



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.4.1
Halifax Regional Council
October 4, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Councillor Steve Craig, Chair, North West Community Council

DATE: September 13, 2016

SUBJECT: Regional Subdivision By-law Amendments to Alter the Service Requirement
Boundary near Springfield Lake, Middle Sackville

ORIGIN

September 12, 2016 meeting of North West Community Council, Item No. 13.1.3

LEGISLATIVE AUTHORITY

Section 25(c) of the Halifax Regional Municipality Charter sets out the powers and duties of Community Council to include “recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.”

RECOMMENDATION

North West Community Council recommends that Halifax Regional Council direct staff to initiate the process to amend the Regional Subdivision By-law to alter the Service Requirement boundary near Springfield Lake, Upper Sackville and further that staff follow the same public participation program that applies to municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

A staff report dated August 5, 2016 pertaining to Regional Subdivision By-law Amendments to Alter the Service Requirement Boundary near Springfield Lake, Middle Sackville was before North West Community Council for consideration at its meeting held on September 12, 2016.

For further information, please refer to the attached staff report dated August 5, 2016.

DISCUSSION

North West Community Council considered the August 5, 2016 staff report at its meeting on September 12, 2016. Discussion among the membership related to the exchange of development rights for land parcels 1 and 2 and the potential benefits to the existing community if land acquisition and a subdivision approval were to occur. North West Community Council defeated the staff recommendation and approved Alternative recommendation number one for further consideration by Halifax Regional Council.

FINANCIAL IMPLICATIONS

As outlined in the attached staff report dated August 5, 2016.

RISK CONSIDERATION

As outlined in the attached staff report dated August 5, 2016.

COMMUNITY ENGAGEMENT

All meetings of North West Community Council are open to the public. The agenda and reports are posted on Halifax.ca prior to the meeting.

ENVIRONMENTAL IMPLICATIONS

As outlined in the attached staff report August 5, 2016.

ALTERNATIVES

None provided.

ATTACHMENTS

1. Staff report dated August 5, 2016.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521



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Attachment 1
North West Community Council
September 12, 2016

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director Planning and Development

DATE: August 5, 2016

SUBJECT: **Regional Subdivision By-law Amendments to Alter the Service Requirement Boundary near Springfield Lake, Middle Sackville**

ORIGIN

- December 15, 2014 Motion of North West Community Council

“MOVED by Councillor Johns, seconded by Councillor Whitman that North West Community Council direct staff to implement the process to reallocate the serviceable rights to develop 15 sewer serviceable lots on PID #40676215 to PID #40326217 and to allow PID #40676215 to be developed as unserviced R1. Implementation will include a staff report back to North West Community Council. MOTION PUT AND PASSED.”

- December 14, 2015 Motion of North West Community Council

“MOVED by Deputy Mayor Whitman, seconded by Councillor Dalrymple that North West Community Council request staff to process to exchange the serviceable rights to develop thirteen serviced lots currently allowed on PID # 40676215 and PID # 40326217. MOTION PUT AND PASSED.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that North West Community Council not recommend that Regional Council direct staff to initiate the process to amend the Regional Subdivision By-law to alter the Service Requirement boundary near Springfield Lake, Upper Sackville.

BACKGROUND

On December 15, 2014 and December 14, 2015 North West Community Council (NWCC) passed motions directing staff to begin the process to amend the Service Requirement boundary near Springfield Lake, Middle Sackville to reallocate sanitary sewer development rights from one property to another. Specifically, the request is to move Parcel 1 (Maps 1 and 2) out of the sewer only boundary and include Parcel 2 (Maps 1 and 2) within the boundary. The purpose of the boundary changes is to exchange the development rights of Parcel 1 with that of Parcel 2 in order to allow development of a 13 lot subdivision with centralized sanitary sewer services on Parcel 2 and the development one or two lots on Parcel 1 with on-site septic services. Parcel 1 is owned by Fenerty Developments Ltd. While Parcel 2 is owned by Arthur John Fenerty and Joan R. Fenerty.

Subject Lands	PID # 40676215 and PID # 40326217
Location	<u>Parcel 1</u> – Located between Lakecrest Dr. and Springfield Lake Rd. <u>Parcel 2</u> – Located at Fenerty Rd. adjacent to Lylewood Dr.
Regional Plan Designation	Rural Commuter Designation
Community Plan Designation (Map 1)	Springfield Lake Designation
Zoning (Map 2)	R-1 (Single Unit Dwelling) Zone
Size of Site	<u>Parcel 1</u> - 1.29 ha (3.2 acres) <u>Parcel 2</u> - 7.89 ha (19.5 acres)
Street Frontage	<u>Parcel 1</u> - 39.0 m (127.9 ft) <u>Parcel 2</u> - Fenerty Rd.– 14.5 m (47.5 ft) - Ashley Dr. – 18.0 m (59 ft)
Current Land Use(s)	Vacant bulk lands
Surrounding Use(s)	Single unit dwellings

The subject lands are located within the Rural Commuter Designation under the Regional Plan and as such are outside of the Urban Settlement Designation which is the area of HRM where lands are to be developed with centralized sewer and water systems. Development within the Rural Commuter designation is to be serviced by on-site sewer and water systems.

Service Requirements for new development areas are contained within the Regional Subdivision By-law. As the Subdivision By-law is adopted through the Regional Plan, amendments to the By-law are within the jurisdiction of Regional Council. In order for an amendment process to proceed, North West Community Council would need to refer the matter to Regional Council for their direction.

DISCUSSION

Since receiving the request of North West Community Council to exchange servicing requirements between Parcels 1 and 2, staff have identified a number of concerns related to the existing sewage treatment capacity for the Springfield Lake area, current and previous development rights for Parcel 1, and limitations relative to uncertainties regarding the disposal of HRM-owned parkland. The following provides an overview of these matters.

Sewer Only Serviceable Boundary

Springfield Lake has long served as a cottage destination for recreational purposes. Over time, as the area became to be occupied by residents year round, impacts to the lake’s water quality began to accrue as a result of failing on-site septic systems. In April of 1990, the Springfield Lake Sanitary sewer boundary was established to provide impact relief for this localized problem. This would be accomplished by creating a stand-alone centralized sanitary system that would not connect to the larger municipal sewer system. Since the sanitary sewer infrastructure would only service Springfield Lake and its

surrounding environment, system capacity would be limited. Accordingly, any amendment request proposing to bring lands into the this sewer only service boundary would, in addition to being evaluated for impacts such as unit density, land use compatibility and suitability for traffic access and egress, be evaluated to determine if the service system could receive any associated additional sanitary load.

Through the land development approval and permitting processes, Halifax Water requires development proposals in this area to prove that capacity exists in the servicing main to accommodate the proposed development. Halifax Water has advised that it would only support a service boundary alteration provided there was no resulting additional densification or sanitary load to the Springfield Lake sanitary system, beyond the as-of-right zoning that is currently in place. In other words, given the existing capacity constraints of the sanitary sewer infrastructure at Springfield Lake, Halifax Water does not support any modification or change to the service boundary that would allow additional lands to be serviced.

Current and Previous Development Rights for Parcel 1

In 2007, a tentative plan of subdivision for Parcel 1 showing 13 lots on a new public street was granted approval subject to a number of conditions being met. One such condition was identified as the purchase and consolidation of adjacent HRM-owned park lands, to provide the area necessary for the new street access to the lands. The acquisition and consolidation of the HRM lands was not completed and the tentative subdivision approval lapsed in 2009. In 2013, Council adopted Administration Order 50 requiring that Council hold a public hearing to determine if public lands can be sold as surplus. As a result, acquisition of the adjacent HRM lands can no longer be guaranteed or assumed for the development of Parcel 1.

Parcel 1 exists as a single parcel of land and, given its existing street frontage and area, could be developed with one or possibly two single unit dwellings. In order for the parcel to regain its 2007 tentative "development value" as a 13 lot subdivision and have rights to exchange with Parcel 2, adjacent HRM lands would have to be declared surplus through the Administrative Order 50 public hearing process.

Conceptually, the acquisition of the adjacent HRM lands by the owner of Parcel 1 could provide the lands with the potential for 12 additional lots worth of "development value" which could be exchanged with the Parcel 2 lands which are outside the sewer only boundary. The actual "development value" would only be realized if the land acquisition and subdivision approval were to occur. Since there is no subdivision application currently approved or on file for the lands and the HRM lands are not presently available for purchase, Parcel 1 does not carry any secured development rights for a 13 lot subdivision. As such, there are no existing development rights to exchange between the parcels.

Development Alternatives for Parcel 2

Within the rural service area that applies to Parcel 2, there are Regional Plan policies that enable subdivision development to occur. Under policies S-15 and S-17 of the Regional Plan, a conservation design development on Parcel 2 could be considered by Community Council through the development agreement process. Under these policies, the permitted density on Parcel 2 (un-serviced) is 1 lot per hectare (2.47 acres), which could realize a subdivision development of approximately 7 lots serviced by on-site sewage disposal systems and fronting on a new public street.

Conclusion

An equal swap of serviceable development rights between Parcels 1 and 2 is not possible as the parcels have different development rights. Altering the service boundary to include Parcel 2 within it and remove Parcel 1 from it has the potential to result in additional loading to the Springfield Lake sanitary sewer system. The service boundary in this area was established to address a localized environmental problem and the system was designed and constructed for this limited purpose. Additional loading to the system cannot be accommodated due to the existing capacity constraints of the sanitary sewer infrastructure. As planning policies exist to allow the development of Parcel 2 with on-site services by development agreement, adjusting the serviceable boundary to allow these lands to be developed via the sewer only

system is not warranted. For these reasons, staff recommends that the Springfield Lake Sanitary sewer boundary should not be amended.

FINANCIAL IMPLICATIONS

None associated with this report.

RISK CONSIDERATION

There are no significant risks associated with this report. This report provides information for Council's consideration. Any additional action is at the discretion of Regional Council and is not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of the future direction of Council is contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

None associated with this report.

ENVIRONMENTAL IMPLICATIONS

None associated with this report.

ALTERNATIVES

1. North West Community Council may choose to recommend that Regional Council direct staff to initiate the process to amend the Regional Subdivision By-law to alter the Service Requirement boundary near Springfield Lake, Upper Sackville. In doing so, staff is to be directed to follow the same public participation program that applies to municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

ATTACHMENTS

Map 1 – Generalized Future Land Use Map
Map 2 – Zoning Map

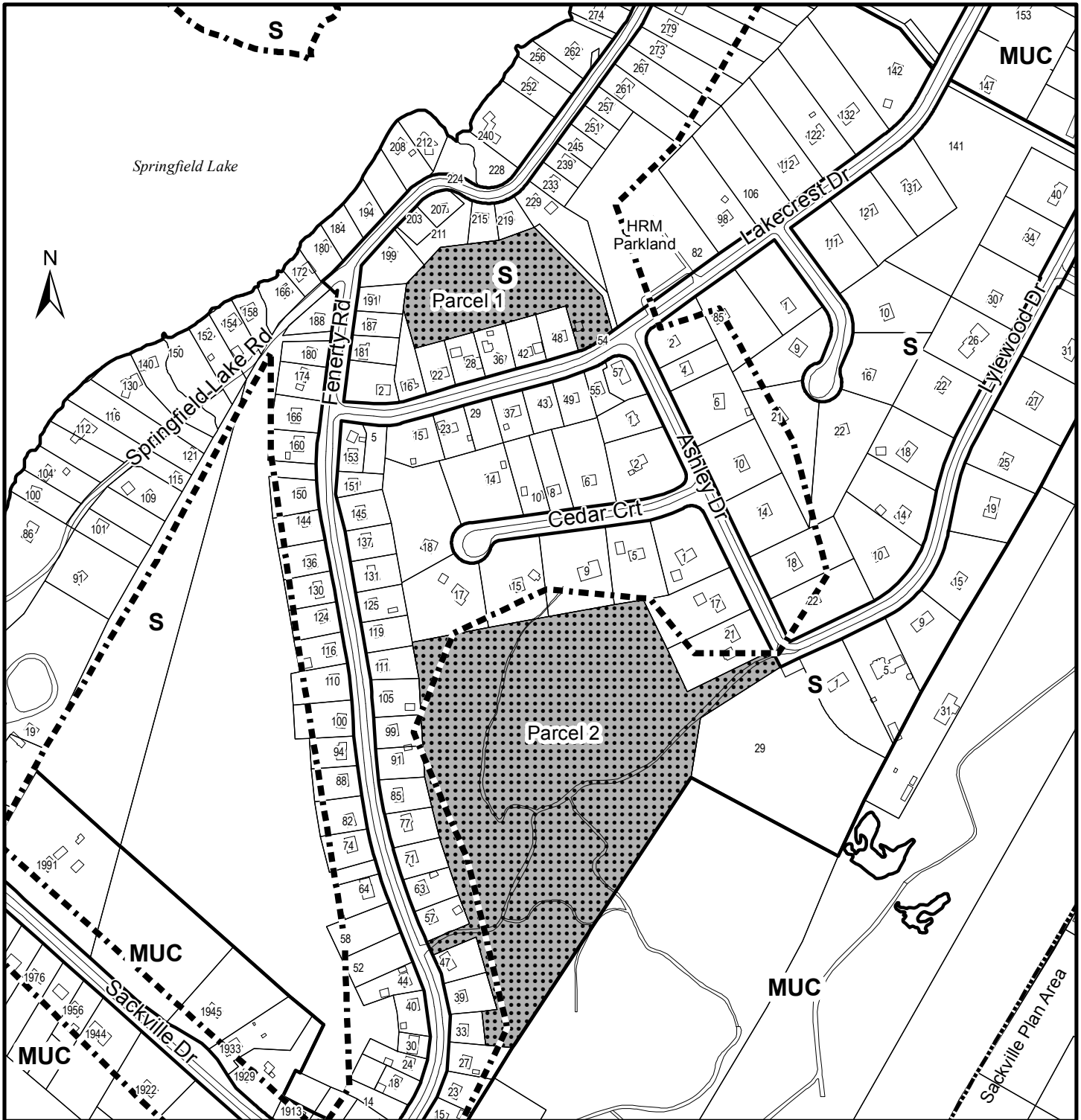
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Shayne Vipond, Planner III 902.490.4335

Original Signed

Report Approved by:



Kelly Denty, Manager, Current Planning 902-490-4800

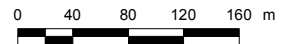


Map 1 - Generalized Future Land Use



Middle Sackville

-  Subject Areas
-  Service Boundary

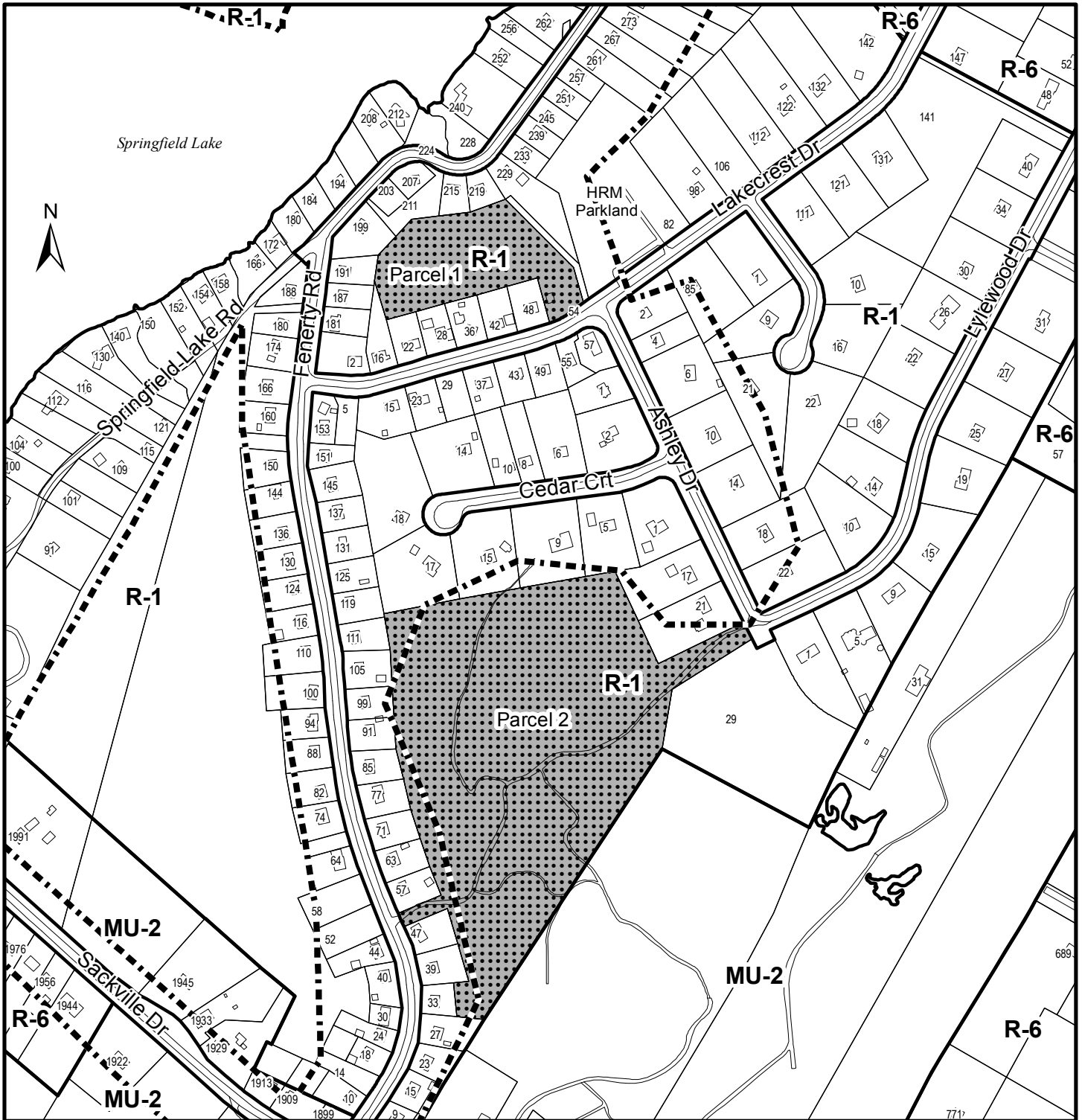


- Designation**
- MUC Mixed Use C
 - S Springfield Lake

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


Beaver Bank, Hammonds Plains and Upper Sackville Plan Area


The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning

Middle Sackville

 Subject Areas

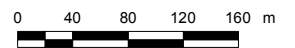
 Service Boundary

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

Zone

- R-1 Single Unit Dwelling
- R-6 Rural Residential
- MU-2 Mixed Use 2

HALIFAX



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.