



Halifax Regional Council
March 11, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

George McLellan , Chief Administrative Officer

DATE: March 5, 2004

SUBJECT: **Interim Growth Management: Plan Amendments**

ORIGIN

1. Council report January 22, 2004, Provincial Statement of Interest Regarding Infrastructure
2. Council report, January 29, 2004, Action Plan: Interim Growth Management
3. Council report, February 17, 2004, amendments to Ministerial Order, Provincial Statement of Interest Regarding Infrastructure

RECOMMENDATION

It is recommended that Regional Council:

- C Move first reading and set a public hearing date(s)¹ to consider adoption of proposed amendments to those documents contained within Attachment 7 as outlined in this report. (Attachment 7)
- C Request the Province of Nova Scotia provide HRM the authority to require hydrogeological assessments during the development application process.

¹**NOTE:** Council is advised that, given the nature and scope of the proposed amendments, the Public Hearing will likely require more than one session to hear from interested members of the public.

BACKGROUND:**Why Interim Growth Controls - Risk Management**

The Regional Planning process is currently entering the stage where alternative land use and infrastructure development patterns are being mapped, in support of the Regional Planning Principles, Goals and Objectives. These land use and infrastructure development patterns will be implemented through a system of regulations and incentives - 'growth management'.

The various alternatives will be discussed and debated in a public forum over the coming months to provide guidance to the Regional Planning Committee and staff as to the best approach to recommend to Regional Council.

Past experience in HRM has demonstrated that developers will undertake accelerated development approvals in order to avoid anticipated growth management regulations, significantly undermining the original intent of the plan.

The Proposed Amendments:

HRM regional planning staff is proposing to amend all HRM municipal planning strategies (MPS), land use by-laws (LUB), and the Subdivision By-law, with the exception of the Eastern Shore East MPS and LUB, to introduce interim growth management policies and regulations.

The proposed interim growth management policy and regulations provide for the following:

- C 25 lots per year for concept plans received prior to January 22, 2004 (A Concept plan is a plan of subdivision which indicates how proposed road network and parkland are to be laid out.)
- "In-filling" along existing streets and roads would be allowed to continue
- Grandfathering:
 - any completed tentative or final subdivision applications submitted prior to January 22, 2004; and
 - any area covered by a development agreement approved by Council
- Existing growth management regulations which pre-dated the Ministerial Order would remain (eg. Beaver Bank/Hammonds Plains/Upper Sackville, Eastern Passage/Cow Bay, Bedford, Dartmouth)

The interim growth management policies and regulations apply to the area shown on the attached map (Map 1), which is the same as the Interim Plan Area defined by the Ministerial Order. The original intent of the growth management regulations is to prevent accelerated subdivision in the area within commuting distance to major employment centres. This is identified as the area most

at risk of accelerated unserviced subdivision. The affected MPSs include: Beaver Bank/Hammonds Plains/Upper Sackville, Bedford, Porters Lake/Lake Echo/Chezzetcook, Chebucto Peninsula, Cole Harbour/Westphal, Dartmouth, Eastern Passage/Cow Bay, Eastern Shore West, Halifax, Lawrencetown, North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston, Musquodoboit Valley/Dutch Settlement, Prospect, Sackville, Shubenacadie Lakes, St. Margarets Bay and Timberlea/Lakeside/Beechville.

Existing MPS and LUB

All 18 of HRM's municipal planning strategies, and corresponding land use by-laws, contain specific land use policies and provisions to regulate residential development on lands not in receipt of municipal sewer and water services. For the most part, the MPSs and LUBs do not contain "growth management policies and regulations", so that the rate, amount and location of new unserviced residential subdivisions are not strictly managed. Further, most MPSs and LUBs enable new unserviced residential development through an "as-of-right" permitting process. The end result of existing plan policy and regulations is vast areas of predominantly low density, rural residential landscapes that are serviced by on-site sewer and water systems.

However, 4 of the existing MPSs and LUBs include specific growth management policies and regulations to manage the rate, number, and location of new unserviced residential subdivision in their respective areas. The Beaver Bank/ Hammonds Plains/ Upper Sackville MPS and LUB, the Bedford MPS and LUB, the Eastern Passage/Cow Bay MPS and LUB and the Dartmouth MPS and LUB contain such policies and provisions. Where such growth management policies and provisions exist, these will remain in effect for the duration of the regional planning program.

The Eastern Shore East MPS and LUB do not contain growth management policies and regulations, but will not be affected by the proposed interim growth management policies and provisions. This area is one where people are not likely to commute to the urban area to work, therefore the risk of accelerated sprawl occurring during the preparation of the regional plan is not considered to be great.

Chronology of the events leading to the proposed Amendments

1. The Ministerial Order

On January 22, Council requested and received a Ministerial Order from the Province regarding interim growth management regulations, based in the Provincial Statement of Interest Regarding Infrastructure (Attachment 1). The Order is for a 90 day Period. The Order expires on April 20, 2004 and was intended to provide sufficient time for the Municipality to amend planning strategies and by-laws to introduce interim growth management policies and regulations while a Regional Plan is adopted.

The Order applies to un-serviced areas of the Rural Commuter shed of HRM, and established this area as the "Interim Plan Area" (see map 1). This area was identified by the Minister because it is known statistically to be an area where people most likely commute to the urban area to work, and thus is at risk for leap frog sprawl.

The Order (prior to amendment) specified that within the Interim Planning Area:

- i) only one development permit shall be issued for any new residential development on each area of land in existence on the date of the Ministerial Order (January 22, 2004); and
- ii) that development on an area of land created after the date of the Ministerial Order shall have frontage on an existing approved private or public street.

The Order also specifies that an area of land is exempt from the Order if, prior to the date of the Order, the area of land was affected by:

- i) a development agreement that had been approved by Council;
- ii) completed application for final approval of subdivision has been received;
- iii) a subdivision agreement has been executed with respect to the construction and acceptance of any service system; or
- iv) tentative approval has been granted for subdivisions that involve private roads that are under construction as of the date of the Order.

2. Amended Ministerial Order

In recognition of the initial risk of accelerated applications having been addressed, Regional Council requested that the Minister amend the Order. On February 24, 2004, the Minister amended the Order to allow lands that were covered under an application for a tentative plan of subdivision submitted on or before January 22, 2004, to be exempted. that were exempted under the original Order.

Additionally the Ministerial Order was amended to remove lot limitations on existing streets.

The expiry date of the order remained April 20, 2004.

3. Plan Amendment Process

On the day the original Ministerial Order was signed, January 22, 2004, Regional Council adopted a motion to initiate an amendment process to all relevant Municipal Planning Strategies and By-laws (Land Use and Subdivision) to provide for the continuation of interim growth

controls after the Ministerial Order expires on April 20, 2004.

4. Public Information Meetings

The Regional Planning process has had extensive public consultation to date (Attachment 2). In accordance with the Regional Plan - Public Consultation Process 'B', approved by Regional Council July 16, 2003 (Attachment 3), staff held three public information meetings.

The first meeting was conducted February 16, 2004, in Cole Harbour. Approximately 450 members of the public were in attendance. The second meeting, which had to be rescheduled as a result of inclement weather, was held on February 23, 2004 at the Halifax West High School, in Clayton Park West. Again, approximately 450 members of the public were in attendance. The final meeting, also rescheduled due to inclement weather, was conducted on March 1, 2004 at Sackville High School. Approximately 250 members of the public were in attendance.

The purpose of the meetings were to receive feedback on 3 different approaches to the interim growth management policies and regulations. At the 3rd public meeting, members of the Nova Scotia Home Builders and Nova Scotia Urban Development Institute brought forward a 4th proposal for consideration. Minutes of each Public Information Meeting are attached (Attachment 4)

5. Joint PAC Meeting

At the request of Regional Council, regional planning staff conducted a Joint meeting of the Planning Advisory Committees. The meeting was held February 25, 2004 at the Keshan Goodman Library, Clayton Park West. Minutes of the Joint PAC meeting are attached (Attachment 5)

6. Written Submissions

Letters, petitions, form letters and e-mails were received regarding interim growth management and forwarded to Council from the Clerk's Office. As additional submissions are received, they will be collected by the Clerk's Office and forwarded to Council in conjunction with the public hearing.

Submissions Summary

Submissions	In Support	Opposed	No Position
Citizen Petition	170 signatures		
UDI of NS Petition		1,064 signatures	
Letters	12	26	
E-mails	73	10	20
Telephone Calls	11	1	

DISCUSSION:**Purpose**

The purpose of the Interim Growth Management initiative is to preserve the public's and Council's ability to implement the publicly generated regional planning goals and objectives. There are various alternatives for achieving the goals and objectives, to be brought forward in the spring, but they can't be achieved to a significant degree if thousands of unserviced lots are approved before the regional plan is implemented.

Impact of Decision

The decisions made regarding interim growth management will permanently affect the future course of this region. This decision will determine whether future growth in unserviced areas is directed to suitable locations as per the regional plan goals and objectives, or if it is permanently grandfathered into a pattern with known problems (eg water quantity and quality, traffic).

The Questions

Given input and analysis received to date, the decision to proceed with interim growth management policy and regulations is no longer in question. The remaining questions relate to how much additional subdivision should be permitted during the interim growth period. Specifically, the development industry has requested HRM to consider:

1. ***Changes to water service district policy.*** This policy needs to be reviewed, but in the context of the over-all regional plan. The implications of providing sewer and water together or separately, need to be understood in a regional context, and also within the context of other potential new regional policy. Requiring hydrogeological studies during the development application process is another idea that has merit in the context of the current discussion, but HRM does not currently have the authority to do this. HRM staff, the Halifax Regional Water Commission and Provincial staff, in consultation with development industry representatives, will pursue this issue in the short term if the recommendation included in this report is approved.
2. ***New roads.*** The ability to create new roads during the interim growth period has been thoroughly analysed by staff. This analysis aims to address two outstanding questions:
 - Should new roads be considered during the interim growth management period? if so,
 - Under what conditions?

Approach To Decision Making

In making a recommendation to Council regarding new roads, staff used the following to guide analysis:

- recommendations will achieve the above Purpose of interim growth management
- recommendations will address adequate supply of land to meet demand during the interim growth management period
- recommendations will consider public and development industry feedback
- recommendations will be based on quantifiable risks - long term growth management implications of the recommendation are known and manageable
- recommendations won't trigger the action they're designed to prevent, eg doesn't leave the door open to thousands of lots being approved in anticipation of new growth management regulations

New Roads Analysis

Providing for new roads during the interim growth management phase unquestionably has merit to the development industry and thus benefits this sector of the economy. This is a valued sector of our economy and staff reviewed the suggestion thoroughly, searching for a way to enable new roads while also understanding that there are over-all costs to society if accelerated unserved development approvals can't be managed.

In attempting to find a workable solution for new roads, staff reviewed new roads in the context of some restrictions - only providing for new roads contiguous with local roads, restricting road length and restricting lots to 20 over two years. This alternative is described fully under the 'Alternatives' section of the Council report.

The pros and cons surrounding this question are outlined as follows:

1. new roads contiguous to local roads, with length restrictions, 20 lots over two years
2. no new roads
3. new roads only permitted within concept plan areas received prior to January 22, 2004, 25 lots per year

1. New roads contiguous to local roads, with length restrictions, 20 lots over two years

Pros

- provides more employment opportunities for some sectors of the construction industry, eg road builders and surveyors
- provides opportunities to a greater number of developers
- provides adequate supply to accommodates market demand during the time the regional plan is completed
- encourages settlement to continue in existing developments

Cons

- can not definitively determine the number and location of roads and potential lots that could be created - the degree of risk is unknown. Tens of thousands of our future population could potentially be accommodated in the grandfathered lots enabled
- as we approach the point in the regional plan where we may need to direct future growth away from an area where, for example, groundwater and soil suitability wouldn't support unserviced development, these are the exact areas which would be motivated to grandfather rights under the interim plan amendments. The risk of accelerated unserviced development approvals isn't addressed.
- A traffic study on non-local roads that are currently under pressure is nearing completion. Preliminary findings indicate that several are over capacity. (Attachment 6 - Trunks and Secondary Highway Capacity Analysis) We need a regional land use and transportation plan that directs settlement to transportation corridors, as per the regional plan goals and objectives, before grandfathering thousands of our future population in a regionally unplanned fashion
- cumulative impacts of many lots being grandfathered could place a heavy strain on existing communities' services, before we know the best locations for future unserviced development; existing groundwater and on-site system problems would be increased
- the potential to build roads to grandfather rights is an unknown. HRM could end up with a large number of short roads to maintain, in an unplanned fashion; one of the very issues that we're trying to avoid

2. No New Roads*Pros*

- keeps options and opportunities open while the regional plan is completed, keeps choices in the hands of all citizens and Council
- impacts are known and understood, to a reasonable level
- prevents leapfrogging
- adequate supply to accommodate market demand during the time the regional plan is completed
- enables the regional plan to direct future growth areas to suitable locations for sustainable (fiscally and environmentally) citizen service

Cons

- potentially limits some development industry opportunities during the interim growth management period, eg road building and surveying activity
- limits the number of developers with developable land

3. New roads only permitted within concept plan areas received prior to January 22, 2004, 25 lots per year

Pros

- enhances the existing supply of lots
- impacts can be reasonably assessed

Cons

- limits new road development opportunities to only a few developers
- doesn't address the development industry concern raised re a wide range of opportunities for surveyors, road builders and a variety of developers

Results of New Road Review:

Staff has concluded the potential for grandfathering many years supply of lots off of local roads, prior to the regional plan completion is a serious risk. Concept plans are a known quantity and so the potential for accelerated unserved development approvals is managed.

Under the scenario of new roads only within concept plan areas during the interim growth management phase the onus will be on us as a region to complete the plan in a timely manner and to work hard with the development industry to come up with new and better development opportunities for all citizens.

Successful growth management requires a full suite of tools - both regulatory and incentives. The interim growth management plan amendments are intended to keep options open while all opportunities are explored and the best approach brought forward.

Conclusion

Staff are recommending that new roads be permitted within concept plan areas, length to accommodate 25 lots per year. This will provide for a total estimated additional supply of 1,000 lots per year being brought on stream during the interim plan time frame (see table below for estimated total amount of lots). Demand trend over the past five years indicates between 600 and 700 lots/ year are required to meet this market demand (see table below).

Please see the March 2, 2004, information report to Council regarding lot availability for further detail on this issue.

Lot Potential Analysis		Commutative Total
Lots with HRM Approval (since 1997)		2040
Complete Tentative applications	1130	3170
Concept plan lots at 25/year = 1,000/year, 2,000 during interim growth phase	2000	5170
Total lots		5170
Lot size parcels potentially available for Permits (Meet minimum lot size and frontage requirements)	3120	8290
Larger Parcels Eligible for Subdivision	910	9200
Potential Parcels resulting from 910 parcels (in addition to the 910)	2600	11800
Total potential lots		11800

** Note - Concept plan lots at 25/year included above will bring an additional 1000 lots/year onto the market, more than replenishing supply, and bringing the total potential available lots during the interim growth management period to 11,800.*

Lot Consumption Rate Since 1998			
Year	Serviced	Un-Serviced - Interim Growth Management Area	Totals
1998	654	579	1233
1999	768	747	1515
2000	683	654	1337
2001	582	544	1126
2002	929	771	1700
2003	759	715	1474
Average	729	668	1398

BUDGET IMPLICATIONS:

There will be significant negative impacts on future capital and operating budgets if interim growth management regulations are not implemented and accelerated un-serviced development occurs. There is no HRM cost associated with the recommended action.

FINANCIAL MANAGEMENT POLICES / BUSINESS PLAN:

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

ALTERNATIVES**Alternative One**

Council could consider an additional interim growth management tool as recommended at the third public information meeting by representatives of the Nova Scotia Home Builders Association, Urban Development Institute, Nova Scotia Road Builders and Association of Nova Scotia Land Surveyors.

That proposal states subdivision of land would be permitted on new public and private roads, no limitation on the number of lots on existing roads and a maximum of 25 lots per year (50 in two-year phase) on new roads. The proposal would have the advantage of providing a range of opportunities to a broader pool of development interests and for replenishing supply of buildable lots as it is used during the interim growth management period.

Staff have not recommended this proposal because there is no way of ensuring that the goal of interim growth controls to limit pre-emptive subdivision application will not be compromised. The potential for new road construction is very large and there is now way of predicting how much might occur. It can be assumed that market demand will create limiting effect but some developers may construct roads far in advance of housing construction. This could result in many small scale subdivisions through out HRM creating a cumulative impact beyond the capacity of existing infrastructure The Municipality would be required to maintain the new local roads even though very few homes exist on these roads. The municipality would experience growing costs without collecting full residential taxes from vacant lots. These roads might increase the assessed value of surrounding land enough to induce inheritance and resource landowners to sell to speculators to avoid heavier tax burdens.

If after reviewing the new roads pros and cons Council chooses to consider this option at the public hearing then it should also:

- limit new roads to those contiguous with existing subdivisions to prevent leapfrogging
- Subdivision on new roads should be limited to 20 lots over two years
- limit new road length to not more than 1,000 feet.
- Amend the former County Subdivision Bylaw to remove the ability of subdividers to achieve final approval prior to constructing the roads to HRM standards.

Alternative Two

Council could choose to amend all MPS' LUBs and the Subdivision by-law to enable more restrictive growth controls. For example preventing any concept plans from proceeding at this time and also by limiting the numbers of lots on existing roads. Staff is not recommending this alternative because the recommended approach maintains the purpose outlined in the report for interim growth management to an adequate level, while responding to some development industry feedback.

Alternative Three

Council could choose to amend all MPS' and LUBs to enable large scale residential subdivisions in unserviced areas by-way of Comprehensive Development Districts (CDD). Staff does not support this alternative for the following reasons:

- A CDD is an appropriate tool for comprehensively planning and regulating large scale residential subdivisions in areas deemed suitable for major new residential development. However, because these areas have yet to be identified in the context of a Regional Plan, a broad swooping application of a CDD policy at this point is considered premature.
- As suggested, a CDD policy is inherently used to foster comprehensively planned large scale residential subdivision, yet the growth management approach advocated in this report is intended to minimize large scale residential subdivision in the unserviced areas while the regional plan is underway. Introducing a CDD policy at this time, therefore, is considered not only premature, but contrary to the underlying intent of the advocated growth management approach.
- A CDD planning process is complex and time consuming,. Introducing a CDD process at this time would compete for the public's time and attention., when preferably, the public should be engaging in the regional planning process and focussed on the upcoming consultation. Additionally, a CDD process would place significant strain on staff resources which could potentially lengthen the time frame allocated to complete the regional plan.

ATTACHMENTS

A) Maps

Description:

Map 1

Plan Amendment Map (Ministerial order - Interim Plan Area)

B) Background Section

Attachment 1

Provincial Statement of Interest Regarding Infrastructure

Attachment 2

Summary of Public Consultation

Attachment 3

Regional Planning Phase 2 - Public Consultation Process 'B'

Attachment 4

Minutes of the Public Information Meetings (Cole Harbour Place, February 16, 2004, Halifax West High, February 26, 2004, and Sackville High, March 1, 2004)

Attachment 5

Minutes of the Joint PAC meeting - Keshen Goodman Library, February 25, 2004

Attachment 6

Memorandum - From David McCusker, Regional Planning Manager, Transportation Re:Trunk and Secondary Roadway Capability Study

Attachment 7

Proposed Plan, Land Use By-law and Subdivision Amendments (Identified as **ATTACHMENT I -o ATTACHMENT XXXIV**)

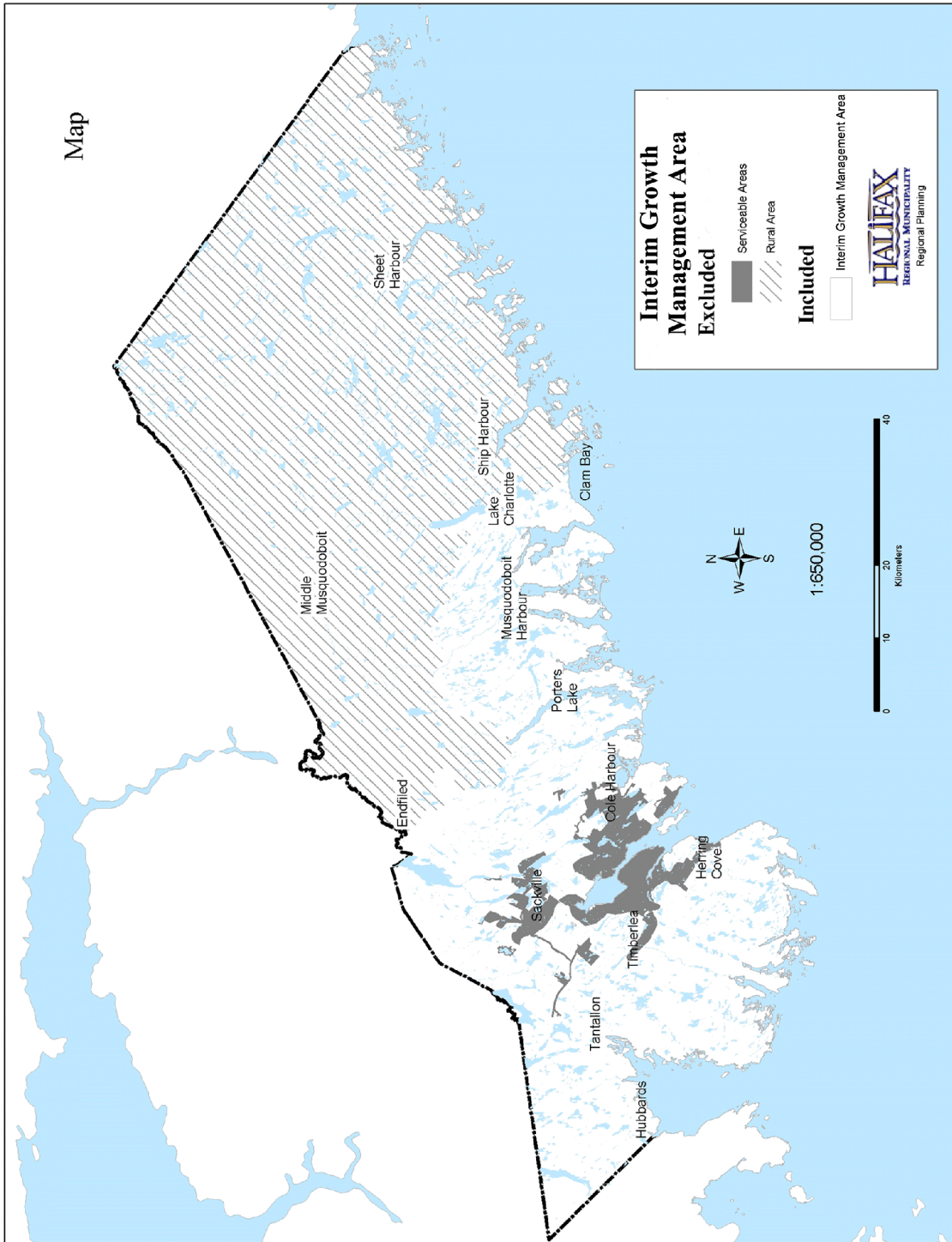
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Kurt Pyle, Planner 2
Andrew Whittemore, Planner 2
Kelly Denty, Development Officer

Report Approved by:

Carol Macomber, Project Manager, Regional Planning

Map 1 - Interim Growth Management Area



Attachment 1**Statement of Provincial Interest Regarding Infrastructure**

Goal To make efficient use of municipal water supply and municipal wastewater disposal systems.

Basis All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems. Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

Application All communities of the Province.

Provisions

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure. Measures that should be considered include:
 - i) encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development
 - ii) discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
 - iii) directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered;
 - iv) identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.
2. Where on-site disposal systems are experiencing problems, alternatives to the provision of conventional wastewater disposal systems should be considered. These include the replacement or repair of malfunctioning on-site systems, the use of cluster systems and establishing wastewater management districts.
3. Installing municipal water systems without municipal wastewater disposal systems should be discouraged.
4. Inter-municipal solutions to address problems and provide infrastructure should be considered.

Attachment 2**Public Consultation Summary**

- Citizen Survey - statistically representative of the region within a 93% confidence level
- Nine community case studies, located in urban, suburban and rural communities
- Call for position papers; 53 papers received from a variety of groups and organizations
- Workbook #1 - 200 received
- Capital District Visioning process - survey, symposium
- Town Hall Meetings
- 30 stakeholder meetings (since summer, 2003)
- Six focus groups
- Workbook 2 - 1,000 received
- Two Workshops
- Four Open Houses
- Two Metro Quarterly questions (third quarter 2003 and first quarter 2004) - citizen awareness of regional planning process
- Three public information meetings re interim growth management
- One joint Planning Advisory Committee meeting
- On-going stakeholder liaison (each staff assigned approximately 10 groups)

Attachment 3**Regional Planning Phase II - Proposed Public Consultation Process "B"****Purpose:**

During the process to complete the regional plan, Regional Council may deem it appropriate to proceed immediately to bring about a region-wide policy(s) which, if not addressed in the shorter term, may undermine the Council's ability to consider and adopt an overall long term strategy for regional growth. A shorter term, action-oriented approach would enable the incremental implementation of work as it is completed, including amendments to implement recommendations of the Water Resource Management Strategy and/or the approval of a Master Plan(s). In the event this interim step is necessary, the citizens of HRM will be consulted.

Steps in the process would be as follows:

- initiation report to Regional Council;
- consultation with the general public through a minimum of three public information sessions. Staff would present the proposed amendments and chair the meetings. Members of the Planning Advisory Committees would be notified of the meetings;
- following first reading and setting of a public hearing date, the public would have an opportunity to address Regional Council at the public hearing to consider the amendments

Attachment 4

Interim Growth Management Public Information Meeting Minutes

Halifax Regional Municipality
Regional Planning
PUBLIC INFORMATION MEETING
Monday, February 16, 2004
MINUTES

Location: COLE HARBOUR PLACE, Dartmouth, NS
Time: 7:00 – 9:40 p.m.

Purpose: To gather public input on Step 3 of the Regional Planning process as HRM develops Alternative Plan Amendments to replace the Ministerial Order and allow the Regional Plan to proceed. First session in a series of three.

Present:

Chair– Ken Donnolly
Carol Macomber
Kurt Pyle
Austin French
Peter Duncan
Tom Gorman
David McCusker
Sharon Bond
Kelly Denty
Barbara Nehiley
George Mclellan
Betty MacDonald
Recorder - Shirley Shane
Interpreters - Tammy Maclean
Debbie Johnson-Powell

The meeting was called to order at 7:00 p.m. Facilitator completed introductions. Presentation of land use by Carol. Kurt Pyle expanded on the Plan Amendment process i.e., *which approach should Council approve 1, 2 or 3.*

Questions from the floor on clarification of the Plan:

Q: If application is in, can it proceed? Definition of stages requested; conceptual vs tentative approval. Using existing road would approve but depends on the Option decided.

A: Chair: Sounds like you are going for final and with any of the Approaches, you will be allowed to proceed as you are not building a new road. Relative to subdividing and selling, timing depends on the Approach. The limit relative to 'how many' is a decision that we are making with your help.

Q: UDI & Homebuilders Survey Assoc. Wish to submit 700-800 letters this evening. We do not support any approaches. Staff has not answered previous questions. Please define "sprawl." Is everything unserviced defined as sprawl?

A: Austin. Issue is that large amount of development spreading out from core area is land consumptive due to larger lots and longer road lengths. Most significant issue in defining sprawl is whether development is difficult to service by transit. By comparison, Clayton Park has high ridership which reduces the road requirements. Therefore sprawl is also areas difficult to serve by transit. Our newsletter refers to clustered septic systems etc. with smaller lots with lots of open space around for easier servicing. Taking a look at bylaws to make this easier.

Q: Danny Kellan, Deepwood Estates. We have wasted money and work to prepare plans according to rules which have now been changed by HRM. Why not shut it down after the date and apply new rules; we should be able to proceed to the finish of our applications. Previous to 23rd can we continue on as if moratorium did not occur? Why did you change the rules on flag lots?

A: Austin. *We did not include all applications in the system when request brought to Council as we were unsure as to how Minister would react; what date would it apply. There would be a time delay that would mean a rush of applications before the deadline.*

Kurt: *We have recommended that if you have made your application and the amendments go through, you should be able to complete the procedure. As you are dealing with existing roads. The area of change relates to flag lots only which will change the subdivisions (limit of 3 per land). Maybe 5% are flag lots.*

Q: Emily Dempsey: What is definition of 'large developments' as I am disallowed to build my house on family-owned land. As we are getting little or no services, we are not impacting you. We were told that as we will develop further in the future our plan must include using the public road in addition to our private road. What do I do now? We pay taxes for very little services and cost to you.

A: Kurt: Re large development, answer is no particular number; depends on character of existing area; deals with impact on environment, services to the area. (Please talk with Kerry off line to discuss).

A: Kelly: You are likely limited to 10 lots; up to Council to approve a public road when more than 10 lots are permitted.

Q: Beverley Griswald: I have subdivision approval since March. Private road going in but now I'm going with a public road. What do I do now?

A: Kelly: *You now have a private road and it would be up to Council to approve it as a public one. With private, you are limited to 10 lots; with a public road more than 10 lots are permitted.*

Q: Scott Smith, Homebuilder: What will be the economic impact and the job loss scenario in the construction industry? Land will become more expensive; what is impact on average worker?

A: Carol: *Our analysis shows 700 unserviced single unit houses built per year and with land available, we have a 3-year supply. We shouldn't have a significant reduction in employment. Our goal is not to lower construction just manage where it will occur. We want to work with the industry to ensure minimum impact. 1000's more lots will go on the market.*

Q: Al Chiasson, Realtor dealing mainly with new construction. Frustrating experience trying to get info to make logical decisions and add constructive feedback as your data largely unreliable. You say 700 homes built in unserviced area; there are 1400 wells; your numbers hard to believe. Press says you stand behind information given to us. Lots available for development was radically wrong. We asked for the water letter but not received. You should not claim it is a study when it isn't. Am concerned nothing has been done re economic impact. We hear that lots in unserviced area too expensive to deal with; we want your backup on your assumptions; we need factual information and you'll find more support in certain areas. Would like to have seen the studies before you shared this info. We need to build trust.

A: Carol: *Re info on lots, HRM conveyed info to industry reps as rough-cut data and asked them to help ascertain the number. And said lots were to be added too; unfortunately that information got portrayed as database from HRM. We will provide industry reps with updates and methodology. Water data – ongoing hydrogeological study; Tom Gorman from Water Commission will address this. We are completing costing figures now relative to growing in an unplanned fashion vs. planning. More expensive to grow in an unplanned fashion vs planned infrastructure.*

Q: Scott Sager: Unemployed because of this plan. The planning process important but against favoritism which takes away jobs. Appears planning in 25 years will stop us with uncertainty when opportunities are shut down. What is the intent of the moratorium; are you shutting down after 90 days or recommend a continuance of the stoppage? You are putting us out of work and ruining the economy. People in this room want to have the say in what type of housing we will have.

A: Kurt: *The original request to Minister of Service NS was to create a 18-24 month development restriction so we could have open discussions without a surge of major building activity in the background. We were given a 90-day and we may extend it to allow planning to go forward. What follows will not be exactly the same as 90-day. Attempt has been made to not*

shut down all activity; using grandfathering; allowing normal activity to continue.

Q: Margo Whitman, small-scale builder. Undemocratic decision was made to acquire the Ministerial Order and you have hurt us without our input. Stop saying large scale builder as you cannot define it. You overreact as a result of a millionaire builder. Small builders can't afford it. Quote from a planner: "limits on urban growth and rationing drives up prices and discriminates against lower income." Have final approval on bulk land, not subdivided as don't want to pay taxes, will I be able to proceed?

A: Kerry: *You would be grandfathered as you'd fall into Category of common elements. We are recommending that to Council.*

Q: Robert Sager, Hammonds Plains: Am caught in the middle with plans; current proposal says remainder of family land cannot be developed and none of your Approaches will work for me. You shut us down cold. How did you get a Ministerial order with that flawed information given to the public in which you cannot substantiate lot numbers or pinpoint them, nor give description of a large scale development.

A: Carol: *we provided it as an estimate proving the supply exceeded demand and we met the requirements of the Municipal Government Act.*

Q: Rebecca O'Brien: Emigrated from Ireland. Makes sense to plan growth. It seems HRM wants us to live in sustainable communities and there is still a good economy with no threats to the developers; this is not a moratorium on building. Concerns about childhood obesity relative to lack of sidewalks. Don't want sprawl but want options through planned communities. We should go for Approach #1.

Q: Gary Parker, Deepwood Estates: Terminology of Concept Plan vs. preliminary plan; are they the same? We have approval for preliminary; does it mean we can continue unrestricted?

A: Kurt: *Preliminary deals with existing road; Concept deals with creation of new road and subdivision off that road; not the same idea. Should be okay except for any flag lots.*

Q: Danny Beaufontaine, Robbie McDowell Developments: have tentative approval for 3-phases; am I okay for 2 and 3?

A: Kerry: *if you have concept approval, you should be grandfathered for all phases.*

Q: Mark Butler, Ecology Action Centre: any figures on cost to taxpayers for unserviced lot development? Costs to homeowners in unserviced areas as well.

A: Austin: *Guesstimate \$150M roadwork is required to meet growth needs. The way to reduce this is to create more centralized growth. Also that rural ploughing and repairs is 4 to 1 compared to inner city. We need good quality public transit which indicates a more clustered form of development.*

John Pearce, President, Transport 2000 Atlantic: Too much car expense with sprawl. CAA calculates that commuting by car costs in excess of \$1 per round-trip mile (65 cents/km). Also means a second car costing \$8000/year. We support limits on suburban sprawl and a reassessment of property taxes to reflect the costs now cross-subsidized by city dwellers in HRM.

Dave Rigly, student Planning, Dal: supports Concept 1. Transportation is an issue with untamed sprawl.

Q: Darrell Dickson, Chezzetcook: Presented 700-900 petitions saying your approach is wrong. Council was given staff report saying 24-month moratorium which would put everyone in this room out of business. Stopping urban sprawl and inefficient development was your goal; stopping sprawl is a solution in search of a problem. Talked about environment issues; we treat our waste ourselves. OPEC is rationing gas; HRM rationing houses. 56% in municipality bought homes in unserviced areas. Housing supports us; we are driving prices up and may increase driving times. Let's make the Fall election on this issue as a plebiscite. (Much applause and standing at this comment). Had to bring the petitions as the Clerk's Office turns off their fax machine; we will bring them to each Public Meeting as we are not able to get them to the Clerk.

A: Carol: *We are talking about amendment or appeal in the application to Ministerial Order. CMHC says unserviced development very flat; trend is to more unserviced areas.*

David Howell, Brison Developments: Banking industry will be impacted by your decisions relative to risk taking; situation now in place that will shake the confidence of the lenders to our developers. They see weakness, they will exit. Once scared, they will not come back quickly after your moratorium; they will require a time to see stability in order to reevaluate their risk; takes years to get them back. Your risk of unserviced development is not as high as these people trying to do business in HRM.

Q: Laurie Bailey, realtor: We cannot give advice on the decision of Concepts 1, 2, 3 as you are not giving us good information. We are still confused as you have no data. If incorrect, correct before you go further. The well data has a large gap relative to housing starts.

A: Carol: *Additional info will be on our web site. Wells are not indicative of new starts.*

Citizen: elementary schools on Chebucto Peninsula have lead/uranium in water; what's going to happen/when well water in unserviced developments are found; who will be responsible to pipe good water there. Caution urged as these are health concerns.

A: *Well issues; residents ask for help from us; it's important that sustainability of resource is demonstrated up front. If groundwater, make sure it doesn't impact the neighbours so HRM doesn't get requested to fix it later.*

Ed Weaver, Small Developer: You have misled Council and you are backtracking as result of moratorium and grandfathering; you are telling us changes over the past two weeks because of

number of people here. You work for us as taxpayers. I recognize there needs to be changes; concerned that Hammond Plans will not have further services for non-housing; money will go to the areas serviced and planned for future development. In '98 you put moratorium for several districts because of urban sprawl; only thing I've seen was traffic lights; you didn't have definition then and claimed rural growth was unsustainable. Six years later you still have no numbers for us and are still unprepared. Your vision of this city is not what the people want. Comparing \$150M for transportation vs. \$400M for harbour cleanup, this is small price.

Carol: Austin talked about \$150M transportation; \$8000 car costs. Costing being done for the regional plan which will be brought back to you.

Terry Casavechia, Lawrencetown: Against this freeze; one lot a year is not enough. You are going to have to fast track planning; Council Tuesday was confused on definitions. Come to Lawrencetown to see our plan. You are going to drive a lot of business away from HRM. Why treat all property the same, e.g., odd shaped lots may need private roads. Angry about this; you've shut us down in the county. And too many unnecessary rules re brush fires etc. Option 4 should be to have a fast track plan.

A: HRM: moratorium doesn't say 1 lot; we want your opinion as to how to proceed as to how many lots? No. 2 says no limit.

Q: Barry Zwicker: 'unwilling taxpayer.' Asks Kurt if the Approaches eliminate all private roads. Kurt confirmed this. Issue with your credibility; spoke with Councillor who voted in favour but fears was that end of 2 years that if no improvements re traffic etc. he'll regret his vote. Wouldn't trade my well water for your city water at any time. Have been trying to get a city bus on 103; your credibility relates to improvements we will see. Metro Transit doesn't have buses that work on the highway; we can afford to twin but no city buses. When will there be a bus on 103?

A: Dave: There hasn't been much money available to do so; looking at possibility of new type service for rural areas which means buses on highways. Resources are allocated where cost effective such as urban areas.

Ray McPlurrin: Likes Approach 1; Council and staff should be applauded by general public for asking time out to make a plan for controlling growth. Taxpayers would otherwise be asked to pay for services. All citizens were asked for input; we want to see the process go forward in a smart way so this city will remain a good city. Sprawl is unplanned, uncontrolled growth. We want to preserve our quality of life. Preservation of green spaces important. Think you are asking for time out for outlying areas to be properly planned for all of us. I'm with you on the plan but let's listen to everyone. Planned growth is smart growth for our Smart City.

Q: Linda Thompson, Musquodoboit Harbour: primary income in family is in construction. Live on family tract which has been designated family but hear that there is no provision to provide that need, i.e., no exception to the rule. There may be a requirement to change property rights in the future; what are my ownership rights other than paying taxes? Remember there are

people who have land and don't want to develop it in big ways.

Q: Alf Giles: In '50s started planning process, including transportation; now we have to stop until the planning dept. makes a recommendation to Council to know what to do; hard to comprehend. Portland Street has been rebuilt 6 times; is this planning? Now you say we need to stop and put a plan in place. Is this process part of the requirements of the Federal infrastructure money?

A: Carol: *There is not a formal criteria but all funding proposals will be have to be based on the solid plan. We have 18 municipal plans in place and sprawl means proceeding with those plans when no regional plan in place. This is the first regional plan since '70s and first since amalgamation. These amendments are to prevent an acceleration of development applications and approvals not to slow down our existing historical trends.*

Q: Glen Woodford, P. Eng., Design work for subdivisions. You have the best interests in mind but disagree with slide 'extending water where groundwater not available at developer's cost is not an option.' We are extending water at our cost but HRM or Water Commission sometimes say no; why? Some developers have given up asking. We feel HRM is not concerned about water approval. And if you can get a Ministerial approval, surely you can change your water boundaries. What value will these meetings have on your recommendations to Council percentage wise?

HRM: *In 1993, plans were locked as to boundaries and supply capacity; expectation is that we will be able to extend water to areas which have known or potential problems with groundwater will be addressed.*

Kurt: *It is 100% based on your input from these meetings. Council will then make their decisions.*

Q: Heather Cross, Hydrogeologist: Provincial well log database says 65,000 wells and 13,000 are in Halifax County. Likely many are satisfied. When will the hydrogeological study be done and when will it be available to the public? N. S. Groundwater Assoc. would like to know if there will be opportunities for input.

Tom: *N.S. D.O.E. did perform technical reviews of long term sustainability of groundwater resources for specific developments. They also provided specific data on lots with groundwater quality concerns. Currently no effective reviews to demonstrate; groundwater is a viable servicing solution; but important that it will not jeopardize municipal servicing, safety etc. Hydrogeologists are qualified to provide these recommendations. Web site has Procedures from Ontario studies (D5-5) for reference but not wholly translatable to NS. We will likely do something like that at some point not known when.*

Peter: *would anticipate getting industry input for our guidelines. What kind of analysis or review; we do not know yet but will need legislative authority to do so. There will be an on-site septic/sewer disposal study end of month available to public.*

Q: Sarah Ferzstatski: moved here for affordable housing but due to moratorium not able to build on family property. Many of us wearing red hats support planning if done well. With reference to Slide 5 expressing desire to consume less land, live near shopping, transportation. Your slides indicate we should live in serviced areas as you won't send buses but most people don't want to live on noisy bus line. Is it available, affordable to live on what you already own? Why must we jump through hoops to live there. What process do you have in help to stop discrimination against unserviced land?

A: Austin: *We are talking about alternative forms of growth, inside and outside servicing boundaries. We are trying to create an environment where we can have that discussion; in these meetings, to decide rules of the future. We are going to look at as many opportunities as we can to create a good form of development....we are not planning to shut down development. We hope to see it change but this existing order does not stop all development outside the boundary. Goal of not leapfrogging into neighbouring counties, by looking at reasonable approaches, we would not be overly restrictive; we intend to look at HRM to deal with our problems.*

Jennifer Song, Sr. Planner, Terrain Group; Read letter sent by fax to Mayor Kelly, Council, Regional Planning staff wherein she expressed concern on moratorium. The company supports regional planning but have strong concerns on the way the moratorium was imposed.

4. It does not honour all people who have started their process; request that they be allowed to finish projects.
5. Object to intent to extend the moratorium by adopting internal growth policies 2 years or until complete. This does not allow adjustments to future change with no time to transition to new regulations.
6. Urge you to allow development industry to actively participate in the planning process via committees, liaison groups, etc. Need to appreciate their areas of expertise.
7. Concerned about information from HRM and Water Commission saying well water may be harmful or dangerous to public health. Issues should be fully understood by staff and Council before using it as a reason to stop development.

Expressed concern about their company's activities, staff and clients. Wishes to minimize impact on them. (Copy given to Chair.)

Carol: Thanks again. Following the next two public meetings, recommendations will be presented to Council in March. Please stay engaged throughout the process.

Halifax Regional Municipality
Regional Planning
PUBLIC INFORMATION MEETING
Thursday, February 26, 2004
MINUTES

Location: Halifax West High School, Halifax, NS

Time: 7:00 – 9:40 p.m.

Purpose: To gather public input on Step 3 of the Regional Planning process as HRM develops Alternative Plan Amendments to replace the Ministerial Order and allow the Regional Plan to proceed. Second session in a series of three.

Present:

Chair– Stuart MacInnis
Carol Macomber
Kurt Pyle
Austin French
Peter Duncan
David McCusker
Sharon Bond
Kelly Denty
Tom Gorman
Barbara Nehiley
Betty MacDonald
Andre MacNeil
Recorder - Shirley Shane
Interpreters – Sandra Spears
Tara Beaver

The Chair called the meeting to order at 7:00 p.m. He gave a summary of the two-year process whereby community feedback was gathered first through workbook surveys. The one thousand completed surveys provided the basis for the presentations. Twenty-five meetings were held for groups and individuals with an interest in Planning. Then six focus groups run by external consultants were held. Position papers from various groups were also submitted to Planning. The compilation of this feedback provided a broad-based community voice. Subsequent open houses confirmed the path for Planning's recommendations to Council.

Councillors Rankin, Walker, Sloan, Fougere and Hung and Harold Epstein, MLA for Halifax are

present. The Chair completed introductions of the team.

Included in Carol's presentation was reference to the Hammonds Plains development when 3000 approvals went through in a short time frame which seriously undermined the outcome and usefulness of that plan. Kurt expanded on the proposed approaches to the Plan Amendment.

Carol addressed several common themes from the previous meeting:

- Ø One question we heard often relates to a rumour that HRM is trying to shut down all unserviced development. That is untrue; it is not in written or verbal communication. Staff reports indicate there is an adequate supply of land for the continuation of the historical trend of approx. 700 lots required per year. Report to Council next week documenting our database on lot supply will also be in the public domain. Purpose of interim growth controls is to prevent accelerated development applications and to keep options open while Council and the public discuss and debate decisions about the best future for our Region before these decisions are preempted. There is no intent to shut down all unserviced development. Goals and objectives approved by Council outline a variety of settlement types to be achieved. HRM has a responsibility and obligation to manage growth effectively. Economics and quality of life need to make sense to a broad range of stakeholders. There are likely to be many more new opportunities for developers under the Regional Plan when completed and I hope you'll stay with us beyond the plan amendment process and work through this and advise us on the long-term opportunities that the Plan provides.
- Ø Another common question relates to possible negative economic impact of the amendments to the development industry. Nothing in the Plan amendment process can lead to a conclusion of decreased construction; it is to prevent accelerated application and development approvals not to prevent the amount of construction in any given year. There may be some short term disruptions and our task is to come up with the best plan for all stakeholders over the long term.
- Ø Our definition of sprawl ^¾ It's haphazard, scattered development characterised by being beyond the urban area or development boundary; low density, unplanned, and inefficient to service. Disorganised settlement pattern. (Summarized from reference books.)
- Ø What is meant by large scale unserviced subdivision or development ^¾ we use it to describe a situation where the size of a development could exceed the capacity of the land or infrastructure to reasonably sustain the impacts of the development; relates to *caring capacity* of the land (maintaining assets such as roads, groundwater, open spaces). Potential financial burdens and erosion of tax structure are also factors. Preplanning is better than having to respond after the fact.

Questions and comments from the floor:

Q. Paul Pettipas, NSHB: This meeting is a disgrace with 40 minutes of wasted commercials. I heard your commercial so you can hear mine. We want to give you input; you've answered questions before they were asked. The original document the moratorium was based on said 1400 lots; they

were bogus. We do have the right to ask how many lots are available, as this is what sustains the industry. Councillors tried to ask this but were cut off by the CEO. We've heard about costs in outlying areas. \$150M for roads was mentioned and I would remind that we are looking at \$400-\$500M for harbour cleanup; let's talk about all the costs. Carl Yates talks about unsafe water in suburban areas; this is bogus; we got statistics that water is safe; many of us live on wells. Councillor Sloan wants the developers to put the pipes in the ground; we do so and charge back \$1.00 to the municipality. Don't answer questions before we ask; we'll ask them. One thing doesn't seem to come up from staff is "choice"; where people want to live; Fall River Village is where I want to live; have city water but had a well; I treat my sewage and don't dump it to Halifax Harbour. If you want to control lots in the unserviced area, wouldn't it make sense to stop developing in the service area until you finish the harbour cleanup? Lot of other speakers so will ask: "how many approved building lots with final endorsement are in the system right now?" Data before was wrong; are you 25% wrong still?

A. Carol: We maintain our previous statements and it will be at Council Tuesday night.

Q. Emily Dempsey: principle 7 reference summarizes 'best balance between community and individual interests.....' You are pulling the carpet from beneath us. Asking for information on number of lots and after one year; you still give us rough data. Not fair. How can we put forth a fair fight without fair information? Predictability $\frac{3}{4}$ HRM and PR said 'we were successful in blindsiding everybody' so that no one could put forth; as mentioned at Council there was a rush at Hammonds Plains but how many applications over 6 years resulted in lots? Very few. Predictability $\frac{3}{4}$ not fair. There is no cost consciousness; report is 30 pages long and reads like a Christmas list from a kid with no Visa. I agree in principle there needs to be planning but the way that HRM went forth to present this plan is wrong and harms a lot of people.

Q. Michael Marshall, citizen and employer: want to ask the floor 'where are your employees tonight?' MLAs should be here to talk about HRM's possible sprawl as we are all affected. Show me the politicians! If you are concerned about saving tax dollars and make it liveable, vote Conservative. NDPs made a fuss about minimum wage in construction. Where are Liberals in this issue? They are giving lip service to planning but perhaps are intimidated by red hats.

Q. Sara Ferzeski: we (red hats) are asking for choice; perhaps we could poll attending; is it 25%? 40%? who really want to be able to live in areas with a yard. What is available should reflect that. We do not want to or afford to live downtown in units; we want a home with yard. Next time could you put the definitions and on the PowerPoint presentation. Re the workbooks and focus groups, were they advertised to the public?

Carol: feedback is that you want an opportunity to live in unserviced areas. The approaches in Plan give more choices not less. Brochures at the back outline them to keep people interested to stay with the Plan in the long term. As far as workbooks, were available in HRM and on-line. Focus groups weren't advertised in order to be unbiased, had them go through professional selection process to ask average citizen; group from urban, suburban, rural to deliberately get those

who wouldn't attend public meetings. It confirmed the overall findings of the workbook. Open Houses feedback also used.

Q. Jennifer Song, Sr. Planner, UDI, non-profit volunteer association for the development industry whose goals are to foster well planned communities by encouraging the establishment of regional planning policies to meet the needs of the entire region. Fosters dialogue to increase awareness of urban growth with low cost and high environment concern. Participates on committees including utilities, environmental, red book engineering standards, subdivision bylaws, Dartmouth Lakes Advisories and DLG. The development industry supports regional planning not a moratorium, which may be illegal. Emphasises the moratorium does not honour all applications made in good faith. Affects families, church groups, and ramifications for overall economy. Related statistics re purchasers want single unit dwelling, income, etc. Direct job losses already in survey industry; we need to be cautious in the decisions.

Q. Angela Bichoff, TRAX, Ecology Action Centre: low-density developments cannot accommodate public transit which means more car dependence and effects. It's more expensive to service low density which is why I support the moratorium. Could panel explain what expenses taxpayers and the homeowner cover in particular?

A. Andre: *Costs include social, environmental, people's time and costs to HRM water/sewer, etc. Trend to increased costs where the lot sizes are larger particularly for maintenance of roads plus private costs for water/sewer delivery. Wide variety of patterns of development, e.g., road frontages range from 30M per household to as little as 1M in apt. building therefore cost of roads varies; although more for curbs and sidewalks is less per person. Slide shows costs for different areas; all on roads mostly public with solid waste pickup; about \$150pp for large lots and townhouses would be closer to \$40pp.*

Q. Louie LeMoin, Director of UDI, V-P of Polygon Dev. UDI asked that they be given a seat on the steering committee but asks why the request was turned down which indicated the industry was shut out. Reporter from City Hall subsequently advised him of the voting on moratorium. The Order is ill advised, irresponsible and must be rescinded. Mayor and Council did not run on this platform to slow down the industry. Order has galvanised the business community. You have created a confused environment for investment that is bad for HRM and Nova Scotia. Landowners re confused on the value of their land and taxation. One - stop the moratorium now. Two - invite industry to the table to help create a dynamic Plan.

A. Carol: *Reference to your letter to be on the Committee; we ran ads for 5 weeks to apply for Committee; no developer applications were received. Ongoing, we meet with development liaison groups monthly to give updates whenever asked; have sought feedback through workbooks; frankly, there has not been that much interest in us and am happy to see interest now and hope you'll see it to the end of the Plan. Haven't heard yet one suggestion of how we might have addressed the pre-emptive application issue; it happens other place, no one likes it but no better idea so far. We need to get a Regional Plan in place while we keep the options open for all citizens of HRM we're open*

to that. We are still getting a broad base of support from the public and we want to keep the options open.

Q. Martin Willianson, Spryfield: I am pleased that HRM brought in moratorium; it's a modest step in the right direction to control urban sprawl. Previous speaker wanted real cost to those of us not part of sprawl; what am I paying for those who are finding a cheap price for cheap houses in the country; I am subsidizing them and I want to know by how much. I am subsidizing them as they use the wild land the animals need. Do it honestly not using the bogus numbers the 'red hats' want to use.

Q. Tom Jovinitti, P.Eng., Swifteck Engineering: I don't think those in urban are paying for infrastructure in rural areas as HRM boundaries increased to increase the tax base. My concern re moratorium is that public/industry consultation should have taken place beforehand in keeping with responsible government. Two, all stakeholders should have consultation to assure the wanted sustainable development. Third, this consultation should address broad-based assessments of groundwater, soils, and water courses to mitigate environment and health risks. In brochure, UDI has common elements Approach 4; here is an example of input. I would support this item by UDI. If moderated by responsible control of the siting of buildings on the lots you could cover your fear of failing rural on-site infrastructure and the City would have to rescue with sewer pipe and water. You could subdivide to increase tax base and owners increase their equity based on sustainable development.

A. Chair: *constructive comments with a legitimate point of view.*

Q. Janet Barlow, Resident: Thank you and congratulations for taking these steps. Believe in planned growth; don't want air pollution like Toronto and Montreal; there are 1000s of us who agree. If we have sprawl, it will happen. Could you please outline what the environmental effects would be, especially water quality, in 10-20 years if unchecked unplanned growth occurs?

A. Tom: *We receive calls from unserviced areas asking when water is coming to area as well as calls relating various well problems from recently constructed houses. Most are from previous developments 20-25 years old that are now indicating quality issues. For documentation sources, go to D.o.E. web site for stats and maps of water quality. Cannot predict the future but this shows the trend. If we can find a solution today, we will avoid future problems.*

Q. Barry Zwicker, Partner, Terrain Group, Bedford, Planner: Bedford and Dartmouth had growth management policies for guidance of development; there was no moratorium and slamming the door shut while policies were reviewed. Your experience on Hammonds Plains caused you to take this action; it indicates you had more information that wasn't shared. How many lots in Districts 15, 18, 19 were approved/developed? How many approved since then? If you don't have that information, we shouldn't be here. Unfair to ask public input on your scenarios without your substantive or quantitative material for support. As a planner, I support a Regional Plan for sustainable HRM community; however, I respect and emphasise the proper processes for the success. This moratorium is setting us; after one meeting you made changes which indicates you didn't have your homework done when you went to the Minister....that's scary as is the Hammonds Plains'

situation. But the situation was not as bad as was portrayed. What actual land was developed during or after and what % all land area it would be; it would be minor. What is the actual cost of sprawl in HRM, Carol? Difficult to read your slides. Question of roads on and lot frontages. With the contract between HRM & DoT, inside HRM cost is closer to \$65Km; almost double in serviced area vs. unserviced areas. Consolidating the 18 plans, there are many legitimate items there.

A. Carol: We have 18 plans but no regional plan ³/₄ a big part of the problem; some textbook say it's a definition of sprawl.

Q. Female speaker: you have no facts; 'red hats' have more information than other speakers from the floors; stop fearmongering; there should be a little more respect. Mr. French, has the right of home ownership been abolished? Goal 5.5 reference private use of old buildings family homes, etc. Lifestyle is a personal choice. You are removing basic rights for use of our land.

A. Austin: alternatives we hope to discuss are meant to bring about choice of mixed use and opportunity for development. Whole point of exercise to have that conversation with the development industry without the pressure that was created in areas like Hammonds Plains. The kinds of things we envisage talking about are mixed use communities with affordable housing not just in the core but also rural areas. Debate is about property rights. Owners will be actively engaged.

Q. Al Chiasson, Realtor involved mainly in new construction. Last meeting, we asked for credible data. You put blocks on screen with no backup and we are wondering what that is. We're not stupid; we're pro choice for property rights. We understand we need a plan; we're in favour in general terms of regulation; when you should be reaching out for cooperation we seem to be slapped down with questionable and bad data. The ad for meeting says 'large scale housing development in unserviced areas of HRM results in tax for all taxpayers.' We look to you for guidance; there's no data and you are not sponsoring a cooperative atmosphere. Last meeting in Cole Harbour, now in Clayton Park, next is Sackville...why not reach out to those who are affected mostly and have a meeting in Hammonds Plains, Fall River, Ketch Harbour? They've made the decision to live there as I do. Can't understand why you decided the solution to all your woes was to put a moratorium on unserviced land; why not on serviced land? Thank you.

A. Chair: You've raised some legitimate issues, which should be addressed. Will ask staff to discuss with you if the process should be amended to include additional hearings.

Q. Benjamin Hoff, Resident: congratulations on the moratorium. We have the right to choices for healthy natural environment which is threatened by sprawl. What measure are you taking to ensure affordable housing despite the moratorium?

A. Barbara: affordability is a large issue but with regard to growth management and development of a regional plan, HRM is developing a housing policy to include incentives to provide affordable housing and to provide incentives for developers to do so in their plans. We are working on a discussion paper for the community to provide business for the private sectors in developing a whole range for choices for affordability. Some want more rural settings, single dwellings on large properties, others want more compressed housing in dense neighbourhoods for different lifestyles.

These choices should be affordability for a mixed community. Don't see that a moratorium in the long run has impact on affordability.

Q. Steve Williams, engineering consultant: Relative to the data used to convince Province that moratorium was needed you said, "the reality of the situation in HRM is that much of the unserved development is in areas where groundwater resources are unsuitable or inadequate." What studies and data were used and where can I get a copy? If info doesn't exist, how did you reach the conclusion? My understanding from the industry is that none of the minerals, etc. in well water are untreatable by homeowners.

A. Tom: *my responsibility is to respond to citizens. For example, older Fall River Village did survey and a petition to get their own water; 25% had problems with odour, quality and quantity issues. Salmon River has arsenic problems. I try to deal with water only but raising flag as a trend with problems with communities. DoE is no longer doing hydrogeological investigations for long range sustainability or impact on the municipality*

Q. Kristi-Anne Smith, Rockingham, environmental scientist: data is *good* when it suits you and it's *bad* when it doesn't. My figures show domestic-use water at 41% safe yield in 2001 is high. If we continue growth pattern and putting pressure on Pock Wock, Lake Major we may encounter problems where we get water. Need full assessment of groundwater. Thank you for the moratorium in order to allow public input and to protect the environment.

Q. Paul Sinclair, Septics R Us: statement in brochure says "the septic systems in the unserved areas are not adequate because of water consumption based on the number of bathrooms and appliances." In our industry it's based on the occupancy in the house not on bathrooms and appliances. Peter, what research was done?

A. Peter: *don't have that brochure in front of me. The intention of the statement was to point out that the water consumption in areas with central water systems but on-site sewage systems is typically higher than if you have an on-site well.*

Q. Lucy Trell, resident: there are more views than for/against. Not true that if you support moratorium you are against the economy. Let's talk about quality. We need these guidelines and I urge HRM to be clear and bold and make a decision as we all need a long-term view.

A. Chair: *hope you'll continue to be involved.*

Q. Ed Weaver, (Surf, speak to lordship Carol): am hearing those from Ecology Action Centre and others looking for answers from you. We are hearing the same comments from both sides; staff has no answers. Steering Committee attended; councillors absent and Carol and staff left early. We are going to attend and ask for answers.

A. Chair: *that's why we are here.*

Q. Veronica Sherwood, N. S. Environmental Network: we have to recognize we are not saying 'no' to development; disagree with the argument that it will lead to loss of jobs. Urban sprawl has

caused damage and we need time to re-evaluate. We should be able to create jobs by living in fully developed areas.

Q. Ken Whelan, land surveyor, Spryfield resident: no job loss ... come to my office to talk to the six people I laid off last week. Ms. McComber, you said you did an economic impact study showing no one would be affected; did you consider land surveyors and industries other than construction. If I were a Councillor I would be ashamed making a decision based on the mis-information you provided. You and your panel misled the council. You did a knee jerk reaction after the last meeting and made changes; that's like a band-aid and you haven't done very much.

A. Carol: *did not say we did an economic impact analysis but that there may be short-term disruptions and there were enough lots to fill the demand. There is no rational argument supporting less construction.*

Q. Adam Fritz: supports the moratorium; you have taken a brave stance. Good public consultation process; hope 'red hats' aren't scaring panel; we should get together monthly; we should understand each other. How does HRM plan to continue the process so we can talk as citizens and not us against them?

A. Carol: *thank you for the chance to reinforce that; I hope this level of engagement continues; haven't been able to get people to meetings like this until now. As soon as the plan amendment process is through, several alternatives for public for meetings, panels, open houses in June. Meanwhile, you can email us and we will meet with your groups. Thank you.*

Q. Emily MacMillan, Director of Operations, Atlantic Chapter, Sierra Club: represents 300 members in region who are against sprawl and support the moratorium. Sprawl is a major contribution to pollution; we need boundaries, walkable communities; priorities for transits. It's insulting that some folks think we don't have qualifications to speak; visit our web site for info; sprawl is a serious issue.

Q. Ron Schneer: question for Peter Duncan "Can you explain why groundwater recharged through open ditch collection in unserved areas is more harmful than collection systems in an unserved area which discharges directly to water courses?"

A. Peter: *no, it is not more harmful to the environment and I don't think I can make a value judgement as to what form is more harmful and the fact is we have both types in the Region. Both equally harmful.*

Q. David Wimberley, St. Margarets Bay stewardship organization involved in processes for community asset mapping: support the moratorium; it is courageous of Council as it is needed and gives us time to study. Recent studies show that in 10-20 years costs of owning and commuting will be very high because of energy and transportation and we will no longer be able to afford this housing.

Q. Kevin Marchand, Raymar Construction: annually build 200 with 160 on unserviced sites. Understand staff and council direction due to impact of Hammonds Plains but overall the effect on industry was minor. Suggest that Council look at the cut-off point as of Tuesday as many of us are impacted before the tentative stage (i.e., land ownership, permits). We have \$2M tied up in land acquisition and permits and this is critical for us as industry leaders. Government has been responsible in putting compensation to individuals in the fishing and agriculture industries affected by changes. Suggest Council and staff strike a committee to analyse the implications of the effect on stakeholders.

A. French: *Comment reflected earlier by Barry Zwicker re Hammonds Plains that the impact was minor; I do not agree. There were some areas where there was rapid development and some were light which seemed to be the bigger problem. If you drive around, you'll see a lot of empty road. We were trying to protect the Region from having a lot of rapid subdivision responding to existing regulation vs. being good community design.*

Q. Charlie Conrad: *“our city stolen from us and taxes stolen from us, etc.”*

Q. Dan Young, Raymar Constuction: good corporate citizens and played by HRM rules. We are several years out in recouping anything on investments and we have money on the line. We are courted by other municipalities to build in their areas which would take money from HRM. You are talking about the fact that it is not slowing things down; why would we risk our money when you could make changes affecting our investments when someone else will work with us? Please return our calls to you. Are you going to attain your goals when you make companies like us nervous?

A. Carol: *Good comments and HRM values the benefits of the development and construction industry. We have taken action to maintain the integrity to maintain the long-term regional plan providing new opportunities. We have not lost sight of the fact that you are the ones who have put money on the line and want to be involved in the process.*

Q. Barry Zwicker, Resident: agree planning is required. Moratorium showed you have failed at planning. Spend some money and plan with DoT to plan highway network and let developers follow DoT. You are using my tax dollars to advertise ‘urban sprawl’ which costs excessive amount of dollars.

Q. Ian Avery, water treatment company serving unserviced wells: contrary to what you’re hearing, there isn’t a water or quality issue in HRM or the Province. We have a less than 1% failure rate and we have yet to see a problem. Why is nothing done to protect these homeowners who are buying these houses with wells if you know there is a problem?

A. Carol: *we need authority from the Province to do that and we wish to not put in large-scale developments but to continue with current development. Thank you.*

Q. Jeremy Sheff, Resident: support planning. Failure of public participation indicated by all present including time limits. Pay half income in rent; how will restricting growth affect the lower end of the scale; tell me about choices and quality.

A. Barb: *The issue of affordable ownership and rental cuts across the boundaries of rural and urban and we have a serious problem with affordability. Aim of Regional Planning is to provide diversity as we have a need for smaller, single persons households who are overcharged and overhoused. We need to look forward to the Province's addressing needs of singles.*

Q. Harvey Riggs, Coldwell Bankers, Realtor, new construction: what is HRM's definition of affordable housing, not \$200,000. Many are moving out to areas like Timberlea to have a back yard. You need planning but you are going about it the wrong way; don't take away choices of people?

A. Carol: *no*

Q. Bill Grace, Realtor: not my first moratorium as in 1963 had a similar one where we could build two lots in the serviced area. You talk about affordable housing; the best ones seem to be in the unserviced areas where the schools are; what's wrong with rural areas; don't want to live downtown.

Q. Daniel Pisinger, Spryfield, Grade 12: not against 'red hats'. Although painful I like moratorium; I want choice with strict guidelines. Want us to plan for the future.

Q. Graham Reid, Armdale, previous Chair of Advisory Committee: would like to extend moratorium; do not need any more subdivision free for all; many are concerned about what city looks like 100 years from now. No one was blindsided; we have more than enough lots; we do not need more and more roads.

Q. Richard Pisinger, building industry: support moratorium and 90-days is sensible. Although we should not dismiss the concerns in this room we all want a healthy Province. However, there's a flaw in this process as people are not feeling heard. We need to feel we are creating it together.

Q. David Alders, Spryfield: in favour of moratorium; long overdue. How much will my taxes increase was not in place or if it is lifted? Unchecked sprawl is increasing costs to HRM and Province. I'm hearing choice and I'm hearing subsidy which does not work.

Q. Dave Onger, Brookside, economist/accountant with Raymar Const: concern with the preamble on affordability and forecast that there would be no short-term effect on the construction. The damage has already begun. Expectation of scarcity has created inflation in the value of lots. Expect serious fallout to his company. Schools will be required to meet growth; how can requirement be affected relative to serviced and unserviced land? What have other municipalities have.

A. Austin: *Goal is to make use of existing infrastructure. No surprise that we have issues associated with closing schools in built-up areas as the population migrates outward which requires new schools. Our smart growth approach has been successfully implemented in other areas of North America.*

Q. Shauna Boyle, Prospect Bay, Realtor: wanted to ask why an economic study was not done go show economic impact of this moratorium. Is it not fiscally responsible to plan? Has a well and sewer treated on site; water problems are treatable and more affordable than City water supply.

A. Carol: *staff identified available land and historical trends; we had over 3 years supply which we revised upwards. Will go to Council with more detail next week. Looking at supply and demand, there is no need for there to be any less construction than previous times.*

Q. Virginia Bond, M. Sackville, developer, Director of UDI: what the population statistic is for entire HRM? What % of workbooks were returned? Unplanned development what is the purpose of process in HRM that developers go through? Disagree that rural are unplanned. Quote from specialist Wendell Cox “smart growth raises housing prices, less competition, builders move upmarket with their product.” What evidence does HRM that prices won’t increase?

Floor: 359,000 from web site.

A. Carol: *0.3% returned. We need to distinguish between local site-specific planning and a Regional Plan. HRM was advised that talk with Wendell Cox was cancelled. There are debates on the argument and I am not aware that he is considered a ‘planning guru.’*

Q. Suzanna Fuller: congratulations on the moratorium. Hope everyone stays involved in the process. Same idea as a company having an operating plan.

Q. Joseph Conwoy, Middle Sackville: Mr. Duncan, in unserviced areas septic systems are treated and recharge the groundwater system. Serviced areas send directly to the harbour. Comment on the ecological aspects of serviced vs. unserviced areas. You have been putting sewage into the harbour for years.

A. Peter: *it’s equally important to treat sewage; primary distinction is that in serviced areas we have plans to provide facilities. We want to complete assessments on the unserviced lots.*

Q. Mary Anne McGraw, former MLA, Kearney Lake: have well and septic in urban core. Clayton Park West is the ‘victim of development hell’; it is a serviced planned community so if you restrict development in part of HRM then you will push that development into other parts. Lacewood is at traffic saturation and Bedford Hwy. is nearing saturation. Suggest when planning communities when you encourage the use of public transportation, put it in place at the beginning of the development so owners do not need to rely on cars. Suggest you work with Province to work to provide a transit association and expand it to engage developers to plan at the beginning re infrastructure. Have cost sharing in developments not after chaos happens.

Q. Julie Dewey, Kingswood: permits granted for additional five subdivisions with no regard for infrastructure. Responsible planning and growth with long-term vision are important. My frustration is not with developers but with municipalities who take taxes and have given nothing back. Schools are chronically overcrowded. Premier Hamm announced new elementary school; does the moratorium include new school construction announced prior?

A. French: *no, school is under the Province and not under our moratorium.*

Q. Kent Morash, core resident: would prefer the choice to live in rural. Operates an engineering consulting firm employing eight. If moratorium is longer than 90 days we need to lay off. Suggest 50% don't want to live next to transportation routes, 100 series highways, shopping centres, etc. Assuming HRM's not going to take my rights away to develop my land, how are you going to plan for those choices in the future?

A. Carol: *Our intention is that we don't have everyone living next to major highway or shopping mall; so we are in agreement.*

Q. Mark Witty, P.Eng., Environmental Scientist, lived in large cities in world: glad we have open spaces not like Europe. What is the caring capacity for HRM for the space available? London is 11,500 per square mile. You can't give me a number then.

A. French: *caring capacity of the land; we believe there's substantial room for increased growth in the built-up areas. We estimate density as far as vacant land is around 15000 with 25,000 density in core area.*

Chair: *you have alerted the group to that point.*

Q. Richard MacFarlane, Resident: would like to appeal to end the war against the urban forest. Look outside to see how far you need to see a tree in this wilderness park. This park now has a school; they cleared this area to make vacant land. They've clear cut Kearney Lake, Bayers Lake, winter fair site, airport, etc.

Q. Susanna, Ecology Action Centre: in favour of moratorium. What options did you have in front of you and why took moratorium?

A. Carol: *We worked with Province for choices; only one came up with; are using meetings such as tonight for suggestions on alternatives.*

Chair: Thank you for coming.

**Halifax Regional Municipality
Regional Planning
PUBLIC INFORMATION MEETING
Monday, March 1, 2004
M I N U T E S**

**Location: Sackville High School, Lower Sackville, NS
Time: 7:10 – 10:00 p.m.**

Purpose: To gather public input on Step 3 of the Regional Planning process as HRM develops Alternative Plan Amendments to replace the Ministerial Order and allow the Regional Plan to proceed. Third session in a series of three.

Present:

**Chair– Ken Connolly
Carol Macomber
Kurt Pyle
Austin French
Jamie Hammon
Peter Duncan
Sharon Bond
Kelly Denty
Recorder - Shirley Shane
Interpreters – Tammy MacLean
Debbie Johnson-Powell**

The Chair called the meeting to order at 7:10 p.m. and completed introductions of the team. Presentation completed by Carol who provided a recap of events relating to the Plan Amendment process and solicitation of public feedback. Kurt expanded on the four proposed Approaches to the Plan Amendment.

Councillors Cooper, Johns, Harvey, Rankin, Walker and Deputy CAO Dan English present. MLAs Dave Wilson and Gary Hines also present.

Questions and comments from the floor:

***Chair:** If you wish to speak, please give your name and affiliation and limit your time to 3 minutes. Questions for staff can be routed through me. Please be respectful of all in the room. If you have spoken at other meetings, please give someone else an opportunity. Staff will not be drawn into debate on issues already covered but will answer questions.*

Q. Darrell Dixon, President Urban Development Institute: may we have the slide of Option 4. On behalf of our group, the surveyors association, the roadbuilders, as well as the homebuilders, we have looked at the considerations put forward by HRM and we want to go forward with what we consider the fairest process for everyone. We propose a maximum of 25 lots per year, which is a compromise to allow for right amount of economics so that roads can be affordable which makes homes affordable. Thank you for your consideration.

Q. Paul Pettipas, CEO, NS Homebuilders: resident of Fall River Village. Last Thursday's meeting was not productive and both sides left with a negative feeling. To echo Darrell's comments, we want a process to sustain the industry, retain affordability and choice and protect jobs. We want to build safe, affordable housing for HRM residents. We realize HRM has to have some rules and no one in our groups is against good development. HRM can retain a controlled mechanism for the next 18 months to get us to the Regional Plan. Remember that, in the end, the market dictates the take-up of unserviced lots in the range of 700-800 for the last six years. I suggest our industry, although not completely in favour, will live with it and think it is a solution that will work for all of us. Thank you.

A. Carol: *Thank you for bringing forward that positive approach; it seems very proactive.*

Q. Virginia Bond, Development Manager, Crombie Developments: Expresses concerns about the moratorium. Although we support regional planning, we cannot support the process which is discriminatory against rural landowners and developers. We believe in sustainable development practices but cannot support a regional plan that does not ensure the right of the public to have access to information and participate in the planning process before ill-fated decisions are made. Reference Part 8, Section 190 of the Municipal Government Act "...ensures the right of the public to be notified and heard before decisions can be made" The moratorium violated our right for due process. Previous meetings disclosed that staff did not conduct extensive consultation as put forth; one-third of one percent is not a representative sample nor did staff conduct proper quantitative research to warrant a moratorium. Were workbooks not intended to present the public views? Principle 7 of Regional Planning goals and objectives "..... provide framework..." Do you think the secrecy of a moratorium fits? Objective 7.1C "..... attract private sector investors" Do you think the moratorium will create investor confidence? Goal 7.5 "..... co-ordinate land use policies" How do you plan to avoid a shift in development with HRM to neighbouring counties attributable to land use regulations? We request the moratorium be lifted and the regional planning process be amended to include consultation with all affected landowners before alienating property rights.

A. Carol: *workbook was not put forward as a statistical example but gave a full range of public consultation; we are not here to defend past decisions but to gather information then move forward.*

A. Chair: *we are not going to discuss previous questions on goals and objectives. We want to get input from people.*

Q. Donna Hines: it was nice to hear Darrell Dixon recommend a compromise. Why weren't major stakeholders such as UDI and roads included in the panel and is it possible to include them now on your committee? Could a mediator be invited? Before major decisions, will there be another public meeting to discuss? During the past two years, did you involve another consulting company to gather information? There are many unanswered questions. If HRM doesn't have the expertise, bring in experts. Why aren't these stakeholders on the committee now?

A. Carol: *UDI have brought forth good ideas tonight but this is a panel of staff to answer questions of many stakeholder groups. We've had the Chamber of Commerce involved, Ecology Action Centre, Watershed Advisory Board, etc. and we've worked closely with all of them. Hope everyone will stay just as engaged as we move forward. More public meetings April, May and June to discuss the long range plan and alternatives put forth under that. Clearly it will be much better if all stakeholder groups work together.*

Q. Ed Weaver, N.S. Land Surveyor, Developer: Carol, it appears that the numbers indicating availability of lots numbers are flawed. It appears you have not crunched any numbers for the planning restraints in place for the old Districts 13-29. No response to Barry Zwicker on that. You have not looked at the economic impact of the moratorium. You have not looked at service/unserved costs and we asked for the numbers. You have no studies or data to support perceive water problems in rural areas other than phone calls on well quality. Consultants said these numbers are not accurate. It appears that you have led Mr. Barnett and the Council; are you prepared to tender your resignation if you cannot disprove these accusations?

A. Carol: *In response to your questions, Austin responded to Barry Zwicker and explained the problems created by a maintaining the large quantity of empty roads with no houses on them. Costs are not easy to see on our presentation graphs. Generally our research on costs shows trends that the rural area is more expensive to service; our intention is not to pit one area against the other but to make the best use of tax dollars. This is a cost trend seen throughout most of North America. We are doing more research on costing who will go to the liaison development group and explain methodology in detail and have discussions. Water Commission is the best to talk about that and we have well documented facts. Re the consultant's numbers not being statistically representative, we have acknowledged and have a variety of input to the process.*

Q. Vernon Connaught, Hammonds Plains: welcome to police state. Moratorium is the most thoughtless plan HRM had. Industry has put lives on hold; second week we put people on layoff. Much misinformation so projects are on hold. People move to unserved areas for more space, fresh air, etc. and you want to take that away. Release the moratorium and research other cities and get professional planners so we don't need to be shut down. Modifications are okay.

Q. Jennifer Song, Sr. Planner, Terrain Group: there's been comparison between this moratorium and the 1975 regional plan. My understanding that they were different in that it was not a moratorium in 1975 but was a two-year public process involving industry then growth management policies allowed 20 lots per year to allow time to review plans. Approach #4 is

reasonable but concerned that common elements do not honour all the concept plans in the system; consideration should be given to all. Kurt, Hammonds Plains growth management policy amendments; does it mean that whatever is adopted in the interim would include Hammonds Plains? Why not apply it to all areas not just CDDs? Apply Approach #4 to Hammonds Plains to allow 20 lots per 4 years but 5 lots per one-year period.

A. Kurt, Hammonds Plains is the only area that has growth management in place. It allows large-scale development by CDDs (Comprehensive Development District). Whenever controls are in place will apply to CDDs as well so they do not have an advantage over other areas. Cow Bay, Eastern Passage allows for CDDs in unserviced areas. My only concern with Hammonds Plains is that the community has completed a long process to reach that number and we wouldn't like to alter it quickly.

Q. Steve Williams, Managing Director NS Road Builders Assoc: the Association would endorse Approach #4 which will give us opportunities to salvage what is left of business. Have issue of how we reached this point. Heard you had public consultation especially workbooks; 1000 returned then, with other material, was used to create goals and objectives. This process is greatly flawed. Minutes of Regional Plan meeting August 20, states that Stephanie Colwell said “...the problem is this is not statistical researchdoesn't matter how many complete the workbook, it will not represent all of HRM.” Do you still stand by this workbook as part of the goals and objectives?

A. Carol: the workbooks were only one of the tools we used. To check the results we held focus groups led by unbiased consultants. Open houses, position papers, public meetings, town hall meetings were the tools used then goals and objectives were approved by Council. Time to move on with the process.

Q. Tom Jovenetti, Land Surveyor: Approach 4 would be acceptable but HRM must consider the following in making plan amendments. The ministerial order states “... municipality cannot support..... Water system 'might' occur in unserviced areas....” I'm trusting that the words “might” and “compelling reasons” are backed by engineering reports, etc. Professional engineers must be accountable for their actions and they must avoid influencing governmental through personal opinions. If we move forward, request HRM provide these technical reports and feel with proper regulations development can continue in unserviced areas without prejudice.

Q. Tamara Watson, builder and realtor: confused and frustrated. Do you have any idea of the taxes involved; you should have this before using scare tactics with the public. Accusations were made that rural areas are polluting; should we use bumper stickers for identification? Cease the moratorium and work with Metro Transit to have them in at the beginning of the subdivision. Clarify what you want; you want to in-fill areas to create more like Clayton Park or Beechville so you can get 4 lots vs. 1 in the same amount of space? There is expertise in this room and we have volunteered; form a panel. Don't say there are no economic impacts when you haven't done the research.

Q. Adam Fritz: support the moratorium as a great first step. Wishes to present a petition with 200 signatures of those who support this. “..... we wholeheartedly support Council’s plan.” We will present this to the Province as well. (Petition handed to the Chair.) Developers are bringing good ideas here tonight.

Q. Andrew Holly, General Contractor for Integrity Homes, Architect, represents Homebuilders Association: The builders in my organization generate \$45M business, employ 10,700 and build or renovate 49% of all the urban stock in HRM. Goal 5.6 of regional plan “ provide for special needs.....” indicates choice. HRM cannot deliver choice and does not control the marketplace; it does not sell to the public. Average price of new home within the serviceable boundary is \$176,500; there are no new homes within the serviceable boundary priced under \$150,000. Last year MLS sales were off 13.1% but the average price was up 2.9%. 9.2% or \$28,400 on the price of a new home is tax fees and levies; this is highest of any major city in Canada. Installation of secondary services will increase the cost and the new home purchasers will pay. Since the development has been arrested, new homes have increased by 1.9% due to speculation. Does the public have a choice; they can pay the price or stay put, which is contrary to Goal 6 on availability and affordability. For the Regional Planning Committee to place a moratorium on growth is fundamentally wrong. How does the Regional Planning Committee expect to achieve Goal 5.6 in view of facts; is HRM going to subsidize purchasers to achieve this goal?

A. Carol: *the growth management initiative is an interim measure to address the issue of accelerated development until Regional Plan is complete. The affordable housing issue is not addressed anywhere in N. A. that I am aware of by a policy of haphazard sprawl. The goal will be addressed around policies such as incentives, flexible development processes such as transfer of development rights, etc.. There are policies we can put forward in our Regional Plan and we will use best practices in N.A. In the meantime our report going to Council March 2nd document many thousand lots available than in demand. Thank you for bringing that up.*

Q. Glen Woodford, Lucasville, Developer: believe staff are doing because this work as they believe it’s in the best interest of HRM and the citizens; but I do not agree with some of the policies. Slide on risks of not getting developers to extend water at their cost; this isn’t true; developers asked HRM if they could extend water and were told no. I support Approach 4 but if we need to complete hydrogeological studies and if the water is unfavourable we as developers should be allowed to extend the water and cover the cost. You should put it into the policies.

Q. Margo Whitman, Tantallon, Small-scale Developer: merit to Approach 4 as it provides a fair-minded approach. People want choice not to be dictated. HRM stated the costs of providing services in unserved areas is much higher than serviced areas; does Mr. Duncan have specific data to back this up?

A. Tom: *don’t have that same information here.*

Chair: *Please meet us at end of session.*

Q. Ross Evans: am wearing two hats, lives in Hammonds Plains, family owns in land on Bartlett Lake. Will developers be able to sell their lots? Will we be able to sell lots if no new road network to handle traffic? Developers were not consulted before moratorium. Traffic on Hammonds Plains Road is second only to Sackville end of Beaverbank Road in density and has doubled in last five years. Where are the road improvements you promised us in 1998?

A. Chair: *I will read your written text if you wish to present it to me.*

Q. MacCoslin: three minutes to talk about something that will affect me the rest of my life; I'm old. I chose not to participate in planning booklet as seemed unprofessional and biased. Over 10 years, 80% of all the ownership units built in HRM happened to be located in areas other than urban HRM. Interesting that of the 38,000 population increase, 8 out of 10 chose to live in those areas other than those covered by urban plans. Maybe it's time for the urban planners to stop misallocating the resources and find out what it is about their product that the majority of new inhabitants are not buying into. Land, unserviced, urban sprawl show presumption not based on fact or reflection of HRM and that urban is more a) effective, b) more desirable and c) also environmentally friendly. Maybe we should put a moratorium on the sewage that pours directly into our harbour or water supply since those unserviced areas are not allowed to do that. Maybe we should consider taking that bold step and maybe someone will say it's not possible. What this proposal represents is tyranny of slavery to an unnamed group without permission in terms of where individuals live, how they use land, a 'new slavery', etc. Want answers straightforward and not evasive. Allegations re water rights to control infrastructure costs....have you any information to provide me, a first-time attendee, with hard facts?

A. Carol: *We have discussed water quality many times since first meeting on arsenic, uranium, etc. We said we need time to do the detailed hydrogeological studies before preemptive development makes those decisions for us. This is why we need the plan amendments.*

Chair: *You may ask staff more questions after meeting if you wish.*

Q. David Barrett, Beaverbank: 65 years old; what you are doing today is not going to affect me too much. Have been on planning committees in '80s and '90s. I'm cynical about the planning process. (Relates sequence of 1956 moratorium, health issues, etc. and feels the planning was a waste of time; father went through process which cost him \$100,000.) The committee has no balance; 'red hats' should say balance not choice. When you go to the people with a vested interest there's something wrong.

A. Carol: *people on panel are staff and have no vested interest other than public service. Regional Planning Committee requires they have no conflict of interest and I wish to make it clear that the balance was sought.*

Q. Ali Rochanni, Realtor: democracy means ruling people by people. Would accept moratorium only if you put it to the vote of the citizens; not to tradespeople or councillors. The councillors should call an urgent meeting a.s.a.p. as this is destroying the municipality. This is natural growth; are we saying that this municipality only provides services for garbage and

ploughing? If real estate is moving in area, it means a good economy trend. No moratorium at all. Carol says to fill-in land; you do not know real estate. Peter Kelly is a good friend of mine.

Q. Mitchell Bryson, Surveyor, Developer: spent last 20 years employing and investing in HRM. January 22nd occurrence caused irreparable damage. People, especially investors, are running scared. Survived 1998 moratorium and you again are trying to cut us off at the knees. Feel approach #4 is acceptable. Hypothetical question for Carol (sorry to single you out): what would happen if there was a Carol Macomber Planner in Ottawa convincing them that the Maritimes has urban sprawl and they should put a moratorium in the Maritimes for at least 2 years and then at the end of that time we could move everyone to Ottawa where they have housing, etc. and use the Maritimes as a campground or playground.

Q. Barry Zwicker, Taxpayer: too bad meetings are so negative; if we had no growth at all, then we'd really be in trouble. Planning should be fun. It's obvious credibility is a big issue here. You should publicize the total revenue to HRM from unserviced lots; total costs to HRM of unserviced and average that so we have a figure. Do the same for serviced lots. Water Commission rep says he gets phone calls; this doesn't hold water; he should put the number of water complaints out of a total number unserviced lots that have their own water, whether 1% 20%. Environment; a token gesture that HRM is concerned; would you please put a secondhand school bus on the 103 as it's twinned and HRM has provided no buses to the Tantallon area. Thanks.

Q. Walter Egan, President of Sackville Rivers Association: moratorium is a bold step to sustain uncontrolled growth not stop growth. Environmentally, if you want to know what was there before development, look at the names of the streets such as "Eagle's Run." SRA wants to protect quality of life. Urban sprawl causes environmental damage. New plan should include the natural plan. If the HRM plan is the instrument leading us into the future, we must take time out to prepare properly. Most developers don't mind controls if playing on level playing field. We need growth controls. "Think globally, act locally"; you and the staff are doing that.

Q. Juanita Kelly, Septics R Us, Single Mother: wanted to build a small house on an unserviced lot with trees after the moratorium, my future is now in the hands of HRM and my future is bleak. How did 190 lots get approved in Millwood area when already congested and schools crowded; why does moratorium attack unserviced areas and not serviced areas? Thank you.

A. Austin: *restrictions apply to the unserviced areas because we have a concern for the way growth is occurring and hope to look at alternative patterns. We need a breathing space to see how they could involve in a more clustered, transit-friendly pattern. The growth in serviced areas, by and large, approved by Council has been in master planned communities where we have had time to look at what could happen there and how. Planning of community's schools is an active part.*

Q. Phillip Gagney, Member of Groundwater Association: here to approve Approach 4. Stopping while you plan is not a good idea. Groundwater is not always perfect but most problems are treatable. HRM and Province are to blame as far as quantity goes. Surveys by DoE can test and say how many houses the water can support but it was stopped. 90% of groundwater wells is better than what comes from the City.

Q. Emily Dempsey, Landowner: stopped building her house because of moratorium. Choice to build in unserviced relative to affordability and wanted to build on family-owned land. Support Approach 4 as most reasonable. Questions; will you accept this option and forward to Council? Is it more expensive to service unserviced areas, but I understand that before amalgamation, the County was profitable but the City was in debt. After amalgamation it changed. Please clarify.

A. Carol: *Council has to make the ultimate decision but the review by staff came up with the recommendations. Costs, City of Halifax was not in debt at time of amalgamation. Staff who worked on the costing can sit down with interested representatives to provide the methodology, etc.*

Q. Gerry McKinley, Rural Homeowner, Halifax Harbour Watershed Coalition: many communities in the Coalition were involved in remedying damage caused to watercourses in some cases by inappropriate development. In favour of partial moratorium. Seems developers, etc. were caught off guard but it was greatly publicized almost to the point of being annoying. Range of issues caused by houses too close together such as septic overflows, limited topsoil leading to artificial fertilizers and pesticides which run off causing destruction of wetlands, etc. Moratorium is reasonable measure to allow the City to plan the implementation of the Regional Plan.

Q. Ron Barkhouse, Builder: moratorium should not be there. Are we making the best use of our land? Average size of lots is 70,000 sq. ft.; putting 1500 sq. ft. house on these lots; can we continue to afford this luxury? Instead of one house, increase the serviced lot to 12,000 sq. ft. and put 5 houses on it. No place for affordable housing as \$254,000 average price. With 5 on the lot, we could improve this and more better use of roads. HST is \$36,000, deed transfer tax \$3600, building permit \$2200; municipal taxes \$2800 for \$44,600 taxes on this house. Technology especially water is available to service these lots. There are 29 businesses related to one house and they will be affected. If we are to lose 200 houses over the three months, there is a loss of \$8,900,000 cash flow in HRM and we cannot afford it.

A. Keith Patee, Fall River: there are 160 lots in concept stage of development. Concerned about potential negative impact to my community of traffic safety; lack of recreation; classroom sizes; water quality and quantity. It's a fact that many homes have inadequate water supply. No development should be at the expense of our families and the moratorium is a step to protect us and I commend you. Would like to see accountability placed both on developers and HRM and test the wells before approvals are given and infrastructure should be ready.

Q. Sara Ferstatski: what about the people who don't have a home and want affordable housing. Suggestion is the panel should remember complaints and suggestions you've heard at these meetings. I support planning when public is consulted. If this goes forward, density will increase. forward. What about green spaces, water supply, etc. If we all move to serviced areas, you are aggravating the problems. In unserviced areas, carpooling takes place and is good for the environment. Don't support the moratorium, as I cannot afford a single family home in a serviced area. What is the definition of 'new' single family home? What is definition of sprawl on a slide?

A. Carol: *displays Urban Sprawl slide.*

A. Austin: *Your question is what how could we have alternatives that we don't have now for affordable housing. Previous speaker mentioned options for growth in serviced areas; one of the alternatives for water and septic disposal would be a broader mix of types instead of cookie cutter uniformity due to the rules now.*

Q. Bob Kerr, Bedford: questions not answered so far. (Would like to give a copy of them to staff to answer). Outward concern is shown through public meetings but then you ignore information and questions presented by us. You are not responding to our emails on development. If any blame for the present development turmoil, it must be shared with the development community. Taxpayers end up paying for it. All those affected by the policies should have input but politicians and staff ignored this idea. HRM should make it a matter of proactive policy to get opinions of 20-40-year olds.

Q. Angela Bishoff, TRAX program, Ecology Centre: supports moratorium and has left fact sheets on the back table showing costs. Sprawl studies show that neither developer charges nor taxes actually pay for development infrastructure costs. All taxpayers end up paying for the low-density services. Study for Greater Toronto showed they could save \$1B/year with better planning. CMHC estimates a more compact development could save Canadians \$1B/year. Australian studies show it's cheaper to build in downtown core. Look forward to receiving results from economic study you referenced tonight.

Q. Christianne Smith, Environmental Scientist, Ecology Action Centre: support the moratorium. See a conflict between fairness for the rights of the people and responsibilities to future generations. My three children are concerned too. Select Approach 1 but can be no blanket solution for all areas.

Q. Amanda Dino, Volunteer Ecology Centre: urban sprawl is not a sustainable form of development as it diminishes precious and valuable environmental resources and causes significant health issues. Reference Kyoto Accord. We support Approach 1.

Q. Anna McCarran, Dal Housing Planning Student: support an 18-month moratorium for a chance to create a plan for everyone. Environment is being detrimentally affected. Let's strike a stakeholders group here and now for consensus so you won't need more of these meetings.

Q. Lee Burnett, Mental Health Counselor: expressed concerns for disability groups re social impacts regarding transportation. Everyone doesn't have personal vehicle; keep in mind those developments to meet special needs.

Q. John Batty, Fairview, Geographer, Planner: I work in construction and I think you guys are 'right on.' I have sympathy for lack of jobs. Moratoriums affect everyone; all they are saying is slow down and protect the future ¾ we want 'smart growth' and they are protecting our watershed. Listen to experts who study the environment. All the negatives are about dollars; all positives have been about the environment.

Q. Joseph Conway, Septics R Us: Carol hung up on my phone call. What would be economic impact on businesses and families if the moratorium is extended? We are trying to keep wolf from the door and the wolf is HRM.

A. Carol: *have already answered that there are lots available.*

Q. Citizen, Carpenter: supports HRM's plan and the moratorium is a step in the right direction that will enable us to focus on inner city areas such as Gottingen Street for all to enjoy where the focus will not be on automobiles but on people. Green spaces are also needed.

Q. Alan Ruffman, Geologist: (requested map slide be shown): participated in plan in '75 and '78, chaired committee, etc. and fought to get harbour cleanup. Has 600 acres of raw land and supports moratorium. Concerned it may have not gone far enough and it should have looked at East/West Hants which will cause problems for Metro. Approach 1 should be taken. Regional plan should respond to Ottawa and should be purchasing parcels of land so people can get into their first homes; proactive. This is where the regional plan failed.

Q. Gloria Lother, Bedford: I support interim growth management and I want to commend HRM for developing a long-range Regional Plan. Development industry speaking against interim growth management but how many would refrain from flooding Planning for approvals if this step was not taken. Would like to say that 'red hats' are saying Choice but the rest of us have choice also as to where my tax dollars go and the type of development and we do not wish to subsidize them when water quality goes. We need to make the developers accountable.

Q. Jeff Phee, P.Eng., Bedford, President of Land Surveyors Association, NS Landscapers: moratorium is unfair, will limit choices and affect affordability. You have our position paper. Members are in support of regional planning but you must be fair. Last couple meetings public was left with inaccurate definition of 'sprawl' as unplanned, haphazard and uncontrolled. If this is sprawl, then HRM created this as we built according to your Departments' regulations, zoning and review. This is a slick negotiating strategy from HRM and perhaps you are taking us where you want to go. Encourage Council and staff to take a close look at Approach 4, which is a reasonable compromise. We encourage staff to eliminate the bias existing in the Regional Plan.

Q. Glenn Fraser, Homeowner: am excited about the plan and pleased to complete the workbook. Tough to see so much criticism of the planning team. Seems to be a clash between conscientious citizens and a profit-driven industry. Where were these industry people when HRM was soliciting input for this democratic process? (*Chair: do not attack anyone's views*). We would choose Approach 1.

Q. Clayton Newcombe: All these companies are building apartments and condos which may take over the communities; how can we maintain our communities if taxes go up then people will move out; do you expect to drop taxes?

Q. Rob Hansen, Halifax: have seen Ontario sprawl and you do not want it. You are courageous and are standing up for the rest of us with the moratorium.

A. Chair: *they are not 'standing' up for any one but we appreciate your comments.*

Q. Bill Grace, Realtor: In June of 1963 you could develop two lots a year, then Tories bought the land. What are the rights of landowners; will the developers buy this? Along Cobequid Road is very unplanned; could you explain this.

A. Carol: *not what we are here to discuss this but are here to talk about the Plan Amendments.*

Q. Joyce Evans, Hammonds Plains, Teacher: In 1990s Hammonds Plains was exploding with building lot approvals as developers raced ahead to beat any new rules established. This is why we have the necessary moratorium. Communities need rules such as a good Municipal Plan to prevent chaos and we are not against development but it must proceed at a good rate so infrastructure can keep up. Art of good government is a compromise we all can live with.

Q. Robert Saeger, Hammonds Plains: area is not an unplanned disaster. Approach 4 is reasonable approach but your panel needs input from the developers, public and various groups before you proceed with this Plan. Disturbed with the moratorium process. Wording of newspaper ads is misleading (unplanned, sprawl, unserviced). Issue of after 90-days we'll ponder for 18 months which is not a healthy environment to plan. If you are going to it in one area, do it in the other if you are concerned about fairness.

Q. Celine Cole, Dartmouth: support moratorium and the idea of thinking before we act. Sprawl concerns re wildlife, natural settings, water quality, septic systems, air pollution, and traffic congestion. Do not want any more ugly subdivisions but wants the downtown more livable.

Q. Robin Barrett: the long-range plan is important and we need to get it right. It's turned into something confrontational and those with vested interests were not permitted to be on the team. Have respect for your staff but not impressed with some of your information such as ads and literature re 90-day moratorium addressing only "large-scale housing developments" but in fact, it affects lots being split. We are putting raw sewage into the harbour but you are dwelling on septic tanks. Please get all sides together for a good solution. History shows moratoriums cause

bankruptcies; how many people will lose their jobs in HRM with the different phases?

A. Carol: Again I will say there are many lots available in HRM and am not familiar with your historical information.

Q. Nick MacLean, Dartmouth: support the interim growth management and wish to congratulate you for the democratic process you have exhibited now and in the past. There are economic costs with not having planned growth with run-down downtowns and weather disasters resulting from citizens moving primarily to the suburbs. We are all involved in this and as we are all affected, we should all have a say in it. Thank you for doing this.

Q. Graham Reid, Armdale: support staff and Council's decision on the moratorium and growth planning strategy, particularly Approach 1. Approach 4 will not solve the problems but create a multiplicity of small, uncoordinated subdivisions. Industry's documents seem to be giving erroneous information. We do not need more subdivisions in unserviced lots that will be empty in thirty years.

Chair: Thank you for those who have come to speak and those who stayed to listen. Carol will now address the next steps in the process.

Carol: Next week the recommended Plan Amendments will go to Council for first reading and we anticipate the Public Hearing will be March 30 although yet to be confirmed. Following, alternatives for the Plan will be developed in the spring. Meantime, check our web site, email and call us and stay with the process. Thank you very much.

Paul Pettipas: spoke from the floor thanking the Chair for his fairness in letting everyone speak.

Attachment 5

Interim Growth Management Joint Planning Advisory Committee Minutes

**Joint Planning Advisory Committee
February 25, 2004**

In attendance:

North West Planning Advisory Committee

- Jan Gerrow
- Councillor Goucher
- Gloria Lowther
- Delphis Roy

District 12 Planning Advisory Committee

- Beverly Miller
- Heather Ternoway

District 16 Planning Advisory Committee

- Mary Hart-Baker

Harbour East Planning Advisory Committee

- Ray DeRoche
- Harold Northrup

Also in attendance:

- Kelly Denty, Development Officer
- Gail Harnish, Admin/PAC Coordinator
- Kurt Pyle, Planner II
- Fred Wendt, Planner

Regrets:

- Tony Edwards, North West PAC
- Manon Gilroy, District 16 PAC
- Karen Stadnyk, North West PAC
- Maureen Strickland, District 12 PAC
- Abdul Wurie, District 16 PAC

8. Call to order

The meeting was called to order at approximately 3:30 p.m. at the Keshen Goodman Library.

9. Interim Growth Management Regulations

Kurt Pyle indicated staff would be providing an overview of the interim growth management regulations that Council will be considering in the next month. The purpose of this meeting is to receive feedback in terms of the approach that we will be outlining. This meeting is at the request of Councillor Goucher.

Fred Wendt indicated that in undertaking the regional planning process, essentially the idea is to determine how and where HRM will grow in the next twenty-five years. There is a lot of interest in the public in the direction they are giving as to when and how. They got a lot of support that there should be regional planning and a concerted effort to anticipate where that growth should take place. Regional planning will provide some direction.

Fred Wendt advised there is an eight step process:

- Step 1 - Public Awareness Campaign.
- Step 2 - Public Consultation to develop goals, objectives and opportunities.
- Step 3 - Alternative Generation Process. At this step we have to try out different options.
- Step 4 - Public Consultation on the alternatives.
- Step 5 - Evaluation of alternatives.
- Step 6 - Recommend alternative to Council.
- Step 7 - Develop Regional Plan.
- Step 8 - Adoption of Regional Plan.

Fred Wendt indicated that the plan amendment process allows us to finish Step 3 which is to replace the ministerial order that is in place for ninety days. The plan amendment allows us to continue the planning process without being hampered by premature development that might not fit within the final outcome of the regional plan.

Fred Wendt noted that in terms of why it is needed, the outcome of the regional plan will be a new policy of where new growth should occur and how. What might happen is that there is land speculation at the beginning. We have had some examples of this in the past. We did some amendments in the Hammonds Plains/Bedford area in 1989/99 and had requests for 3000 lot approvals come in very quickly. It was later clarified that it was the Beaver Bank, Hammonds Plains and Upper Sackville plan area and not Bedford.

Fred Wendt indicated that in terms of the risks, there will be pressure to expand major infrastructure investment. We may get water quality problems. The option of extending those services to unserved areas at the developer's cost is not an option because when the problems arise the developer is gone and we are looking at the homeowners to share those costs. Capital cost contributions (CCC) for extending municipal water to areas with known groundwater problems at the developer's cost is not an option. Also, increased traffic on highway systems if we allowed uncontrolled growth in unserved areas is a risk. We would not be able to look at

those different options if one was pre-empted by accelerated unserviced development. Council would not be able to have the opportunity to look at different options with an open mind.

Referencing a map, Kelly Denty pointed out the areas that are and are not included in the ministerial order. The order states that you cannot have a new residential development on unserviced land with some exceptions, which she proceeded to review. She noted that the recent amendment to the ministerial order gives us another 900 new lots that would be entitled to permits. It also allows infilling on existing streets.

Councillor Goucher questioned the total number of lots. Kurt Pyle advised we would provide that figure to Council on Tuesday.

Gloria Lowther questioned whether the distribution of those lots is scattered so that it is not concentrated. Kurt Pyle responded the lots are scattered throughout the various districts.

Kurt Pyle stated April 20th is the big day. In terms of what is the plan amendment process, it will consider different approaches to managing unserviced residential development while the regional plan proceeds. Hammonds Plains is an example. Even though 3000 lots were created in that area, the number of lots that are developed each year has remained fairly consistent even before the controls. The key point is that the development pattern has been set.

Kurt Pyle indicated that in terms of the approaches, there are two parts to every approach. Each has common elements and three development approaches.

Kurt Pyle advised that in terms of common approaches, the first is that completed subdivision applications received prior to January 22, 2004, will be grandfathered; including preliminary, concept, tentative, and final applications; and concept applications will be subject to some restrictions.

Kurt Pyle noted the second common element is that interim growth management should only apply to areas under the ministerial order.

Heather Ternoway questioned whether there is concern from planning staff that this might increase the number of applications outside the commutershed.

Kurt Pyle responded the far reaches along the Eastern Shore is Lake Charlotte which is over a one hour drive.

Fred Wendt indicated most of the development in that area would be cottage lots which would not effect the transportation and traffic.

Kurt Pyle noted the other area is the Middle Musquodoboit area where it is hard to get into the

City from.

Kurt Pyle advised the third common element is that flag lots will be permitted up to three per area of land in existence prior to January 22, 2004.

Kurt Pyle indicated the fourth common element is Part 14 of the Subdivision By-law which will continue to be permitted.

Kurt Pyle noted the fifth common element is that the area of land subdivided between January 22, 2004, and the date of the public hearing ad will be restricted to one development permit per original area of land per year.

Kurt Pyle indicated the sixth common element is existing roads that existed on January 22, 2004, and those on a completed concept, tentative, and final application.

Kurt Pyle advised the seventh common element is that hydrogeological investigations will be required for new unserviced development. This is to deal with the issue of wells to ensure that the area can support a good quality and quantity of water. It is something we want to do by the Municipal Government Act (MGA) but it does not allow us to do it at this stage. We will be requesting an amendment from the Province to require this to occur.

Councillor Goucher questioned how costly the study would be. It was responded that it would depend on the size of the subdivision. For a ten to twenty acre lot, it would cost about \$2000.

Kurt Pyle advised the eighth common element is that new unserviced residential development requiring Council's approval will be consistent with the regional planning goals and objectives.

Kurt Pyle indicated the first approach is to: limit subdivision to existing roads (public and private); prohibit new public or private roads; and limit the number of lots created per year.

Councillor Goucher questioned what about disposal fields. There may be areas where the bedrock is high and disposal fields are not working properly. He questioned whether that would be taken into account. The Province has regulations but questioned whether we would be seeking an amendment to give powers under the MGA. It is as relevant as the issue of water. One is as important as the other.

Kurt Pyle responded that he did not think the Municipality should be getting into that business because that is the main mandate of the Department of the Environment.

Councillor Goucher indicated that is one of the reasons we get people screaming for services because their disposal fields are not working, are backing up, or are leaching. That is something we want to make sure is working.

Kurt Pyle advised the Department of the Environment has had new regulations in effect since 1997 which support more modern systems.

Kurt Pyle indicated one of the main focuses of these amendments is to pre-empt development, not to implement growth management. We do not have the time. We are putting the framework in place that allows development to occur but we will put the brakes on excess or accelerated development.

Kurt Pyle advised the second approach is to: limit subdivision to existing roads (public and private); prohibit new public or private roads; no limit on the number of lot created per year.

Beverly Miller questioned under what conditions it was anticipated that HRM would build a new public road. Kurt Pyle responded HRM would not build the road. It would be the developer.

Kurt Pyle advised the third approach is: permit subdivision on existing roads (public and private) (no limit on the number of lots created per year); permit subdivision on new public roads (limit the number of lots created per year and/or road length).

Kelly Denty pointed out the new roads would be in areas where we would have concept plans.

It was noted that the third approach was the same as the second approach but we would allow some public roads.

Gloria Lowther questioned whether there is any way to write something into the contract that when these developments occur and the systems fail that the developer has to create healthy water and septic systems rather than HRM.

Kurt Pyle responded that usually the developer is not around any more. It is usually the landowner.

Gloria Lowther questioned whether they could have a period of time in which the developer would be responsible.

Kurt Pyle indicated it is "buyer beware". There is nothing in the MGA to force the developer to fix up septic and water systems.

Councillor Goucher noted the major problems appear to be as a result of as-of-right development. He suggested a fourth option would be to put them all under contract zoning. Include appropriate policy support in the MPS so that Council can turn down a development if it is shown not to be appropriate. For instance, if the hydrogeological study says the development is premature.

Councillor Goucher indicated there may be some justification in some of these areas for a development agreement. He has been involved in planning since 1987 and Gloria since 1982 and contracts work really well. They give the Municipality a bit of a hammer because we usually do not discharge them early. He suspected the answer would be that we do not have enough staff resources. His answer to that would be to get the staff resources so that we can deal with them.

Fred Wendt noted the question you would have to ask yourself is how do you make a decision on one development over the other in the absence of the work being done through regional planning.

Councillor Goucher indicated they would have to have the appropriate policies in place in order to substantiate the Council decision. For example, it is an undue pressure for servicing and the development is premature.

Kurt Pyle noted one of the key factors Council would base it on is the idea of a hydrogeological assessment. The Province will not allow us to put any policies in place to deal with that. There is no way we can evaluate them in terms of assessing whether they are acceptable, so what would the other criteria address. It could address traffic, servicing, the ability of HRM to deal with garbage and recycling issues, plowing.

Councillor Goucher stated that under contract development agreement they can do just about anything. We should be able to require this assessment as part of the development agreement process. We must have proof of sustainable water supply for the area.

Kurt Pyle responded they tried to do that in the Beaver Bank, Hammonds Plains and Upper Sackville plan area but the Minister said no.

Councillor Goucher pointed out we have a new Minister. This new Minister gave us the ninety day moratorium which is something a lot of previous ministers would not do. He suggested they test the waters and ask him.

Gloria Lowther commented there are so many examples of this happening. In practically all of Kingswood their septic systems are not handling the water.

Councillor Goucher indicated staff is now in a position of trying to do something right. He thought we can try and get the Minister on side with these changes. He felt the hydrogeological study is a positive position to take.

Gloria Lower stated the developers should be made accountable.

Beverly Miller noted he was suggesting Option 4 which would be that instead of having any as-of-right development everything would be by contract development agreement. She questioned whether anything else besides a hydrogeological study would be a quantifiable factor.

Councillor Goucher responded our ability from a financial and mandatory standpoint to service a development forty miles from the urban core. Can we as a regional municipality bare the burden of the additional mandatory requirement to service those additional lots?

Councillor Goucher also indicated that residential development by itself does not support the services provided to the residents. You have to have the commercial base. Given that, we can say “will these 100 lots service themselves and prove to be a burden?”

Kurt Pyle summarized the approaches.

Heather Ternoway commented the timeline of when these alternatives might be ready seems to be right up to when the moratorium ends. It seemed that we are agreeing on what we want to see in the regional plan. There is a lot of agreement of where development should go and the kind of options for controlling growth, so perhaps we can make it a temporary approach.

Fred Wendt noted the timing is a little awkward. If we had more time we could investigate some of those options. We have difficulty both in walking the fine line between getting it properly done quickly to accommodate this process and making sure we communicate with the public and have good solid support for the direction the plan is heading in.

Heather Ternoway questioned whether staff had a sense of how different those alternatives would be from each other. If there are five or six general agreements that could be accepted, use them as interim policies and have public consultation over the summer. Have a direction instead of slowing everything down.

Fred Wendt indicated the general impression is that the type of development we have seen in the past, an uncontrolled development in the rural and unserviced areas and leap frog development, cannot continue on. That is the common element. We have to walk that fine line but have a full public consultation and buy-in and meet our targets. That is the whole purpose of the interim cooling down until we have the regional plan.

Delphis Roy referenced the map and noted that in Bedford there is a plan for the next twenty-five years to build enough subdivisions that will be serviced. If you join the dots around the black that is where development should take place. We know that people will want big lots. They will pay any price for those big lots and we see big houses on big lots. Whether we like it or not, it will happen. He suggested they do what the army did which is to put a circle around the base and say this is the port limits.

It was commented that the Canadian Human Rights Act prevents that from happening. We cannot carry on the growth we have been sustaining in the past ten years.

Councillor Goucher indicated they try to direct development within the service boundary.

Delphis Roy suggested those big lots should be serviced with water. When you cut a tree, the water table goes down. When we put these new subdivisions in, the trees are cut and they drill wells 300-400' deep. The first house has lots of water and all of a sudden no water because the water table has gone down. Since HRM has a supply of water, the developer should be made to put the water in. If there is a septic problem, they do not effect anybody other than the smell which people will live with.

Councillor Goucher referred to Kingswood as an example of where there is water service but homes are on septic disposal fields where they have chlorine going into the system.

Kurt Pyle indicated that if you read the Provincial interest statement on infrastructure, it strongly discourages development with water only. He did not think that suggestion would be approved by the Province.

Ray DeRoche stated the perfect example of that was where he lived in Montague Estates. Once you start pumping chlorine water into a septic system you stop the material effecting the breakdown and you do not have any disposal. All you have is an enlarged holding tank and unfortunately people do not go in and have their tanks pumped every three years, let alone every year. Beyond a certain period of time, it is impossible to clean them out. That is when they go to their councillor and MLA looking for public dollars. He got involved at the time they tried to implement the regional plan when Hugh Porter and Associates put it forth on behalf of the Province. He has been involved in planning since the oldest plan which existed which is the Lake Major plan twenty-seven years ago. The only long range solution, particularly where HRM is concerned, is to have the Provincial government allow further latitude under the MGA. The MGA has to be applied equitably across the Province. An amendment to allow HRM to require a hydrogeological study is one resolution.

Kurt Pyle indicated another thing is education. Everybody loves to use anti-bacterial soap. You dump that into your sink and it kills all the bacteria in your septic system.

Heather Ternoway commented big houses on big lots have six to seven appliances and questioned whether there is enough water to run major systems.

Kurt Pyle indicated that was one of the problems in Kingswood. The systems put in there were not designed to handle the amount of water.

Councillor Goucher stated the best thing that happened to anybody in Bedford was the creation of the Planning Advisory Committee and the Bedford Waters Advisory Board. They have a lot of support from planning staff.

Councillor Goucher asked that regional planning staff keep them advised of what is taken forward to Council. They are all volunteers and trying to do a job for you and it would be nice to be kept

up to speed.

Kurt Pyle advised that Planning Advisory Committee members are on the regional planning mailing list. In terms of the PACs getting the report at the same time as Council, Council members will probably only get our report a few days before the Committee of the Whole meeting. Following the Committee of Whole meeting, we can get the information out to PAC members.

Councillor Goucher indicated it would have been his hope that the PACs as a group could have seen the report before Regional Council. Kurt Pyle responded he agreed but that it was not possible with the timeline that we have.

Beverly Miller commented that from a public relations point of view, they are hearing a tremendous amount of gloom and doom scenarios from the development industry that the economics of the province will go up in smoke but it would be helpful from the municipal point of view for some explanation of the economical burden of a new subdivision, which would include garbage collection, road surfacing, repairs, plowing, libraries, schools, recreation facilities, establishment of parks. It would be helpful to have some information on how much it costs for HRM to put in a fifty house subdivision on services when the septic fields fail.

Fred Wendt advised they are doing an analysis of the costs of the different types of development. We have somebody from Financial Services working on that and he is looking at about nine different development forms and their costs such as the garbage collection costs, schools, sewer services, transit, water supply, and what it would cost to service a particular type of development.

Beverly Miller commented that if people know developers have to pay initially it gets lost in terms of the ongoing costs.

Heather Ternoway noted there was an article in the Homes section of the Halifax Herald on Saturday by the Homebuilders Association.

Fred Wendt indicated there are costs that do not show up until five to seven years later which is the cost for the Municipality to upgrade the facility to handle the increased capacity downstream. The other difficulty is that the individual home is not the big problem. It is the cumulative effect of all the development.

Ray DeRoche asked that the information be emailed out.

Gloria Lowther questioned whether the financial study has been completed.

Fred Wendt responded that the costs are being drawn from the different departments. He indicated he would find out the status and pass it along to Gail Harnish to send to Committee

members.

Mary Hart-Baker questioned if with the interim planning and the subsequent regional planning everything is on the table. Are there by-laws which staff must follow?

Fred Wendt advised we are bound by the MGA and the process involved in creating an MPS.

It was questioned whether there would be an effect on the existing municipal planning strategies and secondary planning strategies.

Fred Wendt noted the real issue is where there would be conflicts between the direction of the regional plan and the local plan. Council will have to resolve that. For instance, the growth management policy for a rural area. The rural plan may say as-of-right and the regional plan policy may say we want to direct growth elsewhere.

Kurt Pyle indicated that the regional plan would provide the framework. The local plan cannot deviate from them.

Councillor Goucher stated they have a vision in their community which they fought over for four years, and that the regional plan would not take that away from them.

Kurt Pyle indicated that the Bedford plan as it exists today would probably disappear in that it will not be a plan in itself; it will be secondary to the main one. The Bedford plan cannot be contradictory to the regional plan. It is illegal to do that.

Gloria Lowther stated they want to make sure the vision they had in Bedford does not change and somebody says, for instance, that you can have a high rise on every corner.

Councillor Goucher indicated the basic human nature of people is that they do not come out to meetings. They support them but there are community visions out there from different areas which they greatly care about. Bedford has planning restrictions in areas outside the development boundary where you have to have a five acre lot. If their visions are not respected, the regional planning process will fail.

Heather Ternoway said she was concerned about the process. People have been asking her questions about the three public meetings dealing with the moratorium. The general public that supports you does not come out in full force and was really concerned that after one meeting one group has had the ability to change a little bit about what the moratorium is about. A lot of people have said what is the point of going to the next meeting because they already changed the moratorium.

Ray DeRoche stated that he attended the meeting at Cole Harbour Place. As many people stood

up and spoke in favour of the moratorium and the planning process that spoke against it. The problem is that the media did not give them any coverage. They were only interested in the sensationalism which is coming from the one vested interest group. Emotions took over. If you have people coming to you tell them there are two more public meetings and they should attend them.

Kurt Pyle indicated that when staff asked the Minister to sign the order, they did not know when he would sign it. In that window we would have gotten a rush of applications so we went as tight as possible. The original staff report was much more open. We are opening it up to what Regional Council originally thought the order was to mean.

Beverly Miller stated that 60,000 people live on the Peninsula but none of the meetings were held on the Peninsula. Her impression was that it was relative to the moratorium because it was on the outskirts where people were being effected.

Councillor Goucher indicated there are still 300,000 people living in those other areas. He was not sure the 60,000 people on the peninsula would have come because they are not being effected. He referenced the public meetings held for the boundary review. He sat at one meeting by himself and there were 40-50 people at another. Sometimes it is impossible to get people motivated unless they are being effected.

Kurt Pyle stated that the location was intentional. Cole Harbour is partly serviced and unserved, as is Sackville. Halifax West is inside the City and is easily accessible from St. Margarets Bay and Sambro.

Reference was made to the Water Resources Study which was put on the back burner for the past four months. Councillor Goucher indicated they were told that particular watershed study would be an integral focal point of the regional plan. The Bedford Waters Advisory Board spent days making recommendations.

10. Adjourn - the meeting adjourned at approximately 5:20 p.m

Attachment 6
Trunks and Secondary Highway Capability Analysis



Memorandum

To: Carol Macomber, Project Manager, Regional Planning

From: David McCusker, Regional Planning Manager, Transportation

Date: March 5, 2004

Re: Roadway Capability Study Update

Dillon Consulting is currently undertaking a Roadway Capability Study to determine the ability of trunk and secondary highways within HRM to handle additional traffic loading. The roadways being assessed are:

- Peggys Cove Road
- Prospect Road
- Sambro Road
- Herring Cove Road
- Hammonds Plains Road
- Waverley Road & Intersection at 118 and 102
- Beaver Bank Road
- Old #7 Highway (Musquodoboit)
- Mineville Road
- Rocky Lake Road

Although the draft final report will not be completed for another two weeks, preliminary findings indicate that several roadways have exceeded their capability for handling traffic loading.

Attachment 7**Proposed LUB, MPS and Subdivision By-law Amendments**

<u>Amendments:</u>	<u>Containing Amendments to:</u>
I	Standard Amendment Package
II:	LUB for Hammonds Plains, Upper Sackville, Beaver Bank
III:	MPS for Hammonds Plains, Upper Sackville, Beaver Bank
IV:	LUB for Cole Harbour/Westphal
V:	MPS for Cole Harbour/Westphal
VI:	LUB for Eastern Passage/Cow Bay
VII:	MPS for Eastern Passage/Cow Bay
VIII:	LUB for Eastern Shore (West)
IX:	MPS for Eastern Shore (West)
X:	LUB for Lawrencetown
XI:	MPS for Lawrencetown
XII:	LUB for Musquodoboit Valley-Dutch Settlement Areas
XIII:	MPS for Musquodoboit Valley-Dutch Settlement Areas
XIV:	LUB for Lake Major Communities
XV:	MPS for Lake Major Communities
XVI:	LUB for Planning Districts 1 and 3
XVII:	MPS for Planning Districts 1 and 3
XVIII:	LUB for Planning District 4
XIX:	MPS for Planning District 4
XX:	LUB for Planning District 5
XXI:	MPS for Planning District 5
XXII:	LUB for Planning Districts 8 and 9
XXIII:	MPS for Planning Districts 8 and 9
XXIV:	LUB for Sackville
XXV:	MPS for Sackville
XXVI:	LUB for Planning Districts 14 and 17
XXVII:	MPS for Planning Districts 14 and 17
XXVIII:	LUB for Timberlea, Lakeside, and Beechville
XXIX:	MPS for Timberlea, Lakeside, and Beechville
XXX:	MPS for Dartmouth
XXXI:	MPS for Bedford
XXXII:	LUB for Halifax (Mainland)
XXXIII:	MPS for Halifax
XXXIV:	Halifax County Subdivision By-law

ATTACHMENT I**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGIES
(STANDARD EXAMPLE)****INTERIM GROWTH MANAGEMENT****Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- ii provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and

emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced² residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council's ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit

² Unserviced means a lot which is serviced with an on-site septic system and well.

operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;

9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004 on existing roads³. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on

³ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed concept, tentative and final applications.

vacant land and higher density development;

2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 4 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area.

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on either existing roads, new local roads or extensions to existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserved areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision

applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and final subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and provided any new road development shall be limited to the same restrictions applied to new road construction.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new

unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-11, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be limited subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding new Map (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this

is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAWS
(STANDARD EXAMPLE)**

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT II
HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE (15, 18, 19)**

The Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville (15, 18, 19) is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Deputy Municipal Clerk

ATTACHMENT III**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE (15, 18, 19)**

The Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville (15, 18, 19) is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
 1. provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
 2. develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; “make efficient use of municipal water supply and municipal wastewater disposal systems”. This entails maximizing the use of existing infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced⁴ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making

⁴ Unserviced means a lot which is serviced with an on-site septic system and well.

decisions will be undermined;

5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

- P-79B.2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new

unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads⁵. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

- P-79B.3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received during the between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserviced areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

- P-79B.4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserviced areas of land illustrated on Map 6 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies

⁵ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. Therefore, Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

- P-79B.5 Notwithstanding Policy P-79B.4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls which includes, but not limited to, those designations referenced by Policy P-2 to P4, inclusive.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- P-79B.6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.
- P-79B.7 Further to P-79B.6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management area.
- P-79B.8 Further to P-79B.6, residential subdivision activity, within the Interim Growth Management area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

P-79B.9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

P-79B.10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

P-79B.11 Further to P-79B.10, roads shown on completed tentative and final

subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

P-79B.12 Notwithstanding P-79B.6 to P-79B.8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

P-79B.13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

P-79B.14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

P-79B.15 Further to P-79B.14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserved residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement, except for agreements under Policy P-4, shall be limited to the same restrictions applied to new roads in Concept Plans.

- P-79B.16 Notwithstanding P-137, any development agreement or rezoning application (excluding applications under policy P-3 and P-4) within the Interim Growth Management area for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.
- P-79B.17 Further to P-79B.16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

- P-79B.18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

- P-79B.19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.
6. Adding Map 6 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting

of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT IV

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
COLE HARBOUR/WESTPHAL**

The Land Use By-law for Cole Harbour/Westphal is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT V**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
COLE HARBOUR/WESTPHAL**

The Municipal Planning Strategy for Cole Harbour/Westphal is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- ii provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and

centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water

supply and municipal wastewater disposal systems”. This entails maximizing the use of existing infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced⁶ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;

⁶ Unserviced means a lot which is serviced with an on-site septic system and well.

5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads⁷. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such

⁷ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 4 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that

Interim Growth Management policies not apply to unserved areas within the Interim Growth Management area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area.

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased

use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and final subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-11, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be limited subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grand-fathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding Map 4 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT VI

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
EASTERN PASSAGE/COW BAY**

The Land Use By-law for Eastern Passage/Cow Bay is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT VII**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
EASTERN PASSAGE/COW BAY**

The Municipal Planning Strategy for Eastern Passage/Cow Bay is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
 1. provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
 2. develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and

centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services..

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water

supply and municipal wastewater disposal systems”. This entails maximizing the use of existing infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced⁸ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;

⁸ Unserviced means a lot which is serviced with an on-site septic system and well.

5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads⁹. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such

⁹ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 5 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Within Eastern Passage/Cow Bay, lands outside the Development Boundary can be developed on on-site septic and well systems. However, lands zoned Rural Area only permit the creation of one lot per year which is more restrictive than Interim Growth Management measures. Therefore, Interim

Growth Management measures will not apply to areas outside the Development Boundary and zoned Rural Area.

Policy IGM-5 Notwithstanding Policy IGM-4, Council shall not apply Interim Growth Management policies to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate which includes, but not limited to, those parcels of land located outside the Development Boundary and zoned RA.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and

subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

- | | |
|---------------|--|
| Policy IGM-14 | It shall be the intention of Council to request the Provincial government to amend the <u>Municipal Government Act</u> to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM. |
| Policy IGM-15 | Further to Policy IGM- 14, upon receiving the requested amendment to the <u>Municipal Government Act</u> Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots. |

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

- Policy IGM -16 Notwithstanding Policy IM-11, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.
- Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be limited subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

- Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

- Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.
2. Adding Map 5 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT VIII

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
EASTERN SHORE (WEST)**

The Land Use By-law for Eastern Shore (West) is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT IX**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
EASTERN SHORE (WEST)**

The Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville (15, 18, 19) is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; “make efficient use of municipal water supply and municipal wastewater disposal systems”. This entails maximizing the use of existing infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced¹⁰ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making

¹⁰ Unserviced means a lot which is serviced with an on-site septic system and well.

decisions will be undermined;

5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2

The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new

unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads¹¹. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserviced areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserviced areas of land illustrated on Map 2 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies

¹¹ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and

subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserved residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-10, any development agreement or

rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be limited subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding Map 2 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this

is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT X

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
LAWRENCETOWN**

The Land Use By-law for Lawrencetown is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XI**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
LAWRENCETOWN**

The Municipal Planning Strategy for Lawrencetown is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and

centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water

supply and municipal wastewater disposal systems”. This entails maximizing the use of existing infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced¹² residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater

¹² Unserviced means a lot which is serviced with an on-site septic system and well.

- resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
 7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
 8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
 9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
 10. open space and resource land, unnecessarily, to residential development will be lost; and
 11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads¹³. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such

¹³ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 4 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that

Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased

use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy P-61, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be limited subject to limitations on the number of lots that can be created and the amount

of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding Map 4 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XII

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
MUSQUODOBOIT VALLEY-DUTCH SETTLEMENT**

The Land Use By-law for Musquodoboit Valley-Dutch Settlement is hereby amended by:

PART 3: ADMINISTRATION

3.3A (No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XIII**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
MUSQUODOBOIT VALLEY-DUTCH SETTLEMENT**

The Municipal Planning Strategy for Musquodoboit Valley-Dutch Settlement is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and

centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water

supply and municipal wastewater disposal systems”. This entails maximizing the use of existing infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced¹⁴ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to un-serviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;

¹⁴ Unserviced means a lot which is serviced with an on-site septic system and well.

5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads¹⁵. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such

¹⁵ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 3 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional

Council that Interim Growth Management policies not apply to unserviced areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserviced residential development within the Interim Growth Management Area

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased

use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-10, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for

unserved residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserved residential development were not subject to the Order. These agreements shall be grand-fathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserved residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding Map 3 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this

is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XIV

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK
AND EAST PRESTON**

The Land Use By-law for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston is hereby amended by:

PART 3: ADMINISTRATION

3.3A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XV**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK
AND EAST PRESTON**

The Municipal Planning Strategy for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water

supply and municipal wastewater disposal systems”. This entails maximizing the use of existing infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced¹⁶ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to un-serviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;

¹⁶ Unserviced means a lot which is serviced with an on-site septic system and well.

5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2

The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads¹⁷. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

¹⁷ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 4 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to

unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges

to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the

proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive

subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserved residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-9, any development agreement or rezoning application within the Interim Growth Management area, for unserved residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserved residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserved residential development were not subject to the Order. These agreements shall be grand-

fathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding Map 4 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting

of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XVI

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
PLANNING DISTRICTS 1 AND 3**

The Land Use By-law for Planning Districts 1 and 3 is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XVII**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
PLANNING DISTRICTS 1 AND 3**

The Municipal Planning Strategy for Planning Districts 1 and 3 is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced¹⁸ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council's ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;

¹⁸ Unserviced means a lot which is serviced with an on-site septic system and well.

6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004 on existing roads¹⁹. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development

¹⁹ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 2 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.
- Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area
- Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserved areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to

maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision

concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require

such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-9, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

- 2. Adding Map 2 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XVIII

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
PLANNING DISTRICT 4**

The Land Use By-law for Planning District 4 is hereby amended by:

PART 3: ADMINISTRATION

- 3.3A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XIX**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
PLANNING DISTRICT 4**

The Municipal Planning Strategy for Planning District 4 is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
 1. provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
 2. develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced²⁰ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council's ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;

²⁰ Unserviced means a lot which is serviced with an on-site septic system and well.

6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004 on existing roads²¹. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development

²¹ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 3 as "Interim Growth Management Area".

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- | | |
|--------------|--|
| Policy IGM-6 | It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas. |
| Policy IGM-7 | Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area |
| Policy IGM-8 | Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004. |

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserved areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-

geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-11, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth

Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

- 2. Adding Map 3 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XX

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
PLANNING DISTRICT 5 (CHEBUCTO PENINSULA)**

The Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXI**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
PLANNING DISTRICT 5 (CHEBUCTO PENINSULA)**

The Municipal Planning Strategy for Planning District 5 (Chebucto Peninsula) is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced²² residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council's ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield

²² Unserved means a lot which is serviced with an on-site septic system and well.

- capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
 7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
 8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
 9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
 10. open space and resource land, unnecessarily, to residential development will be lost; and
 11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004 on existing roads²³. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

²³ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 7 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to

unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- | | |
|--------------|--|
| Policy IGM-6 | It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas. |
| Policy IGM-7 | Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area |
| Policy IGM-8 | Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004. |

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges

to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically,

concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive

subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-10, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for

unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

- 2. Adding Map 7 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXII

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
PLANNING DISTRICTS 8 AND 9**

The Land Use By-law for Planning Districts 8 and 9 is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXIII**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
PLANNING DISTRICTS 8 AND 9**

The Municipal Planning Strategy for Planning Districts 8 and 9 is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

- P-79H(A).1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced²⁴ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

- i) Council's ability to adopt appropriate growth management options will be undermined;
- ii) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- iii) the frequency and severity of water quantity and quality problems related to un-serviced development will increase;
- iv) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- v) the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;

²⁴ Unserved means a lot which is serviced with an on-site septic system and well.

- vi) the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
- vii) traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
- viii) cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
- ix) the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
- x) open space and resource land, unnecessarily, to residential development will be lost; and
- xi) that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

- P-79H(A).2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004 on existing roads²⁵. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

- P-79H(A).3 It shall be the intention of Council to limit the number of development

²⁵ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

P-79H(A).4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 4 as "Interim Growth Management Area".

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

P-79H(A).5 Notwithstanding P-79H(A).4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- P-79H(A).6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.
- P-79H(A).7 Further to P-79H(A).6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area.
- P-79H(A).8 Further to P-79H(A).6, residential subdivision activity involving within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserved areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

- P-79H(A).9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

- P-79H(A).10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

- P-79H(A).11 Further to P-79H(A).10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

P-79H(A).12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

P-79H(A).13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid 1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-

geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

P-79H(A).14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

P-79H(A).15 Further to P-79H(A).14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

P-79H(A).16 Notwithstanding P-89, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

P-79H(A).17 Further to P-79H(A).16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

P-79H(A).18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

P-79H(A).19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

- 2. Adding Map 4 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXIV

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
SACKVILLE**

The Land Use By-law for Sackville is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXV**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
SACKVILLE**

The Municipal Planning Strategy for Sackville is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced²⁶ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

- i) Council's ability to adopt appropriate growth management options will be undermined;
- ii) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- iii) the frequency and severity of water quantity and quality problems related to unserviced development will increase;
- iv) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- v) the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;

²⁶ Unserved means a lot which is serviced with an on-site septic system and well.

- vi) the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
- vii) traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
- viii) cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
- ix) the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
- x) open space and resource land, unnecessarily, to residential development will be lost; and
- xi) that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004 on existing roads²⁷. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development

²⁷ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 4 as "Interim Growth Management Area".

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- | | |
|--------------|--|
| Policy IGM-6 | It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas. |
| Policy IGM-7 | Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area |
| Policy IGM-8 | Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004. |

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserved areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-13, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed

development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

- 2. Adding Map 4 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXVI

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
SHUBENACADIE LAKES (PLANNING DISTRICTS 14 AND 17)**

The Land Use By-law for Shubenacadie Lakes (Planning Districts 14 and 17) is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

- 4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXVII**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
SHUBENACADIE LAKES (PLANNING DISTRICTS 14 AND 17)**

The Municipal Planning Strategy for Shubenacadie Lakes (Planning Districts 14 and 17) is hereby amended by:

1. Inserting the following new policy set, immediately after the Watershed Designation:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and

centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large

numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

- P-145A.1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced²⁸ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

- i) Council's ability to adopt appropriate growth management options will be undermined;
- ii) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- iii) the frequency and severity of water quantity and quality problems related to unserviced development will increase;
- iv) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- v) the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield

²⁸ Unserved means a lot which is serviced with an on-site septic system and well.

- capacity of the existing aquifers will increase;
- vi) the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
 - vii) traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
 - viii) cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
 - ix) the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
 - x) open space and resource land, unnecessarily, to residential development will be lost; and
 - xi) that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

- P-145A.2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004 on existing roads²⁹. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

²⁹ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

- P-145A.3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

- P-145A.4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 7 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

- P-145A.5 Notwithstanding P-145A.4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth

Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- P-145A.6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.
- P-145A.7 Further to P-145A.6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area
- P-145A.8 Further to P-145A.6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag

lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

- P-145A.9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

- P-145A.10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.
- P-145A.11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

P-145A.12 Notwithstanding P-145A.6 to P-145A.8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

P-145A.13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require

such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

P-145A.14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

P-145A.15 Further to P-145A.14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

P-145A.16 Notwithstanding P-155, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

P-145A.17 Further to P-145A.16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

P-145A.18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserved residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

P-145A.19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

- 2. Adding Map 7 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXVIII

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
TIMBERLEA/LAKESIDE/BEECHVILLE**

The Land Use By-law for Timberlea/Lakeside/Beechville is hereby amended by:

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXIX**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
TIMBERLEA/LAKESIDE/BEECHVILLE**

The Municipal Planning Strategy for Timberlea/Lakeside/Beechville is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced³⁰ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

- i) Council's ability to adopt appropriate growth management options will be undermined;
- ii) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- iii) the frequency and severity of water quantity and quality problems related to unserviced development will increase;
- iv) the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
- v) the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;

³⁰ Unserved means a lot which is serviced with an on-site septic system and well.

- vi) the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
- vii) traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
- viii) cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
- ix) the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
- x) open space and resource land, unnecessarily, to residential development will be lost; and
- xi) that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads³¹. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

Policy IGM-3 It shall be the intention of Council to limit the number of development permits

³¹ Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 5 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Policy IGM-5 Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.

Policy IGM-7 Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserved residential development within the Interim Growth Management Area

Policy IGM-8 Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

Subdivision Lots Having Limited Frontage

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserved areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to

maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

Policy IGM-9 Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to January 22, 2004

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

Policy IGM-10 It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision

concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

Policy IGM-12 Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to preform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

Policy IGM-13 It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and January 21, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on January 21, 2004.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require

such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-14 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

Policy IGM-15 Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserviced residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserviced residential development on existing roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same restriction applied to new roads under Concept Plans.

Policy IGM -16 Notwithstanding Policy IM-12, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Policy IGM -17 Further to Policy IGM-16, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-18 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-19 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

- 2. Adding Map 5 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXX**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY
FOR DARTMOUTH**

The Municipal Planning Strategy for Dartmouth is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced³² residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council's ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;

³² Unserved means a lot which is serviced with an on-site septic system and well.

6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal

infrastructure to unserved areas;

3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-3 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 9r as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Within Dartmouth, lands outside the Development Boundary can develop on on-site septic and well systems but are limited to only one lot per year which is more restrictive than Interim Growth Management measures. Therefore, Interim Growth Management measures will not apply within Dartmouth.

Policy IGM-4 Notwithstanding Policy IGM-3, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-5 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

Policy IGM-6 Further to Policy IGM-15, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserved residential development on existing roads, new local roads, or extensions of local roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same number as the restriction applied to new local roads

Policy IGM-7 Notwithstanding IP-1(c), any development agreement or rezoning application within the Interim Growth Management area, for unserved residential development shall only be permitted on an area of land that abuts or have access to an existing road, new local road, or an extension to an existing local road.

Policy IGM-8 Further to Policy IGM-7, new development agreements for unserved residential development shall be subject to limitations on the number of lots

that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-9 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-10 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding Map 9r (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXXI**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
BEDFORD**

The Municipal Planning Strategy for Bedford is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns.

Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services..

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has

happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

Policy IGM-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced³³ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council's ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;

³³ Unserved means a lot which is serviced with an on-site septic system and well.

6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

Policy IGM-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal

infrastructure to unserved areas;

3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

Policy IGM-3 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 5 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Within Bedford, residential lands located outside the Service Boundary have been designated Residential Reserve. Within the designation, new residential properties require a minimum lot area of 5 acres which is a more restrict measure than Interim Growth Management regulations. Therefore, Interim Growth Management measures will not apply to unserved lands within Bedford.

Policy IGM-4 Notwithstanding Policy IGM-3, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls which includes, but not limited to, those lands within the Residential Reserve.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

Policy IGM-5 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

Policy IGM-6 Further to Policy IGM-5, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserved residential development on existing roads, new local roads, or extensions of local roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same number as the restriction applied to new local roads

Policy IGM-7 Notwithstanding Z-3, any development agreement or rezoning application within the Interim Growth Management area, for unserved residential development shall only be permitted on an area of land that abuts or have access to an existing road, new local road, or an extension to an existing local road.

Policy IGM-8 Further to Policy IGM-7, new development agreements for unserved residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

Policy IGM-9 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

Policy IGM-10 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

2. Adding Map 5 (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXXIII

HALIFAX REGIONAL MUNICIPALITY

**A BY-LAW TO AMEND THE LAND USE BY-LAW FOR
HALIFAX MAINLAND**

The Land Use By-law for Halifax Mainland is hereby amended by:

a) deleting Section 14A(a) and replacing it with a new section:

“14A(a) developments within a holding zone or WC zone on lots which abut the existing public street network;”

b) adding a new section within “General Provisions” immediately following Section 5:

“5A No more than one development permit may be issued per year for a residential use on a lot not serviced by sanitary sewerage or water distribution systems for any area of land subdivided pursuant to a completed tentative subdivision application received between January 22, 2004 and the effective date of this section.”

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Deputy Municipal Clerk

ATTACHMENT XXXIV**HALIFAX REGIONAL MUNICIPALITY****A BY-LAW TO AMEND THE MUNICIPAL PLANNING STRATEGY FOR
FORMER CITY OF HALIFAX**

The Municipal Planning Strategy for former City of Halifax is immediately following Section 14 of Part II is hereby amended by:

1. Inserting the following new policy set, immediately after Infrastructure Charges policies:

INTERIM GROWTH MANAGEMENT**Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire

by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

Present Context for Regional Planning

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing

infrastructure by preventing development to “ leap-frog” over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

- 14A-1 Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced³⁴ residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council’s ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield

³⁴ Unserved means a lot which is serviced with an on-site septic system and well.

- capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
 7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
 8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
 9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserved/reduced;
 10. open space and resource land, unnecessarily, to residential development will be lost; and
 11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

- 14A-2 The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Scope of Interim Growth Management

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;

2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

14A-3 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 8a as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

Within Halifax, lands that are not serviced with central sanitary or water services can be developed on on-site (well and septic system) services for residential purposes. Within this area, development is restricted to lands that abut the existing public street network, except for lands located within the Holding zone. To ensure growth management measures are applied consistently, all residential development on on-site services will be restricted to lands that abut the existing public street network.

14A-4 Notwithstanding Policy 14A-3, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls and all residential development on on-site services will be restricted to lands that abut the existing public street network.

Water Issues

A concern commonly associated with extensive subdivision development in areas not serviced by

centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

14A-5 It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

14A-6 Further to 14A-5, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

Discretionary Planning Approvals

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserved residential development on existing roads, new local roads, or extensions of local roads shall be considered. Further, the number of lots which can be subdivided created under a development agreement shall be limited to the same number as the restriction applied to new local roads

14A-7 Notwithstanding Policy 2 (Implementation Policies), any development agreement or rezoning application within the Interim Growth Management area, for unserved residential development shall only be permitted on an area of land that abuts or have access to an existing road, new local road, or an extension to an existing local road.

14A-8 Further to 14A-7, new development agreements for unserviced residential development shall be subject to limitations on the number of lots that can be created and the amount of road construction.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be grandfathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

14A-9 It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

Annual Monitoring

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

- 14A-10 Council shall be provided with an annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.
2. Adding Map 8a (Interim Growth Management Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this

is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2004.

GIVEN under the hand of the Acting Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk

ATTACHMENT XXXIV

**A BY-LAW TO AMEND THE MUNICIPAL SUBDIVISION BY-LAW
FOR THAT PORTION OF THE MUNICIPALITY FORMERLY KNOWN AS
HALIFAX COUNTY MUNICIPALITY**

The Municipal Subdivision By-law for that portion of the Municipality known as Halifax County Municipality is hereby amended by:

1. adding two new schedules within the Table of Contents immediately following Schedule "R":

"SCHEDULE "S" Interim Growth Management Area"

2. adding a new definition immediately following Existing Street or Highway:

"2.9A FLAG LOT means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the "pole" portion of the lot contains the required lot Frontage and lot access route."

3. adding four new sections, under General Requirements, immediately following Section 4.5:

"4.5A (a) Notwithstanding section 13.1A, lots created for residential uses within the Interim Growth Management Area attached as Schedule "S" to this by-law, shall have frontage only on Existing Public Streets or Highways, Private Roads or Schedule "A" roads.

2. **For the purposes of subsection (a), "Existing" includes Public Streets or Highways or Private Roads for which a completed application, in accordance with the requirements of this by-law, for tentative or final subdivision approval, was on file with the Municipality prior to January 22, 2004. Where a tentative subdivision approval is granted pursuant to this section lapses after two (2) years, any subsequent application shall conform to the current requirements of this by-law.**

4.5B Section 4.5A does not apply to development agreements approved by Council prior to January 22, 2004 and completed development agreement applications on file prior to January 22, 2004.

4.5C A maximum of three Flag Lots may be created from an Area of Land that

existed prior to January 22, 2004. The lot(s) shall be designed to meet the following requirements:

1. to be capable of being serviced efficiently, based on sound engineering principles as approved by the Engineer and shall include easements for the common driveway route (if any) and for the applicable utilities;
2. to have a minimum width and depth of 20 feet (6.1 m) and a minimum angle of intersection with the Street Line of 30 degrees; and
3. the area of the "flag" portion of the lot shall meet the Lot Area requirements of the applicable Land Use By-law.

4.5D Section 4.5C does not apply to applications for preliminary subdivision examination on file with the Municipality between May 20, 1997 and January 21, 2004.”

4. adding a new section, under Tentative Subdivision Application Requirements, immediately following Section 7.1:

“7.1A Within the Interim Growth Management Area, no tentative subdivision application involving a new Public Street, pursuant to section 13.1B, shall be submitted where the proposed subdivision intersects with streets that are not owned and maintained by the Municipality at the time of the application.”

5. adding two new sections, under Public Streets and Highways and Private Roads, immediately following Section 13.1:

“13.1A Within the Interim Growth Management Area, no subdivision shall be approved which includes a new Public Street or Highway or Private Road.”

13.1B Notwithstanding Section 13.1A, subdivisions involving new Public Streets shown on completed Concept Plan applications on file prior to January 22, 2004 shall be permitted subject to meeting the following requirements:

1. no more than twenty-five (25) lots plus a remainder lot shall be approved per one year period from any Area of Land that existed prior to January 22, 2004; and

2. **the proposed lots must be contiguous and be designed to maximize the lot Frontage of the street based on the applicable minimum required lot Frontage.”**

6. adding a new section, under Procedure for Final Subdivision Approval, immediately following Section 10.4:

“10.4A Where a FINAL subdivision plan has been approved prior to the effective date of this section, the plan shall be eligible to receive final endorsement in accordance with the enactments in effect at the time of approval.”

7. deleting Section 10.5 under Procedure for Final Subdivision Approval

8. deleting the word “endorsed” within Section 13.2 and replacing it with the word “approved”.

9. deleting the title for PART 15 and replacing it with the following:

“PART 15 REQUIREMENTS FOR REGISTRATION OF FINAL SUBDIVISION PLANS”

10. deleting the word “endorsement” within Section 15.3 and replacing it with the word “FINAL”.

11. deleting the words “which is endorsed” within Section 15.6.

12. deleting the words “endorsement of” within Sections 15.2, 15.4, 15.5, 15.7, 16.1, 16.2, 16.4, 16.5, 18.1, 20.1, and 20.4.

13. adding the wording “the final plan of” immediately before the word “subdivision” in the first line of Section 18.1.

14. deleting the words “endorsement of” within the first line of Schedule “A”.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the ___ day of _____, A.D. 2004.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2004.

Jan Gibson
Acting Municipal Clerk