

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: December 4, 2018

SUBJECT: **Case 21937: Regional Municipal Planning Strategy Amendments to enable amendments to the existing Development Agreement for Seven Lakes Development, Porters Lake**

ORIGIN

An application by WSP Canada Inc. (WSP), on behalf of Seven Lakes Developments Limited.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Regional Municipal Planning Strategy pertaining to the Seven Lakes Development, Porters Lake, to enable the consideration of substantive and non-substantive development agreement amendments in accordance with the policies in effect at the time the development agreement was approved;
2. Initiate a process to consider amendments to the Regional Municipal Planning Strategy pertaining to all existing Conservation Design Developments, to enable the consideration of non-substantive amendments, in accordance with the policies in effect at the time the development agreement was approved; and
3. Follow the public participation program as outlined in the Community Engagement section of this report.

BACKGROUND

WSP Canada Inc. (WSP), on behalf of Seven Lakes Developments, has applied to amend the Regional Municipal Planning Strategy (RMPS) to enable amendments to the existing development agreement for the Seven Lakes Open Space Design Development in Porters Lake. The existing agreement was approved under the Open Space Design policies (now known as Conservation Design policies) of the 2006 Regional Municipal Planning Strategy (RMPS), which no longer exist. The approved development does not satisfy today's Conservation Design policies S-14, S-16 and S-17 of the RMPS and there is no grandfathering clause to consider amending the agreement in accordance with the policies in effect at the time the agreement was approved. Therefore, the applicant is seeking amendments to the RMPS to allow changes to existing agreements under the 2006 policies (Maps 1 and 2).

Subject Site	Seven Lakes Developments, Porters Lake Lands situated on the north side of Alps Road and on the west side of Conrod Settlement Road at Porters Lake and Conrod Settlement (Maps 1 and 2)
Location	North of Highway 7, south of Conrod Lake
Regional Plan Designation	Rural Commuter (RC)
Community Plan Designation (Map 1)	MU (Mixed Use) under Planning Districts 8 & 9 MPS (Map 1)
Zoning (Map 2)	RE (Rural Enterprise) under Planning Districts 8 & 9 LUB (Map 2)
Size of Site	256.6 hectares (634 acres)
Current Land Use(s)	- 40 residential unit Conservation Design Development - Undeveloped mixed forest
Surrounding Use(s)	Adjacent to existing residential development on Alps Road and Conrod Settlement Road and the Wonderland Mobile Home Park
Proposed number of units	634

Proposal Details

The applicant is seeking amendments to the RMPS to enable non-substantive and substantive amendments to the existing agreement for Seven Lakes, Porters Lake in accordance with the policies in effect at the time the development agreement was approved. Due to changes in market demand, topographic constraints, and servicing requirements, the Developer has experienced challenges with the phasing approved under the existing agreement. The applicant has indicated that the existing plans for phasing and infrastructure are not economically feasible for them and therefore phasing changes to the agreement are necessary. The applicant is also anticipating that amendments (substantive and non-substantive) may be necessary in the future to respond to market conditions, such as phasing, unit type and mix. At this point in time, the applicant wishes to change the Phase 1 line to permit the construction of a proposed cul-de-sac and residential units in the first phase of development, and allow the provision of services in a more efficient manner.

In accordance with the existing development agreement, phasing changes are considered a non-substantive amendment [(Section 6.1.1(a)]. However, any amendment (substantive or non-substantive) to an existing agreement must meet plan policy. Given a 2014 change to Regional Plan policy, the approved development of Seven Lakes does not meet the current Conservation Design Development policy criteria. Therefore, non-substantive amendments cannot be considered unless the RMPS is amended to allow such amendments for Seven Lakes Development in accordance with the policies in effect at the time the development agreement was approved.

Existing Development Agreement

The subject site is regulated by a development agreement that was approved by Harbour East Marine Drive Community Council on May 16, 2013. The existing development agreement permits a clustered 634-unit residential development and several public recreational facilities enabled through the Classic Open Space Design policies of the 2006 RMPS. A subsequent amending agreement was approved to allow model

homes, a sales office, equipment storage, and up to 2 single unit dwellings on a home site driveway. Phase 1 is underway, while Phases 2 through 7 remain undeveloped.

Regional MPS Enabling Policy

With the adoption of the Regional Municipal Planning Strategy (RMPS) and the Regional Subdivision By-law in 2006, larger scale residential developments in the rural designations could only be considered through the Open Space Design Development policies. These policies were established to manage residential growth in rural areas and protect environmentally sensitive areas. In the 'Classic' form of subdivision, such as Seven Lakes, the entire development is under single ownership or condominium corporation. The key objective of Classic Open Space Design Developments is to minimize road development and focus development in areas that are most suitable from an ecological and cultural standpoint. The existing development agreement for Seven Lakes was considered and approved under the 2006 Regional MPS Policies S-15, S-16 and IM15 at a density of 1 unit per 0.4 hectares of gross site area. At least 60% of the property was to remain as open space (Attachment B).

Upon the adoption of the 2014 RMPS, new Conservation Design Development policies replaced the Open Space Design policies. Pursuant to Sections S-14 and S-17 of the 2014 RMPS, Conservation Design Developments can be considered on the subject properties at a density of 1 unit per 0.4 hectares of net developable area, which calculates to be significantly less than 1 unit per 0.4 hectares of gross site area permitted under the 2006 Open Space policies. Net developable area is the gross site area minus any wetlands, watercourse buffers, bare rock, floodplains and slopes greater than 30% (Attachment C).

Site-specific Policy G-19 was added upon the adoption of the 2014 RMPS, which grandfathers lands north of the Seven Lakes development to allow consideration of larger scale residential developments on these lands pursuant to the 2006 Open Space policies. However, the Seven Lakes properties under an existing development agreement were not included in the grandfathering provisions and therefore, any amendment to the existing agreement would need to satisfy the most recent 2014 Conservation Design policy criteria (Map 3).

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. While the RMPS provides broad direction, Regional Council may consider RMPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to the RMPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the RMPS was adopted, or last reviewed or if there may have been an oversight when drafting policies.

Applicant Rationale

Recent challenges have arisen within the development phases for Seven Lakes. The applicant has cited changes in market demand as amongst the reasons for amendments being required to the original agreement. Furthermore, since the time of original approval, the developer has gained a better understanding of topographic, servicing and other constraints put forth by the Condominium Registry, HRM, and Nova Scotia Environment, further emphasizing that amendments to the existing development agreement will be required to ensure the Seven Lakes development project is viable. The applicant initially understood that all future changes to the development agreement (substantive or non-substantive), would be evaluated under the original 2006 policies and inclusion of the subject properties in Policy G-19 and Appendix D of the RMPS was unnecessary. However, it was later determined that any changes to the existing development agreement, whether non-substantive or substantive, would need to meet the current RMPS policies regardless of the approval.

The applicant has provided the following rationale in support of the proposed amendment:

- The original development agreement was negotiated, designed and subsequently approved under the original 2006 RMPS policies;

- The subject properties met the criteria as previously established for Policy G-19 and should have been included in Appendix D of the 2014 RMPS;
- The applicant anticipated that non-substantive amendments could be considered without the need for an amendment to the RMPS or an additional public hearing;
- Other Municipal Planning Strategies (MPSs) – such as the Halifax MPS and Downtown Halifax Secondary MPS – have policies enabling non-substantive amendments to be considered in accordance with the policies that were in effect at the time of approval; and,
- The existing RMPS policies have placed Seven Lakes Development in a unique and unintended situation.

Attachment A contains the applicant's application rationale letter.

Review

Staff have reviewed the submitted rationale in the context of the history of the development, criteria for Policy G-19, and the site circumstances relative to the 2006 and the 2014 RMPS policies for Conservation Design Development. Staff advise that there is merit to the request. Construction within Phase 1 is almost complete. Amendments to the existing agreement without an amendment to the RMPS would significantly alter the overall concept plan and vision for the proposed residential community in Porters Lake including a significant reduction in the number of residential units and changes in phasing. Notwithstanding the shift in policy, it was broadly understood at the time that the Seven Lakes Development would be developed to completion in accordance with the existing development agreement and policies in effect at the time the agreement was approved. While policies S-14 and S-17 permit amendments, these policies are an obstacle to complete the overall concept for the Seven Lake Development.

Further to the request of this applicant, staff advise that consideration should also be given to other existing Conservation Design Developments and the allowance of non-substantive amendments for those developments. Similar to the Seven Lakes Development, there is no enabling policy to consider non-substantive amendments and staff recommends exploring this further under this application. It is anticipated this policy consideration will be minor in nature as there are only 11 other Conservation Design Developments approved since 2006. Most non-substantive amendment provisions are typically time extensions and phasing changes which tend to have minimal impact. Staff advise that more applications to amend previously approved development agreements are likely, and as such recommend a review of possible ways and means of considering these applications under the scope of this planning application.

Conclusion

Staff have reviewed the proposed RMPS amendment and advise that there is merit to the request and recommend that Regional Council initiate the RMPS amendment application process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. Rather than proceeding with the February 1997 Public Participation resolution, given the minimal impact and localized nature of this requested RMPS amendment, staff propose that the level of community engagement be achieved through the HRM website, signage on the subject lot, and letters mailed to adjacent property owners of the Seven Lakes Development.

Amendments to the RMPS will potentially impact the following stakeholders: residents, property owners, community or neighbourhood organizations, nearby business owners, and other HRM business units.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2018-2019 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Regional Municipal Planning Strategy is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning
Map 3: Lands of Seven Lakes Developments Ltd.

Attachment A: Application Rationale Letter (Redacted)
Attachment B: Excerpts from the Regional Municipal Planning Strategy (2006)
Attachment C: Excerpts from the Regional Municipal Planning Strategy (2014)

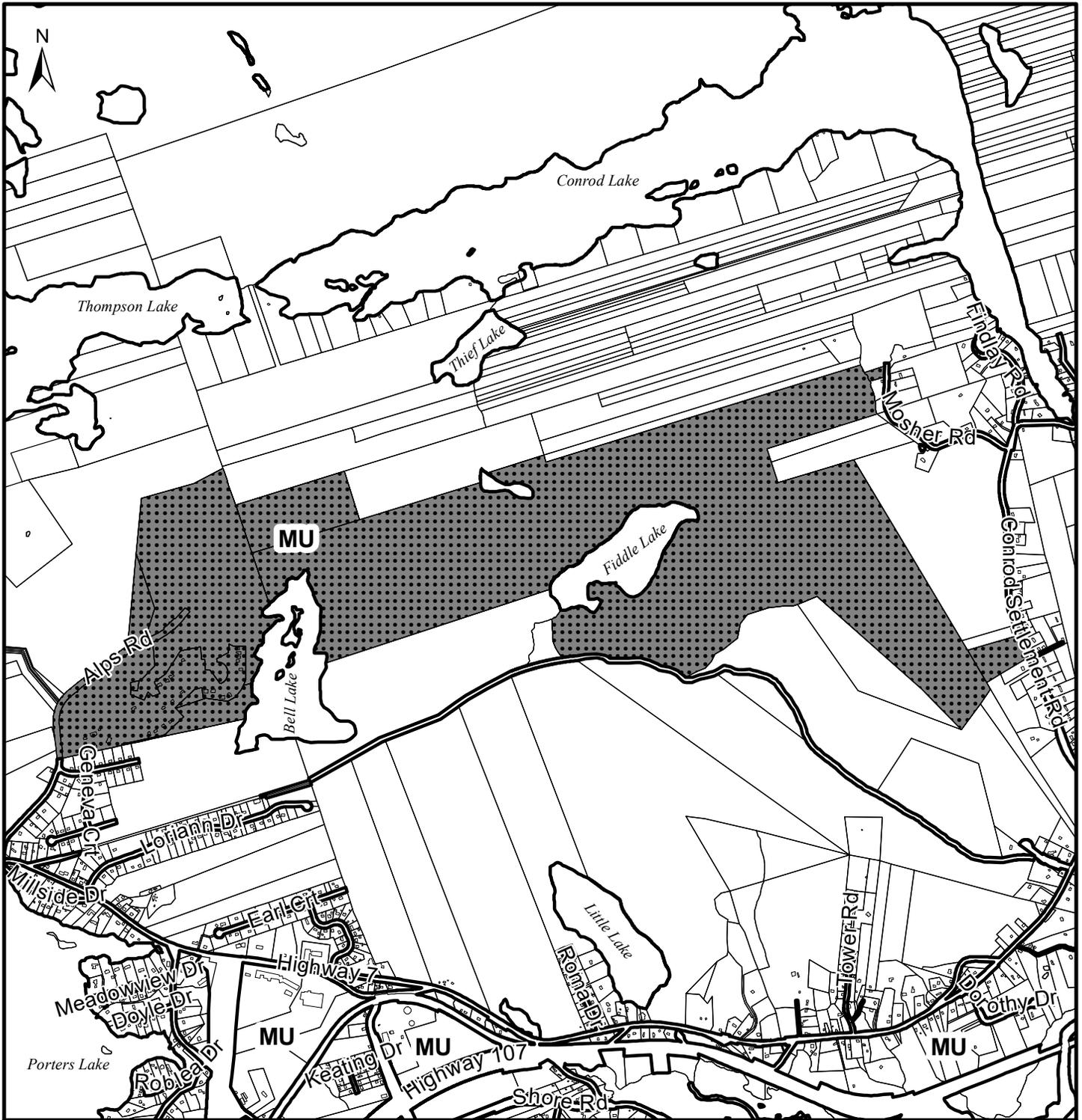
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Map 1 - Generalized Future Land Use

HALIFAX

Porters Lake

 Subject Lands

Designation

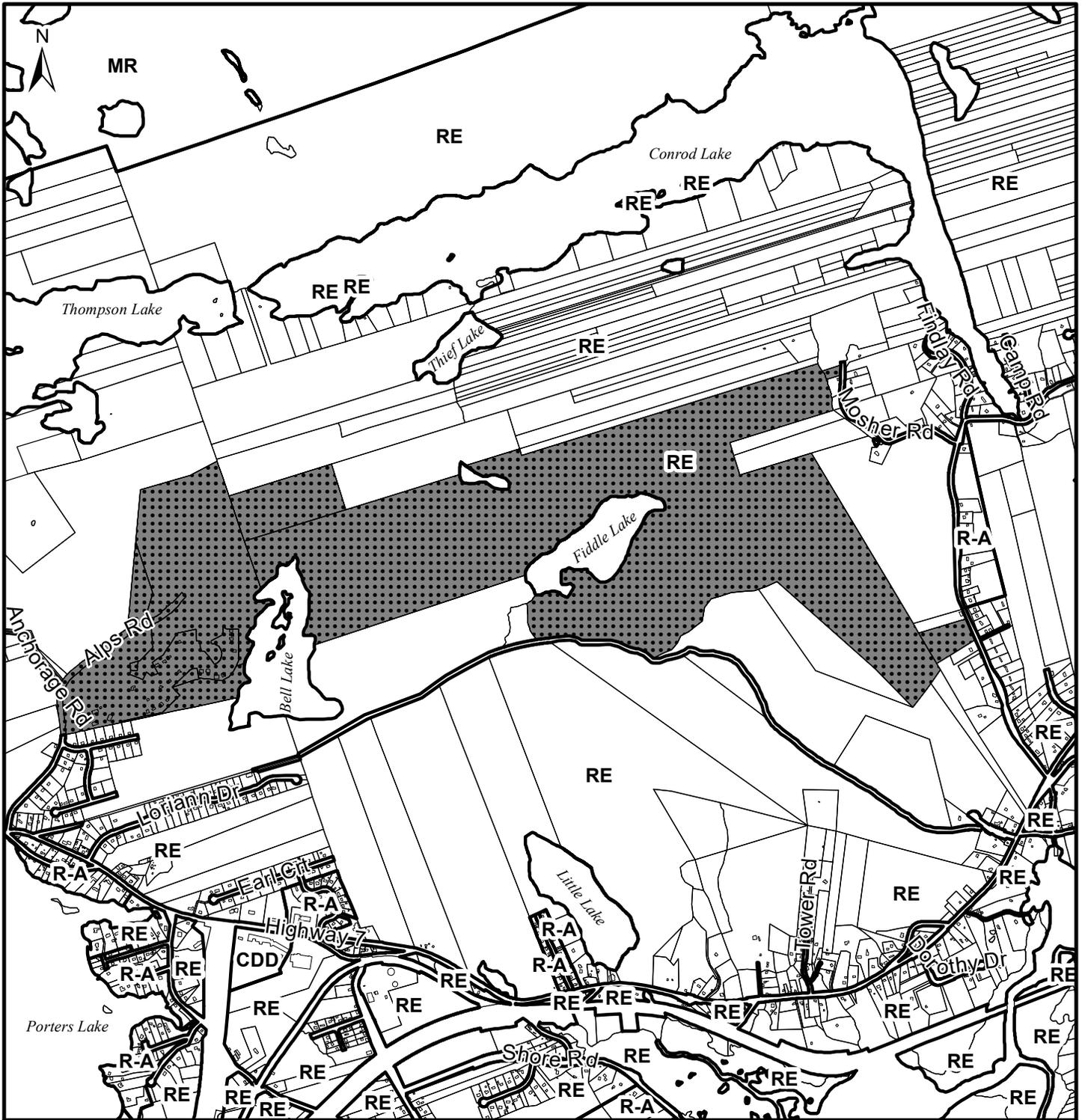
MU Mixed Use



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

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

Planning Districts 8 & 9



Map 2 - Zoning

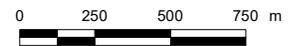
HALIFAX

Porters Lake

 Subject Lands

Zone

- R-A Residential A
- RE Rural Enterprise
- CDD Comprehensive Development District



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

Planning Districts 8 & 9
Land Use By-Law Area

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



Map 3 Lands Included in Seven Lakes Developments

HALIFAX

-  Lands subject to Policy G-19 and Appendix D, 2014 RMPS
-  Existing Development Agreement (Approved in 2013)



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



2018-08-28

Thea Langille, Principal Planner, Current Planning
Halifax Regional Municipality, Planning and Development
PO Box 1749
Halifax, NS, B3J 3A5

Subject: Amendment to the RMPS to include the lands located in the Seven Lakes Development Agreement into Appendix D and Policy G-19 of the RMPS

Dear Ms. Langille:

On behalf of our client, Seven Lakes Development Ltd., we are submitting this formal planning application to request an amendment to the Regional Municipal Planning Strategy (RMPS) to amend Appendix D to include the Seven Lakes Development lands which are currently under development agreement (henceforth known as the '*DA lands*'). These lands are shown in Schedule A of this application letter.

As discussed, the following materials have been provided to support this application:

- Planning application rationale letter
- Planning Application Form
- A map illustrating the planning application request (see Schedule A of this letter)
- A payment of \$2,600 made out to HRM from Seven Lakes Development Ltd. has been sent separately to this application package.

BACKGROUND

The development agreement currently regulating Seven Lakes' DA lands was negotiated by WSP (on behalf of Seven Lakes Development Ltd.), and HRM staff under the 2006 RMPS policies for Conservation Design Developments (CDD). Future development plans have always been intended for the lands located north of the DA lands (shown in Figure 1), however at the time, precise development details were unknown and could not be included in the DA negotiations.

As part of the 2014 review of the RMPS, changes to policies related to CDD applications were included. Amongst these changes were lower development and density rights within lands that qualified for the CDD process. Prior to formal adoption of the 2014 RMPS, WSP submitted a request to HRM's Regional Planning staff to grandfather the land north of the DA lands under the 2006 RMPS policies. This grandfathering clause would preserve the development rights that existed during the negotiation process of the current DA, and keep the two land areas consistent with one another. The request was approved by HRM staff, with Policy G-19 and Appendix D included in the 2014 version of the RMPS.

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G-19: Notwithstanding Policies S-14, S-15, S-16 and S-17 of this Plan, Council may consider a development agreement application on lands identified on Appendix D of this Plan in accordance with Policies S-15 and S-16 of the 2006 Regional Plan provided that a completed application has been submitted to HRM prior to December 31, 2014.

Appendix D: Lands Subject to Policy G-19

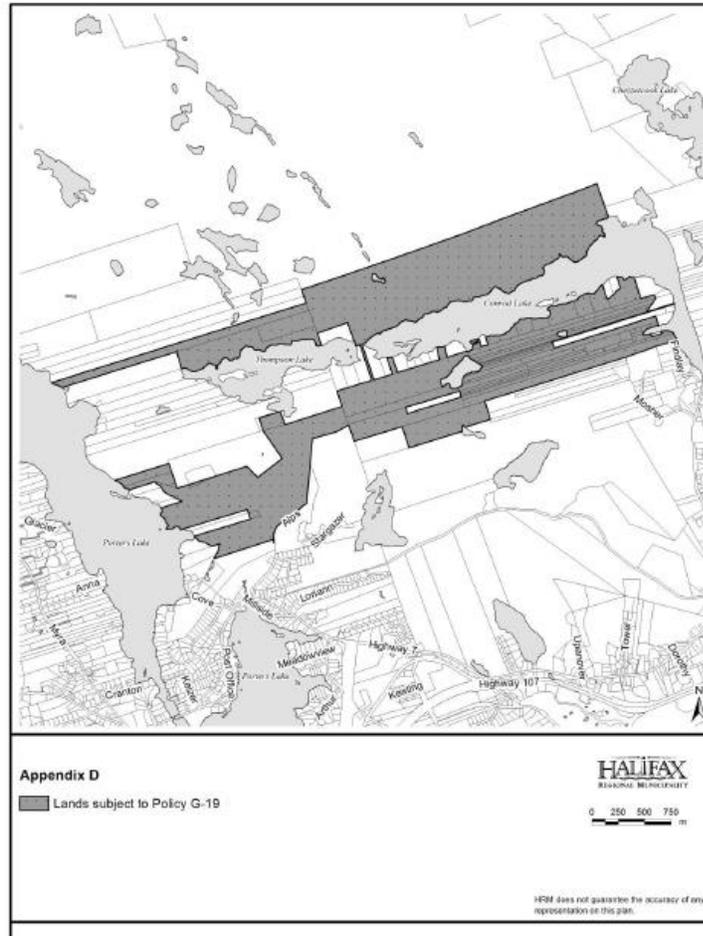


Figure 1: Appendix D, map of lands north of the DA land which have been grandfathered under 2006 RMPS policies.

When the request to grandfather these lands was made, it was presumed that any non-substantive changes to the existing DA for the DA lands would be evaluated under the policy it was originally created under. It has since been brought to WSP’s and HRM staff’s attention that this is not the case, and that any substantive or non-substantive changes to the existing DA would have to meet current policy. Future changes (substantive or non-substantive) to the existing DA would result in far lower development permissions and densities for the DA lands and would create a project that would be unfeasible for any future development. It is reasonably presumed that this was not the intent at the time of DA negotiations, and that appropriate steps are required to protect the development rights in lieu of the recent clarity in policy interpretation.

PLANNING APPLICATION REQUEST RATIONALE

Recent challenges have arisen within the development phases in the DA lands. Due to changes in market demand, as well as the developer gaining a better understanding of topographic constraints, and servicing constraints put forth by the Condominium Registry, HRM, and Nova Scotia Environment, it has come to light that non-substantive changes to the existing DA will be required in order to make the Seven Lakes Development Ltd.'s DA lands a viable project.

Since recent revelations have shown that non-substantive changes to the existing DA would need to meet current policy, (resulting in a loss of density and development rights), we are requesting that Appendix D of the RMPS be amended to include the DA lands, (which would thereby include the land area into Policy G-19). It is our intent that through this amendment, all future changes to the DA (substantive or non-substantive), would be evaluated under the original 2006 policies and protect the development permissions that it was created under. Figure 2 and Schedule A illustrates this request.

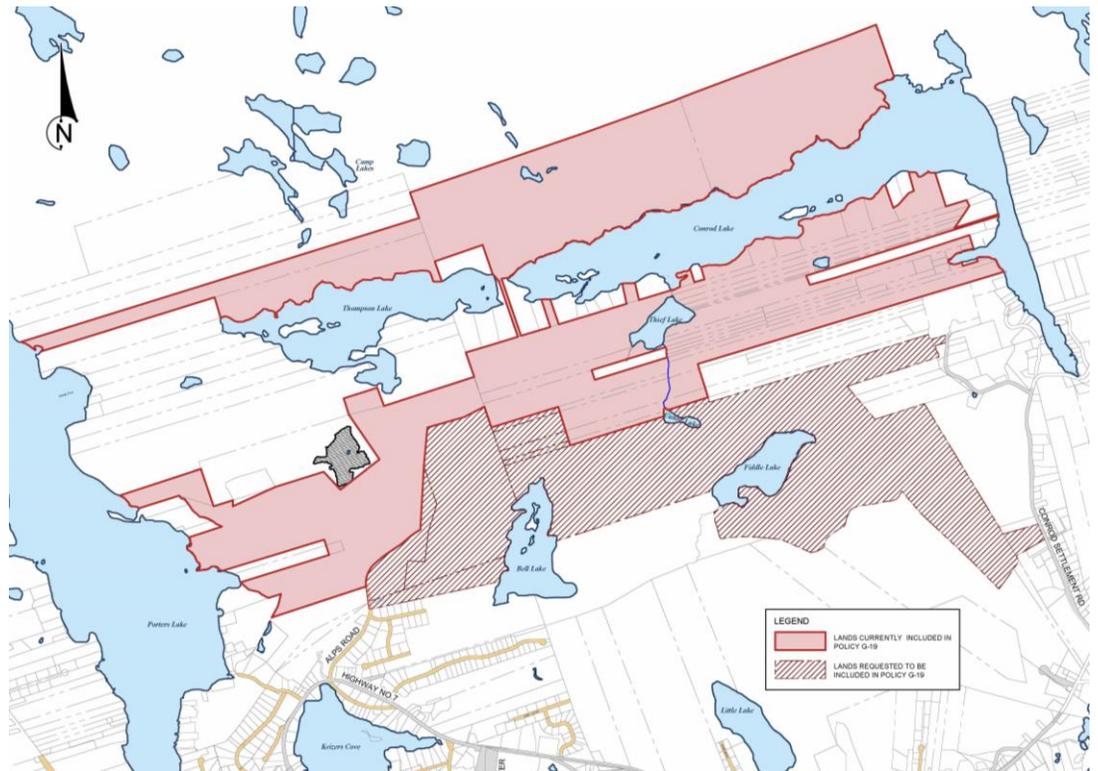


Figure 2: Map showing lands that are currently included in Appendix D and Policy G-19, and land requested to be included (the DA lands) through an RMPS amendment. See Schedule A for larger image.



Based on our recent discussions with staff of the Rural Planning and Applications team, we understand that this request is a reasonable amendment to make to the RMPS, and that in not doing so, would place Seven Lakes Development Ltd. in a unique and unintended situation. We ask that staff and Council consider and support the requested amendment outlined in this planning application.

If you have any questions or concerns on these matters, please do not hesitate to call me. We look forward in working through the application process with you and your team.

Yours sincerely,

Original Signed

Anne Winters, MCIP, LPP
Urban Planner

In all future correspondence related to this file, please copy Christina Lovitt at Christina.Lovitt@wsp.com, 902-536-0922.

cc: Jason.Harnum@penneygroup.ca, Brad.Harnett@sevenlakescommunity.com,
Christina.Lovitt@wsp.com

Encl.

Schedule A: Requested Amendment to Appendix D and Policy G-19 of the RMPS

Attachment B:
Excerpts from the 2006 Regional Municipal Planning Strategy

- S-15 HRM shall permit the development of Open Space Design residential communities, as outlined in this Plan, within the Rural Commuter and Rural Resource designations and within the Harbour designation outside of the Urban Service Area, but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-25 and within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area. HRM will consider permitting the maximum density of such developments to one unit per hectare of gross site area. In considering approval of such development agreements, HRM shall consider the following:
- (a) where the development is to be serviced by groundwater and as determined through a hydrogeological assessment conducted by a qualified professional, that there is an adequate supply of ground water to service the development and that the proposed development will not adversely affect groundwater supply in adjacent developments;
 - (b) that there is sufficient traffic capacity to service the development;
 - (c) the types of land uses to be included in the development which may include a mix of residential, associated public or privately-owned community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses;
 - (d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;
 - (e) the lot frontages and yards required to minimize the extent of road development, to cluster building sites on the parcel and provide for appropriate fire safety separations;
 - (f) that the building sites for the residential units, including all structures, driveways and private lawns, do not exceed approximately 20% of the lot area;
 - (g) approximately 80% of the lot is retained as a non-disturbance area (no alteration of grades, except for the placement of a well or on-site sewage disposal system in the non-disturbance area shall be permitted and provision shall be made for the selective cutting of vegetation to maintain the health of the forest);
 - (h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;
 - (i) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;
 - (j) trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and preserved;
 - (k) parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;
 - (l) that the proposed roads and building sites do not significantly impact upon any primary conservation area, including riparian buffers, wetlands, 1 in 100 year floodplains, rock outcroppings, slopes in excess of 30%, agricultural soils and archaeological sites;
 - (m) the proposed road and building sites do not encroach upon or are designed to retain features such as any significant habitat, scenic vistas, historic buildings, pastoral landscapes, military installations, mature forest, stone walls, and other design features that capture elements of rural character;
 - (n) that the roads are designed to appropriate standards as per Policy T-2;
 - (o) views of the open space elements are maximized throughout the development;
 - (p) opportunities to orient development to maximize the capture of solar energy;
 - (q) the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;

- (r) the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource use and the proposed development to mitigate future community concerns; and
- (s) consideration be given to any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

S-16 Further to Policy S-15, within the Rural Commuter, Rural Resource and Agricultural Designations, HRM shall permit an increase in density for Open Space Design Developments up to 1 unit per 4000 square metres, or greater in centres as may be provided for in secondary planning strategies, where approximately 60% or more of the site is retained in single ownership of an individual, land trust, condominium corporation or the Municipality. Notwithstanding Policy E-5, the parkland dedication shall be relaxed to a minimum of 5% for this type of development. In considering approval of such development agreements, HRM shall consider the following:

- (a) the criteria specified in Policy S-15, with the exception of items (f) and (g); and
- (b) that the common open space cannot be used for any other purpose than for passive recreation, forestry, agriculture or conservation-related use except for a portion of which may be used as a village common for active recreation or the location of community facilities designed to service the development.

IM-15 In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:

- (a) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of HRM to absorb any costs relating to the development
 - (ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;
 - (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
 - (iv) the adequacy of road networks leading to or within the development;
 - (v) the potential for damage to or for destruction of designated historic buildings and sites;
- (b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
- (c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.

**Attachment C:
Excerpts from the 2014 Regional Municipal Planning Strategy**

- S-14: HRM shall consider Lower Density and Higher Density Classic Conservation Design developments by development agreement, within the River Lakes Secondary Plan Area and the Rural Growth Centres shown on Maps 13A to 13G except for lands within the Lake Echo Sub-watershed, as generally illustrated on Map 13D. Where a proponent submits a survey prepared by a Nova Scotia Land Surveyor demonstrating that a subject area of land is outside the Lake Echo Sub-watershed, the subject area may be considered for development pursuant to this policy.
- S-15 HRM shall also consider Lower Density Classic Conservation Design developments by development agreement subject to the following locational criteria:
- (a) on lands where two-thirds or more of the land to be developed is outside the boundaries of the Rivers Lakes Secondary Plan Area or Rural Growth Centre shown on Maps 13A to 13G and which has a minimum of 20 metres of continuous frontage on a publicly owned and maintained road that was in existence as of April 29, 2006 to a maximum of 100 dwelling units; and
 - (b) the lands are within the Rural Commuter, Rural Resource, Agricultural designations and within the Harbour Designation outside of the Urban Settlement Area but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-24 and lands within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area.
- S-16: HRM shall consider Hybrid Conservation Design developments by development agreement subject to the following locational criteria:
- (a) the lands are within the Rivers Lakes Secondary Plan Area or the Rural Growth Centres presented in Maps 13A to 13G except for lands within the Lake Echo Sub-watershed, as generally illustrated on Map 13D. Where a proponent submits a survey prepared by a Nova Scotia Land Surveyor demonstrating that a subject area is outside the Lake Echo Sub-watershed, the subject may be considered for development pursuant to this policy; or
 - (b) on lands where two-thirds or more of the land to be developed is outside of the Rivers Lakes Secondary Plan Area or a Rural Growth Centre presented in Maps 13A to 13G and which has a minimum of 20 metres of continuous frontage on a publicly owned and maintained road that was in existence as of April 29, 2006 to a maximum of 30 dwelling units; and
 - (c) the lands are within the Rural Commuter, Rural Resource, Agricultural designations and within the Harbour Designation outside of the Urban Settlement Area but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-24 and lands within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area.
- S-17: For any conservation design development application made pursuant to policies S-14, S- 15 or S-16, HRM shall consider the following criteria:
- (a) the proposal satisfies the design standards presented in Table 3-4;

- (b) in addition to the residential uses identified in Table 3-4, publicly or privately owned community facilities, home-based offices, day cares, and small-scale bed and breakfasts may be considered;
- (c) except for lands required to be retained for on-site non-disturbance area under the Hybrid Conservation Design development, the open space portion of the development may be used for agriculture, passive recreation, conservation-related uses or the placement of wastewater management facilities, community wells or other community facilities designed to service the development;
- (d) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards or unduly increasing road maintenance costs to HRM;
- (e) a private driveway shall only provide access to a public street for up to 20 dwelling units;
- (f) the proposed roads and building sites are designed to avoid impact upon any primary conservation area;
- (g) natural drainage systems, wetlands and other natural detention storage areas are retained;
- (h) where the proposed development is to be serviced by a groundwater supply, a hydrogeological assessment conducted by a qualified professional has determined that there is an adequate supply of groundwater to service the development without adversely affecting groundwater supply in adjacent developments;
- (i) the development shall not rely on cisterns for potable water supply, except in special circumstances as may be authorized under an approved secondary planning strategy;
- (j) secondary conservation areas that capture elements of rural character are retained;
- (k) connectivity is maintained with any open space on adjacent parcels and trails and natural networks, as generally shown on Map 3;
- (l) residential dwellings maintain a minimum separation of 800 metres from any permanent extractive facility;
- (m) parkland dedication may be relaxed to a minimum of 5% for the Lower Density and Higher Density Classic Conservation Design developments; and
- (n) any applicable matter as set out in Policy G-14 of this Plan.

G-19 Notwithstanding Policies S-14, S-15, S-16 and S-17 of this Plan, Council may consider a development agreement application on lands identified on Appendix D of this Plan in accordance with Policies S-15 and S-16 of the 2006 Regional Plan provided that a completed application has been submitted to HRM prior to December 31, 2014.



Appendix D

 Lands subject to Policy G-19

HALIFAX
REGIONAL MUNICIPALITY



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