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Special Municipal Council Meeting Agenda

December 5, 2023

MODL Council Chambers – 10 Allée Champlain Drive, Cookville

1. Call to Order

1.1 Mi'kma'ki Territorial Acknowledgement

2. Awarding of Tenders/RFPs

2.1 RFP #2023-05-405 Sawpit Wharf Park Community Plan 1-3

3. Recommendations from Committees & Boards

3.1 Planning Advisory Committee 4

3.1.1 Municipal Planning Strategy & Land Use By-law Amendments Re Cluster Developments..... 5-25

4. Adjournment

Special Council
Item: #2.1
Date: December 5, 2023
Authorization: T. MacEwan

Municipality of the District of Lunenburg

Request for Decision

Report to:	**Municipal Council**
Submitted by:	**Trudy Payne, Director of Recreation, Parks & Tourism**
Date:	**November 28, 2023**
Re:	**Sawpit Wharf Park Community Plan RFP # 2023-05-405**

Recommended Motions

That Council does not proceed in awarding the Sawpit Wharf Community Park Plan RFP # 2023-05-405 as the proposal received was a non-compliant bid.

That Council re-issue the Sawpit Wharf Park Community Plan RFP and increase the budget from $29,000 to $39,000 with the additional funds to come from the Park Standards Upgrades capital account 02-2700010-972.

Background

The 2023-2024 capital budget includes $29,000 to develop a Community Plan for Sawpit Wharf Park. Council directed staff to release the RFP after the Sawpit wharf assessment was completed. The RFP was advertised in early October with a closing date of October 26, 2023. The RFP was posted on the Provincial Procurement site. Four firms reached out with additional questions in which the questions and responses were posted on the Provincial Procurement site for all potential bidders to view. One of the questions asked was what the budget is, in which $23,000 was posted. At the closing date and time only one proposal was received. The full $29,000 was not posted as funds will be required to help pay for costs outside the consultant's contract for such things as advertising, renting venues, etc. and based on previous projects staff felt this amount should be sufficient. One of the other companies that made inquiries did reach out after the RFP deadline and stated they did not submit a bid as they felt the scope of work did not match the amount budgeted.

Executive Summary

Based on there being one submission which is over the original budget, it is staff's recommendation not to award the RFP and increase the budget to $39,000 and re-issue the RFP.

By re-issuing the RFP and increasing the budget the potential of having more than one bid submitted is likely and this would help ensure competitive pricing. This recommendation was discussed with MODL's legal counsel who advised this would be within MODL's legal rights to re-issue the RFP and increase the budget to encourage more competitive proposals. The additional funding could come from the capital budget Park Standards Upgrades account no. 02-2700010-972. The budget for this account is $340,000 and could accommodate the additional funding being recommended to re-issue the RFP.

This was a project budgeted in the 2022-2023 budget and carried over to the 2023-2024 and was postponed in this budget year until the wharf assessment was completed. The Sawpit Wharf Park Advisory Committee made the recommendation to include in both the 2022-2023 budget and then again in the 2023-2024 budget to have a Community Plan developed and support moving forward with this project in this fiscal year.

Budget Implications

There would be no increase in the capital budget overall. What it would mean is utilizing the additional funds being recommended from the $340,000 budgeted for the Park Standards Upgrades to accommodate the Sawpit Wharf Park Community Plan.

Alternatives

The other option for Council's consideration is:

1. Not award the RFP due to it being over budget and not proceed with the Community Plan within this fiscal year.

Strategic Plan

Re-create Parks is one of Council's strategic priorities.

Work Plan

Issuing an RFP to hire a consulting firm to conduct community consultation, develop a community plan with recommendations and an implementation plan is part of the Recreation, Parks and Tourism's Department workplan for 2023-2024.

Summary

This is a project that was scheduled to happen in the 2022-2023 fiscal year. For various reasons, one being staff changes within the department, the project did not move forward within that fiscal year. The funds were carried forward in 2023-2024 and postponed until after the wharf assessment was completed. The Sawpit Wharf Park Advisory Committee, which consists of community members appointed by Council, to give advice and make recommendations to

Council, is anticipating that the development of the community plan will take place within this fiscal year.

Report Preparation	
Department	Recreation, Parks & Trails
Report Prepared by	Trudy Payne, Director of Recreation, Parks & Trails
Report Approved by	
Date Reviewed by C.A.O.	

Municipality of the District of Lunenburg

Planning & Development Services

October 12, 2023

To Her Worship, Mayor Bolivar-Getson, and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Planning Advisory Committee, in session on October 12, 2023, made the following recommendation to Municipal Council:

"That Municipal Council endorse the recommended cluster development regulation measures contained in Option 1 below and instruct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for First reading.

Option 1 makes the following recommendations which are expanded upon in the report:

1. Regulate Using the Site Plan Approval Process
2. Establish Definitions and General Requirements
3. Meet Private Roads Standards
4. Demonstrate Adequate Servicing
5. Demonstrate Environmental Impact
6. Encourage the Development of Conservation Design Cluster Development".

Respectfully submitted,

The Chair and Members
of the Planning Advisory Committee

/jh

Attachments

Municipality of the District of Lunenburg

Regulatory Report

Report to: Council

Prepared by: Jacob Macpherson, Planner I

Date: November 28, 2023

Re: Cluster Development Regulation Report

Background

The Municipality of the District of Lunenburg (MODL)'s Council directed staff to develop regulations for the construction of Cluster Developments in MODL.

Cluster developments, sometimes called grouped or cluster dwellings, are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. The objective of the new regulations is to ensure that new cluster development projects follow standards that are appropriate to the size, configuration, and location of the proposed development. This report presents planning staff policy recommendations for cluster development in MODL, focusing on human safety, service capacity, and the natural environment.

Discussion

Discussion of Planning Advisory Committee Meeting

During the Planning Advisory Committee meeting held on October 12, suggestions were made by the Committee to examine certain elements based on additional discussions and feedback with members of the public. Those items are discussed below.

Affordable Housing Considerations

It has been expressed during meetings and through submitted comments from the public and development community that defining cluster developments as containing 5 or more units composed of two or more dwellings would lead to viability issues for small affordable housing development projects. Staff is supportive of the suggestion that the triggering number be increased from 5 to 6, as reflected in the updated recommendations for Option 1.

Another matter raised regarding cluster development style housing surrounds the process of applying for Federal grants intended to support the development of affordable housing. By adding additional requirements to the pre-construction stages of development such as designing and constructing a private road, an unintentional cost is placed on affordable housing developers before the grant application is approved or denied, which typically occurs after these requirements have been met. To account for the uncertainty involving grants that support affordable housing, staff recommends that, as part of the Site Plan Approval process, the Development Officer be provided with the discretion to establish an agreement with the developer to delay certain requirements of the overall development process (e.g. private road construction) so long as all requirements are met before a certain point in the building permit process.

Introducing this flexibility into the site plan approval process allows grant-seeking housing developers to operate with more certainty while ensuring that proper development standards are being universally met. Staff recommendation #8 has been added under Option 1 to reflect this matter.

In addition to allowances through the site plan approval process, Staff recommends that Council consider providing funding opportunities to assist in the satisfaction of development costs for affordable housing developments as part of the Municipality's housing acceleration efforts. These opportunities would further enable affordable housing development while still ensuring those dwellings have adequate construction standards. The details of such funding can be considered further as more becomes known about MODL's housing initiative. Staff recommendation #9 has been added under Option 1 to reflect this matter.

Additional suggestions were also raised around defining cluster developments using bedroom counts and in how cluster developments should meet the private road standards. Staff believe these other elements are not necessary to achieve the affordable housing objectives described by some of the project proponents.

Development Agreement Versus Site Plan Approval Process

During the PAC meeting, members of the public and committee members raised the question of which approvals method is most appropriate. Staff remains in support of regulating the cluster development proposals through the site plan approval planning process.

A planning approval process assesses a proposal to use or develop land; different requirements need different processes. A development agreement process supports flexibility through negotiation between the Municipality, developer, and members of the public. In comparison, a site plan approval process follows a more streamlined process that is generally less time consuming to complete.

Many Nova Scotian municipalities that regulate cluster development use the development agreement process to consider landscaping and architectural design on a more flexible case by case basis. Staff's recommended regulations do not involve flexibility for the purpose of regulating private road standards, servicing requirements, and environmental impacts because these requirements will always be imposed in a uniform way, as was requested during the October 12 PAC meeting. The use of a streamlined process is also consistent with MODL's subdivision regulations, which do not require a development agreement and do not involve any direct public engagement. Should the need arise, Council always retains the choice to hold a public meeting on any specific development if direct public input is desired in that process.

Environmental Requirements

Participants in the engagement campaign expressed that cluster development regulations should be applied in a contextual way based on the number of units in a proposed development but also the natural features of the site itself. For this reason, it was specified in recommendation five that, for cluster developments with ten or more units, a development officer **may** require the applicant to perform an environmental study. During the Planning Advisory Council (PAC) meeting, it was expressed by PAC members and residents that, because existing data on environmental features is limited, all cluster developments over ten units should conduct an environmental study. Staff is in support of this alternative. Because the study in question would be applied to all cluster developments of ten or more units, the requirements of the study have changed to accommodate this. Modifications to the report have been made in accordance with these changes under Part 5 of Option 1.

Staff recommends requiring all cluster developments of ten or more units to demonstrate, through a study completed by a qualified professional or professionals, the potential impact and recommended mitigation measure for the following items within the subject property:

- Wetlands

- Natural habitats
- Species at risk

Density Limitations and Surrounding Density

Staff is not recommending that the density of residential development be limited by surrounding density because, beyond the concerns outlined in this section which are addressed by staff's existing recommendations, there is not currently a good planning rationale to limit density beyond the capacity of the land area to support development and associated services.

To avoid levels of density dissimilar to surrounding residential areas, it was suggested during the PAC meeting that the density of new cluster developments should be limited based on surrounding residential density, allowing for limited growth over time. The concerns surrounding density involved additional pressure on private roads leading to vehicle access issues and ensuring that development does not put pressure on the local capacity of waste and water. Staff recognizes the need to manage these impacts. By requiring cluster developments to meet MODL's private road standards, provide a servicing plan, and in some circumstances provide a hydrogeological report, high levels of density are already being restricted in cases where it is unsuitable and, where the land can support density, provisions are being proposed to ensure that off-site impacts are appropriately minimized.

The density rules used by the Halifax Regional Municipality (HRM) to determine allowable density were also proposed as a means of determining allowable density. These limitations are applied based on identified growth areas, the design of the development, and the capacity of the site. In the case of staff's recommendations, the capacity of the site would be the only factor applicable to MODL's cluster development regulations, as addressed through the recommendations provided.

Emergency Access

A desire was expressed during PAC to update existing road standards to require multiple entry and exit points on a subdivision or cluster development for the sake of sufficient access during an emergency. Staff recognizes these concerns. However, specific road standards fall outside of the scope of the cluster development project as these standards would be modified by amending the MODL Subdivision By-law which would apply to both subdivisions and cluster developments.

Review Regulations Every Five Years

It was suggested that, like other regulations, the cluster development regulations be reviewed every five years. Staff is in support of this addition to the regulations and the recommendations have been updated accordingly in Part 7 of Option 1.

Options for Consideration

Option 1: Staff Recommended Option

Description

This option entails implementing all of staff's recommendations. Implementing these recommendations will cause the cluster development model to no longer be a more permissive approach compared to a residential subdivision.

Discussion

The recommendations would require all new cluster developments, defined as six (6) or more dwelling units within two or more dwellings on one lot, to undergo a site plan approval process. This process is designed to ensure that road standards are in place to ensure human safety, that the scale of cluster development does not exceed its potential service capacity for the development and surrounding properties, that avenues remain available for affordable housing projects, and that no unnecessary environmental harm is being caused by cluster developments.

The proposed policies are contained in Appendix I.

Motion

If Council wishes to direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law, staff recommend the following motion:

"That Council accept the staff recommendations contained within Option 1 as presented in Appendix I, and direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for consideration."

Option 2: PAC Recommendation Option

Description

This option entails implementing only the recommendations that were presented to the Planning Advisory Committee in October. The proposed policies are contained in Appendix II.

Discussion

Option 2 still fulfills the majority of goals set out in this project. However, Option 2 could pose

an unintentional burden to developers who make use of grants provided for affordable housing development which would disincentivize the creation of affordable housing in MODL. Additionally, Option 2 proposes different environmental requirements that do not reflect the discussion of the PAC that have been incorporated into Option 1. Finally, Option 2 does not require this plan to be reviewed every five years.

Motion

If Council wishes to direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law, staff recommend the following motion:

"That Council accept the staff recommendations contained within Option 2 as presented in Appendix II, and direct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for consideration."

Option 3: Refer back to PAC

Description

This option would allow Council to send staff back to seek additional feedback and discuss additional options with the Planning Advisory Committee (PAC) and the public before drafting the cluster development regulations.

Discussion

In the case that Council does not want to proceed with Option 1 or 2, planning staff highly recommends this option as opposed to stopping work entirely on the project, as outlined in Option 4.

Motion

If Council wishes to send staff back to meet with the Planning Advisory Committee, staff recommends the following motion:

"That Council instruct staff to reconvene with the Planning Advisory Committee for a renewed discussion on the proposed cluster development regulations and further work on new options for Council's consideration."

Option 4: Do Not Implement Regulations

Discussion

This option entails not implementing any of staff's recommendations, meaning cluster development will continue to lack specific regulations in the Municipality. Substandard roads potentially resulting from a lack of regulation may not be able to accommodate emergency service vehicles or vehicles which must be safely driven out of the property in the event of an

evacuation, posing a risk to human life. Additionally, the public engagement process indicated that the lack of regulation around cluster development has caused servicing capacity and environmental considerations to go unaddressed, which would continue if no regulations were implemented.

Motion

If Council wishes to not proceed with any of the options provided by staff this is the following recommended motion:

“That Council formally direct staff to cease any further work on the project.”

Appendix I

Option 1 – Staff's Recommendations

1. Regulate Using the Site Plan Approval Process

The site plan approval process is a tool that enables the Municipality to establish additional criteria through the Land Use By-law where there are uses that require additional oversight or where there is a need to provide some flexibility in the ways land use controls are implemented.

2. Establish Definitions and General Requirements

In order to properly regulate cluster developments, a clear definition of what constitutes a cluster development is required. The definition will specify the types of building(s) that constitute a cluster development as well as the criteria that will trigger the need for a site plan approval. Staff are recommending that a Cluster Development be **defined as containing 6 or more units composed of two or more dwellings.**

3. Meet Private Roads Standards

It is recommended that all new cluster developments be required to meet the municipality's private road design and construction standards, found in the existing subdivision by-law. These standards exist to ensure that emergency service vehicles have sufficient space to navigate and that vehicles can safely be driven out of the property in the event of an evacuation. It also helps ensure that the construction of these roads is done properly with the proper site preparation and road base to prolong the life and function of the road.

4. Demonstrate Adequate Servicing

It is recommended that applicants demonstrate that their site can be properly serviced by water and wastewater treatment. For all defined cluster developments, the applicant would provide a servicing plan showing the layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines. For cluster developments with 10 or more units or where known water quality and quantity issues exist, the application would be required to perform a hydrogeological assessment and conform to the guidelines set out in Nova Scotia Environment's groundwater assessment standards.

5. Demonstrate Environmental Impact

Staff recommends requiring all cluster developments of 10 or more units to demonstrate, through a study completed by a qualified professional or professionals, the potential impact and recommended mitigation measure for the following items within the subject property:

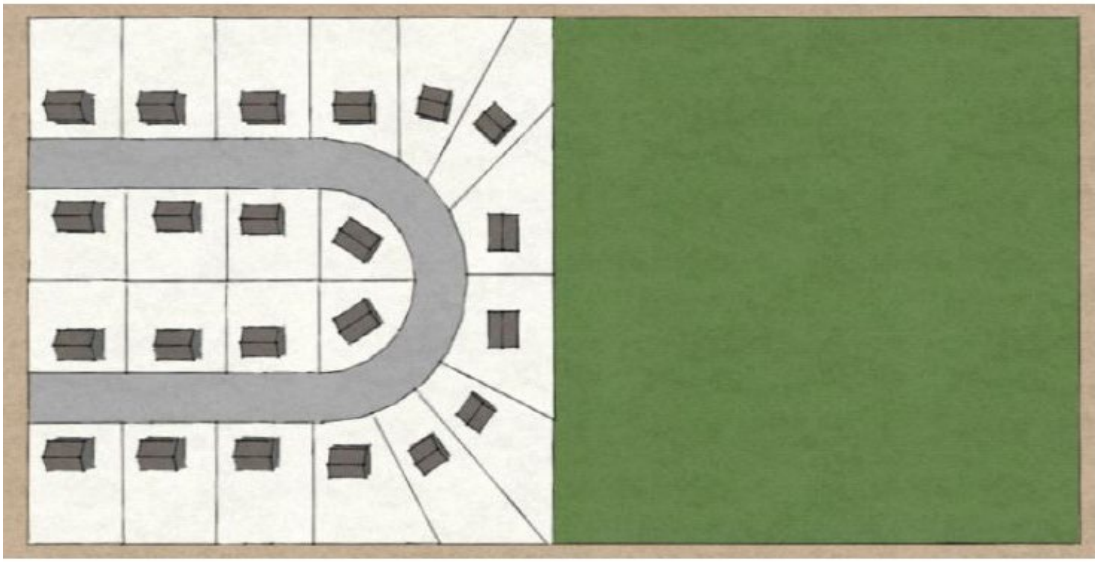
- Wetlands

- Natural habitats
- Species at risk

6. Encourage the Development of Conservation Design Cluster Development

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space.

As part of these regulations, Council should consider the adoption of a policy to promote the goals of conservation design style cluster development as a means of meeting the requirements set out in the site plan approval process.



Example of Conservation Design Layout | Credit – Halifax Regional Municipality

7. Review Policy Every Five Years:

Review the cluster development regulations every five years and update them in accordance with best practices for development regulations.

8. Provide Flexibility Within the Site Plan Approval Process

To account for the uncertainty involving grants that support the development of affordable housing, staff recommends that, as part of the Site Plan Approval process, the Development Officer be provided with the discretion to establish an agreement with the developer to delay certain requirements of the overall development process (e.g. private road construction) so long as all requirements are met before a certain point in the building permit process.

9. Consider Funding Opportunities for Affordable Housing

Staff recommends that Council consider providing funding opportunities to assist in the satisfaction of development costs for affordable housing developments as part of the Municipality's housing acceleration efforts.

Appendix II

Option 2 - PAC Cluster Development Regulations

1. Regulate Using the Site Plan Approval Process

The site plan approval process is a tool that enables the Municipality to establish additional criteria through the Land Use By-law where there are uses that require additional oversight or where there is a need to provide some flexibility in the ways land use controls are implemented. The approval itself could also deal with aspects such as locations of structures, vegetation, parking, access, lighting, and grading.

2. Establish Definitions and General Requirements

In order to properly regulate cluster developments, a clear definition of what constitutes a cluster development is required. The definition will specify the types of building(s) that constitute a cluster development as well as the criteria that will trigger the need for a site plan approval. Staff are recommending that a Cluster Development be **defined as containing 5 or more units composed of two or more dwellings.**

3. Meet Private Roads Standards

It is recommended that all new cluster developments be required to meet the municipality's private road design and construction standards, found in the existing subdivision by-law. These standards exist to ensure that emergency service vehicles have sufficient space to navigate and that vehicles can safely be driven out of the property in the event of an evacuation. It also helps ensure that the construction of these roads is done properly with the proper site preparation and road base to prolong the life and function of the road.

4. Demonstrate Adequate Servicing

It is recommended that applicants demonstrate that their site can be properly serviced by water and wastewater treatment. For all defined cluster developments, the applicant would provide a servicing plan showing the layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines. For cluster developments with 10 or more units or where known water quality and quantity issues exist, the application would be required to perform a hydrogeological assessment and conform to the guidelines set out in Nova Scotia Environment's groundwater assessment standards.

5. Demonstrate Environmental Impact

Staff recommend that for cluster developments that contain 10 or more units, a development officer may require the applicant to demonstrate that the development would not cause unnecessary environmental harm.

6. Encourage the Development of Conservation Design Cluster Development

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space.

As part of these regulations, Council should consider the adoption of a policy to promote the goals of conservation design style cluster development as a means of meeting the requirements set out in the site plan approval process.

Report Preparation	
Department	Planning and Development
Report Prepared by	Jacob Macpherson, Planner I
Report Approved by	Reid Shepherd, Manager of Planning
Date Reviewed by C.A.O.	

Works Consulted

Municipality of Chester. (2022). MPS and LUB. Retrieved from https://chester.ca/government/plans-reports-and-strategies/municipal-planning-strategy

Municipality of the County of Kings. (2020). MPS and LUB. Retrieved from https://www.countyofkings.ca/residents/services/planning/

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Region of Queens Municipality (2022). MPS and LUB. Retrieved from https://www.regionofqueens.com/municipal-services/planning/land-use-planning

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Appendix III

PAC Report

Municipality of the District of Lunenburg

Regulatory Report

Report to: PAC

Prepared by: Jacob Macpherson, Planner I

Date: October 12, 2023

Re: Cluster Development Regulation Report

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Recommendation

That the Planning Advisory Committee respectfully recommend to Council that:

> **Council endorse the recommended cluster development regulation measures contained in Option 1 below and instruct staff to draft a Municipal Planning Strategy amendment and new Land Use By-Law respecting these measures to be brought before Council for First reading. Option 1 makes the following recommendations which are expanded upon in the report:**
>
> **1. Regulate Using the Site Plan Approval Process**

2. Establish Definitions and General Requirements

3. Meet Private Roads Standards

4. Demonstrate Adequate Servicing

5. Demonstrate Environmental Impact

6. Encourage the Development of Conservation Design Cluster Development

Discussion

The Municipality of the District of Lunenburg (MODL)'s Council directed staff to develop regulations for the construction of Cluster Developments in MODL.

Cluster developments, sometimes called grouped or cluster dwellings, are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. The objective of the new regulations is to ensure that new cluster development projects follow standards that are appropriate to the size, configuration, and location of the proposed development. This report presents planning staff policy recommendations for cluster development in MODL, focusing on human safety, service capacity, and the natural environment.

Steps Completed

Preparation of Background Report

Staff compiled a comprehensive cluster development background report that analyzed municipal legislation for cluster development. The report looked at existing regulations for cluster development in Nova Scotian municipalities to explore what regulations in MODL might look like.

Public Engagement Campaign

The Municipality pursued a variety of engagement methods to gather community input on matters related to cluster development while also increasing local awareness of the upcoming regulations. Advertising for the project itself was circulated through Facebook postings and radio ads. Feedback on the project was gathered through a three-question survey that received 137 responses. An open house was hosted in Cookville on July 10, 2023, and had more than 69 attendees.

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What we Heard Report

The What we Heard Report (WWHR) provides a summary of the feedback gathered from community members during the first round of public engagement on cluster development. The feedback covers various aspects of cluster development regulations, including:

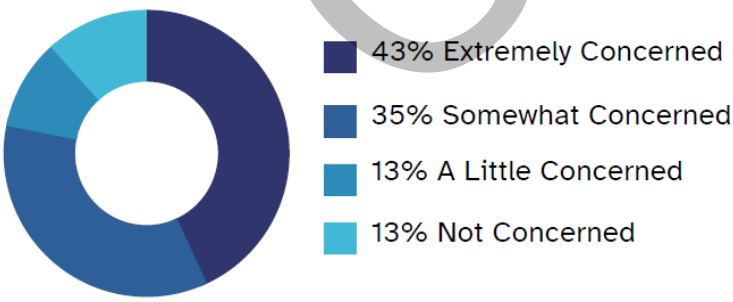
- road standards,
- servicing capacity,
- the environment,
- density, and
- the effect of new regulations on existing cluster developments.

The survey and open house were conducted to involve the community in the process of developing cluster development regulations, and the feedback received will serve as a valuable starting point for this project. The Cluster Development project commenced on June 2, 2023, and the Municipality is actively working on drafting the necessary regulations. The aim is to have these regulations in place and implemented by the end of 2023. The full Cluster Development WWHR can be found in Appendix A.

Survey

The survey, which received 137 responses, found an overall high level of concern for all listed aspects of cluster development. Of the respondents, 42% lived near a proposed or existing cluster development.

- The survey revealed that 43% of respondents were extremely concerned about **road construction and access** as an aspect of cluster development.



Concern for Road Construction/Access for Cluster Development (All Respondents)

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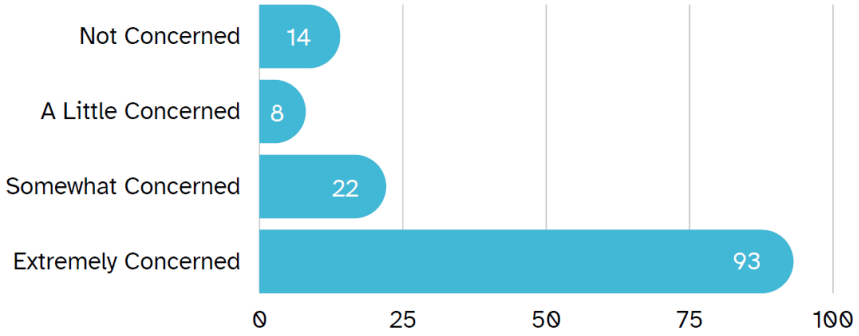
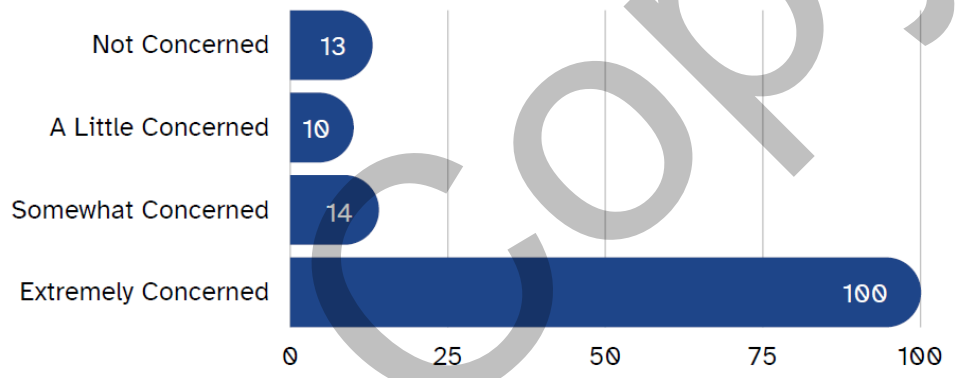
- 68% of respondents were extremely concerned about the effect that cluster developments can have on **water quality and quantity** under MODL's current regulations.



How concerned are you about the following aspects of cluster developments? - Water Quality and Quantity

- 73% of respondents were extremely concerned about **sewage treatment** as an aspect of cluster development.



How concerned are you about the following aspects of cluster developments? - Sewage treatment

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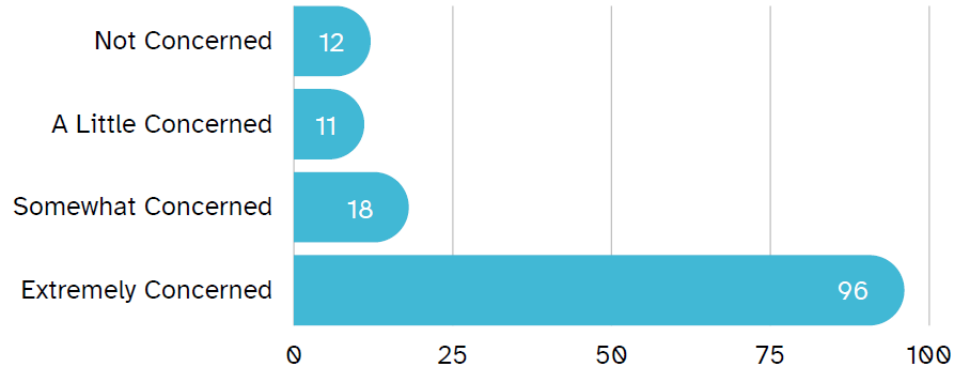
- 70% of respondents were extremely concerned about **environmental impacts** from cluster developments in the municipality.



How concerned are you about the environmental impacts of cluster developments?

Cluster Development Regulations

The primary objectives of these land use regulations are to prioritize human safety, ensure proper infrastructure standards, and preserve the natural environment against the potential impacts of development. The regulations aim to ensure that appropriate standards are applied to cluster developments while avoiding unnecessary requirements.

Staff Recommendations

1. Regulate Using the Site Plan Approval Process

The site plan approval process is a tool that enables the Municipality to establish additional criteria through the Land Use By-law where there are uses that require additional oversight or where there is a need to provide some flexibility in the ways land use controls are implemented. The approval itself could also deal with aspects such as locations of structures, vegetation, parking, access, lighting, and grading.

2. Establish Definitions and General Requirements

In order to properly regulate cluster developments, a clear definition of what constitutes a cluster development is required. The definition will specify the types of building(s) that constitute a cluster development as well as the criteria that will trigger the need for a site plan approval. Staff are recommending that a Cluster Development be **defined as containing 5 or more units composed of two or more dwellings.**

3. Meet Private Roads Standards

It is recommended that all new cluster developments be required to meet the municipality's private road design and construction standards, found in the existing subdivision by-law. **These standards exist to ensure that emergency service vehicles have sufficient space to navigate and that vehicles can safely be driven out of the property in the event of an**

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evacuation. It also helps ensure that the construction of these roads is done properly with the proper site preparation and road base to prolong the life and function of the road.

4. Demonstrate Adequate Servicing

It is recommended that applicants demonstrate that their site can be properly serviced by water and wastewater treatment. For all defined cluster developments, the applicant would provide a servicing plan showing the layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines. For cluster developments with 10 or more units or where known water quality and quantity issues exist, the application would be required to perform a hydrogeological assessment and conform to the guidelines set out in Nova Scotia Environment's groundwater assessment standards.

5. Demonstrate Environmental Impact

Staff recommend that for cluster developments that contain 10 or more units, a development officer may require the applicant to demonstrate that the development would not cause unnecessary environmental harm.

6. Encourage the Development of Conservation Design Cluster Development

Conservation Design Development is a form of residential subdivision designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space.

As part of these regulations, Council should consider the adoption of a policy to promote the goals of conservation design style cluster development as a means of meeting the requirements set out in the site plan approval process.

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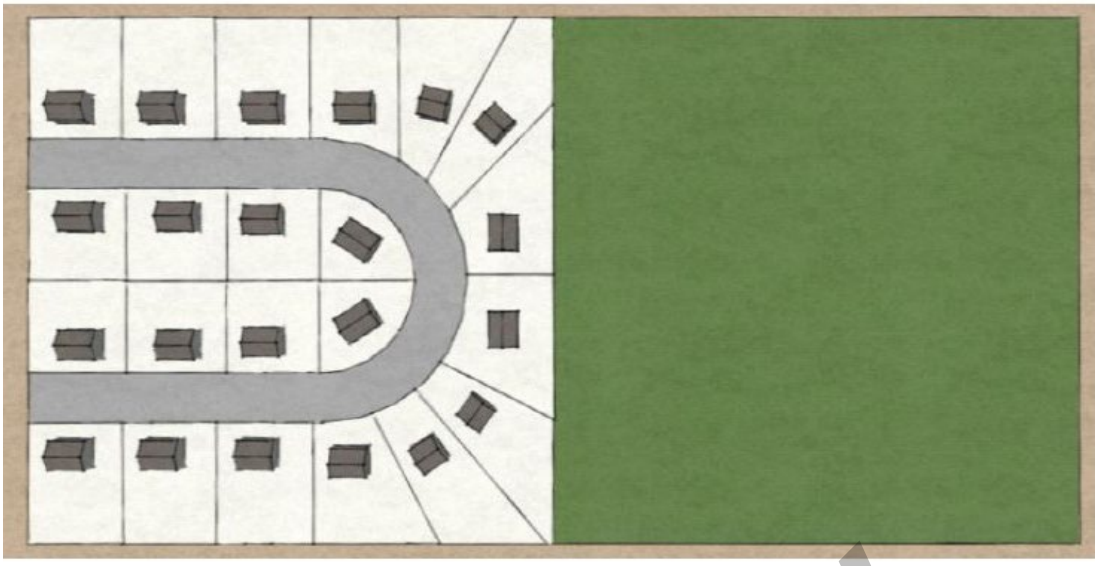

Example of Conservation Design Layout | Credit – Halifax Regional Municipality

Options

Option 1: Staff Recommended Option

This option entails implementing all six of staff's recommendations. Implementing these recommendations will cause the cluster development model to no longer be a more permissive approach compared to a residential subdivision.

The recommendations require all new cluster developments, defined as five (5) or more dwelling units within two or more dwellings on one lot, to undergo a site plan approval process. This process is designed to ensure that road standards are in place to ensure human safety, that the scale of cluster development does not exceed its potential service capacity for the development and surrounding properties, and that no unnecessary environmental harm is being caused by cluster developments.

Option 2: Do Not Implement Regulations

This option entails not implementing any of staff's recommendations, meaning cluster development will continue to lack specific regulations in the Municipality. Substandard roads potentially resulting from a lack of regulation may not be able to accommodate emergency service vehicles or vehicles which must be safely driven out of the property in the event of an evacuation, posing a risk to human life. Additionally, the public engagement process indicated that the lack of regulation around cluster development has caused servicing capacity and

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environmental considerations to go unaddressed, which would continue if no regulations were implemented.

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