

September 29, 2021

Alderney Gate Office  
PO Box 1749  
Halifax, NS B3J 3A5

Attn: Shayne Vipond

RE: Development Agreement amendment - Timber Trails Ltd

On behalf of our client Timber Trails Home Ltd, Brighter Community Planning & Consulting is requesting housekeeping amendments to the development agreement approved by Council that permits the Timber Trail mini-home community in Lucasville. This development is serviced by on-site sewer system.

Timber Trail is seeking the following changes to Schedule A of the development agreement so that the lands which are required to support the mini-home community are included within the DA, and lands that are not required will be excluded.

1. Discharge PID 40599235 (Owned by Tracy and Blaine Hefler) from the DA. – These lands are in separate ownership from Timber Trails and not part of the Timber Trails development.

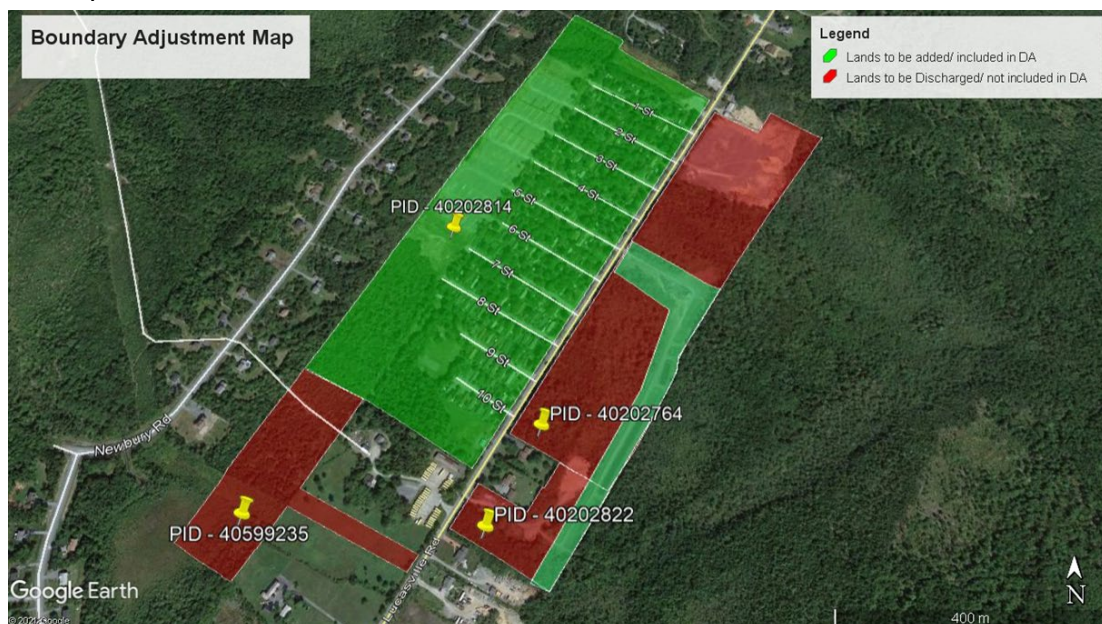


Figure 1 – Development Agreement Amendment Map Boundaries  
Note: Boundary of property is approximate.

2. Partial discharge the development agreement from PID 40202764 to remove all lands except for those lands required for the onsite sewer treatment plant (STP).
3. Include a small portion of the lands of PID 40202822 that are required for the sewage treatment plant.

The boundaries for the partial discharges will be created by a plan of subdivision. The preliminary plan subdivision application 23133 was submitted on September 24<sup>th</sup>, 2020, to the Development Officer and a copy of that plan is included with this application for reference. More recently, the final has been submitted for HRM review.

It is important to note that this application is not seeking to expand or change the mini-home community in any way but simply to bring the lands associated with it under the DA and remove the lands that are not required from the DA. All lands removed from the DA will revert to the existing base zoning of MU-1.

## 1. Location Map

The subject properties are located on the Lucasville Road in an area typified by low density residential development mixed with light industrial or light commercial activity. Directly adjacent



to the existing Timber Trails development is a bus yard and the Waterstone subdivision.

## 2. Background

Timber Trails was approved by DA in 2009 and expanded more recently when the DA was amended in 2015. The Timber Trails development also included on-site sewage treatment through a treatment plant located on PID 40202764.

Adjacent to the Timber Trails development are parcels owned by Slate Development, which is a separate company but owned by members of the Hefler family, the same family that own Timber Trails.

<b>Regional Plan Designation</b>	Rural Commuter
<b>MPS Designation</b>	Mixed Use B
<b>Zone</b>	MU-1
<b>Transit Service Boundary</b>	Outside urban transit service boundary.

### a. The Regional Plan Policies

The Regional Plan designated the Subject Properties as Rural Commuter, which encourages the protection of the character of rural communities by conserving open space and natural resources. The Regional Plan policies are not a significant factor in the evaluation of this request.

### b. Beaver Bank, Hammonds Plains and Upper Sackville MPS

The Subject Properties are designated Mixed Use B (MU-B) in the Beaver Bank, Hammonds Plains and Upper Sackville MPS and zoned Mixed Use 1 (MU-1) in the enabling bylaw. Any lands removed from the DA will revert to the base zoning and the Land Use By-law will guide the further development of these lands.

The MPS establishes three Mixed Use designations for different parts of the Plan Area, with Mixed Use B primarily covering Hammonds Plains, including the Lucasville Road area. The intention of these designations is to recognize a “traditional mix of low density, residential, home business and resource uses” and to permit a greater diversity of land uses.



a. Beaver Bank, Hammonds Plains and Upper Sackville LUB

The subject property is zone MU-1 (Mixed Use 1) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law. This zoning permits a variety of uses including but not limited to single unit dwellings, two-unit dwellings and permitted dwellings.

### 3. Policy Analysis

Although this proposal is mainly housekeeping in nature, we have reviewed the policy P-9 to assess any potential impacts.

	Policy	Analysis
P-9	Notwithstanding Policy P-8, existing mobile home parks and commercial recreation uses shall be permitted within the MU-1(Mixed Use 1) Zone to the extent that they exist at the time of the adoption of the original Strategy in December 1987. Any proposed expansion shall be subject to the provisions of Policies P-19 and P-27.	No expansion is proposed on the Timber Trails Mobile Home Park.
P-19	Within the Mixed Use B and C Designations, it shall be the intention of Council to consider permitting new mobile home parks as well as expansions to existing parks, by development agreement and according to the provisions of the Municipal Government Act. In considering such uses Council shall, in addition to the considerations identified in Policy P-18, have regard to the following: (a) that the proposed development not be located within two hundred feet of a R-1(Single Unit Dwelling), C-4(Highway Commercial), I-1 (Mixed Industrial) or I-4 (Sanitary Landfill Site) Zone; (b) that the mobile home park shall not require access through a R-1(Single Unit Dwelling) zone; and (c) the provisions of Policy P-137.	The mobile home park is existing and has been permitted through a Development Agreement enacted in 2009, and amended in 2015. The proposed changes will help 'clean up' the existing Development Agreement.  The proposed amendments have no impact on these policies.
P-82	It shall be the intention of Council to discourage both the expansion of existing privately operated systems and the construction of new central privately operated water and sewerage collection and treatment systems.	The existing sewage will not be expanded. No change from existing condition.
P-135	The following uses shall only be considered subject to the entering into of a development agreement according to the provisions of the Municipal Government Act: (a) Within the Mixed Use A, B and C Designations: (i) mobile home parks and expansions to mobile home parks according to Policies P-18 and P-19; (ii) facilities associated with extractive operations and expansions to such facilities according to Policy P-31; (iii) commercial recreation uses and expansions to commercial recreation uses according to Policy P-27; and (iv) two Unit, townhouse and multiple dwelling uses on the lands known as Blocks A through D of the Glen Arbour Integrated Golf Course and Residential Community according to Policy P-	The mobile home park is existing and is permitted by the 2009 DA and the amendment that occurred in 2015.

	<p>41a to P-41h. (RC-Apr 24/01/E-Jun 9/01) (v) expansion of the mobile home park or permit innovative forms of housing or design (for the former housing site or future expansion) which is not permitted in accordance with the Mobile Home Park Bylaw for the former housing site of the Beaver Bank Villa according to Policy P-32b. (RC-Jul 8/03;E-Aug 16/03) (vi) kennels and expansions to existing kennels according to Policy P-26A (RC-Sep 16/08;E-Oct 4/08) (vii) a Fraternal Centre at 40 Sandy Lake Road according to policy P-22A (RC-MAR 5/13; E-APR 20/13) (b) Within the Mixed Use C Designation: (i) salvage yards and accessory uses according to Policy P-30. (c) Within the Upper Hammonds Plains Designation: (i) mobile home parks according to Policy P-44. (d) Within the Rural Resource Designation: (i) commercial recreation uses and expansions to commercial recreation uses according to Policy P-56; (ii) facilities associated with extractive operations and expansions to such facilities according to Policy P-50; and (iii) two unit, townhouse and multiple dwelling uses on the lands known as Blocks A through D of the Glen Arbour Integrated Golf Course and Residential Community according to Policy P-41a to P-41h. (RC-Apr 24/01;E-Jun 9/01) (e) Within the Residential Designation: (i) senior citizen housing according to Policy P-39; (ii) model homes and office uses according to Policy P-41; and (iii) two Unit, townhouse and multiple dwelling uses on the lands known as Blocks A through D of the Glen Arbour Integrated Golf Course and Residential Community according to Policy P-41a to P-41h. (RC-Apr 24/01;E-Jun 9/01) (f) Within the Floodplain Designation: (i) structures according to Policy P-77. (g) Within any Designation (i) within the property of a municipally registered heritage property, uses not otherwise permitted in the zone according to Policy P-125a. (RCMar 26/02;E-Apr 25/02)</p>	
	<p>In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters: (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations; (b) that the proposal is not premature or inappropriate by reason of: (i) the financial capability of the Municipality to absorb any costs relating to the development; (ii) the adequacy of central or on-site sewerage and water services; (iii) the adequacy or proximity of school, recreation or other community facilities; (iv) the adequacy of road networks leading or adjacent to or within the development; and (v) the potential for damage to or for destruction of designated historic buildings and sites. (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of: (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern. (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding. (e) Within any designation, where a holding zone has been established pursuant to Infrastructure Charges -</p>	<p>The existing use is permitted by DA and no change to mini-home park is requested. These are housekeeping amendments that do not allow for an expansion or alternation to the DA.</p>

Since there is no proposed expansion to the current mobile homes park, no alterations to the sewage treatment plant and no adverse impact on the road network, the changes will not have impact.

#### 4. Supporting Studies

Servicing Infrastructure Study – ABL Environmental Consultants Limited

To determine the land required for the sewage treatment plan, ABL was engaged, and its report is attached. This report was submitted as part of Subdivision application 23133 and once the subdivision is approved, the exact boundary for the STP will be established. The purpose of the study was to determine the land required to support the Timber Trail STP.

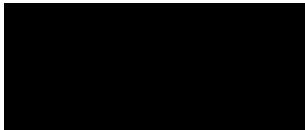
The amendment to the DA will comply with the boundary established by subdivision application 23133.

#### 5. Summary

The requested housekeeping amendments to the development agreement for Timber Trails will have no impact. The lands that we are proposing to remove from the DA will revert to the base zoning and may be developed according to the Zoning Bylaw. This proposal will include the necessary lands to support Timber Trails while allowing excess lands to be developed as-of-right.

If you have any questions, please contact me at [chrystal@brighterplanning.ca](mailto:chrystal@brighterplanning.ca) or by phone at 902-790-0664.

Sincerely,



Chrystal Fuller, LPP, MCIP  
Brighter Community Planning & Consulting