



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

Item No. 13.1.2
North West Community Council
April 8, 2019

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: March 13, 2019

SUBJECT: **Case 19694: Amending Development Agreement for Coulter Crescent, Oakfield**

ORIGIN

Application by Sawgrass Developments Ltd.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give notice of motion to consider the proposed amending agreement, as set out in Attachment A, to reconfigure existing vacant lands within the bounds of the existing development agreement and add 23.8 hectares of land to allow an additional 23 lots off Coulter Crescent, Oakfield and schedule a public hearing;
2. Approve the proposed amending agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the amending agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods,

whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Sunrose Consulting Ltd. on behalf of Sawgrass Development Limited is applying to amend the existing development agreement (DA) for an 88 lot residential subdivision. The amendment request is to reconfigure 29.2 hectares (approximately 72 acres) of vacant land within the existing DA and add 23.8 hectares (approximately 60 acres) situated north to the bounds of the existing DA to allow for an additional 23 lots. The proposed changes are substantive amendments to the existing DA. If approved this would permit a 111 lot subdivision rather than the previous 88 lot subdivision known as Oakfield Woods, Oakfield.

Subject Site	PID# 40763195 and 40547598 - Additional Lands PID# 41120338 and 41399163 - Amended Lands
Location	Coulter Crescent at Frenchman's Road, Oakfield
Regional Plan Designation (Map 1)	Rural Commuter
Community Plan Designation (Map 1)	Residential
Zoning (Map 2)	R-1E (Residential Estate) Zone R-1B (Suburban Residential) Zone
Size of Site (Map 3)	<ul style="list-style-type: none">• 29.2 hectares (approximately 72 acres) of undeveloped lands within the existing subdivision are to be reconfigured (identified as the Lands to be Amended within the existing approval)• 23.8 hectares (approximately 60 acres) of lands north of the site are proposed to be added into the existing subdivision are identified as the Lands to be Added
Current Land Use(s)	Existing residential subdivision known as Oakfield Woods and vacant lands
Surrounding Use(s)	Single Unit Dwellings to the west and south, CN Rail Line to the north and vacant lands to the east

Existing Development Agreement and Proposal

On November 28, 2007, the Marine Drive, Valley and Canal Community Council approved a development agreement off Frenchman's Road in Oakfield for a rural subdivision containing 88 single family dwelling units. Individual building sites in the subdivision range from between 0.5 to approximately 1 hectares. A maximum of 20% of the lot area has been allocated to build the home, accessory buildings and driveways while 80% of each lot is retained as natural non-disturbance area. Non-disturbance riparian buffers have also been established around watercourses in accordance with Region Plan policy (Attachment B). To date, 58 lots have been developed.

The applicant proposes to amend the existing DA to:

- 1) reconfigure the road network and establish an amended lot layout on the remaining 29.2 hectares of undeveloped property within the existing 2007 DA approval boundary; and,
- 2) extend the reconfigured road network to develop an additional 23.8 hectares of property adjacent to the 2007 DA approval boundary.

The proposed amendments would increase the overall lot yield in the subdivision from 88 to 111. The table below summarizes the existing DA provisions and the proposed amended provisions:

Existing Development Agreement	Number of Lots
Existing Development Agreement (Approved in 2007)	88
Number of Lot developed to date (Phase 2, 2B and 3)	58
Proposed Amendments	
Reconfigure 29.2 hectares (approximately 72 acres) of undeveloped lands within existing Development Agreement (Amending Lands - Map 3)	30
Add 23.8 hectares (approximately 60 acres) of new lands into the Existing Subdivision (Additional Lands – Map 3)	23
Total number of Lots permitted if Council approves the proposals (Attachment A Schedule B.1)	111 (58+30+23)

Timeline of Application

On July 10, 2012 the Planning application was submitted for the Oakfield Subdivision. Staff circulated the submission and subsequent revisions and additional information were completed.

In September of 2015, a public information meeting (PIM) was held after which the file was placed on hold due to the sudden death of the developer.

In May of 2016 staff were informed that the submission of the requested hydrogeological testing would be forthcoming. This analysis took over a year to complete.

Street Layout Changes that Occurred in 2007

Street layout changes took place during the 2007 Subdivision Approval process, *after* the approval of the Development Agreement in response to water and terrain constraints on the site. Consequently, the approved street layouts did not precisely match the original DA. While these changes were within the scope of the Municipal Development Officer pursuant to section 3.4(d) of the DA, they did result in additional complications preparing the Amending DA in response to the new proposal.

Enabling Policy and LUB Context

During the review of this application, the 2014 Regional Plan was approved by Regional Council. Policy G-18 of the 2014 Regional Plan is as follows:

“G-18 Where any completed development agreement application was received by HRM prior to Council’s first notification to adopt this Regional Plan, the application shall be considered in accordance with the Regional Plan policies in effect at the time the application was received.”

The first notification of the adoption of the 2014 Regional Plan occurred on May 31, 2014. This application preceded that date and therefore should be considered under the policies of the 2006 Regional Plan. Policy S-15 of the 2006 Regional Plan sets out the criteria by which Council must consider Hybrid Open Space Design Development proposals. The policies focus on minimizing the overall disturbance to the site and the importance of retaining important ecological and cultural features, while demonstrating that there is sufficient groundwater to service both the proposed and existing developed properties (Attachment B).

Open Space Design Development (now Conservation Design Development)

With the adoption of the Regional Plan and Regional Subdivision By-law in 2006, the as-of-right subdivision of land in most unserviced areas throughout HRM was limited to 8 lots on a new public road unless the subdivision was granted concept approval prior to 2006. New subdivisions involving more than 8 lots may only be considered through the open space design development agreement process.

An open space design development is a form of development that conserves open space in a contiguous form. The basic principal is to locate homes on portions of the property which are best suited for development, while retaining the remainder of the property as undisturbed open space. It is important to note that open space is different from parkland in that parkland is intended to be set aside and programmed as a recreational space for human activity. In contrast, open space is utilized so as to preserve lands to maintain connectivity for wildlife and ecological systems.

The hybrid form of open space design development permits dwellings on lots with on site well and septic while preserving open space design development by restricting areas for lawns, pavement and buildings to a maximum of 20% of the lot area. All the open space within this subdivision, except for parkland, is located on large individually owned lots. The maximum density for this form is 1 unit per gross hectare.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting (PIM) held on September 15, 2015. Attachment C contains a copy of a summary from the meeting. The public comments received include the following topics:

- On site sewage;
- Impacts and access to existing watercourses;
- Stormwater management;
- Well impacts;
- Traffic impacts;
- Status of parkland; and
- Wildlife impacts.

Given that the PIM was held in 2015, staff chose to reengage the community via a mailout in October of 2018. One email response was received indicating concern about the quality and quantity of the groundwater in the area.

A public hearing must be held by North West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the RMPS. Attachment B provides an evaluation of the proposed amending development agreement in relation to the relevant RMPS policies.

Proposed Amending Agreement

Attachment A contains the proposed amending agreement for the subject site and the conditions under which the development may occur. The proposed amending agreement addresses the following matters:

- The reconfiguration of existing vacant lands within the DA for thirty (30) lots;
- The addition of lands to the DA to accommodate twenty- three (23) new lots;
- New streets; and
- A public walkway that will serve as a secondary vehicular access for fire emergencies only.

The attached amending development agreement (Attachment A) will permit a second phase of development over and above the existing 58 lot subdivision subject to various development controls outlined within this report. Policies S-15 of the 2006 Regional Plan set out the criteria by which Council must consider Hybrid Open Space Design Development proposals. The policies focus on minimizing the overall disturbance of

each building lot and the importance of retaining important ecological and cultural features, while demonstrating that there is sufficient groundwater to service both the proposed and existing developed properties.

Of the matters addressed by the proposed development agreement to satisfy the RMPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Subdivision Design and Compatibility

A key objective of the open space development is to minimize the amount of public street required to service the proposed subdivision. To achieve this objective, the use of flag lots have been permitted in the proposal. Another objective of the open space development is to retain undisturbed lands to for wildlife travel patterns.

In terms of community character and compatibility, the limit of 1 lot per gross acre is intended to reflect the character of the existing neighbourhood. In addition, there is proposed consistency with all building types in both the existing and proposed stages of the subdivision. All lots propose to maintain the ratio of 20% buildable area to 80% non-disturbance area.

Traffic

The Traffic Impact Study submitted in support of the application concludes that the number of site generated trips are low. As Frenchman Road volumes are also low, the site generated trips are not expected to have any significant impact to the performance of Frenchman Road. Staff concurs with this summation and has accepted the study. Nova Scotia Transportation and Infrastructure Renewal (NSTIR) accepted the final Traffic Impact Study prepared for the additional 23 residential lots and single detached dwelling units within the overall total of a residential subdivision accommodating a maximum of 111 residential single detached dwelling units. Access to the Stage 2 lands is via Coulter Crescent as shown on Schedule B.

On Site Services (Water and Septic)

The proposal is to develop the 2nd stage of the existing subdivision over a 15 year timeframe. An important component of the policy evaluation included a hydrogeological study to assess the adequacy of groundwater required to service the proposed development. The required Level 2 hydrogeological assessment has been completed for the entire development indicating that there is adequate quantity and quality of potable water supply for an additional 53 residential dwelling units in the 2nd stage (the Additional and Amended Lands). The Level 1 and 2 assessments for the entire site (111 dwelling units overall) provided site history, site description, surficial and bedrock hydrology, potential water quantity and quality and surface water data and drainage. All lots are proposed to be serviced with on site septic systems which will be constructed in accordance with NS Department of Environment and Labour standards for septic systems.

Management of Open Space

Private space covers approximately 80% of each lot and will be managed by individual property owners under the terms and conditions of the development agreement. The development agreement requires open space to remain in a natural condition with the exception of any maintenance to remove damaged or disease trees. Riparian buffers have been created around watercourses which have been included in the 80% non-disturbance areas.

Walkway and Secondary Access for Fire Safety

A Public Walkway in Stage 2 is located at Road B connecting to Coulter Crescent (Schedule B.1). This walkway will be constructed to a standard sufficient to serve as vehicular access for fire emergency vehicles and will be owned and maintained by the Municipality (Policy S15 (s), Attachment A).

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that it is reasonably consistent with the intent of the MPS in terms of residential density, riparian buffer protection to watercourses and secondary access for Fire safety. Therefore, staff recommend that the North West Community Council approve the proposed amending agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2019-2020 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

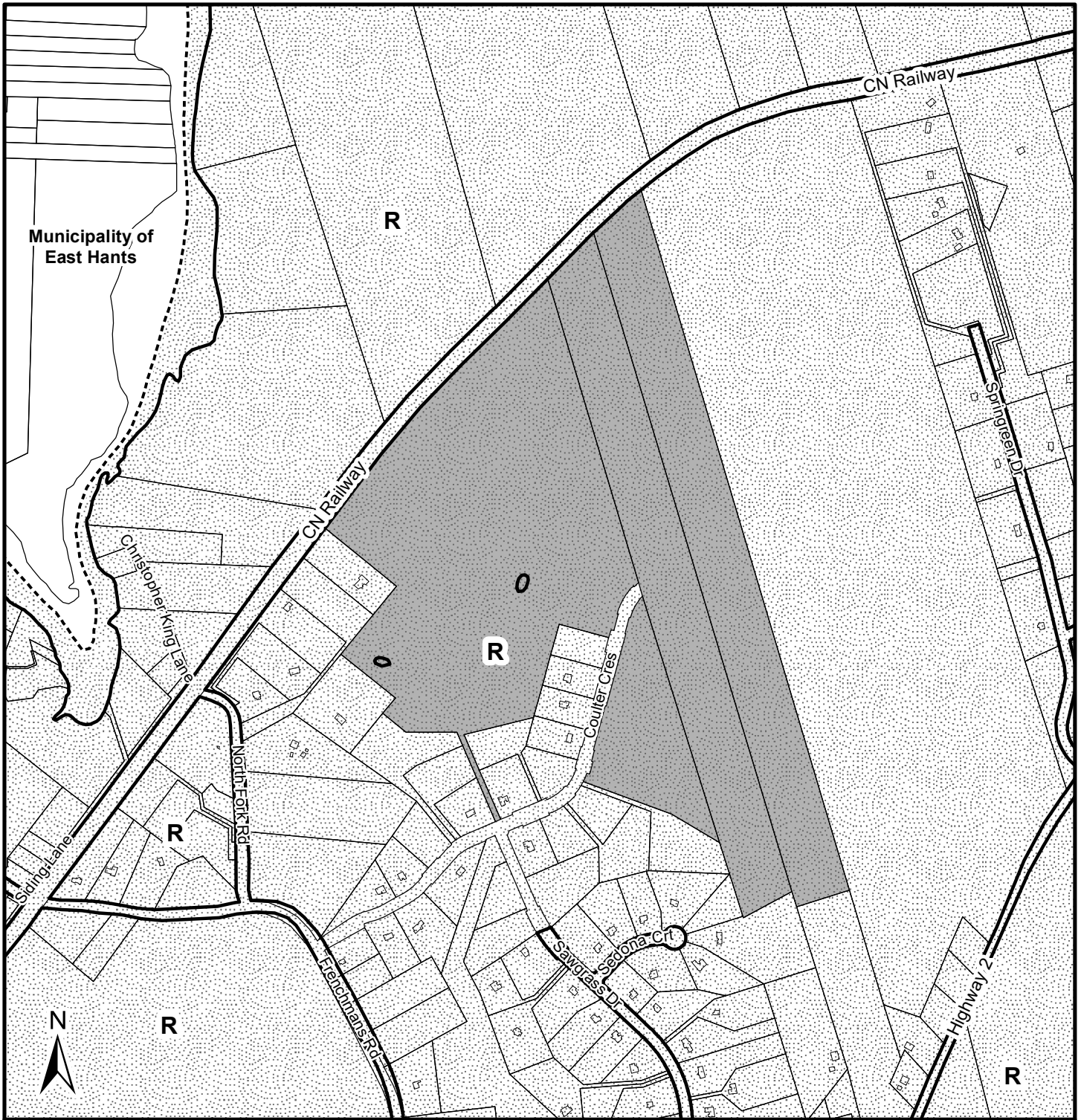
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification
Map 3:	Additional and Amended Lands
Attachment A:	Proposed First Amending Agreement to the Existing Development Agreement
Attachment B:	Review of Relevant Regional Municipal Planning Strategy Policies
Attachment C:	Summary of the Public Information Meeting

Report Prepared by: Shayne Vipond, Planner III, 902.490.4335

Original Signed

Report Approved by: _____
Steven Higgins, Manager Current Planning, 902.490.4382



Map 1 - Generalized Future Land Use

HALIFAX

Oakfield

 Subject Properties

 RC (Rural Commuter) Regional Plan Designation

Designation

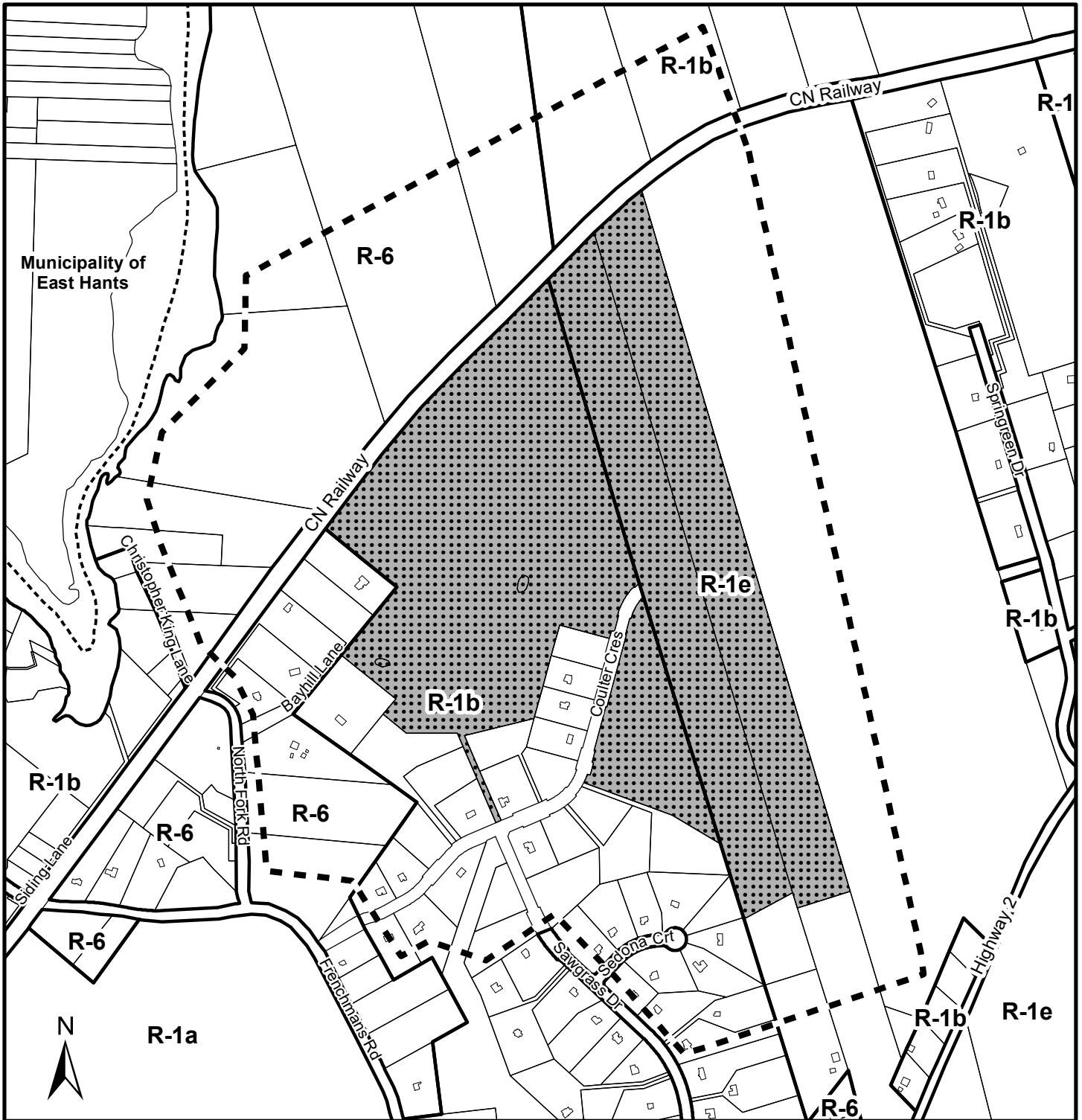
R Residential



Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

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.



Map 2 - Zoning and Notification

Oakfield

 Subject Properties

 Area of Notification

Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

Zones

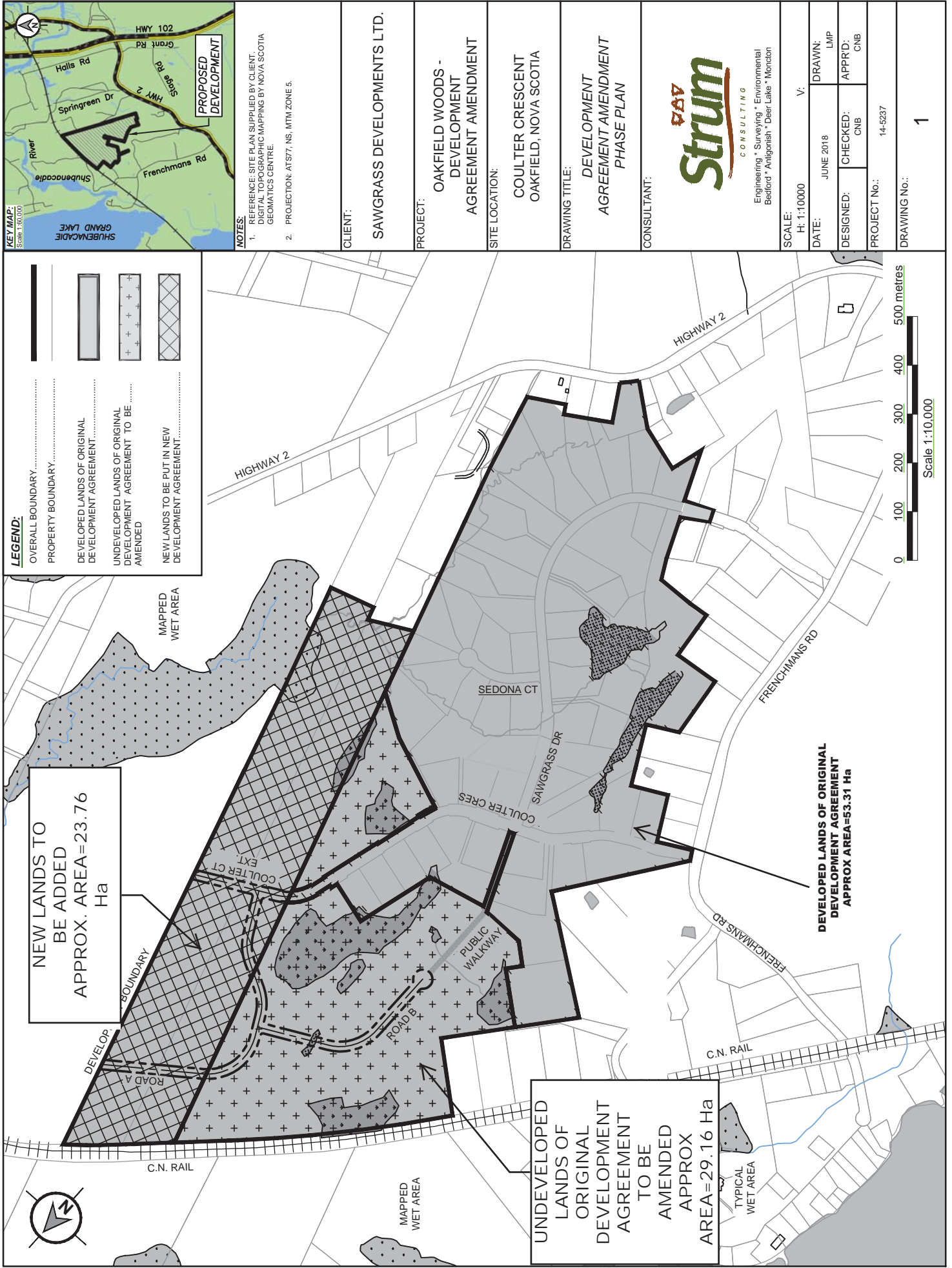
- R-1a Single Unit Dwelling
- R-1b Suburban Residential
- R-1e Residential Estate
- R-6 Rural Residential

0 100 200 300 m

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

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

Map 3 - Additional and Amended Lands



Attachment A:

Proposed First Amending Agreement to the Existing Development Agreement

THIS FIRST AMENDING AGREEMENT made this _____ day of **[Insert Month]**, 2019,

BETWEEN:

[Insert Name of Corporation/Business LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on the northeast side of Coulter Crescent off Frenchman's Road in Oakfield, Nova Scotia, identified as PIDs 40547598, 40763195, 41399163, 41120338 and which said lands are more particularly described in Attachment A hereto attached;

AND WHEREAS PIDS 40547598 and 40763195 shall hereinafter be called the "Additional Lands";

AND WHEREAS PIDS 41399163 and 41120338 shall hereinafter be called the "Amended Lands";

AND WHEREAS the Marine Drive, Valley and Canal Community Council of the Municipality approved an application to entered into a Development Agreement with Caliber Consulting Limited at a meeting held on November 28, 2007 to allow a Hybrid Open Space Design Development with up to fifty-eight (58) residential lots (Municipal Case Number 00976), pursuant to the provisions of the *Halifax Regional Municipality* and pursuant to Policy S-15 of the 2006 Regional Municipal Planning Strategy, which said development agreement was registered at the Land Registration Office in Halifax on March 19, 2008 as Document Number 90228348 (hereinafter called the "Original Agreement"), and which applies to the Amended Lands;

AND WHEREAS the Developer acquired the Amended Lands and Additional Lands by a Warranty Deed dated December 12, 2011, registered at the Land Registration Office in Halifax on January 3, 2012 as Document Number 99825482;

AND WHEREAS the Developer has requested amendments to the Original Agreement to include the Additional Lands (a total of 23.4 hectare) to allow for approximately twenty-three (23) additional residential lots, and extend to the dates of completion of the Original Agreement pursuant to the provisions

of the *Halifax Regional Municipality Charter* and pursuant to Policies S-15 and S-16 of the 2006 Regional Municipal Planning Strategy (hereinafter called the “First Amending Agreement”);

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **XXXX**, referenced as Municipal Case 19694;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this First Amending Agreement, all other terms, conditions and provisions of the Original Agreement shall remain in effect.
2. The Recitals of the Original Agreement shall be amended by inserting the text shown below in bold immediately following the first recital and before the second recital:

AND WHEREAS the Developer is the registered owner of certain lands (PIDS 40547598 and 40763195) and which said lands are more particularly described in Schedule A.1 hereto (hereinafter called the “Additional Lands”);

3. Section 3.1 of the Original Agreement shall be amended by inserting the text shown in bold, as follows:

3.1 Schedules

The Developer shall develop the Lands in a manner, which in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this Agreement and the plans filed in the Halifax Regional Municipality as Case Number 00976:

The schedules are:

- “A” Legal Description of the Lands
- “A.1” Legal Description of the Additional Lands**
- “B” Concept Plan
- “C” NEF 30 Boundary

4. The Original Agreement shall be amended by inserting the following Schedules:

A.1 Legal Description of the Additional Lands (attached)

5. The Original Agreement shall be amended by deleting all text references to the “Lands” and replacing such references with reference to the Lands and the Additional Lands.
6. The Original Agreement shall be amended by deleting all text references to Schedule “A” and replacing such references with reference to Schedule “A” and Schedule “A.1”.
7. Schedule B of the Original Agreement shall be amended by deleting the Additional Lands and Amended Lands and inserting the area within the Phase Boundary as shown on Attachment B.
8. Section 3.2.3 (f) shall be added immediately after Section 3.2.3(e) of the Original Agreement as shown in bold below:

- (f) At the time of subdivision design, temporary cul de sacs will be required at the end of Road A and Coulter Court Ext until the streets are extended through to the adjacent property.**

9. Section 3.4.1 (c) of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold, as follows:

3.4.1 (c) Density shall be limited to: a maximum of 1 dwelling unit per hectare and shall not exceed a total of ~~111~~ ~~88~~ dwelling units on ~~111~~ hectares ~~or the number of lots as determined under sub-section 3.5.7, whichever is less.~~ **Density shall be limited to 53 dwelling units on 53 lots on the Additional and Amended Lands.** Prior to the approval of any subdivision the Developer shall confirm the total area of the Lands and the maximum number of dwelling units.

10. Section 3.4.1 (d) of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~, as follows:

3.4.1 (d) The Development Officer may permit changes to the layout of the number of lots provided the layout does not significantly affect the configuration of the parkland; ~~increase the number of flag lots beyond that permitted in sections 3.5.2 and 3.4.1(e) of the Agreement.~~

11. Section 3.5.2 of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~, as follows:

3.5.2 Flag lots as generally shown on Schedule "B", shall be approved by the Development Officer, provided that each flag lot has no less than 6.069 metres (20 feet) of frontage on a public street and otherwise adheres to all requirements and provisions of this Agreement. ~~Further, the total number of flag lots shall not exceed thirty. There shall be no more than three flag lots contiguous to each other and no more than two flags lots share a driveway.~~

12. Section 3.5.6 of the Original Agreement shall be amended by deleting the text reference to Schedule "E" and replacing it with Schedule "C".

13. Sections 3.5.7 and 3.5.8 of the Original Agreement shall be deleted in their entirety.

14. Section 3.9.7 shall be added to the Original Agreement immediately after Section 3.9.6 and immediately before Section 3.10 as shown in bold below:

3.9.7 Park donations shall be cash in lieu of parkland calculated in accordance with the *Regional Subdivision By-law* and *Halifax Regional Municipality Charter*.

15. Section 3.13 shall be added to the Original Agreement immediately after Section 3.12.2 and immediately before Section 4.1 of the Original Agreement as shown in bold below:

3.13 Public Walkway

The final design of the Public Walkway as shown on the Schedules will be confirmed during the subdivision stage. In addition to the design requirements outlined in the Municipal Design Guidelines, the applicant shall ensure the walkway design meets the requirements of the National Building Code Access Route Design for Firefighters. The proposed culvert design will also need to take into consideration the weight of a service vehicle.

16. Section 4.1.1 shall be added to the Original Agreement immediately after Section 4.1 and immediately before Section 4.2 as shown in bold below:

4.1.1 Where applicable, all work shall be in accordance with the most current version of the HRM Municipal Design Guidelines, Streets By-Law S-300, Noise By-Law N-200,

AO 2016-003-ADM Construction Site Management and HRWC Design and Construction Specifications.

17. Section 8.4 of the Original Agreement shall be amended by inserting the text shown in bold, as follows:

8.4 Upon the completion of the whole development or portions thereof, or within/after fifteen years from the date of registration of this **First Amending** Agreement with the Registry of Deeds or Land Registry Office, whichever is less, Council may review this Agreement, in whole or in part, and may:

WITNESS that this First Amending Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 20____ .

SIGNED, SEALED AND DELIVERED in the presence of:

<INSERT REGISTERED OWNER NAME>

Witness

Per: _____

Witness

Per: _____

=====

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

=====

HALIFAX REGIONAL MUNICIPALITY

Per: _____
Mayor

Per: _____
Municipal Clerk

ATTACHMENT B - AMENDMENTS TO SCHEDULE B

PIDs 41120338, 40763195,
40547598, 41399163.

SITE ANALYSIS (CURRENT DEVELOPMENT AGREEMENT AMENDMENT)	
LOT YIELD	53
LOT AREA (OVERALL)	500,079 m ² 94.41%
ROAD LENGTH	1,278 m
ROAD AREA *	29,627 m ² 5.9%
PARK / OPEN SPACE	0 m ² 0.0%
TOTAL AREA	529,706 m ² 100.00%

* INCLUDES PUBLIC WALKWAY

NON-DISTURBED AREA = 444,202 m²

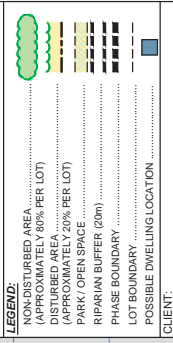
- OVERALL OAKFIELD WOODS PARK ANALYSIS**
- TOTAL PARKLAND PROVIDED = 78,477 sq.m.
 - ADDITIONAL PARK CONTRIBUTIONS PROVIDED VIA IMPROVEMENTS TO BIKE PARK AND TRAIL
 - TOTAL LOT AREA OF EXISTING LOTS PLUS PROPOSED LOTS UNDER CURRENT DEVELOPMENT AGREEMENT AMENDMENT = 978,657 sq.m.
 - PARKLAND DEDICATION (INCLUDING CURRENT PROPOSAL) IS 8% PLUS IMPROVEMENTS

Area to be amended on Schedule B

STAGE 2 DEVELOPMENT AGREEMENT AMENDMENT (53 LOTS)



NOTES:
1. REFERENCE SITE PLAN SUPPLIED BY CLIENT.
DIGITAL TOPOGRAPHIC MAPPING BY NOVA SCOTIA GEOMATICS CENTRE.
2. PROJECTION: AT577, NS, MTM ZONE 5.



CLIENT: SAWGRASS DEVELOPMENTS LTD.

PROJECT: OAKFIELD WOODS - STAGE 2 DEVELOPMENT AGREEMENT AMENDMENT

SITE LOCATION: COULTER CRESCENT OAKFIELD, NOVA SCOTIA

DRAWING TITLE: STAGE 2 DEVELOPMENT AGREEMENT AMENDMENT CONCEPT PLAN



PROJECT #: 14-5237

DATE: NOVEMBER 2017

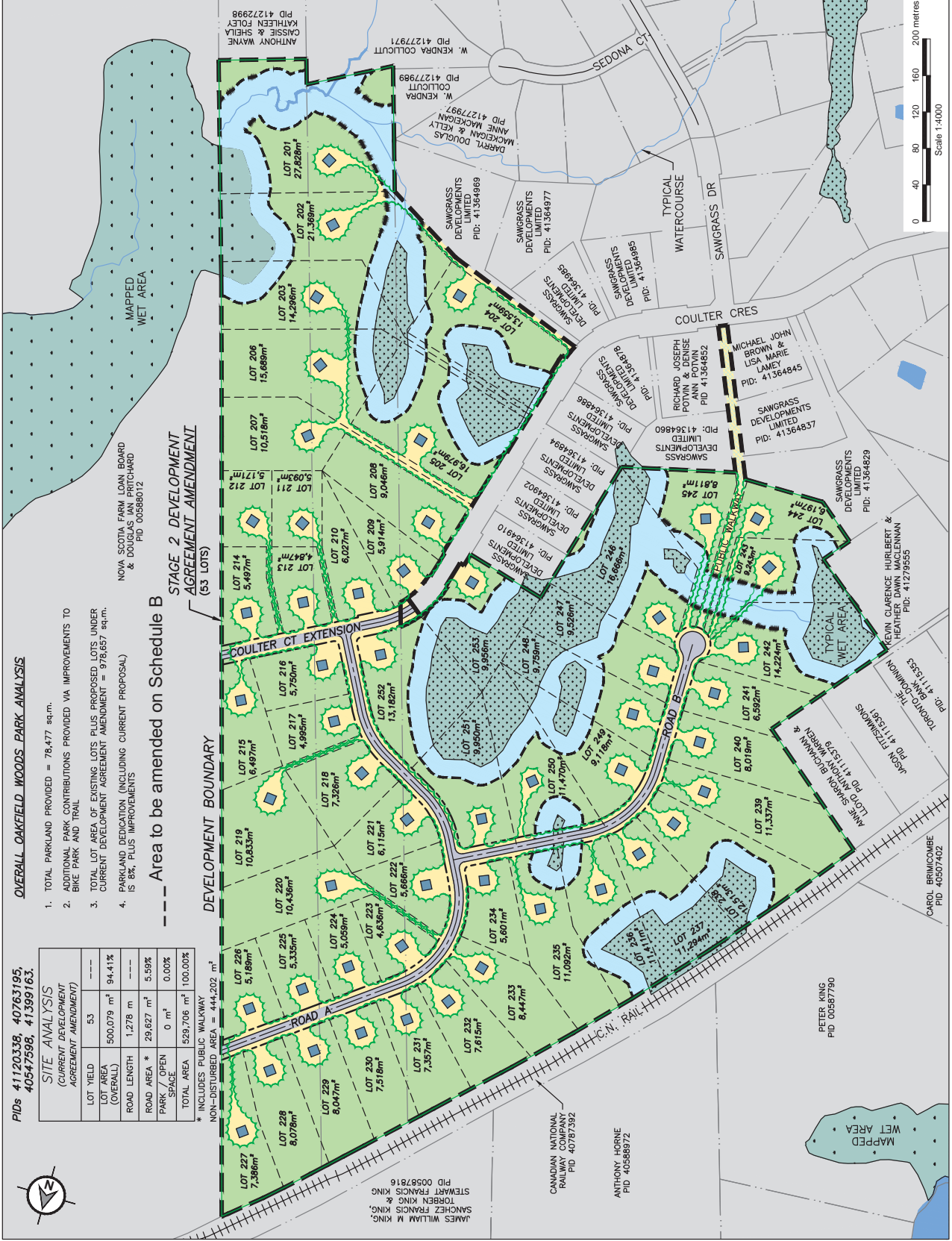
DRAWING #: 14-5237

SCALE: 1:4000

DRAWN BY: HSN

CHECKED BY: CB

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**Attachment B:
Review of Relevant Regional Municipal Planning Strategy Policies**

- G-18 Where any completed development agreement application was received by HRM prior to Council's first notification to adopt this Regional Plan, the application shall be considered in accordance with the Regional Plan policies in effect at the time the application was received.
- 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:

Table A:

(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;	The Level I and Level II groundwater assessments have been prepared and reviewed. Hydrogeological Study findings indicate that quality and quantity of the groundwater is sufficient on the Amended and Additional lands so that individual lots can be sufficiently serviced with wells.
(b) that there is sufficient traffic capacity to service the development;	The Traffic Impact Study submitted in support of the application concludes that the number of site generated trips are low. As Frenchman Road volumes are also low, the site generated trips are not expected to have any significant impact to the performance of Frenchman Road. Staff concurs with this summation and has accepted the study. Nova Scotia Transportation and Infrastructure Renewal (NSTIR) accepted the final Traffic Impact Study prepared for the additional 53 residential lots and single detached dwelling units within the overall total of a residential subdivision accommodating a maximum of 111 residential single detached dwelling units.
(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;	The proposed DA allows for 53 additional single detached dwelling units and an overall total of 111 unit residential lots to accommodate 111 single detached dwelling units.
(d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;	All lots are proposed to be serviced with on site septic systems which will be constricted to NS Department of Environment and Labour standards for septic systems.
(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;	The hybrid type of residential development minimizes extent of public road development through the creation of 12 flag lots with 20 foot road frontages which has the overall effect of substantially reducing the road length while maintaining lot sizes adequate for fire separation.

(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;	The building site retains 20% of the lot area to accommodate structure, driveways and private lawns
(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);	The proposed Amending Agreement requires that approximately 80% of the lot has been retained for the preservation of natural open space including riparian buffers to watercourses as shown on Schedule B.1.
(h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;	The proposed Amending Agreement requires that approximately 80% of the lot has been retained as non-disturbance areas which align with the preservation of the natural open space as shown on Schedule B.1.
(i) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;	The potential for connectivity was taken into account when designing the development which resulted in a good connectivity that does not jeopardize 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;	Map 3 of the Regional MPS identifies no proposed trail in the vicinity of the proposed development. It is the opinion of staff that external trails and natural networks are not present on the lands to be delineated, connected or 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;	Parks and Natural Corridors shown on Map 4 of the Regional MPS lie a considerable distance from the site and are not delineated on the site. See above.
(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;	It is the opinion of staff the proposed dwellings and private driveways are located to minimize impact upon primary conservation areas and for the greater part the driveways use abandoned existing road beds.
(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;	Staff is of the opinion the developer has taken the listed features into account when designing the development however, very few of these secondary conservation features are present on the site.
(n) that the roads are designed to appropriate standards as per Policy T-2;	The roads area suitability designed as municipal roads and will be assumed by the Municipality.
(o) views of the open space elements are maximized throughout the development;	Views of the open space design were taken into account when designing the development.
(p) opportunities to orient development to maximize the capture of solar energy;	The developer has designed the development to take opportunities to maximize solar energy capture where possible in the 20% buildable area of each lot.
(q) the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;	Yes.
(r) the proposed development will not	It is the opinion of staff the proposed development

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	will not impact any natural resource use. The conservation lands behave as a protective buffer to adjacent land uses.
(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.	Secondary access has been provided from Road B to Coulter Crescent (Schedule B.1) by a proposed public walkway that will be built to a standard sufficient to accommodate vehicular access for fire emergency vehicles. HRM will own and maintain this access.

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:

Table C:

(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;	There is no cost to HRM in regards to this proposed development.
(ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;	The stormwater management plan required under the proposed development agreement will adequately address runoff and conveyance from the public road as it must meet municipal standards.
(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;	HRSB did not respond to the circulation request however HRSB must find capacity for students in HRM based on present school capacities.
(iv) the adequacy of road networks leading to or within the development;	Frenchman's Road can accommodate the increased volume from the proposed development with no significant impact (see S15B).
(v) the potential for damage to or for destruction of designated historic buildings and sites;	Not applicable.
(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;	Residential subdivision with on-site water and wastewater facilities. The proposed uses are the same as adjacent residential development surrounding the site and therefore area compatible to nearby land-uses.
(ii) height, bulk and lot coverage of any proposed building;	The proposed development agreement permits single unit dwellings. The maximum height and footprint permitted for dwellings is 10.7 metres in height and 20% of the site is useable for structures, driveway and lawn areas which is compatible with adjacent residential development.
(iii) traffic generation, access to and egress from the site, and parking;	The proposed development connects to Coulter Crescent which connects to Frenchmans Road, a two lane rural roadway with gravel shoulders and open ditches. The traffic study concludes that the number of site generated trips are low to Frenchmans Road and the site generated trips are not expected to have any significant impact to the performance of Frenchman's Road. Staff concurs with this summation and has accepted the study.
(iv) open storage;	The existing development agreement and proposed amendments do not permit open storage.
(v) signs; and	Two ground signs are permitted by the proposed development agreement to act as community identification signage on private lands at the

	<p>entrance of the subdivision. No additional signage has been sought for the 2nd stage. Driveway name signage is in accordance with the Civic Addressing By-law is permitted. Public road signs shall be in conformance with all HRM regulations.</p>
<p>(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.</p>	<p>The form or layout of the proposed development was determined by identifying primary and secondary conservation areas as well as suitable or potential areas for development. Riparian buffers, watercourse setbacks, wetlands, 1:100 year floodplains, rock outcroppings, steep slopes, agricultural soils, groundwater recharges areas, potential archeological sites, scenic views, heritage properties, mature forests, trails and natural networks, parks and natural corridors have been identified.</p>

Attachment C
Summary of the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 19694

Tuesday, September 15, 2015
7:00 p.m.
Grand Lake Oakfield Community Hall

STAFF IN

ATTENDANCE: Darrell Joudrey, Planner, HRM Development Approvals
Holly Kent, Development Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Barry Dalrymple, District 1
Jenifer Tsang, Sunrose Land Use Consulting

PUBLIC IN

ATTENDANCE: Approximately 16

The meeting commenced at approximately 7:00 p.m.

There was a discussion about the notification area for advertising the Public Information Meeting (PIM) for this application.

1. Call to order, purpose of meeting – Darrell Joudrey

Mr. Joudrey introduced himself as the Planner facilitating this application through the planning process; Councillor Barry Dalrymple, District 1; Holly Kent and Cara McFarlane, HRM Development Approvals; and, Jenifer Tsang, Sunrose Land Use Consulting

The purpose of the PIM is to identify to the community that HRM has received an application, give some background on the proposal and receive feedback from the public. This is purely for information exchange and no decisions are made at the PIM.

2. Overview of planning process – Darrell Joudrey

When HRM receives an application the following process occurs: a) a PIM is held; b) public comments and internal/external agency comments are received; c) amendments to the existing development agreement will be negotiated with the developer; d) a Staff Report will be prepared and forwarded to North West Community Council (NWCC); e) if NWCC wishes to proceed, a Public Hearing date will be set; f) the Public Hearing will be advertised along with a notice mailed to local residents and members of the public in attendance at the PIM; g) NWCC's decision is followed by a 14-day appeal period through the Nova Scotia Utility and Review Board (NSUARB); h) if not appealed, the amending development agreement can be signed and registered with the Land Registry; and i) the developer can then apply for permits and proceed with the project.

3. Presentation of Proposal – Darrell Joudrey

The application is a request by Sunrose Land Use Consulting to amend an existing development agreement that permits a Hybrid Open Space Design on lands in Oakfield by including two additional parcels of land (11.9 ha and 11.5 ha) located off of the end of Colter Crescent in the approved concept. This additional land will be added to what is already Phase 2 of the existing development agreement. NWCC must approve the proposed amendments in order to enable the proposed Open Space Design. The additional lands will hold up to 24 single unit dwelling lots with individual wells and sewage treatments and each lot will retain 80% of the area for conservation purposes.

The subject property and various Phases were shown along with the two parcels the developer wishes to add. The whole proposal is presently at Stage II of the application where the site plan is designed and presented to the public for feedback and internal/external agencies for review/comment.

Under Section 3.5 of the Regional Municipal Planning Strategy (MPS), subdivision of land may proceed as an Open Space Design development within agricultural rural resource and non-growth management areas of the Rural Commuter Designation. This is done through the process of a development agreement.

Open Space Design development is a form of subdivision designed to conserve open space. The basic principle of the design is to locate homes on the vast portion of the site where the soils are suited for development while retaining the remainder for conservation.

All Open Space Design development agreement applications follow a two-stage process. Stage I is a preliminary site design process which determines the open space areas to be preserved and potential areas for development. In Stage II the roads, lots, parks and other physical design features of the development are delineated and need approval from Community Council in the form of a development agreement. If approved, the Stage II plan forms the final plan of subdivision for future final subdivision applications under the Regional Subdivision By-law.

A schematic of a Classic Open Space Design and Hybrid Open Space Design developments was shown. Classic Design is comprised of clustered lots with 50% of the land developed and 50% preserved. Hybrid looks like a typical subdivision with 20% of the lot developed with the house, accessory building, driveway, etc. and 80% of the lot non-disturbed.

Policy S-17 of the Regional MPS allows the Hybrid form of Open Space Design development and it is the responsibility of the property owner to maintain and make sure that the conservation area is not disturbed according to the terms of the development agreement.

Presentation of Proposal – Jenifer Tsang, Sunrose Land Use Consulting

Strum Consulting is the engineer consulting firm for this application. Referring to a plan, Ms. Tsang explained the different Phases (three phases previously approved) of the development. The new amending agreement affects Phase 4 (shown in yellow on the plan). The rest of the development was shown due to some changes that were done to the road network in order to include the additional parcels. The proposal adds approximately 23 more single family lots to the already approved 80 lots, a new piece of park and a walkway (all shown) that would connect to Colter Crescent.

4. Questions and Comments

Bill Horne, Wellington, MLA – Will the new section be subject to the same rules and regulations as the rest of the development? **Mr. Joudrey** – Yes. **Mr. Horne** - Will a hydrogeographic study be done? **Mr. Joudrey** - The completed Level II study that was done represented this area. **Ms. Tsang** – By adding the new lands, it was possible to provide a higher level of information due to existing wells.

Mr. Horne – Would it be possible to have a road crossing the railroad tracks? **Ms. Tsang** – Nothing is proposed at this time.

Mr. Horne wondered what passive development within the 80% non-disturbed area would include. **Mr. Joudrey** – The non-disturbance area is 80% of each lot. There is a provision in the development agreement for tree removal and a homeowner would be permitted to develop a pathway or passive trail. Because 20% is so limiting, onsite sewage and the well can be placed within the 80% conservation lands. **Mr. Horne** – Do the properties allow for a normal sewage plant? **Ms. Tsang** – Each lot is capable of supporting the appropriate septic system.

Mr. Horne – Are there any wetlands in the area that may be compromised? **Ms. Tsang** – All wetlands were identified in an earlier stage (shown on plan as dotted green areas) and development cannot happen in those areas.

Mr. Horne – Potentially, 24 new lots could be developed on the 23 acres. Why not more? **Ms. Tsang** – HRM's Policy states one unit per hectare which is very low density.

Sheila Caissie, Enfield referring the plan, pointed out an active brook that runs between her property and the subdivision. There was a previous proposal to build in that same area that was turned down by City officials due to the brook. Why is it permitted now? **Ms. Tsang** – That property is currently under the development agreement and part of the dark green portion of the plan. The brook has a buffer on either side of it and development has to stay away from that area. **Ms. Caissie** – How will access be gained? How will it affect her property? **Ms. Tsang** – There will not be any development on that side of the brook; therefore, no access to her property at all. The driveway for the development comes off of Colter Crescent in the form of a very long flag driveway. Shown on the plan is a road to the next property which HRM requires in the event of developing that property. **Ms. Caissie** has concerns of ATV traffic on her property increasing but Ms. Tsang believes that having some homes in the area may help stop the activity.

Doug Pritchard, Bass River is an adjacent owner to this property. What is in place to take the running water away from the two streets shown on the plan? **Chris Boudreau, Strum Consulting** –The stormwater drainage is not fully designed yet. There is a small watercourse in the area (shown on the plan) where water would be drawn to for one of the roads. The developer would try to disperse the water for the other road and let it drift off. Water presently goes there so the developer will try to replicate that. There aren't any regulations for this type of subdivision, but there can't be a negative impact on the surrounding lands. **Mr. Pritchard** would like to be provided with further information as the project moves forward.

Mr. Pritchard is concerned about an increase in hunting and the safety of residents in the area. What can the developer do to help negate that potential problem? **Mr. Boudreau** – Hunting near residential neighbourhoods is illegal. This won't necessarily eliminate people from hunting but it may potentially decrease the activity in the area along with the increase of ATVs.

Kendra Collicutt, Sedona Court - The proposal runs at the back of her property and is concerned that her well will be affected. **Mr. Boudreau** pointed out the homes on the plan. There are two very large properties at the back of her property that share a flag lot driveway. Ms. Collicutt was

satisfied with Mr. Boudreau's explanation.

Mr. Horne – Will there be a concern for getting new traffic from the subdivision out to Highway 2?

Mr. Joudrey – The additional impact was negligible from the study.

Carol Morrison, Acorn Drive – As a result of a meeting held for a proposal at the golf course, services were a major concern. The Halifax Regional School Board (HRSB) felt that the schools couldn't accommodate any more students. Continuance of the fire department in the area was doubtful. Will it be able to support the additional homes? Snow plowing is an issue on Acorn Drive and Highway 2. **Mr. Joudrey** was not aware of the meeting Ms. Morrison referred to. When HRM first received the application, HRSB assured that the schools in the area could handle the additional students that would be generated from this development. Traffic Services did review the preliminary expansion and they had no issues. Traffic Services will review the proposal again. Fire Protective Services/Emergency Services have no issues with the additional responsibility.

Mr. Horne wondered if a walking trail could surround the entire property rather than a park. **Ms. Tsang** – Additional parkland has to be included as part of this current application. Currently, there is not a proposal to put a walkway around the property, nor additional walkway planned. If there was a connection suitable, it may be considered.

Cathy Pryde, Frenchmans Road – Will there be 80 more homes for this phase? **Ms. Tsang** – Eighty lots would be for the entire development. There are 30 lots currently approved and 23 are proposed (single family dwellings). **Ms. Pryde** wondered if commercial use would be permitted. **Ms. Tsang** – In most residential areas, home owners are allowed a home occupation (eg. hair salon or office). Commercial use is not permitted. **Ms. Pryde** – Is this the final Phase of the development? **Ms. Tsang** – Yes. **Ms. Pryde** wondered if rental basements or in-law suites would be permitted. **Ms. Tsang** – No, they are all single unit dwellings.

Ms. Caissie is concerned about construction traffic forcing wildlife out of the area. **Ms. Tsang** – This is the lowest density HRM has. Part of their objective in the Open Space Design was to prevent a large amount of clear cutting of the actual habitat. **Mr. Joudrey** – This is an issue with every development, but hopefully once everything settles down, the connection and corridors will reestablish or change to handle the wildlife in the area.

Councillor Barry Dalrymple, District 1, had a few comments:

- This development is within Planning Districts 14 and 17 and specifically because the Shubenacadie River is very close to this development, this will come under the no phosphorus downloading provision that the Fall River Vision Committee passed 1½ years ago.
- Hopes that one day there will be a connection over to Siding Lane.
- Wanted to make sure this application is outside the airport noise contour.
- Where and how big is the existing parkland dedication from the first phases? **Mr. Boudreau** showed the location of the intended existing mini bike park on the plan.
- Suggested that as the application moves forward, maybe instead of a second piece of parkland, cash-in-lieu could be given so HRM could develop the parkland from the previous phase. **Mr. Joudrey** will discuss this with Parkland Planning group during the review team meeting.
- Suggested crusher dust for the proposed trail or walkway.
- Waterways (brook, stream, lake, etc.) have an encroachment buffer of 20 metres.
- The Fire Station, for the foreseeable future, will remain open. Within the past year, HRM has signed a formal Letter of Understanding with the Enfield Fire Department to supply coverage to this area.
- The proposed development at the golf course a number of years ago was turned down by the golf course membership. Part of the golf course is in the airport noise contour area which would severely restrict residential development in the future.

- Schools that supply the area are not at capacity.
- Snow plowing has been an issue over the years but through the efforts of the area MLA, Mr. Horne, last year, both Summer and Winter maintenance was dramatically improved.
- If this development is done right, and concerns are met, he welcomes it.

Mr. Horne – Has this gone through a fundamental environmental assessment? Are you looking for any endangered species of fauna in that area? **Mr. Joudrey** – Natural Resources would have identified any issues during Stage I review.

5. Closing Comments

Mr. Joudrey thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 7:55 p.m.