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# Item No. 14.1.6 Halifax Regional Council February 27, 2018

TO:	Mayor Savage and Members of Halifax Regional Council	
SUBMITTED BY:	Original Signed by	
	Jacques Dubé, Chief Administrative Officer	
DATE:	January 26, 2018	
SUBJECT:	Case 21440: Municipal Planning Strategy and Land Use By-law amendments for lands at Ross Road, Westphal to enable an expansion to the existing Construction and Demolition Materials Transfer Facility	

#### <u>ORIGIN</u>

Application by Dillon Consulting Limited

#### LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

#### RECOMMENDATION

It is recommended that Regional Council direct staff to:

- Initiate a process to consider amendments to the Cole Harbour / Westphal Municipal Planning Strategy and Land Use By-law to enable the expansion of the existing Construction and Demolition Materials Transfer Facility at 188 Ross Road to the rear portion of lands located 206 Ross Road, Westphal; and
- 2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

# BACKGROUND

Dillon Consulting Limited on behalf of Halifax Construction & Debris Recycling Limited have applied to expand the existing Construction and Demolition Materials (C&D) Transfer Station at 188 Ross Road to the rear portion of the lands at 206 Ross Road (Maps 1 and 2). This proposed expansion cannot be considered under existing MPS policies and the applicant is seeking amendments to the Cole Harbour / Westphal Municipal Planning Strategy (MPS) to enable the proposed expansion.

Subject Site	• existing Construction and Demolition Materials Transfer Station is
(Maps 1 and 2)	located at 188 Ross Road
	<ul> <li>proposed expansion is on the rear portion of the adjacent lot at 206 Ross Road</li> </ul>
Location	East side of Ross Road south of Salmon River Drive
Regional Plan Designation	Rural Commuter
Community Plan Designation	Urban Reserve
(Map 1)	
Zoning (Map 2)	I-1 (Light Industry) Zone, P-1 (Open Space) Zone
Size of Site	3.6 ha (8.9 acres) of 6.8 ha (16.9 acres)
Street Frontage	210 m (689 ft.)
Current Land Use(s)	Vacant except for an Industrial use (Dura-Tech Industrial and Marine
	Limited) which occupies approx8 ha (2.0 acres) of the site (206 Ross
	Road)
Surrounding Use(s)	Single unit dwellings across Ross Road to the west, the existing C&D
	Transfer Station and an automotive salvage yard to the north, Salmon
	River and vacant lands to the east and Residential uses to the south

#### **Proposal Details**

Halifax C&D indicate their existing Transfer Station at 188 Ross Rd. has become too congested to effectively continue operations. The proposed solution is to expand to the rear portion of the adjacent lands at 206 Ross Road. Aerial photographs and archive information indicate these lands have been a working industrial site for more than 50 years.

#### C&D Facilities in HRM

In January of 1998, Regional Council approved an HRM-wide Construction & Demolition Waste Management Strategy that is in keeping with the overall objectives of the HRM Integrated Waste/Resource Management Strategy (IWMS). The overall strategic intent is to minimize the amount of material going to a municipal landfill. Construction and demolition (C&D) materials are waste generated from the construction of buildings, structures, roadways, walls and landscaping features. This typically includes, but is not limited to, soil, asphalt, brick, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. Diversion of these types of materials from the landfill through reuse and recycling is a key part of the IWMS. The implementation of the IWMS requires that municipal planning documents recognize the unique land use requirements of the C&D industry and that a Licensing By-law be used to address operational issues.

The C&D industry includes three types of operations which are reflected in land use regulations:

- C&D transfer stations (CD-1 Zone);
- C&D processing operations (CD-2 Zone); and
- C&D disposal operations (CD-3).

The C&D Transfer Station at 188 Ross Road separates C&D materials such as rubber, wood, glass, or plastics into component parts for transfer to a facility that can process the material into other products or

prepare the materials to be disposed of at an approved C&D disposal site. Processing or disposal of materials is not permitted at 188 Ross Road.

In addition to regulating C&D operations, the required CD-1 Zone incudes controls on setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage.

#### MPS and LUB Context

MPS Policies SW-6 and SW-7 establish the CD-1 (C&D transfer stations) Zone in the Cole Harbour Land Use By-law which permits the existing C&D transfer station at 188 Ross Road in it's configuration limited to PID# 40485310. These policies were originally intended to limit new C&D facilities in the Cole Harbour/ Westphal Plan area. However, by limiting the existing operation at 188 Ross Road to a single PID, there is no ability to allow expansion to the neighbouring property. Therefore, to enable the proposed expansion, MPS policy would have to be amended the enable the CD-1 Zone to be applied the rear portion of the 206 Ross Road property.

Notwithstanding the above referenced policies, policy SW-8 generally contemplates the expansion of existing C&D transfer stations. This policy establishes the Site Plan Approval process within the CD-1 Zone to minimize additional impacts due to the expansion of such a facility. Siting standards are set out in the Land Use By-law to address such items as screening, access, outdoor storage, maintenance, stormwater management, lighting, signage, and landscaping measures.

#### DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

#### **Applicant Rationale**

The applicant has provided the following rationale in support of the proposed amendment:

- Expansion would enhance site efficiency and safety;
- Paving the expanded activity would minimize dust;
- Adding a settling pond and engineered wetland to test water quality would help to ensure that it is clean enough to discharge back into the Salmon River;
- Separation of materials would reduce fire risk;
- Expansion of yard operations would contain truck traffic onsite instead of it stacking onto Ross Rd;
- Moving the operation to the rear of their site and away from residential structures would reduce impacts from their C&D facility; and,
- Enhancing landscaping would better buffer residential properties.

Attachment A contains excerpts from the applicant's application letter.

#### Review

Staff reviewed the submitted rationale in the context of site circumstances and surrounding land uses and advise that there is merit to the request. The existing C&D Transfer Station is a permitted use as contemplated in MPS policy and it is reasonable to consider an expansion which can help to mitigate the existing impacts. As there is no reason to anticipate removal of these operations in the longer term, impact mitigation is an appropriate strategy to reduce local impacts. Staff note that current operations can generate truck stacking on Ross Road. It is acknowledged the proposed expansion could reduce existing truck traffic, noise, and dust impacts.

The applicant has indicated the expansion of the C&D Transfer Station operation is not intended to increase onsite activities as their market share is projected to remain static. The proposed increase in onsite efficiency is intended to offset the expansion costs.

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Accordingly, a full review of the Planning Application would consider the following:

- the scope and appropriateness of different planning tools, such as zoning, development agreements or site plan approvals;
- the feedback received though community engagement initiatives;
- impacts to watercourses;
- length and distance of truck stacking onsite to ensure containment of truck traffic from Ross Road; and,
- distance separation of C&D activities from residential land uses.

#### Secondary Access Requirements

Should Council initiate the proposed amendment as recommended, the possibility of a second access from Ross Road for increase fire safety will be explored as part of the detailed review. Such a requirement could result in an alteration to the proposed zoning boundaries from those shown on Map 2 (Area to be rezoned).

#### Conclusion

Staff advise that there is merit to the request and recommend that Regional Council initiate the MPS amendment process.

## COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the Cole Harbour/ Westphal plan area will potentially impact residents and businesses.

#### FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2017-2018 operating budget for C310 Urban and Rural Planning Applications.

#### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

# ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report

#### **ALTERNATIVES**

- 1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
- 2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Cole Harbour/ Westphal Municipal Planning Strategy is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

# **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Excerpts from the Application Letter
Attachment B:	Proposed Layout
Attachment C:	Excerpts from the Cole Harbour/ Westphal MPS and LUB

A copy of this report can be obtained online or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Report Approved by:	Original Signed	
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Report Approved by:	Original Signed Kelly Denty, Acting Director, Planning and Development, 902.490.4800	





## Attachment A Excerpts from the Application Letter

The expansion of the Ross Road facility will also have the same benefits for the implementation of the Municipality's C&D Waste Management Strategy as were listed in the Ross Road application:

- Further increase diversion from landfill through recycling of an increasing amount of construction and demolition debris;
  - As more materials are separated, more can be diverted from landfilling, thereby extending the life of disposal facilities.
- Increase economic activity and value added processing through recovery of construction and demolition debris; current Halifax C&D examples include:
  - Recycling drywall to use in the manufacture of new drywall.
  - Recycling glass for reuse for septic tank drainage.
  - Recycling plastic for reuse as plastic lumber.
  - Recycling wood for energy production.
- Provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled;
  - Segregation of non-recyclable materials at Ross Road for transfer to licensed disposal facilities
- Minimize environmental, land use and nuisance impacts from the operation of construction and demolition processing operations;
  - Stormwater will be controlled through site paving, grading and direction to a reservoir with outflow to a constructed treatment wetland.
  - The paved yard will minimize dust generation.
  - New storage buildings and enclosures will further minimize debris and noise.
  - Activities at the site, noting the proposed reconfiguration, are well buffered from residential uses.

Expanding the Ross Road facility will advance these objectives not so much by increasing the capacity of the system but by increasing the efficiency with which fluctuating quantities of C&D waste can be handled in the municipality, and by reducing the local impact of its management.

# 2.2.7 Rezoning

The amendment to Policy SW-7 of the Cole Harbour/Westphal MPS suggested above is necessary to allow the rezoning of lands at 206 Ross Road from I-1 to CD-1, as noted above. No change is required to Policy SW-6, which is the basis for the CD-1 Zone in the Cole Harbour/Westphal LUB. Halifax C&D will develop all components of the proposed transfer station expansion within the established restrictions of the CD-1 Zone.

Other additional requirements in the CD-1 Zone include restrictions on nuisances, which reinforce requirements of HRM's nuisance bylaws that are applicable to a broader range of land uses, landscaping requirements, and access specifications that prohibit the creation of an access to a CD-1 use through a residential or institutional zone.

Finally, development of CD-1 uses is subject to site plan approval. Whereas an applicant seeking to construct a permitted use in most zones must simply comply with the standards of that zone to obtain a permit, an applicant seeking to build a permitted C&D use in a CD-1 Zone must submit plans for approval by HRM's Development Officer. The site plan requirements under Section 24A.5 of the Cole Harbour/Westphal MPS allow the Development Officer to scrutinize site access, separation, loading and storage areas, landscaping, outdoor lighting, waste storage, signage, and standards of care.



# Attachment C Excerpts from the Cole Harbour/ Westphal MPS and LUB

# **Excerpts from the MPS**

#### CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT STRATEGY

(RC-Sep 10/02;E-Nov 9/02)

The key objective of Halifax Regional Municipality's (HRM) Integrated Waste/Resource Management Strategy (IWMS) is to minimize the amount of material going to a municipal landfill. The IWMS comprises a number of components which must be implemented together in order to achieve its objectives.

Of the various components, construction and demolition (C&D) waste is a key component. Construction and demolition materials means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. The combination of strong economic growth and corresponding growth in waste generation has resulted in increased financial pressure on the Municipality. In the interests of the greater public, it is essential that all aspects of the integrated waste management system, especially opportunities to maximize diversion, operate effectively. The IWMS recognizes that, while a significant proportion of C&D waste should be reused or recycled, it is necessary for some of this material to be buried.

On January, 1998 Regional Council approved the following objectives in support of implementing an HRMwide C&D Waste Management Strategy:

- (i) maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;
- (ii) increase economic activity and value added processing through recovery of construction and demolition debris;
- (iii) provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled; and
- (iv) minimize environmental, land use and nuisance impacts from the operation of construction and demolition debris transfer, processing and disposal operations.

The C&D Strategy is in keeping with the overall objectives of the IWMS. Its implementation requires that municipal planning documents recognize the unique land use requirements of the C&D industry and that a specific Licensing By-law is required to address operational issues. The intent is to provide a comprehensive regulatory framework that is applied fairly and consistently throughout HRM.

HRM discourages processing and disposal of some C&D waste at its landfill. Inert C&D material does not need to be disposed of at the regional landfill site. Generators or haulers of these materials are generally discouraged from utilizing municipal facilities due to comparatively high tipping fees which encourage the use of private recycling or disposal facilities. Hazardous C&D waste materials are not accepted at the landfill or at private recycling or disposal facilities and must be disposed of as set out in provincial legislation.

The following municipal planning policies are intended to support and/or implement key components of HRM's C&D Strategy.

- SW-1 It shall be the intention of Council to initiate an education and public awareness program for builders, home renovators and developers describing best practices for maximizing the amount of C&D materials recycled, reused and/or diverted from municipal landfill.
- SW-2 It shall be the intent of Council to review its construction and procurement practices to ensure that C&D debris materials resulting from municipal construction projects are diverted to appropriate reuse and recycling facilities.
- SW-3 Further to Policy SW-2, Council shall encourage provincial and federal agencies working within

HRM to also review their construction and procurement practices to support recycling / reuse of C&D materials.

Operational and compatibility considerations related to C&D facilities require they not be located within residential, community facility, or environmentally sensitive designated areas.

SW-4 It shall be the intention of Council to prohibit C&D operations from establishing in areas designated residential, community facility, or environmentally sensitive.

The C&D industry comprises three types of operations which must be accommodated through land use regulations: C&D transfer stations; C&D processing operations; and C&D disposal operations. These facilities can operate independent of each other or jointly on the same or separate properties.

SW-5 It shall be the intention of Council to provide a consistent approach to permitting C&D operations throughout HRM. Further, the Land Use By-law shall clearly define each type of operation and implement measures to minimize the impact of C&D operations on surrounding land uses and watercourses.

To minimize compatibility concerns, HRM supports C&D facilities only in areas designated industrial, mixed use or resource, where the density of residential development, types of uses permitted, and potential for land use conflicts is minimized. Within the plan area, there are no areas designated industrial, mixed use, or resource. Consequently, new C&D operations are not permitted.

#### Existing C&D Operations

Within the plan area, there is one existing C&D operation (a transfer station located on 188 Ross Road - PID# 40485310). To recognize this existing operation, Council shall establish and apply applicable zoning to this property to reflect the use conducted on the property prior to the adoption of the amendments.

- SW-6 A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses.
- SW-7 It shall be the intention of Council to recognize the existing C&D Transfer Stations on 188 Ross Road (PID# 40485310) by applying the CD-1 Zone to reflect its existing functions.

#### Site Plan Approval

In order to minimize associated land use concerns with the existing C&D operation, any expansion of the operation shall proceed through the Site Plan Approval process.

SW-8 Further to SW-6, any expansion of an existing transfer station shall be regulated under a Site Plan Approval Process in order to minimize land use impacts. Siting standards shall be set out in the Land Use By-law to address such items as, but not limited to, screening, access, outdoor storage, maintenance, stormwater management, lighting, signage, and landscaping measures.

# Excerpts from the LUB

PART 24A: <u>CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE</u> (RC-Sep 10/02;E-Nov 9/02)

24A.1 CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Transfer Stations Uses accessory to permitted use

#### 24A.2 CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	3,716 square metres (40,000 square feet) - central services 11,148 square metres (120,000 square feet) - on-site services
Minimum Frontage	15 metres (49.2 feet) - central services 30 metres (98.4 feet) - on-site services
Minimum Front Yard	25 metres (82.0 feet)
Minimum Side Yard	30 metres (98.4 feet)
Minimum Rear Yard	30 metres (98.4 feet)
Maximum Lot Coverage	50 %
Maximum Height	11 metres (36.0 feet)

#### 24A.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

- any building or structure shall meet the following separation distances: (a)
  - from any property line 30 metres (98.4 feet) (i)
  - (ii) from the nearest residential dwelling or institutional use
    - 60 metres (196.9 feet)

(iii) from a watercourse

- 30 metres (98.4 feet)
- (b) notwithstanding Section 24A.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).
- notwithstanding Section 24A.3(a), any C&D Materials Transfer Station which is to be totally (c) enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

# 24A.4 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

- (a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
  - noise or sound which is obnoxious because of its volume, duration, intermittent (i) beat, frequency, or shrillness;
  - (ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or
  - (iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.
- notwithstanding any other provisions of this by-law, C&D Materials Operation may occur (b) either inside or outside of a building;

- (c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;
- (d) notwithstanding Section 24A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;
- (e) no portion of the operation shall be located within any side, rear, or front yard setback;
- (f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-1A, R-2, R-3, and R-6) or community use (P-2, P-3, P-4, and FP); and
- (g) no portion of the operation shall be located within a 1:100 year floodplain.

## 24A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;
- (b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;
- (c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;
- (d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;
- (e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;
- (f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;
- (g) all solid waste storage containers shall be screened from adjacent properties and streets;
- (h) impact of the location, number and size of signs;
- (i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and
- (j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.