mandatory condition under the draft Regional Plan for extension of the boundary includes “a charge needed to pay for growth related improvements to the water, wastewater or stormwater systems has, where required, been approved by the Utility and Review Board”.
- In the event that Halifax Water deems that the wastewater system has insufficient capacity to accept proposed wastewater, its regulations would allow it to limit the flow or refuse connection. In this event, the property owners of the lands placed within the boundary may feel that HRM should assume responsibility for undertaking whatever upgrades are required.
- Other property owners in the vicinity may also want to be considered for municipal wastewater services.
- In addition to the local wastewater system, there are overflows in the downstream trunk system serving Sackville and Beaver Bank. A proposal to remedy this problem has been made through the construction of construction of two holding tanks at an estimated cost of \$20 million each. If additional lands are added to the service boundary in Beaver Bank, the tanks may need to be upsized at additional costs or other development within Sackville curtailed.

Given these considerations, staff recommends that no changes to the development provisions be made until such time as a secondary planning strategy for Beaver Bank has been completed.

**Attachment C:
Amendments to the Regional Planning Strategy directed by Regional Council on
February 25, 2014**

1. Schedule I of the Regional Subdivision Bylaw be amended, as per Map 1 attached, to include all “Future Major Roads” as shown on Map 1 (Settlement and Transportation) and Map 6 (Future Transit and Transportation) of the Regional Plan;
2. The proposed amendments to the Mainland Halifax Land Use By-law as presented in Map E-8.1 of the January 14, 2014 staff report be amended to reflect the request made by the Nova Scotia Nature Trust to have four HRM-owned properties rezoned to (PA) Protected Area;
3. Map 12 of the revised Regional Plan – HRM Potable Water Supply Areas – circulated with Attachment A of the January 14, 2014 staff report, be replaced with a revised Map 12 as circulated on February 25, 2014;
4. Objective 4 of Culture and Heritage be amended by inserting the words “and heritage” following the words “support cultural” and the words “signature cultural” on page 12 and page 85 of Draft 4 of the proposed revised Regional Plan;
5. Schedule H of the Regional Subdivision Bylaw be amended, as per Map 2 attached, to include all lands within the Lawrencetown Plan Area within the Central/Eastern Interim Growth Management (IGM) Area;
6. The first sentence of Policy SU-28 be amended to read “HRM shall confirm the objectives of the Integrated Solid Waste Resource Strategy, and it shall review the Strategy outcomes every 5 years unless changes to program components, such as capacity or regulations, require a review be conducted in the interim”.



Map 1: Revised Schedule I of the Regional Subdivision By-law

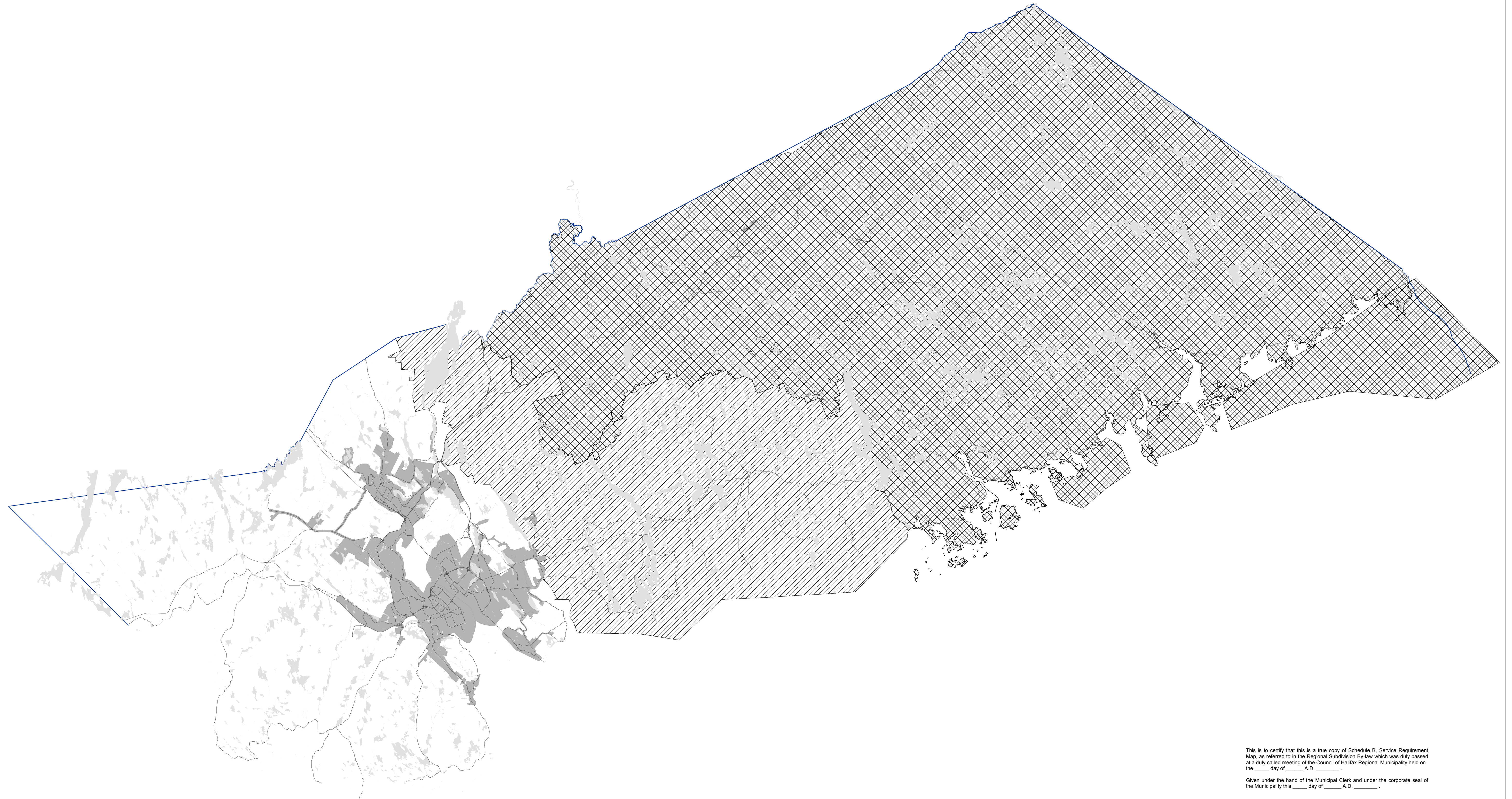


Halifax Regional Municipality
Subdivision By-law
Future Transportation Routes
Schedule "I"

LEGEND

- Future Major Routes**
- Programmed
 - - - - - Planned
 - Future Potential
 - Future Community Connection

The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

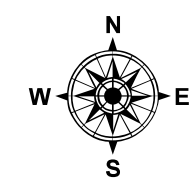


This is to certify that this is a true copy of Schedule B, Service Requirement Map, as referred to in the Regional Subdivision By-law which was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of ____ A.D. ____.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this ____ day of ____ A.D. ____.

Cathy Mellett
Municipal Clerk

Map 2: Revised Schedule H of the Regional Subdivision By-law



The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

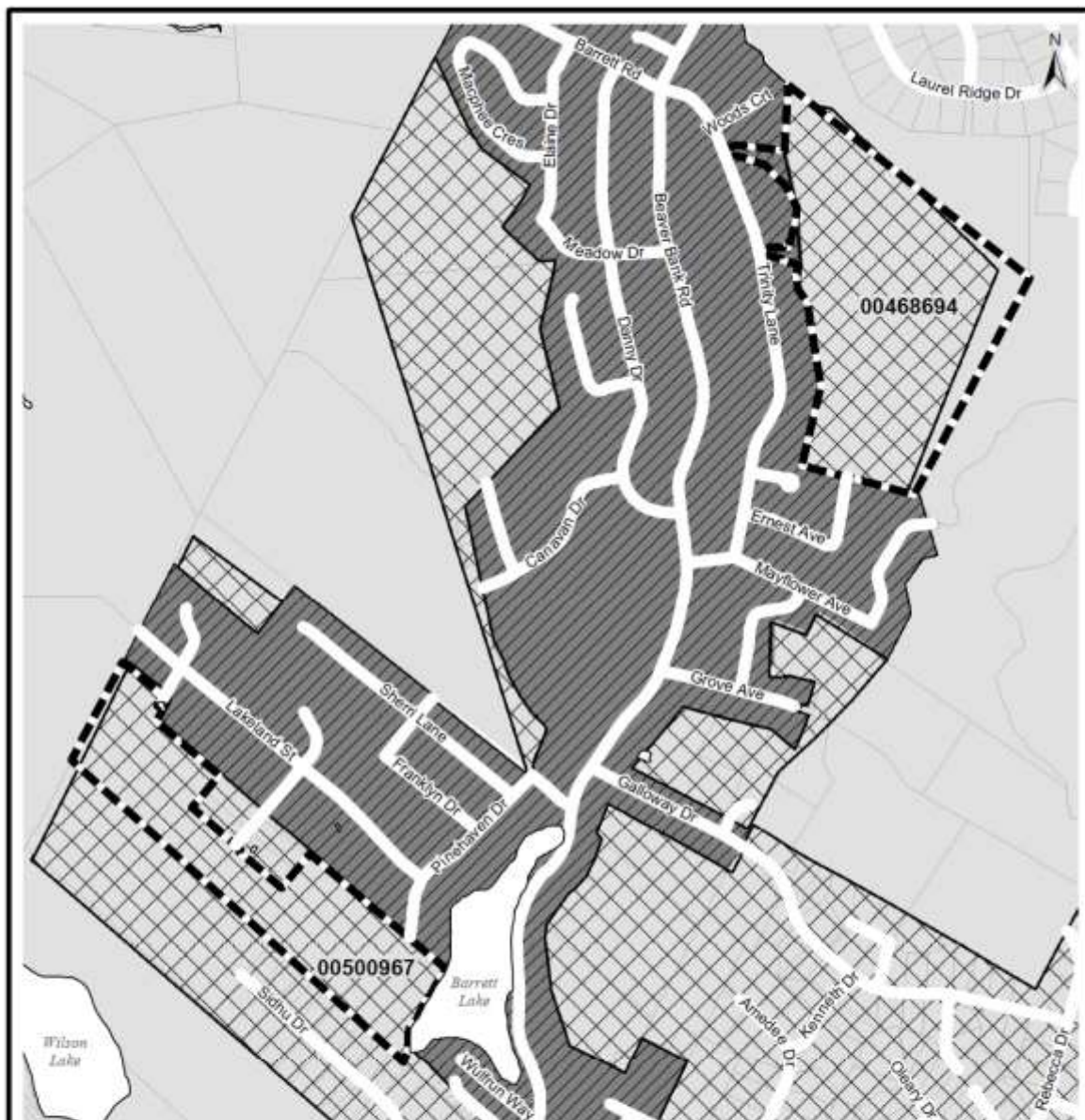
Halifax Regional Municipality

Subdivision By-law Interim Growth Management Area Schedule "H"



Legend

- Interim Growth Management (IGM) Area
- Serviceable Areas
- Central/Eastern Growth Management Area
- Rural Area



Map 3
Request #1 (Beaverbank)

 Lands requested for inclusion in Urban Service Area Boundary
Service Requirements 'Schedule B'
 Urban Service Area
 Water Service Area

Proposed GFLUM (RP+5)

 Urban Settlement
 Rural Commuter

HALIFAX
REGIONAL MUNICIPALITY

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District 14
Middle/Upper Sackville, Beaverbank and Lucasville

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

6 May 2014

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