
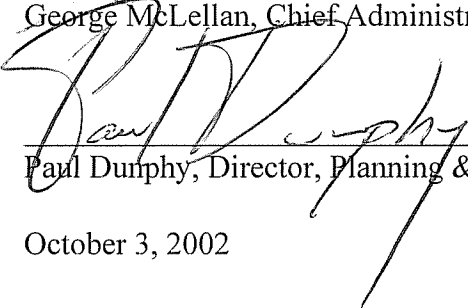


Halifax Regional Council
October 8, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Paul Dunphy, Director, Planning & Development Services

DATE: October 3, 2002

SUBJECT: **Plan and By-law Amendments: C&D Waste Disposal - RDM Recycling, Harrietsfield**

SUPPLEMENTARY REPORT

ORIGIN

- Staff Report dated September 16, 2002
- September 18, 2002 Regional Council held a public hearing on the RDM Recycling Ltd. proposal for a C&D disposal site in Harrietsfield. Debate on the proposal was deferred until after the public hearing was held to consider a similar proposal by Halifax C&D on September 25, 2002.

RECOMMENDATION

It is recommended Regional Council reject the proposed Plan and Bylaw amendments to permit the RDM Recycling Ltd site in Harrietsfield to be rezoned to the CD-3 (C&D Disposal) Zone.

PLEASE BRING THE SEPTEMBER 16TH REPORT TO THE OCTOBER 8th SESSION. THAT REPORT CONSOLIDATES INFORMATION RELEVANT TO THIS PUBLIC HEARING.

SUMMARY

General

- There are currently no C&D disposal operations within HRM and none were approved on September 10, 2002. The establishment of one or more C&D disposal sites is critical to the successful implementation of the Solid Waste Resource Management Strategy.
- Before C&D disposal operations can be established sites have to be rezoned to CD-3 (C&D Disposal Zone). This can be done in one of two ways:
 - ▶ If the site complies with the recently adopted MPS policies, it can simply be rezoned. Such a decision can be appealed to the Utility Review Board; or
 - ▶ *Council may adopt a site specific amendment to its Municipal Planning Strategy to allow the rezoning. This approach allows Council to rezone sites which fully comply with its MPS, while avoiding the potential delays caused by appeals. It is also recognized that Council may not receive ideal proposals which fully comply with its MPS. This approach therefore also allows Council to rezone sites which do not entirely comply with its current MPS. Such a decision is not appealable.*

RDM Site

- ▶ Staff reviewed the RDM proposal in Harrietsfield for compliance with the MPS:
 - ▶ RDM complies with the technical criteria of the MPS with two notable exceptions;
 - ▶ The site is in a Residential designation. One of the fundamental policies of the MPS is that C&D disposal operations should not be located in areas which are currently designated Residential; and
 - ▶ Secondly, the MPS does not permit an industrial business on the property to expand beyond its current size. The proposed C&D disposal operation would expand beyond its current boundaries.
- Council has been aware of both of these issues from the outset and has chosen to consider the application on its own merits. The rationale for considering rezoning includes the fact that the property contains an existing C&D processing operation and that the addition of a disposal operation will reduce the amount of stockpiled material. In addition, the site is close to the source of the material which increases the likelihood industry will use it.
- Attached to this staff report are site specific MPS and LUB amendments required to rezone the RDM site to CD-3 (C&D Disposal) Zone and a map showing the area to be rezoned (Map1). *These amendments were the subject of the September 18, 2002 public hearing.*

DISCUSSION:

During the course of the Public Hearing, a number of questions were raised for which clarification has been requested. Additionally, issues were raised that staff have provided clarification on in order to assist Council in its deliberations.

Questions Raised at the Public Hearing:

The questions raised at the public hearing, and corresponding staff responses are presented as follows:

1. Correct PID's for the Resolution

At the public hearing, staff circulated a revised copy the proposed amendments indicating the correct PID numbers. To ensure Council is clear on the proposed amendments, a copy of the revised amendments are attached to this report (see Attachments 1 and 2).

2. Request for a Map showing the former lots & PID number for the RDM site.

Attachment 3 contains a map showing the former lot pattern and PID number for the lands owned by RDM Recycling Ltd. The map was produced from the HRM's geographic information system (GIS).

3. What impact does a Site Specific Plan and By-law Amendment have on the overall Strategy?

In order for the RDM proposal to proceed, Council needs to adopt Plan and By-law amendments that are inconsistent with the general Plan policies prohibiting C&D operations in residential areas. The impact of adopting a site specific amendment for RDM would indicate to the public and industry that Council is satisfied that the proposed operation is an acceptable use of land based upon:

1. information submitted by the operator;
2. protection afforded to nearby residents by provincial and municipal regulations;
3. property contains an existing C&D processing operation;
4. disposal operation will reduce the amount of stockpiled material; and
5. close to the source of the material which increases the likelihood industry will use it.

Council has the authority to amend MPS policy at any time but such an amendemnt will undermine predictability and the level playing field Council has recently established for industry and residents by adopting a consistent region wide policy for C&D disposal.

4. Why was Nicholson Salvage Yard permitted to convert to a C&D operation without public input?

Nicholson's Salvage Yard began operation on the site in the 1960's and continued until 1998. In 1982, Halifax County adopted a Municipal Planning Strategy for the surrounding area which recognized the salvage yard as an existing use (no expansion), zoned it R-2 (Two Unit Dwelling), and designated the area "residential". Under the existing use status, the salvage yard was permitted to continue. In 1998, RDM Recycling Ltd. received approval from staff for the conversion because RDM Recycling met the definition of a salvage yard under the Land Use By-law as follows:

"SALVAGE YARD means a lot or premises for the storage, handling, processing or sale of used scrap or goods or materials but shall not include a hazardous waste storage or disposal site and may include a single unit dwelling or mobile dwelling for maintenance or security personnel"

Nicholson's business concentrated on vehicles and RDM concentrates on C&D materials. While the specific materials handled by both businesses may differ, they both involve "the storage, handling, processing, or sale of used goods or materials". Consequently, no rezoning or public input was required. The conversion was permitted as-of-right. The recently adopted C&D amendments would preclude such conversions in the future as the new definition of salvage yard prohibits the handling of C&D materials and C&D operations are clearly defined as a separate use.

Other Issues Raised:

1. Traffic Concerns

A number of residents expressed concerns with existing and proposed traffic (ie no sidewalks, poor road condition and volume of trucks) on Old Sambro Road. The portion of Old Sambro Road in Harrietsfield is owned and maintained by the Department of Transportation and Communication.

To determine the impact of the proposed facility on Old Sambro Road, RDM hired a traffic engineer, to conduct a Traffic Count Study for the road. The study concludes that the amount of "...truck traffic will still represent only a small percentage of all traffic on Old Sambro Road". Further, the increase in "...truck traffic is not expected to have any significant impact on the traffic volumes or the operational characteristics of Old Sambro Road."

2. C&D License By-law

Residents raised concern with the access gates being unlocked, odour from the site, size of stockpiles, and the presence of seagulls at the site. The concerns raised can be addressed under the C&D License by-law which contains provisions respecting:

- i) access gates (must be locked during non-operating hours);
- ii) requirement for an operational plan that addresses odour and noise issues
- iii) limitation on the size of stockpiles; and
- iv) prohibition of organic waste (such as household garbage) from being handled or disposed of at a C&D disposal operation.

HRM Solid Waste have a dedicated person assigned to the enforcement of the By-law, including weekends.

3. Provincial Requirements

A major concern of residents relates to the protection of their water supply (on wells), the processes by which the operator will control leachate, monitor groundwater, and provide a point of contact with the company. These matters fall under the jurisdiction of the Department of the Environment and Labour which is responsible for final approval of C&D disposal sites and the protection of the environment. Provincial C&D guidelines contain provisions designed to protect water supplies and watercourses, address leachate control, and require ground water monitoring. The Province has the ability to establish a Community Liaison Committee for C&D disposal sites which Council supports. The Province has indicated that its interests in C&D disposal sites will be considered at the time of provincial approval is sought and that this will only occur after municipal approval is granted.

BUDGET IMPLICATIONS

The majority of the administration and enforcement of C&D operations will be conducted under the C&D License By-law. However, additional resources may be required for land use issues for these activities. The required resources will be determined based upon the number of private C&D facilities located in HRM.

The disposal of C&D materials at the Otter Lake facility will increase operating expenditures, particularly equipment maintenance and replacement and shorten the operating life of each cell and the entire facility, resulting in increased annual capital expenditures for new cell construction.

If no proposal for C&D disposal is approved, C&D wastes will be shipped outside HRM, and HRM would lose Resource Recovery Fund Board diversion credits at an approximate cost of \$15 per tonne.

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

1. Council may choose not to approve the proposed MPS and By-law amendments attached to this report. This is the recommended course of action since the proposal is inconsistent with the intent of two significant MPS policies. C&D disposal sites are not permitted in a Residential designation and industrial activity on this site is not permitted to expand beyond its existing size. In addition, the Plan amendment is consistent with the goal of establishing a consistent and predictable region wide policy for C&D waste.
2. Council may choose to approve the proposed MPS and Bylaw amendments as presented in Attachments 1 and 2 and Map 1 of this report. This is not the recommended course of action for the reasons stated above.
3. Any other alternatives which Council may wish to consider will require additional advice from staff on their implications. In particular the legal implications of public notice and due process will also have to be considered.

ATTACHMENTS

- Attachment 1:** Revised Amendments to MPS for Planning District 5 (Chebucto)
Attachment 2: Revised Amendments to LUB for Planning District 5 (Chebucto)
Attachment 3: Site Plan showing Former Lot Boundaries and PID Numbers

Map 1: Area to Be Rezoned to CD-3 (C&D Disposal)

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: Kurt Pyle, Planner, 490-4428
Jim Donovan, Manager of Planning Applications, 490-6782
Paul Dunphy, Director of Planning & Development Services

ATTACHMENT 1

AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY
FOR PLANNING DISTRICT 5

The Municipal Planning Strategy for Planning District 5 is hereby amended as follows:

1. Insert new preamble and policy immediately following Policy SW-12 as follows:

“RDM Recycling Limited

Since 1998, RDM Recycling Ltd. has operated a licensed C&D processing facility at 1275 Old Sambro Road, Harrietsfield. Prior to the current operation and the adoption of the Municipal Planning Strategy, the site was used as an industrial site by Nicholson’s Salvage. RDM Recycling wants to establish a C&D facility that provides processing and disposal services . Due to the use of the site as an industrial use for a number of years, the operation is considered to be consistent with the intent of the C&D Waste Manage Strategy to locate C&D facilities in industrial areas. Also, the facility implements the intent of the C&D Waste Management Strategy to maximize the recycling of C&D materials while allowing for the proper disposal of those materials that can’t be recycled. Thus, Council supports RDM proposal for a C&D disposal site at its current location at 1275 Old Sambro Road, Harrietsfield.

SW-13 Notwithstanding Policy SW-8 and RES-1, Council shall apply the CD-3 Zone to the RDM Recycling Ltd. property at 1275 Old Sambro Road (PID# 41056102), Harrietsfield to permit the processing and disposal of C&D materials only on that portion of the property situated between Shea’s Lake and Old Sambro Road .”

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2002.

Vi Carmichael
Municipal Clerk

ATTACHMENT 2

AMENDMENTS TO THE LAND USE BY-LAW
FOR PLANNING DISTRICT 5

The Land Use By-law for Planning District 5 is hereby amended as follows:

1. Amending Schedule A (Planning District 5 (Chebucto Peninsula)) of the By-law to rezone only that portion of the land (PID# 41056102) highlighted on Map 1 as "Area to be Rezoned to CD-3" attached to this report from R-2 (Two Unit Dwelling) and CD-2 (C&D Materials Processing Facilities) Zones to CD-3 (Materials Disposal Sites) Zone.
2. Amend Appendix B - "Existing Business - No Expansion", by deleting the industrial use "Nicholsons Salvage Harrietsfield (R-2 & V-1) 41056102 (that portion formerly covered by PIDs 00480137 and 40072514)" from the list of uses.

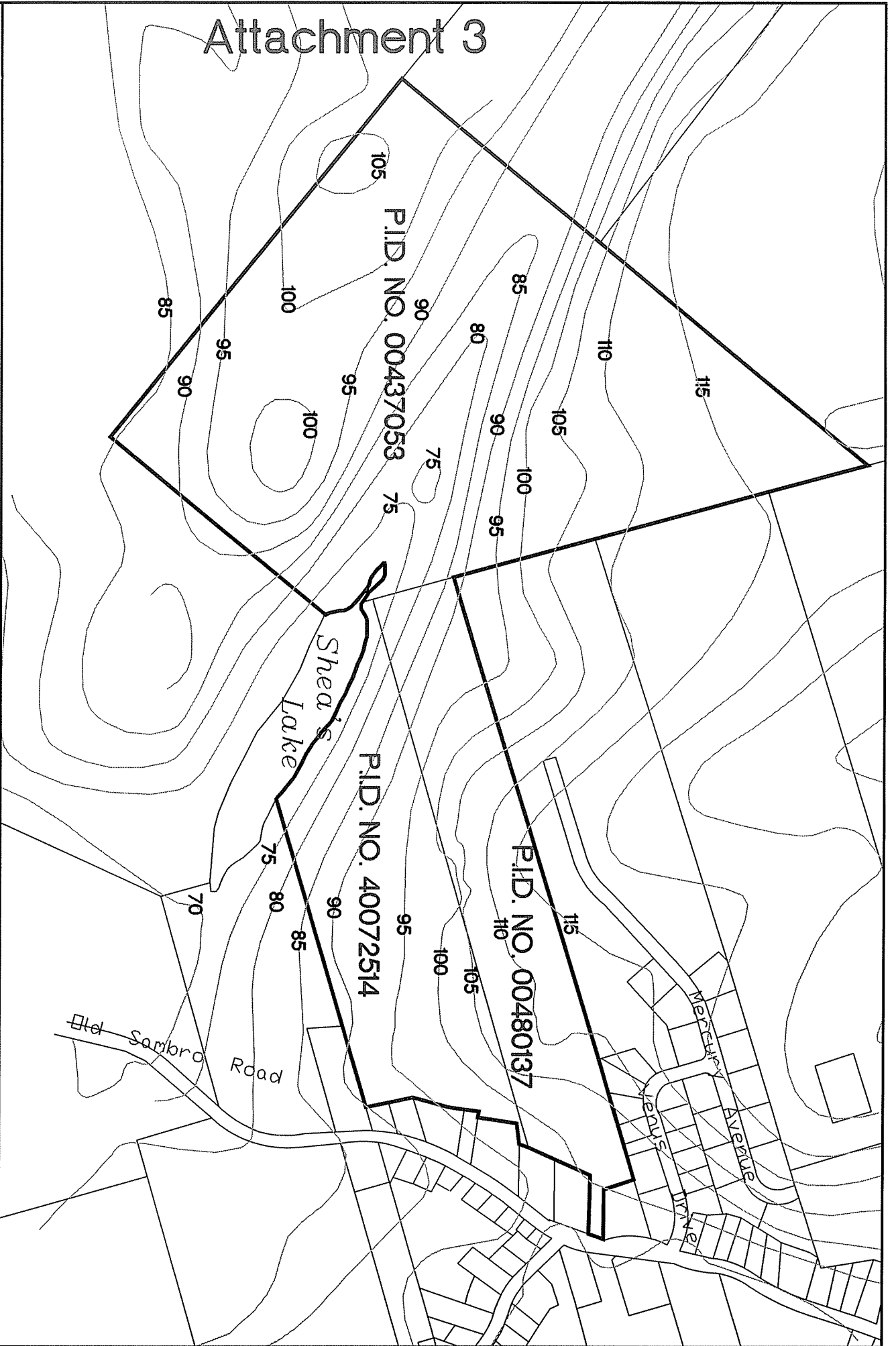
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Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2002.

Vi Carmichael
Municipal Clerk

Attachment 3

RDM Recycling Ltd.
Former Boundary Map & P.I.D. Numbers

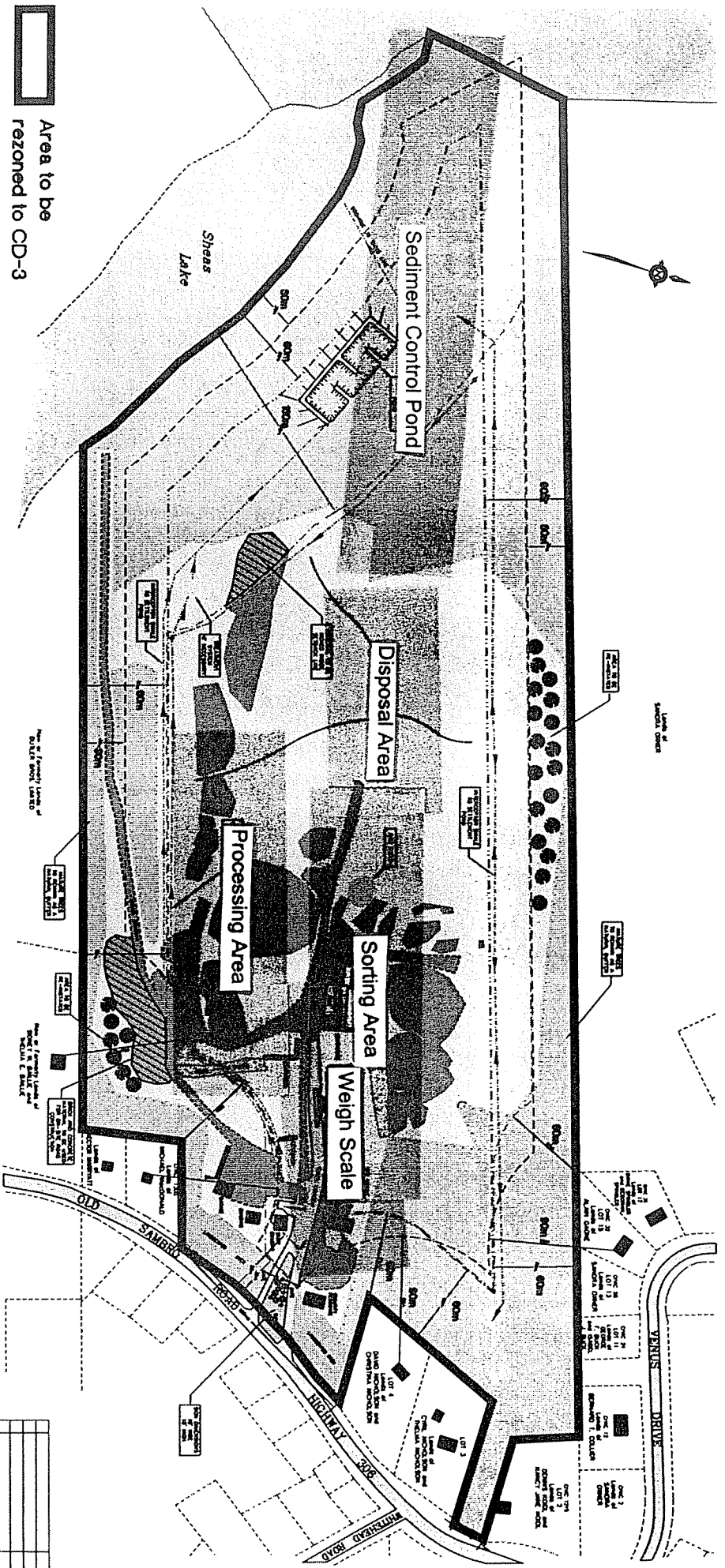


Contour Interval = 5 metres

October 3, 2002



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Area to be rezoned to CD-3

1. EXISTING VEGETATION WITHIN THE SETBACK AREA IS TO REMAIN OR BE ENHANCED.
2. DRIVEWAY GATES TO BE CONTROLLED BY SITE PERSONNEL & KEPT LOCKED AFTER HOURS.
3. STORM WATER RUNOFF WITHIN THE ACTIVE AREA TO BE DIRECTED TO THE SEDIMENT CONTROL POND, PRIOR TO ENTERING SHEEPS LAKE.
4. ALL MATERIAL IS TO BE KEPT WITHIN THE SETBACKS OF THE CD-3 ZONE H.R.M. BY-LAW L-200 & N.S.D.O.E.L. GUIDELINES.
5. HOURS OF OPERATION IN ACCORDANCE WITH H.R.M. BY-LAW L-200 ARE AS FOLLOWS:
 MONDAY TO FRIDAY 7:00 am TO 8:00 pm
 SATURDAY 7:00 am TO 5:00 pm
 SUNDAYS CLOSED
 HOLIDAYS CLOSED
6. EXISTING STOCKPILES OUTSIDE THE SETBACK LINE ARE TO BE MOVED INSIDE UPON CONSTRUCTION OF THE CELL.
7. WHERE THE ADJACENT LAND USE IS RESIDENTIAL AND EXISTING VEGETATION IS LESS THAN 50m, PROPERTY OWNER TO BE CONTACTED TO DISCUSS A SUITABLE BUFFER.

- DISPOSAL AREA (AS PER NSD.O.E.L. REGULATIONS)
- 50m FROM EXISTENT OFF-SITE STRUCTURE
 - 50m FROM EXISTENT PROPERTY LINE
 - 50m FROM EXISTENT HIGH WATER MARK OF ANY BODY OF WATER
- ACTIVE DISPOSAL AREA (AS PER H.R.M. BY-LAW L-200)
- 50m FROM EXISTENT NON-RESIDENTIAL PROPERTY LINE
 - 50m FROM EXISTENT RESIDENTIAL PROPERTY LINE
 - 100m FROM A WATERWAY
- REQUIRED SETBACK LINE (AS PER CD-3 ZONE REQUIREMENTS)
- 50m FROM ANY PROPERTY LINE ADJACENT A RESIDENTIAL USE OR FROM EXISTENT RESIDENTIAL DEVELOPMENT / RESIDENTIAL USE
 - 50m FROM A WATERWAY
- EXISTING STOCKPILES

NO.	DESCRIPTION	DATE
1	DATE OF THIS SITE PLAN	2014
2	DATE OF THIS SITE PLAN	2014
3	DATE OF THIS SITE PLAN	2014
4	DATE OF THIS SITE PLAN	2014
5	DATE OF THIS SITE PLAN	2014

	RDM RECYCLING ROW RECYCLING SITE PLAN
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