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Halifax Regional Council
February 26, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink that reads "Reg Rankin". The signature is written in a cursive style and is positioned above a horizontal line.

Councillor Reg Rankin, Chair, Solid Waste Resource Advisory Committee

DATE: February 18, 2002

SUBJECT: PROJECT #00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-law

ORIGIN

Solid Waste Advisory Committee meeting of February 14, 2002

RECOMMENDATION

That Halifax Regional Council:

1. adopt the process as outlined in the February 7, 2002 staff report for use when evaluating requests for additional rights for existing C&D operations or for recognizing new C&D operations as part of the planning amendment process for implementing HRM's C&D Waste Management Strategy and;
2. set a deadline of April 1, 2002 for receipt of additional applications, to be considered as part of this planning amendment process.

BACKGROUND

As noted above this matter was discussed at the February 14, 2002 meeting of the Solid Waste Advisory Committee. During the public consultation process staff received two applications relative to providing additional rights to existing operations or recognizing new C&D operations to allow for the application of the CD-3 (C&D Materials Disposal Sites) Zone. Staff are now seeking direction regarding how such requests are to be evaluated.

DISCUSSION

The proposed evaluation criteria which staff would apply to evaluate requests are outlined on Page 3 of the February 7, 2002 staff report. Staff is also recommending a public information meeting be held in each of the applicants' areas and SWRAC has requested a broad notification of area residents. Council approval of this process will provide a framework by which staff can evaluate applications and make a recommendation to Council. Staff's recommendation will be considered at a public hearing in conjunction with the overall Municipal Planning Strategy and Land Use By-law amendments relative to the C & D Waste Management Strategy.

In an effort to avoid undue time delays, staff is recommending a deadline of April 1, 2002 for receipt of applications for additional rights to existing operations or recognizing new C&D operations. Staff is working toward a Spring, 2002 public hearing date.

Applications which are received after April 1, 2002 will still be considered, but they will have to wait until the plan amendment process has been completed, ie approved by Regional Council, for the area the C&D facility is proposed.

Note should be made that the process embarked upon since approval in principle by Council of the proposed Rezoning and Site Plan Approval process in October of 2001 is ongoing. Staff will be reporting to Community Councils in the next month or so.

BUDGET IMPLICATIONS

See Discussion

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

N/A

ATTACHMENTS

February 7, 2002 staff report re Project #00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-Laws

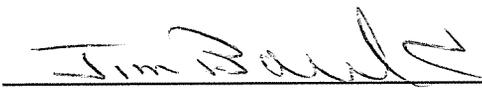
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Sherryl Murphy, Assistant Municipal Clerk

Report Approved by: _____

Solid Waste Resource Advisory Committee
February 14, 2002

TO: Councillor Reg Rankin, Chairman
Members of Solid Waste Resource Advisory Committee

SUBMITTED BY: 
for Brian T. Smith, Director of Solid Waste Resources

DATE: February 7, 2002

SUBJECT: Project # 00082: Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-Laws

ORIGIN

This report is in response to two (2) request submitted during the public consultation process for the application of the CD-3 (C&D Materials Disposal Sites) Zone.

RECOMMENDATION

That SWRAC recommends to Halifax Regional Council for adoption, the process as outlined in this report, when evaluating requests for additional right for existing C&D facilities or recognizing new C&D operations as part of the planning amendment process for implementing HRM's C&D Waste Management Strategy.

BACKGROUND

On October 23, 2001, Regional Council adopted, in principle, an approach for amending municipal planning strategies and Land use By-Laws to implement HRM's C&D Waste Management Strategy. The approach is summarized in Attachment 1.

Staff initiated a public consultation process for the approach which consisted of six public meetings (Attachment 2) which were held during the months of November and December 2001. In addition, staff presented Council's approach to joint meetings of the planning advisory committees and watershed advisory boards, and those Community Councils without PAC's. Attachment 3 describes briefly the general comments and questions raised during the consultation process.

During the consultation process, the issue of Council providing additional rights to existing operations or recognizing new C&D operations was commented on by both the public and industry. The comments ranged from applications must not be exempt from the rezoning process to HRM needs to support the industry. HRM has received two such requests as follows:

Applicant	Type of Operation	Location	Reason	Requested Zone
RDM Recycling Ltd	existing operation	Harrietsfield	expand existing operation to include disposal	CD-3 Zone
Halifax C&D Recycling	new operation	Antrim	to permit all three types of C&D facilities	CD-3 Zone

Staff are seeking direction from Council on how such requests are to be evaluated.

DISCUSSION

Under the proposed planning approach (Policy SW-7), Council intends "to recognize existing C&D operations by applying the applicable zoning to the operation to reflect the activities conducted by the operation on the site". At present, there are no C&D disposal operations for Council to recognize. Further to Policy SW-7, Regional Council has indicated that it could decide to provide additional rights to existing operations or recognize new C&D operations. Staff are recommending that each request be evaluated in regards to existing and proposed requirements (ie. municipal and provincial) before Council considers granting or refusing a request.

In order to evaluate a request, staff require a basic level of information:

(1) C&D License By-Law:

The applicant would be required to provide information required by the C&D License By-Law such as a Site Plan, Operational Plan, Insurance and Bonding, etc. (Information to be reviewed by HRM Solid Waste Resources)

(2) Proposed Planning Amendments:

The information submitted must indicate that the proposed site is consistent with the requested zone requirements and address rezoning/site plan approval criteria. (Information to be reviewed by HRM Planning and Development Services)

(3) Environmental Concerns:

Requests for CD-1 or CD-2 Zones, the applicant is required to provide a report that indicates the types of measures to be used to prevent environmental impacts. The report would be sent to the Department of Environment and Labour (D.E.L.) for their review and comment.

Applicants requesting CD-3 Zoning (ie C&D disposal) will be required to provide information required under the provincial C&D Disposal guidelines to D.E.L. and HRM for informational purposes. D.E.L. has indicated that it will provide comment on the request but will not give approval for the operation until HRM has given its approval (i.e., development/building permits).

The above information would be reviewed jointly and concurrently by the applicable agency in order for staff to provide Council with a recommendation on each requested site. Staff are recommending that a public information meeting be held in each of the candidates' areas in order to provide Council with comments from area residents.

Due to the information requirements and the time required for holding of a public information meeting and staff's review, the time-line for approval of the entire C&D Waste Management Strategy could be delayed. Staff are seeking direction from SWRAC and Council on the proposed evaluating process. Further, staff are recommending that a deadline of April 1, 2002 be established for additional applications in order to avoid undue time delays. Thus, any applications received after the deadline would proceed through the proposed rezoning/site plan approval process.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

ALTERNATIVES

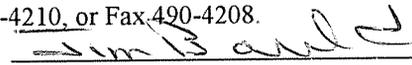
Council may choose to revise the proposed evaluation process relative to granting additional rights to existing C&D operations or recognize new C&D operations.

ATTACHMENTS

- Attachment 1: Summary of Proposed Rezoning/Site Plan Approval Process
- Attachment 2: Public Consultation - Meeting Dates and Locations
- Attachment 3: Summary of Comments from the Public Consultation Process

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:



Jim Bauld, Diversion Planning Coordinator, Solid Waste Resource (490-7176)
Kurt Pyle, Planner, Planning and Development Services (490-4428)

Attachment 1

**Summary of Proposed
Rezoning/Site Plan Approval Process**

The proposed Rezoning and Site Plan Approval process adopted in principle by Regional Council consists of the following:

- (1) Creation of plan policy to establish new zones within the Land Use By-Laws to accommodate the three categories of C&D operations:

- | | | |
|-----|---------------------------------------|---|
| (a) | CD-1 (C&D Transfer Stations) Zone | permits transfer stations only |
| (b) | CD-2 (C&D Processing Facilities) Zone | permits processing facilities plus all CD-1 Zone uses |
| (c) | CD-3 (C&D Disposal Sites) Zone | permits disposal sites, plus all CD-2 Zone uses |

- (2) Establish policy that requires new C&D operations to proceed by rezoning and contains evaluation criteria.

- (3) Creation of plan policy and land use by-law provisions to require all C&D operations to be considered by site plan approval.

- (4) Existing Operations:

The CD-1 and CD-2 Zones would be applied to existing operations (ie transfer stations and processing facilities) to reflect existing C&D activities. As there are no C&D disposal sites within HRM, the CD-3 Zone would not be applied.

Council could decide to provide additional rights to existing operations, such as applying the CD-3 Zone to an existing recycling operation to carry out disposal work. In addition, proposed C&D operations could be rezoned to reflect their intended use during the MPS amendment process rather than through subsequent rezoning of individual properties. Regardless of which option is utilized, the operation would be subject to the site plan approval process and any municipal (C&D License By-Law) and/or provincial requirements. If Council does utilize this option, the municipal planning strategy for the effected area would be amended to recognize and support Council's decision.

- (5) New Operations:

All new C&D operations would be considered through the rezoning process as set out in policy. Further, no development permit for a C&D operation will be issued except in accordance with the site plan approval process. Upon receiving the required approvals/licenses from HRM, an applicant still needs the approval of the Department of Environment and Labour for a C&D disposal operation.

Attachment 2

Public Consultation
 (Meeting Dates and Locations)

Meeting	Location	Date
Public Information Meeting - Western	Sacred Heart Church Hall, Timberlea	November 19, 2001
Public Information Meeting - Northwest	Basinview Drive Community School, Bedford	November 21, 2001
Public Information Meeting - Chebucto	Council Chamber, 2750 Dutch Village Road, Halifax	November 28, 2001
Public Information Meeting - Harbour East	Halifax Regional School Board Offices, Dartmouth	November 29, 2001
Public Information Meeting - Marine Drive	Eastern Shore District High School, Musquodoboit Harbour	December 3, 2001
Public Information Meeting - Peninsula	Council Chamber, 2750 Dutch Village Road, Halifax	December 10, 2001
Joint Meeting of Planning Advisory Committees	Council Chamber, 2750 Dutch Village Road, Halifax	December 13, 2001
	Cole Harbour Place, 51 Forest Hills Parkway, Cole Harbour	January 13, 2002
Joint Meeting of Watershed Advisory Board	Dartmouth Main Library, 60 Alderney Drive, Dartmouth	January 22, 2002
Joint Meeting of Community Councils without a PAC	Council Chamber, 2750 Dutch Village Road, Halifax	January 28, 2002

Attachment 3

Summary of Comments
Public Consultation Process
 (Phase 2)

Category	Comments/Questions
Environment	C&D requirements for disposal need to be more stringent to protect residents and the environment.
	HRM needs to enhance the Department of the Environment and Labour (DEL) design requirements for C&D disposal facilities
	Need to look at the impact of truck traffic from C&D operations have on the road networks?
	C&D disposal sites should have direct access to 100 Series Highways, not just collector roads.
	Disposal operations should be subject to an environmental assessment
	Evaluation criteria needs to address more than setbacks
	Need for higher separation distances
	Setback should depend on grade of land and vegetation
	Evaluation criteria needs to address the generation of airbourne particles (ie. dust)
	Need to protect groundwater (i.e., well monitoring)
	Need to address stormwater management
	Retention of vegetation
	Use of berms to protect watercourses
Enforcement	Courts (ie. legal) process is too slow
	HRM need the ability to stop violators immediately
	Enforcement needs to be strengthened
	Penilities in other By-Laws are more stringent
Additional Rights	Two C&D operations have requested that Council apply the CD-3 Zone to their site in order to permit disposal.
	When will Council make a decision on granting additional rights?

	C&D facility should not be exempt from the appeal process (ie rezoning and site plan approval processes).
Category	Comments/Questions
C&D License By-Law	What is going to happen to all the C&D material now stockpiled?
	HRM needs to be able to track C&D material?
	C&D Waste Management Strategy should not affect traditional recycling operations (i.e., bottle and paper exchanges)?
	Who cleans up C&D material stockpiled on sites which are no longer operating?
	HRM needs to address how hazardous materials are handled
	Bonding
	Watershed Boards need to be part of the license and rezoning processes
	By-Law must be clear that C&D operations cannot handle hazardous materials
Process/ Procedure	New C&D facilities should proceed via a public process
	C&D facilities should not be located near schools
	Application of a CD Zone should not eliminate the existing zoning/development rights on the property
	Requests for clarification & enhancement of a number of policies (SW-2, SW-4, SW-6, and SW-7) and zone requirements
	Concern with the height of vegetation used for buffering/screening
	C&D facilities should not be located within Floodplains
General Comments	All public comments should be included in the record (i.e., community held meetings).
	C&D facilities should not be located in residential areas.
	The Site Plan Approval process should apply to existing and new operations.
	Council needs to define the various types of C&D operations (i.e., definitions)?
	C&D Waste Management Strategy should not deal with remediation operations (i.e., Gravel pits) which use C&D materials
	C&D disposal sites should be located in remote areas.
	There is a need for incentives for taking material to the proper sites.
	HRM needs to encourage and support source separation of demolition projects.
	HRM should not over regulate C&D operations.

	Council should increase the notification distance for Site Plan Approval.
Category	Comments/Questions
General Comments	Amendments need to refer to C&D By-Law.
	Landscaping provisions should be enhanced
	What is the role of the province
	HRM needs to encourage on-site sorting of materials
	Watershed boards should review applications for new facilities