

**PLANNING ADVISORY COMMITTEE MEETING
AGENDA**

**Thursday, November 23, 2017
7:00 P.M.**

Page

1. CALL TO ORDER
 2. ELECTION OF CHAIR AND VICE CHAIR
 - 2.1 Nomination of Chair
 - 2.2 Election of Chair
 - 2.3 Nomination of Vice Chair
 - 2.4 Election of Vice Chair
 3. REVIEW OF PROCEDURE FOR PUBLIC TO ADDRESS THE COMMITTEE – CHAIRPERSON (below)
 4. APPROVAL OF AGENDA (any other items to be added)
 5. APPROVAL OF MINUTES OF MARCH 30, 2017 MEETING AS CIRCULATED
 6. BUSINESS ARISING FROM MINUTES: (nil)
 7. PLANNING ADVISORY COMMITTEE MATTERS:
 - 6.1 Subdivision Bylaw Review Update.....1-10
 8. HERITAGE ADVISORY COMMITTEE MATTERS: (nil)
 - 8.1 Added Items (if any):
 9. IN CAMERA (if any):
 10. NEXT MEETING DATE: Thursday, January 25, 2018
 11. ADJOURNMENT
-

PROCEDURE FOR ADDRESSING THE COMMITTEE

An opportunity will be provided to all citizens to address the Committee on each agenda item shown on this Agenda or added to the Agenda by the Committee. Individuals who wish to address the Committee are asked to note the following:

- *On each matter on the Committee's Agenda, the Chair will seek public comment upon the completion of staff's presentation.*
- *Each person shall state their name.*
- *All statements and questions shall be directed to the Chairperson.*
- *Presentations shall be limited to 10 minutes. Persons wishing to address the Committee a second time will be given opportunity to do so once all others in attendance have had the opportunity to address the Committee. Persons addressing the Committee for a second time shall limit their presentations to 5 minutes.*

Anyone wishing to address the Committee on a matter note included on this Agenda can have the matter added to the next meeting's Agenda by contacting Jeff Merrill, Director of Planning, at 902-541-1340 or by email at planning@modl.ca

Meeting: PAC
Date: November 23, 2017
Item No.: 6.1
Approved By: J. Merrill



Subdivision Bylaw Review Consultation Report

Municipality of the District of Lunenburg

November 16, 2017

1.1 PROJECT OVERVIEW

The Municipality is conducting a review of its Subdivision By-law and Infrastructure Design Standards. The intent of this review is to update regulations that impact the design, maintenance and cost of publicly and privately owned infrastructure, and to create a user-friendly by-law that responds to current needs and future opportunities.

A number of factors have prompted this review:

- Since its last Subdivision By-law Review 18 years ago, the Municipality of the District of Lunenburg has undergone many changes.
- Considerable growth has occurred at the edges of the three towns the District surrounds.
- Climate change impacts the viability of public infrastructure.
- There is a growing recognition that the way we design our communities has a direct impact on the health of its residents.
- Private road residents are frustrated with the challenges of maintaining their private road.
- The review of the Subdivision By-law and Infrastructure Design Standards is an opportunity to address current shortcomings and ready the Municipality for the future.
- The Municipality wants to make the Subdivision By-law more user-friendly.

1.2 ENGAGEMENT STRATEGY

The engagement strategy sought to involve stakeholders in the development industry, residents on private roads, as well as the general public. Focus groups were held with stakeholders and residents by invitation, and two open houses enabled the public to learn about the process and provide input. The open houses was promoted with advertisements in the newspaper. As an option for people who prefer to provide input privately, an online and print survey was also available to the public and stakeholders. It was promoted through the Municipality's facebook page.

Key questions the consultation sought to explore included:

- Are there concerns about the way we design and build infrastructure for new developments?
- Should the Municipality consider new infrastructure standards for roads, curb & gutter, storm water drains, street lights, bike lanes, trees and landscaping?
- How should new developments adjacent to Towns look?
- Should the Municipality extend infrastructure from adjacent Towns?
- Should the Municipality identify infrastructure service areas and make it easier to develop in these areas?
- What concerns exist around private roads and how should they be addressed?
- How could the Municipality better inform residents about private road regulations?

1.3 DEVELOPMENT
STAKEHOLDER
FOCUS GROUP

A focus group meeting with development stakeholders was held at 9:00 am on November 1st at the Municipal Building. There were 14 individuals in attendance, including people with backgrounds in surveying, architecture, investment and construction, and engineering. The objective of the meeting was to understand both general and specific issues being experienced by stakeholders in the development community. The format was an open discussion with each person providing their point of view among the group.

Types of Development

- Acquired land outside of Bridgewater. “Retirement project” turned into a full-time effort.
- Vision: Keep natural landscape as much as possible, use of covenants to build to specific market size
- Initially lakefront developments - specific market segment of limited market size in Lunenburg Co.
- Each individual parcel is not created in advance - parcels created to meet a demand (cannot afford costs associated)
- Vision: Clustered residences being tied to agricultural use a development that cultivates property, not consumes the property.
- Steep terrain of the area / property affects the type of existing lots
- Recognized narrow (traditional) private road provided for access and historic use of right-of-ways in community.
- Three subdivisions, some included the use of private roads. Built houses in 1970s/1980, also built to suit a specific market size (1200 square feet)
- Experience with subdivision of lots on public roads - much higher costs associated.
- Development activity in Lunenburg Co is slow - pace possibly as low as 1 lot / year on average, for many local developments. Attributed back to lack of any local employment growth.
- Market reality: “We don’t survey 10 lots & approve 10 lots & develop the same 10 lots all in one year.”

Taxation Issues

- Taxes are significant issue in impacting how land is subdivided. In particular, the immediate taxation / assessment of lots created at subdivision.
- Tax burden immediately put on a developer when a parcel is created. If the lot is not being sold, the tax burden is too onerous on developer, cannot hold on to a number of lots that are not in the process of development.

- Not being able to develop land because of rules regarding available access.
- Costs to a developer becoming more prohibitive over time - agrees tax bill on approved undeveloped lots can be too much of a hit. Associated costs upfront, with slow return.
- Opposed to 2% recreation surtax (open space) imposed at subdivision. Discourages development, payment goes to general recreation, not attributed back to new subdivision.

Road Standards

- Demand is not here for fronting the costs of building to municipal road standard.
- In some cases (lakefront developments) - roads are '000s feet to access marketable lots. Costs for access can scale to a \$1M, without any lots being sold, if required to be built to a municipal standard.
- There is some association with the time of road creation (late 70s/early 80s) where design standards were different / intent of developments were different (cottage lots). There is an increasing ratio of fulltime residents with transition of cottage lots to allow full-time use. Road standard and maintenance expectations change for some.
- The point of access into the provincial road does require proper access, but that inside a subdivision itself, it doesn't need oversight. Allow road design to follow where it needs to go.
- An engineer designed standard for identified (existing) roads where it would be impossible to do upgrades.

Other Issue or Ideas

- Delays in approval process, months to obtain a response on design aspect.
- The creation of flag lots for access purposes (requiring 20 feet of frontage). Flag lots are difficult to deal with in the design of the subdivision.
- Subdivision rules should not be too inflexible - alternative design aspects must be considered - in particular, where subdivision rules might restrict enabling compact, traditional settlement patterns.

1.4 PRIVATE ROAD
FOCUS GROUP

A focus group meeting with private road residents was held at 11:00 am on November 1st at the Municipal Building. There were 30 individuals in attendance, including people with backgrounds in surveying, architecture, investment and construction, and engineering. The objective of the meeting was to understand both general and specific issues being experienced by stakeholders in the development community. The format was an open discussion with each person providing their point of view among the group.

Private Road Construction Standards

- Problem with many older subdivision roads, where they were never constructed to any standard, and current residents are left with the issue of maintenance and possible upgrading costs.
- Existing roads that are only 25ft wide: the road width was never constructed wide enough - the costs would be too much to present day property owners to re-develop / re-construct the road right-of-way.
- Considers that standards need to be implemented at the time of construction, not try to re-develop roads afterward. - "What happens to all of us currently living on private roads?"
- Municipal financial assistance would be required if there is any requirement to upgrade existing private roads to the identified public road standards.
- Considers that the Municipality is not interpreting / carrying out the By-law's intent - should be requiring that all roads be constructed to a standard, when they are first developed.
- Sarah Drive is presently being built to the municipal road standard by the developer. The developer owns the parcel until it is completed to the identified requirements, and then it will be deeded over to the Municipality. Sarah Drive is a (rare) example of a road being constructed to the municipal road standard at its initial point of development. The developer's intent was never to build a "private road."
- Build the road to a standard, regardless if it is being passed to Municipality. The standard does not need to be to the standard set for a municipal (public) road.
- Happy living on a private road - identified reasons as expressed by others. Happy to live on a road that isn't built to the standard of a public highway - but built to an identified standard.
- All private road right-of-ways should be 66 feet. Developers need to provide that 66 feet - that width standard should be implemented when the road is built.
- Considers all roads should be built to an emergency services access standard, whether public or private.
- Developers should be held to a legal responsibility, to maintain the road, beyond the initial "3 year" period.

- The regulations need to be tighter - make developers comply. Do not make them in any way weaker.
- Roads should be built to a certain standard. They do not have to all become municipal (public) roads. But there are reasons for standards - safety for emergency / fire. It can't be "buyer beware"
- Concerned with the idea that all roads should be built to an identified width. Prefers a narrow width than what is identified with public highways. Consider it is possible that there can be different categories of road standards, based on road traffic, its length, use - possibly similar requirements for ditching, subsurface.

Road Maintenance or Upgrades

- Lives on a private road with an established association - 55 residents - 30 seasonal and 25 full time. Road is still owned by original developer. Nothing is provided for maintenance - expectations are on the property owners. "feels like we are being used" Original road base was built with what was at hand (logs, rocks) - costs would be prohibitive to upgrade. Considered a divisive issue for the community, with full-time residents paying, and seasonal residents not on the same financial hook.
- Upgrading road would be beyond the ability to pay.
- 6.5km road built 35+ years ago. 62 properties, mix of seasonal and fulltime residents. Number of fulltime residents increasing over time. Developed private association several years ago, made maintenance issues much easier once association was incorporated - subcommittee now identified specific to road issues. Collection less of an issue by having the Municipality undertake collection via tax billing. No interest in seeing the road become a municipal road - wish to remain private. As others stated: road was not built to a recognized standard at the time of construction - any issues with road base needing correction is being identified via maintenance budget.
- Issue with how private road associations can be formed: currently, as the only fulltime resident in a subdivision of 20 lots, cannot contact other (non-resident) landowners to get an association incorporated, so that the road can be properly maintained
- Wants the Municipality to identify where there are challenges with (some) private roads, which have seen increased traffic over time, and where initial construction has caused present-day maintenance issues.
- Expressed concern that current private roads are "in limbo."

Taxation and Fee Issues

- Properties located on private roads pay taxes, but receives no services / less municipal services. There should be recognition of that lack of services.
- As part of this Review: Municipality should re-consider its current process of charging developers a fee for open space / green space. Resident supports the open space fee concept, but it should be permitted that the Municipality be able to acquire property instead of, or in concert with, the fee.
- No snow plowing, no garbage collection, green bins are taken out to the end of the private road: paying the same tax rates as other residents, but receiving no services. Also paying for own road maintenance.
- Taxed the same as other property owners, but receiving no services. Consideration of whether there can be a tax break for property owners located on private roads who pay for their own road maintenance, or a tax credit for services that a resident does not get (garbage pickup, snow clearing).

Other Comments and Issues

- Resident does not believe any municipal open space should be located on a private road. Any access to public land should be over a public road. Any existing public open space parcels that are found on private roads, as a result of past subdivisions, should be sold by Municipality.
- There is a boat launch in the subdivision, with signage for public use - questions how a public site be accessed by a private road / open to the public.
- The Municipality should also require setbacks from waterways and buffer zones along watercourses. Points to example on other side of Sherbrooke Lake not having residences in as close proximity to water.

1.5 PUBLIC OPEN HOUSES

The public open houses were held on November 1, at 3:00 and 6:00 pm. A total of 19 people attended. A series of display panels presented information and questions, and input was collected on post-it notes.

General Comments

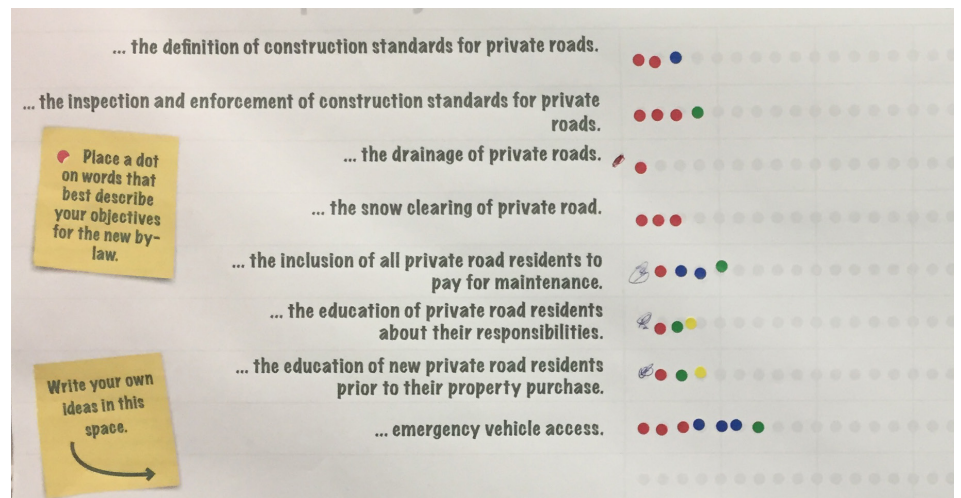
Stipulations regarding private roads are included in covenants. The maintenance and care. If the road is constructed in a manner whereby municipal plowing can take place, then it should.

Flag lots used as private roads is way out of date.

Address issues where by-laws fail due to non-resident not participating in process. i.e. make it mandatory or give alternative.

We pay high tax rate and we have to also pay high cost of road maintenance.

The municipality should consider improvements to...



1.6 SURVEY

The survey is currently open for responses. A summary of results will follow.

UPLAND