


HALIFAX

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Item No. 11.1.6
Halifax Regional Council
April 28, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 

Richard Butts, Chief Administrative Officer
Original Signed by

Mike Labrecque, Deputy Chief Administrative Officer

DATE: March 31, 2015

SUBJECT: **Case 19461: Amendments to the Planning Districts 1 and 3 Municipal Planning Strategy and Land Use By-law to enable an asphalt plant on lands west of Little Indian Lake, Head of St. Margaret's Bay**

ORIGIN

Application from Scotian Materials Limited

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to initiate the process to consider amending the Planning Districts 1 and 3 Municipal Planning Strategy and Halifax Land Use By-law:

1. To enable an asphalt plant for lands north of Highway 103 and west of Little Indian Lake, Head of St. Margaret's Bay, as identified on Map 1; and
2. Direct staff to follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

BACKGROUND

Scotian Materials Limited proposes to develop an asphalt plant on a 40 acre parcel of land north of Highway 103 and west of Little Indian Lake at the Head of St. Margaret's Bay (Map 1), which currently contains the Island Lake rock quarry. The lands have been traditionally used for commercial forestry and more recently a rock quarry. The property was also used as a site of a temporary asphalt plant for Provincial highway resurfacing along the southern shore of Nova Scotia. The Scotian Materials proposal cannot be considered under the existing policies and zoning of the Planning Districts 1 and 3 Municipal Planning Strategy (MPS) and Land Use By-law (LUB). As such, Scotian Materials is seeking amendments to these documents to enable its proposal.

Location, Designation, Zoning and Surrounding Land Use

Subject Property	PID# 4002822 Head of St. Margaret's Bay (Map 1).
Location	North of Highway 103 and west of Little Indian Lake - accessed via crown forest roads from Highway 103 and Bowater Road. (Map 1)
Lot Area	16.19 hectares (40 acres)
Regional MPS Designation	Open Space under the Regional Municipal Planning Strategy (RMPS)
Community MPS Designation	Resource (RSC) under Planning Districts 1 and 3 Municipal Planning Strategy (MPS) (Map 1).
Zoning	Mixed Resource (MR-2) under Planning Districts 1 and 3 Land Use By-law (LUB) (Map 2)
Surrounding Uses	North: N.S. crown forestry and resource lands. South: Privately held forestry and resource lands. Residential uses (2.0 km). Highway 103 (0.8km). East: Residential uses -Westwood Hills (2.5km). NS Power Hydro Electric Plant (1.8 km) West: Privately held forestry and resource lands.
Current Use(s)	Rock quarry

Existing Plan Policies

The Planning Districts 1 and 3 MPS through the Resource designation intends to give priority to the protection of the natural environment while permitting resource and resource-related development. However, the MPS does not specifically discuss asphalt plants nor does the Land Use By-law define the use. The MPS appears to enable asphalt plants in the I-1 Zone (as a processing use), but existing I-1 properties in the plan area would likely not meet the licensing requirements of the NS Environment. Further, the subject site is not eligible for a rezoning to the I-1 (General Industrial) Zone. As such, an amendment to the MPS policy and possibly the Land Use By-law would be required to enable an asphalt plant on the subject property.

The LUB does not define asphalt plant. Staff would like to offer its definition as follows:

"An asphalt plant is generally a use of land, building or structure, or parts thereof, which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes the stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises, the storage and maintenance of equipment, and facilities for the administration or management of the business."

Asphalt Plants in Other Planning Documents

The intent of planning documents is to provide for the needs of the community including goods such as asphalt. While the Municipality does not enable asphalt plants in all plan areas, they have been typically

located in industrial areas proximate to urban or suburban areas where there is a demand for such products. As a result, select planning documents provide for the establishment of such uses.¹ The intent of the MPS is also to ensure that proposed land uses are located appropriately to minimize impacts from proposal such as traffic, vibration, noise and odour and are thus compatible with surrounding land uses.

Proposal

The applicant is proposing to construct an asphalt plant on a site approximately 40 acres in size located at the head of St. Margaret's Bay, west of Little Indian Lake. The plant would work in conjunction with an existing aggregate quarry already operating on the property (Attachment B). Access to the property is currently from Highway 103 at Hike Trail Road via several woods roads. Future access to the asphalt plant and existing quarry will be from Highway 103 at the new Ingrampoint Interchange and the access route will be coordinated through the Department of Transportation and the Department of Natural Resources.

The applicant contends that the proposed asphalt plant would provide asphalt services to the general metro area. However, the applicant wants to specifically focus on the area west of metro including St. Margaret's Bay which, in their opinion, is currently being underserved.

DISCUSSION

Municipal Planning Strategy Amendments

Municipal Planning Strategies lay out the municipal intent regarding appropriate land use and future patterns for development. Amendments to a MPS are not routine undertakings and Council is under no obligations to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change to the circumstances since the MPS was adopted or last reviewed or in cases where circumstances are significantly different from the situations the MPS anticipated.

Rationale

The applicant has provided the following rationale for the consideration of the proposed amendment::

- This is a suitable and sensible location for a site specific MPS and LUB amendment for an asphalt plant which is otherwise not permitted under the current planning regulations;
- The existing zoning and designation allows for a quarry operation and asphalt plants are typically found in conjunction with this use;
- An asphalt plant has recently been operated on an adjacent crown land parcel with no issues or concerns from regulators or nearby residents;
- The surrounding land is owned by the Crown and zoned such that future developmental encroachment would not be a concern moving forward;
- There is currently a lack of asphalt plants in the metro area; and
- The site is well positioned to accommodate a growing market in the area including the recently announced Ingrampoint interchange and future plans for twinning Highway 103.

Staff Review

Staff has reviewed the assertions made by the applicant and recommends that further consideration of this application is warranted through the planning process. Staff has reviewed the location of existing asphalt plants within the municipality and has determined that there are no permanent asphalt plants currently operating in close proximity to the St. Margaret's Bay area.

The subject proposal merits consideration as the proposed property is an area where resource type activities such as quarries are permitted to be established. The rock from a quarry can be used as raw

¹ Inclusive of the Halifax, Dartmouth, Bedford and the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-laws

materials for the manufacture of asphalt. An initial review of the subject property indicates that there is a significant separation from existing residential developments and thus would limit the impact of the proposed development by virtue of noise, dust, fumes, truck traffic or other matters. Further, the previous temporary asphalt plant on adjacent lands appears to have been without incident or concern.

If Council initiates the application, the applicant will be required to undertake detailed technical evaluations such as traffic impact, access, or compatibility reviews. Also discussions will need to be held with Nova Scotia Environment, the regulator of asphalt plants, to determine if there are any environmental issues.

Conclusion

An amendment to the MPS and LUB to enable an asphalt plant on the subject property is appropriate for consideration. Specifically the suitability of the site, its synergy with the adjacent rock quarry and the site's isolation combined with the lack of asphalt facilities in the immediate area warrant consideration.

Should Regional Council authorize staff to initiate a process to consider the MPS amendment, an opportunity will be provided to investigate and discuss the potential impacts of the operation on surrounding areas and site features with the public. Therefore, staff recommends that Regional Council initiate the request to consider amending the Planning Districts 1 and 3 MPS and LUB to allow consideration of an asphalt plant as discussed above.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

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 resolution 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 and/or public workshop early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the MPS will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units and other levels of governments.

ENVIRONMENTAL IMPLICATIONS

No environmental implications have been identified at this time.

ALTERNATIVES

1. Regional Council may choose to initiate the consideration of potential policy and land use by-law amendments 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 SPS 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
Map 2 Zoning Map

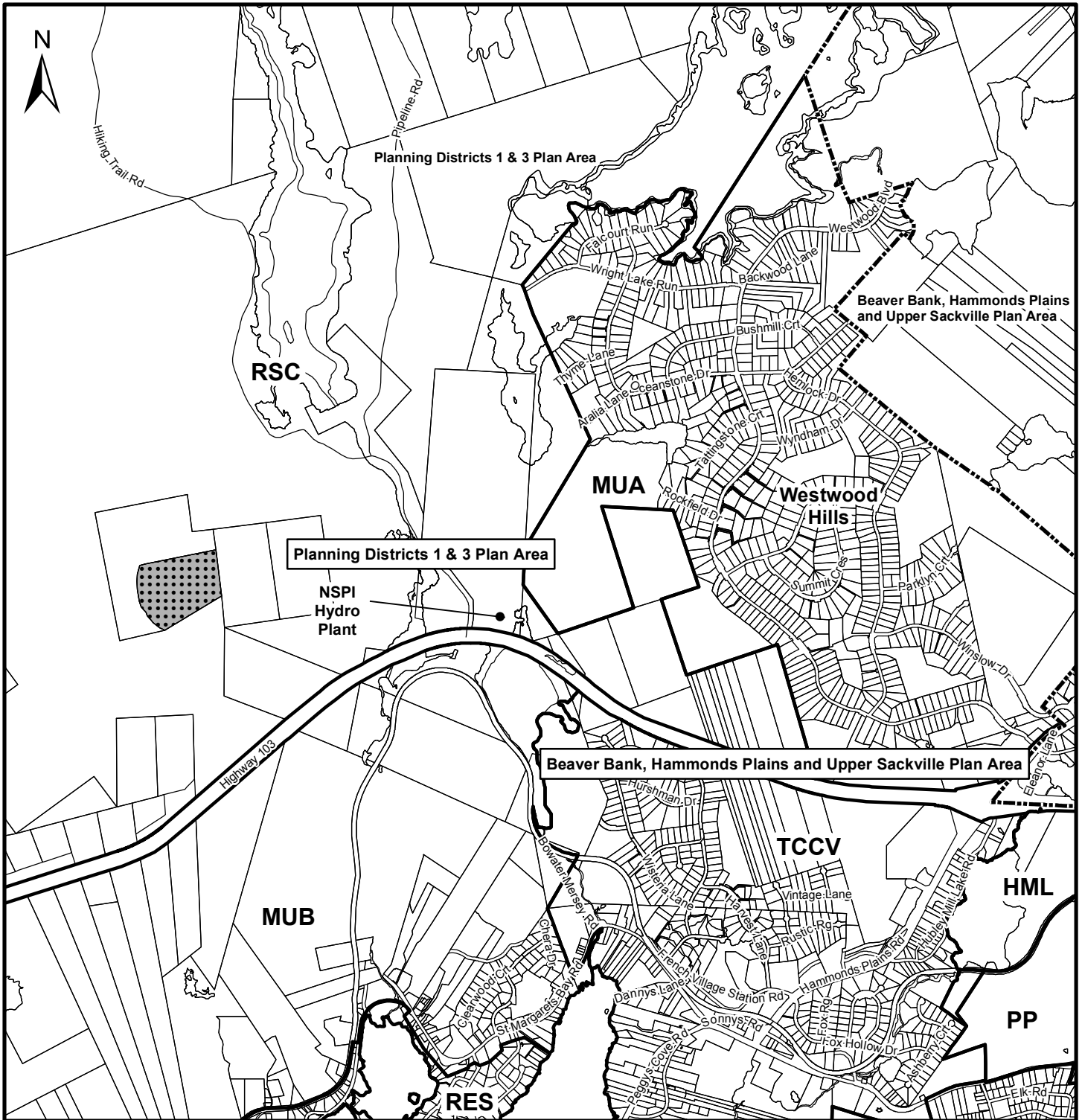
Attachment A Application Letter
Attachment B Preliminary Site Plan

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Andrew Bone, Senior Planner, 902-490-6743

Report Approved by: _____
Kurt Pyle, Acting Manager Development Approvals, 902-490-6011

Report Approved by: _____
Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627



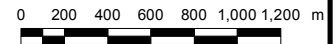
Map 1 - Generalized Future Land Use

PID 40042822
Head of St. Margarets Bay



Subject Property

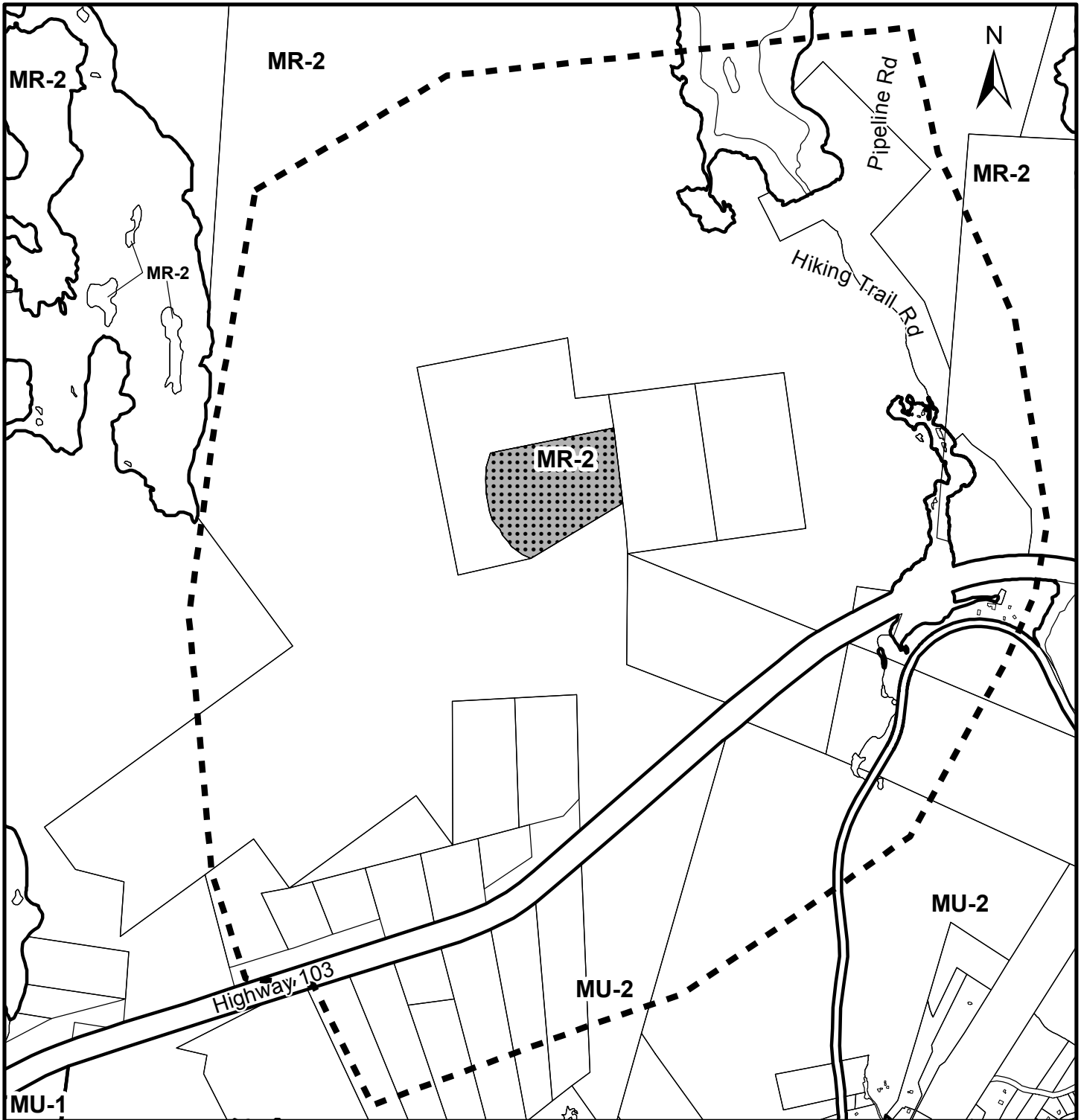
- Designations**
- RSC Resource
 - MUA Mixed Use A
 - MUB Mixed Use B
 - HML Hubley Mill Lake
 - PP Provincial Park
 - TCCV Tantallon Crossroads Coastal Village



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.


Planning District 1 & 3
(St Margarets Bay) Plan Area



Map 2 - Zoning and Notification

PID 40042822
Head of St. Margarets Bay

 Subject Property

 Area of notification


Planning District 1 & 3
(St Margarets Bay) By-Law Area

Zones

MU-1 Mixed Use 1
MU-2 Mixed Use 2
MR-2 Mixed Resource 2

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0 200 400 600 m



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



July 11, 2014

Halifax Planning and Development
P.O. Box 1749
Halifax N.S. B3J 3A5
Attention: Mr. Kurt Pyle, Supervisor - HRM Planning Services

Re: Site Specific MPS and LUB Planning Amendment Application - PID 40042822

Dear Mr. Pyle,

Please accept this letter as Scotian Material Limited's request for a site specific MPS and LUB amendment on PID 40042822 to allow for an asphalt plant as a permitted use.

Site Characteristics

PID 40042822 is approximately 40 acres in size and is located within Planning Districts 1 & 3, St. Margaret's Bay. The subject lands, which have historically been used for commercial forestry, have a Resource designation and are zoned Mixed Resource 2. The surrounding adjacent lands are crown resource lands with the same historical use, designation and zone as the subject property. The parcel is currently accessed via 3.5 km of crown forrest roads from the intersection of Highway 103 and the Bowater Road. A map of the area can be found in Appendix 1.

An aggregate quarry currently exists on the subject parcel and materials from this site have been used in a 2014 provincial road paving job on the St. Margaret's Bay Rd. In conjunction with the quarry operation, Scotian Materials Limited was given authority by DNR, via a Letter of Authority, to operate a mobile asphalt plant on the adjacent crown parcel (PID 41388141). Access to the site during this project was via the Highway 103 and Bowater Rd intersection per approvals and conditions issued by TIR.

Three lakes in the immediate area, Little Indian Lake, Sandy Lake and Island Lake are all over one kilometre away from the site while the residential and commercial centres in Upper Tantallon at Exit 5 are over 3 kilometres away from the site. A map of the surrounding features can be found in Appendix 2.

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An Industrial Application for a 3.99 Ha quarry on the subject property is underway with the Nova Scotia Department of Environment that will permit a commercial quarry operation on the site.

Application Support

Scotian Materials Limited submits that this is a suitable and sensible location for a site specific MPS and LUB amendment for an asphalt plant which is otherwise not permitted under the current planning regulations. Whereas the existing zoning and designation allows for a quarry operation complete with extractive facilities at this location and asphalt plants are a typical use in conjunction with this type of operation, we feel allowing for a site specific asphalt plant is appropriate for the subject parcel. As perviously noted, an asphalt plant has recently been operated on an adjacent crown land parcel with no issues or concerns from regulators or nearby residents. The surrounding land is owned by the Crown and zoned such that future developmental encroachment would not be a concern moving forward.

There is currently a lack of asphalt plants in the metro area and the St. Margaret's Bay area is especially under serviced in this regard. This site is well positioned to accommodate a growing market in the area including the recently announced Ingramport interchange and future plans for twinning Highway 103. Having materials available closer to the markets they are intended to serve offers considerable economic and environmental benefit through shortened transportation routes resulting in reduced construction costs and carbon footprint.

Permitting and Transportation

In Nova Scotia the operation of asphalt plants falls under the jurisdiction of the Department of Environment. Scotian Materials Limited has received all required permitting to operate a mobile asphalt plant throughout the province and works in compliance with these regulations whenever the plant is being run. Regulations included in these permits cover water quality maintenance, dust and exhaust emissions, sound controls, and contingency plans, among others.

Site access will coordinated through the Department of Transportation and Department of Natural Resources to ensure access to Highway 103 via Bowater R. until the Ingramport interchange is available.

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We trust the contents of this package are suitable for our application and encourage you to contact us with any questions or concerns. Your timely review and response to this proposal is greatly appreciated.

Sincerely,
Scotian Materials Limited

Original Signed

Robert MacPherson, P.Eng.
President

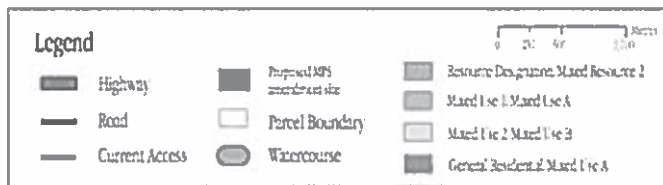
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Appendix 1 - Area Map

Tantallon Quarry & Asphalt Plant Siting



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Appendix 2 - Separation Distances



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