

# HALIFAX

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

**Item No. 15.1.15**  
**Halifax Regional Council**  
**July 12, 2022**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed by 

**SUBMITTED BY:** \_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** June 17, 2022

**SUBJECT:** **Case 24242: Municipal Planning Strategy amendments for Ledwidge Lumber at 195 Old Post Road, Enfield**

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## **ORIGIN**

Application by Sunrose Land Use Consulting

## **LEGISLATIVE AUTHORITY**

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

## **RECOMMENDATION**

It is recommended that Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Shubenacadie Lakes (Planning Districts 14 & 17) Municipal Planning Strategy and Land Use By-law to allow the expansion of Ledwidge Lumber at 195 Old Post Road, Enfield; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

## **BACKGROUND**

Sunrose Land Use Consulting, on behalf of Ledwidge Lumber Company Limited, is applying to amend the Planning Districts 14 and 17 (Shubenacadie Lakes) Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow the rezoning of portions of Ledwidge Lumber's property at 195 Old Post Road, Enfield from the Suburban Residential (R-1B) Zone to the Rural Residential (R-6) Zone to expand the existing operation. Specifically, the request is to clarify regulations applied to the existing operation on PID 40450934 and ensure its conformance with the Shubenacadie Lakes LUB and to construct a biomass plant on both properties, PIDs 40450934 and 00382507. This proposal cannot be considered under existing MPS policies; therefore, the applicant is seeking amendments to the Shubenacadie Lakes MPS to enable this proposal.

<b>Subject Site</b>	195 Old Post Road, Enfield PID 00526707, 00513739, part of 00513796, and part of 00526715 (existing operation); PID 40450934 and 00382507 (proposed expansion)
<b>Location</b>	East side of Old Post Road, approximately 700 metres east of the Enfield Big Stop
<b>Regional Plan Designation</b>	Rural Commuter (RC)
<b>Community Plan Designation (Map 1)</b>	Residential (R) with a small portion being Resource (RE)
<b>Zoning (Map 2)</b>	Rural Residential (R-6) and Suburban Residential (R-1B)
<b>Size of Site</b>	Existing operation: 12.3 hectares (30.4 acres) Proposed expansion: 21.1 hectares (52.1 acres)
<b>Street Frontage</b>	Proposed expansion: 172.1 metres on Old Post Road
<b>Current Land Use(s)</b>	Existing forestry operation (Ledwidge Lumber)
<b>Surrounding Use(s)</b>	Existing forestry operation, vacant and rural residential

### **Proposal Details**

The applicant proposes to amend the Shubenacadie Lakes MPS and LUB to allow the rezoning of PIDs 40450934 and 00382507 from the Suburban Residential (R-1B) Zone to the Rural Residential (R-6) Zone. The major aspects of the proposal are:

- to clarify regulations applied to the existing operation (an outdoor storage of logs) and ensure its conformance with the LUB;
- to permit an expansion of the existing forestry use (a wood biomass plant); and
- to clarify the biomass plant as a permitted use in the R-6 Zone under the existing forestry use.

### **History**

On [August 17, 1992](#), Halifax County Council approved the rezoning of Ledwidge Lumber property ("subject site – existing operation") from the R-1B Zone to the R-6 Zone to allow the expansion of the forestry use. On November 18, 1994, Ledwidge Lumber purchased PID 40450934, where the outdoor storage of logs takes place. On February 19, 2020, Ledwidge Lumber purchased an additional property, PID 00382507.

### **MPS and LUB Context**

The Enfield area is intended to be developed with suburban residential uses due to its proximity to the interchange with Highway 102 (Policies P-65 and P-66). Under existing MPS policies, Council has recognized existing rural activities and established an R-6 Zone to permit rural residential development, including the limited use of a residential property for business purposes, limited forestry and agricultural uses, community uses and existing industrial uses (Policy P-86). However, the expansion of the R-6 Zone beyond the 1989 zoning boundary is not permitted with one exception, as follows (Policy P-67):

*Policy P-67*

*Within the Residential Designation, there is an existing lumber mill which is located north of the Oldham Road. The Ledwidge Lumber Company, which processes lumber shipped throughout North America and Europe, is a major local employer. In keeping with the residential intent of this planning strategy, rural residential zoning (Policy [P-86]) will be applied to the present properties owned by the Ledwidge Lumber Company. [...] (C-Aug 17/92, M-Oct 2/92)*

Despite the exception, the existing forestry use may not be expanded to the adjacent properties - PIDs 40450934 and 00382507 – as they are zoned R-1B and were acquired after the 1992 rezoning.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

### **Applicant Rationale**

The applicant has provided the following rationale in support of the proposed amendments:

- the proposed site, a vacant site with the R-1B Zone applied, is owned by the applicant and there is no intent for these lands to be developed as a suburban residential subdivision;
- the existing forestry use has existed since 1944;
- the applicant's business has a significant impact on the local economy. Should Council approve this application, the applicant has indicated it could result in the creation of 30 local permanent jobs in Enfield, along with additional indirect job creation;
- a new biomass plant would produce cleaner energy by replacing fossil fuels and repurposing by-products created from the existing operation;
- the proposed plant generates negligible noise and water vapour, which is similar to the existing forestry operation; and
- the proposed plant would be deep in the woods, far away from roads and surrounding land uses.

Attachment A contains the applicant's rationale letter.

### **Review**

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses. Staff advise there is merit to consider the request to apply zoning that reflects the extent of the existing operation and to allow an expansion of the existing operation. Ledwidge Lumber is a family-owned business located in Enfield for the past 80 years who currently employs over 120 people. Ledwidge Lumber provides lumber and by-products to the local and global marketplace. The consideration of its future expansion and operation has merit for consideration. The proposed expansion is not in the direction of an existing residential subdivision, which would minimize the general impact of its operation, such as noises, sight lines, and odours, on the residents of Enfield. The new biomass plant is likely to contribute to the reduction of greenhouse gases, the diversion of wood by-products from being wasted, and the fostering of local economy.

A full review would consider:

- the scope and appropriateness of different planning tools, such as zoning, development agreements or site plan approvals;
- whether a biomass plant is considered accessory to a forestry use or a stand-alone use;
- the feedback received through community engagement initiatives;
- the details and layout of the site plan (Attachment B); and
- a traffic impact study.

### **Conclusion**

Staff have reviewed the proposed MPS amendment and advise that there is merit to the request. Therefore, staff recommend that Regional Council initiate the MPS amendment process.

### **COMMUNITY ENGAGEMENT**

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public information meeting early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to Shubenacadie MPS will potentially impact the following stakeholders: the residents and property owners in Enfield east of Highway 102, and the employer and employees at Ledwidge Lumber.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the approved 2022-2023 operating budget for Planning and Development.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. 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.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

### **ALTERNATIVES**

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Shubenacadie Municipal Planning Strategy is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

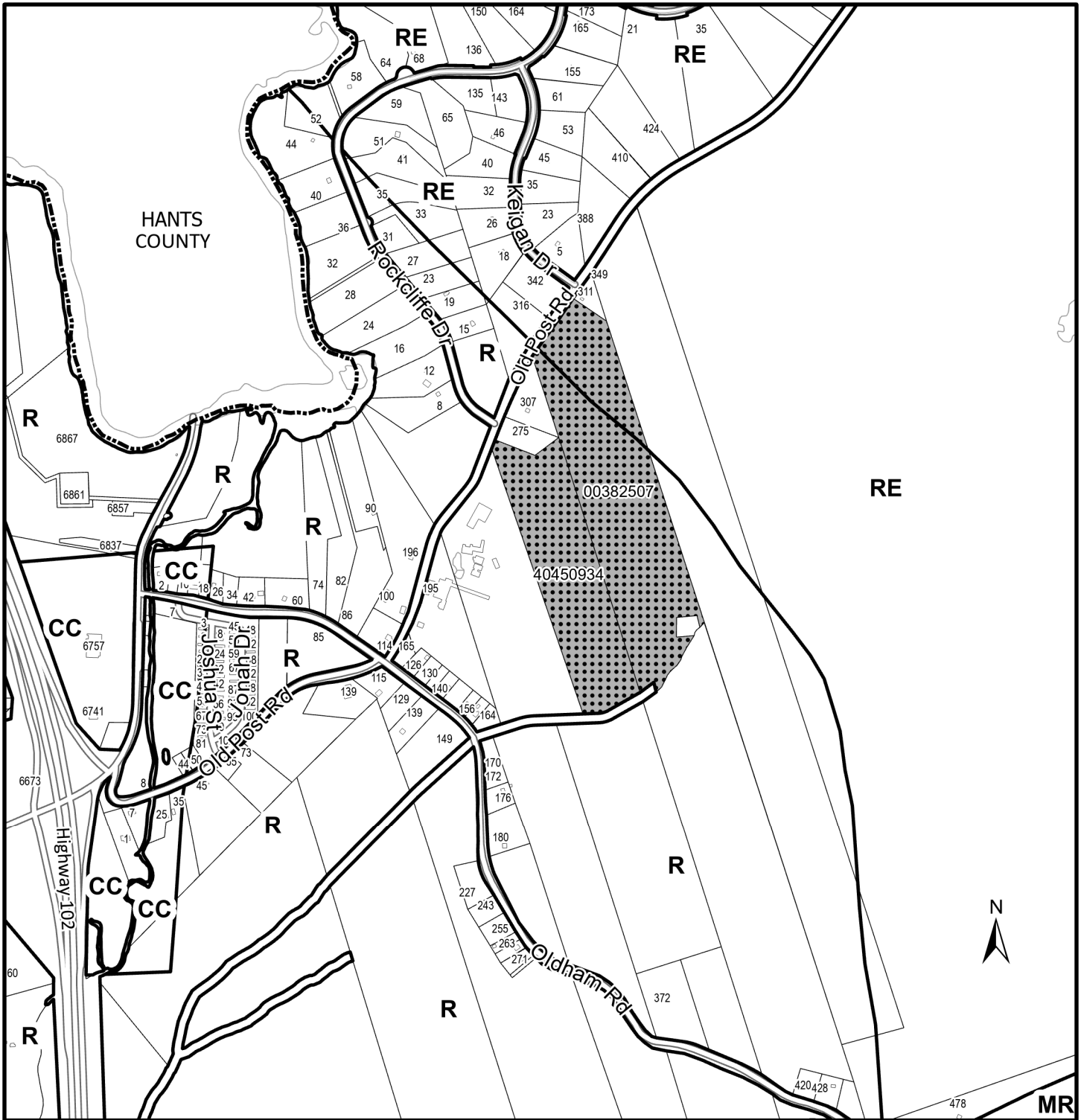
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Application rationale letter
Attachment B:	Site plan

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.



Report Prepared by: Byungjun Kang, Planner II, 782.641.0586

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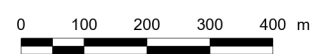


**Map 1 - Generalized Future Land Use**  
 Old Post Rd, PID 40450934 and PID 00382507,  
 Enfield

**HALIFAX**

-  Subject Property
-  By-Law Boundary Line

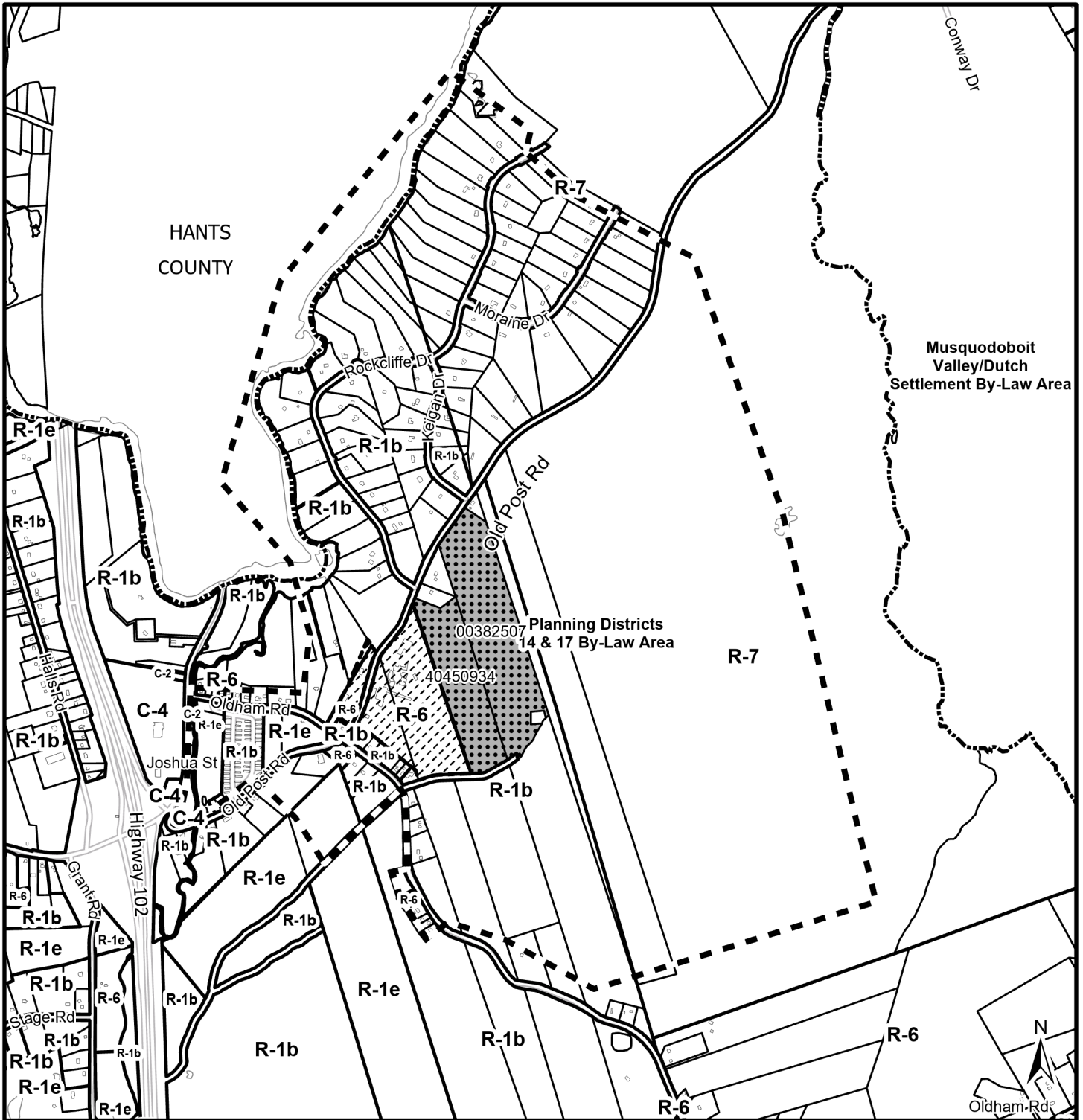
- Designation**
- R Residential
  - MR Mixed Residential
  - CC Community Centre
  - RE Resource



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.





Planning District 14 & 17  
 Plan Area



**Map 2 - Zoning and Notification Area**

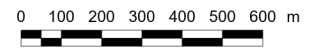
Old Post Rd, PID 40450934 and PID 00382507, Enfield

**HALIFAX**

-  Subject Properties
-  Area of Notification
-  By-Law Boundary Line
-  Existing Operation

**Zone**

- R-1B Single Unit Dwelling
- R-1E Residential Estate
- R-6 Rural Residential
- R-7 Rural Estate
- C-2 Community Commercial
- C-4 Highway Commercial



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.

Planning District 14 & 17 Land Use By-Law Area

**SUNROSE**



Sunrose Land Use Consulting  
Halifax, Nova Scotia

April 13, 2022

Thea Langille, MCIP LPP  
Principal Planner  
Rural Policy & Applications  
HRM

Dear Thea:

**RE: Ledwidge Lumber – MPS/LUB amendment to: re-zone lands (PIDs 40450934, 00382507) from R1-b to R-6 to align with the MPS that allows for the expansion of the Ledwidge Lumber forestry use at 195 Old Post Road, Enfield, NS (planning district 14 & 17); to carry out the MPS intent to clarify that “expansions” to existing forestry uses are permitted in the R-6 Zone; and to recognize woody biomass biofuel technology as a forestry use.**

On behalf of my Client, Ledwidge Lumber Company Limited, we are making an application to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Shubenacadie Lakes Plan Area (Planning Districts 14 & 17). The reason for the request is to re-zone adjacent lands to their existing forestry sawmill operation and improve the wording in the MPS/LUB to better align with current MPS preamble that allows for the expansion of the Ledwidge Lumber operation.

One of the two properties subject to the requested rezoning is designated Residential, while the other is partly designated Residential and partly designated Resource. The Residential designation does not have enabling policy to allow a rezoning from R1-b (suburban residential) to R-6 (Rural Residential) but the Resource Designation does (Policy P-181 and P-86). It appears that an MPS amendment is required to re-zone the subject properties from R1-b to R-6 whether the MPS designations are changed or not.

Given that an MPS amendment is required to enable the rezoning, we are also seeking to clarify sections of the MPS/LUB as necessary to carry out the intent that the Ledwidge Lumber operation is permitted to expand and that a woody biomass biofuel plant is considered to be a forestry use. The reason for this request is to avoid any confusion at the permitting stage if/when the re-zoning is approved.

The proposed re-zoning will not result in negatively impacting the availability of vacant lands for future residential development. There is a large volume of vacant lands in the plan area that are designated Residential. The subject lands are owned by Ledwidge Lumber and located between the existing sawmill and the Resource designation. There is no intent for these lands to ever be developed as R1-b residential subdivisions.



Ledwidge Lumber Company Limited is a family owned business located at 195 Old Post Road in Enfield and has been in operation nearly 80 years since 1943 when it was established by Laurie Ledwidge. At the age of 18, Laurie first began with a shingle mill where he sawed wood shingles for homes during the war. In 1948 he built a portable mill and had 12 employees. Through two rebuilds and a lot of good faith, Ledwidge Lumber has supported three generations of the Ledwidge family and currently employs over 120 people.

Eighty-five percent of the Company's workforce are in full-time, permanent positions. Besides production line and office staff, Ledwidge Lumber employs industrial mechanics, electricians, heavy equipment operators, foresters, and stationary engineers. Over 300 private woodland owners supply Ledwidge Lumber with roundwood to saw from all over the Maritimes.

Ledwidge Lumber manufactures top-quality lumber and by-products for delivery to the global marketplace. In addition to the production of lumber, they sell sawdust, wood chips, bark, and wood shavings (all forms of woody biomass) that get turned into high grade lumber products that are sold locally in Nova Scotia such as: paper products, landscaping, and animal bedding.

Ledwidge Lumber owns four properties which are contiguous to each other. Two of the four properties are zoned R-6 (Rural Residential) which is where the existing forestry sawmill operation is located. The other two properties are zoned R1-b (Suburban Residential). The MPS preamble specifically allows for the expansion of the Ledwidge Lumber operation which was a site specific MPS amendment initiated and approved by Halifax County Council in 1992. The MPS amendment intended to allow for all future expansions of the Ledwidge Lumber operation but neglected to anticipate the future need to expand onto adjacent properties.

The Ledwidge Lumber operation was located on the two R-6 zoned properties at that time in 1992. The operation has expanded onto one adjacent property without the owners realizing that the land was zoned R1-b rather than R-6. The owners had assumed that expansions to their operation was enabled and protected since 1992 when Halifax County Council, (on their own initiative), approved a site specific amendment to the MPS to allow for future expansions to the Ledwidge Lumber operation.

The Halifax County MPS amendment was done because, in 1991, Laurie Ledwidge had to apply for a development agreement to allow him to add a kiln to his operation. That effort concerned Halifax County Council because they wanted to protect the sawmill operation by allowing it to expand as-of-right and they didn't like the length of time for the processing of the development agreement (March 3, 1992 Council minutes). On August 22, 1992, Halifax County Council approved MPS/LUB amendments that were intended to "...make accommodation for the Ledwidge Lumber mill." The Council minutes from August 17, 1992 state that, "Staff was asked to make amendments to accommodate the expansion for this use by right particularly in recognition of the fact that this mill has preceded the plan and has been in existence prior to the plan".

It was recommended by staff to rezone the lands to R-6 (Rural Residential). However, because the R-6 zone did not permit expansion of lumber mills by right, staff recommended that the land use of "existing forestry uses" be added to the zone and to allow expansions as-of-right subject to the setback requirements for "resource uses" in the MR (Mixed Resource Zone). As quoted from staff

in the August 17, 1992 Council minutes: "For Mr. Ledwidge this would allow him to expand, by right, in the future".

However, the LUB wording of "existing forestry uses" is slightly different from the MPS preamble which clearly states that "the continued use and expansion of existing forestry uses..." are to be permitted for the Ledwidge Lumber operation. This wording could be interpreted as being limited to the existing operation since the word "expansions" is not included. With the proposed re-zoning, we are seeking clarity on this matter so that "expansions to existing forestry uses" is made clear.

The forestry industry is adapting to the changing market and world circumstances which includes the need for enhanced woody biomass management such as new technologies for converting woody biomass residues into clean energy that can help reduce local and global GHG emissions by replacing fossil fuels with biomass based fuels. One of the new technologies for woody biomass residues are low carbon biofuel operations. Biofuel operations generate very little noise and their main discharge is water vapour from the wood drying process. It essentially uses heat to reduce the woody biomass into a liquid. The noise, odour and emissions are similar to the existing sawmill operation.

These low carbon biofuel land uses are ideally located within close proximity to sawmills so that they do not have to transport the woody biomass from one location to another. Ledwidge Lumber are currently in talks with a biofuel plant operator who wants to locate in Nova Scotia and is seeking support and possible funding from the Provincial and Federal levels of government. Having a biofuel operation on the existing Ledwidge site to transform by-products is a positive green solution to help address the climate crisis.

The land area necessary for the biofuel operation is smaller in size than the land area used by the existing sawmill. The buildings for the biofuel operation are similar in size to the existing sawmill buildings in terms of area and height. (see attached site plan and cross section elevation drawings). The proposed buildings will be set deep into the Ledwidge properties, surrounded by mature trees, and far away from roads and surrounding land uses.

The re-zoning will allow for the company to invest in its future by adding value to its current processes. A number of recent investments of updating the current facility's technology and efficiencies means carbon neutral solutions for by-products. A biofuel operation, for example, aids Nova Scotia in not only creating markets for lower grade wood products but also in its goal to remove our reliance on fossil fuels. Nova Scotia's future bio-economy will be key in creating carbon neutral or even carbon negative energy. Ledwidge Lumber is planning to be a part of this shift.

As part of this MPS amendment process to re-zone the two adjacent properties and to clarify that "expansions of" the Ledwidge Lumber forestry use in the R-6 zone is permitted, we are also requesting that the MPS preamble or LUB forestry definition be updated to recognize that woody biomass technology is a forestry use that is supportive to sawmills.

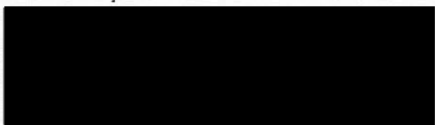
With the fourth generation of the Ledwidge family soon to be of employable age, and a high degree of investment in the sawmill operation during 2021/2022, Ledwidge Lumber is a forward thinking company that is here to stay as an economic driver in Nova Scotia.

We are asking that HRM please give this application a priority status because it is essentially a "housekeeping" amendment that aligns with the existing MPS preamble that enables expansions to the existing Ledwidge Lumber forestry land use and so that this leading biofuel operation for Nova Scotia will not be delayed.

As per your request, I have enclosed an aerial site plan and associated cross sections that illustrate the visual relationship of the biofuel structures to the existing sawmill structures. I have also enclosed a Transportation Impact Review which concludes that the road network can accommodate the proposal. I have also enclosed 11 letters of support, an assessment of anticipated job opportunities, and an assessment of the expected socio-economic benefits.

I look forward to working with you on this very important application.

Sincerely:



Jennifer Tsang, MCIP

cc: Councillor Cathy Deagle Gammon

Enclosures:

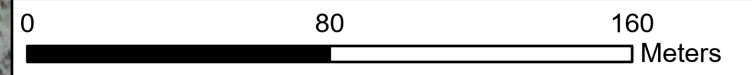
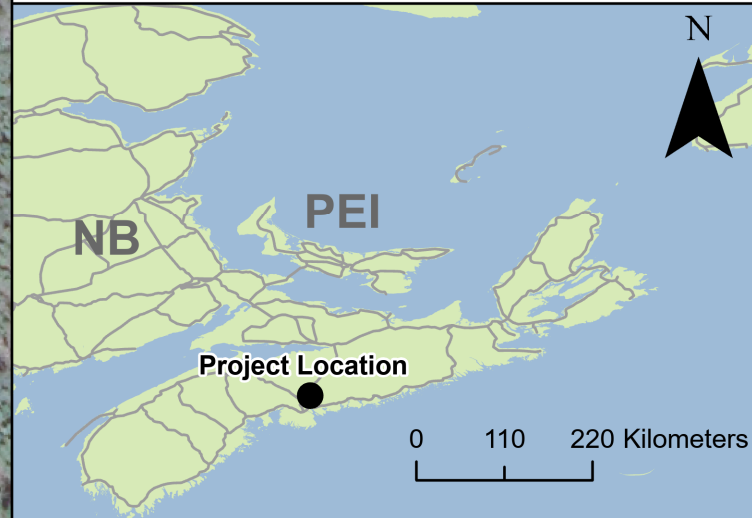
1. Cross section plan by Strum
2. Aerial photo site plan by Strum
3. MPS amendment application
4. Transportation Impact Analysis from Trans4m Group
5. Vyterra letter of support
6. Deputy Minister of Nova Scotia for Natural Resources and Renewables letter of support
7. CKF Inc. letter of support (recyclable and compostable tableware and food packaging)
8. NSCC letter of support
9. Verschuren Centre letter of support
10. NSIH letter of support for the project site
11. NSIH letter of support for Clean Fuel Fund Initiative
12. NSIH letter of funding support
13. NSCC letter of intent to purchase fuel
14. Nova Scotia Ministry of Finance letter per-approving eligibility for refundable Provincial tax credits
15. Elbow River Marketing letter of interest in purchasing clean fuel
16. Assessment of the expected jobs to be created
17. Assessment of the expected socio-economic benefits
18. Application Fee has previously been submitted to HRM

**Attachment B: Site Plan**  
**Ledwidge Development Permit App.**

**Wetland Delineation**

**Legend**

- Property Line
- Transportation**
- Public Roads
- Water Features**
- Mapped Stream
- - - Mapped Indefinite Stream
- Field Delineated Wetland



Scale: 1:2,000

NAD83 UTM Zone 20N

Sources: ESRI Basemaps, GeoNOVA, NSTD

Drawn By: E. Johnson

Checked By: S. Dickey

Drawing #: 1

Date: June 2022

Project #: 21-8179



Engineering - Surveying - Environmental  
 Bedford - Antigonish - Moncton - St. John's

