

Item 7.2



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MEMORANDUM

TO: Halifax Watershed Advisory Board
Bedford Watershed Advisory Board
Dartmouth Lakes Advisory Board

CC: Roger Wells, Supervisor, Regional & Community Planning
Sharon Bond, Manager, Subdivision and Land Use
Kurt Pyle, Supervisor, Planning Applications
Brian White, Planner 1, Staff to Halifax Watershed Advisory Board
Cathy Spencer, Development Officer, Staff to Dartmouth Lakes Advisory Board
Andrew Bone, Senior Planner, Staff to Bedford Watershed Advisory Board

FROM: David Lane, Senior Planner, Community Development

DATE: February 20, 2008

SUBJECT: **Case 01058 HRM Initiated Amendments to all Land Use By-laws Regarding Temporary Construction Activities**

Issue:

As a result of the public consultation process of the above referenced amendments, Staff have been requested to provide a presentation to the Watershed Advisory Boards (WABs). Staff are in the process of scheduling a joint meeting of all WABs. However, as a result of this memo, Board members may elect to not require a formal presentation on this issue. Written submissions from the Boards are welcome and encouraged.

Background:

On April 3, 2007 Regional Council requested staff to initiate a process to amend the Municipality's Land Use By-laws to clarify regulations related to temporary construction activities, specifically rock crushing activities in association with development.

The use of temporary rock crushers on development sites to crush native rock and use it on the site is an appropriate and efficient use of aggregate and reduces or eliminates the need to import or export aggregate to and from the site. While this activity results in certain impacts on existing adjacent uses, primarily noise and dust, such impacts can be minimized if the duration of the activity is restricted to only that required for the site development. However, impacts on adjacent uses are exacerbated in circumstances where rock crushers operate beyond the aggregate requirements for the site, through the import and export of materials.

The Land Use By-laws (LUBs) within HRM permit temporary construction uses on developing sites however, only the Beaver Bank, Hammonds Plains and Upper Sackville LUB specifically cites rock crushers as a permitted temporary construction use, with stipulations. The remaining LUB's do not

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specifically mention rock crushers. However, staff have interpreted that such a use is permitted. The amendments are intended to clarify the conditions under which rock crushers can operate.

In the past, staff have consistently made an interpretation that if a rock crusher is being used to crush native rock that is used on that construction site it is considered incidental to construction and therefore a permitted use. However, if this rock is being crushed and exported to another site staff considers this an industrial use, which is not permitted in a residential zone.

While investigating a complaint that crushed rock on a construction site was being exported, our legal staff advised that our LUBs should be amended to clarify regulations with respect to these temporary construction uses. Council, through its Motion of April 3, 2007, requested that staff address this issue. Council also directed staff to address other temporary construction uses including soil screeners, wood chippers and temporary asphalt plants.

Status:

In accordance with Council's directive, Staff have recently completed three region-wide public information meetings. A stakeholder meeting comprised of quarry operators and known portable rock crusher operators was also held on Dec. 18, 2007.

It is anticipated the amendments (to be drafted) will provide the clarification that is currently lacking in the LUBs to enable regulation of these activities where deemed necessary.

Watershed Advisory Boards:

Due to the nature of the amendments, staff has not identified any issues pertaining to the mandate and terms of reference of the respective WABs, but welcomes any written comments the Board(s) may raise. Should the Board(s) wish staff to provide a formal presentation, it is respectfully recommended the aforementioned joint meeting be facilitated.

Further, existing regulations regarding construction practices and permitting processes are not proposed to be affected. The Nova Scotia Department of Environment has been consulted and is a key stakeholder with regard to their jurisdiction of Pits and Quarries and provincial interests in water quality.

Next Steps:

Having concluded the public participation program as required by Council, staff is in the process of reviewing and analyzing information to prepare a report and recommendation of the required amendments to Council, anticipated to be brought forward by April/May 2008.

For the reference of Board members the originating staff report containing further details can be downloaded at: <http://www.halifax.ca/council/agendasc/documents/070918ca1019.pdf>

Respectfully submitted,

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