

9.1.1




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
February 18, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Councillor Bruce Hetherington, Chair
Harbour East Community Council

DATE: February 10, 2003

SUBJECT: **Project 00554: Clayton Developments Limited proposals for Portland Hills - Russell Lake**

ORIGIN

Harbour East Community Council - February 6, 2003.

RECOMMENDATION

It is recommended that :

1. A plan amendment process be initiated regarding the Clayton Developments' request to amend the Portland Hills development agreement and that a public participation program be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

ATTACHMENTS

Staff report dated January 27, 2003



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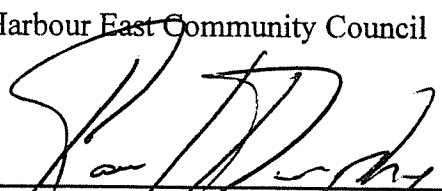
ATTACHMENTS


Staff report dated January 27, 2003

Harbour East Community Council
February 6, 2003

TO: Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning & Development Services


Paul Morgan, Planner

DATE: January 27, 2003

SUBJECT: **Project 00554: Clayton Developments Limited proposals for Portland Hills - Russell Lake**

ORIGIN

At the November 28, 2002 session of the Harbour East Community Council, Clayton Developments Limited made a presentation in support of the company's request to allow further development phases within the Portland Hills Subdivision and to allow for new development between Russell Lake and the Circumferential Highway. Following the presentation, a motion was approved that the requests be referred to staff for comment on the planning process required and an appropriate means of public consultation.

RECOMMENDATIONS

1. That Clayton Developments' request to amend the Portland Hills development agreement be referred to Regional Council with a recommendation that a plan amendment process be initiated and that a public participation program be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.
2. That Clayton Developments' proposal to develop its lands between Russell Lake and the Circumferential Highway be referred to the Morris-Russell Lake Public Participation Committee for review and recommendation.

BACKGROUND

Clayton Developments' lands are within the Morris-Russell Lake master plan area. In 1999, Regional Council approved amendments to the Municipal Planning Strategies (MPS) for Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay which provided direction and a series of specific policies pertaining to the future development of this area (see Attachment II).

The Harbour East Community Council appointed a public participation committee to prepare a master development plan for the Morris-Russell Lake Area. The terms of reference for the committee, approved at the May 20, 1999 session of the Community Council are presented as Attachment III.

The public participation committee prepared an interim report which was reviewed at the May 4, 2000 session of the Community Council. Community Council endorsed the committee's recommendation that Baker Drive be extended to a temporary at-grade intersection with the Circumferential Highway but that no further connections to the highway be permitted unless a connection to the Caldwell Road is established concurrently.

The final report was then presented at the May 25, 2000 session of Community Council. The report contained 36 recommendations pertaining to a broad range of issues which included land use allocation, environmental protection, essential services, transportation and infrastructure charges. The report stated that implementation would require further amendments to the three planning strategies which govern the master plan area and the committee also recommended that it be retained to evaluate further progress and any development agreements coming forward. The Community Council approved the master plan in principle and forwarded it to staff for a report.

The public participation committee has been inactive since this time but two studies were subsequently initiated. The Shearwater Connector Study was prepared for HRM and the Province. A storm water management plan is also being prepared for the Municipality which is under review by staff. This master plan area is also one of ten sites being evaluated under the regional greenfield study analysis. This later study is intended to provide a comparative evaluation of the development opportunities and constraints, the costs of extending services and an estimate of the capital cost contribution required from benefiting property owners in accordance with the Municipality's recently approved capital cost contribution policy.

DISCUSSION

Expansion of Portland Hills:

The MPS generally contemplates that a master development plan be undertaken for the entire Morris - Russell Lake area before any development approvals are granted. An exception was made to allow Clayton to negotiate development of 93 acres in recognition of existing development rights prior to adoption of the current policy set. The lands proposed for a master

development plan and the boundaries of the 93 acre area exempted are illustrated on Map 9M of the MPS (see pg. 2 of Attachment II). The development agreement allowing construction of Portland Hills subdivision was approved pursuant to this policy.

The MPS allows for modification to the 93 acre boundary shown on Map 9M but does not allow for any increase in area except to allow for a school. Expansion of the subdivision by an additional 38 acres would therefore necessitate a plan amendment.

The approved development agreement contemplated that Portland Hills Drive would be completed within the 93 acres of development allocated by the MPS. A development chart and phasing plan indicated that the 93 acres was to be developed within phases A through E which would have completed Portland Hills Drive. The agreement, however, permitted modifications to the phasing provided that all other stipulations of the agreement were maintained. Phases F and H have received approval pursuant to this provision. The original phasing was varied to resolve servicing issues, particularly related to storm water management, on lands in the vicinity of Portland Street. A submission in support of this contention is presented as Attachment V.

Staff still feels that completion of Portland Hills Drive in the short term is a reasonable objective. It would provide improved emergency access to the subdivision, to the elementary school and to the proposed park and ride facility at the intersection of Portland Hills Drive and Portland Street.

Development of the additional 38 acres represents infilling or completion of the existing subdivision as opposed to commencing a new development. The additional traffic expected on Portland Street may be partially, if not totally, offset by the benefits identified with the completion of Portland Hills Drive. Traffic Service is currently reviewing whether a traffic impact study would be warranted by this level of development. If deemed necessary, a study could be included as a component of the assessment.

It is therefore, recommended that this request be forwarded to Regional Council with a recommendation that a plan amendment process be initiated. The public consultation program should include the subcommittee of the Morris-Russell Lake Public Participation Committee which previously prepared a concept plan for the Portland Hills development agreement.

The Russell Lake Proposal

Clayton Developments' proposal to develop its lands around Russell Lake is premised on obtaining approval for a temporary right-out and possibly right-in access with the Circumferential Highway until such time as permanent interchange with the highway can be established. The Province has indicated it is prepared to consider this option, provided a traffic study is undertaken which demonstrates a satisfactory level of service can be maintained on Portland Street, and the Municipality is prepared to agree to certain conditions. The complete set of conditions can be found in the correspondence from Paul O'Brien to Michael Hanusiak at the end of attachment I.

While the MPS policies adopted for the Morris-Russell Lake master plan area favour a new interchange to preclude excessive congestion on Portland Street, alternative solutions may be considered. Reference is made to the transportation subsection reproduced on pages 3 to 5 of attachment II and, particularly, policy ML-3.

The master development plan prepared by the public participation committee proposed a temporary at-grade signalized intersection at the Circumferential Highway which would link with Baker Drive. The location was proposed at the Gaston Road intersection (see sketch 4 of attachment I). The committee stressed that this proposal was to provide immediate relief for Portland Street. The long term solution for the area was a new interchange with the Circumferential Highway with a road connection to the Caldwell Road ("the Shearwater Connector"). The Province would not approve an at-grade intersection at Gaston Road and no further efforts were made on this initiative.

In light of the latitude given by the MPS policies to consider alternative transportation solutions, the previous recommendation of the public participation committee and the willingness of the Province to consider the Clayton proposal, staff recommends that this be investigated further.

The proposal should be referred to the Morris-Russell Lake public participation committee for review (see Policy ML-1). If accepted in principle, staff would prepare terms of reference for a traffic study in consultation with the Province. Provincial officials would be invited to sit on a steering committee with municipal staff to ensure that both municipal and provincial interests are represented. Any decision regarding municipal cost sharing of the study will depend on the scope of the terms of reference. If municipal participation is recommended, a report will be prepared for a decision by Regional Council.

The current members of the Morris-Russell Lake public participation committee have not met since May, 1999. The Community Council may be required to appoint new members in the event that some persons are no longer available or interested in participating. Alternatively, the Community Council could decide to seek new membership.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

- I Adopt the staff recommendations.
- II Recommend that no amendment to the Dartmouth MPS be considered at this time to accommodate the Clayton Developments' request to develop further phases of the Portland Hills Subdivision. This course of action is not recommended since completion of Portland Hills Drive could be beneficial to the community.
- III Advise Clayton Developments that the proposal to initiate development of the Russell Lake lands by means of a temporary access to the Circumferential Highway is not supported. This course of action is not recommended because investigating alternative traffic solutions in advance of constructing the interchange is consistent with the MPS.

ATTACHMENTS

- I Correspondence from J. Michael Hanusiak of Clayton Developments Ltd. to Kurt Pyle, Planner for Halifax Regional Municipality Re: Application to Expand Development Boundary for Portland Hills and Recommencement of Morris-Russell Lake Master Plan, dated November 28, 2002 with attached correspondence from Paul O'Brien of N.S. Transportation and Public Works to Michael Hanusiak, dated October, 2002.
- II Excerpts from the Dartmouth Municipal Planning Strategy Pertaining to the Morris - Russell Lake Area
- III Terms of Reference for Public Participation Committee - Morris and Russell Lake Master Plan (approved May 20, 1999)
- IV Submission Received from Andrew Giles of Kimberly-Lloyd Developments Ltd., dated 6 January 2003, re: Clayton Developments Application to Expand the Development Boundary for Portland Hills and Re-Commencement of the Morris-Russell Lake Master Plan.
- V Correspondence from J. Michael Hanusiak, General Manager of Clayton Developments Ltd. to Paul Morgan, Planner, Halifax Regional Municipality, dated 21 January 2003, re: Plan Amendment - Portland Hills.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Paul Morgan, Planner II, 490-4482



Clayton Developments Limited
287 Lacewood Drive, Unit 109
Halifax, Nova Scotia
Canada B3M 3Y7

Tel (902) 445-2000
Fax (902) 443-1611

Subsidiaries
Clayton Realty Limited
Ridgevale Developers Limited

November 28, 2002

Mr. Kurt Pyle
Planner
Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

✓ Dear Kurt:

**Re: *Application to Expand Development Boundary for Portland Hills
Recommencement of Morris Russell Lake Master Plan***

Further to our meeting of November 28, 2002, Clayton Developments Limited wishes to initiate two separate but interrelated development applications. Following is an overview of the individual requests.

Portland Hills

On July 6, 2000 Harbour East Community Council approved development of 93 acres of our Portland Hills land assembly (Sketch 1). Since that time we have received subdivision approval for approximately 73 acres of mixed-use development. We anticipated that these lands will be sold and fully developed within the next 12 – 18 months (Sketch 2).

Presently, we are preparing construction drawings for the remainder of our 93 - acre allotment (Sketch 2). Our planning must incorporate two important considerations. First, in order to ensure a functional sanitary service to the upper section of Portland Hills Drive, we must complete the two cul-de-sacs in the centre of the plan area, affectionately referred to as the "dog bone". Secondly, we are compelled to provide a water and sanitary services service to the four multiple unit buildings within Areas "B and H" as identified in Schedule "F" of the D.A. (Sketch 3). Assuming that we complete the short cul-de-sac abutting the apartment buildings, we will have reached our development capabilities under the current MPS.

Our concern is for the completion of Portland Hills Drive. At one time it was contemplated that the whole of Portland Hills Drive could be completed under the 93-acre allotment. However, our own rigorous interpretation of the Development

Agreement coupled with detailed survey information suggests this is not possible. Sketch 1 identifies the extent to which we development under current restrictions.

We respectfully submit that the interests of the community are best served by amending the Development Agreement to permit completion of Portland Hills Drive including the residual land inside Bell Brook (approximately 38 acres). Policy ML – 8(a) of the MPS provides that the 93 – acre limitation not be increased until such time as infrastructure deficiencies in the area (specifically, traffic and water) have been addressed. In defense of our request, we offer the following observations:

- There is sufficient water capacity to service the subject area. These lands will be serviced independent of the issues facing Inishowen Subdivision.
- The incremental increase in traffic associated with the additional 38 acres is relatively minor when compared to the overall traffic loads along Portland Street. We are prepared to demonstrate this through a traffic impact study.
- The community benefits associated with the completion of the “loop” far outweigh the incremental increase in traffic volumes.
 - Improved emergency response to the whole of Portland Hills and Portland Estates.
 - Improved access to the new school from the upper sections of Portland Hills. Currently, families must exit the development at Portland Street/Regal Road, turn left at Portland Estates Blvd. and re-enter Portland Street after dropping their children at the school. This amounts to three left-hand turning movements along Portland Street, where only one will be required upon completion of the loop.
 - Improved transit service to Portland Hills, Portland Estates and Norman Newman Blvd. transit service is not available in Portland Hills due to the missing link along Portland Hills Drive. By completing the loop, Metro Transit will be in a position to increase its service to this large residential area, thereby reducing traffic along Portland Street.

Arguably, completion of the Portland Hills Drive will reduce rather than increase peak hour traffic along Portland Street. This observation is strengthened by the pending construction of the new park and ride facility adjacent to the intersection of Portland Hills Drive and Portland Street.

This facility will act to reduce peak hour traffic along Portland Street by encouraging local residents to use metro transit rather than their personal vehicles. Unfortunately, the benefit to Portland Hills and Portland Estates will be marginal if commuters are unable to access the facility due to the missing link between the upper and lower sections of Portland Hills Drive. Completion of the loop provides safe and efficient access – both a.m. and p.m. – without the need to access Portland Street.

The fact that we are requesting approval for all lands inside Bell Brook is a matter of simple economics. Portland Hills drive is a designated collector street with increased costs compared to a local street. Typically, these costs are spread over a larger area in order to ensure project viability. There is no cost - sharing associated with this street.

We are also cognizant of the impact that new construction has on existing homes. We would prefer to offer existing and potential homeowners some degree of certainty relative to the completion of nearby streets and open space.

Whether this application requires an amendment to the MPS is debatable. In our opinion, the incremental increase in developable acreage coupled with the resolution of the Portland Street traffic issue is sufficient to proceed by way of amendment to the existing Development Agreement. We require direction from staff in order to provide the appropriate application fees.

Russell Lake

The Morris-Russell Master Plan has been on hold for over two years (Sketch 4). We believe that certain matters have changed such that it is time to recommence the plan process.

Attached is a revised community concept plan for the Master Plan area (Sketch 5). We have taken the liberty to revise the plan to reflect a number of important considerations, namely:

- The Province has decreed that the Shearwater Interchange will be located adjacent to Woodside Industrial Park. *This is nearly 800 ft. further south than suggested by the Public Participation Committee.*
- Repositioning of the interchange dictates that the "General Commercial" designation shift southward adjacent to the interchange. This puts the bulk of the future commercial activity (i.e. Box stores) on Irving as opposed to Clayton lands.
- Relocation of the interchange increases the length of Baker Drive (extension) to over 4400 ft. It is highly unlikely that we and/or Irving would build the whole of the road at one time in hopes of attracting tenants.

Therefore, the road must be constructed in stages with a less aggressive land use pattern.

- A minor collector has been added connecting the far end of our landholdings with Portland Estates and the "Boot". While this connection is not of an absolute necessity, it reflects the reality the future Shearwater Connector will offer limited access to abutting lands. It also helps to tie one community with the other without encouraging through traffic.
- The previous concept plan proposed a future school site having direct access to the Shearwater Connector. This will not happen given access restrictions. The school site has been relocated to provide proper access to the future street network. There is reason to suggest that the school would be better located adjacent to the large park area (Area 14).

The status of the Shearwater Interchange remains unclear. Through the fine efforts of Councilor Hetherington and his colleagues on Community Council, the Interchange was rated as HRM's number one "transportation" priority under the current Infrastructure Program. Unfortunately, there has been little if any progress relative to final design, land acquisition, and timing of same. The project lacks a champion – staff is not actively pursuing the project, the Province has its own priorities, and Canada Lands Limited has yet to articulate a vision for Shearwater. HRM's traffic authority, Mr. McCusker believes the project to be at least five years away.

In October of this year, we received conditional approval by the Department of Transportation and Public Works for a "right-out" from Baker Drive to the Circumferential Highway. Clayton is in the unique position to discuss such matters with TPW given our current ability to access the Russell Lake lands directly from Highway 101. As indicated by the attached letter, TPW is prepared to grant a temporary access to the Circumferential Highway per an approved development agreement. TPW reserves the right to close the right-out upon opening of the Interchange.

Sketch 5, illustrates a conceptual plan of our entire Russell Lake holdings. In keeping with the density parameters of the Dartmouth MPS (8 units per acre), we wish to pursue a mixed-use development consisting of higher density development at the northern and southern ends of the site (including the possibility of community commercial uses adjacent to Home Depot) with lower density residential in the middle sections, including the lakefront. Our intention is to extend Baker Drive to connect to the Circumferential Highway as part of our initial phase. From there, our plan will be to complete development to the north of the two major "park and open space" areas prior to completion of the interchange. Baker Drive will be extended to the Irving property as part of the "pre-interchange" activity.

With respect to the Master Plan, we are prepared to participate as a major stakeholder. However, the tie-in to our Portland Hills proposal suggests that a single Steering Committee may be in order from this point forward. As for timing, we are concerned that the Plan may be delayed while we collectively wait for Canada Lands to figure out the future of Shearwater. In our opinion, the proposed plan for Russell Lake in no way undermines the “big” picture relative to Shearwater, including the Shearwater Interchange/Connector. On the contrary, there is a long list of community benefits to be derived by connecting Baker Drive to the Circumferential Highway.

- The right-out will allow residents of Portland Hills and Portland Estates to by-pass Portland Street during the morning rush hour. The reduction in traffic will assist in reducing current v/c ratios.
- It has been suggested that the left-hand turning intervals for all side streets along the south side of Portland Street (i.e. Portland Hills Drive, Portland Estates Blvd., Norman Newman Blvd.) etc. could be increased as a result of the right-out. This would further increase peak hour efficiencies along Portland Street.
- Businesses along Portland Street and Baker Drive will benefit from improved circulation to the Circumferential Highway. Home Depot sits at the end of a dead-end street. Through traffic along with nearby residential building activity will benefit this important economic generator. Likewise, the car dealers will be able to direct customer traffic to the highway rather than through the adjacent residential neighbourhoods.
- Last but not least, Metro Transit gains a major route from the proposed park and ride facility through Portland Hills and Portland Estates directly to the Circumferential Highway. This will be of keen interest to individuals making transfers at Penhorn Mall.

In the course of our discussions with various staff, the concept of a “right-in/right-out” was raised on several occasions. Frankly, the idea of a right-in was not pursued with TWP due to the dedicated turning channel along Portland Street between the Portland Interchange and Baker Drive.

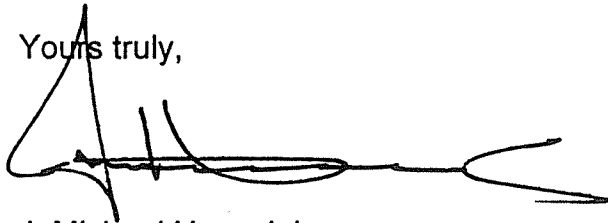
Notwithstanding, there is considerable benefit to be derived from a sweeping exit from the Circumferential. In short, all of the “am” benefits afforded Portland Street can be replicated during the afternoon rush hour. This is especially true for transit servicing originating from the Woodside Ferry Terminal. As to cost, we are prepared to participate in the additional expenditure.

Next Steps

We are anxious to bring these issues to the public albeit in a forum acceptable to Harbour East Community Council. We are also required to prepare a traffic impact statement as part of our formal submission to TPW. While we are prepared to undertake this exercise at our cost, we respectfully submit that a larger review may be in order to investigate the full impact to Portland Street. This may require cost-sharing. We also believe that the traffic impact study should be administered by HRM stay so as to avoid any perception of bias on behalf of Clayton. Staff's direction on this matter would be appreciated.











Kurt, I trust this is to your satisfaction. Please let me know if you have any questions or require any additional information.

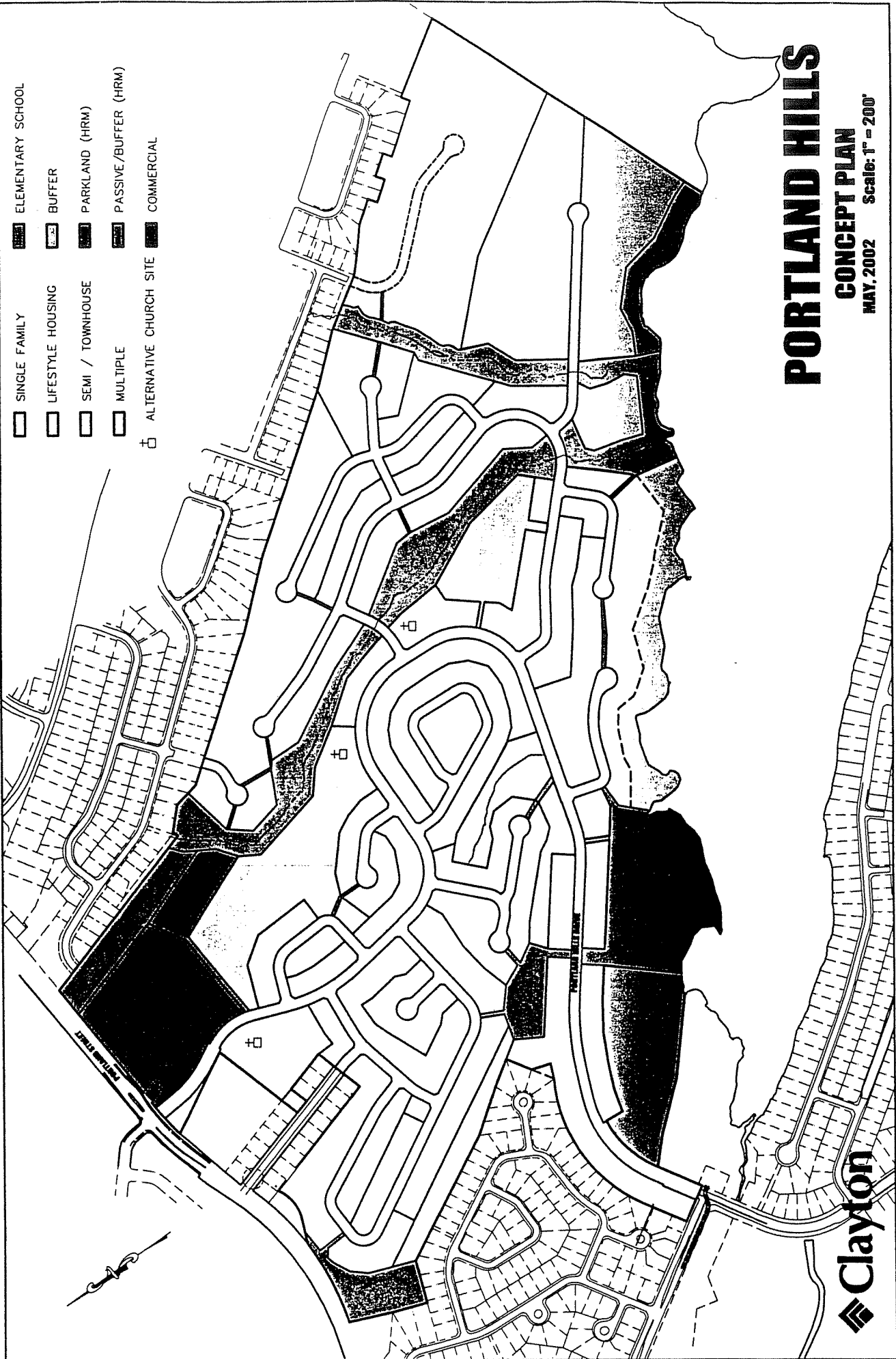
Yours truly,

A handwritten signature in black ink, appearing to read 'J. Michael Hanusiak', with a stylized flourish at the end.

J. Michael Hanusiak
Senior Vice President

cc. B. Hetherington
K. Harris, Irving Oil

-  SINGLE FAMILY
-  LIFESTYLE HOUSING
-  SEMI / TOWNHOUSE
-  MULTIPLE
-  ALTERNATIVE CHURCH SITE
-  ELEMENTARY SCHOOL
-  BUFFER
-  PARKLAND (HRM)
-  PASSIVE/BUFFER (HRM)
-  COMMERCIAL



PORTLAND HILLS

CONCEPT PLAN

MAY, 2002 Scale: 1" = 200'

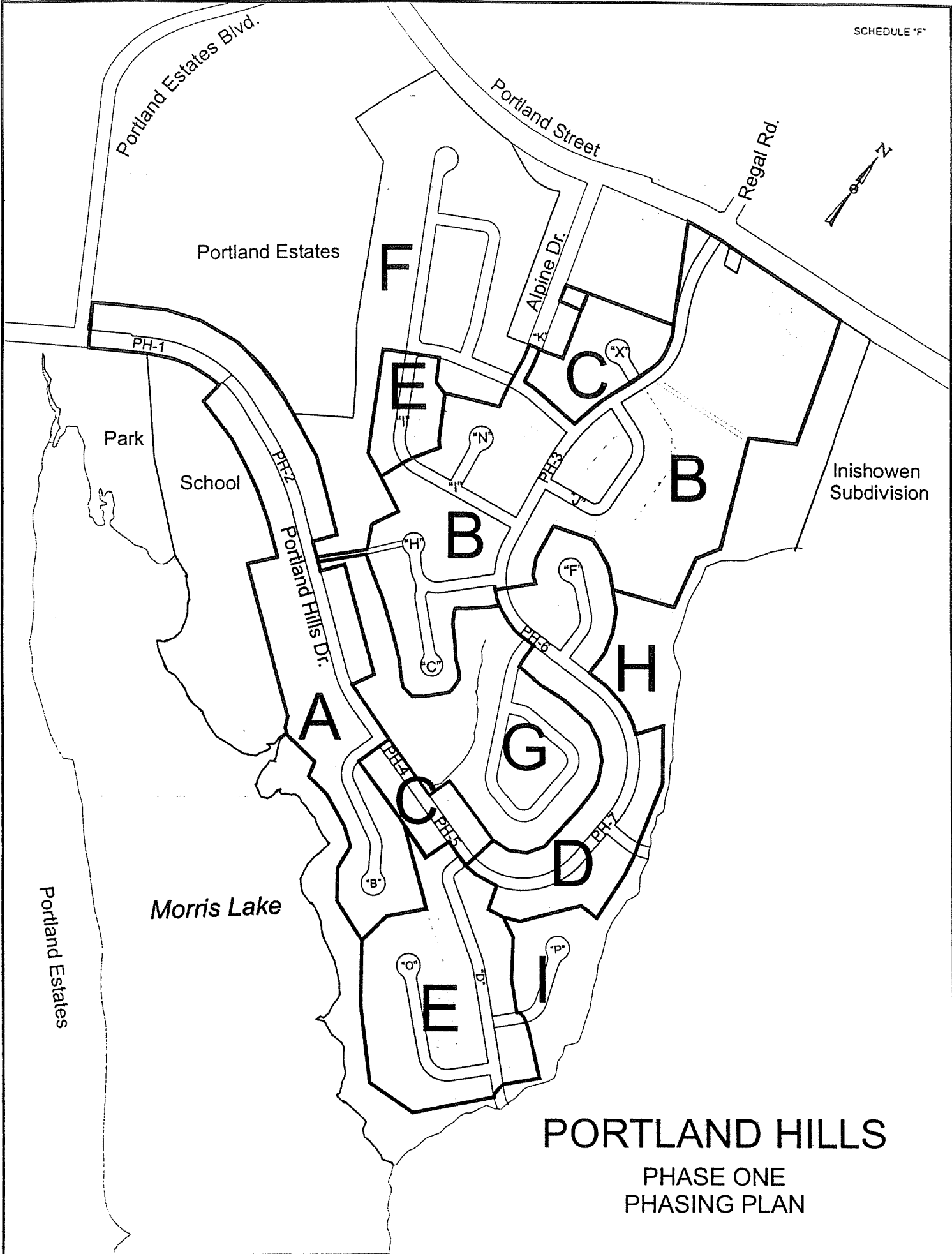




73.7 EXISTING DEVELOPMENT
19.3 PROPOSED PHASE 3
TOTAL: 93ACS

- ☐ EXISTING 73.7± ACRES
- ☐ PHASE 3 (19.3ACS±)
- ☐ BUFFER AREA / OPEN SPACE
- ☐ REMAINING LANDS (38 ACS±)

PORTLAND HILLS


















MORRIS LAKE / RUSSELL LAKE

CONCEPT MASTER PLAN

AREA 4

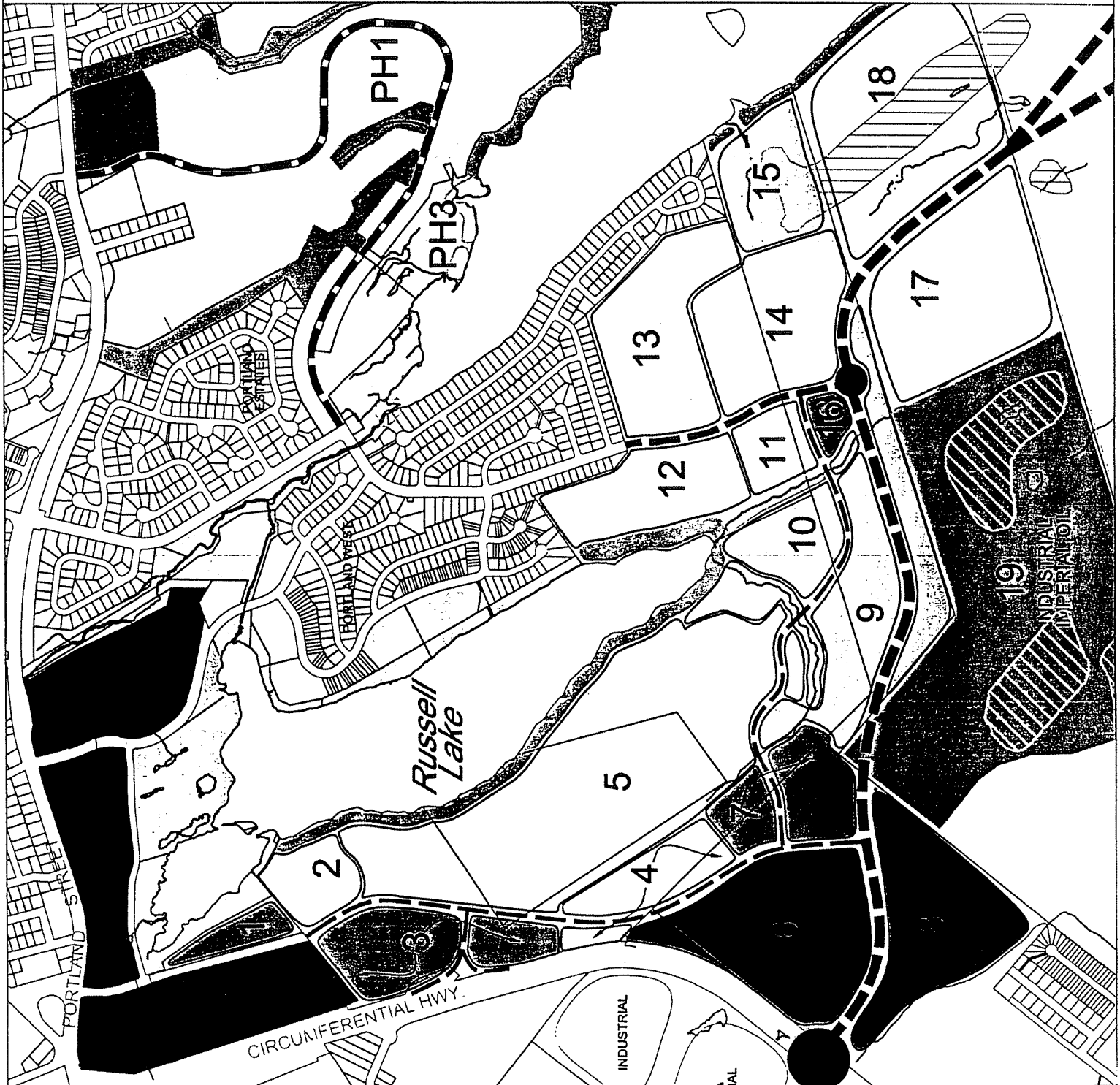
SCALE: NTS

NOVEMBER, 2002

-  SINGLE FAMILY
-  SEMI / TOWNHOUSE
-  MULTIPLE
-  CDD RESIDENTIAL MIX
-  CDD (Holding)
-  HRM PARKLAND / OPEN SPACE
-  ACTIVE HRM PARKLAND
-  COMMUNITY COMMERCIAL / RESIDENTIAL
-  GENERAL COMMERCIAL
-  EXISTING COMMERCIAL
-  INSTITUTIONAL
-  LAKEFRONT MANAGEMENT ZONE
-  INDUSTRIAL LANDS
-  WETLANDS
-  ENVIRONMENTALLY SENSITIVE



HALIFAX
REGIONAL MUNICIPALITY



RUSSELL LAKE

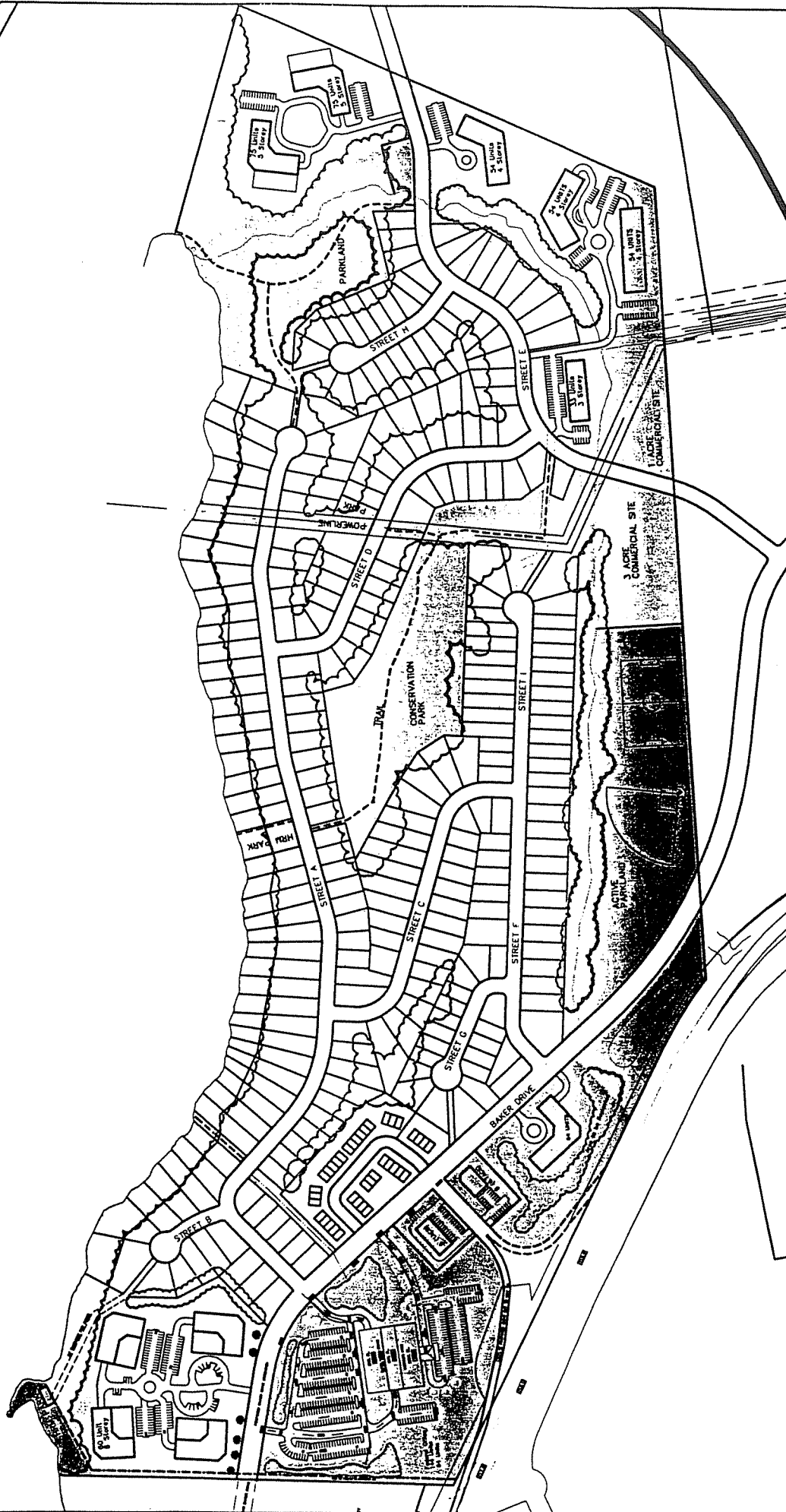
A CLAYTON COMMUNITY



NTS NOVEMBER 2002

RUSSELL LAKE LANDUSE PLAN

- LOW DENSITY RESIDENTIAL
- HIGH DENSITY MULTIPLE
- HRM PARKLAND
- LAKEFRONT MANAGEMENT ZONE
- GENERAL COMMERCIAL
- COMMUNITY COMMERCIAL



DTPW # 339
File 1604.3

October 1, 2002

Mr. Michael Hanusiak
Senior Vice President
Director of Planning Services
Clayton Developments Limited
287 Lacewood Drive, Unit 109
Halifax, NS B3M 3Y7

Dear Mr. Hanusiak:

I am writing as a follow up to my July 24, 2002 letter and in response to your July 31, 2002-letter.

It has become apparent that Halifax Regional Municipality will not be pursuing a new interchange on Highway 111 halfway between Portland Street and Pleasant Street for at least five years. They have also expressed no objections to the latest development proposal for the site in question or the proposed right out access onto Highway 111. We have stated that it is not our intention to hold up development by denying access but that it is our intention and responsibility to protect the integrity of Highway 111 as a provincial 100 series controlled access highway.

Therefore, we approve in principle a right out only access to Highway 111 for your development providing the following conditions are met:

1. A traffic study must demonstrate that the development results in at least a LOS D on Portland Street, its intersections and Highway 111. The study must show the impact of build-out of the site on the existing infrastructure and recommend upgrades to accommodate the impact. The upgrades will be carried out at no cost to the Department.
2. The geometric design of the right out access must show all details. The weaving distance on Highway 111 between the new access and the N/B exit ramp of the Portland Street Interchange must be adequate based on the latest edition of the TAC Geometric Design Guide. The design must be approved by TPW prior to construction.

Mr. Michael Hanusiak

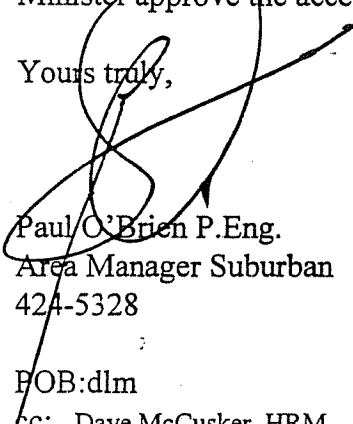
October 1, 2002

Page 2

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3. The right out access must serve only those lands currently defined in Clayton Development Limited's proposal and included in the traffic study mentioned in item 1.
 4. The right out access must be defined as temporary in the Development Agreement with Halifax Regional Municipality. Temporary must be defined to mean that the access will remain in operation only until such time as the new Highway 111 Interchange to the south is opened or until such time as the right out access becomes operationally deficient as confirmed by a traffic study conducted bi-annually from the date of opening, whichever comes first. The traffic study will be carried out at no cost to the Department. The new interchange will then become the access to Highway 111 for the development and at that time the right out access will be permanently eliminated.
 5. When the right-out access is opened, the existing Gaston Road intersection must be eliminated. Proper modifications to Highway 111 must be undertaken to accomplish this and these modifications must be shown on the design drawing(s) for the right out access. These modifications will be carried out at no cost to the Department.
 6. Halifax Regional Municipality must agree in writing to honour the temporary status of the right out access as described in Item 4 above after the Development Agreement has expired or is no longer valid.

We will await the results of the traffic study, the detailed design drawings, and a letter from Halifax Regional Municipality before proceeding with the access permit. We will then recommend that the Minister approve the access permit with conditions 3 and 4 included.

Yours truly,


Paul O'Brien P.Eng.
Area Manager Suburban
424-5328

POB:dlm

cc: Dave McCusker, HRM
Phil Corkum, TPW
Kent Speiran, TPW

**Attachment II: Excerpts from the Dartmouth MPS
Pertaining to the Morris - Russell Lake Area**

MORRIS-RUSSELL LAKE AREA

In 1997, Council retained Griffiths Muecke Associates to conduct a Watershed Management Study for Morris Lake. The purpose of the study was to establish a management framework by which to guide future development within the Morris Lake Watershed. The Study focused on determining the existing trophic status of Morris Lake as well as establishing criteria to control phosphorous and sediments from entering the lake and watershed.

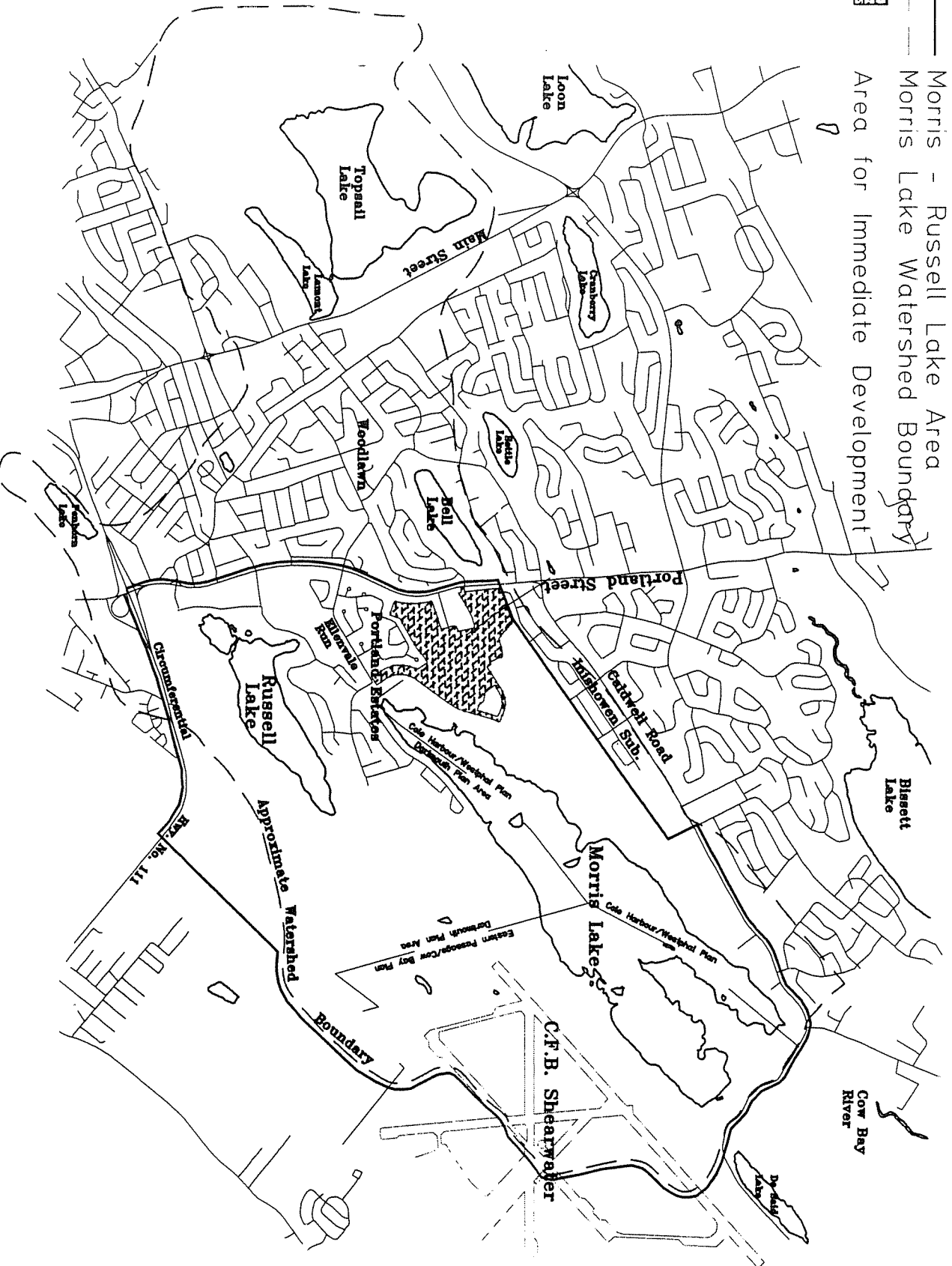
Although the Terms of Reference for the study focuses on Morris Lake, many of the recommendations refer to Russell Lake as well because water quality in Morris Lake is intimately linked to the nature of development activities in the Russell Lake sub-watershed. Therefore, recommendations should be considered applicable to the extended watershed that includes both lakes.

The study indicates that Morris Lake, while still in a relatively "healthy" condition, is in danger of becoming eutrophic if development in the watershed proceeds in an environmentally insensitive manner. To prevent Morris Lake from becoming eutrophic, the Morris Lake Watershed Management Plan recommends that a Master Plan be prepared for this area to ensure development occurs in an environmentally sensitive and comprehensive manner. The Master Plan should address the key issues and constraints to future development within the area such as transportation, municipal services, land use, major recreation lands and linkages, potential school locations, environmental constraints and opportunities and so on. To develop a Master Plan for the Morris-Russell Lake area, it is essential that property owners, local area residents, the Dartmouth Lakes Advisory Board, and the general public work together. To achieve this coordinated approach to development, a public participation committee should be established to develop the Master Plan. This Committee or a Sub-Committee thereof, could also be responsible for the evaluation of the detailed CDD approval process as described by Policy H-3(AA).

- ML-1 It shall be the intention of Council to immediately undertake the preparation of a Master Development Plan for the Morris-Russell Lake area as generally indicated on Map 9M to ensure development occurs in an environmentally sensitive and comprehensive manner. The Plan shall be developed in consultation with property owners, residents of the area, the Dartmouth Lakes Advisory Board, and the general public. To achieve this goal, it shall be the intention of Council to establish a public participation committee which will (a) identify the issues and constraints to future development in the area; (b) determine alternatives and solutions to address issues and concerns identified; and (c) collaborate to produce a conceptual plan for the entire Morris -Russell Lake area.



— Morris - Russell Lake Area
— Morris Lake Watershed Boundary
Area for Immediate Development



To ensure development within the Morris-Russell Lake area occurs in an environmentally sensitive and comprehensively planned manner, the Morris Lake Watershed Management Plan recommendations should be applied to all undeveloped lands within the area. To prevent the area from developing in an ad-hoc, uncoordinated fashion, a comprehensive development district (CDD) zone should be applied in advance of the Master Development Plan being initiated. Future development then, will only occur by means of a development agreement process.

ML-2 It shall be the intention of Council to apply the Comprehensive Development District (CDD) Zone to all undeveloped lands within the Morris-Russell Lake area to ensure development proceeds in a comprehensive manner and to enable implementation of the Morris Lake Watershed Management policies.

FUTURE DEVELOPMENT WITHIN THE MORRIS-RUSSELL LAKE AREA

Most of the undeveloped parcels of land within the Morris-Russell area cannot be developed given existing constraints in various infrastructure systems (transportation system, water distribution system, sanitary sewer system).

Through the Master Development Plan process as identified under Policy ML-1, existing infrastructure deficiencies will be investigated and alternatives proposed. Of the issues to be addressed under the Master Plan for the entire Morris-Russell Lake area, transportation and central services (sewer and water) are key issues.

Transportation

To address existing and future transportation issues within the Morris-Russell Lake area, the Master Development Plan process must first identify the existing transportation issues/concerns and secondly, determine alternatives/solutions to improving the overall transportation network in the Morris-Russell Lake area.

Presently, Portland Street is at or near capacity. If the undeveloped lands surrounding Morris and Russell Lakes are developed, the level of service on Portland Street, as it now exists, will continue to decline. Thus, there is a need for Portland Street to be upgraded or modified to handle the additional traffic or alternative routes to the Circumferential Highway are required.

A Traffic Impact Study, conducted by Streetwise Traffic Engineering, for Clayton Developments Limited lands on the east side of Morris Lake has indicated that "there are limited opportunities to increase capacity on Portland Street without a major impact on abutting residential and commercial development". Therefore, the long term development of these lands will require alternative routes to Highway No. 111. The study recommends that a new interchange on Highway No. 111 (Circumferential) be established which is supported by Dartmouth's Municipal Planning Strategy. Policy T-6 supports the identification and protection of a right-of-way for an interchange off the Circumferential connecting it with the Russell Lake area.

The establishment of a new interchange on the Circumferential Highway will require involvement of the Department of Transportation and Public Works as the highway is the jurisdiction of the province. The establishment of the interchange is critical to the development of the Morris-Russell Lake area which, from a regional planning perspective, is an infill area within which residential and associated development should be encouraged. In order to facilitate urban growth in this area, Council should immediately commence negotiations with the province and the affected land owners to facilitate the proposed interchange.

ML-3 With respect to the transportation network to serve the Morris-Russell Lake area, it shall be the intention of Council to restrict development on all lands zoned CDD unless it is demonstrated that vehicular traffic to be generated by the proposed development can be satisfactorily accommodated on Portland Street and its feeder streets. As part of the Master Development Plan for the area (refer to Policy ML-1), alternatives/solutions to address this issue shall be investigated, including the feasibility and timing of a new interchange on Highway No. 111. In this regard, it shall be the intention of Council to pursue construction of this interchange, in association with the Province and affected land owners.

The present collector road system proposed for the Morris-Russell Lake area (dating from the 1970's and 80's) envisioned a connection between Portland Estates Boulevard West and the proposed new interchange. Thus, traffic generated in the Morris- Russell Lake area would not have to access the Circumferential Highway via Portland Street. However, residents of the area have expressed concern with respect to this connection, and its timing, because of the potential for increased traffic through the neighbourhood. Residents are also concerned with potential impacts associated with a road connection from Portland Estates Boulevard West to Caldwell Road.

In addition to these internal collector roads, the Municipality's "GoPlan" recommends an arterial or collector road be established that connects the proposed interchange and Caldwell Road on the western side of Morris Lake, across the lands of CFB Shearwater. This road would provide an alternative route to Caldwell Road and Portland Street for residents living in and around Cole Harbour South. This collector road may reduce traffic on Portland Street and also may relieve traffic that would otherwise use Portland Estates Boulevard West. However, the establishment of such a road is uncertain at this time as the Department of National Defence has not made a decision on what lands of Shearwater are surplus. Nevertheless, there is a need to actively pursue the establishment of this roadway (termed the "Shearwater Connector") in order to address the concerns of the Portland Estates Community.

It is also noted the Municipality is presently conducting an "Integrated Servicing Strategy" for the urban areas within HRM. This study will assess current infrastructure systems (sanitary sewers, water supply, storm sewers and transportation networks) and identify options for upgrading and expanding these systems. The findings of the study should be coordinated with the Master Development Plan exercise to be carried out for the Morris-Russell Lake area.

- ML-4 Further to ML-3, it shall be the intention of Council to prepare, through the Master Development Plan process as described in Policy ML-1, a transportation plan serving the Morris-Russell Lake area. In preparation of the plan, the Committee shall examine alternatives for the creation of an efficient road system to serve the greater area, while at the same time having due regard to maintaining the safety and integrity of existing residential neighbourhoods.
- ML-4a Further to ML-4, it shall be the intention of Council, in order to address quality of life concerns within the Portland Estates community related to potential increases in traffic from surrounding areas, to implement the following transportation initiatives:
- (i) that Portland Estates Boulevard & Portland Estates Boulevard West be designated local residential collector streets;
 - (ii) that no street connection be established between Caldwell Road and the Portland Estates subdivision; and
 - (iii) that a roadway connecting Highway No. 111 to Caldwell Road, on the west side of Morris Lake (termed the "Shearwater Connector"), be constructed prior to any extension of Portland Estates Boulevard West to said connector road.

With regard to the future collector road system, the Municipality, at present, does not contribute funds for over sizing of such streets. To ensure a proper road hierarchy, alternative means must be found to help fund the construction of the collector road system. The Municipality is currently requesting the Province to amend the HRM Act to permit development charges to be levied which could help fund the required transportation infrastructure. The development charges would allow the Municipality to build the proposed infrastructure and to recoup the costs when the lands are developed through a fee on any new lots created. It is not the intention that such a fee would be imposed on existing developed lots. In addition, development charges would also address other infrastructure needs such as the over sizing of central servicing systems.

- ML-5 Upon obtaining the necessary enabling legislation through the Province, it shall be the intention of Council to implement a program of development charges in the Morris-Russell Lake area in order to fund new infrastructure systems, including transportation systems, sanitary sewers, storm sewers and water supply. It is the intention such development charges will be applied to all new development (lot creation) and not to existing developed property.

Central Services (Sewer & Water)

Many of the undeveloped parcels of land within the Morris-Russell Lake area are situated within a municipal servicing boundary, where development can only occur based upon central sewer and water services. However, a number of parcels of land are situated beyond municipal

servicing boundaries (sewer & water) and can presently be developed based on on-site septic systems. The Morris Lake Watershed Management Study recommends that future development within the Morris-Russell Lake area should not proceed by on-site septic systems due to the potential negative impact such systems can have on the lakes. Thus, all new development within the area should be connected to central services (water & sewer).

- ML-6 Within the Morris-Russell Lake area, it shall be the intention of Council not to consider any new development on lands zoned CDD unless serviced with both central sewer and water services. It shall be the intention of Council to include all undeveloped lands within the Morris-Russell Lake area within a municipal development (service) boundary (Map 9O).

Within the Morris-Russell Lake area, there are constraints in the existing sewer and water infrastructure systems, yet these deficiencies do not affect all of the undeveloped lands in the same manner. The undeveloped lands on the west side of Morris Lake and the lands adjacent to Russell Lake, are situated within the existing Dartmouth Development Boundary. Lands on the east side of Morris Lake should be included within the Dartmouth Plan Area and Development Boundary as development of these lands can proceed by means of gravity flow to the Dartmouth sanitary sewer system. In addition, the Water Commission has indicated that water can be provided to the existing serviceable areas at this time, but not to the entire Morris-Russell Lake area due to pressure levels and water line capacities. Thus, development should not proceed until the necessary upgrades are identified and completed.

As stated previously, the Municipality is in the process of conducting an Integrated Servicing Strategy to identify servicing deficiencies, including central water and sewer services. The Strategy will also identify upgrades or modifications needed in the long term to develop the undeveloped lands within the Morris-Russell Lake area. Until such new systems, upgrades or modifications are complete (water distribution system and sanitary sewer system) development within the area should be restricted.

- ML-7 It shall be the intention of Council to restrict development on lands zoned CDD within the Morris - Russell Lake area until all infrastructure deficiencies (ie. water and sewer) are resolved and development can proceed without exceeding the capacity of municipal infrastructure.

Immediate Development Potential

Of the existing undeveloped parcels of land within the Morris-Russell Lake area, Clayton Developments Limited owns 270 acres of undeveloped land on the east side of Morris Lake on which they intend to develop a mixed residential housing development. However, only a portion of the lands can be developed at this time due to Portland Street being near or at capacity, as well as deficiencies within the existing infrastructure system, particularly central water supply.

Clayton Developments Limited has existing development rights on approximately 93 acres of its land holding for serviced residential lots. To recognize these existing development rights and to minimize the impact of traffic generation on Portland Street and on the existing infrastructure (ie: the water distribution system), Clayton Developments Limited should only be permitted to develop the amount of land currently capable of being serviced (approximately 93 acres) on their property, until such time as all infrastructure deficiencies (ie. transportation, sewer, and water) are satisfactorily addressed.

- ML-8 It shall be the intention of Council to consider permitting the development of a maximum of 93 acres of land as generally illustrated on Map 9M as “Area for Immediate Development” in recognition of existing serviced development rights on the property and in order to minimize the impact on existing municipal infrastructure, especially traffic generation on Portland Street and the water distribution system. Council shall permit modifications to the boundary of this area as part of the detailed CDD planning process, provided the total area to be developed does not exceed 93 acres and provided the modifications do not further impact upon the capacity of municipal infrastructure currently allocated to these lands.
- ML-8(a) Further to Policy ML-8, Council shall not consider the approval of a CDD development agreement for the 93 acre parcel until such time as the transportation component of the Master Development Plan, as referenced in Policies ML-4 and ML-4(a), has been addressed.

Recently, the provincial government announced the construction of a number of new schools. One of the proposed schools is planned for the Morris-Russell Lake area. Clayton Developments Limited has indicated a desire to incorporate a school within their development. However, the School Board has indicated such schools will not be constructed until existing schools are at capacity and housing construction warrants the new school. Due to the importance a new school is to local residents, the area of land that Clayton can develop in the interim may be expanded to incorporate a school site if identified by the School Board.

- ML-9 Notwithstanding Policy ML-8, Council shall permit the expansion of the “Immediate Development” area to accommodate the establishment of a school for the Morris-Russell Lake area, subject to the adequacy of municipal sewer and water services to accommodate the development.

ENVIRONMENTAL PROTECTION MECHANISMS

As development occurs within the Morris-Russell Lake area, all new development must adhere to specific environmental protection measures if both Morris and Russell Lakes are to be protected. The Morris Lake Watershed Management Plan made a number of recommendations on a management framework by which to guide future development within the area. To ensure the recommendations are implemented, all new development must adhere to the following

requirements.

Design and Development Controls

The design adopted for a subdivision fundamentally affects the hydrology of the site and the quality of the stormwater. Good environmental planning integrates site design and stormwater quality management into one process¹. If environmentally responsible watershed policies are not supported by environmentally responsible design at a subdivision and site level, the whole endeavor may ultimately well fail. The Morris Lake Watershed Management Plan recommends that all development adhere to environmental standards designed specifically to protect Morris Lake and its watershed.

- ML-10 It shall be the intention of Council to encourage all new development within the Morris-Russell Lake area to meet certain basic design objectives as follows:
- (a) to reproduce the pre-development hydrological conditions;
 - (b) confine development and construction activities to the least critical areas of the site and consider cluster development to minimize land disturbance;
 - (c) maintain the overall desired density of development by allocating higher densities to areas most suitable for development;
 - (d) minimize changes to the existing topography; and
 - (e) preserve and utilize the natural drainage system.
- ML-11 It shall be the intention of Council to require all new development situated on lands zoned CDD within the Morris-Russell Lake area to incorporate specific design standards which maximize the protection of water quality in Morris and Russell Lakes. The following shall be used as guidelines:
- (a) all lands with slopes of 15% or greater should not be developed unless additional environmental control measures are implemented to minimize the amount of erosion generated from the site;
 - (b) all wetlands (as defined by the presence of characteristic wetland vegetation) should be excluded from development;

¹ *Stormwater Management Practices Planning and Design Manual*, Ontario Ministry of Environment and Energy, 1994

- (c) all shorelines should be protected by a 100 foot buffer zone within which no vegetation or soil should be removed or altered. The width of the buffer zone may be decreased to 75 feet if, through detailed study, the topography and vegetation conditions warrant the reduction;
- (d) all wetlands and watercourses should be protected with a buffer strip within which no vegetation or soil should be removed or altered. For wetlands, the buffer strip should be at least 25 feet in width for wetlands less than 0.5 acres in size and 50 feet for wetlands over 0.5 acres. All streams shall have a minimum 50 foot buffer strip on each side;
- (e) the amount of impermeable surfaces created should not exceed 25% of the gross area of the proposed development. Minor increases in this figure may be considered provided the amount of proposed undisturbed land substantially exceeds the guideline described in section ML-11(f) and such undisturbed lands are incorporated into the final drainage plan;
- (f) a minimum of 25% of the natural vegetation on the site should be retained in an undisturbed state and incorporated into the final drainage plan;
- (g) the amount of phosphorous entering Morris Lake through stormwater generated on the site should be reduced by approximately 40% through the use of Stormwater Best Management Practices; and
- (h) no development shall be permitted on septic systems..

Erosion and sedimentation control is a critical element in good site design. In order to control the adverse effects of sediment (and attached phosphorus), it will be essential to strictly control erosion. This means that development will have to be designed and implemented with erosion minimization as a primary criterion.

ML-12 Within the Morris-Russell Lake area, it shall be the intention of Council to require all developers to prepare and receive Municipal approval for an Erosion and Sediment Minimization Plan for lands zoned CDD prior to any clearing or grubbing occurring on a site, and the plan shall contain the following:

- (a) how ground disturbance will be restricted to areas where structures, roads etc. will exist when construction is complete;
- (b) indicate which vegetation will be protected, marked, and preserved through construction techniques that minimize soil compaction and damage to tree roots;

- (c) how the construction project will be phased to minimize the extent and length of soil exposure – this includes phasing by drainage area;
- (d) how the opportunity for erosion will be limited through sequencing of construction activities; and
- (e) indicate which erosion and sediment controls will be used, where they will be located, the timing of installation (before construction begins), the inclusion of drainage controls up-slope of the construction site; inspection and monitoring, and timing of removal (after the entire site has been stabilized).

Public Awareness and Education Programs

If the recommendations contained within the Morris Lake Watershed Management Study are to be successfully implemented there needs to be active involvement of both individual land owners and the general public. The involvement of the public should not just be limited to the residents of Morris-Russell Lake area but to existing developed areas within the entire Morris Lake Watershed, such as the existing development throughout Woodlawn.

ML-13 It shall be the intention of Council to establish a Public Awareness and Education program for the general public which emphasizes the protection of Morris and Russell Lakes. The programs should at least incorporate the following:

- (a) information programs for land owners on buffer zone management and the use of fertilizers;
- (b) a program for local schools;
- (c) application of an Animal Defecation By-law throughout the entire watershed area and actively enforce it;
- (d) encourage local property owners to hold “Cleanup” days for litter collection in public areas; and
- (e) establish a stormwater wetland as an educational demonstration site on the importance of protecting lakes.

Stormwater Management

As the Morris-Russell Lake area is developed, there will be a need for stormwater to be controlled to remove sediments and phosphorous. Under the Morris Lake Watershed Study, a number of site specific projects are proposed to remove sediments and phosphorous from

watercourses before reaching Morris Lake. In addition to using wetlands in conjunction with newly developing areas, they can also be used for remediation. In the case of Morris Lake, much of the current condition of the lake reflects existing inputs. Thus, opportunities should be sought in the entire Morris Lake Watershed to incorporate stormwater cleanup when redevelopment or reconstruction projects are undertaken.

- ML-14 Within the Morris Lake Watershed, where applications are received for the expansion of existing commercial, institutional and multiple unit residential buildings, or for proposed grade alterations on such properties, it shall be the intention of Council to require the developer, where possible, to prepare and implement stormwater remediation measures to improve water quality entering the Morris Lake system.
- ML-15 It shall be the intention of Council to undertake stormwater wetland projects in the waters of Ellenvale Run. Also, Council shall, through the CDD approval process, negotiate with applicable land owners to establish similar wetland projects at appropriate locations within the watershed.
- ML-16 It shall be the intention of Council to retain the settling pond at the south end of Portland Estates Boulevard until all construction has ceased in Portland West, and Council should negotiate with the developer to convert it into a permanent stormwater detention pond to treat runoff from the completed development. If the settling pond is taken over by the Municipality, it shall be the intention of Council to investigate and implement alternatives that improve the effectiveness of the pond in removing sediments from stormwater before entering into Morris Lake.

Monitoring

The eutrophication process is gradual and takes place over many years. Its progress will be seen in the extension of vegetation in shallow areas and the seasonal occurrence of algae. In the Morris Lake Watershed Study, a Phosphorous Loading Model was used to determine the relationship of the lake phosphorous inputs to trophic status.

The Model determined that Morris Lake is currently mesotrophic and is within 10 to 15 percent of the eutrophic boundary. Thus, the amount of land developed within the watershed should be controlled to prevent Morris Lake from reaching a borderline eutrophic state. The actual amount of land that can be developed can only be determined by undertaking a well designed lake monitoring program and adopting a preset maximum permissible limit for total phosphorous. If the results indicate that Total Phosphorus continues to increase, the watershed management plan will have to be revised and development controls strengthened.

- ML-17 It shall be the intention of Council to undertake a monitoring program within Morris Lake to track the eutrophication process. The monitoring program should comprise a

variety of water quality indicators, including Total Phosphorous and Dissolved Oxygen, and other chemical and aquatic flora and fauna indicators as appropriate. It shall also be the intention of Council to establish a eutrophication threshold level for the lake that would be used as a basis for reevaluating watershed management controls and future development potential within the area. The monitoring program and eutrophication threshold should be developed in consultation with the Dartmouth Lakes Advisory Board and the scientific community.

- ML-18 Pursuant to Policy ML-17, in the event the critical eutrophication threshold level for Morris Lake is reached, it shall be the intention of Council to immediately undertake a review of existing plan policies contained herein and determine an appropriate course of action respecting watershed management and future land development in the area.
- ML-19 It shall be the intention of Council to undertake a study of habitats and species within the Morris-Russell Lake area.
- ML-20 It shall be the intention of Council to conduct water sampling at Birches Park during the summer months to monitor bacteria and pollutant levels within Morris Lake.

Maintaining Water Levels on Morris Lake

The water level of Morris Lake should be maintained at a level sufficient for recreational use and to prevent development of excessive shoreline vegetation. In the near future, two possible events may take place that could negatively impact upon water levels on Morris Lake. The first is the decommissioning of Lamont and Topsail Lakes as a source of water supply and secondly, a change in the amount of water extracted from the lake by Imperial Oil.

Lamont and Topsail Lakes form the upper most reaches of the Morris Lake Watershed but do not discharge water into Morris Lake as it is used as a potable water supply. When both lakes are finally decommissioned, water from the two lakes will flow into Morris Lake which could affect the volume of water flowing through the Morris Lake outfall into Cow Bay River. Presently, the Halifax Regional Water Commission has hired CBCL Limited to undertake a study on the impact of decommissioning Lamont and Topsail Lakes but the study is not yet complete.

Presently, Imperial Oil extracts water from Morris Lake to use in its refinery, in the amount of 3.27 billion liters per year which is 20% of its total surplus of water. In the future, Imperial Oil could either increase the amount of water extracted from the lake or the plant could close and no water would be removed. If Imperial Oil removes too much water, this would promote the development of shoreline vegetation which in turn speeds up the eutrophication process in the shallow parts of the lake. If pumping were stopped, the volume of water entering Cow Bay River on an annual basis would increase by 24%. In combination with the additional flow from Lamont and Topsail Lakes, this represents a significant change in hydrology from current conditions and has long term implications for the lake level, at the outlet and Cow Bay River.

The impact of these changes are not clearly understood at present. Therefore, a study should be undertaken to determine the types of impacts the above scenarios may have on Morris Lake and Cow Bay River.

- ML-21 It shall be the intention of Council, in association with Imperial Oil Limited and the Provincial Department of the Environment, to undertake a study to determine the impacts of potential changes in the volume of water extracted from Morris Lake (increase or cessation) by Imperial Oil Limited on lake water quality and the impact on the hydrology of the lake and its inflow and outflow systems.
- ML-22 It shall be the intention of Council to monitor the water level of Morris Lake to maintain it at a level sufficient for recreational use and to prevent further eutrophication of the lake.
- ML-23 It shall be the intention of Council to retain all lands in the sub-watershed of Lamont and Topsail Lakes as a conservation area in perpetuity.

(Reg.Council - Jan12/99, Effective - June26/99)

Approved
May 20, 1999

**Terms of Reference
for Public Participation Committee
Morris and Russell Lake Master Plan
June 1, 1999**

Membership

1. Two representatives of Portland Estates, one of which is a member of the Residents Association
2. Two representatives of Inishowen Subdivision, one of which is a member of the Residents Association
3. Two residents at large from adjacent external areas
4. Five land owner representatives
5. One member of the Dartmouth Lakes Advisory Board
6. Councillor for District 8, ex-officio member
7. A person acting as a designate has the full power and authority of the named representative

Appointment

1. Term, will be to the completion of the Morris-Russell Lake Master Plan.
2. Appointments shall be made by the Harbour East Community Council.
3. The Committee shall elect a Chair and Vice-Chair but not alternates.

Responsibilities

1. Advise the Community Council with respect to the Master Development Plan for the Morris-Russell Lake area.
2. The Committee will: (a) identify the issues and constraints to future development in the area; (b) determine alternatives and solutions to address issues and concerns identified; and (c) collaborate to produce a conceptual plan for the entire Morris-Russell Lake area.

3. Concurrent with item 2, there shall be the preparation of a more detailed concept plan (specific land uses and their location, road network, parkland, open space, environmentally sensitive lands, etc.) for Clayton Development Limited's lands on the east side of Morris Lake. The detailed concept plan will form part of a Development Agreement that will require approval by Harbour East Community Council.
4. Decision making shall be by consensus. Dissenting opinions may be recorded separately in the final report if necessary.

Meetings

1. The Committee shall meet at least once every three weeks; additional meetings may be held as required or called by the Chair.
2. Meetings shall be held on a regular basis to be determined.
3. The quorum for regular meetings shall be eight members.
4. Members shall advise the Planning Staff by 12 noon on the day of a regular meeting if they are unable to attend the meeting. (Gail Foisy at 490-4937)
5. Any member of the committee who fails to attend three (3) consecutive meetings, without good reason accepted by the Chair, may be dismissed by Community Council.

Kimberly-Lloyd

Attachment IV

January 6, 2003

Hand Delivered

Halifax Regional Municipality
6960 Mumford Road
Halifax, NS

Attention: Mr. Paul Morgan

Dear Paul:


Re: Clayton Developments Application to Expand Development Boundary for Portland Hills and Re-Commencement of the Morris-Russell Lake Master Plan

Further to our conversation regarding the Clayton Developments presentation concerning these two items, we wish to offer the following comments:

1. The development boundary for Portland Hills, Policy ML-8(a) of the MPS, is explicit in that there is a 93-acre limitation on development until infrastructure deficiencies have been addressed. If this is to be amended, it should be done through the required planning process for such an amendment to the MPS and not by amendment to an existing development agreement.
2. Regarding the Morris-Russell Lake Master Plan, as landowners within the Master Plan area, we want to be involved in any committees and/or re-commencement of the Master Planning process. Benefits created by an access to the Circumferential Highway should be shared by all developers wishing to develop within the Master Plan area and taken into consideration during the HRM approval process.

Regards,

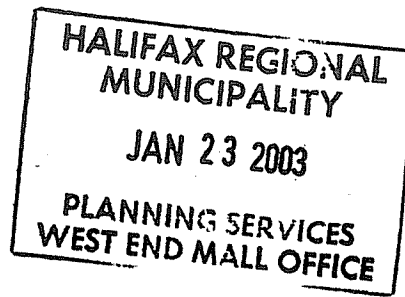
KIMBERLY-LLOYD DEVELOPMENTS LIMITED



Andrew Giles, P. Eng., NSLS
Project Manager

AG/bjp

FAXED



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Tel [902] 445-2000
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Subsidiaries
Clayton Realty Limited
Ridgevale Developers Limited

January 21, 2003

Mr. Paul Morgan
Planner
Halifax Regional Municipality
P.O. Box 1749
Halifax, NS B3J 3A5

Dear Paul:

RE: Plan Amendment – Portland Hills

Thank you for arranging last week's meeting on the above-noted matter. Please pass along our thanks to Kenda for attending as well.

At the conclusion of our discussions, it was agreed that Clayton would provide an overview as to the reasons why we deviated from the conceptual "phasing" plan appended to the development agreement. This information is provided in point form.

- While the development agreement contains a "phasing" plan, it is conceptual as opposed to mandatory. There is nothing in the agreement that compels us to develop in a certain direction.
- Staff requested that we connect Alpine Drive to Barry Hill Drive at the earliest possible date. This would allow homes along Alpine to connect to municipal sanitary services, thereby alleviating concerns about septic systems impacting Morris Lake. Secondly, the Municipality was anxious to remove the left-hand turn from Alpine onto Portland Street. A right-in/right-out is now in place.
- The connection to Alpine required that we route our sanitary and storm sewer services through lands not originally intended to be part of the initial 93 acres. This was done with the full knowledge and consent of staff.
- With the construction of the intersections of Summerfield Way and Barry Hill Drive, we were faced with concerns relating to storm water run-off from the Summerfield section to existing homes within Portland Estates. To ensure an effective storm water management plan, the decision was made to close the Summerfield "loop". This impacted the 93-acre limitation by approximately 15 acres.

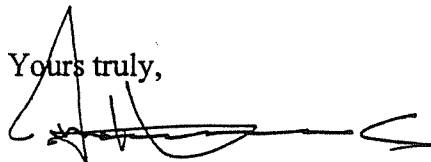
- The next phase for this development is the extension of the upper section of Portland Hills Drive and the completion of the twin cul-de-sacs referred to as the "dog bone". This phase must be completed next owing to gravity flow of the sanitary system and the need to maintain an effective storm water management plan.

As you can see, it was not our intent to play fast and loose with the 93-acre limitation. Truth be known, we had fully expected that the traffic problems along Portland Street would have been addressed by now and that the whole of Portland Hills would be approved for development.

Assuming that staff are supportive of our request, we are prepared to covenant that the closure of Portland Hills Drive will constitute the next phase of development after the dog-bone. We will undertake to do this in the spring/summer of 2004.

Paul, I trust this is to your satisfaction and look forward to your report for Community Council. On the issue of traffic impact, my understanding was that Kenda would consider the merits of a traffic impact statement prepared by staff (as opposed to our traffic consultant). In our opinion the incremental difference in traffic volumes resulting from an increase in development rights to 138 acres is inconsequential relative to the overall performance of Portland Street. Moreover, the ramifications for not completing the "loop" far outweigh the impacts of a few more vehicles along the Portland valley.

Please give me a call if you have any questions.

Yours truly,


J. Michael Hanusiak
General Manager

JMK/mk