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MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Stephanie Norman, Planner

DATE: September 2nd, 2015

SUBJECT: Case 19860: Application by KWR Approvals Inc. is seeking to enter into a Development Agreement for an equestrian farm at 30 Salto Drive, known as Memento Farms.

Background:

Existing Use An equestrian farm with 30-35 horses.

Designation Mixed Use B Designation for the Beaverbank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

Zoning MU-1 (Mixed Use) Zone under the Beaverbank, Hammonds Plains and Upper Sackville Land Use Bylaw

Proposal The proposal is seeking to legalize the existing equestrian farm by way of development agreement in accordance with the Municipal Planning Strategy for Beaverbank, Hammonds Plains and Upper Sackville.

MPS Policy The application can be considered subject to Policies P-27 and P-137 (Attachment C), which permits consideration of an equestrian farm use as a Commercial Recreation Use on the lands subject to the approval of a Development Agreement accordance with the provisions of the *Halifax Charter*.

Proposal

An application by KWR Approvals Inc. has been made to enter into a Development Agreement (DA) to legalize an existing equestrian farm (Memento Farms) at 10 Salto Drive in Lucasville.

Over the last ten years the Memento Farms equestrian centre has expanded beyond the limits of the agricultural use definition under which it was first established in 2002. As a result of this expansion, Memento Farms has now become a Commercial Recreation use and is therefore out of compliance with the Beaverbank, Hammonds Plains, Upper Sackville Land Use By-law (LUB).

The DA proposal must go before the North West Community Council for decision. If the application is approved the equestrian farm could be legalized.

The property is designated Mixed Use B and zoned MU-1 (Mixed Use 1) under the Beaverbank, Hammonds Plains, Upper Sackville Municipal Planning Strategy (MPS) and LUB. The proposal is being considered under the provisions of MPS Policies P-27 and P-137 which permits consideration of the equestrian farm use on the lands subject to the approval of a DA (Attachment C).

The planning application does not propose to alter the existing operating conditions except for an addition requested to an existing barn. No additional uses are proposed.

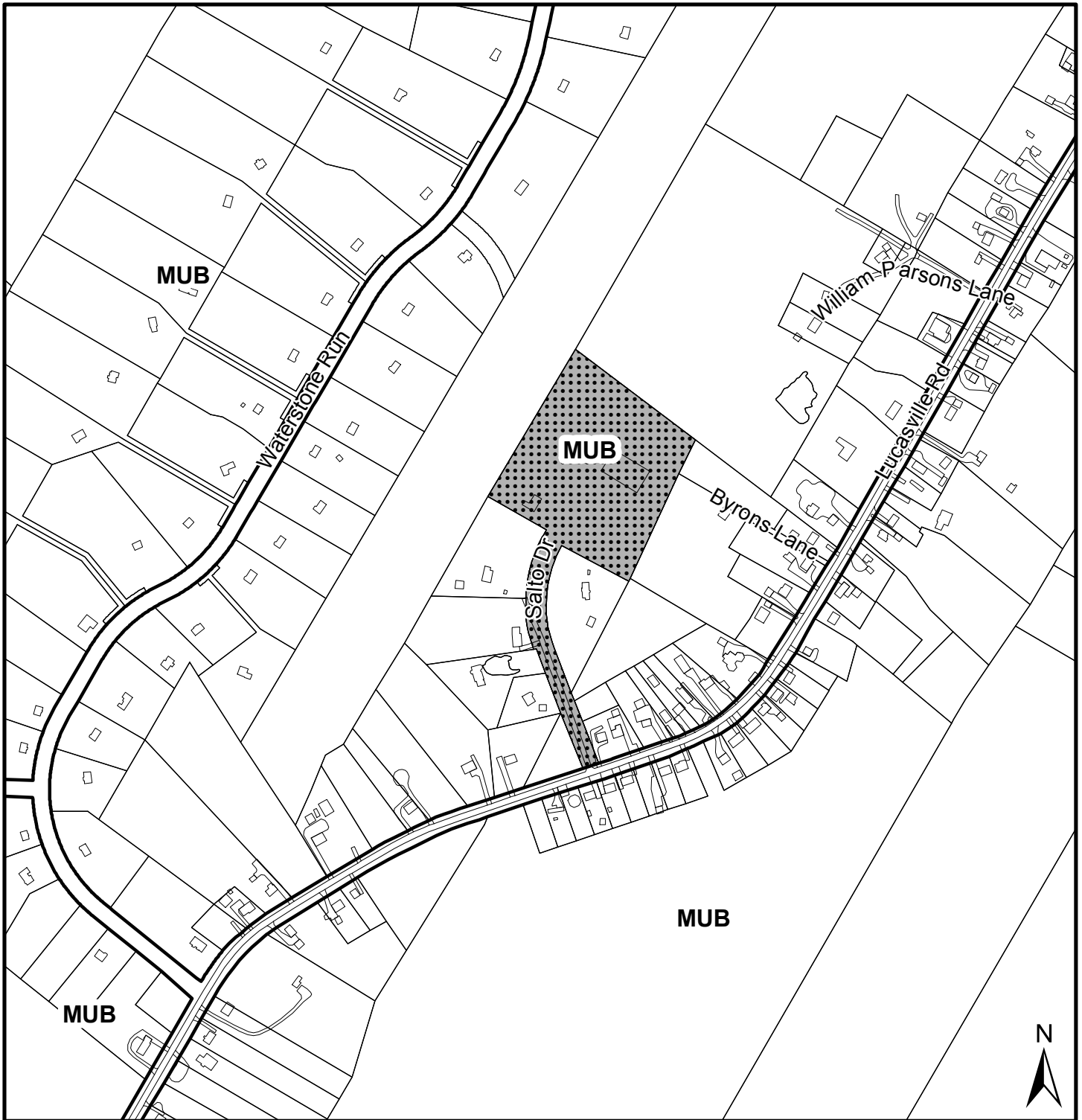
A public information meeting was held on July 22nd, 2015 at the Wallace Lucas Community Centre (Attachment D).

Input Sought from North West Planning Advisory Committee

Feedback is sought from NWPAC relative to this proposed application. NWPAC's recommendation will be included in the staff report to Community Council.

Attachments:

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Site Plan
Attachment B	Aerial Photo – 30 Salto Drive
Attachment C	Excerpts from the MPS - Policies P-27 and P-137
Attachment D	Public Information Meeting - Minutes



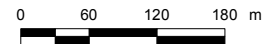
Map 1 - Generalized Future Land Use

30 Salto Drive
Lucasville

HALIFAX

 Subject Property

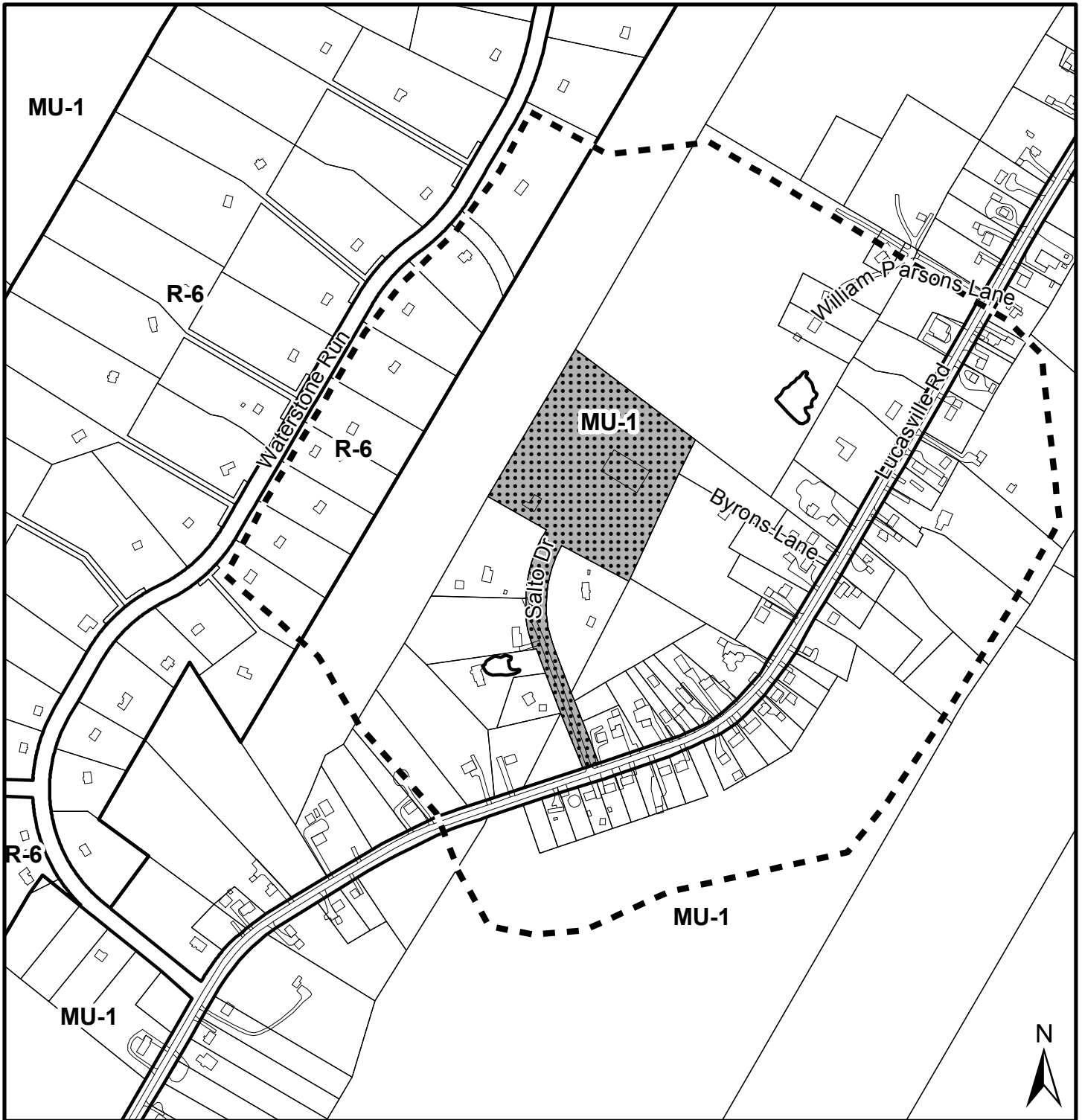
Designation
MUB Mixed Use B



Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

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


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



Map 2 - Zoning and Notification


30 Salto Drive
Lucasville


HALIFAX

 Subject Property

Zone

R-6 Rural Residential
MU-1 Mixed Use 1

0 60 120 180 m


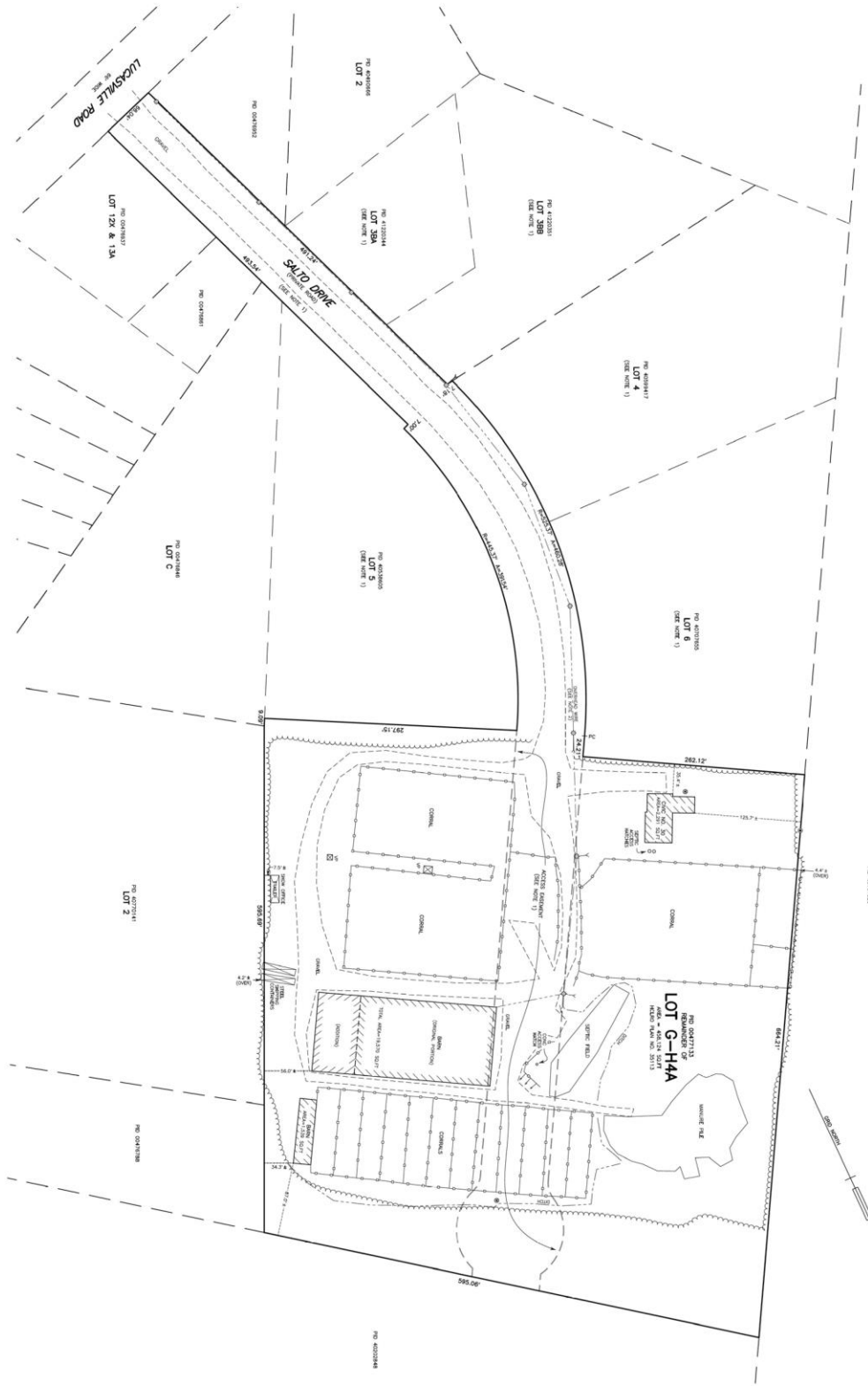
 Area of notification

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

Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law Area

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

Attachment A (Site Plan)



Attachment B

Aerial Photo – 30 Salto Drive



Attachment C

Excerpts from the Beaverbank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

- P-27 Within the Mixed Use A, B and C Designations, it shall be the intention of Council through the land use by-law to provide for the continued use of commercial recreation uses to the extent they presently exist (Policy P-9 and P-12). Further, Council may consider any proposed expansion of existing commercial recreation uses as well as the development of new commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act. In considering any new or expanded commercial recreation use, Council shall have regard to the following:**
- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
 - (b) the potential for adversely affecting adjacent residential and community facility development by virtue of noise, visual intrusion, traffic generation and littering;
 - (c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;
 - (d) the availability of a site and site design which will entirely contain all aspects of the operation within the boundary of the proposed site;
 - (e) the impact on traffic circulation and in particular sighting distances and entrances and exits to the site.
 - (f) the layout and design of the facility;
 - (g) general maintenance of the facility;
 - (h) where any sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant;
 - (i) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior finish and signage;
 - (j) an assessment of environmental concerns related to the proposed development and in particular, potential effects on watercourses;
 - (k) the requirement for any applicable provincial approvals; and

- (l) hours of operation; and
- (m) the provisions of Policy P-137.

P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan 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 central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent 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 site 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 ~~A~~Infrastructure Charges - Policy P-81~~@~~, 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 ~~A~~Infrastructure Charges~~@~~ Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)**

Attachment D

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 19860

Wednesday, July 22, 2015
7:00 p.m.
Wallace Lucas Community Centre

STAFF IN

ATTENDANCE: Shayne Vipond, Planner, HRM Development Approvals
Stephanie Norman, Planner, HRM Development Approvals
Dave Hanna, Development Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Brad Johns, District 14
Kevin Riles, KWR Approvals
Will Robinson-Mushkat, KWR Approvals

PUBLIC IN

ATTENDANCE: Approximately 39

The meeting commenced at approximately 7:02 p.m.

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

Mr. Vipond introduced himself as the Planner facilitating this application through the planning process; Councillor Brad Johns, District 14; and Dave Hanna, Stephanie Norman and Cara McFarlane, HRM Development Approvals.

HRM has received an application (Case 19860) for a development agreement for 30 Salto Drive also known as Memento Farms. In 1999/2000 Memento Farms was created as an agricultural use and has expanded its operations over the years to include some commercial uses and that are outside of the existing zoning authority and are thereby considered uses that are not legal use on the property. This development agreement application is for Council's later consideration only. No decisions will be made at this Public Information Meeting (PIM).

2. Presentation of Proposal – Shayne Vipond

The property consists of ten acres of land and is designated Mixed Use B and Zoned MU-1 (Mixed Use 1). An equestrian centre is considered a commercial recreational use and can only be permitted in the MU-1 Zone by development agreement which is evaluated through Policies P-27 and P-137 of the Municipal Planning Strategy (MPS) for the Beaver Bank, Hammonds

[Planning and Development- Development Approvals](#)

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Plains and Upper Sackville plan area.

A site plan and aerial view of the property was shown.

Presentation of Proposal – Will Robinson-Mushkat, Senior Planner, KWR Approvals

Memento Farms was established in 2002 and offered equestrian boarder services. The site is 10.52 acres in size and it is located at the end of Salto Drive. Situated on the site is a main barn for the horses, a smaller barn, four corals, a show office and a residential house which was constructed by the owners of Memento Farms, Clayton and Cathy Goldring, in 2011.

A project development team for this development agreement application was formed: himself, KWR Approvals, and Kevin Riles, President of KWR Approvals - manage the project, urban planning and approvals process, and act as representatives for the property owners; JRL Consulting - produced a Traffic Impact Statement (TIS); and, SDMM - produced a site plan for the application.

The current operation at Memento Farms includes: equestrian boarding, horseback riding lessons, and day camps for children (March Break and summer months); there are about 30 to 35 horses on site at any one given time; Memento Farms also hosts single-day equestrian events about four or five times a year (late Spring/Summer) from 9:00 a.m. to 4:00 p.m; the horses are contained in the on-site corals or in stalls in the barn; and the site has regular maintenance and contracted services which deal with animal waste removal and rodent control.

When established in 2002, Memento Farms was deemed to be an agricultural use due to the handling and boarding of horses at the time. In 2014, the owner sought to add a small addition of 4,600 square feet onto the principal barn bringing the total to 19,570 square feet. In reviewing this application, the Development Officer deemed Memento Farms to be a Commercial/Recreation use due to the riding lessons and day camps. Policies for this plan area allow for Commercial/Recreation uses but only through a development agreement. An application for the development agreement was made in February 2015. The purpose of the planning application is to bring the Commercial/Recreation components found on Memento Farms in line with the MPS policies for this plan area.

The site plan was shown: the operation is set back about 930 feet from the intersection of Salto Drive and Lucasville Road; the following was shown; the location of the house constructed in 2011; a barn for which a permit was issued in 2002; a smaller barn adjacent to it; a septic field which a permit was also issued for; an area for animal waste storage; a ditch; four corals (locations shown); and a vegetative buffer which surrounds the operations of Memento Farms (photos of buffer were also shown).

The animal waste at Memento Farms is stored in an open storage system and is completely removed approximately every three months from the site (location of storage shown). This location was selected because it is contained on one particular area, provides good distance from adjacent properties and uses and there is a road access directly to the area. A topographic map of the site was shown (Memento Farms shown in yellow). There is a four metre elevation change on the Memento Farms site. The closest residence is located 624 feet from the animal waste storage area. Shown were two bodies of water on the site that are 748 feet and 928 feet respectively from the animal waste storage area. In this case, any type of discharge would have

to run uphill in order to meet those bodies of water.

A Traffic Impact Statement was completed in January 2015 by JRL Consulting and performed during peak a.m. and p.m. hours on Lucasville Road. Lucasville Road is classified as a major collector by the City of Halifax and has a posted speed limit of 60 km/hr at the intersection of Lucasville Road and Salto Drive. Currently, it is estimated that eight to ten vehicle trips per day are generated by Memento Farms. With the 4,600 square foot expansion, bringing the barn to 19,570 square feet, it is estimated that an additional three vehicles per day will be added to the site. During the hours of days that events are held (four to five events a year), an increase to 15 to 20 vehicles per hour will be generated from this site. It is important to remember that the events are held on Saturdays and do not conflict or add to the burden of extra traffic on the Lucasville Road during the a.m. and p.m. peak periods. Ultimately, the TIS did not identify any potential significant impacts to the existing transportation network in the area as a result of the proposed development.

Although Memento Farms, now considered a Commercial/Recreation facility, doesn't meet specific MU-1 Zoning requirements and not permitted unless by development agreement, it does meet all the requirements in terms of lot area, frontage, rear/front/side yards, maximum lot coverage and the maximum height of the main building (under 35 feet).

The Memento Farms site was last inspected by Municipal Compliance in November 2014 and no issues were found.

Braemar Pest Control has 40 bait traps on site and these are inspected monthly.

If approved, a development agreement will not change the current operations at Memento Farms. The number of horses will remain the same, between 30 and 35. Four to five yearly events will continue and will not grow in scope or size. The mailbox which is located at the intersection of Salto Drive and Lucasville Road will remain in place.

When the owners of Memento Farms were informed by the City that their business was not in compliance, they applied for a development agreement application at their own expense and retained the appropriate consultants in order to go through with this application.

3. Questions and Comments

Iris Drummond, Lucasville Road, Chair of Lucasville Community Association (LCA) – Her home is situated in front of Memento Farms and they have dealt with odors, loud speakers from the events and lately a problem with rats. The barn was built in 2002 but she didn't realize it was there until 2004. Before the LCA was formed, residents, Mr. and Mrs. Wells, repeatedly went to different resources to have issues such as stacks of manure, smell and runoff investigated. They have a drilled well as do other residents in the area. Residents have dealt with smell, dust and rats invading their properties. Following rain storms, there are properties that have excrement and manure flowing onto them.

Ms. Drummond - How did this parcel of land become zoned for Farms land? Why wasn't a meeting held with the residents before Memento Farms and two other barns were permitted? These did not fall under the grandfather clause. **Mr. Vipond** – Prior to 2002, the use of

agriculture was established in the Zone through a larger plan review. When Memento Farms applied for a development permit, this use was considered as of right. This proposal for Development Agreement is due to the expansion of the use going beyond the boundaries and the definition of an Agriculture Use.

Ms. Drummond has seen on the site and does not see where manure management is being implemented and periodically inspected. What is the disposal plan? Are you going to implement leaching? **Mr. Robinson-Mushkat** – When waste is removed, approximately every three months, disturbance of that area could potentially cause some odor issues during the days of removal. **Ms. Drummond** - What periodic tests are done to make sure the facility is at least 320 feet from the nearest drilled well and there has been no runoff causing contamination? Do you have periodic studies and tests done on this? Referring to Page 6 of the Manure Management Guidelines implemented in 2006, an animal waste facility should be at least 165 feet away from the nearest property line (the Wells' property). **Mr. Robinson-Mushkat** – Engineers have deemed the waste removal program along with the terrain of the property and the buffering to adjacent properties and uses to be sufficient. **Ms. Drummond** – Improper storage and handling of livestock manure can be cause for legal action. The three most relevant statutes to be aware of are the Farms Practices Act, the Environment Act and the Federal Fisheries Act. Leaching needs to be implemented.

Ms. Drummond - As residents, we have not seen results from the program being used for rodent control. **Mr. Robinson-Mushkat** – Braemar Pest Control has 40 bait traps on the site that are inspected monthly to ensure no rodents are in fact on the site.

Ms. Drummond - Is the 10.2 acres cleared and usable? Are the rocks on the property part of the 10 acres? How many horses are allowed per acre? **Mr. Vipond** – Through the development agreement, a provision regarding the number of horses can be implemented and regulations within the LUB can be altered.

Ms. Drummond - Are the barns built according to Government specifications and conforming to lot size? Are the owners willing to work with this community and officials to clear up the existing issues?

Crystal Parsons, Lucasville Road - When the animal waste is removed every three months, it is taken completely off-site? **Mr. Robinson-Mushkat** – That's correct.

Clayton Goldring, Owner of Memento Farms has lived on the site since 2002 and has never had a rat. When hay is brought to the Farms, there is the occasional mouse within the bale of hay. This is the reason for the bait traps. In terms of animal waste, he will build a cement block and have it removed more frequently. They are willing to work with the community to resolve the issues.

Cedric Parsons, Lucasville Road owns two houses on Salto Drive. There are about ten cars up and down that street per day causing an incredible amount of dust. **Mr. Robinson-Mushkat** – The traffic engineer concluded in the TIS that currently there are eight to ten vehicle trips generated by the operation of Memento Farms down Salto Drive per day. With the 4,600 square foot addition to the barn, it is estimated that this will grow slightly by three vehicular trips per day. He also noted that the community mailbox located at the intersection of Salto Drive and Lucasville Road would cause cars to turn down Salto Drive. The events held four to five times a

year during late Spring/early Summer on Saturdays from 9:00 a.m. to 4:00 p.m. do cause an increase in the amount of traffic on Salto Drive. **Mr. Parsons** – What can be done about the amount of dust? **Mr. Robinson-Mushkat** can have a traffic engineer look at the dust issue. **Mr. Parsons** - The odor and amount of rats has increased over the years. When it rains, horse manure runs down on his property. Is the manure storage engineered? **Mr. Robinson-Mushkat** – The waste storage was permitted when Memento Farms was established in 2002 and is contained in one specific area on the site (shown). He will have an engineer look at the discharge after rainfalls. Based on the topographic map, it would be very difficult for any type of discharge to make it all the way from Memento Farms 930 feet to Salto Drive.

Deborah David, William Parsons Lane clarified that the events at Memento Farms take place on Sundays not Saturdays. The loud speaker wakes people up on Sunday mornings. She can't sit outside due to the odors from the farm.

Deborah Emmorson, Lucasville Road agrees with the other residents in the community. People cannot sit on their back patios and people are stuck in their homes all summer. There has to be some kind of compensation to the community for the adjustment the residents are making in their lifestyles. The owners of Memento Farms should have the pest control company check other properties in the area to see who is being infested by the rats caused by the Farms. She would like a timeline on when the holding tank for the animal waste storage will be built. In regards to community involvement, she invited the farm's owners to come to the Community Centre and be a part of the community.

Jim Salto, Salto Drive – The owners bought the property and built a stable looking for the potential to expand and start a business. **Mr. Vipond** – At the time they applied for a development permit, the operation would have been classified as an agricultural use, not as a commercial/recreational use. **Mr. Salto** subdivided the lots on Salto Drive for residential uses and can't understand how a farm was permitted.

Ross Evans, Pockwock Road, member of North West Planning Advisory Committee assumes the road is private because it is 50% potholes. At the end the water runs across the road and out onto the Lucasville Road causing safety concerns in the winter. Is there a culvert under the road and who maintains it? **Mr. Vipond** – The road is part and parcel of the original operation. Therefore, if approved, that road would likely be covered under the development agreement giving staff an opportunity to look at that issue through this process. **Cathy Goldring** – The Government owns the portion where the culvert is at Lucasville Road.

Denis Fortin, Lucasville Road – 50% potholes on Salto Drive is an understatement. He hasn't been able to open his windows, enjoy his yard or gazebo since 2010 or earlier because of dust. The owners, and boarders, have functions offsite as well; therefore, residents have to deal with the traffic and dust more than four times a year from extra vehicles and trailers hauling the horses. There is industrial traffic as well. If the road is owned by Memento Farms, the owners should be responsible for taken care of it and the dust. The residents are being asked to approve and legalize something that they weren't fond of to begin with. The last ten years have been horrible since the farm was established and the property values have decreased.

Nick Antoft, Lucasville lives in the community of Waterstone and wasn't aware of the scope of the facility located on the site but is sympathetic to the community's concerns about noise, traffic and smell. He was aware of a bad smelling material that heads towards the Sackville River

Watershed. Everyone knows that the Sackville River system is under stress (runoff from the old dump, a rock quarry reopening, fertilizers from Glen Arbour golf course) goes into the river and lake systems. There is a lot of development in this area and it's stressing the lake. Based on the quantity of manure, he suggested removing it monthly. Building a concrete pad and a roof over the area would reduce the risk of the organic process causing the odor. He is surprised and concerned that an individual can operate illegally for ten years then come back and ask for permission to have a complying use. If the owners are good neighbours they should work hard with the community to try to control the pests and flies. Be proactive in keeping after waste left on the side of the road. Also, HRM does have a noise by-law. If activities are occurring outside of the by-law, call 311 or non-emergency police number.

Mr. Salto was told by a city worker that private roads are no longer allowed unless they are paved.

Kevin Hosking, Lucasville Road lives behind the farm and it stinks. He has one rat in his house and 50 or 60 mice in the garage. He lives at the worst spot, a blind turn on the Lucasville Road and the more traffic that comes, the harder it is for him to get out of his driveway.

Bernadette Beaton, Salto Drive – The other houses on Salto Drive do not generate half of the traffic that the farm generates. She is concerned about the ruts in the road. The owners don't chip in to help with maintenance of the road (snow removal or anything else). **Mr. Vipond** – If the road is listed as private, this issue will be explored as part of this process.

Velma Parsons, Lucasville Road – When visiting her son (a few minutes from her house), there are many occasions when she can smell the stench and see a lot of manure runoff when it rains. She has also recently caught a rat on her property. She understood that Lucasville was under the grandfather clause for farms. Why were the new farms permitted in Lucasville? **Mr. Vipond** – Farms that have been established for a long time are able to continue their use under provincial legislation known as grandfathering or legal non-conforming. Other equestrian operations in the area, may have to go undergo a similar process to what the Goldrings are facing with this development agreement application.

Dennis Parsons, Lucasville Road lives directly across from Salto Drive. He has to wash his driveway before entering his house due to the dust. He can't wash his truck or car. He has to wash his windows every week and wipe down the patio. He pays his taxes and can't enjoy sitting outdoors.

Cheryl LeBlanc, Salto Drive – It is a safety concern with the horses being walked and ridden along Salto Drive. The overgrown ditch along Salto Drive backing up is another issue. She has had to install a sump pump within the last four years due to water draining underneath the house. The pond shown on the map on the left hand side of the property has been filled in. The mailbox is an issue as people constantly turn in her driveway after checking their mailbox and damaging it.

Randy Wells, Lucasville Road – His and his wife's property borders the backside of Memento Farms. Since the barn has been there, he has had issues with smell. Almost daily, the smell is so bad he can't go 30 feet out in his backyard. They have called MLAs, Councillors, MPs, DOE, etc. with either no response or responses such as "so sad, too bad" or "I guess you guys better move if you don't like it". This is unacceptable. Riding lessons have taken place since the barn

was built. The owners intended to turn it into a commercial venture. Why was it allowed there in the first place? From the beginning, it should have gone through a public meeting. Here it is 13 years later addressing the situation. Is it because they decided to add a piece onto the barn last year and have the barn renovated or is it because another piece is going to be added onto the barn that already exists? As for the vegetation buffer, whose land is it on? The majority of it is on his. Before moving the manure pile to where it currently sits, it was on the backside of the barn closest to his property. That manure pile sat there all winter until the spring before it was removed. They have called and voiced their complaints. He thanked them for removing the manure pile in the summertime more than once a month but the smell was still there. He can't enjoy his backyard. He can't open his windows on a warm night because the smell is that bad. The smell makes him sick. The slope of the land goes towards Lucasville Road, the manure pile sat behind the barn up to a couple of years ago which means that it leached into the ground and is now running towards Lucasville Road. Did the 4,600 square foot expansion already happen or is it going to happen? **Mr. Vipond** understands that there was a request for a building permit that spurred the planning process. **Mr. Wells** went through the compliance for MU-1 Zoning which states that there should be no more than ten hooved animals on the property at one time. Is that rule still in place? If that is the case, why are there more than ten horses? In terms of the rodent control, ten plus acres is a large piece of property for only 40 bait traps. He's been woken up at 7:00 a.m. by the loud speakers for the events at the farm and they have lasted longer than 4:00 p.m.

Velma Parsons – The residents are at this meeting because the LCA is protecting the community of Lucasville. The residents are letting their voices be heard.

Wesley Williams, Lucasville Road agreed with everything that Randy Wells has said.

Ms. Drummond hasn't seen any landscaping except for the equestrian grounds. Residents are paying for a ditch tax on a private road which is also paying for all of the excrement pouring down these ditches to the infrastructure. Her home is kitty-corner to the Wells' and feels her property is currently worth nothing. What is going to go against the owners for having commercial/recreation uses there illegally all of these years without a permit? **Mr. Vipond** – This process is to look at and to offer Council the opportunity to consider whether or not the ongoing use should be legalized and if there are additions or changes that can be implemented to offer that.

Crystal Parsons – Is there a possibility that this will shut down? **Mr. Vipond** – There is a possibility that the application will be approved, refused or deferred. If it were refused, they property would have to be brought back into compliance. So the issue would be put back to the owners of the property and to our Legal Services department. **Councillor Johns** – This meeting is the initial step of the process. The applicant explains what they want to do and the applicant hears the community's concerns. The application will continue to the next phase where the applicant and staff will work to satisfy the public's concerns then go to Council for a public hearing (another opportunity for the public to voice concerns). A lot of times what is presented now and what is presented at the public hearing are significantly different. It could be a year before this application goes to a public hearing.

Ms. Drummond – Do the other two existing farms rent land from the applicant or is it lots that they bought?

Debra Lucas, Lucasville Road – If the applicants didn't have a permit why are they legalized? What is the timeline for the public hearing? What is the compensation for the community? Was the permit approved? **Mr. Vipond** – The applicants did receive an initial permit for an agricultural use but the business grew outside of the designation of that use. They are no longer operating legally. The public hearing could potentially be one year from this meeting. Compensation is not something HRM would be party too. That appeal would have to go to a different level of government.

Susan Wells, Lucasville Road – If her water is contaminated, who will be held responsible? **Mr. Vipond** - HRM is not party to private party disputes across lot lines. Potable water on site is provincial jurisdiction. **Ms. Wells** is right in the farm's backyard. She can't hang clothes out on the line, open her windows, site out on her deck or enjoy her backyard. She has called the Municipality for several years and has gotten nowhere.

Barry James, Salto Drive has two draft horses and shows them as a hobby. In 2003 he bought land and has a private barn. He probably has the closest well to Memento Farms and has never had a contamination issue. He understands that the big issue is the condition of the road. He plows the road in the winter. A committee has to be created, hold a meeting with the residents of the road to improve the condition and dust. Paving is too expensive.

Ms. Emmerson – Salto Drive is a concern but that is not the concern of the community. The issues for the community are contamination, runoff and stench.

Clayton Goldring apologized to everyone in the community. He wasn't aware of the issues as he has never personally received one complaint. They applied for a permit on day one for what they operate now. They didn't realize it was wrong until HRM said there had been a mistake on the permits from 2002. They have paid commercial tax all along. **Cathy Goldring** – They were always open with HRM as to what their intentions were. They understood that they were running a legitimate business. **Mr. Goldring** – They tried to donate the road back to the city but it was too expensive to bring it up to standards before HRM would consider it. He said he would work with everybody to fix the road and suggested calcium to control the dust. With most private roads everyone that has access to it and maintains it. **Mr. Vipond** – Rights, responsibilities, and obligations of a private road will be looked at through the planning process and will be clearly identified in the staff report to Council. **Mr. Goldring** was not aware of the LCA. The farm offers a recreation service to the local kids and adults who like to do some activity. They will take care of the smell from the manure. The rodents have been taken care of and he is not sure what else can be done. They want their farm to be a recreation/commercial property that offers a service to the people in the community. **Ms. Goldring** apologized to the Wells for the manure pile being placed where it was in 2003/04. With respect of them living behind the barn, they wanted to relocate that pile.

Councillor Johns – there was a lengthy discussion about rules relevant to private roads. Within the last ten years, HRM no longer allows new private roads to be built in HRM. This particular road is owned by somebody (the applicants). If it is privately owned property, the City is not going to go in and pave it. In terms of the mailboxes, that is a Federal issue. In terms of gravel roads, HRM will upgrade and pave a gravel road, but the people who abut that road pay for the costs. The road has to be brought up to standard before HRM will take it over. He offered to have a meeting with the residents on Salto Drive to talk specifically about the road. He encouraged everyone to attend the public hearing to make sure their concerns have been

addressed.

4. Closing Comments

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

5. Adjournment

The meeting adjourned at approximately 8:53 p.m.