



**Subject:** *Elmsdale Lumber Company Limited - Proposed Biochar Facility*  
**To:** CAO for Planning Advisory Committee, January 17, 2023  
**Date Prepared:** January 10, 2023  
**Related Motions:** PAC20(52), PAC20(53), C20(253), PAC21(9), and C21(63)  
**Prepared by:** Debbie Uloth, Project Planner  
**Approved by:** John Woodford, Director of Planning and Development

### Summary

Elmsdale Lumber Company Limited initially submitted an application for a nearly 5,000 m<sup>2</sup> biochar production facility in August 2020. The application consisted of two parts, the redesignation and rezoning of a portion of the applicant's lands to Industrial Commercial (IC) and a substantial amendment to an existing development agreement.

A public information meeting on the application was held on December 1, 2020, and first reading of the proposed mapping amendments and initial consideration of the substantial amendment to the existing development agreement was given by Council on February 24, 2021.

In December of 2022, Elmsdale Lumber Company Limited submitted a request to amend their planning application to permit a temporarily assembled containerized biochar production facility to allow observation and testing to demonstrate that noise levels and emissions are within acceptable levels. The containerized facility is proposed to be located on the existing lumber mill site (PID 45082773). Depending on the results of the engineering observations, it would be the goal of the applicant to then apply for the original biochar production facility.

### Financial Impact Statement

There is no immediate financial impact from the recommendations in this report. A financial impact analysis will be completed as part of the review for this application.

### Recommendation

Authorize staff to schedule a public information meeting.

### Recommended Motion

*Planning Advisory Committee recommends that Council:*

- *authorize staff to schedule a public information meeting to consider an application from Elmsdale Lumber Company Limited to permit a containerized biochar production facility.*

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## Background

Elmsdale Lumber Company Limited initially applied for a Planning application in August 2020. The application proposed to change a portion of the Generalized Future Land Use Designation of land identified as PID 45342938 from Established Residential Neighbourhood (ER) Designation to Industrial Commercial (IC) and to rezone the same from Two Dwelling Unit Residential (R2) Zone to the Industrial Commercial (IC) Zone. The IC Zone would have enabled Municipal Council to consider substantially amending an existing development agreement for the lumber mill, to allow for a biochar production facility. The initial application had a public information meeting on December 1, 2020, and was given first reading on February 24, 2021. Additional information on the proposed biochar facility and the impacts on the community was requested by Planning staff prior to moving forward with the application.

In December 2022, Elmsdale Lumber Company Limited updated its application. The purpose of the updated application is to permit a temporarily assembled containerized biochar production facility to allow observation and testing to demonstrate that noise levels and emissions are within acceptable levels. The containerized facility is proposed to be located on the existing lumber mill site (PID 45082773). Depending on the results of the engineering observations, it is the goal of the applicant to then apply for the original biochar production facility.

The applicant is still requesting an amendment to a portion of the land use designation and zoning of PID 45342938.

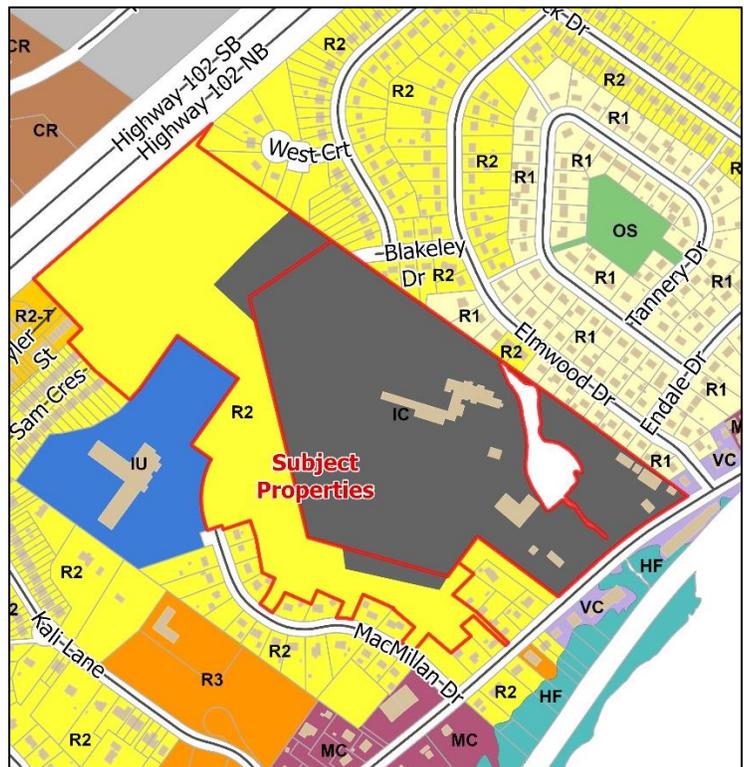
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## Subject Property

The subject properties are shown on the map to the right and are identified as PID 45342938 and PID 45082773 (604 Highway 2, Elmsdale). The total area of the subject properties is approximately 23 ha.

Property identified as PID 45342938 is currently split zoned Two Dwelling Unit Residential (R2) Zone and Industrial Commercial (IC) Zone, with the majority of the property being zoned R2. PID 45082773 is zoned Industrial Commercial (IC) Zone with a small portion of it being Moderate Risk Floodplain Overlay (MF) Zone, and this property is where the existing lumber mill is located.

Adjacent property uses and zones include residential zoned lands to the north and south, Village Core (VC) Zone commercial uses across the street, and Highway 102 borders the rear of the subject lands. The Elmsdale District School is zoned Institutional Use (IU) Zone



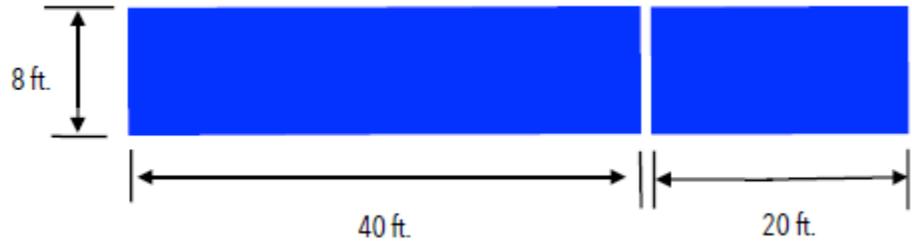
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## Development Proposal

The purpose of the application is to substantially amend the existing development agreement to permit a temporarily assembled containerized biochar production facility. Under the existing development agreement, the applicant is permitted to operate the lumber mill on PID 45082773, up to a maximum of 76,000 ft<sup>2</sup>. Due to

the potential of the proposed biochar production facility being obnoxious, the existing development agreement is required to be substantially amended. In addition, the maximum footprint of all buildings is proposed to be increased to allow for the containerized facility.

The containerized biochar production unit is 1/10<sup>th</sup> the scale of the originally proposed biochar production facility. Enabling the development of the containerized facility will allow professional engineers to observe and test to determine if the results are within tolerance for the



nearby school and neighbourhood. As proposed, the facility will undergo an 8-month trial for observations of noise levels and levels of emissions. These results can then be scaled to enable consideration of the original full-sized biochar production facility at a future date. The intention would be that the Municipal Development Officer would receive documentation at the 8-month mark on the engineer’s observations. The containerized biochar production facility would continue to operate after the 8-month period if the observations conducted by the engineer showed no adverse impacts on the community.

As part of the application, Elmsdale Lumber Company Limited is still requesting mapping amendments to the land use designation and zoned of a portion of PID 45342938 in order to allow for the future consideration of a full-scale biochar production facility. Proposed GFLUM and LUB amendment maps have been attached as Appendix B. The maps show the portion of land to be redesignated and rezoned to Industrial Commercial (IC).

### STRATEGIC ALIGNMENT

Two of the Key Strategies from the Strategic Plan are Strong Community and Economic Prosperity. Providing economic opportunities helps to create a vibrant community where people can live and work in their community.

### LEGISLATIVE AUTHORITY

The Municipal Government Act, Part III gives legislative authority for this application. This section outlines the process for these amendments to be considered, including the advertisements for a Public Hearing.

### FINANCIAL CONSIDERATIONS

A financial impact analysis would be provided with a final staff report. There are no immediate financial impacts from refusing this application.

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## Policy Analysis

As part of the initial application, Planning staff consulted with our reviewing agencies. In considering the updated application much of the feedback from the initial consultation is still relevant.

### REVIEWING AGENCIES

Nova Scotia Public Works has reviewed the information submitted by Elmsdale Lumber Company Limited and have indicated that “...increased truck traffic is not expected, and a negative traffic impact is not anticipated.”

Planning staff did request comments from the Chignecto Central Regional Centre for Education and from the Principal at Elmsdale District Elementary School, as part of the initial application but no comments were received. Staff will once again seek comments from the Chignecto Central Regional Centre for Education for the updated application.

An Environmental Assessment is not required for the proposed application. Although an Environmental Assessment is not required an Industrial Approval is required by the Government of Nova Scotia. An Industrial Approval considers a whole range of items such as noise, emissions, effluent, dust, and other items. As part of an Industrial Approval, the applicant also requires confirmation that the proposed use is a permitted land use in the Municipality.

A request for comments on the updated application will be sent to Elmsdale Fire and Emergency Services and to the Municipal Engineers for review.

### ENABLING POLICIES

As identified in the MPS, Council's goal for the IC Zone is for *"the Industrial Commercial (IC) Designation to reduce any potential conflicts which may arise between industrial-based development and less intensive land use..."*, which Council shall consider as part of this application. Council also shall consider Policy ED42, which states that *"Council shall establish the Industrial Commercial (IC) Designation for the purpose of grouping industrial related uses such as manufacturing, process, and related heavy commercial uses, which are generally of a regional commercial nature, to reasonably allow for the development of such uses and to facilitate a desirable growth pattern for communities."* One of the difficulties with evaluating the application is that residential development has grown up around the lumber mill and now the mill has become a part of a growing serviced community. Changes that take place on the Elmsdale Lumber Company Limited lands has a direct impact on the surrounding community.

Policy IM10, permits Council to consider private applications to amend the MPS where the proposed amendments are in the best interest of the Municipality. Therefore, Council may consider the application for the containerized biochar production unit, if they feel the proposal is in the best interest of the Municipality.

First reading of the proposed mapping amendments to change a portion of the Generalized Future Land Use Designation of land identified as PID 45342938 from Established Residential Neighbourhood (ER) Designation to Industrial Commercial (IC) Designation and to rezone the same from Two Dwelling Unit Residential (R2) Zone to the Industrial Commercial (IC) Zone, was given by Council at their February 24, 2021 meeting. There are no changes to the proposed boundaries of the IC Designation and Zone. First reading remains in place unless Council rescinds their decision.

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## Citizen Engagement

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the initial application and indicating that it had been received and was under review by staff was placed in the *Chronicle Herald* on September 4, 2020. A public information meeting for the initial application was held on December 10, 2020. Due to the change in the application and the amount of time that has passed since the last PIM, staff are recommending that a second PIM be held for the updated application. Under the citizen engagement policies, notification is to be mailed to all property owners within 300 m of the subject property. However, as part of the initial application, Council requested that the notification distance be increased to 500 m.

First reading of the proposed mapping amendments and initial consideration of the substantial development agreement amendment was given by Council on February 24, 2021. After this, a questionnaire was mailed to all residents within 500 m of the subject properties. The questionnaire responses have been provided to PAC members. Since the development agreement portion of the application has substantially changed, staff recommend that a second questionnaire be mailed to property owners within 500 m of the subject property.

No changes are being proposed to the mapping amendments portion of the application, just the development agreement portion of the planning application.

Planning staff will combine the public information meeting notification and the questionnaire in the same mailout.

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## Alternatives

Planning Advisory Committee may recommend that the application not proceed further in which case the application will be deemed refused. Staff do not recommend this approach.

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## Attachments

Appendix A - Notes from December 1, 2020, Public Information Meeting

Appendix B - Proposed Mapping Amendment Sheets

Confidential - Questionnaire Results - Initial Questionnaire March 2021

## Digital Public Information Meeting - Elmsdale Lumber Company Limited

(December 1, 2020)

- Staff: Mr. John Woodford, Director of Planning & Development  
Ms. Debbie Uloth, Project Planner  
Ms. Jody MacArthur, Communications Officer  
Ms. Sheralee Mitchell-MacEwan, Assistant Municipal Clerk
- Applicant: Mr. Robin Wilbur, President, Elmsdale Lumber Company Limited  
Ms. Anneke Santilli, RDA Atlantic Inc.  
Mr. Nic Strum, Strum Consulting  
Mr. Don Leblanc, RDA Atlantic Inc.
- Call to Order: Mr. John Woodford, Director of Planning & Development
- Presentation: Staff Presentation: Ms. Debbie Uloth, Project Planner  
Applicant Presentation: Mr. Robin Wilbur, Elmsdale Lumber Company Limited  
Ms. Anneke Santilli, RDA Atlantic Inc.  
Mr. Nic Strum, Strum Consulting  
Mr. Don Leblanc, RDA Atlantic Inc.
- Applicant:
- Public:
- What type of smells will be produced by the facility? Response: Smell would be similar to the lumber mill.
  - Concerned about the proximity of the biochar facility to the elementary school.
  - Concern that the development will impact property values in the neighbourhood.
  - Will woodchips and sawmill by-products be the only feedstock used in the facility? Response: Yes.
  - Is the operation 24 hours? Response: Yes.
  - Discussion over the types of jobs that could be created by the facility.
  - Discussed the biochar production facility in Poland.
  - Discussed that the school board will be consulted as part of the application.
  - Questions asked regarding an Environmental Assessment. Applicant responded that they had hired Strum Consulting to help determine if an EA is required and to work with Nova Scotia Environment.
  - Discussed some of the technical aspects of the proposed biochar facility.
  - Questions regarding sound that would be produced from the proposed facility.
  - Discussion around the amount of truck traffic generated by the facility.
  - Discussion over the location of the proposed biochar facility.
  - Talked about the uses of biochar and there was a question of whether there were any disadvantages.
  - Questions were asked and answered about the feedstock and where it would come from.
  - Discussed the design of the proposed facility.

*Appendix B - Draft Amendment Maps*

**Draft Amendment Sheet**

The Municipality of East Hants  
Official Community Plan  
Municipal Planning Strategy

**Generalized Future Land Use Map 1: South Corridor & Commercial Growth Management Area**

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The GFLUM designation of a portion of PID 45342938, Elmsdale, shown on the Generalized Future Land Use Map 1: South Corridor & Commercial Growth Management Area, has been changed from the Walkable Comprehensive Development District (WCDD) Designation to the Industrial Commercial (IC) Designation.



## Draft Amendment Sheet

The Municipality of East Hants  
Official Community Plan  
Land Use Bylaw

### Land Use Bylaw Map 1: South Corridor & Commercial Growth Management Area

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The LUB zone of a portion of PID 45342938, Elmsdale, shown on Land Use Bylaw Map 1: South Corridor & Commercial Growth Management Area, has been rezoned from Two Dwelling Unit Residential (R2) Zone to the Industrial Commercial (IC) Zone.

