

MUNICIPALITY OF THE DISTRICT OF ARGYLE
PLANNING ADVISORY COMMITTEE
Tuesday, September 14th, 2021
Zoom \ Council Chambers, NS 3:30 p.m.

Present: Warden Danny Muise, Councillors Kathy Bourque, Glenn Diggdon and Ted Saulnier, Committee members: Darryl LeBlanc, Earl Muise, and Donna Gaudet, WSP Planner Jared Dalziel, CAO Alain Muise and Municipal Clerk Eilidh Canning

Regrets: Deputy Warden Nicole Albright and Committee members George Emin, and Alfred d'Entremont.

The meeting was called to order at 3:36 p.m. by Chair Danny Muise.

Agenda:

It is moved by Kathy Bourque and seconded by Ted Saulnier that the agenda be approved as circulated.

Motion Carried

Conflict of Interest Declaration:

Warden Nicole Albright asked for any declarations of conflict of interest from the floor.

Earl Muise declared a conflict of interest with respect to the Development agreement application by Muise Cannabis.

Development Agreement Application by Muise Cannabis

Jared of WSP advised Council that the Municipality has received a Development Agreement application from Ronald Muise, Linda Muise, and Maurice Muise (Muise Cannabis Ltd.) to enable a micro cannabis production/processing facility at 129 Tittle Road on Surettes Island (PID 90035510).

The subject site is zoned Coastal Community (CC). The current Land Use By-law (LUB) permits micro cannabis production/processing facilities in coastal community zones through a development agreement and the Cannabis Act permits up to a maximum of 200 square meters of cultivation area.

The major aspects of the applicant's proposal for the property with access to 129 Tittle Road including:

- A large greenhouse for general cultivation with an approximate area of 111 square meters.
- A small greenhouse for plant cloning and general cultivation with an approximate area of 56 square meters.
- A container for general storage with an approximate area of 30 square meters.
- An office building with an approximate area of 45 square meters.

Most of the above area is within a fenced enclosure, having an area of approx. 600 square meters. For context, the location certificate showing the large greenhouse and container are shown in Figure 4 below.

The Coastal Community (CC) Zone currently permits micro cannabis production/processing facilities in conformance with the requirements of the Cannabis Act by development agreement. The Act restricts micro production area to a maximum of 200 square meters.

Municipality of Argyle Public Works Department / Community Development recommends that the Planning Advisory Committee recommend that Council:

- give first reading to consider approval of a development agreement to permit a micro cannabis production/processing facility on PID 90035510;
- proceed to a public hearing without a second meeting of planning advisory committee unless substantial comments are received from the public; and
- authorize staff to schedule a public hearing for the application.

It is moved by Ted Saulnier and seconded by Donna Gaudet that the Planning Advisory Committee recommend to Council to:

- give first reading to consider approval of a development agreement to permit a micro cannabis production/processing facility on PID 90035510;
- proceed to a public hearing without a second meeting of planning advisory committee unless substantial comments are received from the public; and
- authorize staff to schedule a public hearing for the application.

Motion Carried

Development Agreement Application by Vernon d'Eon

WSP planner, Jared Dalziel explained that the Municipality has received an application from Vernon D'Eon to amend the Land Use By-law to adjust the zoning boundaries of the Light Industrial (LI) zone and Mixed-Use zone (MU) to match new lot lines of a related lot consolidation for three existing properties. The affected properties are located along the south side of Chemin du Rocher (PID 90076613, PID 9076605 and PID 90076621).

The subject site involves three separate parcels which are zoned as Mixed Use (PID 9076605 and PID 90076621) and Light Industrial (PID 90076613). A separate subdivision application proposes to consolidate the three existing lots into two future lots, with one lot containing the lobster wire trap operation, while the other would contain an existing dwelling and accessory building. This application proposes to zone the entire future lot (V-2) containing the wire trap operation as Light Industrial, and the entire future lot containing the residential use as Mixed Use (V-1). The Light

Industrial zone permits a lobster wire trap operation as an as-of-right use, while the Mixed-Use zone permits a residence and accessory building.

Municipality of Argyle Public Works Department / Community Development recommends that the Planning Advisory Committee recommend that Council:

- give first reading to consider approval of a land use by-law amendment to amend 23,25 and 27 Chemin du Rocher (PID 90076613, PID 9076605 and PID 90076621) to rezone the portions of land as proposed lot V-2 to Light Industrial (LI) zone, and rezone the portions of land as proposed lot V-1 to Mixed Use zone (MU) as indicated in the planner's report.
- proceed to a public hearing without a second meeting of Planning Advisory Committee unless substantial comments are received from the public; and
- authorize Staff to schedule a public hearing for the application.

It is moved by Glenn Diggdon and seconded by Kathy Bourque that the Planning Advisory Committee recommend to Council to:

- give first reading to consider approval of a land use by-law amendment to amend 23,25 and 27 Chemin du Rocher (PID 90076613, PID 9076605 and PID 90076621) to rezone the portions of land as proposed lot V-2 to Light Industrial (LI) zone and rezone the portions of land as proposed lot V-1 to Mixed Use zone (MU) as indicated in the planner's report.
- proceed to a public hearing without a second meeting of Planning Advisory Committee unless substantial comments are received from the public; and
- authorize Staff to schedule a public hearing for the application.

Motion Carried

Memo Regarding Aquaculture Development Planning Applications in the Municipality of the District of Yarmouth

WSP planner, Jared Dalziel explained to the PAC Committee that The Municipality of Yarmouth (MODY) received two applications regarding aquaculture facilities. On behalf of the Municipality, WSP contacted MODY's retained planner for further information regarding the applications. Argyle Council has requested a summary of these applications given their interest from the broader community.

The first application is from Chegoggin Dyke Co-op Limited to establish a Lobster Holding Facility at 412 Chegoggin Point (PID 90169830). The facility will consist of an 80 ft x 80 ft steel building that will contain an office, storage, portable lobster holding tank, and freezer. To permit this new use, an amendment to the Land Use By-Law (rezoning) will be required. The application was presented to the Planning Advisory Committee on June 8, 2021. A public

hearing date has been set for 6:00 pm on Wednesday September 22, 2021. Any written submission concerning the proposed amendment should be submitted to the Municipal Office at least two days before the Public Hearing.

The second application is from Boreal Salmon Inc., to develop a land-based salmon farm at Chebogue Point Road (PID 90298134, PID 90178484, and PID 90298134). To allow this operation within the Rural Development Zone as-of-right, a development agreement along with a concurrent amendment to Municipal Planning Strategy and Land Use By-Law will be required. For simplification of the review process, the enabling text of the Municipal Planning Strategy and Land Use By-Law amendment have been pulled out as a separate recommendation and report to enable a review of the broader policy mechanisms to review of applications of this type, rather than the specific proposal. Further information provided to MODY's PAC can be found on the Planning Advisory Committee Agenda for July 29th, 2021.

At that same July 29, 2021 meeting of the Municipality of the District of Yarmouth's Planning Advisory Committee (PAC), PAC motioned to create a learning plan for PAC regarding aquaculture specific to the Municipal Planning Strategy Amendments necessary for the two above applications to proceed due to PAC feeling a lack of sufficient information to make a recommendation to Council.

The Fisheries and Coastal Resources Act and the Canadian Environmental Protection Act regulate the operations of aquaculture facilities (such as species used, environmental impacts, etc.). The Municipal Government Act does not enable municipalities to have the level of enforcement regarding these matters; however, they can regulate the use and siting of buildings for aquaculture on a property. Our understanding is that the less time-intensive municipal approvals are being through the municipal approvals process in preparation for an application to the longer joint provincial/federal aquaculture approval process.

Aquaculture uses in this province are typically permitted as-of-right where most of the matters of regulatory concern are administered by other levels of government. Similar uses would be wind farms, cannabis production facilities, telecommunications towers, and aerodromes. For example, Argyle's Land Use By-law permits aquaculture facilities as-of-right in industrial zones to reflect this state of practice. This avoids confusion about the jurisdiction having authority, where most of the concerns for this type of use stem from environmental approvals, with the provincial and federal governments maintaining jurisdiction over those uses.

Both applications will require extensive public participation as per the adjudicative process for aquaculture license and lease applications; however, the engagement process requirements have yet to be established. A criterion of the joint provincial/federal aquaculture application process is to engage public stakeholders by hosting a public meeting prior to making a decision. An independent Aquaculture review board reviews all provincial/Federal applications.

If Council wishes to provide input to this process, staff recommends drafting a letter to the Aquaculture Review Board on behalf of the Council of the Municipality of Argyle. If Council had concerns regarding the building design or placement of the proposed projects, those could be directed to the MODY as part of their municipal planning efforts.

CAO Muise asked Jared of WSP if there is a way to amend the LUB and MPS so that there is a condition precedent as a right to display their environmental work, prior to getting a right to development. Jared advised that the best way to do this is a condition on the development permit that they would have to have their environmental permits in place prior to approval of the development agreement application. CAO Muise then advised Jared that he would like to have staff work with WSP to develop a development agreement that has this requirement visible on it.

Other business

None.

Adjournment

There being no further business, it is moved by Donna Gaudet and seconded by Kathy Bourque to adjourn the meeting at 5:00 p.m.

Recorder
Eilidh Canning

Date approved: _____

Chair, Danny Muise _____

Chief Administrative Officer, Alain Muise _____