



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.5
North West Community Council
December 13, 2021

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original Signed -
Caroline Blair-Smith, Acting Chief Administrative Officer

DATE: November 22, 2021

SUBJECT: **Case 22670: MPS and LUB amendments to allow for industrial and highway commercial uses on the Conrad Quarry Lands, Montague Gold Mines and Waverley**

ORIGIN

Application by Summit Rock Developments Ltd. on behalf of Conrad Brothers Ltd.

On September 6, 2016, Regional Council passed the following motion:
THAT Halifax Regional Council:

- 1. Include the 53 and 242 acre parcels shown on Attachment A of the Staff Report dated June 7, 2016 within the Port Wallace Secondary Planning study area; and*
- 2. Initiate a Municipal Planning Strategy amendment process to zone the Conrad quarry lands shown on Attachment A of the staff report dated June 7, 2016 for industrial and highway commercial uses and follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.”*

On March 27, 2018, Regional Council passed the following motion:
THAT Halifax Regional Council refer further consideration of the request for industrial and highway commercial uses on the entire Conrad Quarry lands in Waverly to the Port Wallace Secondary Planning Process.

On November 12, 2019, Regional Council passed the following motion:
THAT Halifax Regional Council direct the Chief Administrative Officer to:

- 1. Direct staff to proceed with the Port Wallace Secondary Planning work plan, as outlined in the Discussion section of the staff report dated October 15, 2019, and return to Council for direction on the secondary planning process after Nova Scotia Land Inc. completes the risk assessment and management plan for the former Montague Gold Mines site, including the Municipally-owned lands surrounding Barry’s Run and any other third-party impacted lands located within the secondary planning study area.*

RECOMMENDATIONS ON PAGE 2

2. *Initiate a process to consider amendments to applicable secondary municipal planning strategies and land use by-laws to enable industrial and highway commercial development on the Conrad Quarry lands, consistent with the policy direction outlined within the Discussion section of the staff report dated October 15, 2019 and follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.*
3. *Monitor progress with the Province on the determination of the risk assessment and management plan for the Municipally owned land surrounding Barry's Run and any other third-party impacted lands located within the Port Wallace Secondary Plan study area and report back to Council with an update within the next six months.*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

HRM Charter, clause 25(c) as follows:

25 The powers and duties of a community council include

(c) recommending to the Council appropriate by-laws, regulations, controls and development standards for the community;

RECOMMENDATION

It is recommended that North West Community Council:

1. Recommend that Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17, as set out in Attachments A and B of this report, to allow industrial and highway commercial uses on the Conrad Quarry Lands and schedule a public hearing; and
2. Approve the proposed amendments to the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17, as set out in Attachments A and B of this report, to allow industrial and highway commercial uses on the Conrad Quarry Lands.

BACKGROUND

A proposal to enable highway commercial and industrial and highway commercial uses on the Conrad Quarry Lands (Map 1) was previously considered by Regional Council through a separate planning process (Case 20800).¹ In March 2018, following a public hearing and consideration of proposed Secondary Municipal Planning Strategy (SMPS) and Land Use By-law (LUB) amendments, Regional Council directed that the proposal be incorporated into the Port Wallace Secondary Planning Process to provide further opportunities for public engagement and review. In November 2019, Regional Council initiated a new SMPS amendment process (Case 22670) and directed that the planning review be guided by consideration of specific policy, independent of the Port Wallace Secondary Planning Process.

In November 2019, staff provided an environmental update regarding contaminated municipal lands located along Barry's Run, a watercourse and wetland/bog system that flows through the centre of the Port Wallace

¹ HRM Staff Recommendation Report. 2018. [Case 20800: Municipal Planning Strategy and Land Use By-law amendment to allow for industrial and highway commercial uses on the Conrad Quarry lands in Waverley.](#)

Secondary Planning Study Area (PWSPSA) and into Lake Charles. Staff presented findings from an Environmental Site Assessment (ESA) completed by Dillon Consulting and commissioned by the Municipality. Following receipt of the update, Regional Council approved a workplan for the Port Wallace Secondary Planning Process whereby some technical components related to the project would continue to be considered and others would pause until environmental risks could be thoroughly studied and managed.

Regional Council Direction

Given the Conrad Quarry Lands current land uses (active quarry, asphalt plant, concrete plant, etc.), proximity to Highway 107, and the work already completed, Regional Council initiated a new SMPS amendment process (Case 22670), independent of the Port Wallace Secondary Planning Process. This new process allowed for consideration of highway commercial and industrial land uses on the Conrad Quarry Lands in the near term. In recognition of the public feedback received and work completed to date, Regional Council directed that the planning review be guided by the following:

1. Only consider on-site serviced development (well and septic), with any consideration of central water and sewer services continued to be considered through the Port Wallace Secondary Planning Process;
2. Use the draft industrial-commercial, and general industrial zones, presented to the Port Wallace Public Participation Committee (PWPPC) for comment in 2018,² as the starting point for further reviews and public engagement;
3. Require buffering between new industrial development and adjacent residential areas;
4. Require advanced storm water management practices to be employed; and
5. Coordinate the drafting of SMPS and LUB amendments with the Burnside rezoning project and Plan and By-law Simplification Program.

This report responds to Regional Council's direction and provides recommendations regarding proposed SMPS and LUB amendments which allow for future consideration of industrial and highway commercial development on the Conrad Quarry Lands. As part of their direction, Regional Council also adopted a public engagement strategy for the new SMPS process in accordance with the public participation program for municipal planning strategy amendments, as approved by Regional Council on February 27, 1997.

Site Context

The 525 acre (213 hectares) subject site is located within three plan areas (Cole Harbour/Westphal, Dartmouth, and Planning Districts 14/17) with a mixture of industrial, residential and protected water supply zoning. As a result, SMPS and LUB amendments to all three plan areas are needed to permit the proposed land uses. Also important to note, a 242 acre (98 hectare) portion of the subject site is included in the Port Wallace Secondary Planning Strategy study area, a master planning initiative that is considering the extension of central water and sewer services. The draft Port Wallace Planning Study identifies the subject site as a potential location for future industrial and highway commercial development.

Subject Site	PIDs 00276105, 00276188, 00275966, 40174286, 41168279
Location	North of interchange of Hwy.107 By-pass and Montague Road
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Planning Districts 14 & 17: Residential, Watershed Cole Harbour/Westphal: Rural Residential, Watershed Dartmouth: Residential
Zoning (Map 2)	Planning Districts 14 & 17: I-3 (Light Industrial), PWS (Protected Water Supply) Cole Harbour/Westphal: R-1 (Single Unit Dwelling, R-7 (Rural Estate), and PWS (Protected Water Supply) Dartmouth: R-1 (Single Family Residential)
Size of Site	525 acres (213 hectares)

² Halifax Regional Municipality. [Draft industrial-commercial and general industrial zones](#). Presented to the Port Wallace Public Participation Committee (PWPPC) on December 12, 2018.

Street Frontage	Over 2 km. along Highway 107 and Montague Rd.
Current Land Use(s)	Active quarry, asphalt plant, concrete plant, soil remediation facility, maintenance facility, storage of travel trailers and shipping containers
Surrounding Use(s)	Single unit dwelling subdivisions, Lake Major Water Supply Watershed

SMPS and LUB Context

The site is within three plan areas (Cole Harbour/Westphal, Dartmouth, and Planning Districts 14 and 17) with a mixture of industrial, residential and protected water supply zoning. Based on aerial photographs, the existing businesses appear to be located within the industrially zoned area of the site. Any industrial buildings that are located in a residential zone would be deemed non-conforming and would be subject to the corresponding expansion, discontinuance and destruction provisions of the *HRM Charter*.

In addition, it is important to note that quarry operations are not subject to municipal land use by-laws, but are instead regulated by the Province under an industrial permit through the Nova Scotia Department of Environment and Climate Change.

DISCUSSION

The SMPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to a SMPS are significant undertakings and Regional Council is under no obligation to consider such requests. In this case, staff advise that the proposed amendments are consistent with the Regional Plan and therefore recommend approval. The following sections review the rationale and content of the proposed SMPS and LUB amendments.

Regional Plan

One of the economic objectives established by the Regional Plan is to “ensure that there are sufficient lands available around the harbour and in business parks to provide economic opportunities”.³ The proposal responds to this objective by increasing the lands available for heavy industrial uses that can be difficult to locate in rural areas and existing industrial parks. Policy EC-8 also states that “HRM may consider permitting private business parks in appropriate locations within or adjacent to designated growth centres.” Port Wallace is a designated growth area.

Site Suitability

A large portion of the site is actively being mined for aggregate and is expected to continue for the foreseeable future. These lands offer an excellent redevelopment opportunity for industrial and highway commercial uses. Except for a small portion of the site abutting the Forest Hills Connector, the lands are not visible from surrounding roads or homes and there is no evidence that existing industrial and commercial uses have caused conflict with neighbouring residential properties. In addition, zoning provisions are included in the proposed amendments that require any development that abuts a residential or community facility zone to be screened by either a berm or vegetated area that is at least 50 metres (164 feet) wide.

In terms of access, the subject site is particularly suited to uses that would benefit from having direct access to the regional highway network and that are not easily integrated into residential communities. These would include processing and manufacturing operations, construction and maintenance operations, distribution businesses, storage and outdoor display courts. The permitted uses, as contained in the proposed LUB amendments (Attachment B), allow these uses to be considered through the as-of-right permitting process. In addition, the Land Suitability Assessment Study⁴, completed as part of the Port

³ Halifax Regional Municipality. October 2014. [Halifax Regional Municipal Planning Strategy](#). P.64.

⁴ WSP Canada Inc. 2016. [Land Suitability Analysis: Port Wallace Secondary Planning Study Area](#).

Wallace master planning project, did not identify any reasons why the subject site would be unsuitable for industrial or highway commercial development.

Traffic and Infrastructure

Future infrastructure upgrades are currently being assessed through the master plan infrastructure study for the Port Wallace Secondary Planning process. The Regional Plan does not allow the extension of municipal services until charges needed to pay for transportation upgrades have been approved by Regional Council and charges needed for water, wastewater and stormwater services have been approved by the N.S. Utility and Review Board.

Traffic generation is not expected to increase significantly until municipal water and wastewater services are extended to the site. It should also be noted that Waverley Road and Braemar Drive are not designated truck routes under the Municipality's Truck Route By-law (T-400) and therefore truck traffic from businesses travelling to and from the site would be required to travel on the Forest Hills Extension (Highway 107) unless making a local delivery. Provided the proposed amendments are approved, any request to develop permitted uses on the subject site may be subject to a traffic impact analysis prior to the issuance of construction permits.

Proposed Amendments

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed SMPS and LUB amendments. Staff also considered the direction provided by Regional Council in 2019, as part of the planning review for this project. A summary of the proposed amendments is as follows:

- The subject site will be municipally governed by the MPS and LUB for Planning Districts 14 and 17. Portions currently located within the Cole Harbour/Westphal and Dartmouth MPS and LUB will be removed;
- All portions of the subject site, located within the Lake Major Watershed Protected Water Area Designation⁵, will not permit industrial or commercial highway use(s). Lands currently designated Watershed or zoned Protected Water Supply will retain these designations and zones;
- Outside of the watershed lands, the remainder of the site will be designated "Light Industrial" and zoned GI (General Industrial) and CI (Commercial Industrial);
- The GI (General Industrial) and CI (Commercial Industrial) Zones, established specifically for the subject site, allow for a range of intensive industrial uses and highway commercial uses that are suitable for the site.
- The GI (General Industrial) Zone is proposed to be applied to the centre of the subject site to increase separation from adjacent residential development;
- The CI (Commercial Industrial) Zone is proposed to be applied between the GI zone and adjacent residential development;
- All development is subject to By-law G-200, a By-law Respecting Grade Alteration and Halifax Stormwater Management Standards for Development Activities.⁶
- Proposed amendments to the Land Use By-law for Planning Districts 14 and 17 have been reviewed for consistency with previously approved amendments for the Burnside rezoning project (Case 21808) and Plan and By-law Simplification Program; and
- The proposed SMPS policy and LUB regulations consider future development in an un-serviced capacity (requiring on-site water and wastewater infrastructure). Future development of central water and sewer services, on a portion of the subject site, are subject to consideration and development of the Port Wallace master planning initiative.

Conclusion

Staff have reviewed the request and the existing policy context and advise that the SMPS should be amended to permit industrial and highway commercial uses on the subject site. The site contains an active quarry and existing industrial uses, while proposed buffering controls mitigate potential land use conflict

⁵ N.S. Reg. 57/86, April 8, 1986. [Lake Major Watershed Protected Water Area Designation](#)

⁶ Halifax Regional Municipality. 2020. [By-law G-200: Grade Alteration By-law](#).

issues. In addition, the subject site is readily accessed by the regional highway network and any needed infrastructure upgrades are being considered as part of the Port Wallace Secondary Planning process. Therefore, staff recommend that the North West Community Council recommend that Regional Council approve the proposed SMPS and LUB amendments, as presented in Attachments A and B.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this request can be accommodated for within the approved 2021-2022 operating budget for C320 Regional Policy Program.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This request involves proposed SMPS amendments with associated amendments to the land use by-law. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on February 12, 2020. Attachment C contains a copy of the minutes from the meeting. The public comments received include the following topics:

- traffic levels on the Forest Hills Connector and Waverley Road/ Braemar Drive, which people noted is already congested during peak commuting times;
- buffering between existing residential development and the proposed industrial land uses; and
- concerns that several uses, such as composting and construction and demolition and debris operations, would be incompatible with neighbouring residents.

A public hearing must be held by Regional Council before they can consider approval of the proposed SMPS and LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 (Zoning) will be notified of the hearing by regular mail.

ENVIRONMENTAL IMPLICATIONS

The Land Suitability Assessment Study⁷ found no evidence that the subject site is not suitable for industrial or highway commercial development.

ALTERNATIVES

North West Community Council may choose to recommend that Regional Council:

⁷ WSP, 2016. [LSA](#).

1. Modify the proposed amendments to the SMPS and LUB for Cole Harbour, Dartmouth, and Planning Districts 14 and 17 as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*;
2. Refuse the proposed amendments to the SMPS and LUB for Cole Harbour, Dartmouth and Planning Districts 14 and 17. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning

Attachment A: Amendments to the Municipal Planning Strategies for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17

- Schedule 1
- Schedule 2
- Schedule 3

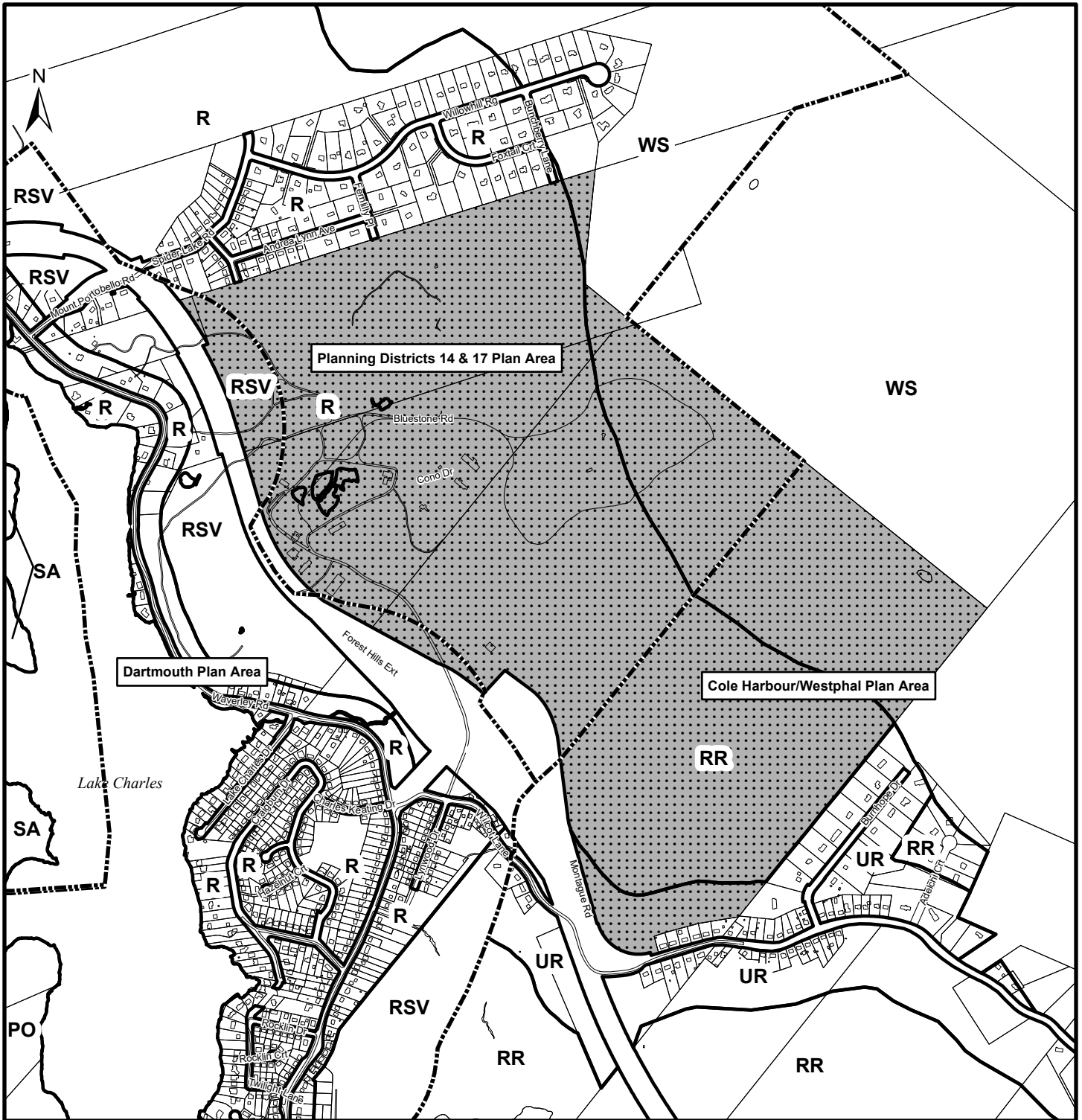
Attachment B: Amendments to the Land Use By-laws for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17

- Schedule 4
- Schedule 5

Attachment C: Minutes of the February 12, 2020 Public Information Meeting


A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Tyson Simms, Planner III, Regional Policy Program, Planning & Development,
902.717.5309



Map 1 - Generalized Future Land Use

Montague Gold Mines

 Subject Properties

Planning Districts 14 & 17 Designations

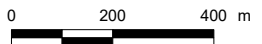
- R Residential
- WS Watershed
- SA Special Area

Cole Harbour/Westphal Designations

- UR Urban Residential
- RR Rural Residential
- WS Watershed

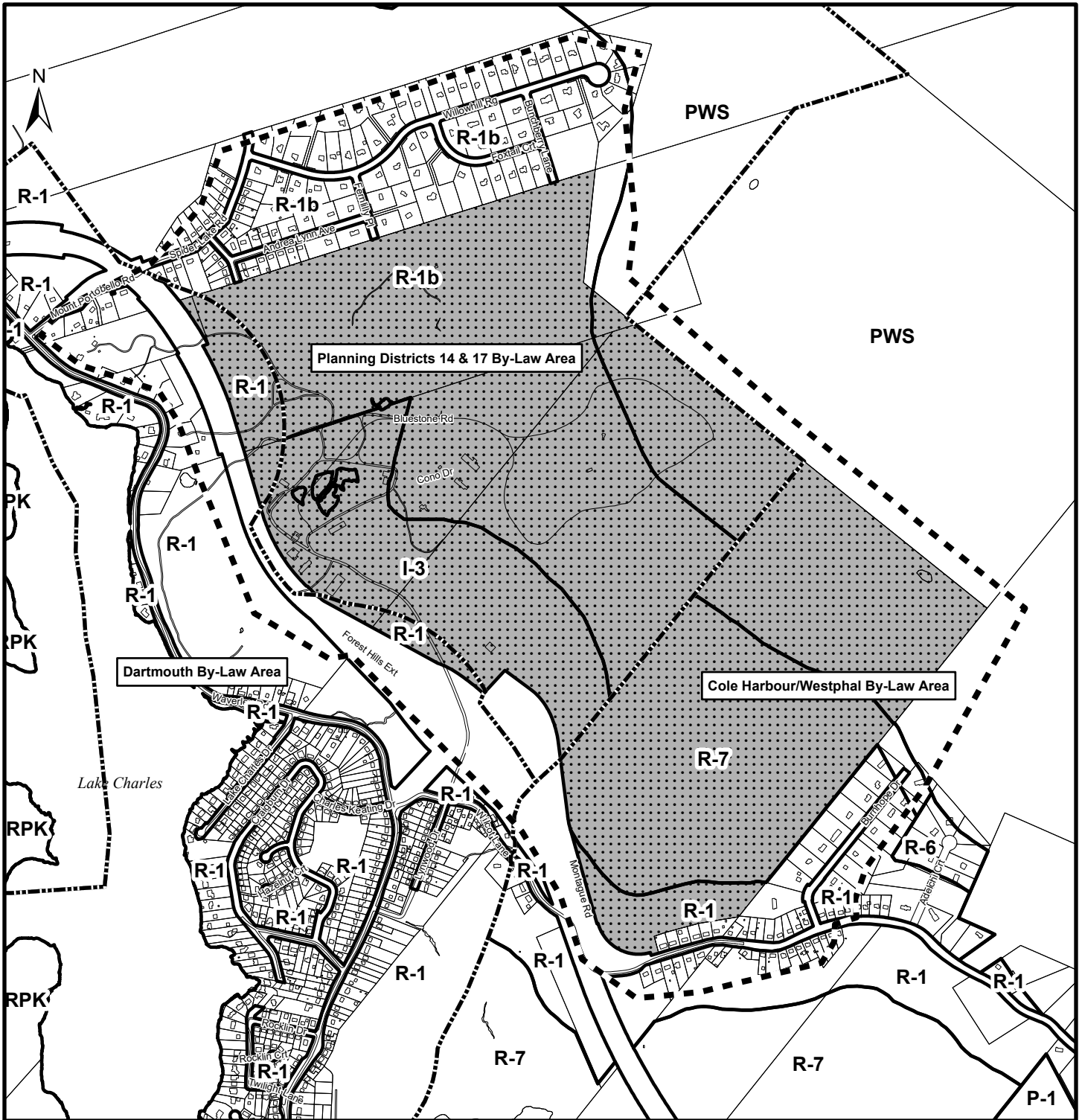
Dartmouth Designations

- R Residential
- RSV Reserve
- PO Park & Open Space



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning and Notification

Montague Gold Mines

 Subject Properties

 Area of Notification

Planning Districts 14 & 17 Zones

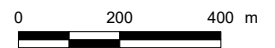
R-1b Suburban Residential
 I-3 Light Industry
 PWS Protected Water Supply

Cole Harbour/Westphal Zones

R-1 Single Unit Dwelling
 R-6 Rural Residential
 R-7 Rural Estate
 P-1 Open Space
 PWS Public Water Supply

Dartmouth Zones

R-1 Single Family Residential
 RPK Regional Park



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Attachment A

Proposed Amendments to the Municipal Planning Strategies for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Cole Harbour/Westphal, the Municipal Planning Strategy for Dartmouth, and the Municipal Planning Strategy for Planning Districts 14 and 17 are hereby amended as follows:

1. Removing the land shown on Schedules 1 and 3 from the Cole Harbour/Westphal Plan Area boundary and adding the lands to the Planning Districts 14 and 17 Plan Area boundary by amending:
 - (a) Map 1, Cole Harbour / Westphal Generalized Future Land Use, of the Municipal Planning Strategy for Cole Harbour/Westphal; and
 - (b) Map 1B, Shubenacadie Lakes Plan Area (Planning Districts 14 & 17) Generalized Future Land Use, of the Municipal Planning Strategy for Planning Districts 14 and 17.
2. Removing the land shown on Schedules 2 and 3 from the Dartmouth Plan Area boundary and adding the lands to the Planning Districts 14 and 17 Plan Area boundary by amending:
 - (a) Map 10, Dartmouth Generalized Future Land Use, of the Municipal Planning Strategy for Dartmouth; and
 - (b) Map 1B, Shubenacadie Lakes Plan Area (Planning Districts 14 & 17) Generalized Future Land Use, of the Municipal Planning Strategy for Planning Districts 14 and 17.
3. Amending Map 1B, Shubenacadie Lakes Plan Area (Planning Districts 14 & 17) Generalized Future Land Use of the Municipal Planning Strategy for Planning Districts 14 and 17 to designate and redesignate the lands as per Schedule 3.
4. Following policy P-101 of the Municipal Planning Strategy for Planning Districts 14 and 17, amending the introduction to the section entitled "Industrial Designation" by adding the words shown highlighted below.

INDUSTRIAL DESIGNATION

The presence of major transportation systems throughout the Plan Area has improved the locational advantages offered to industrial development and has created demands for industrial sites.

Existing industrial development is scattered throughout the Plan Area, although there are concentrations at Halifax International Airport, in the Windsor Junction and Lakeview areas, ~~and~~ along Rocky Lake Drive in Waverley **and at the quarry lands to the north of the Montague Road/ Highway 107 by-pass interchange.**

5. Within the Municipal Planning Strategy for Planning Districts 14 and 17, insert policy P-119A between policies P-119 and P-120 as presented in the following bolded text.

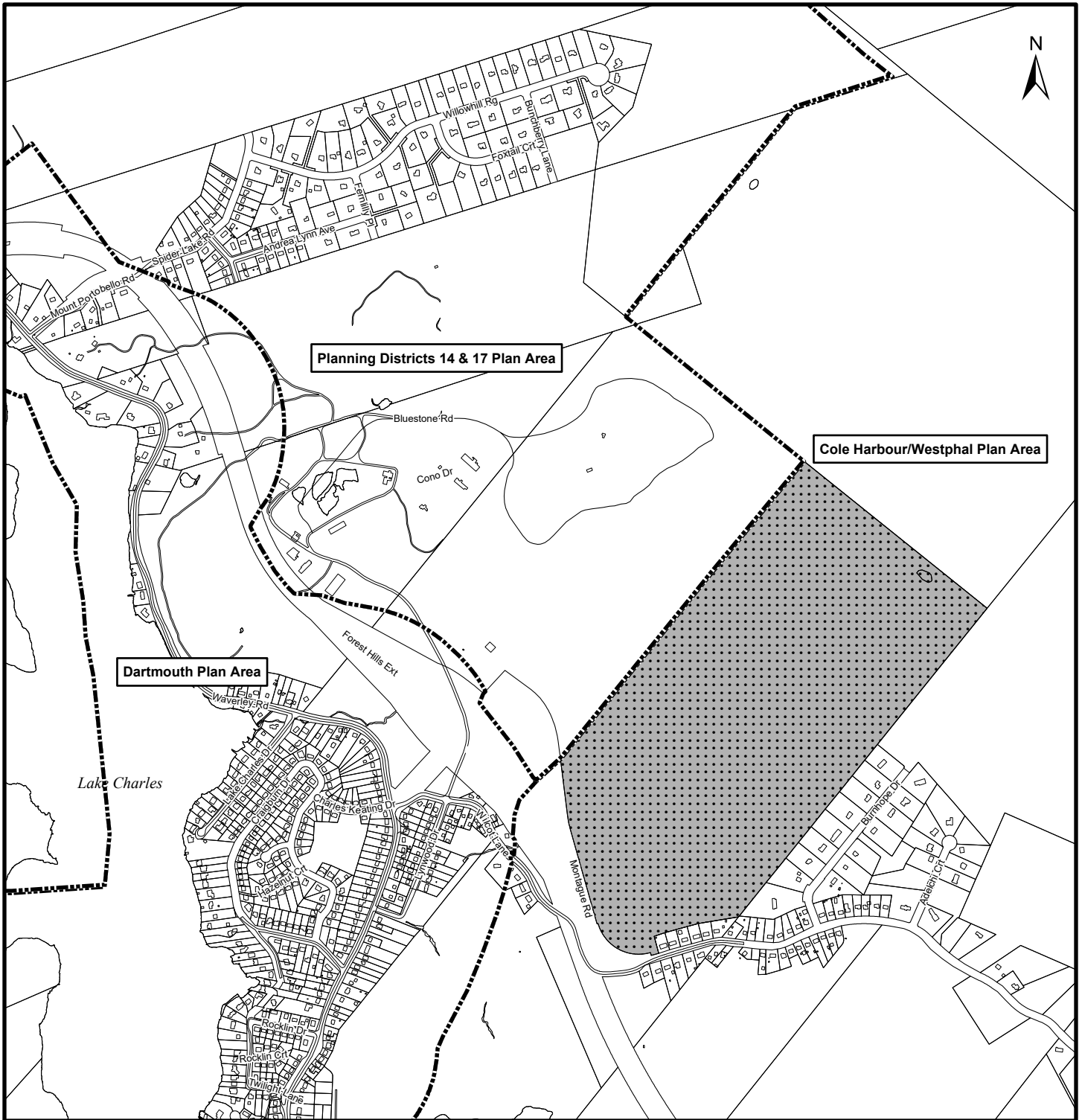
P-119A It shall be the intention of Council to establish the Commercial Industrial (CI) Zone and the General Industrial (GI) Zone over the quarry lands to the north of the Montague Road/Highway 107 by-pass interchange, except for the lands within the Lake Major water supply watershed. The zones will permit highway commercial

and industrial uses that can benefit from direct access to the regional road network and that are not easily integrated with residential developments.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the _____ day of _____, 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this _____ day of _____, 201__.

Municipal Clerk



Planning Districts 14 & 17 Plan Area

Cole Harbour/Westphal Plan Area

Dartmouth Plan Area

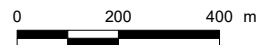
Lake Charles

Schedule 1

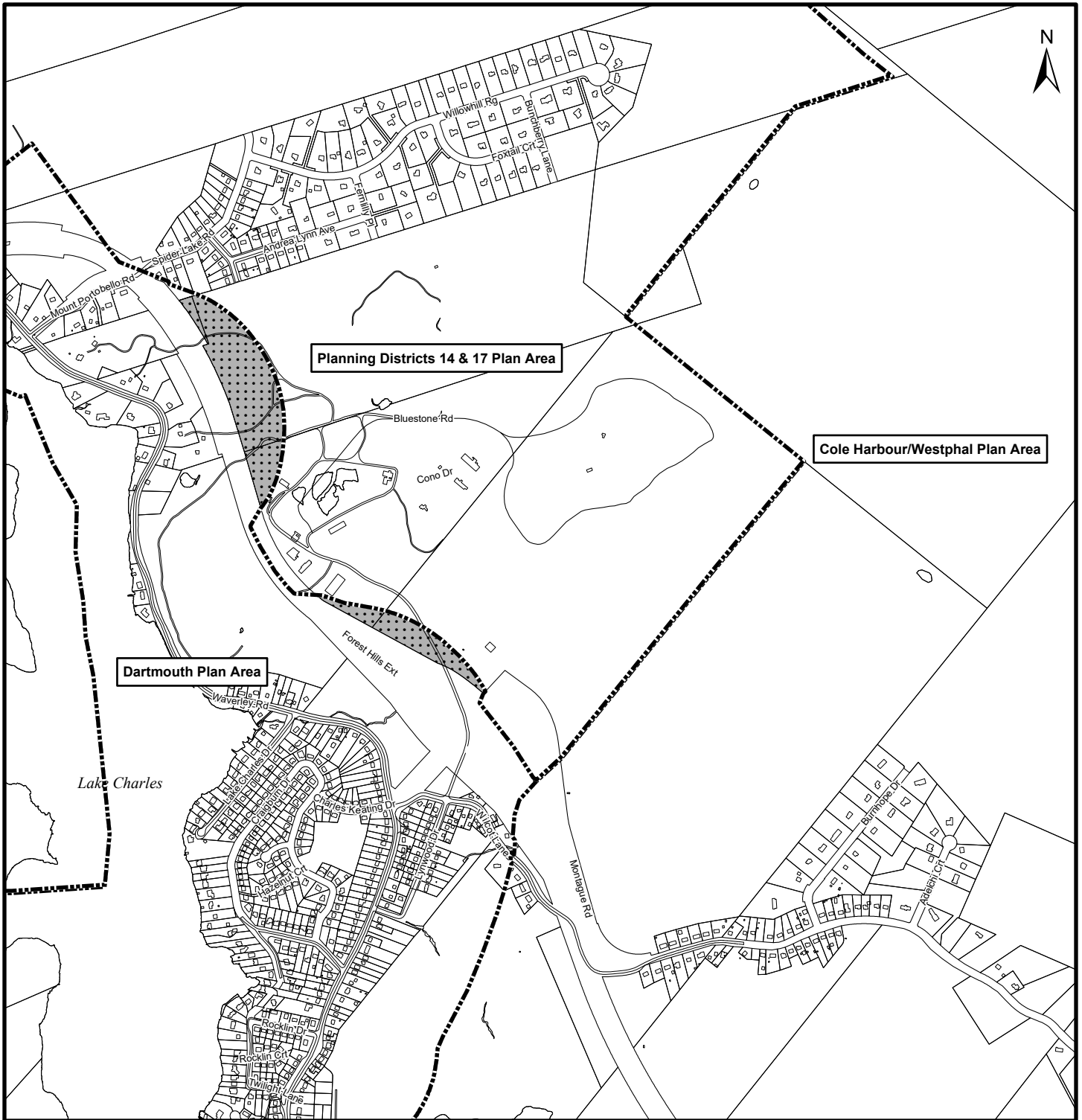
Montague Gold Mines



Lands to be Removed from Map 1 of the Cole Harbour/Westphal MPS and added to Map 1B of the MPS for Planning Districts 14 & 17 (Shubenacadie Lakes)



The accuracy of any representation on this plan is not guaranteed.

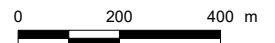


Schedule 2

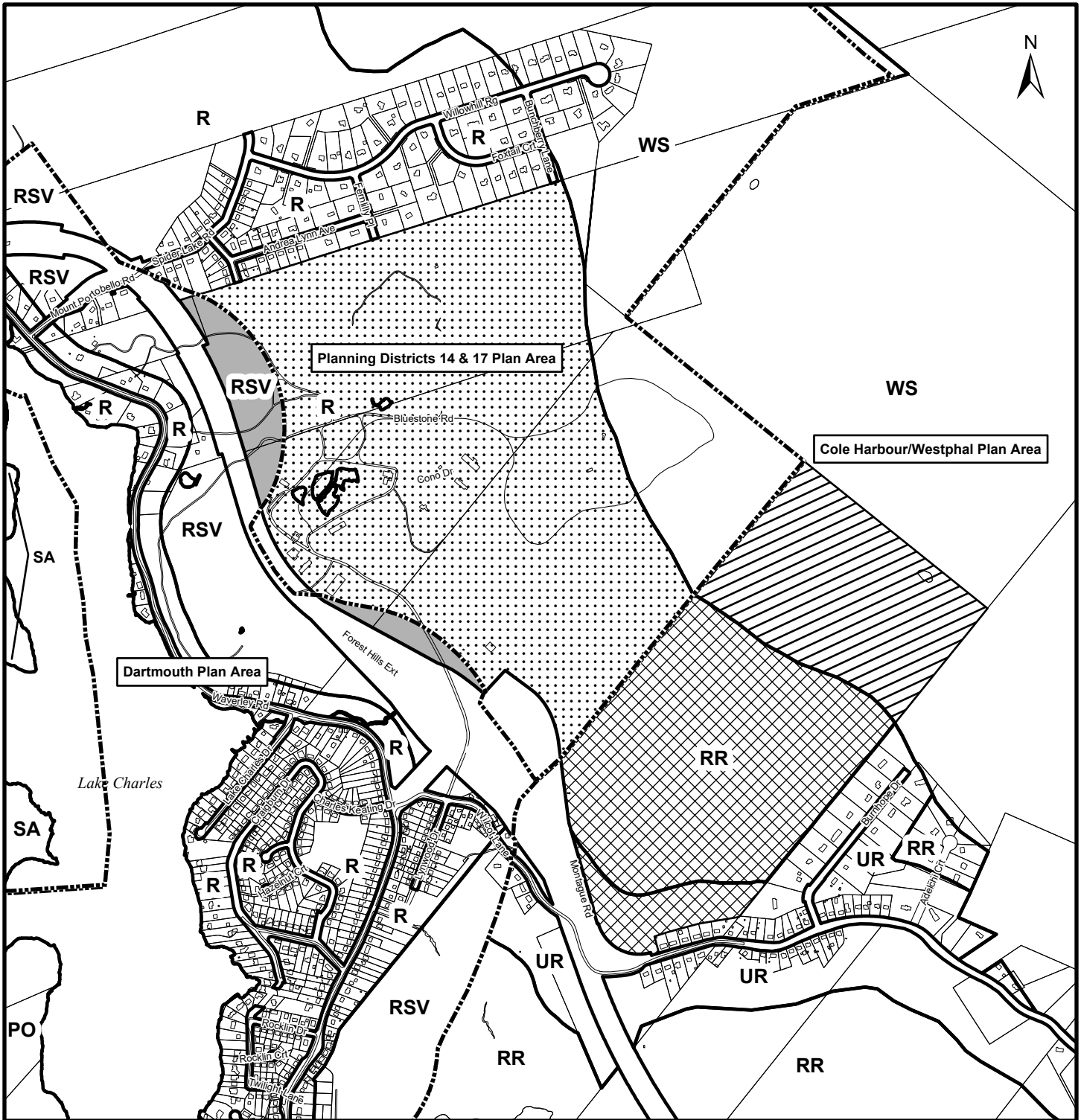
Montague Gold Mines



Lands to be Removed from Map 10 of the Dartmouth MPS and added to Map 1B of the MPS for Planning Districts 14 & 17 (Shubenacadie Lakes)







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Schedule 3

Montague Gold Mines

-  Lands to be Removed from Map 10 of the Dartmouth Planning Strategy and added to Map 1B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Strategy and Designated LI (Light Industrial)
-  Lands to be Removed from Map 1 of the Cole Harbour/Westphal Planning Strategy and added to Map 1B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Strategy and Designated LI (Light Industrial)
-  Lands to be Removed from Map 1 of the Cole Harbour/Westphal Planning Strategy and added to Map 1B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Strategy and Designated WS (Watershed)
-  Lands to be Redesignated to LI (Light Industrial)

Planning Districts 14 & 17 Designations

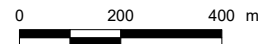
- R Residential
- WS Watershed
- SA Special Area

Cole Harbour/Westphal Designations

- UR Urban Residential
- RR Rural Residential
- WS Watershed

Dartmouth Designations

- R Residential
- RSV Reserve
- PO Park & Open Space



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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Proposed Amendments to the Land Use By-laws for
Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/Westphal , Land Use By-law for Dartmouth, and Land Use By-law for Planning Districts 14/17 are hereby amended as follows:

1. Removing, adding, zoning, and rezoning the zoning schedules of the Land Use By-law for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17 as per Schedule 4 by amending:
 - (a) Schedule 1, Zoning Map for Dartmouth, of the Land Use By-law for Dartmouth;
 - (b) Schedule A, Cole Harbour/Westphal Zoning, of the Land Use By-law for Cole Harbour/Westphal; and
 - (c) Schedule B, Shubenacadie Lakes Plan Area (Planning Districts 14 & 17) Zoning, of the Land Use By-law for Planning Districts 14/17.

2. Removing, adding, and zoning the Wind Energy Facilities Zoning Schedules of the Land Use By-laws for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17 as per Schedule 5 by amending:
 - (a) Schedule A-1, Wind Energy Zoning, of the Land Use By-law for Cole Harbour/Westphal;
 - (b) Schedule A-1, Wind Energy Zoning, of the Land Use By-law for Dartmouth; and
 - (c) Schedule E, Wind Energy Zoning, of the Land Use By-law for Planning Districts 14/17.

3. Adding Parts 15A Commercial Industrial (CI) Zone and 15B General Industrial (GI) Zone to the Table of Contents of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.

PART 15: I-3 (Light Industry) Zone.....

PART 15A: CI (Commercial Industrial) Zone.....

PART 15B: GI (General Industrial) Zone.....

4. Adding the CI Zone and GI Zone to the list of industrial zones under Section 3.1 of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.

Industrial Zones

I-3		Light Industrial Zone
CI		Commercial Industrial Zone
GI		General Industrial Zone
AE-1		Aerotech Core Zone

5. Adding the CI Zone and GI Zone to the list of zones exempted from one main building on a lot under Clause 4.4(a) of the Land Use By-law for Planning Districts 14 and 17, as shown in bold below.

4.4 ONE MAIN BUILDING ON A LOT

Not more than one (1) main building shall be permitted on a lot within any zone except that, provided the use is permitted by the zone, the following shall be exempt:

- (a) any building within a C-4, I-3, **CI, GI**, AE-1, AE-2, AE-3, AE-4 or AE-H Zone or on the property shown on Schedule K
6. Adding the CI Zone and GI Zone to the list of zones exempted under the first sentence of Section 5.8 of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.

5.8 PROJECTING SIGNS

Projecting signs are prohibited except in the **CI, GI**, CC, VMS, VG or FRB Zone.

7. Adding the CI Zone and GI Zone to the exemptions made under subclause (2)(a)(i) of Section 5.9 of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.
- (2) (a) No ground sign shall exceed thirty-two (32) square feet (3 m²) of sign area on a single face or sixty-four (64) square feet (6 m²) of sign area for both faces combined, except for:
- (i) signs within the C-4 (Highway Commercial), **CI (Commercial Industrial), GI (General Industrial)** and AE-4 (AeroTech Business) Zones where such signs shall not exceed two hundred-fifty (250) square feet (23.2 m²) square feet of sign area on a single face or five hundred (500) square feet (46.4 m²) of sign area of both faces combined;
8. Adding a new Part after Part 2: Definition, titled "Part 2A: Definitions for the CI Zone and GI Zone", in the Land Use By-law for Planning Districts 14 and 17 as shown in bold below:

Part 2A: DEFINITIONS FOR THE CI ZONE AND GI ZONE

- 2A. The Definitions under Part 2 apply to the CI Zone and GI Zone unless otherwise defined under this Part. In the CI Zone and GI Zone, the following additional definitions shall apply:**
- (1) **BANK AND FINANCIAL INSTITUTION** means premises where banking and financial services are provided, and where money is deposited, kept, lent, or exchanged, such as bank branches, credit unions and lending establishments.
- (2) **BREWERY, WINERY AND DISTILLERY USES** means premises used for the production and packaging of beer, wine, spirits, or other alcoholic beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled.
- (3) **BROADCAST USE** means commercial uses and public communication uses such as radio and television broadcasting, receiving stations, and recording and production studios.
- (4) **CARETAKER UNIT** means living accommodation for a caretaker, employee or security personnel that is associated with an industrial operation on the same lot.

- (5) **EMERGENCY SERVICES USE** means premises housing personnel and equipment related to protective or first responder services, such as fire stations, police stations, search and rescue stations, emergency medical stations, and ambulance stations.
- (6) **FITNESS CENTRE** means a building or part thereof designed to promote physical fitness, health awareness and maintenance through a variety of programs and services tailored to individual needs, including but not limited to a gym, yoga studio or martial arts studio, and which may include, as an accessory use to the fitness centre use, services for weight management, nutrition education and paramedical clinics Dartmouth Land Use By-law Page 5 including but not limited to physiotherapists, psychologists, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists.
- (7) **GARDEN CENTRE** means premises where retail and wholesale gardening products are sold, which may include a nursery and greenhouses.
- (8) **HEAVY EQUIPMENT SALES AND SERVICE USE** means premises used for the sale, repair, storage or service of vehicles or other apparatus used in commercial, industrial, agricultural, forestry or construction enterprises, such as backhoes, bulldozers, cranes, farm equipment, marine vessels, and tractor trailers, excluding vehicle services.
- (9) **HEAVY INDUSTRIAL USE** means:
- i. the extraction of raw materials; or
 - ii. the manufacture or processing of products from raw materials, including animal processing; or
 - iii. the production or use of flammable, explosive or hazardous products and materials; or
 - iv. the bulk storage of flammable, explosive, or hazardous products and materials.
- (10) **INDUSTRIAL TRAINING** means the commercial provision of educational instruction and safety certification relating to industrial activities.
- (11) **INDUSTRIAL USE** means the use of land or buildings for:
- i. cannabis production facilities;
 - ii. construction and demolition materials disposal sites, processing facilities and transfer stations;
 - iii. light manufacturing uses;
 - iv. heavy industrial uses;
 - v. salvage yards;
 - vi. warehouse uses;
 - vii. wholesale uses;
 - viii. wholesale food production uses, and
 - ix. any similar uses that involve dismantling, demolishing, cleaning, servicing, repairing or testing materials, goods and equipment associated with industrial or commercial operations.
- (12) **KENNEL** means premises used for:

- i. the keeping of more than two dogs for the purposes of commercial breeding or sale;
 - ii. the overnight boarding of dogs, excluding for veterinary purposes;
 - iii. the commercial training of dogs; or
 - iv. the shelter of stray or abandoned animals.
- (13) **LIGHT MANUFACTURING USE** means the processing, fabrication, assembly, treatment, or packaging of products from previously prepared materials, finished products or parts, excluding animal processing. Research facilities and industrial printing are considered light manufacturing uses.
- (14) **OUTDOOR DISPLAY** means the display or sale of goods outside on a lot in conjunction with a business located in a building or structure on the same lot.
- (15) **PERSONAL SERVICE USE** means services for the needs of individuals or pets, such as grooming and haircutting, tailoring and shoe repair, tattooing, depots for collecting dry cleaning and laundry, laundromats, warming and cooling centres, food banks, soup kitchens, drop-in centres, funeral homes, and the retail sale of products accessory to any service provided. Veterinary facilities, kennels, pet daycare uses and crematoria are not considered a personal service use.
- (16) **PET DAYCARE USE** means the daytime boarding and care of pets, provided that overnight boarding is not permitted, and excluding a kennel.
- (17) **PREMISES** means the lot or that portion of the lot that contains a use, including a building or portions of a building occupied by the use.
- (18) **RECREATIONAL VEHICLE SALES** means premises used for the retail sale or rental of new or used recreational vehicles such as tent trailers, travel trailers, boats, all-terrain vehicles, snowmobiles, or similar light recreational vehicles or marine crafts, and may include the servicing and repair of the products sold or rented.
- (19) **RETAIL BUILDING SUPPLIER** means premises used for the selling or renting of building and construction supplies, materials and products such as appliances, building materials, doors and windows, electrical supplies, hand and power tools, hardware, home improvement items, kitchen cabinets, lumber, paint, plumbing supplies.
- (20) **RETAIL USE** means premises used for the selling or renting of merchandise, including second-hand goods, directly to consumers. Retail uses may also include the servicing and repair of items similar to those being sold.
- (21) **SELF-STORAGE FACILITY** means a building or group of buildings containing individually rented storage units.
- (22) **SERVICE USE** means a business whose primary function is call-out or dispatch work, such as exterminators, plumbers, carpet cleaners, locksmiths, electricians, tow trucks, landscapers, taxis, and standalone catering.
- (23) **SOFT LANDSCAPING** means covered by soft or water-permeable material and vegetation such as trees, hedges, shrubs, flowers, grass, fruit and vegetable

plants, sod, or other vegetative groundcover. A water feature is considered soft landscaping.

- (24) **UTILITY USE** means structures, equipment, and materials used by a corporation, municipality, or other entity authorized to install and maintain energy, gas, water, or communication systems for public use. District energy systems, whether standalone or integrated into another building, are also considered a utility use.
- (25) **VEHICLE SERVICES** means the use of a building or land to provide sales of vehicles or services for vehicles, including but not limited to: autobody shops, automotive repair outlets, car dealerships, car washes, service stations, retail gasoline outlets and vehicle depots.
- (26) **WAREHOUSE USE** means a building or part of a building for storage for the wholesale and distribution of manufactured products, supplies, and equipment.
- (27) **WHOLESALE FOOD PRODUCTION USE** means premises used for baking, preparing, processing, distributing, and wholesaling food products, but where over-the-counter or other retailing of food products is limited to an accessory retail outlet, and which excludes the slaughtering of animals.
- (28) **WHOLESALE USE** means premises where merchandise is sold or distributed to retailers, industrial, commercial, institutional, or professional users, or other wholesalers.

9. Adding Part 15A: CI (Commercial Industrial) Zone immediately following Part 15 as presented below in bold.

CI (COMMERCIAL INDUSTRIAL) ZONE

PERMITTED USES

- 15A(1) No development permit shall be issues in any CI Zone except for the following uses:**

- (a) **Banks and financial institutions;**
- (b) **Brewery, winery and distillery uses;**
- (c) **Broadcast uses;**
- (d) **Caretaker units;**
- (e) **Day care facilities;**
- (f) **Emergency services uses;**
- (g) **Fitness centre uses;**
- (h) **Firewood mills;**
- (i) **Garden centres;**
- (j) **Heavy equipment sales and service uses;**
- (k) **Industrial training;**
- (l) **Industrial uses, except:**
 - i. **Heavy industrial uses;**
 - ii. **Salvage yards;**

- iii. Composting operations; and
- iv. CD-1, CD-2, and CD-3 Zone uses
- (m) Kennels, pet daycare uses and veterinary clinics;
- (n) Light manufacturing assembly or processing operations (including cannabis production facilities) which are not obnoxious and which are conducted and wholly contained within a building;
- (o) Medical clinics;
- (p) Office or retail uses accessory to any permitted use;
- (q) Outdoor Display
- (r) Personal services;
- (s) Recreation uses, including commercial recreation;
- (t) Recreational vehicle sales;
- (u) Recycling depots;
- (v) Restaurant, drive-in; Restaurant, full-service; Restaurant, take-out;
- (w) Retail building suppliers and used building material retail outlets;
- (x) Retail uses;
- (y) Self-storage facilities;
- (z) Service uses;
- (aa) Service stations;
- (ab) Transportation terminals;
- (ac) Utility uses;
- (ad) Vehicle services; and
- (ae) Accessory uses.

REQUIREMENTS: ALL USES

15A(2) Premises used for CI uses in a CI Zone shall comply with the following requirements:

- (a) Lot area minimum:
 1. 10,000 sq. ft. (929 sq. m) where central sewer services are provided;
 2. 80,000 sq. ft. (7,432 sq. m) where no central sewer services are provided.
- (b) Minimum frontage:
 1. 100 feet (30.4 metres) where central sewer services are provided;
 2. 150 feet (45.7 metres) where no central sewer services are provided.
- (c) Minimum yards and building separation:
 - i. Front or flankage yard: 20 ft. (6.1 m);
 - ii. Minimum rear or side yard: 20 feet (6.1 m); and
 - iii. Minimum separation between buildings: 20 feet (6.1 m).
- (d) Maximum building height: 55 feet (16.7 m) for any building within 500 feet (152.4 m) of a residential zone.
 - i. Where a site abuts a residential, park or institutional zone, or an existing residential use, the following shall apply: Any development shall be setback at least 164 feet (50 m) and shall be effectively screened by either a vegetated area or a berm; and
 - ii. all welding, fabrication, sandblasting and similar potentially obnoxious uses and operations located adjacent to a residential,

park or institutional zone shall be fully contained within a building or other suitable structure designed to contain noise, odours, and dust.

- (e) For any development abutting Highway 107, a landscaped area consisting of grass or existing vegetation shall be provided within the minimum required yard setback between the development and the highway.
- (f) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: RETAIL USES

15A(3) Standalone retail uses shall not exceed a maximum gross floor area of 3000 sq. ft. (278.7 sq. m) per retail premises. In a multi-tenant building, this requirement applies to each retail premises within the building. This requirement shall not apply to:

- (a) garden centres;
- (b) heavy equipment sales and service uses;
- (c) recreational vehicle sales;
- (d) retail building suppliers;
- (e) used building material retail outlets;
- (f) vehicle services; or
- (g) retail uses accessory to a permitted industrial use.

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

15A(4) Cannabis production facilities in the CI Zone shall meet the following requirements:

- (a) Where a lot containing a cannabis production facility abuts a lot
 - i. zoned or used for residential purposes, or
 - ii. that is used for a daycare, community centre, school, religious institution, public park or playground,such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

OTHER REQUIREMENTS: CARETAKER UNITS

15A(5) Each industrial premises shall be permitted one caretaker unit. Caretaker units in the CI Zone shall:

- (a) be located within a main building that contains a permitted industrial use;
- (a) include no more than two bedrooms; and
- (b) have a maximum floor area of 602.8 sq. ft. (56 sq. m.)

10. Adding Parts 15B: GI (General Industrial) Zone immediately following Part 15 as presented below in bold.

GI (GENERAL INDUSTRIAL) ZONE

15B(1) PERMITTED USES

No development permit shall be issued in any GI Zone except for the following uses:

- (a) All CI permitted uses, except industrial uses;
- (b) CD-1 and CD-2 Zone uses;
- (c) Industrial uses, except:
 - i. CD-3 Zone uses;
- (d) Salvage yards; and
- (e) Accessory uses.

15B(2) Premises used for all GI uses in a GI Zone shall comply with the following requirements:

- (a) Lot area minimum:
 - 1. 10,000 sq. ft. (929 sq. m) where central sewer services are provided;
 - 2. 80,000 sq. ft. (7,432 sq. m) where no central sewer services are provided.
- (b) Minimum frontage:
 - 1. 100 feet (30.4 metres) where central sewer services are provided;
 - 2. 150 feet (45.7 metres) where no central sewer services are provided.
- (c) Minimum yards and building separation:
 - i. Front or flankage yard: 20 ft. (6.1 m);
 - ii. Minimum rear or side yard: 20 feet (6.1 m); and
 - iii. Minimum separation between buildings: 20 feet (6.1 m).
- (d) Exterior lighting, including security lighting, shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Luminaries shall be shielded to prevent unnecessary glare.

OTHER REQUIREMENTS: HEAVY INDUSTRIAL USES

15B(3) Notwithstanding Clause (2)(a), Heavy industrial uses in the GI Zone shall contain a minimum lot area of 107,639 sq. ft. (1.0 ha).

OTHER REQUIREMENTS: SALVAGE YARDS

15B(4) Salvage yards in the GI Zone shall meet both the requirements for heavy industrial uses in Subsection 15B(3), and shall be screened from the view of any adjacent sites or streets;

OTHER REQUIREMENTS: CD-1 and CD-2 ZONE USES

15B(5) CD-1 and CD-2 Zone uses in the GI Zone shall meet both the requirements of subsection 15B(3) and the requirements of their respective zones.

OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES

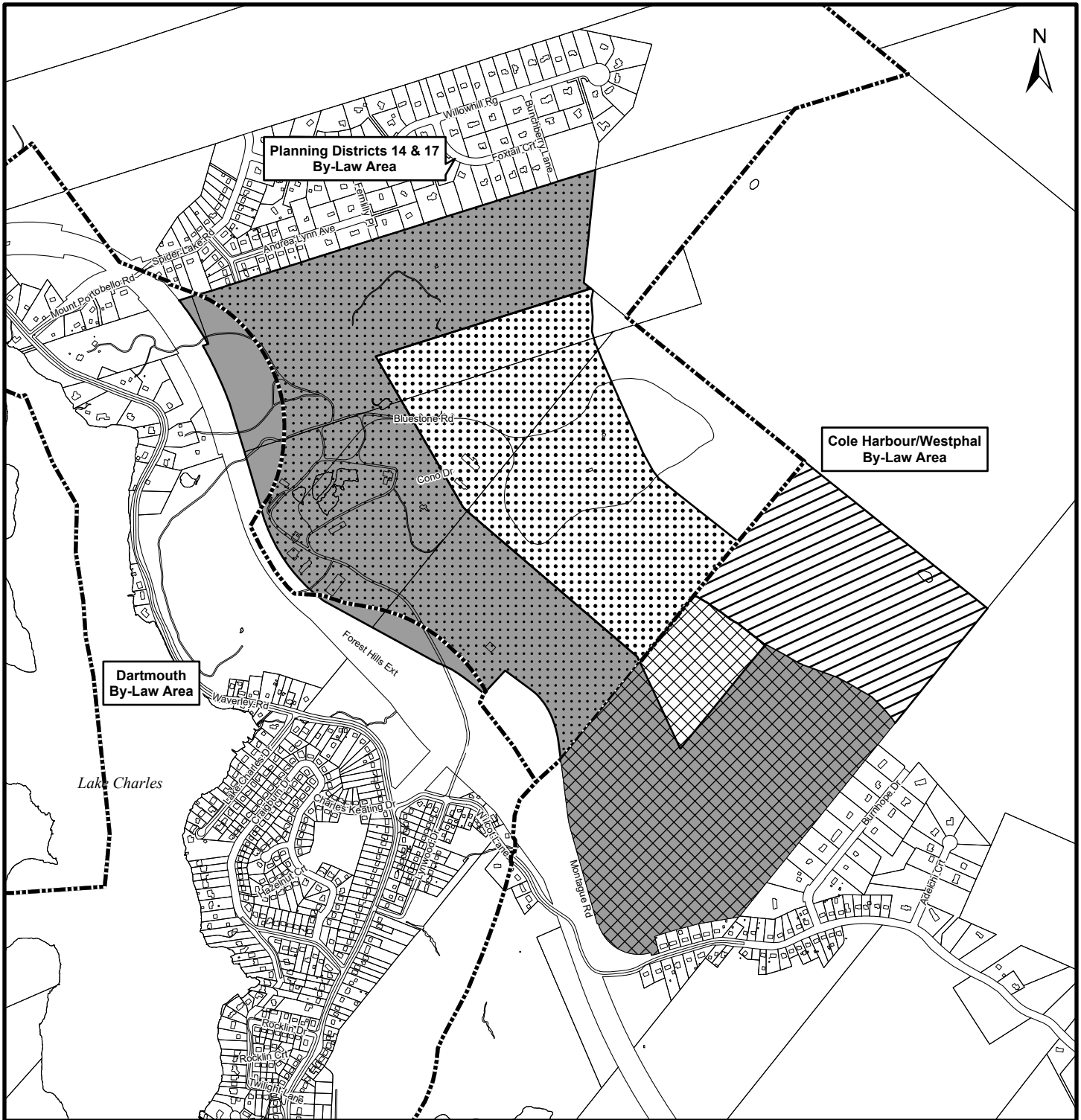
15B(6) Cannabis production facilities in the GI Zone shall meet the following requirements:

- (a) Where a lot containing a cannabis production facility abuts a lot:**
 - i. zoned or used for residential purposes, or**
 - ii. that is used for a daycare, community centre, school, religious institution, public park or playground,****such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 ft. (70 m) from the abutting lot line.**

OTHER REQUIREMENTS: CARETAKER UNITS

15B(7) Each industrial premises shall be permitted one caretaker unit. Caretaker units in the GI Zone shall:

- (a) be located within a main building that contains a permitted industrial use;**
- (b) include no more than two bedrooms; and**
- (c) have a maximum gross floor area of 602.8 sq. ft. (56 sq. m).**



Schedule 4

Montague Gold Mines

- Lands to be Removed from Schedule A of the Dartmouth Land Use By-Law and added to Schedule B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and Zoned CI (Commercial Industrial)
- Lands to be Removed from Schedule A of the ColeHarbour/Westphal Land Use By-Law and added to Schedule B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and Zoned CI (Commercial Industrial)
- Lands to be Removed from Schedule A of the ColeHarbour/Westphal Land Use By-Law and added to Schedule B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and Zoned GI (General Industrial)
- Lands to be Rezoned to CI (Commercial Industrial)
- Lands to be Rezoned to GI (General Industrial)
- Lands to be Removed from Schedule A of the ColeHarbour/Westphal Land Use By-Law and added to Schedule B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and Zoned PWS (Protected Water Supply)

Planning Districts 14 & 17 Zones

- R-1b Suburban Residential
- I-3 Light Industry
- PWS Protected Water Supply

Cole Harbour/Westphal Zones

- R-1 Single Unit Dwelling
- R-6 Rural Residential
- R-7 Rural Estate
- P-1 Open Space
- PWS Public Water Supply

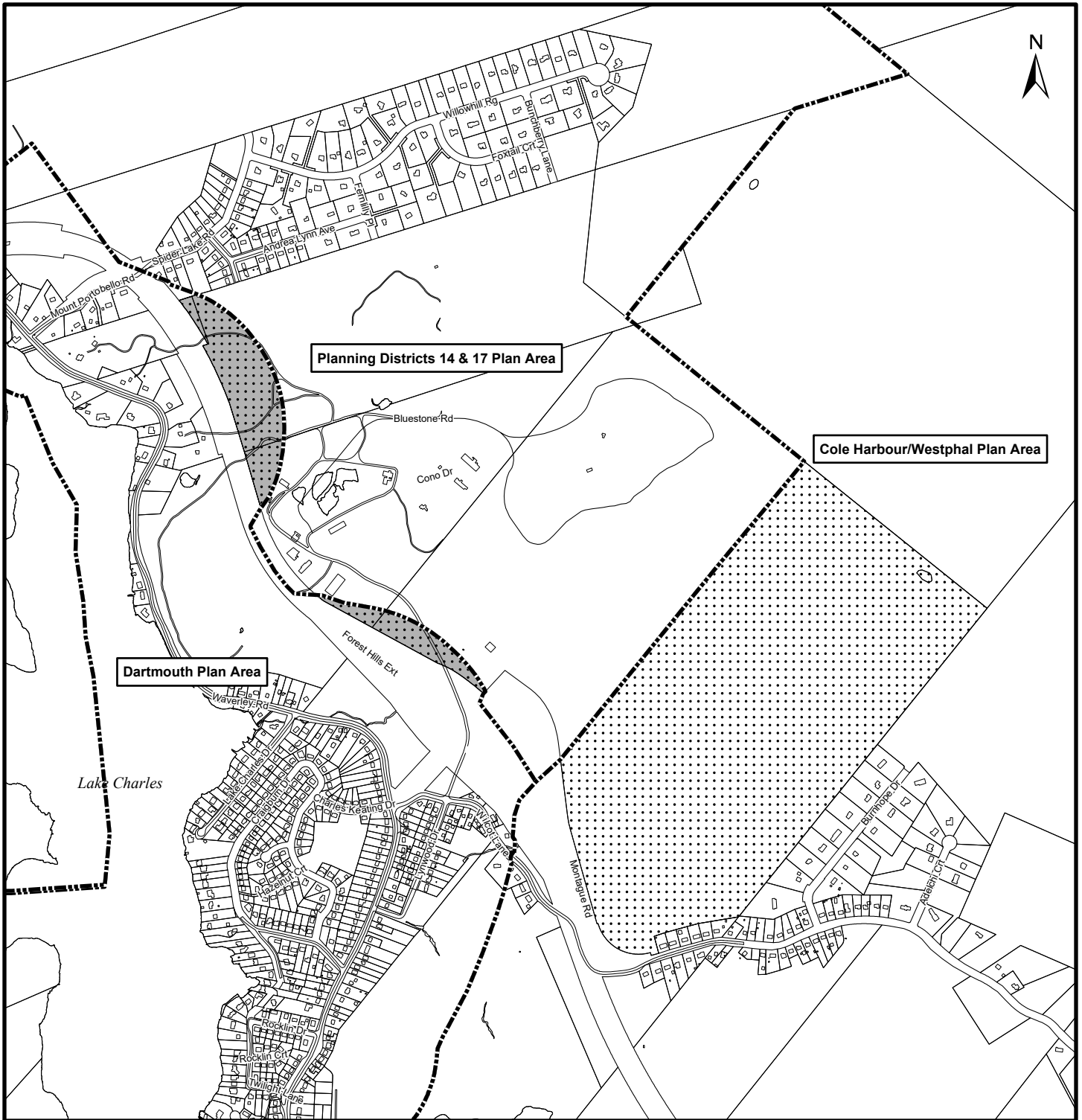
Dartmouth Zones

- R-1 Single Family Residential
- RPK Regional Park



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



Schedule 5

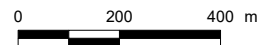
Montague Gold Mines



Lands to be Removed from Schedule A-1 of the Cole Harbour/Westphal Land Use By-Law and added to Schedule F of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and zoned RW-2 (Rural Wind) Zone



Lands to be Removed from Schedule A-1 of the Dartmouth Land Use By-Law and added to Schedule F of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and zoned RW-2 (Rural Wind) Zone



The accuracy of any representation on this plan is not guaranteed.

Attachment C: Minutes of the February 12, 2020 Public Information Meeting

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 22670**

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

**Wednesday, February 12, 2020
6:00 p.m.
Port Wallis United Church, Dartmouth**

STAFF IN

ATTENDANCE: Tyson Simms, Planner, HRM Planning and Development
Katherine Greene, Regional Policy Program Manager, HRM Planning and Development
Miles Agar, Principal Planner, HRM Planning and Development
Leah Perrin, Planner III, HRM Planning and Development
Jared Cavers, Planning Technician, HRM Planning and Development
Genevieve Hachey, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Councillor Steve Streach, District 11
Councillor Tony Mancini, District 6

PUBLIC IN

ATTENDANCE: Approximately 100

The meeting commenced at approximately 6:33 p.m.

1. Call to order, purpose of meeting – Tyson Simms

T. Simms is the Planner and Facilitator for the HRM application and introduced the area Councillor and HRM Staff members.

Case 22670 - Application by Halifax Regional Municipality to consider amendments to applicable secondary municipal planning strategies and land use by-laws to enable industrial and highway commercial development on the Conrad Quarry Lands, identified as PIDs 41168279, 00276188, 00276105, 0027596 and 40174286, located to the north of the Montague Rd./Hwy. 107 interchange in Montague Gold Mines.

The purpose of the Public Information Meeting (PIM) is to:

- Provide background regarding the planning process;
- Review Regional Council's direction; and
- Receive feedback and answer questions.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Tyson Simms

T. Simms gave a presentation of Regional Council's direction in regard to the Conrad Quarry

Lands. Council has asked staff to:

- Proceed with the Port Wallace Secondary Planning work plan and return to Council for direction on the secondary planning process after Nova Scotia Land Inc. completes the risk assessment and management plan for the former Montague Gold Mines site, including the Municipally-owned lands surrounding Barry's Run and any other third-party impacted lands;
- Initiate a process [Case 22670] to consider amendments to applicable municipal planning strategies and land use by-laws, to enable industrial and highway commercial development on the Conrad Quarry lands consistent with the policy direction outlined within the Discussion section of the staff report dated October 15, 2019; and
- Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

3. Questions and Comments

Judy Clark, Burnhope Drive relayed their concerns about the 100-foot buffer not being enough and that 100 meters was more acceptable. They also spoke about how this industrial zone will negatively impact their property values, their research has found studies show on average property values drop by 13% when abutting industrial zones. **T. Simms** – the proposed zone, that initially went before council in 2018, spoke of a 100-foot buffer with some specific uses requiring more than 100 feet, but that the current draft zone identifies 100 meters and that this number is up for discussion. They cannot speak to property values at this time but are open to further discussion about it.

Resident - questioned what the Conrad Brothers wanted to do on this site. **T. Simms** –the Conrad Brothers plan to continue quarry operations, rezone the property in order to allow current uses, repair structures that were damaged during Hurricane Juan and move and build new structures on the quarry land. In the future, if the land is serviced, they would be looking to build new commercial and industrial areas near the front of the property. The Conrad Brothers have indicated they are seeking office uses on the property, however HRM is not supportive of standalone office uses in this area.

Karen Murphy, Spider Lake had the following questions: what is the long-term plan for the quarry, they find the weekends to be fairly quiet - would HRM consider imposing a curfew around what operations could take place on the weekends, will future access to this quarry be connected to the residential areas? **T. Simms** - replied that traffic will be addressed, at this point future access is unknown, a review will be conducted by Engineering staff. A curfew or noise by-law is not something that has been considered, however it is something that can be reviewed. A participant at the meeting noted that blasting is not permitted on the site during the weekend. **T. Simms** indicated that HRM is not aware of a specific long-term plan for the quarry lands other than what has already been discussed, this question would be best directed to the property owners.

John Bellfontaine, Montague asked what the current buffer is for quarry activity that abuts the residential area. **T. Simms** replied that it is currently 100 feet, blasting may require more. The quarry activity (rock removal, blasting) is regulated by the Province, HRM can only regulate structures on the land associated with the quarry use– buildings, weight scales, wash plants, etc. The original proposed buffer for these types of uses was 100 feet and in the draft by-law it is currently 100 meters. Staff is considering the development of two zones within the industrial area, one that would see heavier uses in the middle of the property, further away from residential areas and a less intensive zone that is closer to residential areas. The center zone could potentially be 400 to 500 meters away from residential areas. HRM is looking for public feedback on buffer distances.

Kevin Fitzgerald, Montagu Road – asked if there is a way to address the rusted-out garage that is at this location, it is an eyesore. They know that the Conrad Brothers have requested a permit to rebuild the garage, however were denied because the land is not zoned for it. Is this not something that could be addressed without having to go through this whole process? Why can they not just rebuild it? The quarry has been here since 1954-55. **T. Simms** replied that the current zoning of this property does not allow heavy industrial uses or any accessory buildings for heavy industrial uses and because of that a permit is not able to be issued.

Rene, Lake Charles area – feels that the Conrad Brothers should be allowed to replace their buildings and add a couple more without having to rezone 500 acres of land. Is there any kind of needs assessment done to see if HRM needs more industrial land, there are many industrial areas here already, Burnside, Ross Road, a refinery that is derelict in Shearwater, the Woodside area, the Aerotech Business park to name a few, do we need 500 more acres of industrial land adjacent to a mature residential area? has there been an environmental assessment done in regards to water runoff that would go into the lakes - they have been documenting storm water issues for the past six years and feel that HRM is not adequately addressing this issue and that the advanced storm water management practices that HRM is speaking of are not working. There is talk of an additional 10,000 people coming to the Port Wallace area, could we not have businesses, amenities, parks and recreational areas to support these 10 thousand people instead of industrial zones. They recognize that the Conrad Brothers are well respected and work with the neighbors, however what happens if they sell and someone less community minded purchases this land? **T. Simms** – replied that HRM considers zoning with the land in mind and not specific landowners. The property owner may request a specific land use, however the regulations are created with the site in mind. Stormwater generated on the quarry site is regulated by the province and HRM has no jurisdiction there, however HRM does have the ability to regulate stormwater on the rest of the site and is working to develop advanced storm water management requirements. HRM is aware of the concerns with respect to water runoff and they are actively working on this. This year staff will be working to review the Regional Plan, this will include a needs assessment for industrial lands in the municipality. The study has commenced, however we do not have results at this time. At this point, there is no indication that there is not a need for industrial lands, the results will be available within a few months.

Gary Brinton, Burnhope Drive – feels that the Conrad Brothers have been very transparent with their plans and that HRM has not. The Conrad Brothers have a grandfathered agreement that supersedes quarry guidelines and they sympathize with the Conrads as none of these residential areas existed when they created the quarry and they they feel it is the city that has created this entire issue. They have been trying to get answers from HRM for years about who's responsibility it is to protect the citizens that live around the quarry, they were told by everyone that they would not be affected by this quarry when they purchased, the house is rocked by blasting, it wakes the baby up, the house shakes, inspectors were supposed to look at all this and they never did, they are 300 meters away from the blasting. The Conrads are trying to run their business, this issue was entirely created by HRM. They suggest that if anyone wants to know what is going on that they contact the Conrad Brothers directly.

Adam Filck, Craighburn Drive – commented that where they live will be impacted by the smells coming from the industrial zones and that spills, metals and oils from this site will end up in the watershed and into Lake Charles. This does not have to be a negative impact on property values, if you look at Larry Uteck the houses that back onto the commercial areas have increased in value, why can we not have a commercial area here? The land around the interchange would be perfect for commercial and it would be much more valuable as that type of zone. What is the rush to zone the land to less attractive uses? staff previously identified that office and larger scale commercial uses may not be appropriate on the subject site due to a lack of transit service.

Kendal Taylor, Craighburn Drive - They bought the land knowing who was next door, they have had a good relationship with the Conrad Brothers. They feel that the buffer that is between them and the quarry needs to take the topography into account, the 100 meters might work for one area but not another. They also do not want to see the biodiversity destroyed in order to create a different buffer, it is currently wooded and should be protected. Light pollution is another issue that they would like to see addressed. **T. Simms** – when the buffer was presented and discussed by the Port Wallace Public Participation Committee there were discussions with regards to topography and existing vegetation. HRM is also considering lighting standards that will deal with light pollution.

Resident – asked if there will be a meeting planned by the Conrads, where they will be able to tell their side of things? **T. Simms** – at this time it was Council’s direction that staff move forward with this staff-led process. The Conrad Brothers are able to hold their own meeting if they wish to do so.

Abel Lazarus, Hazelnut court – asked why a variance could not be issued to allow the Conrads to build their accessory buildings for the current use? There are many industrial parks in the area, why do we need more? There is a bus that goes here, the 55, this bus could service commercial areas. It was mentioned that council asked to coordinate this with the Burnside plan, there is a buffer at Burnside already, there is no residential in that area other than Highfield park – these two things should be separate. **T. Simms** responded that council’s direction was simply that the language used in the Land Use By-law for Burnside be consistent with the one created for this area, not that the uses themselves be similar. There is a By-law simplification process underway that is looking at this. The existing transit service would not support office uses on this site, however that reflects the existing condition and this could change.

Dennis Folley, lake Micmac – voiced their concern about the health of the lakes, there have been many issues lately with lakes Micmac and Banook. More industrial areas will create more runoff of phosphorus that is contaminating these lakes. The watershed belongs to the municipality and we need to remedy these situations before we lose our lakes. A natural land buffer could create a good filter, there is evidence that the runoff from pavement brings phosphorus to the lakes and this is what is causing the blue-green algae issue. Has HRM been investigating this? **T. Simms** – replied that Regional Planning staff is aware of concerns related to phosphorus and that HRM has recently required studies and mitigation plans in an effort to reduce the impact of phosphorus for new development and subdivision.

Resident – feels that the Conrad Brothers are made to look like the “bandits” in this process when all this is the fault of HRM. They believe there is a credibility issue here, before Ikea came in they were assured there would be no light pollution and that it would be “attractive”, Ikea is a monstrosity.

Chris Dube, Lake Charles Drive – feels that there are already enough business parks in HRM and within a close distance to this area that all have available land. In regard to property taxes, are you taking away from the large residential tax base in favor of a small commercial/industrial tax base? The residential area will be less valuable with an industrial area here; they are tired of hearing of remediation of the lakes and water systems, can we not manage the water and environmental issues before they become a problem? A well-managed quarry could be a much better end result than what has happened with Dartmouth Crossing.

Carmen Brown, Lochburn Lane- wanted to know how it happened that a quarry was allowed to be built here and when the owners tried replacing a damaged structure that all of a sudden, the land was not zoned for it, what changed? **T. Simms** – replied that this is something that they are investigating the quarry land use is considered a heavy industrial use. There is no indication the land was ever zoned for this use. The Quarry activity itself is regulated by the Province. Structures associated with the quarry use fall under HRM jurisdiction. A development officer is

only able to issue a permit for an associated structure if the zone permits. There may be some ability to repair or reconstruct existing buildings provided they are not expanded or relocated. Staff will investigate further.

Resident – feels that someone from the Department of Environment should have been here tonight, HRM is not providing any answers and that there is a lack of clarity. **T. Simms** – replied that they are trying to work within the direction that council has given staff, they are open to further discussion and can answer any question that residents have in person, by email or phone.

Resident – they have settled in this area because of the lakes, we need to keep those lakes beautiful, if there are issues with the one runoff that is there now how is HRM going to mitigate issues when all this new construction comes in?

Andrew Craft – asked how long this process could take. **T. Simms** – replied that they cannot give exact dates but that it could take a year or more.

Resident – feels that HRM should somehow allow the Conrad Brothers to put the building up that they need to continue their work instead of having to rezone the whole thing, they could do what they need to do without creating this large new industrial zone. **T. Simms** – replied that they understand what the Conrad Brothers are looking to do and that staff have no intention of making this process any longer than is required.

Kim Conrad – commented that this process started in 1986 when they were told that they should get their land zoned. Years later they wanted to put a building up and were told they couldn't as it was zoned residential, it seemed as if during amalgamation the zoning was changed to residential somehow. As a follow-up to that they called in and asked if they could put residential in and were told they couldn't as HRM did not want more residential development on the North East of the Highway. In 2007 HRM Planner Paul Morgan told the Conrads that if they put in an application along with the Port Wallace application that it might take 3 or 4 years, this is what they did. It has been since then that they have been trying to fix the zoning on this land, they were at one point promised water and sewer. They conveyed that a lot of good things have happened to this area because of the Conrad Brothers company, Montague Road was a dirt road before they set up, they had better power lines and telephone lines brought in, they provide wages to the tune of about \$250 000 a week, they have hired Stantec to conduct their own water testing and have been taking samples for the past 20-30 years. The water studies have shown that water discharging from the quarry is clean and the highway and city storm sewers run into the lake untreated. They don't want to blast any closer than what is currently happening, they know what bad lighting can do because they have the Burnside lights coming into their home, they want to work with the community and will hold a meeting where the public can ask questions. They do not have any detailed plans of the future as they do not know what will be allowed.

4. Closing Comments

Tyson Simms thanked residents for attending and participating.

5. Adjournment

The meeting adjourned at approximately 8:28 p.m.