

May 6th, 2022

Carl Purvis
Planning Applications Program Manager
Halifax Regional Municipality
Planning and Development
PO Box 1749
Halifax, N.S.

RE: Development Agreement Application to Enable Early Tree Removal and Earthworks for the Southdale / Mount Hope Special Planning Area

Dear Mr. Purvis:

Further to our May 3rd application to amend the Regional Plan to permit early tree removal and earthworks for special planning areas (SPA) inclusive of the Southdale / Mount Hope SPA, Clayton Developments Limited is pleased to make the enclosed application for a development agreement application to enable early tree removal and mass works for the Mount Hope SPA.

With the announcement of amendments to the Halifax Regional Municipality Charter as of April 22, 2022 with the passing of Bill No. 137, a development agreement now can contain terms 'with respect to matters a subdivision by-law may contain'. The intent of these changes, as well as the special planning areas announced by the province in March 2022 through the powers granted in the *Housing in the Halifax Regional Municipality Act* are to expedite the creation of adequate housing supply in the municipality. In order to bring housing swiftly to the market, it is critical that early tree removal and mass works be enabled to be able to take advantage of the 2022 construction season.

We feel the proposed development agreement has a clear alignment with the statement of provincial interest on housing as well as the intent of the Housing in the *Halifax Regional Municipality Act* to help meet housing market demand and enable new housing quickly.

Presently, the Subdivision By-law requires that a Subdivision Grading Plan be submitted as part of subdivision approval as per Section 117(d)(iii), and approved as the final plan of subdivision as per Section 126-127 of the Subdivision By-law. Enforcement of the Subdivision Grading Plan occurs through the (1) the Grade Alteration By-law G-200 and (2) the Lot Grading By-law L-400. Both By-law G-200 and L-400 provide exclusions where grading or lot grading is regulated by a Development Agreement respectively in Section 4 of both By-laws.

The intent of the proposed change is that the regular process for grading, including early tree removal and mass works proceed through development agreement requirements rather than Subdivision By-law requirements. In doing so, the requirements of By-laws G-200 and L-400 would also be superseded due to those by-laws' exclusion clauses on properties with development agreements. This enables early site works (tree clearing and earth moving) sooner than what would normally be possible. Along with Nova Scotia Environment requirements, the same municipal drawing requirements would be submitted at time of permitting, as outlined below:

- Site Disturbance Plan;
- Erosion and Sedimentation Control Plan; and a
- Site Grading and Stormwater Management Plan.

There is a risk in the altered order of this process to ensure consistent earth works with later planning approvals. To mitigate this risk, the proposed development agreement would limit the areas of disturbance to limited phase(s) on lands where disturbance is anticipated through the ongoing policy process. The proposed disturbed areas would also be consistent with present provincial environmental regulations.

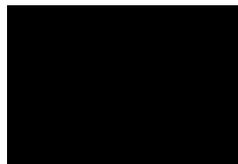
As an application requiring approval by the Housing Task Force, it would be at the jurisdiction of the Panel to determine if any development agreement to enable earth works and tree removal is premature or not. It is common for other municipalities in the province to enable this type of clearing and earth works prior to subdivision approval, and we feel this request is reasonable.

We would like to thank staff for their continued efforts on our various application files, including the main planning application for Mount Hope.

Kind regards,



Andrew Bone, MCIP, LPP
Director of Planning and Development
Clayton Developments Limited



Jared Dalziel, MCIP, LPP
Senior Planner
Clayton Developments Limited

Enclosed: Application Fee for a Development Agreement (\$5,500)
 Application Form
 Draft Applicant Provided Development Agreement
 Draft Schedule A: Legal Description of the Lands
 Draft Schedule B: Mount Hope Special Planning Area
 Draft Schedule C: Proposed Area of Disturbance