



**HALIFAX REGIONAL COUNCIL
MINUTES
January 10, 2017**

PRESENT:

Mayor Mike Savage
Deputy Mayor Steve Craig
Councillors: Steve Streach
David Hendsbee
Bill Karsten
Lorelei Nicoll
Sam Austin
Tony Mancini
Waye Mason
Lindell Smith
Shawn Cleary
Russell Walker
Stephen Adams
Richard Zurawski
Matt Whitman
Lisa Blackburn
Tim Outhit

STAFF:

Mr. Jacques Dubé, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Mr. Kevin Arjoon, Municipal Clerk
Mr. Liam MacSween, Legislative Assistant
Ms. Jennifer Weagle, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

A video recording of this meeting is available:

http://archive.isiglobal.ca/vod/halifax/archive_2017-01-10_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:

<http://www.halifax.ca/council/agendasc/170110rc-agenda.php>

The meeting was called to order at 1:01 p.m., and recessed at 2:44 p.m. Council reconvened in at 6:00 p.m. and adjourned at 9:55 p.m.

1. CALL TO ORDER

Mayor Savage called the meeting to order at 1:01p.m. and Council stood for a moment of reflection.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – Committee of the Whole December 6 and 14, 2016 & Regional Council December 6, 13 and 14, 2016

MOVED by Councillor Nicoll, seconded by Councillor Cleary

Deputy Mayor Craig noted an error on page six of the December 6, 2016 Regional Council minutes noting that the summary of recorded votes had been omitted.

THAT the minutes of Committee of the Whole December 6 and 14, 2016 & Regional Council December 6, as amended, and December 13 and 14, 2016 be approved.

MOTION PUT AND PASSED.

4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Councillor Whitman, seconded by Councillor Mason

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES

6. CALL FOR DECLARATION OF CONFLICT OF INTERESTS

7. MOTIONS OF RECONSIDERATION – NONE

8. MOTIONS OF RESCISSION – NONE

9. CONSIDERATION OF DEFERRED BUSINESS – NONE

10. NOTICES OF TABLED MATTERS – NONE

11. PUBLIC HEARINGS

11.1 Case 19531 – Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law for the northern corner of Young Street and Windsor Street, Halifax

The public hearing was held at 6:00 p.m. Refer to page 8.

11.2 Amendments to the Regional Municipal Planning Strategy and Community Land Use By-laws Regarding the Development of 10 hectare (25 acre) lots

The public hearing was held at 6:00 p.m. Refer to page 10.

12. CORRESPONDENCE, PETITIONS & DELEGATIONS

12.1 Correspondence

The Clerk noted that correspondence was received for items 11.2 and 14.1.1. This correspondence was circulated to Council.

12.2 Petitions – NONE

13. INFORMATION ITEMS BROUGHT FORWARD – NONE

14. REPORTS

14.1 CHIEF ADMINISTRATIVE OFFICER

14.1.1 Second Reading Proposed By-Law O-111 – Amendments to By-law 0-109, Respecting Open Air Burning – Industrial Burning Permits

The following was before Council:

- A staff recommendation report dated October 13, 2016
- A draft extract of the December 13, 2016 draft Regional Council minutes

MOVED by Councillor Whitman, seconded by Councillor Walker

THAT Halifax Regional Council adopt By-law O-111, the purpose of which is to amend By-law O-109, the Open Air Burning By-law, to restrict industrial burning permits to a minimum area of 1 acre.

MOTION PUT AND PASSED. (15 in favour, 2 against)

In favour: Mayor Savage; Deputy Mayor Craig; Councillors Streach; Karsten; Nicoll; Austin; Mancini; Mason; Smith; Cleary; Walker; Zurawski ; Whitman; Blackburn; Outhit

Against: Councillors Hendsbee; Adams

14.1.2 Ratification of Councillor Appointments from Standing Committees

The following was before Council:

- A staff recommendation report dated December 15, 2016

MOVED by Councillor Nicoll, seconded by Councillor Mancini

THAT Halifax Regional Council adopt the recommendations of the Standing Committees appointments as outlined in Attachment # 1, to the staff report dated December 15, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

14.1.3 Bus Shelter Donation

The following was before Council:

- A staff recommendation report dated November 23, 2016

MOVED by Councillor Outhit, seconded by Councillor Mancini

THAT Halifax Regional Council approve the donation of two Bus Shelters to the Mission to Seafarers Halifax.

In response to a question of clarification, Mr. Dave Reage, Director of Halifax Transit noted the following:

- Bus shelters that are taken out of service tend to be in varying condition. He advised that the two shelters that have been held aside for Seafarers Halifax are in the best shape of the group, but are donated on an as-is where-is basis.
- When bus shelters come to the end of their useful life, they are stripped of any redeemable parts and disposed of.
- The intended use of the donated bus shelters is to allow for a place for people to get out of the weather and connect with family through WIFI.

MOTION PUT AND PASSED UNANIMOUSLY.

14.1.4 Train Whistle – Shearwater Autoport Area

The following was before Council:

- A staff recommendation report dated December 13, 2016

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Halifax Regional Council:

- 1. Direct the Mayor, on behalf of Regional Council, to write a letter to Department of National Defence (DND) staff at Canadian Forces Base (CFB) Shearwater requesting that DND undertake a safety audit of the railway grade crossings on CFB Shearwater property in order to determine, and undertake, any modifications required at those crossings to facilitate the cessation of whistling operation; and**
- 2. Dependent upon the response from DND, direct staff to determine requirements to cease whistling operations at the railway grade crossings on Hines Road and Howard Avenue and initiate the process of coordination among HRM, DND and the railway operator to enable whistle cessation at the identified locations.**

MOTION PUT AND PASSED UNANIMOUSLY.

14.2 AUDIT AND FINANCE STANDING COMMITTEE

14.2.1 Amended Investment Policy i) Annual Investment Policy Review

The following was before Council:

- A recommendation report from the Audit & Finance Standing Committee dated December 13, 2016, with attached staff recommendation report dated October 27, 2016 re: Amended Investment Policy
- A recommendation report from the Audit & Finance Standing Committee dated December 13, 2016, with attached staff recommendation report dated October 27, 2016 re: Annual Investment Policy Review

MOVED by Councillor Walker, seconded by Councillor Nicoll

THAT Halifax Regional Council approve the amended Investment Policy as recommended by the Investment Policy Advisory Committee as outlined in Appendix A of the staff report dated October 27, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

14.2.2 Potential Contribution to the Army Museum

The following was before Council:

- A recommendation report from the Audit & Finance Standing Committee dated December 13, 2016, with attached staff recommendation report dated November 24, 2016.

MOVED by Councillor Mason, seconded by Councillor Blackburn

THAT Halifax Regional Council provide a one-time grant in the amount of \$25,000 to the Army Museum toward the development of an installation to commemorate the Second World War. Provision of this grant will be dependent on the Museum receiving commitment for equal or greater funding from other orders of government.

In response to a follow up question, Mr. Paul Johnson, Coordinator of Corporate Affairs noted that the contribution to the Army Museum would qualify as a grant.

MOTION PUT AND PASSED UNANIMOUSLY.

14.3 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE

14.3.1 North Preston Recreation Field

The following was before Council:

- A recommendation report from the Community Planning & Economic Development Standing Committee dated December 21, 2016, with attached staff recommendation report dated November 28, 2016.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

THAT Halifax Regional Council direct staff to:

- 1. Develop a detailed site plan and other supporting analysis for non-regulation sized recreation field at 857 Upper Governor Street, North Preston;**
- 2. Negotiate a long-term lease or purchase with Halifax Water; and**
- 3. Include funding for construction of a non-regulation sized recreation field in the 2017/18 capital budget for prioritization with all other capital items for Council's consideration.**

MOTION PUT AND PASSED UNANIMOUSLY.

14.3.2 Permanent Encroachments for the Purpose of Facilitating Accessibility

The following was before Council:

- A recommendation report from the Community Planning & Economic Development Standing Committee dated December 21, 2016, with attached staff recommendation report dated November 8, 2016

MOVED by Councillor Mason, seconded by Councillor Mancini

THAT Halifax Regional Council direct staff to draft amendments to By-Law E-200, the Encroachment By-law, for Regional Council's consideration, to allow for the waiver of any or all encroachment fees for the portion of a new encroachment which is constructed to facilitate barrier free access to an existing residential or commercial property, or where an existing encroachment is being enlarged or modified to facilitate barrier free access to either residential or commercial properties.

In response to a question of clarification, Ms. Taso Koutroulakis, Manager of Traffic Services advised that HRM evaluates requests for encroachments on a site specific basis.

MOTION PUT AND PASSED UNANIMOUSLY.

14.4 HALIFAX AND WEST COMMUNITY COUNCIL

14.4.1 Case 18388 – Amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law for 6389, 6395, and 6399 North Street, Halifax

The following was before Council:

- A recommendation report from Halifax and West Community Council dated December 16, 2016, with attached staff recommendation report dated November 1, 2016
- Correspondence from Joan Fraser, North and Oxford Development Group, Margo Grant, Andrea Arbic, Frank Doane, and Sandra Hamm.
- Staff presentation dated January 10, 2017

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax Regional Council refuse the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law of 6389, 6395, and 6399 North Street, Halifax.

Mr. David Lane, Planner III, provided a presentation on Case 18388. Mayor Savage thanked Mr. Lane for his presentation and requested questions of clarification from members of Halifax Regional Council.

In response to questions of clarification, Mr. Lane noted the following:

- Typically Planning and Development policy does not require shadow studies for proposals under ten stories.
- The Centre Plan is referenced in the staff report as it is an ongoing process which will influence development in the Regional Centre. The Centre Plan is pertinent to staff's recommendation with respect to the subject property as it represents the type of development that is being recommended by staff under the draft Centre Plan.
- The Centre Plan process is near completion and staff will be seeking guidance from the Community Design Advisory Committee in February.

Council discussed the merits of the planning application in relation to the recommendation from Halifax & West Community Council and debated whether or not it should be considered within the context of the draft Centre Plan which has not yet been approved by Council.

In response to a question of clarification, Mr. Kevin Arjoon, Municipal Clerk clarified that if Council wished to pass the staff recommendation, it must vote down the recommendation of Halifax & West Community Council and then place a motion on the floor to accept the staff recommendation.

In response to a question of clarification, Mr. John Traves, Municipal Solicitor noted the following:

- If a member of Council feels as though they may be in a conflict with respect to a planning matter, then they are conflicted on that matter at every point along the process.
- Applicants are entitled to a decision on individual planning applications in the absence of a complete moratorium on planning matters pending the completion and approval of the Centre Plan.
- If Council upholds the recommendation of Halifax and West Community Council, the project will cease to exist. Mr. Traves commented that if this were to happen, than the Applicant may then reconsider its position and submit another proposal.

In response to question of clarification, Mr. Jacques Dubé, Chief Administrative Officer advised that the earliest the Centre Plan will likely be before Regional Council is May of 2017. He advised that if the recommendation from Halifax & West Community Council is approved, the proponent could likely bring back another proposal no earlier than the fall of 2017.

In response to a question of clarification, Mr. Traves noted that the proposed development could be considered an “as of right” development under the draft Centre Plan based on the current staff recommendation and whether or not it is accepted by Halifax Regional Council once complete.

MOTION PUT AND PASSED. (13 in favour, 4 against)

In favour: Mayor Savage; Deputy Mayor Craig; Councillors Streach; Nicoll; Austin; Mancini; Mason; Smith; Cleary; Adams; Zurawski; Blackburn; Outhit

Against: Councillors Hendsbee; Karsten; Walker; Whitman

15. MOTIONS

15.1 Ratification of In Camera Motion from December 13, 2016 – Approval of November 22, 2016 Minutes

MOVED by Councillor Karsten, seconded by Councillor Walker

That Halifax Regional Council approve the in camera minutes of November 22, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

16. IN CAMERA (IN PRIVATE)

16.1 In Camera (In Private) Minutes – December 6 & 13, 2016

The following motion was passed in public session:

MOVED by Councillor Walker, seconded by Councillor Nicoll

That the In Camera (In Private) minutes of December 6 and 13, 2016 be approved as circulated.

MOTION PUT AND PASSED UNANIMOUSLY.

16.2 Personnel Matter

A matter pertaining to an identifiable individual or group.

16.2.1 Appointment of Chief Executive Officer (CEO) – Halifax Convention Centre Corporation – Private and Confidential Report

The following was before Council:

- A private and confidential staff recommendation report dated December 21, 2016

The following motion was passed in public session:

MOVED by Councillor Walker, seconded by Councillor Whitman

That Halifax Regional Council authorize the Chief Administrative Officer to provide written consent, as required under the *Halifax Convention Centre Corporation Act*, for the appointment as outlined in the private and confidential report dated December 21, 2016.

It is further recommended that the private and confidential report dated December 21, 2016 be released to the public after council has approved the recommendation and the contract has been signed by all parties.

MOTION PUT AND PASSED UNANIMOUSLY.

17. ADDED ITEMS - NONE

18. NOTICES OF MOTION

18.1 Councillor Walker

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on January 24, 2017, I propose to introduce amendments to Administrative Order 2014-001-ADM, Respecting Tax Relief to Non-Profit Organizations, the purpose of which is to repeal and replace schedules 26, 27, 28, 29 and 30

18.2 Councillor Hendsbee

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on January 24, 2017, I propose to move amendments to Administrative Order 29, Respecting Civic Addressing Policies, the purpose of which is to approve the naming of two new public streets, six new private Lanes and one island access.”

18.3 Councillor Blackburn

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on January 24, 2017, I propose to move amendments to Administrative Order 29, Respecting Civic Addressing Policies, the purpose of which is to approve the naming of three new public streets and two new private lanes.”

Council recessed at 2:44 p.m.

The meeting reconvened at 6:00 p.m.

11. PUBLIC HEARINGS

11.1 Case 19531 – Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law for the northern corner of Young Street and Windsor Street, Halifax

The following was before Council:

- A report from Halifax and West Community Council dated November 18, 2016 with attached staff recommendation report dated November 1, 2016
- A draft extract of the December 6, 2016 draft minutes of Regional Council
- Presentation from the Applicant

- Staff presentation dated January 10, 2017

Mr. Andrew Bone, Senior Planner, Planning & Development Services, presented Case 19531, an application by W M Fares Group on behalf of Young Developments Inc. to amend the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to enable the development of a mixed use project consisting of 21 and 16 storey residential buildings and a 3-5 storey commercial building at the northern corner of Young Street and Windsor Street, Halifax.

A brief discussion ensued with Mr. Bone responding to questions of clarification, noting:

- The proposal for 50% of units to be 2-bedroom units is a staff proposal.
- As a part of the development agreement process, Halifax Transit would have to review the application for comment.
- A traffic study has been prepared and reviewed by HRM Engineering staff, with no significant issues noted, and some controls recommended.

Mayor Savage invited the applicant to come forward and address Council.

Mr. Jacob JeBailey, Principle Architect with W.M. Fares Group, on behalf of Young Developments Inc., presented the application to Council, a copy of which is on file and online. Mr. JeBailey indicated that they started the site design with the identification of an already established pedestrian path, and used that to design the site.

Mr. JeBailey responded to questions of clarification from members of Council, noting that:

- The small rectangular building adjacent to the property is separately owned and although consideration was given to the acquisition of the property, and discussions held with the property owner, it is not a part of the proposal.
- It is unknown at this time whether the units will be apartments or condominiums.
- All three buildings will have commercial components at the base.
- The curved glass building will be office, commercial and retail space.

Mayor Savage reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Patrick Murphy, Halifax, in reference to Map 2 – Zoning and Notification - of the November 1, 2016 staff report, noted that not many people live within the notification area, but there are many single family homes (zoned R2 General Residential) just outside of the notification area. He encouraged that a number of the 2-bedroom units will be set aside for affordable housing. Mr. Murphy expressed concern with the intersection design, and suggested that the property should be purchased by HRM to realign Young Street to Bayers Road for better flow. He further suggested that these lands could be used for the redevelopment of the Halifax Forum.

The Mayor called three times for any other members of the public wishing to speak on the matter. There being none, it was MOVED by Councillor Mason, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Karsten

THAT Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B of the staff report dated November 1, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Amendments to the Regional Municipal Planning Strategy and Community Land Use By-laws Regarding the Development of 10 hectare (25 acre) lots

The following was before Council:

- A staff recommendation report dated October 26, 2016
- A supplementary staff recommendation report dated November 23, 2016
- A draft extract of the December 13, 2016 draft minutes of Regional Council
- Staff presentation dated January 10, 2017
- Correspondence from Karen Mitchell on behalf of Save Rural HRM, Kim Young, co-owner of Birkshire Developments Inc. and also representing Save Rural HRM, Mike Young, co-owner of Birkshire Developments Inc. and also representing Save Rural HRM, Terry Casavechia, member of Save Rural HRM, Scott Rowlings and Dave Clark, Nancy Saunders, member of Save Rural HRM, Michael G. Williams, professional Land Surveyor with WNL Surveying, George Hornmoen, and Ian J. Burgess.

Mr. Ben Sivak, Principle Planner, Planning & Development Services, reviewed this matter, which was initiated in April 2016 through a Council motion requesting a staff report, and proposes amendments to the Regional Municipal Planning Strategy and Community Land Use By-laws regarding the development of 10 acre (25 hectare) lots.

Mr. Sivak responded to questions of clarification, noting the following:

- Each property situation is different, and residents are encouraged to contact staff to discuss options.
- Properties will also be addressed through the updating of the Regional Plan.
- Staff are committed to addressing the immediate needs of residents.
- The Provincial Director of Planning has 30 days to respond to the recommended MPS amendments, and staff will ensure that the Province is aware of the urgency.

Mr. Jacques Dubé, Chief Administrative Officer, advised that a rural planning team has been established to operate within Planning and Development, which has a mandate to engage with rural communities on planning issues.

Responding to questions regarding shared private driveways, Mr. Sivak clarified that staff need to ensure that a fire truck or ambulance can travel the driveway, and that if there are three or more homes off the shared driveway, it needs to have at least a 6 metres (20 feet) wide travel way.

Mayor Savage reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

David Barrett, Beaver Bank, spoke of the restrictions placed on rural areas by HRM regulations, such as zoning and the requirements associated with building permits, and its negative effects on rural areas, including volunteer fire services, small business, and property ownership.

Ken Burros, Wellington, indicated that he works in rural residential construction. He commented that a rural lifestyle is one of independence and connection to the land. Mr. Burros indicated that there would be no harm to others if a home is built on a 25 acre lot that has provincial approval for septic and road access, and would benefit the Municipality by paying property taxes. Mr. Burros noted dismay that with all of the development going on in downtown Halifax, restrictions are being enforced on rural lots.

Nancy Saunders, Ketch Harbour, indicated she was a member of the Save Rural HRM group. Ms. Saunders indicated that her family has been personally affected by these rules. She spoke in support of the amendments and in support of property owners of the other lots that are not being offered a solution. Ms. Saunders read aloud the background section of her January 10, 2017 submission, which is on file.

She commented that no other municipalities restrict land like this, and that HRM staff have identified at least 900 other parcels affected but no notice has been given to those property owners.

George Hornmoen, Lewis Lake, spoke in favour of the proposed amendments, which would allow him to build on property purchased in 2008. He expressed concern for the owners of the other lots that were not included in these amendments. Mr. Hornmoen advised that when he approached a local builder in May 2016 was the first he heard of the restrictions, and at no time was he advised by HRM. He commented on the length of time it takes to get a building permit, and indicated that property owners should not have to go through a development agreement process to build a cottage. Mr. Hornmoen suggested that this type of development would be permitted in any other area of the province, and that the Municipality does not have to take on responsibility for private roads. He further suggested that if the Municipality will not allow development on these lots, the zoning should be changed from residential so that property owners will be taxed at a lower rate.

Responding to a question from Councillor Whitman, Mr. Hornmoen clarified that the staff initiation report dated September 26, 2016 which was before Council on October 4, 2016, included a figure of over 1000 privately owned lots located outside of the urban service boundary that are 10 or more hectares in size that do not have public road frontage.

Kim Young, Musquodoboit Harbour, advised that she is a co-owner of Berkshire Developments, a general contracting company, and founding member of Save Rural HRM. She commented that there was no notification, consultation or grace period when this By-law started to be enforced after 20 years, and it has had a negative effect on many residents, as well as her building company, noting she has had to lay off staff. She suggested that although safety on private roads is a concern, many HRM roads do not meet HRM's own standards. Ms. Young suggested that the lots not included in these amendments are left worthless, even though they may have been purchased in good faith with the understanding that permits would be issued for construction. She noted that Councillor Hendsbee's April 2016 motion asked for a staff report on all affected lots, but staff have only addressed options for 77 of the over 1000 lots.

Ernest Brennan, Ketch Harbour, expressed concern with the reinterpretation of the By-law. He suggested that amendments are required to section 268 (2) of the Municipal Government Act (and section 278 (2) of the Halifax Charter) and Council should request those changes from the Province. Mr. Brennan expressed support for the amendments for those properties addressed by the amendments, but noted that more needs to be done by Council to address the larger issue.

Karen Mitchell, Musquodoboit Harbour, advised that she is speaking as a member of Save Rural HRM. Ms. Mitchell spoke of the contrast between development going on in urban areas of the Municipality and restrictions being placed on rural land owners. She spoke of the little progress she has seen in Musquodoboit Harbour in the 20 years she lived away, and of the decline that has taken place in the former Halifax County since amalgamation. Ms. Mitchell indicated that the denial of building permits has caused nothing but hardship for rural residents, where people strive to create and maintain a local economy. She encouraged Council to make a shift in attitude and approach to rural communities.

Mike Young, Musquodoboit Harbour, advised that he is a co-owner of Berkshire Developments, a general contracting company. Mr. Young indicated that he has been in the construction industry for 43 years, and feels that this By-law is being enforced without any consultation with stakeholders that have knowledge and expertise in the area. He indicated that the By-law has had a large negative impact on land owners, in particular with regard to the public road requirements for 25 acre lots and the Lot Grading By-law. Mr. Young encouraged fairness in the development application process when it comes to urban and rural development.

Andrew Robbins, Cole Harbour, echoed comments from other speakers with regard to supporting the amendments while noting concern for other property owners affected. Mr. Robbins discussed issues with the 2014 Regional Municipal Planning Strategy, suggesting that it is in violation of its own Guiding Principle, which is "This Plan will seek to address the needs and views of all sectors of HRM, recognizing the diversity of its citizens, community and geography." Mr. Robbins suggested that since amalgamation

rural tax rates have increased 30%, while rural residents receive a bare minimum of services. With regard to private road regulations, Mr. Robbins suggested that the policy be revised to allow private roads, but make it clear what risk people would be accepting.

Scott Rowlings, Musquodoboit Harbour, advised that he is an eighth generation land owner and developer in the area. Mr. Rowlings read his submission dated January 10, 2017, which is on file, reviewing the timeline of his involvement with developing two phases of a subdivision in Musquodoboit Harbour, and the effects of the By-law on those properties. Mr. Rowlings advised that he hired an Engineering firm to guide him through the process for both phases, which started in 2003 and ended in 2014, and had many meetings with HRM staff, and at no time was he told that building permits would not be issued for the lots. He asked Council to take into consideration how this all unfolded and the negative repercussions to all involved, and to consider grandfathering any lots created before the reinterpretation of the By-law. Mr. Rowlings also read comments for the record from his business partner Dave Clark, who was unable to attend the public hearing. Mr. Clark's comments are included in the submission from Mr. Rowlings on file.

Mike Williams, Elmsdale, advised that he is a Land Surveyor speaking in support of the affected land owners. Mr. Williams spoke of his experience being involved in Scott Rowlings' subdivision development, indicating none of the building professionals involved anticipated the outcome. Mr. Williams echoed comments by previous speakers with regard to the intention for many of these lots is to be subdivided for family cottages, and concern for property owners that are not yet aware their land is affected.

Terry Casavechia, Lawrencetown, advised that he is a part of Save Rural HRM. Mr. Casavechia indicated that it is a positive step having a rural planning team put in place. He spoke of hardships to local contractors and landowners caused by these regulations. Mr. Casavechia suggested that the parkland fee should be reduced to between 1% and 5%, to be shared by all parties at the time of sale.

Adam McLean, Armco Capital, spoke of a situation which was addressed in the November 23, 2016 supplementary staff report, with regard to a subdivision owned by Armco near Mount Uniacke. He indicated that a lot was acquired for access and a 20 foot right of way was constructed, approvals were in place from the province for highway access and septic, Nova Scotia Power pole plans were approved and ready for install, and a deal was in place with a builder to buy all 12 lots. Mr. MacLean advised that the builder put in a \$300,000 private road and was then made aware of the restrictions by HRM. He requested that this project be allowed to go through.

John Widden, Middle Musquodoboit, echoed comments about the contrast between urban and rural development, as well as the contrast in needs and values between urban and rural lifestyles. Mr. Whidden also reiterated that there should be no barriers to the development of these lots if the province issues permits and approvals for septic and road access. He suggested that, if provincial approvals are met, that the property owner should be able to move forward with construction by way of an as-of-right notification system, as opposed to a permit system.

Colin Deacon, Halifax, advised he was a property owner of an affected lot and that he was unaware that he would not be able to obtain a building permit until last December. Mr. Deacon advised that he did his due diligence by obtaining provincial approval for road access, service easements with Bell Aliant, through surveyors and lawyers. Mr. Deacon indicated that unintentional mistakes were made, but a permanent solution must be found.

The Mayor called three times for any other members of the public wishing to speak on the matter. There being none, it was MOVED by Councillor Outhit, seconded by Councillor Whitman

THAT the public hearing be closed.

MOTION PUT AND PASSED.

Council recessed at 8:40 p.m., and reconvened at 8:50 p.m.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

THAT Halifax Regional Council approve the proposed amendments to the Regional Municipal Planning Strategy (MPS) and applicable community land use by-laws, as set out In Attachments A and B of the supplementary staff report dated November 23, 2016.

Mr. Bob Bjerke, Director/Chief Planner, Planning and Development, advised that staff worked to fast-track this matter, as a high priority issue. He indicated that there are six staff on the rural planning team, handling applications within the currently planning group. Mr. Bjerke advised that the rural planning team is currently developing a work plan to address broad solutions for rural planning issues.

Members of Council discussed the proposed amendments to the Regional Municipal Planning Strategy and Community Land Use By-laws regarding the development of 10 hectare (25 acre) lots.

In response to a request for clarification from Council with regard to direction to staff to address the other lots affected and not included in the amendments. Mr. Bjerke indicated that there are development options available to certain lots based on what plan areas they are in, and encouraged property owners to contact staff to discuss these options. Mr. Dubé assured that staff would work with expediency as service is requested, on a case by case basis, while looking at secondary planning to address issues within rural communities. Mr. Bjerke advised that staff will provide Council with a plan to address the properties that are known to have immediate intentions for development.

MOTION PUT AND PASSED UNANIMOUSLY.

19. ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Kevin Arjoon
Municipal Clerk