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**Information Item No. 1**  
**North West Community Council**  
**June 20, 2022**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:** - Original Signed -

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Jacques Dubé, Chief Administrative Officer

**DATE:** May 16, 2022

**SUBJECT:** Growth Restrictions in Schedule J

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**INFORMATION REPORT**

**ORIGIN**

On September 13, 2021, North West Community Council passed the following motion:

*THAT North West Community Council request a staff report on lifting the restrictions in Schedule J of the Hammonds Plains, Beaver Bank and Upper Sackville Land Use By-law, entitled “Beaverbank / Hammonds Plains Growth Control Areas”, to permit new connector roads off Hammonds Plains*

**LEGISLATIVE AUTHORITY**

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

Regional Municipal Planning Strategy, Chapter 9, Policies G-13 and G-14

**BACKGROUND**

On September 13, 2021, North West Community Council requested a staff report regarding the lifting of the restrictions in “Schedule J of the Hammonds Plains, Beaver Bank and Upper Sackville Land Use By-law”. Rather than the Land Use By-Law, Schedule J is a map forming part of the Regional Subdivision By-Law that imposes growth control mechanisms by limiting subdivision in the Beaver Bank / Hammonds Plains areas (see Attachment B). The following section will explain the origin and purpose of growth controls in this area.

**History of Land Settlement and Policy Development**

The development pattern in the Hammonds Plains, Upper Sackville, and Beaver Bank areas was primarily linear rural community settlements scattered along collector highways and main local roads until the mid to late 1960s. Development patterns began to change with the construction of Highway 103 and 101, which led to the demand for and opportunity to subdivide the large tracts of land in the area. Instead of scattered

development, the pattern became continuous with suburban style residential subdivisions in some areas along the main roads as well as extending into the backlands.

In 1987, the Municipal Planning Strategy for Hammonds Plains, Upper Sackville and Beaver Bank (henceforth referred to as “the Plan Area”) was adopted with the vision to retain the rural character of the area. Although suburban style residential development was expected to continue in the Plan Area, this type of development was not seen as appropriate in the backlands due to the potential impacts on resource activity, rural character, the transportation network, the environment and community services. The backlands were designated Rural Resource to protect and retain traditional land-based activities (such as forestry, farming, aggregate extraction, and open space). Many of these areas did not have public access, and residential development in the backlands was restricted to large lot development. Due to limited opportunities in adjacent suburban areas and consumer appeal for larger lots, the rate of growth occurred more quickly than expected.

In 1998, amendments to the Plan Area and Land Use By-law were made to slow and manage the unexpected, rapid rate of unserviced residential development. The amendments were a response to development pressure and the potential impacts on community services (schools, infrastructure and recreation), concern over the high financial costs related to the development pattern of large lot development (inefficient lot patterns), the impact to the natural environment, and the alteration of rural character. Significant community engagement involving both the community and developers acknowledged that measures were needed to manage the growth rate, which would balance development with service delivery needed to accommodate growth. Growth management was to remain until the location and form of future growth could be evaluated.<sup>1</sup>

As the Regional Municipal Planning Strategy (Regional Plan) was being developed, in 2004, the Province granted HRM a Ministerial Order for a subdivision moratorium to avoid a “land rush” of subdivision applications that could undermine the overall impact of the plan prior to the public participation process. While the moratorium was in effect for 90 days, the Municipality adopted interim growth management controls to apply through the duration of regional planning process. In 2006, with the adoption of the Regional Plan, the growth controls for Hammonds Plains and Beaver Bank were tightened with the adoption of Schedule J. In 2014, the RP+5 Regional Plan review retained the growth controls for Hammonds Plains and Beaver Bank.

### **Existing Regional Plan Policy and Regulations**

As outlined in Attachment A, Policy S-24 of the Regional Plan continues to limit residential subdivision within Hammonds Plains and Beaver Bank until transportation capacity can be increased. This policy is implemented through Sections 11(1) and 11(1a) of the Regional Subdivision By-Law. The impact of this policy is to limit subdivision on new public streets within portions of the Hammonds Plains and Beaver Bank communities. The portions of Hammonds Plains and Beaver Bank communities are identified as Growth Control areas as shown on Schedule “J”. This does not prevent development from taking place on existing lots that meet the requirements of the Land Use By-law.

## **DISCUSSION**

### **Second Regional Plan Review**

In 2020, Regional Council initiated the second review of the Regional Plan. In 2021, the first major deliverable, the Themes and Directions Report was released. On January 25, 2022, Regional Council considered the Regional Plan Review: Themes and Directions What We Heard report<sup>2</sup> and approved staff's recommended work plan for the remaining phases of the review, as follows:

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<sup>1</sup> Staff Report (October 5, 1998). Residential Growth Management Policies, Plan Review for Planning Districts 15/18/19 (Hammonds Plains, Beaver Bank, and Upper Sackville).

<sup>2</sup> Staff Report (December 7, 2021). Case 22257: Regional Plan Review: Themes and Directions What We Heard <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/211214rc1519.pdf>

- **Phase 3: Quick Adjustments** – return to Regional Council (target Spring 2022) with amendments to the Regional Plan that align with Regional Council's goals, as a rapid response to current housing conditions;
- **Phase 4: Draft Regional Plan** – return to Regional Council in December 2022 with the remaining policy framework; and
- **Phase 5: Future Growth Planning** – create a work plan and begin analysis of additional lands to be considered for expansion in anticipation of continued growth to be brought forward for Regional Council's consideration in 2023/2024.

### **Schedule J – Beaver Bank / Hammonds Plains**

As part of the Regional Plan Review, several requests for development have been received regarding potential development of properties located within the Schedule J area (see Attachment B). As identified in the staff analysis for the Themes and Directions – What We Heard Report, any adjustment to the Beaver Bank and Hammonds Plains Growth Control Area or expansion of the Urban Settlement designation and Urban Service Area boundary must be considered carefully in relation to the Regional Plan's strategic growth objectives. With increased pressure for housing development, these requests should be considered with a long-term vision for the area.

The recommended approach was endorsed by Regional Council on January 25, 2022. Staff have advised that Regional Plan policy for lands within Schedule J should not be amended until further study of future community development and infrastructure in this area can be completed. This work is anticipated to be undertaken during Phase 5 of the Regional Plan Review – Future Growth Planning, which will involve analysis of additional lands to be considered for expansion of serviced development in anticipation of continued population growth. Phase 5 is planned for 2023/24. This work is expected to involve:

- Studying population growth and settlement patterns to estimate which lands may be appropriate for new serviced development beyond 2031;
- Consulting with Halifax Water and HRM Infrastructure Planning to understand long-term plans for servicing and any constraints and opportunities in this area;
- Considering environmental implications, such as watershed impacts, constraints such as floodplains and opportunities for landscape connectivity, consistent with the objectives of the Halifax Green Network Plan;
- Considering mobility implications and opportunities for transit-oriented development, consistent with the objectives of the Integrated Mobility Plan. Transportation impacts on Hammonds Plains Road will also be studied as part of the Sandy Lake future serviced community work being undertaken this year; and
- Considering what public engagement will be required.

This approach will allow for strategic consideration of the development of lands in the Hammonds Plains and Beaver Bank areas as a whole, in accordance with Regional Plan policy to ensure growth occurs in an appropriate location and form to respect issues related to the environment, infrastructure, and community service capacity. Lifting the Schedule J restrictions in advance of this study is not recommended, as it would permit additional subdivision and development to occur before these issues can be appropriately considered.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report. The HRM costs associated with undertaking the Regional Plan Review workplan for can be accommodated within the approved the approved 2022/23 operating budget for Planning and Development. Any additional funds required for further study will be identified in future reports to Regional Council.

## **COMMUNITY ENGAGEMENT**

Community engagement for this information report falls under the scope of the Regional Plan Review. This is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the revised Regional Plan Review Engagement Plan approved by Regional Council on January 25, 2022.

Information on the site-specific requests for development have been posted on the Regional Plan Review website (<https://www.shapeyourcityhalifax.ca/regional-plan>) and public comments are accepted by phone and email. A public hearing must be held by Regional Council before they can consider approval of any proposed amendments to the Regional Plan, secondary plans or land use by-laws.

Amendments to the Regional Plan, secondary municipal planning strategies and land use by-laws may potentially impact residents, business owners, other HRM Business Units, and stakeholders including other levels of government, community groups, and the development industry.

## **ATTACHMENTS**

Attachment A	Excerpts from the Regional Plan and Regional Subdivision By-Law
Attachment B	Schedule J
Attachment C	Site Specific Requests located in Schedule J

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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## Attachment A

### Excerpts from the Regional Municipal Planning Strategy

Until transportation infrastructure capacity is increased within the Hammonds Plains and Beaver Bank areas, residential subdivision activity shall be limited.

- S-24 HRM shall, through the Regional Subdivision By-law, establish special provisions to:
- (a) limit development within portions of the Hammonds Plains and Beaver Bank communities;
  - (b) prohibit the creation of new roads to generate residential development except where new roads can be demonstrated to improve traffic safety or achieve better regional network connectivity;
  - (c) permit approval of one additional lot from any area of land in existence prior to April 29, 2006, which does not meet minimum road frontage requirements; and
  - (d) permit residential development on new roads identified as Future Subdivision Connectors on Map 1.

### Excerpts from the Regional Subdivision Bylaw

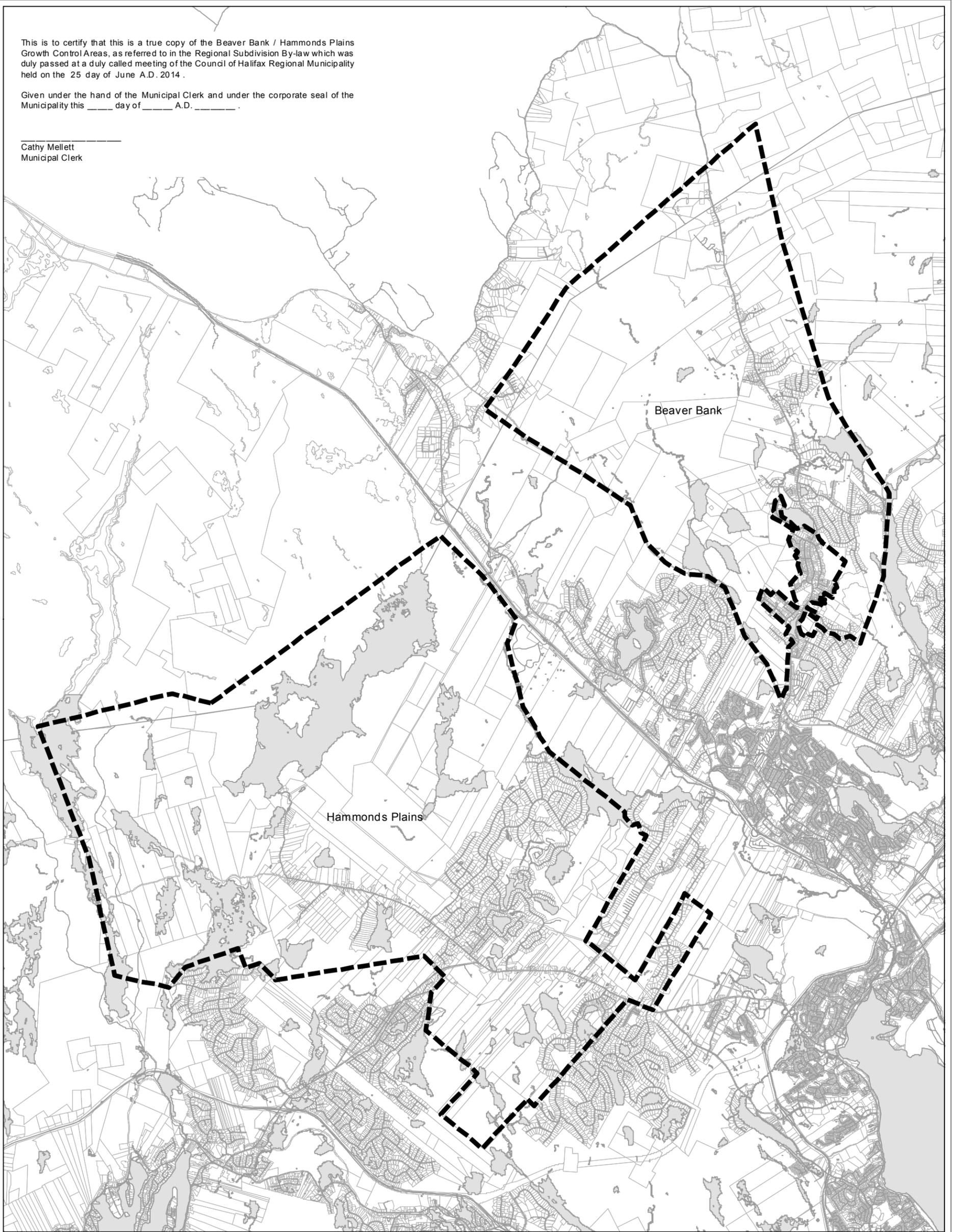
- 11 (1) As provided for in the Regional Municipal Planning Strategy, within the Beaver Bank and Hammonds Plains Growth Control Areas identified on Schedule "J", and notwithstanding section 12, no subdivision which creates lots for residential uses shall be approved which includes a new public street or highway.
- (1a) **Notwithstanding subsection (1), within the areas identified on Schedule "J", a subdivision which creates lots for residential uses involving new public streets or highways may be approved where an active completed application for tentative or final subdivision approval was on file on or before April 26, 2006. (RC-Jun 21/16;E-Jul 30/16)**

# ATTACHMENT B: SCHEDULE J

This is to certify that this is a true copy of the Beaver Bank / Hammonds Plains Growth Control Areas, as referred to in the Regional Subdivision By-law which was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the 25 day of June A.D. 2014 .

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this \_\_\_\_ day of \_\_\_\_ A.D. \_\_\_\_\_ .

Cathy Mellett  
Municipal Clerk



## Halifax Regional Municipality

Subdivision By-law  
Beaver Bank / Hammonds Plains Growth Control Areas  
Schedule "J"

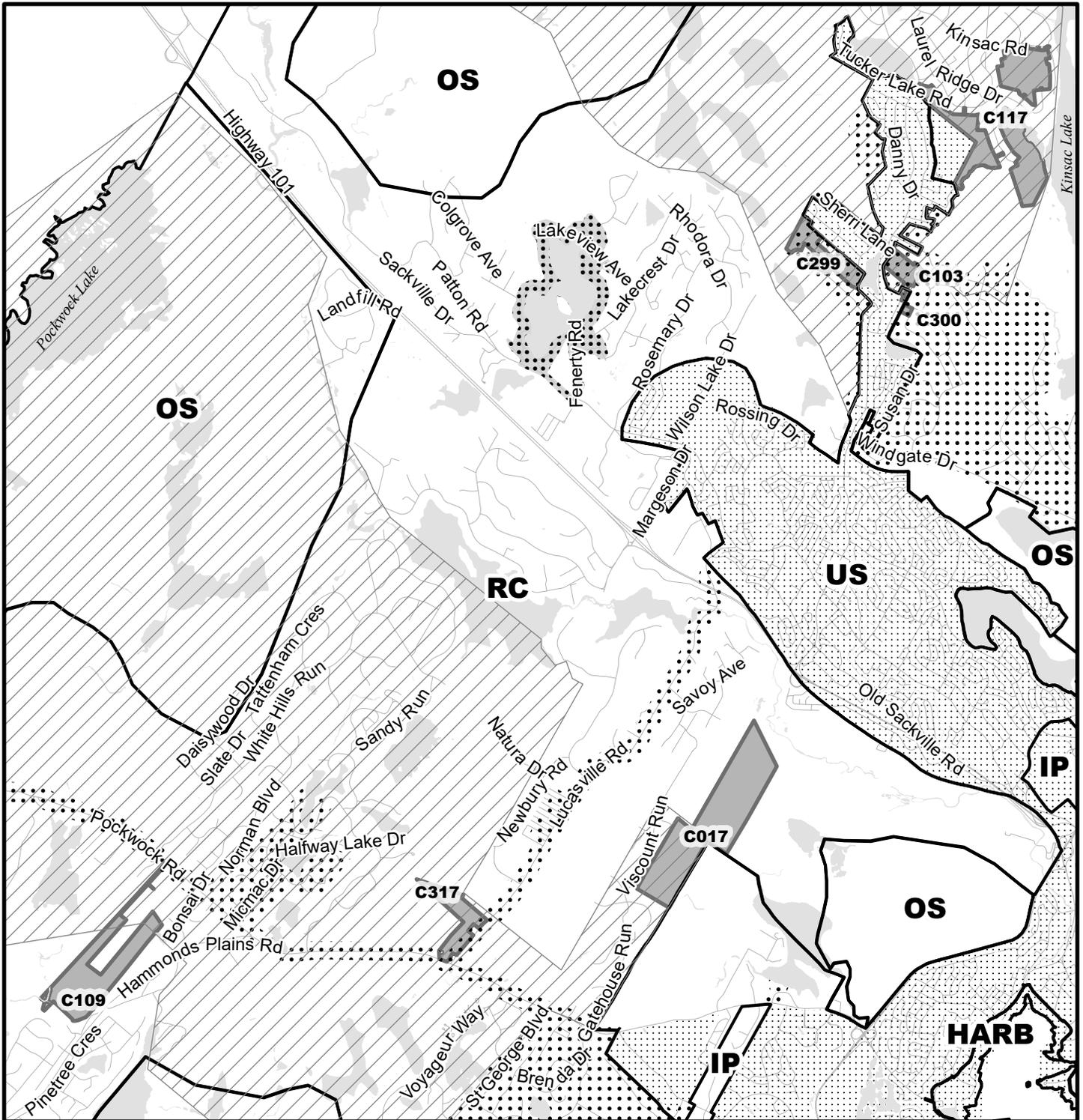
 Area Boundary



0 0.47 0.95 1.9 2.85  
Kilometers

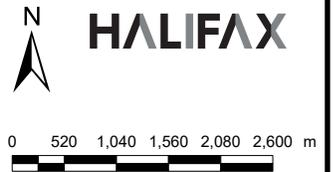
The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

# Attachment C



## Requests for Site-Specific Amendments - Schedule J

- Requests for Site-Specific Amendments
- Beaver Bank / Hammonds Plains Growth Control Area (Schedule J)
- Regional Plan Designations
- Urban Service Area
- Served (Sewer Only)
- Water Service Area



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Regional Plan.

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