



PO Box 1749
Halifax, Nova Scotia
B3J 3A5, Canada

Item No. 1
Halifax Regional Council
June 22, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Paul Dunphy".

Paul Dunphy, Director, Community Development

DATE: June 3, 2010

SUBJECT: Municipality of East Hants Source Water Protection Plan

INFORMATION REPORT

ORIGIN

Request of the Shubenacadie Watershed Protection Society (SWEPS) to bring to the attention of HRM Council, the initiative undertaken by the Municipality of East Hants to adopt a Water Intake Overlay Zone to protect its municipal water intake area from source water contamination.

BACKGROUND

The Municipality of East Hants adopted a Source Water Protection Plan to manage contamination risks to its public source water intake in Enfield. This plan was prepared to satisfy the requirements of the Nova Scotia Department of Environment for its condition of approval to operate its water treatment plant in Enfield.

The Municipality of East Hants Source Water Protection Area encompasses all lands within the Grand Lake Watershed. Approximately 14% of these lands fall within the Municipality of East Hants and the remaining 86% is within Halifax Regional Municipality. Under the Plan, the area draining immediately above the East Hants Water Treatment Plant intake is referred to as the "Near Zone" and is the area of greatest concern for management of source contaminants (Attachment A).

The Source Water Protection Plan identifies a number of management strategies aimed at reducing the potential for source water contamination within the Grand Lake Watershed. The majority of these strategies are focused on public information and education. Two of these strategies for implementation within the portion of the Near Zone within the Municipality of East Hants were the creation of a Septic Tank Pumping By-law and a review of the Municipality of East Hants Municipal Planning Strategy and Land Use By-law. The Municipality of East Hants also planned to present its Source Water Protection Plan to HRM Regional Council for consideration after it received notice from the Nova Scotia Department of Environment that its Plan was acceptable.

DISCUSSION

As part of its Source Water Protection Plan, the Municipality of East Hants adopted amendments to its Municipal Planning Strategy and Land Use By-law to protect the Near Zone Area from source water contamination, in November 2009. The adopted amendment created a Water Intake Overlay Zone which prohibits the development of gas stations, bulk chemical storage, intensive agriculture, dry cleaners, and landfills in the portion of the Near Zone that is within the jurisdiction of the Municipality of East Hants (Attachment B).

In response to notification about the proposed amendment from the Municipality of East Hants, HRM Planning Staff undertook a review of all applicable land use policies and regulations under the HRM Shubenacadie Lakes Municipal Planning Strategy and Land Use By-law. The Municipality of East Hants was informed that all of the high risk uses were currently prohibited under all the applicable HRM Zones within the Near Zone of the East Hants Municipal Water Supply (Attachment C). The Municipality of East Hants was also advised that the Shubenacadie Lakes MPS allows consideration of highway commercial uses, by development agreement, on two properties within the Near Zone (Attachment D). Staff advised the Municipality of East Hants that these policies would be reviewed during the Visioning Process for the Enfield Centre.

BUDGET IMPLICATIONS

There are no budget implications.

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

No community engagement is required as this report is only providing Council with information.

ATTACHMENTS

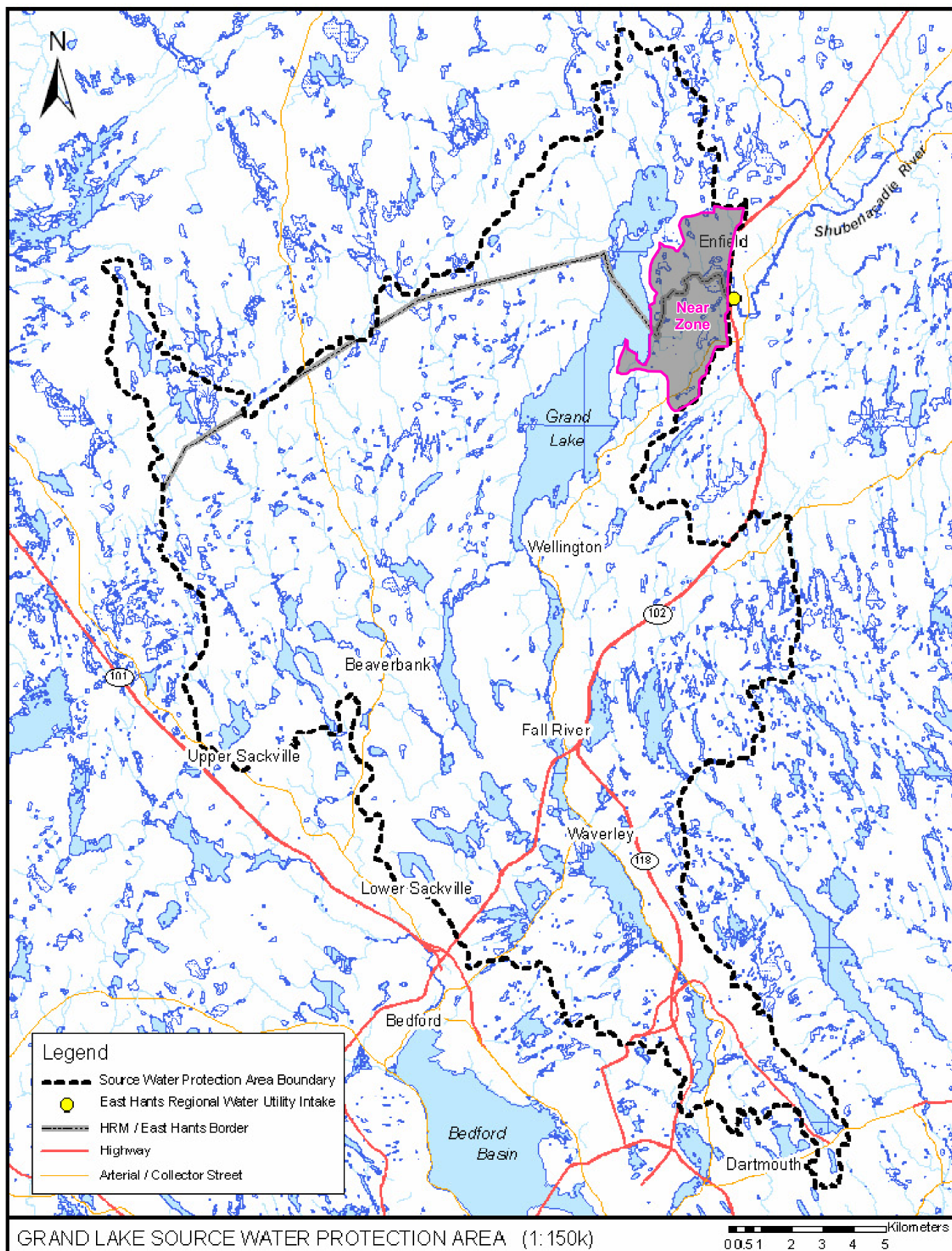
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|----------------|--|
| Attachment A - | Map Showing the Municipality of East Hants Source Water Protection Area and Near Zone |
| Attachment B- | Municipality of East Hants Staff Report |
| Attachment C - | Letter from Austin French, Manager, Planning Services, HRM to Ian Glasgow, CAO, Municipality of East Hants |
| Attachment D - | Excerpt from Planning Districts 14/17 (Shubenacadie Lakes) MPS |

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

Report Prepared by: Maureen Ryan, Senior Planner, Regional & Community Planning, 490-4799

Report Approved by:


Austin French, Manager of Planning Services, 490-6717



GRAND LAKE SOURCE WATER PROTECTION AREA (1:150k)

Source: Municipality of East Hants, Source Water Protection Plan



Planning and Development Department

Staff Report - Standard

Municipal Planning Strategy and Land Use By-law amendments based on the East Hants Regional Water Utility Source Water Protection Plan.

To: CAO for Planning Advisory Committee, November 17, 2009

Date Prepared: November 10, 2009

Previous Reports: June 9, 2008, February 17, 2009, August 24, 2009

Related Motions: PAC08(47), C08(318), PAC09(29), C09(74), PAC09(91), and C09(399)

Prepared by: Debbie Uloth, Project Planner

Approved by: John Woodford, Director

Summary

In keeping with the *Drinking Water Strategy for Nova Scotia*, the Municipality of East Hants has prepared a *Source Water Protection Plan* for the East Hants Regional Water Utility, which has been approved by Council. One recommendation of the plan is to develop Municipal Planning Strategy and Land use By-law amendments to better protect the water intake area. As a result, Planning Staff have prepared amendments to create a Water Intake (WI) Overlay Designation and Zone and believe the proposed amendments will aid in the protection the East Hants Regional Water Utility intake area from source water contamination.

Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report.

Recommendation

That Planning Advisory Committee recommend Council give final reading and approve the Municipal Planning Strategy and Land use By-law amendments to make provisions for protecting the sensitivity of the "Near Zone", as defined in the *East Hants Regional Water Utility: Source Water Protection Plan*, by creating the Water Intake (WI) Overlay Designation and Zone.

Background

The *East Hants Regional Water Utility: Source Water Protection Plan* was developed, by Engineering Services, as one of the components of *A Drinking Water Strategy for Nova Scotia (NSEL, 2002)*. On August 29, 2007, Council adopted the plan. One of the many components of the plan is to develop land use planning regulations. Section 6.6 states that:

Section 6.6 Land Use Planning

Planning documents relevant to the watershed should be amended to recognize the sensitivity of the watershed to many forms of development. Amendments should aim to ensure the long-term sustainability of the watershed as a water supply for the Regional Water Utility. Particular attention should be given to the Near Zone, where prohibition of high-risk developments should be considered. Examples of high-risk developments include gas stations, bulk chemical storage, intensive agriculture, sewage treatment plants, and landfills.

One of the results of the Source Water Protection Plan is the delineation of an area called the "Near Zone". This zone is defined as:

Section 2.4 Near Zone

For purposes of this Plan, the near zone is defined as the area of land that drains directly to the Shubenacadie River or adjacent to the Grand Lake outlet. This area occupies approximately 1325 hectares (4% of the watershed), and may be more sensitive to water quality impacts due to its physical proximity to the water treatment plant intake. Further, a contamination event directly affecting the Shubenacadie River will not be attenuated by the significant dilution effect that may be expected in a large lake and is likely to overwhelm the Utility's water treatment system. In general, the near zone is considered a high risk area with respect to source water contamination.

Planning staff have prepared MPS and LUB amendments to create an overlay zone for the "Near Zone", as defined in the source water protection plan, which would assist in protecting the sensitivity of the watershed.

Provincial Statement of Interest

Enabled by virtue of the *Municipal Government Act* the *Statements of Provincial Interest* are intended as guiding principles to help municipalities in making decisions regarding land use. In fact, municipalities are required to take *Provincial Statements of Interest* into consideration when preparing planning documents. The goal of the Statement of Interest regarding Drinking Water Supply is "to protect the quality of drinking water within municipal water supply watersheds". Currently, the MPS has policies regarding water supply for the Snides Lake watershed, however, the much larger watershed of Grand Lake has no land use regulations regarding water supply protection.

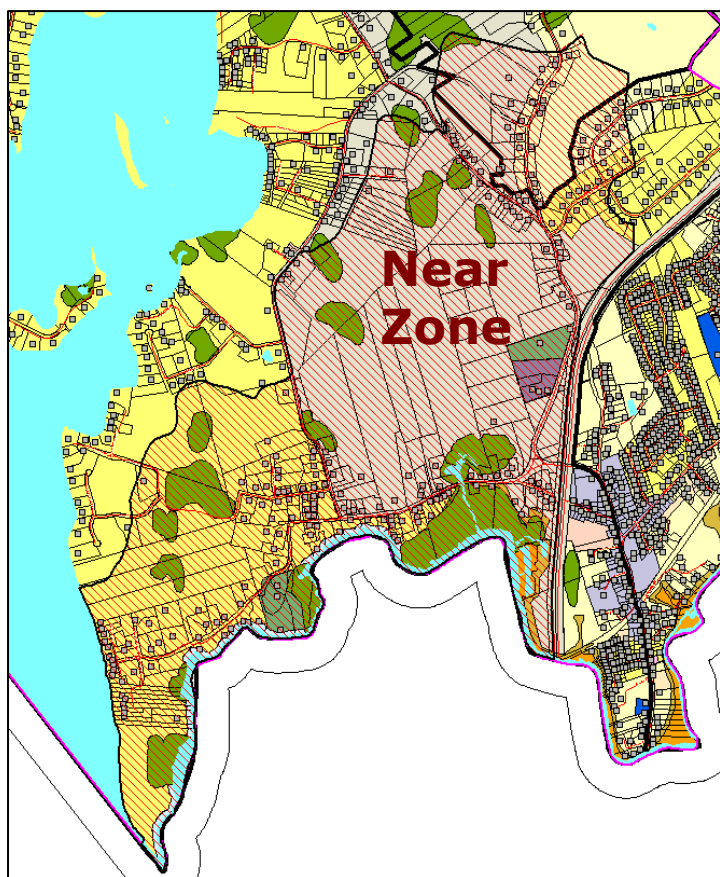
The "Near Zone" and Land Use Planning

Planning staff believe the best method of achieving the objective of Section 6.6 of the Source Water Protection Plan, and to build on the work of Engineering Services, is to amend the MPS and LUB to create an overlay zone. The purpose of the overlay zone would be to create an area, as already defined by the "Near Zone", where it would be prohibited to develop high-risk projects; examples of these projects include: gas stations, bulk chemical storage, intensive agriculture, dry cleaners, and landfills.

The current zoning placed on properties within the overlay zone would not be removed; instead there would be an additional zone superimposed over the existing zones. This overlay zone would act as an extra set of regulations with the sole purpose of protecting the sensitivity of the water utility's treatment plant intake and to ensure the long-term sustainability of the watershed as a water supply.

The Near Zone straddles both the Municipality of East Hants and Halifax Regional Municipality. Approximately 40% of the near zone is located in MEH and 60% in HRM. Engineering Services intends to introduce the Municipality of East Hants Source Water Protection Plan to Halifax Regional Municipality Council and staff. Requests for similar regulations in the HRM section of the Near Zone will depend on the response to the Source Water Protection Plan from HRM Council.

Below is a map showing the Near Zone and a list of the Land Use By-law zones that apply to that area; attached as Appendix A is a map of the Near Zone in context with the entire Grand Lake Watershed.



Land Use By-law Zones

Single Unit Dwelling	R1
Single & Two Unit Dwelling	R2
Rural Use	R4
Industrial Commercial	C5
Open Space	OS
Environmentally Sensitive	ES
Moderate Risk Floodplain	MF
High Risk Floodplain	HF

Although there are only three properties that are zoned Industrial Commercial (C5) within the Near Zone; it is possible for other land in the area to have high-risk developments. The Rural Use (R4) zone allows, by development agreement, uses such as the production, whole sale, storage or distribution of dangerous goods; chemical treatment of timber resources; storage of chemicals or hydrocarbons; scrap and salvage yards. Pits and quarries and intensive agriculture uses are permitted without a development agreement. Each of the noted land uses would be considered a high risk development.

In order to prevent high risk developments, an overlay zone, delineated from the same boundaries of the Near Zone, is proposed to be superimposed over existing zoning. This would prevent the development of any land uses that may be considered detrimental to the health of the watershed.

Public Participation

The Planning and Development Department will comply with all applicable policies of the *Municipal Planning Strategy* when processing these MPS and LUB amendments. A public information meeting is required for all MPS amendments prior to a Public Hearing, unless the amendments are housekeeping in nature. The public information meeting was held April 6, 2009. The meeting was advertised in the Weekly

Press and on the Municipal website; in addition, staff notified, by mail, residents living in the area proposed to be included in the overlay zone. As well, members of the *East Hants Regional Water Utility Source Water Protection Committee* were informed of the meeting and were invited to attend. Minutes from the public information meeting have been attached as Appendix C.

Several comments from the public and Councillors were received and taken into consideration by Planning staff. As a result of these comments a few changes have been made to the Water Intake (WI) Overlay Zone policies and regulations. Upon request of residents attending the meeting, and due to development occurring in the vicinity of the proposed Water Intake (WI) Overlay Zone, Engineering Staff completed field work and checked the boundaries of the overlay zone. Based on the data collected from this exercise the Water Intake (WI) Overlay Zone boundary was amended.

In general, comments from residents were very positive and many attending the public information meeting believed that Council should be creating more stringent policies and regulations. All residents attending the meeting agreed that the protection of potable water supplies was important to the community.

Notices will be placed in the November 11th and November 18th editions of the Weekly Press advising of the November 25th Public Hearing. A letter advising of the date and time of the public hearing will be mailed to all property owners located within the proposed Water Intake (WI) Overlay Zone. In addition, Halifax Regional Municipality and members of the *East Hants Regional Water Utility Source Water Protection Committee* will be informed of the public hearing.

Proposed Amendments

The following are the proposed amendments to the Municipal Planning Strategy and Land Use By-law. Staff are proposing, for the purpose of the MPS and LUB, that the name of the "Near Zone", as titled in the *Grand Lake Source Water Protection Plan*, be called the Water Intake (WI) Overlay Zone. The title Water Intake (WI) Overlay Zone is more descriptive of the nature of the zone.

The proposed MPS amendments may be added to Section *MPS-8 Environment* and the proposed LUB amendments may be added to *LUB-9 Environmental Zones*. East Hants currently has source water protection policies and regulations in regards to Snides Lake. Staff propose creating a new designation that will be specific to the "Near Zone" area, which will henceforth be called the Water Intake Overlay Area.

The Water Intake (WI) Overlay Area designation and correlating Water Intake (WI) Overlay Zone are proposed to be an overlay designation and zone. Therefore, the underlying zoning regulations are still relevant, other than land uses that are not permitted under the (WI) designation and zone. Below are the proposed MPS amendments.

Water Intake Overlay Area (WI)

Policy Goal

Council recognizes the need to comply with the *Provincial Statement of Interest in Drinking Water*, *A Drinking Water Strategy for Nova Scotia*, and the *East Hants Regional Water Utility Source Water Protection Plan*, which was adopted by Council August 29, 2007. It is the intention of Council to ensure the long-term sustainability of the municipality's watersheds, including the protection of the Grand Lake Water Intake Area from contaminants which may jeopardize the health of East Hants residents. It is in the best interest of the municipality to conserve and protect East Hants' drinking water supplies.

Policy Statements

- P8-44.a Council shall establish the Water Intake (WI) future land use overlay designation with the intention of protecting the water intake area, for the regional water utility, from contamination. With the objective to minimize health concerns for water consumers and to contribute to the maintenance of a sustainable water resource.
- P8-44.b The Water Intake (WI) Overlay Designation shall be carried out and be implemented by the Water Intake (WI) Overlay Zone. Council shall overlay the (WI) Zone over lands delineated as the “Near Zone” in the *East Hants Regional Water Utility Source Water Protection Plan*.
- P8-44.c It shall be the intention of Council to review and revise this policy and accompanying Land Use By-law to reflect changes made to the *East Hants Regional Water Utility Source Water Protection Plan*.
- P8-44.d It shall be the policy of Council to allow the permitted land uses, in accordance with the underlying zoning policies and regulations, subject to the following restrictions:
- a) no land use activities are permitted which may result in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone;
 - b) no land use activities are permitted which results in the storage of materials or chemicals which may produce a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone;
 - c) consideration of land uses that may jeopardize the purity and sustainability of source water for the East Hants Regional Water Utility, shall be prohibited; and
 - d) private sewage treatment facilities shall be exempt from these restrictions and shall require the approval of Nova Scotia Environment.

The following are the proposed amendments to the Land Use By-law. Regulations regarding the Water Intake (WI) Overlay Zone will be added to *LUB-9 Environmental Zones*. The proposed prohibited land uses listed under *9.7.2 Restrictions on Permitted Uses*, (c) have been derived from existing regulations that currently permit these uses to occur on lands zoned Rural Use (R4).

9

ENVIRONMENTAL ZONES

Environmental Zones Permitted Uses

This table summarizes the uses permitted in all Environmental zones; for an exact list of permitted uses in a particular zone see that specific section.

HF	High Risk Floodplain Zone
MF	Moderate Risk Floodplain Zone
ES	Environmentally Sensitive Zone
ER	Environmental Risk Zone
WS	Water Supply Zone
WG	Watercourse Greenbelt Zone
WI	Water Intake Overlay Zone

Environmental Zone Uses	HF	MF	ES	ER	WS	WG	WI
Conservation Related Uses	✓	✓		✓		✓	
Passive and Seasonal Recreation Uses	✓	✓		✓		✓	
Public or Private Parks	✓	✓	✓	✓			
Agricultural Grazing and Pasturage	✓	✓		✓	✓		
Single-Unit Residential Dwellings		✓		✓			
Semi-Detached and Duplex Dwellings				✓			
Nature Reserves			✓	✓			
Flood Control and other like Public Works			✓	✓	✓		
Forestry Uses				✓			
Agricultural Uses (excluding intensive agricultural uses)				✓	✓		
Municipal Supply and Drainage Facilities						✓	
Public Works structures for provision of Piped Services	✓	✓					
Underlying zone uses subject to (WI) restrictions							✓

The Water Intake (WI) Overlay Zone will be inserted as:

9.7 Water Intake (WI) Overlay Zone

9.7.1 Permitted Uses

No development permit shall be issued in a (WI) Overlay Zone except for the following:

- a. Underlying zone uses subject to the (WI) Overlay Zone restrictions.

9.7.2 Restrictions on Permitted Uses

All permitted uses are subject to the following restrictions:

- a. no use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- b. no use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- c. Pursuant to Policy P8-44.d.c of the MPS, the following underlying zone uses shall be prohibited in the Water Intake (WI) Overlay Zone:
 - i. (C2), and (C5) uses.
 - ii. Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
 - iii. Any business developments for the chemical treatment of timber resources.
 - iv. Licensed scrap or salvage yard business developments.
 - v. Dry cleaning and laundry services.
 - vi. Any business development or storage facility intended to hold liquid or gaseous substances such as hydrocarbons, or chemicals; except facilities intended to hold water or food.

- vii. Commercial livestock operations.
- d. private sewage treatment facilities shall be permitted in the Water Intake (WI) Overlay Zone, in accordance with approval from Nova Scotia Environment.

Conclusion

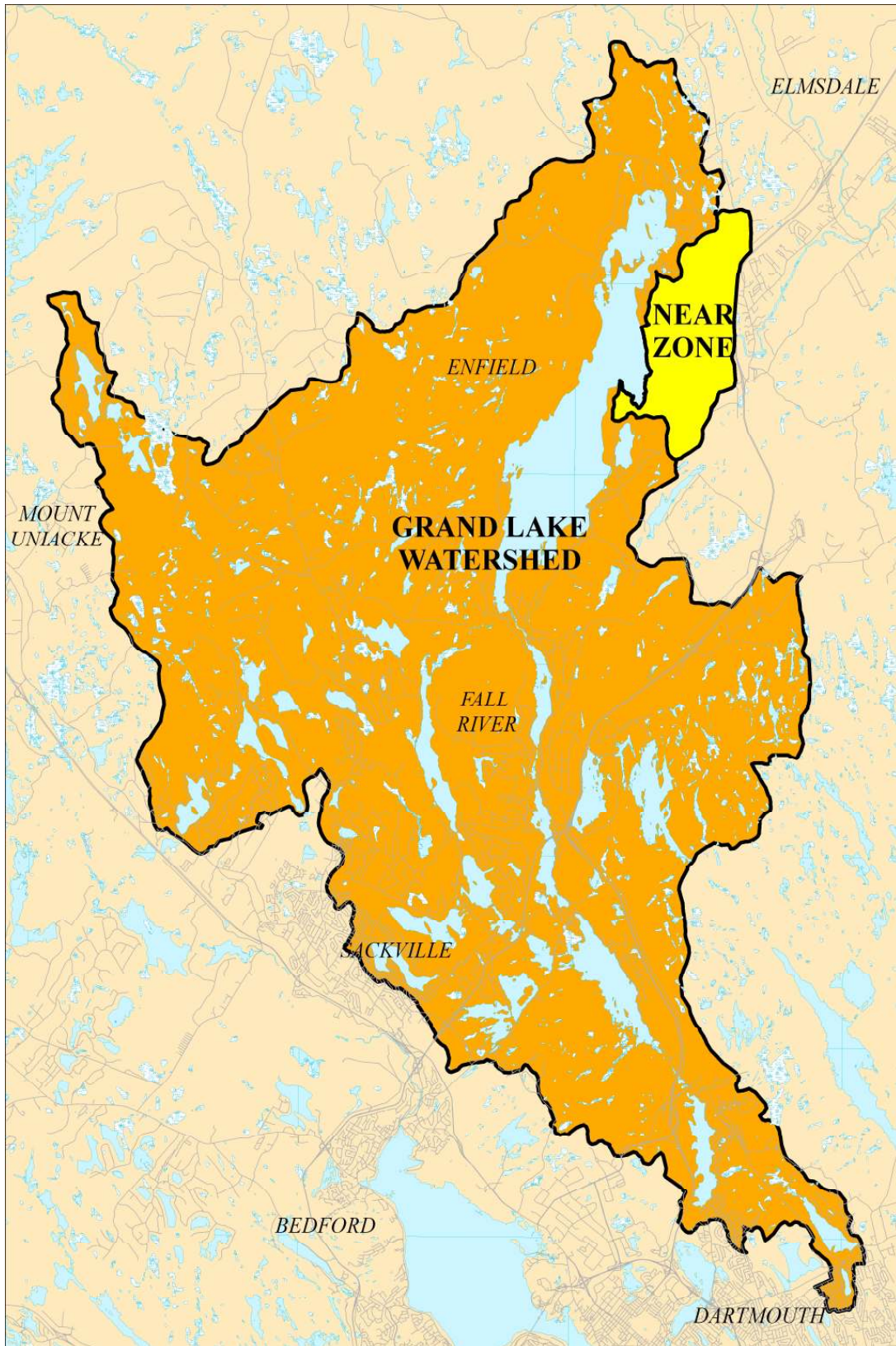
Staff have developed a comprehensive set of Municipal Planning Strategy and Land Use By-law amendments, to aid in the protection the East Hants Regional Water Utility intake area from source water contamination. Adjustments have been made to the proposed MPS and LUB amendments based on comments the public and PAC members made at the public information meeting held on April 6, 2009. The proposed Water Intake (WI) Overlay Zone would use the same boundaries as the "Near Zone", as defined in the *Source Water Protection Plan*, to create a layer of regulation that would overlay existing zone regulations.

Staff believe that restricting land uses that may be harmful to the regional water utility will be of assistance in ensuring the long-term sustainability of the water utility.

Recommendation

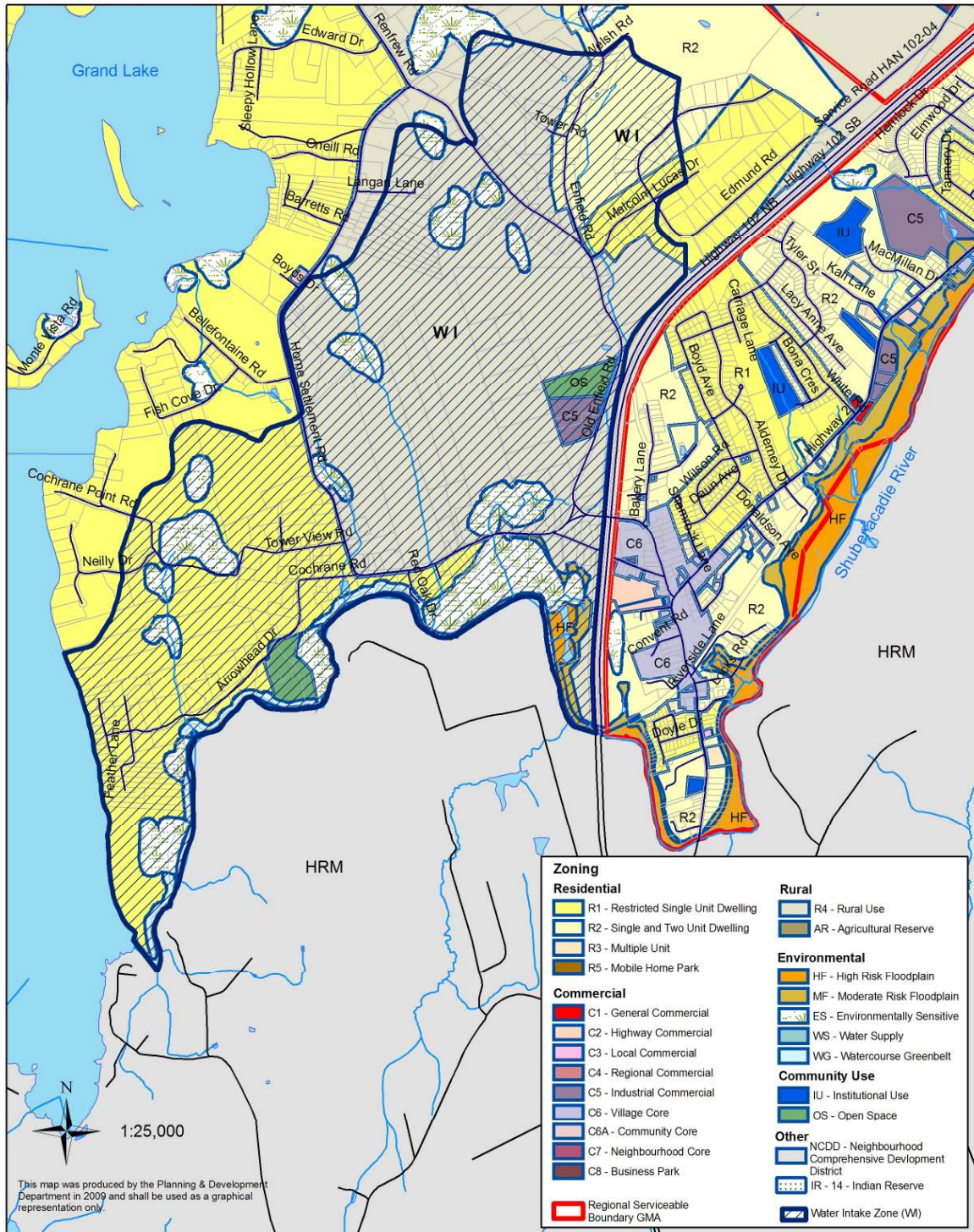
That Planning Advisory Committee recommend Council give final reading and approve the Municipal Planning Strategy and Land use By-law amendments to make provisions for protecting the sensitivity of the "Near Zone", as defined in the *East Hants Regional Water Utility: Source Water Protection Plan*, by creating the Water Intake (WI) Overlay Designation and Zone.

Appendix A – Grand Lake Watershed and the Near Zone



Appendix B – Water Intake (WI) Zone and Underlying Zoning

Municipality of East Hants - Water Intake Zone



Municipality of East Hants

Public Information Meeting

MPS & LUB Amendments based on East Hants Regional Water Utility Source Water Protection Plan.

Meeting Notes: April 06, 2009

Time: 7:00 p.m. – 8:00 p.m.

PAC Members in Attendance: Fred Banninster (Chairman), John Patterson, Eldon Hebb, Pam MacInnis, Eleanor Roulston, Jim Smith, Norval Mitchell, John MacDonald

Staff in Attendance: Debbie Uloth, Rachel Gilbert, Ed Gillis, Terry Matheson, Lee-Ann Nunn

- Public – Has anything been considered with regards to infilling of Marsh land?
- Staff – Clarified that within the Environmentally Sensitive zones you are not permitted to infill in these zones.
- Public – This is just the tip of the iceberg. Very strict restrictions on wetlands. What will happen in Grand Lake in the future? Can see problems down the road.
- Chairman – Explains that extensive studies have already been undertaken.
- Staff – We have been discouraged from a prescribed protection area. It was indicated that it was best to educate people.
- Staff – Explains the reason for the meeting.
- Public – Backyard is in the Near Zone. Run off from nearby site is brown. Not against development but needs to be done properly.
- Public – Requests clarification on whether Near Zone relates to land which drains into the river or lake.
- Staff – Clarification provided
- Staff – Staff will be out in the spring to look at the exact delineation of the Near Zone boundaries.
- Public – Questions whether the near zone will affect value of houses?
- Public – Questions whether this is a first step. Will there be more steps?
- Councillor – Questions the permitted uses. Will this allow pumping/storing livestock waste? This should be out.
- Councillor – Any concerns about existing commercial businesses? Questions whether this would restrict hobby farms.

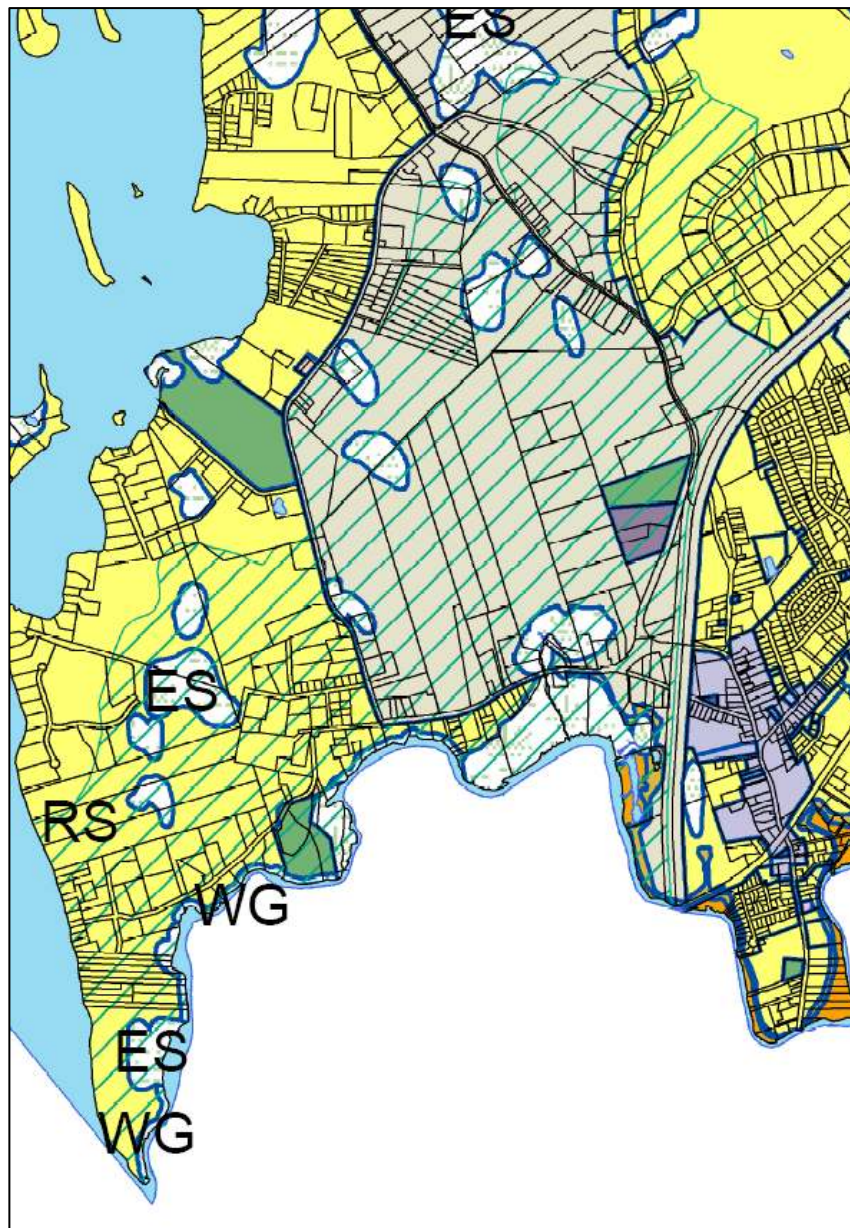
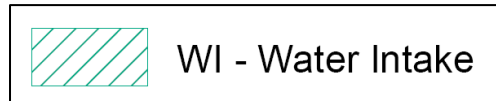
Amendment Sheet

The Municipality of East Hants
Official Community Plan

Municipal Planning Strategy

Generalized Future Land Use Map 9 – Official Community Plan Area

GFLUM Map 9 – Official Community Plan Area is amended by adding the Water Intake (WI) Overlay Area.




Amendment Sheet

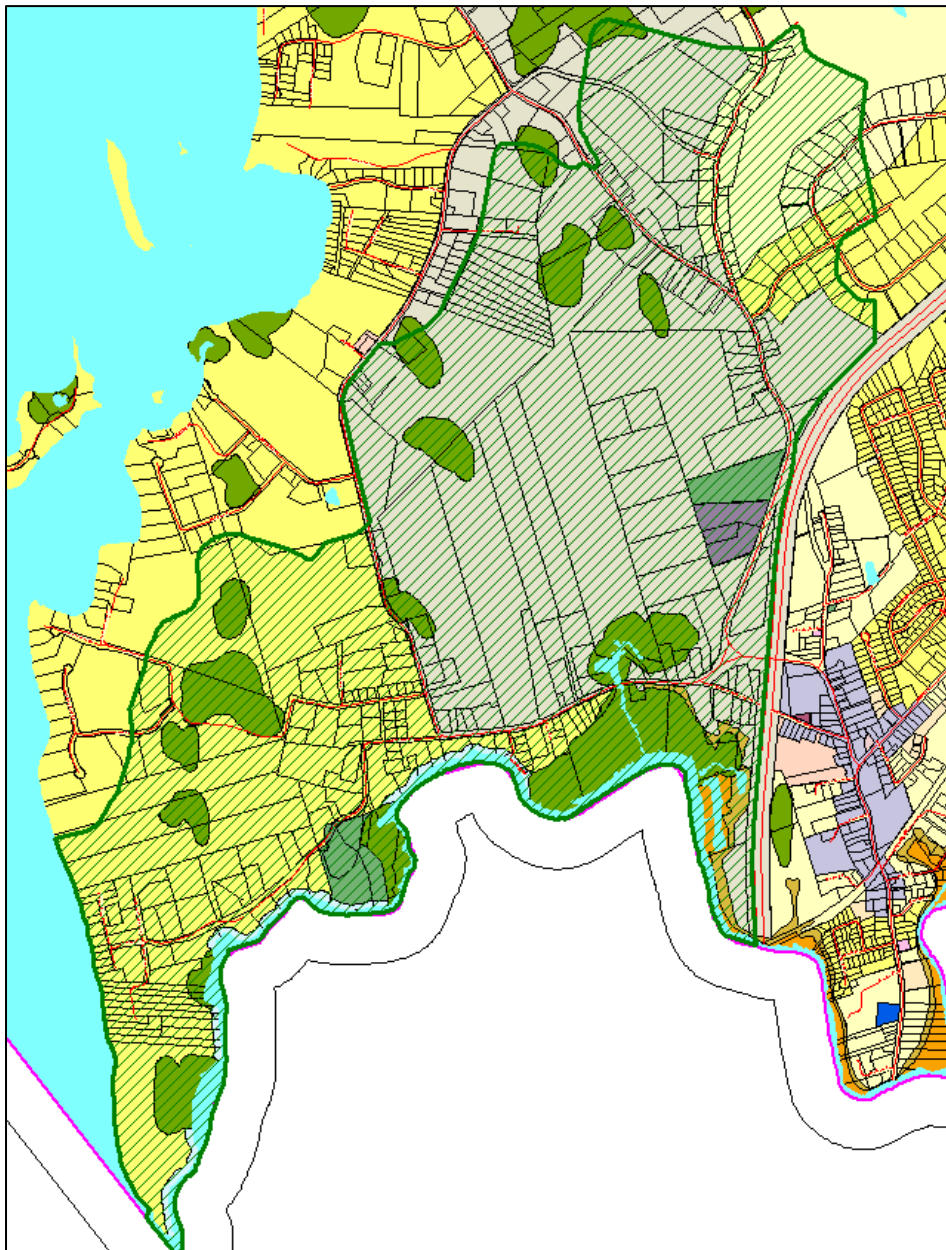
The Municipality of East Hants
Official Community Plan

Land Use By-law

Land Use By-law Map 9 – Official Community Plan Area

LUB Map 9 – Official Community Plan Area is amended by adding the Water Intake (WI) Overlay Zone.

 WI - Water Intake



Amendment Sheet

The Municipality of East Hants
Official Community Plan

Municipal Planning Strategy

MPS-8 Environment

Insert new sub-section Water Intake Overlay Area (WI) after sub-section Water Supply Area (WS).

Water Intake Overlay Area (WI)

Policy Goal

Council recognizes the need to comply with the *Provincial Statement of Interest in Drinking Water, A Drinking Water Strategy for Nova Scotia*, and the *East Hants Regional Water Utility Source Water Protection Plan*, which was adopted by Council August 29, 2007. It is the intention of Council to ensure the long-term sustainability of the municipality's watersheds, including the protection of the Grand Lake Water Intake Area from contaminants which may jeopardize the health of East Hants residents. It is in the best interest of the municipality to conserve and protect East Hants' drinking water supplies.

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- e) no land use activities are permitted which may result in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone;
 - f) no land use activities are permitted which results in the storage of materials or chemicals which may produce a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone;

- g) consideration of land uses that may jeopardize the purity and sustainability of source water for the East Hants Regional Water Utility, shall be prohibited; and
- h) private sewage treatment facilities shall be exempt from these restrictions and shall require the approval of Nova Scotia Environment.

Amendment Sheet

The Municipality of East Hants
Official Community Plan

Land Use By-law

LUB-9 Environmental Zones

The Water Intake Overlay Zone is to be inserted in the list of Environmental Zones Permitted Uses and Environmental Zone Uses.

9

ENVIRONMENTAL ZONES

Environmental Zones Permitted Uses

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WI	Water Intake Overlay Zone

Environmental Zone Uses	HF	MF	ES	ER	WS	WG	WI
Conservation Related Uses	✓	✓		✓		✓	
Passive and Seasonal Recreation Uses	✓	✓		✓		✓	
Public or Private Parks	✓	✓	✓	✓			
Agricultural Grazing and Pasturage	✓	✓		✓	✓		
Single-Unit Residential Dwellings		✓		✓			
Semi-Detached and Duplex Dwellings				✓			
Nature Reserves			✓	✓			
Flood Control and other like Public Works			✓	✓	✓		
Forestry Uses				✓			
Agricultural Uses (excluding intensive agricultural uses)				✓	✓		
Municipal Supply and Drainage Facilities						✓	
Public Works structures for provision of Piped Services	✓	✓					
Underlying zone uses subject to (WI) restrictions							✓

Insert 9.7 Water Intake (WI) Overlay Zone after 9.6 Watercourse Greenbelt (WG) Zone.

9.7 Water Intake (WI) Overlay Zone

9.7.1 Permitted Uses

No development permit shall be issued in a (WI) Overlay Zone except for the following:

- a. Underlying zone uses subject to the (WI) Overlay Zone restrictions.

9.7.3 Restrictions on Permitted Uses

All permitted uses are subject to the following restrictions:

- e. no use of land is permitted which results in the escape or disposal of a waste product which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- f. no use of land is permitted which results in the storage of materials which produces a leachate which would constitute a toxic substance harmful to the sustained purity and flow of water in the Water Intake (WI) Overlay Zone.
- g. Pursuant to Policy P8-44.d.c of the MPS, the following underlying zone uses shall be prohibited in the Water Intake (WI) Overlay Zone:
 - i. (C2), and (C5) uses.
 - ii. Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
 - iii. Any business developments for the chemical treatment of timber resources.
 - iv. Licensed scrap or salvage yard business developments.
 - v. Dry cleaning and laundry services.
 - vi. Any business development or storage facility intended to hold liquid or gaseous substances such as hydrocarbons, or chemicals; except facilities intended to hold water or food.
 - vii. Commercial livestock operations.
- h. private sewage treatment facilities shall be permitted in the Water Intake (WI) Overlay Zone, in accordance with approval from Nova Scotia Environment.

November 20, 2009

Ian Glasgow, CAO
Municipality of East Hants
P.O.Box 190
Shubenacadie, NS, B0N 2H0

Dear Mr. Glasgow:

Re: Proposal to amend the Municipality of East Hants MPS to create a Water Intake Overlay Designation and Zone - Grand Lake.

Thank-you for your notification of your upcoming public hearing to adopt the above-noted amendments to the planning documents of the Municipality of East Hants.

My staff reviewed the HRM Shubenacadie Lakes MPS and LUB to determine if any of the permitted land uses on HRM's side of your public water supply intake zone would pose a risk to your public water supply. Please note that none of the zones on the HRM side permit any of the uses that the Municipality of East Hants is proposing to prohibit from future development within your Water Intake Overlay Zone. The Shubenacadie Lakes Land Use Designations however, provide for the future consideration of some commercial and industrial uses through the process of rezoning or development agreement. HRM will review those policies for its potential for impact on the East Hants public water supply during a future review of the Shubenacadie Lakes MPS and LUB. I

Should you have any questions about the policies, please contact Maureen Ryan, Senior Planner, 490-4799.

Sincerely,

Austin French
Planning Services Manager

cc: Barry Dalrymple, District 2 Councillor
Roger Wells, Community and Regional Planning Supervisor

Attachment D
Excerpt from Planning Districts 14/17 (Shubenacadie Lakes) MPS

The former Enfield Drive-in property located on the Hall's Road in Enfield, and the site for a proposed truck stop operation at the Hall's Road/Highway No. 2 intersection, are other sites where it may be appropriate to consider commercial development by virtue of their previous or intended commercial use and their location close to the Highway 102 interchange. However, the proximity of an elementary school and a number of residential properties to these properties suggest that caution must be exercised to ensure the compatibility of any commercial uses with the surrounding area. Therefore, a development agreement will be required. The types of uses which may be considered are those included within the highway commercial zone with the exception of kennels and taverns and lounges.

P-78 Notwithstanding Policy P-66, it shall be the intention of Council to consider permitting highway commercial uses (Policy P-96), except for kennels, taverns, and lounges on the lands of Gordon and Shirley Taylor, LRIS land parcel index number 526699, and Irving Oil Company Ltd., LRIS land parcel index number 40461865, according to the provisions of Sections 55, 66 and 67 of the Planning Act. In considering such an agreement, Council shall have regard for the following:

- (a) that the nature and scale of the proposed use is compatible with the adjacent school as well as with nearby residential uses;
- (b) the manner by which liquid and solid waste will be treated;
- (c) landscaping measures which would provide an effective buffer from adjacent properties;
- (d) that the volume and type of traffic likely to be generated by the uses will not pose a safety hazard;
- (e) the hours of operation and maintenance of the property including areas devoted to outdoor storage or display; and
- (f) the provisions of Policy P-155.