

**West Community Council  
December 10, 2012**

**TO:** Chair and Members of West Community Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Brad Anguish, Director of Community and Recreation Services

**DATE:** November 16, 2012

**SUBJECT:** Case 17869 – Rezoning of an Existing Access Driveway, River Road,  
Terence Bay

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**ORIGIN**

- June 5, 2012 staff report to Western Region Community Council
- June 25, 2012 motion of Western Region Community Council:

*“MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council request that staff initiate the process to amend the Planning District 4 Land Use By-Law to rezone a portion of provincial land (PID 40122427) from the (P-3) Conservation zone to the (RE) Resource zone to enable the use of an existing access driveway for wind turbine development on the lands of Mr. Bernard Deal (PID 00384966), Terence Bay. MOTION PUT AND PASSED UNANIMOUSLY.”*

**RECOMMENDATION**

It is recommended that West Community Council:

1. Give First Reading to the proposed rezoning of a portion of provincially owned land in Terence Bay from the P-3 (Conservation) Zone to the RE (Resource) Zone, as provided in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of a portion of provincially owned land from the P-3 (Conservation) Zone to the RE (Resource) Zone, as provided in Attachment A of this report.

## **BACKGROUND**

In 2006, HRM undertook a region-wide policy initiative to establish a comprehensive strategy for wind turbine siting across the Municipality. Since 2008, Mr. Bernard Deal, representing Deal Excavating Services Ltd., (“Deal Excavating”) has been communicating with staff about his company’s intentions to establish a large scale, wind turbine development on their lands (PID 00384966) near River Road in Terence Bay (Map 1). On October 18, 2011, Regional Council adopted a Wind Energy Strategy which applied various wind overlay zones across HRM, including the Deal Excavating land, to allow wind turbine development.

The driveway required to access the Deal property is not zoned appropriately to permit wind turbine development (Map 1). To address this situation, at its April 23, 2012 meeting, Western Region Community Council (“WRCC”) requested a staff report be prepared to identify possible avenues for rezoning the driveway to enable the proposed wind turbine development. Further to that report, at their June 25, 2012 meeting, WRCC requested staff initiate the process to appropriately rezone the driveway for wind turbine use. This report pertains to that request.

### **Permit History & Current Proposal**

In 2001, a development permit was issued to establish a composting operation on the Deal Excavating property. At that time, Deal Excavating received approval from the Province to build a driveway on the abutting, provincially-owned property to gain access to their lands. The development of a compost operation did not proceed. The area Land Use By-law specifically permits driveways for composting facilities to cross P-3 zoned lands; this is not the case, however, for wind turbine developments. As a result, a development permit to construct a wind turbine development on the property using the existing driveway was refused in 2011.

Deal Excavating would now like to use the existing driveway to access their lands for a proposed wind turbine development. As the driveway is accessory to the wind turbine development, it must be located in a zone that permits the development. The company has already received an easement from the Province for this purpose but, to meet the requirements of the Land Use By-law, the area must be rezoned to allow the driveway (Map 4) to be used for wind turbine purposes. The wind turbine facility is to consist of 4 (or more) large utility scale wind turbines approximately 120 metres (400 feet) in height which will generate approximately 2 megawatts of power. As a result, it is anticipated that the wind turbine development will be required to undergo a Provincial Environmental Assessment. Further details of the wind turbine development are not known at this time, however, they are not the subject of this rezoning request.

### **Site Description**

The area of land to be rezoned is 5,454 square metres (58,708 sq. ft.) in area, approximately 358 metres (1,175 feet) in length by 15.4 metres (50 feet) width, and is a portion of the provincially-owned lands identified as PID 40122427 near River Road in Terence Bay (Map 4). This portion of the lands is subject to an easement between the Province and Deal Excavating for the purpose of providing vehicular access to the lands. The easement abuts an existing crown road reserve

which is not constructed or maintained to current Provincial road standards. The road reserve is available for access by the public but would require improvements if it were to be used for subdivision purposes.

Deal Excavating's property, identified as PID 00384966, is a 100 acre parcel of land which is immediately adjacent to the provincially-owned lands (Map 2). The property is currently vacant and does not front on a public road. The lands are relatively remote and, at present, there are no residential buildings within 900 metres of the edge of the Deal property. There is, however, a property zoned for residential use [RA-3 (Residential A-3) – Map 2] with public road frontage within 700 metres of the lands.

#### Designation, Zoning and Wind Energy Overlay Zoning

The provincially-owned lands accommodating the driveway are designated Conservation under the Planning District 4 Municipal Planning Strategy (MPS) (Map 1) and zoned P-3 (Conservation) under the Land Use By-law for Planning District 4 (LUB) (Map 2). The lands of Deal Excavating are designated Resource under the MPS and zoned Resource (RE) under the LUB. Both properties are located within the (RW-2) Rural Wind overlay zone on the Wind Energy Overlay Zoning Map (Map 3) which permits large, medium, and small wind turbines.

The Regional Municipal Planning Strategy (RMPS) sets out policy for the siting of wind turbines throughout HRM (Attachment B). The policy is implemented through the LUB and, to determine where wind turbine development is permitted on a property within Planning District 4, the Zoning Map, the Wind Energy Overlay Zoning Map, and the text of the LUB must be reviewed. In Planning District 4, two wind energy zones were applied:

- i) (R) Restricted zone, which prohibits all wind turbines. This zone was applied consistently across HRM to lands which included provincially recognized Protected and designated Conservation lands; and
- ii) (RW-2) Rural Wind zone, which permits all scales of wind turbines subject to setback and separation distance requirements. This zone was applied to all remaining lands in the Plan Area, including certain provincially-owned lands.

Within Planning District 4, a broad range of provincially-owned properties were identified and zoned P-3 (Conservation). Due to the importance placed upon protecting conservation lands within the Planning District 4 MPS, all P-3 zoned lands prohibit the siting of wind turbines in the same manner as does the application of the R overlay zone.

#### DISCUSSION

Staff have reviewed the application relative to all relevant policies and have determined that it is consistent with the MPS with particular reference to Policy CONS-8. Attachment D provides an evaluation of the proposed rezoning (LUB amendment) in relation to the relevant MPS policies. The following issues have been identified for more detailed discussion.

**Compatibility Concerns: Residential Lands:**

To minimize land use compatibility concerns, Policy CONS-8(b) requires that the RE (Resource) Zone not be applied to lands that abut any residential or mixed use zone. The subject land is essentially bounded by P-3 (Conservation) zoning to the north and south. The crown road reserve is located to the west and the lands to the east are zoned RE as shown on Map 4. In staff's opinion, the proposed rezoning is consistent with the intent of the policy for new RE zoned lands not to abut residential or mixed use zoned lands.

**Impacts on Conservation Lands:**

The MPS also addresses compatibility concerns relative to the impact on the environment. The preamble to Policy CONS-3 indicates that Conservation lands may be highly sensitive to human activities and that care should be taken to avoid their destruction (Attachment B). Staff acknowledge the construction of the driveway has altered the landscape and possibly altered the conservation value of the lands as a result. However, the driveway has already been constructed and has existed in this form for approximately ten years. Therefore, the fact that the driveway already exists is paramount in considering the values set out in MPS policy. As the driveway is already existing, staff interpret the MPS policy to mean that there should be no further intrusion into the existing conservation area should the rezoning be approved. Since the area to be rezoned is the exact same area as of the right-of-way that is currently registered on title, any new zoning permission granted should have minimal impact upon the abutting P-3 Zone lands.

**Provisions of the RE Zone:**

The RE Zone permits low density, residential uses in addition to a mix of resource uses such as agriculture and forestry, etc. When Regional Council applied the RW-2 overlay zone to RE zoned lands within District 4 Plan area, Council deemed wind turbines to be compatible with resource development which is why the two zones were overlaid. Therefore, rezoning the subject lands from P-3 to RE is consistent with the intent of Policy CONS-8 and the Wind Energy Strategy.

If the driveway access is rezoned, the uses permitted under in the RE (Resource) Zone would be permitted on the subject lands. However, the dimensions of the subject land would severely limit most uses from occurring. In practical terms, this means that the driveway access can be used by all of the uses permitted under the RE Zone and used permitted under the RW-2 Zone.

**Impact of the Driveway:**

Regardless of the land use utilizing the existing driveway, there would likely be some level of impact to the driveway lands. In the case of a wind turbine development, impacts would occur during the construction phase of the facility. This would be due to the use of large trucks on the driveway access. This would most likely result in sound and vibration over a relatively short period of time. After the wind turbine development is operating, traffic will decline to a maintenance level which makes the use a low impact use.

If the rezoning is approved, other more intensive uses than a wind turbine facility could also use the driveway. These include forestry and agricultural uses (Attachment C) which, in staff's opinion, may have the same or less of an impact than a composting facility. A composting

facility is the only intensive land use currently permitted within the RE zone that is enabled to use the driveway access at this time. Staff advise that a composting facility would likely generate a constant flow of trucks as part of its operations and be a more intensive land use than a wind turbine development.

**Adequacy of Road Network:**

Access to the existing driveway is from a provincial crown road reserve as shown on Map 4. The crown road reserve is used by the public but it is not maintained by the Province. If upgrades are required to the road to enable a wind turbine development on the Deal property or any other property using the road, a private agreement between the Province and property owner would be required. This agreement would not be within the purview of the Municipality. Also, any upgrade to the driveway would also be subject to an agreement between the Province and Mr. Deal, and not the Municipality.

**Ownership:**

Policy CONS-8 also stipulates the RE Zone should only be applied to lands subject to a crown land exchange or should be leased by the Province for resource development purposes. In this case, the lands are owned by the Province who has entered into a right of way agreement to allow Mr. Deal access to his lands for resource development (i.e. wind turbine development). The Province was consulted on the proposed rezoning and has indicated that they have no comments on the proposal.

**Limitations of the Rezoning Process:**

During the public consultation process, questions were raised regarding the establishment of site specific standards for the subject land. Under the rezoning process, after a property is rezoned the land is only subject to the land use provisions within the zone. In this case, the provisions of the RE Zone would apply (Attachment C). While staff anticipate that there would be limited impacts as a result of the proposed rezoning, there is no ability to establish site specific standards for development of the subject land through the rezoning process. A development agreement process is not an option under the District 4 MPS.

**Conclusion:**

Staff are of the opinion that the application is consistent with all applicable policies of the District 4 MPS, largely due to the fact that the driveway is already existing and utilized, and impacts on the surrounding lands from the rezoning should be minimal. Therefore, staff recommend that Council amend the District 4 Land Use By-Law to rezone a portion of provincially owned land, as set out in Attachment A and as shown on Map 4, from P-3 Zone to RE Zone.

**BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved operating budget for C310 Planning & Applications.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

**COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on July 11, 2012 (see Attachment E for Minutes). Notices of the Public Information Meeting were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area which was extended to 2 kilometers from the driveway location as shown on Map 5.

A public hearing has to be held by Council before they can consider approval of the proposed rezoning. Should 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 5 will be notified of the hearing by regular mail.

**ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified other than those raised in this report.

**ALTERNATIVES**

1. Council could choose to amend the Planning District 4 LUB to rezone those lands highlighted on Map 4 from P-3 (Conservation) Zone to the RE (Resource) Zone for the purposes of permitting access for resource development. This is staff's recommended course of action.
2. Council may choose to refuse the proposed amendments to the District 4 LUB, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended, as the application is, in staff's opinion, consistent with the MPS.

**ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Land Use Zoning and Context
Map 3	Wind Energy Zoning
Map 4	Area to be Rezoned
Map 5	Notification Area
Attachment A	Proposed Amendment to the District 4 LUB
Attachment B	Excerpts from the Regional Plan and the Planning District 4 MPS
Attachment C	Excerpts from the District 4 LUB

Attachment D            Review of Relevant Policies  
Attachment E            Public Information Meeting Minutes

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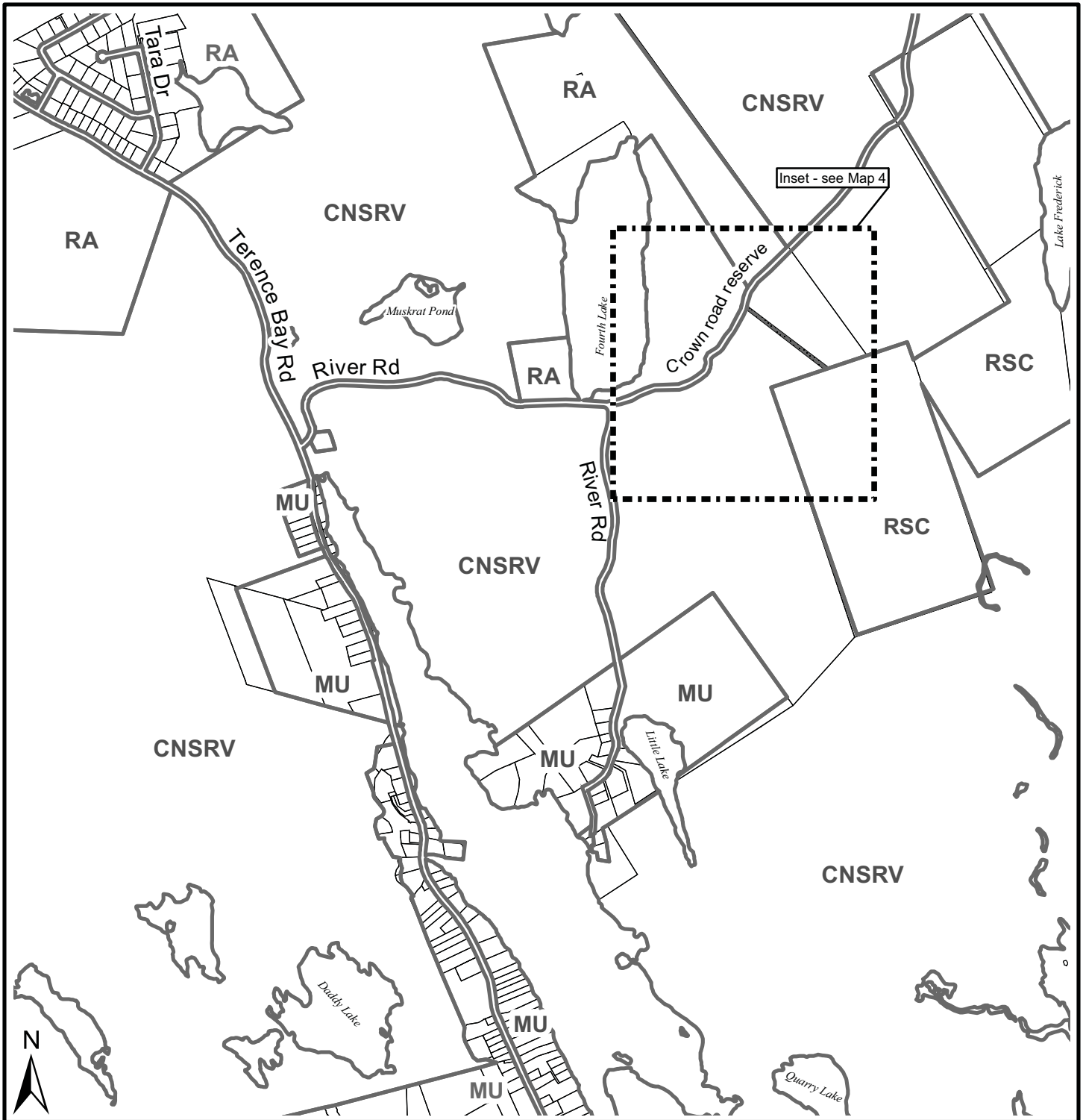
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:            Shayne Vipond, Senior Planner, 490-4335

Original Signed

Report Approved by:             Kelly Denty, Manager, Development Approvals, 490- 4800

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### Map 1 - Generalized Future Land Use

River Road area  
Terence Bay



#### Designation

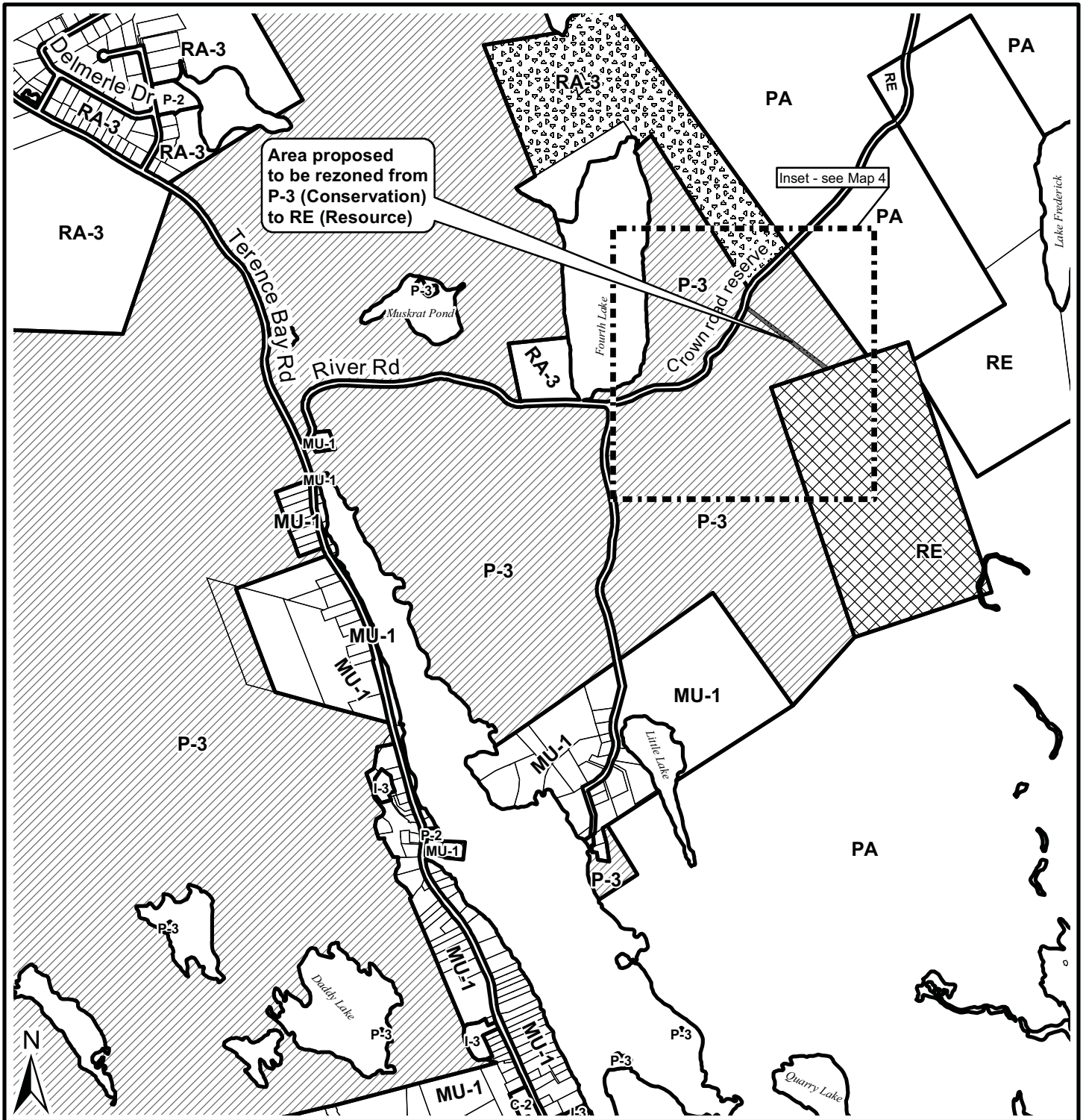
- RA Residential A
- MU Mixed Use
- RSC Resource Conservation
- CNSRV Conservation

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

HRM does not guarantee the accuracy of any representation on this plan.




Planning District 4 (Prospect) Plan Area





### Map 2 - Land Use Zoning and Context

River Road area  
Terence Bay

-  Wind turbines not permitted
-  Lands Owned by Deal Excavating Services Limited
-  Residentially Zoned Property Within 700 m of Deal Excavating Service Limited Site

Planning District 4 (Prospect) Plan Area

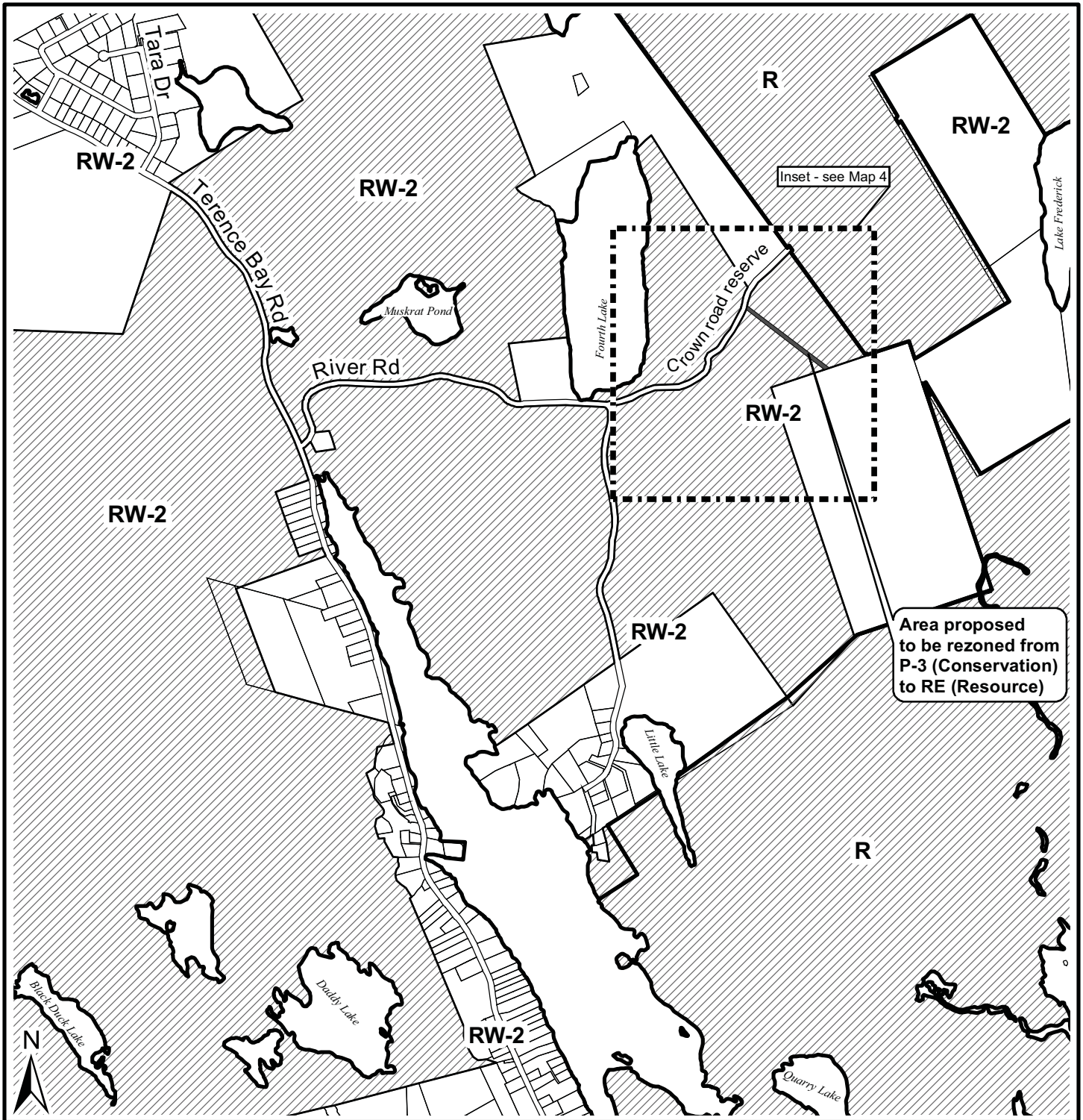
#### Zone

- RA-3 Residential A-3
- C-2 General Business
- I-3 Local Service
- MU-1 Mixed Use 1
- RE Resource
- P-2 Community Facility
- P-3 Conservation
- PA Protected Area




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

HRM does not guarantee the accuracy of any representation on this plan.



### Map 3 - Wind Energy Zoning

River Road area  
Terence Bay

 Wind turbines not permitted

#### Wind Energy Zone

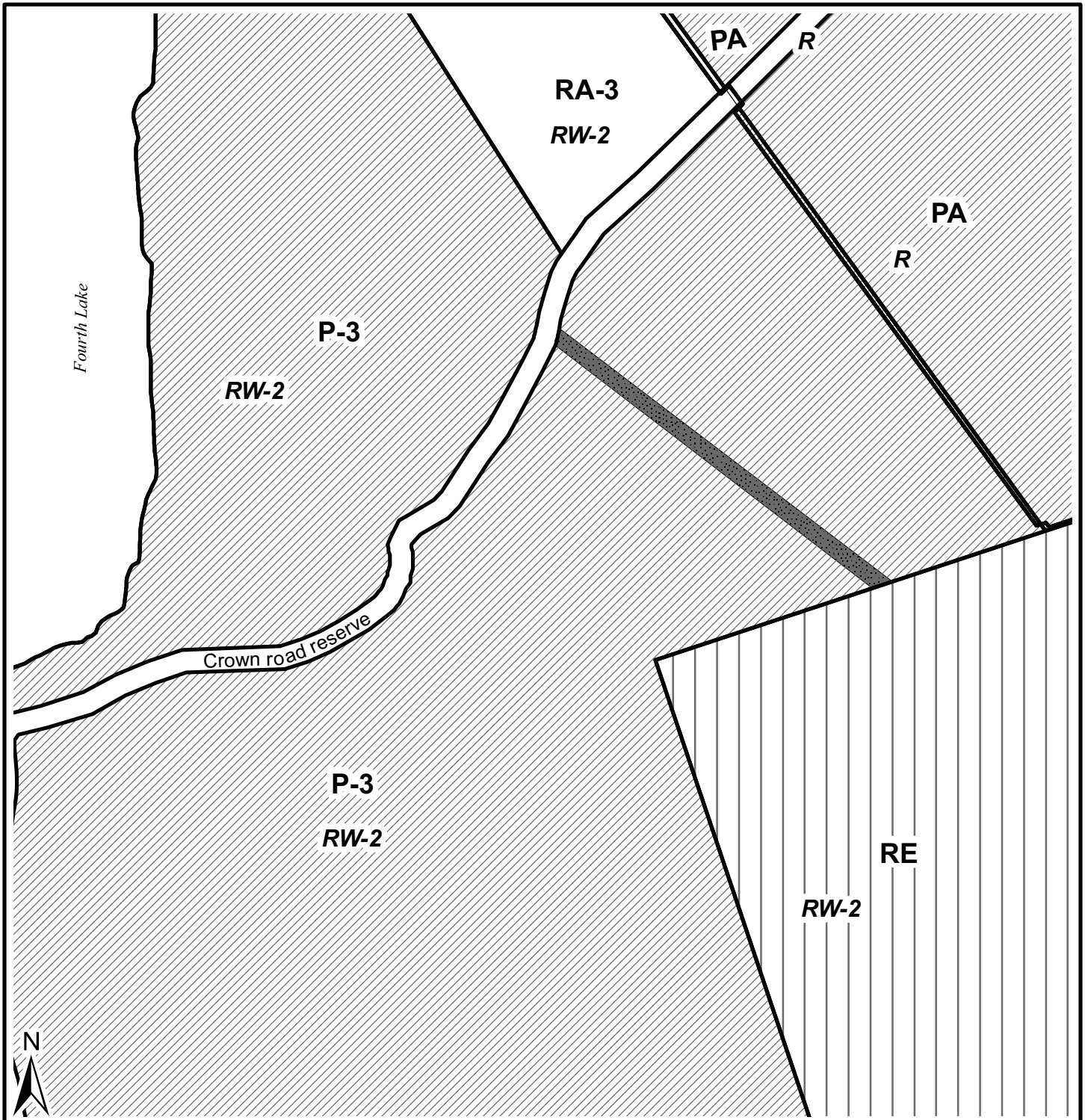
RW-2 Rural Wind  
R Restricted

Planning District 4 (Prospect) Plan Area




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


HRM does not guarantee the accuracy of any representation on this plan.




**Map 4 - Area to be Rezoned**

River Road area  
Terence Bay

 Area proposed to be rezoned from P-3 (Conservation) to RE (Resource)

 Wind turbines not permitted

 Lands Owned by Deal Excavating Services Limited

Planning District 4 (Prospect) Plan Area

**Wind Energy Zone**

RW-2 Rural Wind  
R Restricted

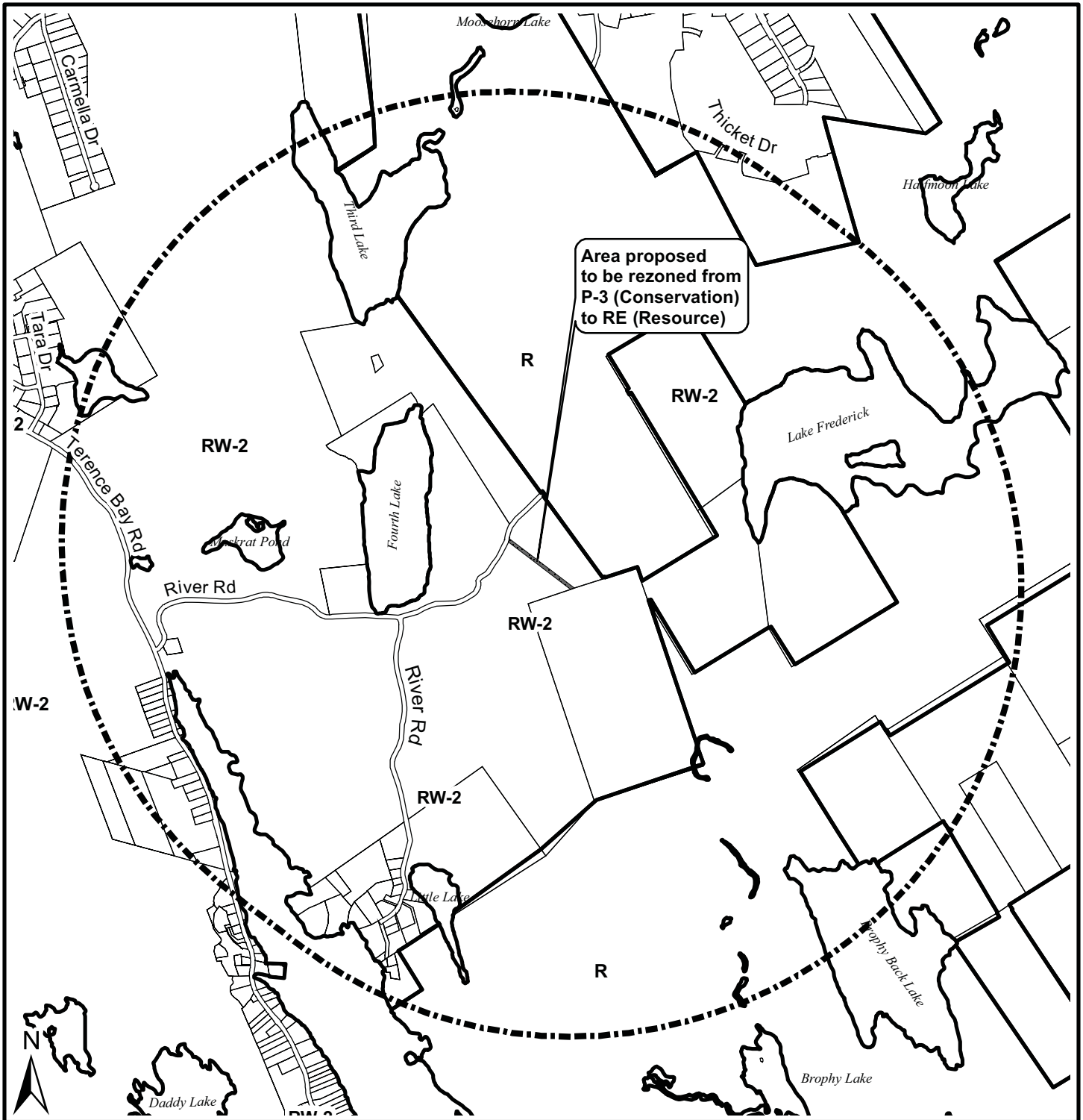
**Land Use Zone**

RA-3 Residential A-3  
RE Resource  
P-3 Conservation  
PA Protected Area



This map is an unofficial reproduction of a portion of the Zoning and Wind Energy Zoning Maps for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.



Area proposed to be rezoned from P-3 (Conservation) to RE (Resource)

**Map 5 - Notification Area**

River Road area  
Terence Bay



Area of notification - 2-km buffer from proposed access



**Wind Energy Zone**

RW-2 Rural Wind  
R Restricted

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

HRM does not guarantee the accuracy of any representation on this plan.

Planning District 4 (Prospect) Plan Area

**Attachment A**

**Amendment to the Land Use By-law for Planning District 4 (Prospect)**

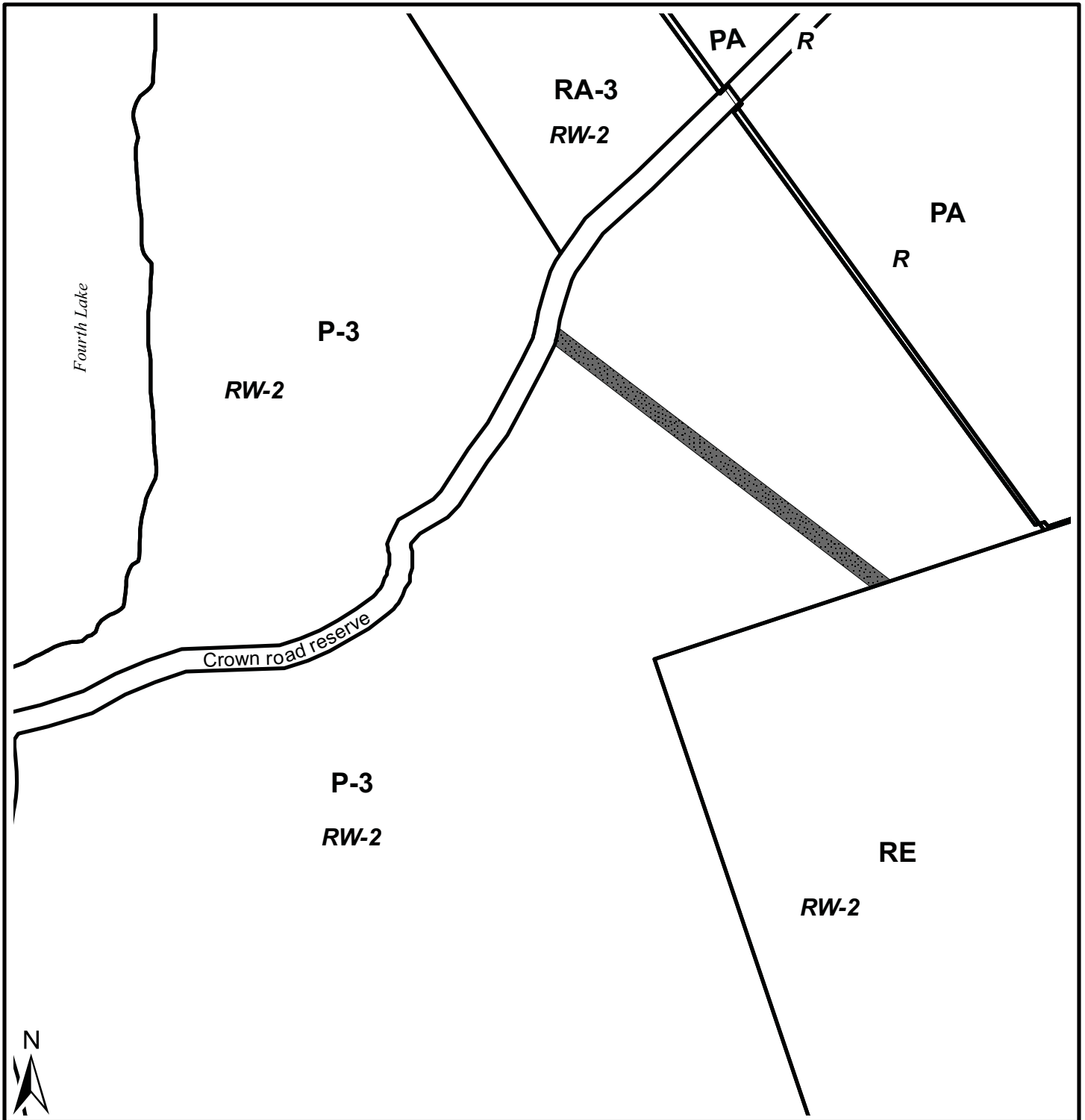
BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use Bylaw for Planning District 4 (Prospect) as enacted by the former Halifax County Municipality on the 12<sup>th</sup> day of December, 1994, and approved with amendments by the Minister of Municipal Affairs on the 3<sup>rd</sup> day of March, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 29<sup>th</sup> day of October, 2011, is hereby further amended as follows:

1. By amending the Zoning Map for Planning District 4 Land Use By-law to rezone the lands as generally shown on Schedule A and as more particularly described in Halifax County Registry of Deeds document no. 93541622.

I HEREBY CERTIFY that the amendments to the Planning District 4 Land Use By-law, as set out above, were passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_.


GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this day of \_\_\_\_\_, \_\_\_\_\_.

Municipal Clerk



**Schedule A**

River Road area  
Terence Bay

 Area to be rezoned from P-3 (Conservation) to RE (Resource)

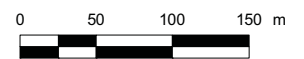
Planning District 4 (Prospect) Plan Area

**Wind Energy Zone**

RW-2 Rural Wind  
R Restricted

**Land Use Zone**

RA-3 Residential A-3  
RE Resource  
P-3 Conservation  
PA Protected Area



This map is an unofficial reproduction of a portion of the Zoning and Wind Energy Zoning Maps for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.

**Attachment B**  
**Excerpts from the Regional Plan and the Planning District 4 MPS**

**Regional Municipal Planning Strategy**

**“7.6 Wind Energy**

**WIND ENERGY IN NOVA SCOTIA**

**Rural HRM**

Unlike urban HRM where wind energy facilities are permitted only in selected locations, wind energy facilities in rural HRM have the potential to locate in many areas provided that the facility is not proposed to be sited in the Restriction (R) Zone. In addition, the wind energy facility must meet distance requirements and all Provincial and Federal regulations were applicable. Areas within the Restricted (R) Zone that have been identified as environmentally sensitive and are therefore excluded from wind energy facility development include: provincially protected wilderness areas, Regional and Provincial Parks and the Western Commons.

These machines can be highly visible and are considered controversial, generating conflicting opinion and strong points of view. The Municipality recognizes that a large portion of the public are predisposed to considering wind energy facilities in a negative light given the obtrusive nature of the technology. However the regulatory tools such as a Development Agreement and Site Plan approval, tools currently used extensively for other forms of development, cannot be utilized adequately to address issues of visual and sound impact mitigation. Accordingly wind energy facilities will be processed on an as of right basis.

**Policy SU- 32**

Within all Regional Plan Designations, HRM shall establish three overlay zones including an Urban Wind (UW-1) Zone, a Rural Wind (RE-2) Zone and a Restricted (R) Zone within the Land Use By-law to regulate wind energy facilities. These regulations will be implemented through the community land use by-laws. The Urban Wind Energy (UW-1) zone and the Rural Wind Energy (RE-2) Zone shall be applied to those areas where various categories of wind energy facilities shall be permitted in urban and rural areas. The Restricted (R) Wind Energy Zone shall be applied to the those areas where wind energy faculties shall be prohibited including Regional Parks, Conservation Areas, Protected Areas and the Western Commons and areas within Urban HRM not suitable for wind energy facilities.

**Planning District 4 MPS Policies**

**CONSERVATION DESIGNATION**

While the conservation zone has been designed to generally conserve large tracts of public land for wilderness recreation, some of the uses permitted within this zone are not consistent with the degree of protection which is required to preserve sites which have significant ecological and

archaeological value. Such sites may be highly sensitive to human activities and much care must be taken to avoid destruction. A special zone will, therefore, be established for application to the publicly owned portions of the sites which have significant ecological and archaeological value to the province of Nova Scotia and to the residents of Planning District 4.

CONS-3 Within the Conservation Designation, it shall be the intention of Council to create a preservation zone which permits the development of interpretive signs and monuments on sites which contribute significant ecological and/or archaeological value to the province of Nova Scotia and to the residents of Planning District 4. This zone shall be initially applied to the archaeological site located in the Bayview Subdivision, and to the publicly owned portions of the West Dover IBP site and Prospect High Head. Should additional portions of the IPB site or Prospect High Head become transferred to the crown, it shall be the intention of Council to apply the preservation zone to these lands by amendment to the land use by-law.

There are certain limited situations in which crown land transfers are carried out in order to improve crown land holdings in a particular area or where crown land is leased for resource development purposes. In order to accommodate such transfers which are in the public interest, provisions for the establishment of residential or mixed use or resource zoning on lands which are transferred into private ownership as part of a crown land exchange shall be considered. Provisions will also be made for the application of a resource zone to lands which have been leased for resource development purposes and for the application of a conservation or preservation zone to lands which are transferred into public ownership.

CONS-8 Notwithstanding Policy CONS-2, within the Conservation Designation, it shall be the intention of Council to consider the application of a residential, mixed use or resource zone, by amendment to the schedules or the land use by-law. In considering any amendment, Council shall have regard for the following:

- (a) that the residential or mixed use zone to be applied shall be the same zone as that of the nearest residentially or mixed use zoned property within the Plan Area;
- (b) that the resource zone to be applied does not abut any residential or mixed use zoned property within the Plan Area;
- (c) that the property to be rezoned is part of a crown land exchange within the Plan Area or has been leased by the province for resource development purposes;
- (d) the potential impact of the crown land transfer or lease on habitat and the overall integrity of the entire crown land holding; and
- (e) the provisions of Policy IM-11.

It is reasonable to suggest that the extensive public land base of Planning District 4 could be utilized for the future location of public uses such as schools, community centres or fire halls. In order to ensure that such uses are compatible with the Conservation Designation and do not affect the integrity of the wilderness area, such uses may only be considered by amendment to the land use by-law.



IMPLEMENTATION

IM-11 In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of on-site sewerage and water services;
  - (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
  - (iv) the adequacy of road networks leading to or within the development; and
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- (d) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-July 2, 2002 / E-August 17, 2002)

**Attachment C**  
**Excerpts from the Planning District 4 Land Use By-law**

4.29 COMPOSTING OPERATIONS

No development permit shall be issued for a composting operation except in compliance with the following provisions:

- (a) the use shall not be obnoxious or create a nuisance;
- (b) a composting operation shall meet the following separation distances:
  - (i) from any property line 328 feet (100 m)
  - (ii) from the nearest:
    - 1. residential dwelling 1,640 feet (500 m)
    - 2. community facility use 1,640 feet (500 m)
    - 3. commercial or industrial building 984 feet (300 m)
  - (iii) from a watercourse 328 feet (100 m)
- (c) notwithstanding any other provisions of this by-law, composting operations may occur either inside or outside of a building; and
- (d) a composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (RA-1, RA-2, RA-3, RA-4, RB-1, RB-2, RB-3, and RB-4 Zones). (MC-Feb 26/96;E-Mar 28/96)

4.33 WIND ENERGY FACILITIES (RC-Aug 16/11;E-Oct 29/11)

II ZONES

- b) RURAL WIND ZONE (RW-2)
  - i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
  - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
  - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
    - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
    - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
  - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
    - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
    - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.

- v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
  - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
  - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
  - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
  - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) RESTRICTED ZONE (R)
  - i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

## V EXCEPTIONS

Notwithstanding Section II a) and II b) the setback requirements from any Wind Energy Facility to a property boundary may be waived where the adjoining property is part of and forms the same Wind Energy Facility. All other setback provisions shall apply.

- a) Wind Energy Facilities shall not be permitted in the following zones of the Planning District 4 Land Use By-law:
  - i) RPK (Regional Park) Zone;
  - ii) PA (Protected Area) Zone; and,
  - iii) P-3 (Conservation) Zone.

## **PART 29: RE (RESOURCE) ZONE**

### 29.1 RE USES PERMITTED

No development permit shall be issued in any RE (Resource) Zone except for the following:

Single unit dwellings

Business uses in conjunction with permitted dwellings

Agricultural uses

Agricultural uses intensive

Aquaculture industrial uses

Forestry uses

Hunting and fishing lodges

Recreation uses

Composting operations (see section 4.29) (MC-February 26, 1996 / E-March 28, 1996)

## 29.2 RE ZONE REQUIREMENTS

In any RE Zone where uses are permitted in accordance with Section 29.1, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	80,000 square feet (7432 m <sup>2</sup> )
Minimum Frontage	200 feet (61.0 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear Yard or Side Yard	25 feet (7.6 m)

## 29.3 OTHER REQUIREMENTS: RESIDENTIAL USES

In any RE Zone, where single unit dwellings are permitted, no dwelling unit shall be located closer than 50 feet from any side or rear lot line which abuts an existing resource operation.

## 29.4 OTHER REQUIREMENTS: BUSINESS USES

In any RE Zone, where business uses in conjunction with a dwelling are permitted, no more than fifty per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of any dwelling or accessory building devoted to a business use exceed one thousand five hundred (1,500) square feet (134.4 m<sup>2</sup>)

## 29.5 OTHER REQUIREMENTS: AGRICULTURAL AND INTENSIVE AGRICULTURAL USES

In any RE Zone, where agricultural and intensive agricultural uses are permitted, no barn, stable, or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals shall be located:

- (a) less than fifty (50) feet (15.2 m) from any side lot line;
- (b) less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
- (c) less than three hundred (300) feet (90.3 m) from any watercourse; or
- (d) less than one half (0.5) mile (0.8 km) from any residential or mixed use zone.

## 29.6 OTHER REQUIREMENTS: AQUACULTURE INDUSTRIAL USES

In any RE Zone, where aquaculture industrial uses are permitted, the following shall apply:

- (a) No hatchery, tank or processing operation which exceeds 3,000 square feet (278.7 m<sup>2</sup>) of gross floor area, shall be located:
  - (i) less than fifty (50) feet (15.2 m) from any side or rear lot line;
  - (ii) less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the aquaculture industrial use; or
  - (iii) less than one half (0.5) miles (0.8 km) from any residential or mixed use zone.
- (b) The yard requirements for any aquaculture industrial use shall be waived for any yard which abuts the shoreline of a waterbody related to the aquaculture operation.

#### 29.7 OTHER REQUIREMENTS: FORESTRY USES

In any RE Zone, where forestry uses are permitted, no sawmill or other industrial mill related to forestry which exceeds two thousand (2,000) square feet (185.8 m<sup>2</sup>) of gross floor area, shall be located:

- (a) less than fifty (50) feet (15.2 m) from any side or rear lot line;
- (b) less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use;
- (c) less than three hundred (300) feet (90.3 m) from any watercourse; or
- (d) less than one half (0.5) mile (0.8 km) from any residential or mixed use zone.

### PART 31: P-3 (CONSERVATION) ZONE

#### 31.1 P-3 USES PERMITTED

No development permit shall be issued in any P-3 (Conservation) Zone except for the following:

##### Conservation Uses

Public parks

Trails

Historic sites and monuments

Aids to marine navigation

Existing hunting and fishing camps

Existing cemeteries

**Attachment D**  
**Review of Relevant Policies**

<b>Policy Criteria</b>	<b>Staff Comment</b>
<p><i>CONS-8 Notwithstanding Policy CONS-2, within the Conservation Designation, it shall be the intention of Council to consider the application of a residential, mixed use or resource zone, by amendment to the schedules or the land use by-law. In considering any amendment, Council shall have regard for the following:</i></p> <p><i>(a) that the residential or mixed use zone to be applied shall be the same zone as that of the nearest residentially or mixed use zoned property within the Plan Area;</i></p> <p><i>(b) that the resource zone to be applied does not abut any residential or mixed use zoned property within the Plan Area;</i></p> <p><i>(c) that the property to be rezoned is part of a crown land exchange within the Plan Area or has been leased by the province for resource development purposes;</i></p> <p><i>(d) the potential impact of the crown land transfer or lease on habitat and the overall integrity of the entire crown land holding; and</i></p>	<p>No residential or mixed use zone is proposed as part of this application.</p> <p>The proposed Resource Zone does not abut any residential or mixed use zoned property.</p> <p>The lands are owned by the Province who have granted an easement over their lands to be used as a driveway access to the Deal lands (Map 4). Staff deems wind turbine development a “resource development purpose” on the basis of the October 18, 2011 approval by Regional Council that wind turbines were a permitted use in the RE Resource zone in District 4.</p> <p>Since the driveway has already been constructed and the rezoning is limited to the lands used for the access driveway the adjacent Conservation lands should be minimally impacted. Operations to transport equipment for the purpose of site preparation and wind turbine construction would not be able to go outside the boundaries of the proposed rezoned area. This area would be 15.24 meters (50 ft.) wide by 358 metres</p>

	(1,175 ft.) deep as shown on Map 4.
(e) <i>the provisions of Policy IM-11.</i>	See below
<b>Policy Criteria IM-11</b>	<b>Staff Comment</b>
<i>IM-11 In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:</i>	
(a) <i>that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;</i>	The proposal is consistent with the intent of the MPS. Regional Council deemed that wind turbine development as is consistent with a Resource development use when it adopted the wind energy siting regulations in October of 2011.
(b) <i>that the proposal is not premature or inappropriate by reason of:</i>  (iv) <i>the adequacy of road networks leading to or within the development; and</i>	Crown road reserve (Map 4) is an open unmaintained public road reserve. However for any development to occur the road would be required to be upgraded. It is not known if an agreement is in place for the road reserve to be upgraded.
(c) <i>that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>  (iii) <i>traffic generation, access to and egress from the site, and parking;</i>	Driveway access is on crown lands is flat and is 15.24 meters (50 ft.) wide by 366.7 meters (1,200 ft.) long and is open and accessible.

**Attachment E**  
**Public Information Meeting Minutes**

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case No. 17869**

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Wednesday July 11, 2012  
7:00 p.m.

Prospect Road Community Centre, Hatchet Lake

**STAFF IN**

**ATTENDANCE:** Shayne Vipond, Senior Planner, HRM Planning Applications  
Luc Ouellet, Senior Planner, HRM Planning Applications  
Hilary Campbell Planning Technician, HRM Planning Applications  
Jayne Anderson, Planning Controller, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:** Councillor Steve Adams, District 18  
Councillor Peter Lund, District 23  
Councillor Reg Rankin, District 22

**PUBLIC IN**

**ATTENDANCE:** Approximately 129

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Mr. Luc Ouellet introduced himself as a Senior Planner and Chair of the evening's meeting. He also introduced Mr. Shayne Vipond, the Senior Planner assigned to the rezoning application. He indicated that his role was to help facilitate the meeting. He discussed some of the rules of order including that speaker would be limited to 5 minutes and that the meeting would end at 9:00 pm.

He indicated that the minutes taken this evening would be attached to the staff report that will go forward to council in the future. He then turned the meeting over to Mr. Vipond.

**1. Call to order, purpose of meeting – Shayne Vipond**

Mr. Vipond started the meeting by discussing more rules of order. He asked that the speaker provide give their names & communities for the minutes so that their comments could be compiled for public record on this particular file.

**2. Overview of planning process**

Mr. Vipond then provided an overview of planning process and went on to discuss the application before the community was specifically for the rezoning of a driveway access. He acknowledged that there was discussion in the community about a wind farm development but



that any such development was not the subject of the application before the community this evening. He explained that the application was potentially about changing the zoning on piece of land containing a driveway access from a P3 Conservation Zone to a Resource Zone. The decision from Council would not be about the lands that were already zoned for wind farm development. That decision was made last year and is not open for discussion this evening.

He indicated that no decision is being made tonight and that staff and the Councilors were here this evening to hear all points of view on what the community had to say about the application. These comments would be part of the public record.

### **3. Presentation of Proposal – Shayne Vipond**

Mr. Vipond explained that this was a rezoning application to an existing driveway, which is located in Terence Bay, off of River Road on an unmaintained Crown Road. The rezoning application is from P3 Conservation zone to Resource Zone. He explained that the rezoning application was specifically about the area of land that the driveway access is on. The driveway is approximately 55 feet wide by 1200 feet in depth. The rezoning application would apply only to these lands if approved. He explained that the application that the crown reserve road and the lands with the driveway were provincial property. He explained that as the properties were owned by the province HRM does not have a vested interest in the standard construction of either the road or the driveway. This is provincial jurisdiction however the crown road is an open public road that can be used by the public at their own risk. Of particular concern in the review of the rezoning application is the question: should this land be rezoned from Conservation Zone to Resource Zone?

He explained that in this case staff are guided by the District 4 Municipal Planning Strategy and Land Use By-law in Terence Bay. There are some specific criteria that staff would consider in evaluating the proposal. Staff would use this evaluation to take a recommendation to council.

Specifically is this property either leased by the province or in this case it is owned by the province, and will it be used for resource development purposes. And secondly what will the effect of the conservation zone if the drive is rezoned to Resource. If the driveway is rezoned a resource what will the effect of the rest of the conservation lands out there? He then showed an aerial photo of the driveway which was constructed 10 years ago in connection with a development permit request for a composting facility. The composting plan didn't move forward at that time but the driveway remained. The vegetation has been cleared. Mr. Vipond acknowledged that the driveway were not very accessible, and only accessible by a Class K crown road. This is a provincial road that fronts the driveway property. It is an open road that is unmaintained.

He explained that if the application goes forward to a formal public hearing, residents will have an opportunity to comment if they for presentation at that time. Those that provide their full address on the sign-up sheets will be provided notification when the public hearing is scheduled.

Mr. Vipond then opened the meeting to the question and answer period and indicated again that the discussion should center on the driveway and not the debate about wind turbines. He explained that the decision regarding wind turbines was made last year by Regional Council.

#### **4. Questions and Comments**

Lynne Slaunwhite a resident of River spoke to her surprise community members having received notice of a wind turbine development on May 24, 2012 at that was the first time they had heard about the project. She indicated that according to HRM Land Use Bylaws, all property owners within 2000 meters should have received a notice about the proposed wind turbine development, 60 days before the permit application was submitted. She indicated that no such notice was sent to any of the property owners within this distance during the time period. A large number of residents in the community feel very strongly on protecting the lands that are surrounding their homes. The rezoning from Conservation to Resource zone will impact the land and wildlife significantly. The conservation area provides wildlife habitat and refuge from vulnerable species. There are a number of lakes, wetlands and eco systems that provide habitat for many plants and animals. Our community numbers understand the importance of this conservation area and we know how important it is to protect it from development. We are surrounded by thousands of acres that the province of NS has deemed highly valuable for its wilderness qualities. The protected land is appreciated utilized by many people for its wildlife and natural landscapes. For fishing, hiking, bird watching, hunting, rock climbing and much more. The residents of River Road see the benefits of having protected lands. The province of NS has zoned a large portion of land off the road as a conservation area to protect the natural habitat. Now HRM is entertaining rezoning a portion of this land as a resource for access to wind turbine development. What would this be considered by HRM when obviously the province wants to protect it in its natural state for future generations? Several residents of River Rd have taken the time to put their views on paper. This is an example of one of them: We strong disagree with the request for the following reasons: the area is zoned as conservation land, and reasons for doing that have not changed. If this request is granted, it will allow the construction of wind turbines in an area that is bordered by a deemed wilderness area and conservation lands. To make this existing driveway useable major excavating, blasting and road construction would have to take place. Not only on the driveway itself but on the existing dirt road that is more like a very rough hiking trail. Approximately 1 kilometer that leads to this existing driveway. This 1 km dirt road is surrounded by conservation land, this road and trail was closed to ATV use to help protect the wilderness.

This land is abundant with wildlife giving access to the driveway would be devastating to anyone who enjoys nature. Homes are with the required distance from wind turbines and a privately owned undeveloped land that is less than ½ the required distance from the wind turbine. This land would be rendered useless if the request is granted. She indicated that the residents understood that this request is about rezoning and not the wind turbines. But they feel that the entire issue needs to be reassessed. The community was not aware and is not in favor of a wind farm. The community is in favor of renewable energy, but there must be more suitable areas that would be less disruptive to the environment. There must be other places outside the residential areas. Just to speak of the land surrounding the private lane. There are tens of

thousands of acres of protected land in and around the proposed development site. Crown land and the deemed wilderness area. This plan took about 10 years in the making. Wilderness area that borders the development site was selected for numerous factors including, how well they represent natural landscapes the present of outstanding natural site or feature and the potential for recreation. These areas are identified through a process and are designed through consultation with the public and interested groups. The residents would like to know why the public was not consulted before the proposed site was approved for a wind turbine development. No energy development will take place within a wilderness protected area.

She stated concerns on potential health effects on human life. Health Canada is studying a possible connection between the sound generated by wind farms and adverse health effects to those who live near them. The residents would like to plead with council to reconsider this application. They have illustrations and maps, driveway, and many letters that the residents have prepared and submit and a petition that is available for those who wish to sign and are opposed to this development. It would be made available that evening.

Mr. Vipond responded that staff in fact circulated the community beyond the standard notification, for this development. He clarified that HRM hasn't issued a permit for a wind farm and reminded the audience that this issue is about the rezoning of the driveway access. However since there was been no permit issued for the wind farm there was no requirement to notify the residents. He said that the normal circulation is 500 feet for a rezoning. HRM circulated 2km from the driveway. He then indicated that the Province had already granted an easement to a private party to use the driveway access. He indicated that the Province clearly understood what the private party intended to use the driveway for.

Lynn Slaunwhite indicated that one of the members of Council indicated to one of the residents that there was a compost facility already on the land. They would like clarification.

Mr. Vipond clarified that the land was vacant but that a development permit has been issued for a composting facility 10 or 12 years ago.

Mr. Vipond indicated that the Wind Energy Policy siting policy which is the basis of concern in the community was approved by Regional Council last year. It was a 5 year process with more than 20 community meetings, and multiple advertisements.

Joan Pettipas, lifelong resident of Terrance Bay said that he used to walk the road with parents and grandparents, it was serene. The paved road that is there now would not be able to tolerate that traffic. Change for sake of change is not always good.

David Slaunwhite, 1236 Terence Bay Rd. indicated that he was opposed to this rezoning. He would like to see pictures of the road as it exists.

Mr. Vipond indicated that the Crown road was not subject to the application but rather the driveway access. The road is a provincial interest. The driveway access is also on provincial

lands. He indicated that it was approximately 55' wide by 1200' deep and that an easement exists that actually describes the boundary lines.

David Slaunwhite indicated that it is more than 55' feet wide and that he felt it was atrocious what they did on those lands. He indicated that this morning the Ontario Liberal government just approved 1.8 million dollars to study the turbines.

Dan Jollimore of 501 River Road indicated that his main interest is the access driveway and that he was concerned with drainage from the road. He indicated that it was marshland up there and the road was so wide and with the ditches it was just draining the land. All the marshes in that area will be disturbed by it. Should stay as woodland.

Greg Rhyno Brookside Rd said that he was in support of it of the proposal. He said that wind turbines and renewable energy have to go up somewhere. Prospect Rd. has the recycle facility and C&D. Canada is supposed to reduce green gas emissions. Why can't we start?

Ken Bennett a resident for 37 years, agreed with last gentlemen. He asked why is the community is against change? He suggested that there is much potential there that's going untapped. More potential there than detriment. Look at tomorrow than yesterday start to put Terence Bay on the map.

Chris Slaunwhite of 507 River Rd. said that his concern is that if this rezoning application is approved it will be used as a precedent to future requests. He is concerned that the lake system the marshes, and wildlife will be affected. He said that the community currently enjoys the diverse eco system in the area and it should protect it and not destroyed.

Val Vladimirel of River Rd asked why application for the rezoning of the driveway wasn't approved during the larger policy review for wind turbines instead of now?

Mr. Vipond indicated that while there was a concept brought forth to look at the resource lands as part of the overall policy, a decision was made that the Conservation lands in Terrence Bay needed to remain protected. Most lands in Terrence Bay are excluded from wind turbines due to conservation lands, unlike many other areas in HRM. The driveway issue was a specific interest and the decision was made that as part of the overall policy HRM wouldn't consider changing direction regarding conservation lands to support a specific interest.

Adam Kennedy of Brookside Rd. asked what the alternatives were? He suggested that the windmills were already approved and that they are going in and the trucks have to get there somehow. What was the purpose of this meeting? If the trucks are going, where are they going to go? This isn't going to go forward.

Mr. Vipond described the proposal.

Mr. Kennedy asked if access is blocked would there be a good chance that the wind farm would not proceed?

Mr. Vipond indicated that this was a fair statement.

Freeman Dryden of Terence Bay said that he was a member of the Green Party and that he fully supports renewable energy. He was confused about what area was approved for wind turbines.

Mr. Vipond indicated that the subject of the application was not about a wind development but an access road. Land beyond the access was already zoned for wind turbines.

Mr. Dryden indicated that construction will begin as soon as access is granted.

Mr. Vipond said that construction was not automatic. There were a series of regulations that must be met in addition to the likelihood of having to go through the provincial environmental assessment process. Ultimately if the rezoning of the driveway was approved they would have to notify the community within 2km and tell them what about any future wind farm facility. Mr. Vipond reiterated that the decision to zone those lands for wind turbine was made the previous year by Regional Council.

Mr. Dryden suggested that past application had been forced upon the community. He indicated that the community was told that they had the opportunity to comment and that he hadn't been notified about this or other issues that took place in the community.

Mr. Ouellet said that the wind energy strategy was a region wide set of amendments. Staff went at length throughout the region, not just here and like Mr. Vipond said there was approximately 25 meetings held in HRM. It had also been advertised many times in the paper and in the news. Staff couldn't reasonably notify every property owner in HRM individually.

Mr. Dryden said that there would be rows of power lines across the conservation areas if this were approved and all the money made from it would go to some foreign corporation.

Mary Lynn Saturley of 50 Bishops Rd. wanted it on the record that if the rezoning is approved that the community of Terence Bay gets something in return. The community got nothing in when the land fill was approved. If this does go through, and it follows the process that somewhere there is reference that she has asked to get something back for the community of Terence Bay.

Troy Jollimore who grew up around the River Rd. questioned the slide color overhead the aerial overshoot shown in the presentation.

Dave Slaunwhite then asked if the driveway was consistent with the Class K road and how it fit into with the surrounding area. He then asked Mr. Vipond for his personal opinion.

Mr. Vipond said that he couldn't provide a personal opinion.

Mr. Slaunwhite indicated that the area in question is an extremely wide crushed gravel drive that barrels through the landscape after you have been through the main Class K Road, which is nice and scenic.

Mr. Vipond said that he found the driveway access to be relatively flat and straight and wide in some locations. It has been clear cut.

Troy Jollimore wondered why the road wasn't returned to its original state after the compost facility idea didn't go forward.

Mr. Vipond said received that permission for access had been granted by the province years earlier when they were going to do the composting facility. He didn't know if that agreement that entitled the construction of the access driveway at that time. However now that it existed it had some bearing on the conservation value of the lands where the driveway was constructed. Mr. Vipond then said that he was neutral in his position and that no decision had been made yet about whether or not to support the rezoning application.

Troy Jollimore wondered is the P3 zoning was over and above the HRM Regional Plan.

Mr. Vipond said that it was not. He explained that the in District 4 unlike many other districts in HRM because there are substantial conservation policies that the municipal plan level. There were also Protected Lands at the Provincial level in this area. All the P3 lands are excluded from wind turbine zoning in addition, to the wilderness areas and the protected areas recognized at the Provincial level. District 4 is uniquely restrictive for wind turbines relative to other Plan areas.

Troy Jollimore was concerned about the development affecting the marshland. He suggested that the Crown and River Rds. would have to be widened by bulldozer. There were a lot of implications if this were to happen.

Mr. Vipond indicated that any agreement on road upgrades of the Crown Rd or the driveway would be between the province and a private interest. HRM would not necessarily involved in that. This was a rather unique situation. If the access were not already constructed the application might not proceed and there would be no need to hold this a meeting such as this one tonight.

Bob Corkum of 738 Terence Bay Rd. indicated that he felt that the purpose of Conservation was to conserve wildlife and make a habitat of all the things that can be enjoyed in our life. He indicated that construction project such as the tidal power plant in Annapolis Royal were destroying wildlife habitat.

Janet Kater of Prospect Bay indicated that society needs to get away from fossil fuel usage and to look at wind solar, tidal so as not to destroy the earth anymore. PEI has 75 Wind turbines that are quite impressive in the farmer's field next to their homes living in harmony. In Glace Bay, the site of several of the coal mines, there are the wind turbines and people there are happy with the wind turbines.

Bill Mathers of West Dover is the chair of the Wooden River Watershed Environmental Organization and the chair of HRM committee that looked into what should be done the Western Commons land. He is also an investor with Chebucto Windfields. He only found out several months ago ourselves that Chebucto Windfields was looking at this particular site. He indicated that Chebucto Windfields are having a meeting as you have all seen Tuesday, July 17 at 7 pm at the Terence Bay Fire hall to discuss the whole process and various step and approvals with either HRM or the province. He said it was not Mr. Vipond's responsibility to explain the provincial process. What's happening now is as a result of the zoning and the process that they went through for all of HRM last year. He said he went to several of the meeting over a number of years. It was advertised in the papers and the website. It is always hard to get the word out to people and some people feel they weren't informed. There is always truth in both sides.

Doug Avery of Sandy Cove Rd felt that the wind farm was a "done deal". He asked if Council would expropriate the driveway lands if the people there said no to the rezoning.

Mr. Vipond said that that was highly unlikely

Doug Avery then asked if the Councillor could answer the question.

Mr. Vipond said that the land would not be expropriated from HRM. The province already owns the land.

Doug Avery asked why the application was necessary if the province already owns the driveway?

Mr. Vipond said that the process was about the zoning on the lands not its ownership

Doug Avery said that he wanted it on the record that River Road and the River bridge won't be able to carry the construction traffic and machinery. He was concerned about who was going to pay for the road upgrades.

Mr. Vipond reminded the audience that the application was about the driveway access and not the construction of wind turbines. He said that this decision was already made by Regional Council in 2011. He said that the resident's had the option of requesting that the wind siting policy be revised through their elected representatives but that was most important this evening were comments on this specific application.

Esta Mosher from Sandy Cove was concerned that the rezoning issue is larger than the driveway and that some people who were speaking in favour of the application didn't actually live in Terence Bay. She indicated that the notification was insufficient as not everyone reads or gets a newspaper or the internet. The province could do a much better job in communication with a few citizens in the area where that is will affect. A door to door process would have relatively easy in terms of notification. She said that if this area were Peggy Cove, McNabs Island, or the Citadel, the rezoning wouldn't be happening. This is an HRM problem. There was nothing positive for taxpayers in this. She is not against wind power but is concerned about where wind

turbine go. It's not fair for people from other communities down the road to vote for the wind turbines while Terence Bay residents have to accept it. HRM has not been good at cooperation.

Wallace Slaunwhite of Terence Bay indicated that the road would be enhanced to proper specification. He said that the bridge work was already completed and the River Rd would not be taking the weight of things. All roads have to meet Department of Transport and Environment Canada standards. Everyone is saying it's going to hurt the wildlife but there will be no fence only a gate at the end of the road. The road would be monitored for dumping once it was upgraded.

Mr. Vipond thanked Mr. Slaunwhite for his comments but indicated that any agreement to upgrade the road would be between a private party and the provincial government as it is a provincial crown road public and not an HRM road.

Mr. Slaunwhite said that windmills in an area is a good thing. Perhaps there would be some free power?

Mr. Vipond said again that this would be the subject of a future development interest and outside the discussion of the evening's meeting.

Kelly Carrington of Prospect said that he understood the frustration about the proposed resource lands that is going to be put there in terms of harvesting the wind. But the real issue was not being focused upon at the meeting and the meeting was going to be wasted. He said that he supported the rezoning of the driveway access.

Barb Sawratsky of Whites Lake indicated that she supported the rezoning of the driveway access.

Norma Hennebury of Terence Bay spoke about wildlife and the wilderness area that were provincially designated. She said that this area was within that protected area. She said that this area was for low impact wilderness recreation, camping, fishing, scientific research and environmental education. This area should be protected by the province.

Mr. Vipond said that the area in question containing the driveway was not provincially protected wilderness area but was is conservation at the Municipal plan level.

Norma Hennebury said the conservation area should be preserved as it was put there for that reason.

Doug Flemming of Brookside indicated that the application was for the greater good and that he was in favour of the rezoning.

Dan Jollimore (2<sup>nd</sup> time speaking) asked about the PA Zoned land on the side that is a public road



Mr. Vipond indicated that is a provincially protected wilderness area

Dan Jollimore thought it was privately owned and the driveway could be moved.

Mr. Vipond said that he wasn't sure about the ownership of the lands but he suspect it is in public ownership.

Dan Jollimore said that if the wind turbines go down in a storm the wind farm would not produce power.

Rose Caisse of Terence Bay suggested that since there was no access to the Resource lands east of the driveway permission should not be granted for access at all.

Mr. Vipond said that they would be the Class K road to access the driveway if permission is granted. He assumed that permission was given to use the Class K Road.

Mr. Caisse asked why Council was seeking to change the zoning on the road.

Mr. Vipond said that the application was not about considering a change to the zoning of the road, just on the driveway. The road is an open public road

Mr. Caisse asked why permission was given to build a turbine when they don't have a driveway to get there?

Mr. Vipond said that only the zoning was in place to build wind turbines. They would need a development permit in obtain municipal permission. The subject of the application is to rezone this access to an open public road.

Mr. Caisse said that if they didn't get the rezoning then they probably can't build the wind farms.

Mr. Vipond said that that was the likely outcome.

Mr. Caisse said that he was against changing the zone.

Beth McGee of Seabright said that lands to the West are slated to be the proposed Prospect Coastal Wilderness Area. The public should search NS Public Land Coalition and type on hotspots for the Chebucto Peninsula to learn about uniting the Westside to the existing Terence Bay Wilderness area. Preserving coastal wilderness is very hard in N.S.

Adam Kennedy of Brookside spoke again and indicated that he opposed the rezoning. There was not enough information about the future wind farm.

Mr. Vipond indicated that staff would not recommend refusal or approval of the application on the basis of the future wind farm proposal. That decision is not part of this planning process.

Vince Norris wanted in on the record that he was a lifelong resident of the area and that he was in favor of the proposed change. He indicated that there weren't many participants during the community plan process for District 4. No one cares until it directly affected them. This is exactly what is happening in this case. He was in favor of this driveway rezoning.

**5. Closing Comments**

Luc Ouellet thanked everyone for coming out and indicated that Mr. Vipond will update the website on this application on a regular basis. Those who have signed the sheet will be notified by mail only if their full address was given.

Mr. Vipond thanked everyone for coming and expressing their comments.

**6. Adjournment**

The meeting adjourned at approximately 9:00 p.m.