



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 13.1.1**  
**Harbour East Marine Drive Community Council**  
**April 4, 2019**

**TO:** Chair and Members of Harbour East Marine Drive

Original Signed

**SUBMITTED BY:**

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Kelly Denty, Director, Planning and Development

Original Signed

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Jacques Dubé, Chief Administrative Officer

**DATE:** December 12, 2018

**SUBJECT:** **Case 19800: Request to permit a Construction and Demolition Waste Processing Facility at PID 40740276 Highway 7, Porters Lake**

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**ORIGIN**

Application by Kiann Management Limited.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Harbour East Marine Drive Community Council:

1. Refuse the proposed amendment to Schedule A - Zoning of the Land Use By-law for Planning Districts 8 & 9 (Lake Echo/Porters Lake), as set out in Attachment A, which rezones a 5.9 hectare (14.7 acre) portion of a property located along the north side of Highway 7 and west of Parker Lane in Porters Lake (PID 40740276) from RE (Rural Enterprise) to CD-2 (Construction and Demolition Materials Processing Facilities) to allow a Construction and Demolition (C&D) Waste Processing Facility.

## **BACKGROUND**

Kiann Management Limited has applied to rezone 5.9 hectare (14.7 acre) of a 19.4 hectare (48 acre) property, located along the north side of Highway 7 and west of Parker Lane in Porters Lake (PID 40740276), from RE (Rural Enterprise) to CD-2 (Construction and Demolition Materials Processing Facilities) to allow a Construction and Demolition (C&D) Waste Processing Facility in accordance with policies P-46G and P-98 of the Planning Districts 8 & 9 Municipal Planning Strategy.

<b>Subject Property</b>	PID 40740276, Highway 7, Porters Lake
<b>Location</b>	North of Highway 7, west of Parker Lane, Porters Lake
<b>Regional Plan Designation</b>	Rural Commuter (RC)
<b>Community Plan Designation (Map 1)</b>	Mixed Use (MU)
<b>Zoning (Map 2)</b>	RE (Rural Enterprise) & RA (Residential A) <i>Area subject to rezoning: RE (Rural Enterprise)</i>
<b>Size of Site</b>	19.4 hectare (48 acre) <i>Area subject to rezoning: 5.9 hectare (14.7 acre)</i>
<b>Street Frontage</b>	975 metres (3,199 feet) along Highway 7 <i>Area subject to rezoning: 285 metres (935 feet) along Highway 7</i>
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Predominantly residential uses

### **Proposal Details**

The applicant, Kiann Management Limited, proposes to operate a Construction and Demolition (C&D) Waste Processing Facility on a 5.9 hectare (14.7-acre) portion of the subject property. The facility would include areas for truck unloading, sorting, processing and storage of construction waste materials, and a scale house. The proposal is to rezone a 5.9 hectare (14.7 acre) portion of the property from RE (Rural Enterprise) to CD-2 (C&D Materials Processing Facilities) to enable the development of the C&D Processing Facility.

### **Construction and Demolition Facilities**

Prior to 2002, municipal planning documents did not recognize C&D transfer stations or processing facilities; they were considered salvage yards or industrial operations. These previously used standards for C&D uses were inadequate in addressing the unique siting, land use and potential impacts on adjacent communities. To ensure consistency in addressing these matters, a C&D Waste Management Strategy was developed in 1998 that provided a comprehensive regulatory framework for HRM. This strategy led to the creation of By-law L-200 Respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations as well as Administrative Order 27 Respecting Materials That Shall Not Be Disposed of in a C&D Disposal Site. Both regulations are administered by HRM's Solid Waste division and support the strategy to maximize diversion from landfill through the recycling of C&D debris and ensure minimal environmental, land use and nuisance impacts from the operation within the borders of HRM. A minimum of seventy-five per cent (75%) of all incoming C&D Material arriving at a processing facility or transfer station is required to be recycled and diverted from disposal, with residue being disposed of within an HRM C&D approved disposal site.

Municipal Planning Strategies and Land Use By-laws were also amended in September 2002 to outline how, where, and under what conditions new C&D operations and classified within three separately defined land uses. Within the Municipality, C&D materials are defined as 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. C&D facilities within the Land Use By-laws of HRM are classified within three separate land uses. These land uses increase in their intensity and potential impact to neighbouring properties.

The three land uses can be described as follows:

*Construction and Demolition Materials Transfer Station (CD-1)* means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility.

*Construction and Demolition Materials Processing Facility (CD-2)* means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products.

*Construction and Demolition Materials Disposal Site (CD-3)* means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying.

The proposed rezoning is for a Construction and Demolition Materials Processing Facility (CD-2).

### **Existing Site Conditions and Site History**

The subject property is undeveloped and contained mature vegetation until June 3, 2008 when a forest fire travelled through the area and destroyed much of the existing vegetation on the site and the surrounding area. The property is relatively flat or in portions, gently sloped. Toward the centre of the property is the highest elevation, between two watercourses that run southwest to Grand Lake. At the public information meeting, area residents emphasised that fractured bedrock and shallow top soil were present in the area which elevated concern for potential environmental impact of the proposed use.

On July 21, 2016, Nova Scotia Environment inspected the subject property after residents raised concerns that unauthorised C&D materials were delivered to the property. Concrete, brick, mortar, untreated wood, rebar and minor amounts of metal were discovered buried on the property (the area of the proposed rezoning). The inspection report confirmed that the rebar and metal did not pose an environmental risk however, an order to comply was issued to process and/or dispose of all C&D material properly, in accordance with the Environment Act and Regulations. The property owner has since complied with this order.

On February 2, 2017, a development permit was issued for open storage for fabrication uses associated with construction such as welding and pre-fabricated buildings. One year has passed since the issuance of this permit; therefore, the permit is now expired. However, the use is still permitted on the property under current land use by-law provisions. A subsequent development permit application was submitted for a used building material retail outlet. This application was cancelled, and no permit was issued.

### **Enabling Policy and LUB Context**

C&D Transfer Stations and C&D Processing Facilities are not permitted under the current zoning. All new C&D facilities are considered by the rezoning planning application process, therefore the applicant has submitted an application requesting a portion of the subject property be rezoned to CD-2 (Construction & Demolition Processing Facilities) Zone. The rezoning process is designed to ensure the proposed location has minimal impact on adjacent land uses, the environment, and surrounding residential development. Furthermore, the rezoning process relies on site suitability, in terms of site conditions and location, without relying on criteria or requirements typically negotiated in development agreements. Once determined a subject property is suitable site for a Construction & Demolition facility by carrying out the intent of the MPS, C&D operations are also reviewed through the site plan approval process at the permitting stage to address site design to further minimize impacts.

The subject property is designated Mixed Use under the MPS. Policy P-46G of the MPS allows Council to consider rezoning properties within the Mixed Use designation to the CD-2 Zone. When considering such proposals, Council must consider if there is safe access to the site, adequate separation from residential development, appropriate site layout, sufficient buffering and screening measures, and effective measures to protect the natural environment and ensure the operation does not detract from the existing developments.

The 14.7-acre portion of the property which is subject to this proposal is zoned Rural Enterprise (RE). The RE Zone permits all uses except for specific industrial uses, beverage rooms and lounges greater than 139.4 square metres (1,500 square feet), mobile home parks and C&D facilities. Rezoning the 14.7-acre portion of the property to CD-2 would allow only C&D material transfer stations, materials processing facilities, and accessory uses only within the 14.7-acre portion of the property.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners beyond the notification area shown on Map 2 and public open houses held on March 2, 2016 and May 7, 2016. Attachment C contains a report summarising the feedback collected throughout the consultation process. Feedback was also received by a coalition comprised of residents of the Lake Echo, Porters Lake, Mineville and Preston communities. The community generally expressed that the proposed site and location were unsuitable for a new C&D facility. Concerns raised by the public included the following:

- potential air and water pollution and environmental effects on natural ecosystems and wildlife as well as human health due to the types of materials that may be brought to and processed at the proposed site;
- increased risk of groundwater contamination and health risk to nearby residential communities due to site conditions including fractured bedrock, which was not identified in the Natural Environment Protection Report (NEPR) submitted by the applicant;
- inadequate buffering and screening from adjacent properties due to the forest fire and ineffective replanting proposed;
- increased risk of watercourse contamination due to inadequate measures proposed to protect on-site watercourses;
- road safety hazard due to additional truck traffic travelling through existing residential communities where children wait for school buses alongside roads with no sidewalks; and
- adverse impacts on the local economy including tourism and future development as people will move out of the existing residential areas and would not want to live in recently approved residential development.

A public hearing must be held by Harbour East Marine Drive Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

### **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and it is staff's opinion the proposed rezoning does not reasonably carry out the intent of the MPS. Attachment B provides an evaluation of the proposal in relation to relevant MPS policies. The following is a more detailed discussion of how the proposed rezoning does not reasonably carry out the intent of the MPS:

#### **Site Conditions**

It is staff's opinion that the subject property is not suitable for a C&D processing facility due to its limited vegetation resulting from the 2008 forest fire. This event created a context wherein the property has minimal mature vegetation and is inherently more visible from adjacent properties and Highway 7 than would otherwise be the case in more low-lying or well treed properties. MPS policies place an emphasis on

ensuring the appearance of C&D processing facility does not detract from or adversely affect the surrounding area. In accordance with By-law L-200, stockpiles of construction materials are permitted on site and at a height of 6m (19.6ft) and a diameter of 75m (246m). As such, extensive vegetation is necessary on site to provide visual screening. The absence of existing mature vegetation is a concern as there is limited ability to appropriately screen the development or protect watercourses that run through the property.

### **Buffering**

C&D processing facilities generate noise and dust from the processing of construction materials such as grinding, chipping, sorting. Therefore, MPS policies place an emphasis on ensuring adequate buffering and screening to reduce any visual noise or dust intrusion to surrounding residential development and protect nearby watercourses. It is staff's opinion the subject property does not contain features, such as vegetation and topography, which can adequately mitigate and reduce visual, noise or dust intrusion. The absence of existing mature vegetation on the subject property and the high elevation of the proposed location do not enable sufficient buffering or screening to address these concerns.

The applicant has proposed planting of trees and earth berms in an effort to provide screen and buffer of the proposed C&D processing facility from adjacent uses and from the street, Highway 7. However, these measures can not sufficiently address visual and noise intrusion. A significant amount of mature vegetation would be required throughout the site in order to adequately address concerns of visual and noise intrusion. Furthermore, requiring the planting of vegetation cannot be implemented as a requirement through the rezoning process leaving no regulatory process to ensure this occurs. It is staff's opinion the proposal rezoning does not satisfy the location and land suitability requirements of MPS policies given the absence of a natural buffer on the site, and inability to require such a buffer within the processes available.

### **Land Use Compatibility**

The property is in proximity to two Rural Growth Centres established under the Regional Plan: Lake Echo and Porters Lake. These Rural Growth Centres are intended to support a mix of low to medium density residential development, convenience commercial, institutional and recreational uses. Most properties within these centres and the subject property are zoned RE, which permits a wide variety of uses. However, low density residential development is the predominant land use in the Porters Lake and Lake Echo communities. A C&D processing facility this close to these residential growth centres is a concern from the perspective of compatibility.

Policy requires reasonable separation between the C&D facility and surrounding residential development. While the properties immediately abutting the subject property are vacant, the nearest residential buildings are 610 metres and 640 metres east of the site. Natures Ridge, a 219-lot subdivision approved by Community Council in 2014, is approximately 884 metres from the proposed site. In consideration of the natural conditions of the site as described above, as well as the limited available methods of mitigating noise and other impacts from the site, staff advise that the proposed location is too close to existing and approved residential development.

### **Health and Environmental Concerns**

The Natural Environment Protection Report submitted by the applicant provides information on direct environmental impacts associated with a C&D processing facility including contamination of adjacent properties, watercourses, wetlands and groundwater, air pollution, and noise disturbance. Environmental measures are proposed to mitigate these impacts such as stormwater management, grading, drainage diversion ditches and swales, groundwater management, berms and vegetated buffers, straw barriers and material sorting pads. No portion of the proposed development is within the 1:100 year event floodplain. The report suggests proposed environmental measures are adequate to mitigate potential environmental impacts.

The applicant expects that 99% of all C&D materials brought to the proposed facility would be processed and only one load of residue material would be delivered to a disposal site per week. However, based on experiences with existing licensed C&D facilities in HRM, Solid Waste staff have advised that it is impractical

to expect 99% of all materials to be diverted from landfill. By offering discounts to C&D waste generators, the applicant proposes the generators would source separate loads prior to being received at the proposed CD-2 site. Based on experience with existing operations, where discounts are offered, mixed loads of debris represent the majority of waste received. Where demolition of older buildings has occurred in HRM, hazardous materials such as asbestos and lead paint are contained in mixed debris. These materials require special handling and have been taken directly to a disposal facility after a hazmat assessment has been conducted at the demolition site. The applicant has not submitted an operational plan indicating exactly what materials would be processed, methods of processing, nor any plans for marketing recycled products at the proposed facility. The applicant has also not clearly indicated where items that cannot be processed will be disposed. These are pieces of information that have been requested by staff but have not been provided.

Based on a comparison of processing targets provided by the applicant and those experienced by existing C&D operations, the uncertainty of the types of materials that may be transferred to the proposed facility, and the proposed facility's proximity to two existing residential communities, staff are concerned that insufficient information has been submitted to determine the effectiveness of the environmental measures proposed to protect the environment and surrounding communities.

### **Traffic and Road Suitability**

Nova Scotia Transportation and Infrastructure Renewal (NSTIR) reviewed the Traffic Impact Statement and have not raised any concerns regarding anticipated levels of traffic resulting from the proposed development and confirmed that the proposal meets the technical requirements. Planning policy requires that the operation does not have direct access to a local road and that traffic leading to the proposed site does not pose a traffic hazard to the existing road network. Access is proposed from Highway #7 which is classified as an arterial road and not a local road. This notwithstanding, the anticipated truck traffic is of significant concern to the community and staff.

The applicant expects approximately 16 vehicle trips per day of 5 tonne truck load deliveries to and from the proposed facility. Based on observations of vehicle types and trips at existing licensed facilities, a proposed operation of 20,000 tonnes annually would result in 50 vehicle trips per day. Traffic related to the proposed facility will likely travel along the Highway #7 through either the Lake Echo or Porters Lake communities to reach the proposed site. The proposed site is also a considerable distance from Highway #107. It is approximately 6.5km from Exit #18 to Lake Echo and approximately 4.5km from Exit #19 to Porters Lake along Highway #7. Staff advise the proposed increase in truck traffic through established residential neighbourhoods is undesirable and does not carry out the intent of the MPS as it poses a land use conflict in those residential communities.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and it is staff's opinion that the proposed rezoning does not reasonably carry out the intent of the MPS. The proposed location is not suitable for a C&D processing facility for the reasons discussed above in this report. Therefore, staff recommend that the Harbour East Marine Drive Community Council refuse the proposed LUB amendment.

Should Community Council choose to give First Reading and hold a Public Hearing and then determine the proposed rezoning does reasonably carry out the intent of MPS, Attachment A contains the proposed amendment to the Planning Districts 8 & 9 Land Use By-law to rezoning a portion of the subject property from RE (Rural Enterprise) to the CD-2 (Construction & Demolition Processing Facility) Zone.

### **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2018-2019 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 may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendments are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

## **ALTERNATIVE**

1. Harbour East Marine Drive Community Council may choose to give first reading to and subsequently approve the proposed LUB amendment following a public hearing. A decision of Council to approve the proposed LUB amendment is appealable to the N.S. Utility & 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: Proposed LUB Amendment  
Attachment B: Review of Relevant MPS Policies  
Attachment C: Community Engagement Report  
Attachment D: Concept Plan

Applicant's Submission, Environmental Report and Traffic Impact Statement available at the following link:  
<https://www.halifax.ca/business/planning-development/applications/case-19800-highway-7-parker-lane-porters-lake-pid>

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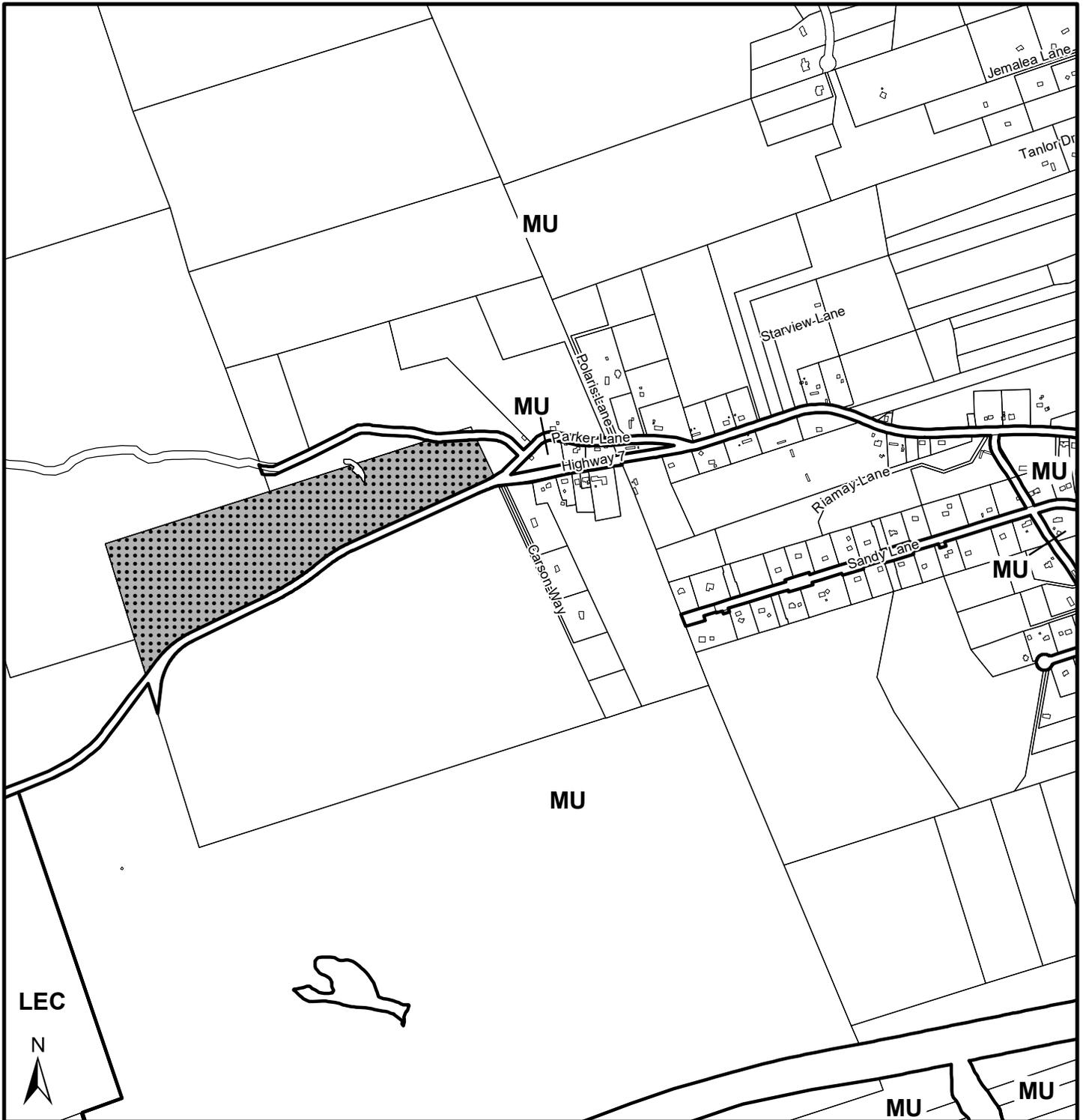
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Stephanie Salloum, Planner II, Current Planning, 902.490.4223  
Thea Langille, Principal Planner, Current Planning, 902.490.7066

Original Signed

Report Approved by: \_\_\_\_\_  
Carl Purvis, Acting Manager, Current Planning, 902.490.4797

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**Map 1 - Generalized Future Land Use**

**HALIFAX**

Highway 7  
Porters Lake

 Subject Property

**Designation**

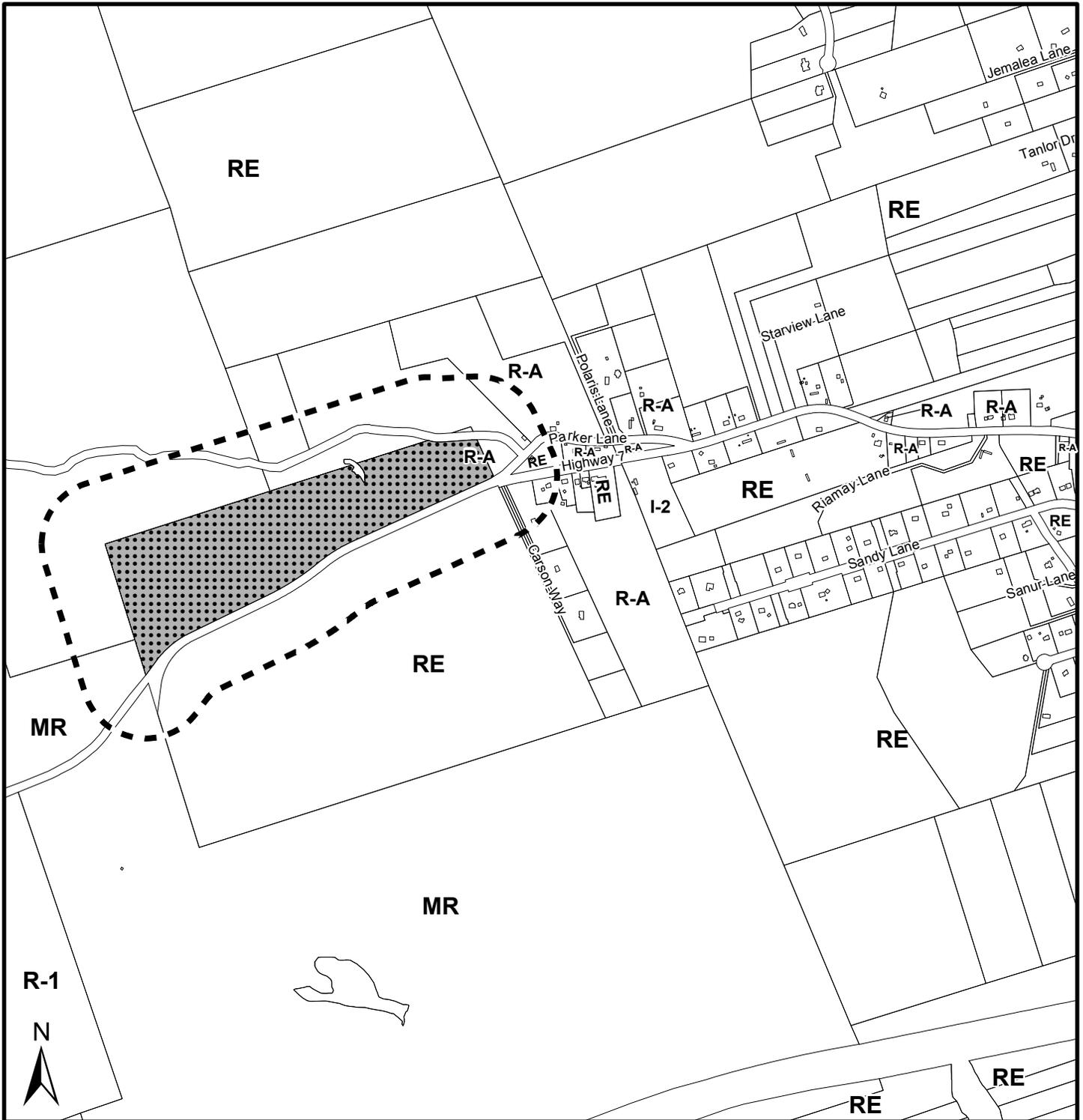
MU Mixed Use  
LEC Lake Echo Community

Planning Districts 8 & 9  
(Lake Echo/Porters Lake) Plan Area



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.



## Map 2 - Zoning and Notification

Highway 7  
Porters Lake

 Subject Property

 Area of notification

Planning Districts 8 & 9  
(Lake Echo/Porters Lake) Plan Area

### Zone

R-1 Single Unit Dwelling  
R-A Residential A  
RE Rural Enterprise  
MR Mixed Resource  
I-2 Salvage Yard

0 100 200 300 400 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.

**ATTACHMENT A**

**Proposed Amendments to the Planning Districts 8 & 9 (Lake Echo/Porters Lake) Land Use By-law**

**CD-2 (Construction and Demolition Materials Processing Facilities) Zone**

**BE IT ENACTED** by the Harbour East – Marine Drive Community Council of the Halifax Regional Municipality that the Planning Districts 8 & 9 (Lake Echo/Porters Lake) Land Use By-law is hereby further amended as follows:

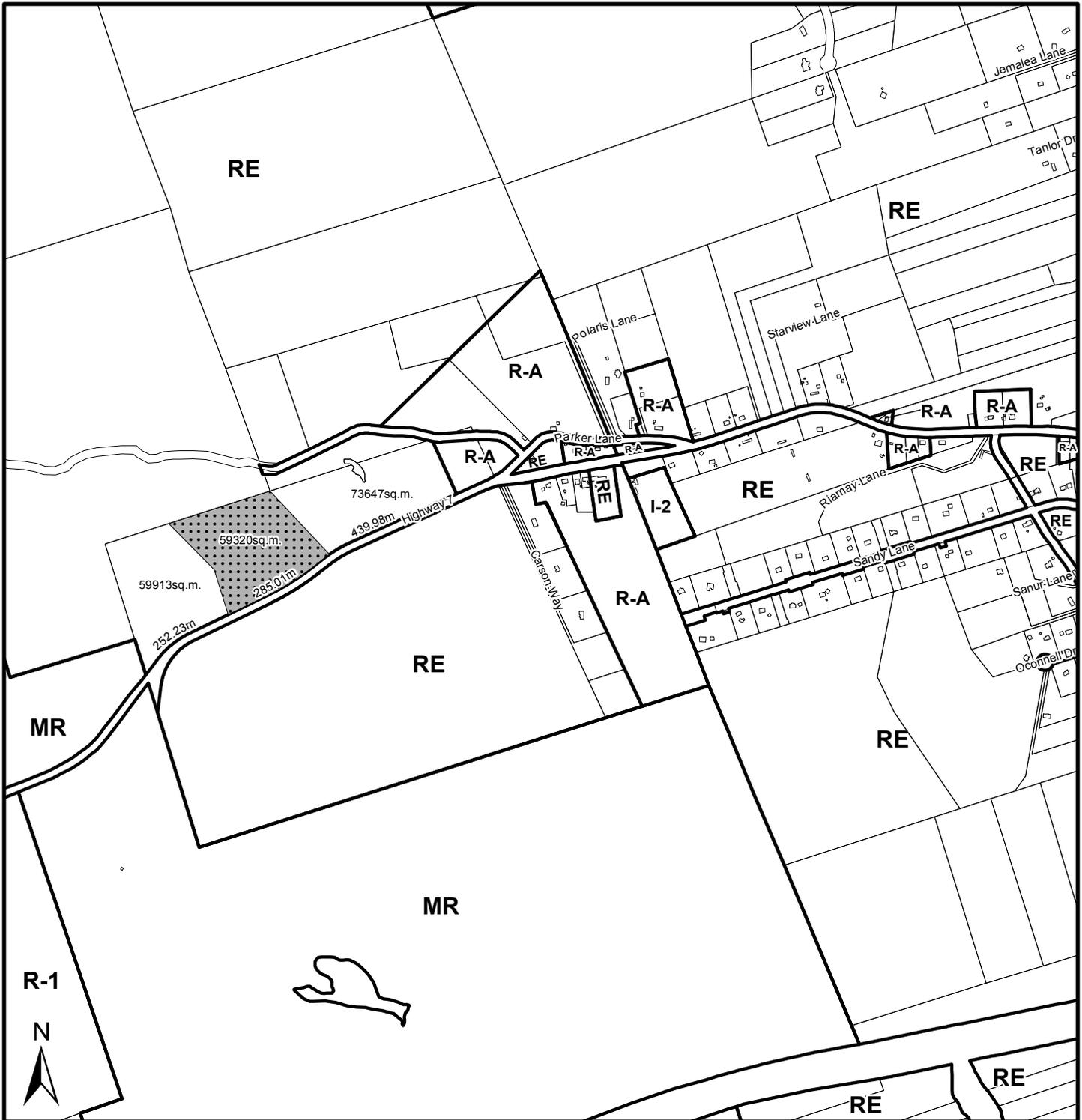
1. Schedule A - Zoning shall be amended to rezone a 14.7-acre portion of PID 40740276 currently zoned RE (Rural Enterprise) to CD-2 (Construction and Demolition Materials Processing Facility) and the area to be rezoned is located 252.23 meters (827.5 feet) from the south-west corner of the property line along Highway 7 as shown on Schedule A attached hereto.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the [INSERT COUNCIL NAME] held on [DATE], 201[#].

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Kevin Arjoon

Municipal Clerk



**Schedule A**

Highway 7  
Porters Lake

 Area to be rezoned from RE (Rural Enterprise Zone) to CD-2 (C&D Materials Processing Facility Zone)

Planning Districts 8 & 9  
(Lake Echo/Porters Lake) Plan Area

**Zone**

- R-1 Single Unit Dwelling
- R-A Residential A
- RE Rural Enterprise
- MR Mixed Resource
- I-2 Salvage Yard



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.

**Attachment B**  
**Policy Evaluation**  
**Excerpts from the Lake Echo/ Porters Lake MPS**

<b>Policy</b>	<b>Staff Comment</b>
<p><b>P-46G</b> A CD-2 (C&amp;D Recycling Operations) Zone shall be established in the land use by-law. The zone shall permit C&amp;D recycling operations and CD-1 zone uses, excluding disposal, and shall establish controls on setbacks from adjacent uses, provide buffering and screening, landscaping measures, regulate access and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new CD-2 Zone uses shall only be considered where such operations are within the Industrial and Mixed Use Designations, and pursuant to criteria of Policy P-46F.</p>	<p><b>Satisfied.</b> The subject property is designated Mixed Use (MU). It is located between two Rural Growth Centres: Lake Echo and Porters Lake. West of the subject property and toward the Lake Echo Growth Centre, there are properties within the Lake Echo Community (LEC) Designation, where a C&amp;D facility would not be permitted. The subject property is approximately 570m from the LEC Designation but the proposed facility is approximately 1 km from the LEC Designation.</p>
<p><b>P-46F</b> A CD-1 (C&amp;D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&amp;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. Amendments to the schedules of the land use by-law to permit new C&amp;D operations will only be considered where such operations are within the Industrial and Mixed Use Designations and pursuant to the following criteria:</p>	
<b>Policy Criteria</b>	<b>Staff Comment</b>
<p>(a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created</p>	<p><b>Not Satisfied.</b> Proposed access is from Highway #7. The Traffic Impact Study (TIS) recommends a 200m stopping site distance for both eastbound and westbound traffic. The proposed driveway location is meets the technical requirements for stopping sight distance.</p> <p>NSTIR reviewed the TIS and had no concerns regarding the anticipated levels of traffic nor the proposed access. However, staff have concerns about the proposed traffic and access from Highway #7.</p> <p>The TIS does not address the policy criteria relative to traffic circulation problems or traffic hazards. Trucks travelling to the site will likely travel along Highway #107 and exit at Exit #18. From Exit #18 to the subject site is approx. 6.5 km. It is expected that trucks will travel along Highway #7 through the Lake Echo community. The community raised concerns regarding a small narrow bridge in Lake Echo, the lack of sidewalks and narrow shoulders along the highway used by pedestrians. The increase in truck traffic was a major concern in the community. The TIS estimated the facility would generate an additional 16 vehicle trips per day. However, the HRM staff suggest the number of trips would be significantly higher based on the expected annual tonnage and the number of vehicles travelling to existing</p>

	<p>CD-2 operations. The applicant anticipates that 5-tonne trucks would be bringing materials to the proposed C&amp;D facility; however, based on existing operations, 5-tonne trucks are not commonplace delivery vehicles for C&amp;D materials. Staff advise the proposed increase in truck traffic through established residential neighbourhoods is undesirable and does not carry out the intent of the MPS as it poses a land use conflict in those residential communities.</p>
<p><i>(b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use</i></p>	<p><b>Satisfied.</b> Access is proposed along Highway #7 which is classified as an arterial road.</p>
<p><i>(c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development</i></p>	<p><b>Not Satisfied.</b> The proposed facility is close to residential development. The closest residential buildings are 975m west, 610m and 640m east of the site. Natures Ridge, a recently approved 219 lot Hybrid Open Space subdivision is 884m from the proposed site.</p> <p>The proposed facility is also located between two Rural Growth Centres (Lake Echo and Porters Lake). These areas promote residential growth. The property is adjacent to the edge of the Growth Centre circle. While the site itself is separated from residential uses as per the distances indicated above, the impacts of the site via increased truck traffic will be much more extensive given the distance to Highway #107. It is staff opinion the proposed location is in in close to existing and approved residential development and is not a reasonable separation, specifically given the natural conditions of the site.</p>
<p><i>(d) consideration shall be given to the extent and location of open storage with respect to abutting properties</i></p>	<p><b>Satisfied.</b> Abutting properties are currently vacant, undeveloped and designated MU.</p>
<p><i>(e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments</i></p>	<p><b>Not Satisfied.</b> Minimal existing vegetation due to a forest fire from 2008 makes it difficult to screen the operation. Also, due to the elevation of the site, the proposed facility may be visible from adjacent uses and Highway #7. Stockpiles are permitted to a max of 6m (20ft) and 75m (246ft) wide. However, the site plan does not show an area of stockpiles. Replanting and berms are proposed, but these measures cannot be ensured through the rezoning process. Given the minimal tree growth on the site, the site is not suitable. Further detail provided in staff report.</p>
<p><i>(f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress,</i></p>	<p><b>Partially Satisfied.</b> The proposal meets the minimum site plan approval criteria under the LUB as well as the minimum watercourse setback requirements. A site plan showing access to the site, buffering between the outdoor storage</p>

<p><i>parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy</i></p>	<p>areas and the street, separation distances between buildings, etc. was submitted. Although the minimum requirements are satisfied, the lack of vegetation on the site does not satisfy the intent the MPS policies. LUB requirements states that all existing vegetation within side and rear yards should be maintained to provide screening. There is not much vegetation to maintain and provide for screening due to the 2008 forest fire. The watercourse setback requirement is intended to ensure a vegetated buffer is maintained to protect the watercourse. Since most of the vegetation has been burnt, there is no vegetated buffer to protect the watercourse although the buildings are setback from the watercourse. Further detail provided in staff report.</p>
<p><i>(g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development</i></p>	<p><b>Not Satisfied.</b> Berms and replanting are proposed to buffer the proposed facility, but they do not seem to be sufficient given there is minimal existing tree cover to utilize for buffering and screening. It is staff's opinion the proposal rezoning does not satisfy the location and land suitability requirements of MPS policies given the absence of a natural buffer on the site, and inability to require such a buffer within the processes available. Further detail provided in staff report.</p>
<p><i>(h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (i.e. watercourse, groundwater, etc.)</i></p>	<p><b>Partially Satisfied.</b> A Natural Environment Protection Report was submitted that addressed the proposed measures to protect the natural environment. The report suggests the proposed measures are adequate to mitigate environmental impacts of the proposed facility.</p> <p>Staff, however, have some concerns regarding processing targets proposed by the applicant and the effectiveness of the environmental measures proposed to protect the environment. The applicant expects 99% of all C&amp;D materials received at the site would be processed and only one load would be delivered to a disposal site per week. Based on existing licensed CD-2 operations, staff advise that this target is impractical. An operational plan indicating exactly what materials would be processed at the proposed facility, methods of processing, nor any plans for marketing recycled products has not been submitted or reviewed by staff. The applicant has also not clearly indicated where items that cannot be processed will be disposed. As a result, staff are concerned about what will be done with hazardous materials that are brought to the facility, which are unable to be processed, recycled or reused.</p> <p>There were concerns raised by the community regarding the impacts to the environment which were not covered by the environment protection report. Residents felt that the site conditions such as fractured bedrock and shallow top soil would easily allow contaminated runoff to infiltrate to the groundwater supplies and flow into nearby watercourses. Based on a comparison of processing targets provided by the applicant and those experienced by existing C&amp;D operations, the uncertainty of the types of materials that may</p>

	be transferred to the proposed facility, and the proposed facility's proximity to two existing residential communities, staff are concerned that insufficient information has been submitted to determine the effectiveness of the environmental measures proposed to protect the environment and surrounding communities.
(i) no portion of the operation shall be located within a floodplain (1:100 year event)	<b>Satisfied.</b> Site plan shows all proposed development outside the 1:100.
(j) consideration shall be given to the adequacy of onsite or central services; and	<b>Satisfied.</b> An engineer has confirmed that a sewage disposal system can be designed to service the property for a C&D facility.
(k) provisions of Policy P-89.	<b>See below.</b>
<b>P-89</b> In considering development agreements and amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall have appropriate regard to the following matters:	
<b>Policy Criteria</b>	<b>Staff Comment</b>
(a) that the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations.	<b>Not Satisfied.</b> Staff advise that this proposal is not consistent with the MPS as the facility would be highly visible from adjacent uses due to the lack of tree cover and the proposal would negatively impact the transportation network through existing residential communities.
<i>that the proposal is not premature or inappropriate by reason of:</i>	
(i) the financial capability of the Municipality to absorb any costs relating to the development	<b>N/A</b>
(ii) the adequacy of central or on-site sewerage and water services	<b>Satisfied.</b> An engineer has confirmed that a sewage disposal system can be designed to service the property for a C&D facility.
(iii) the adequacy or proximity of school, recreation or other community facilities	<b>N/A.</b> While this policy is intended to ensure there are adequate services for a development where additional residential density is proposed, it should be noted that the proposed C&D facility is between two growth centres where there are several schools, day cares and recreation centres. Many members of the public raised concern about safety of school children waiting at bus stops if there will be increased truck traffic through the Porters Lake and Lake Echo residential areas where there are no sidewalks.
(iv) the adequacy of road networks leading or adjacent to or within the development; and	<b>Not Satisfied.</b> The TIS does not address the adequacy of road network leading or adjacent to or within the development. See comments for Policy P-46F(a). Further detail provided in staff report.
(v) the potential for damage to or for destruction of designated historic buildings and sites.	<b>N/A</b>
(b) That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
(i) type of use	<b>Not Satisfied.</b> Staff advise this proposal is not compatible with adjacent land uses. The proposed location is between two Rural Growth Centres (Lake Echo and Porters Lake)
(ii) height, bulk and lot coverage of any	

<i>proposed building</i>	that support increased residential development. A C&D processing facility in proximity to residential uses is not suitable in terms of land use compatibility. Furthermore, access to the site along a long stretch of Highway 7 between these two growth centres is not appropriate as truck traffic is expected to travel through these residential areas to access the site. The proposed facility including any open storage is proposed toward the centre of the 14.7 acre portion of the property subject to the rezoning. A berm or fence is proposed to screen the development from the street and adjacent uses. Staff advise that the screening measures proposed for open storage are inadequate as there is insufficient vegetation on the site due to the 2008 forest fire. Further detail provided in staff report.
(iii) <i>traffic generation, access to and egress from the site, and parking</i>	
(iv) <i>open storage; and</i>	
(v) <i>signs.</i>	
(c) <i>that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and</i>	<b>Not Satisfied.</b> An environmental report prepared by an engineer was submitted in support of the proposal. It was confirmed that no part of the development was in the 1:100 flood plain. The report concluded that the measures proposed to mitigate impacts on the environment are adequate. The proposed development met the minimum watercourse setback requirements. However, at the public open houses, many residents expressed not enough detail was presented in the report as there was no mention of fractured bedrock and shallow top soil in the report. It was felt that these conditions exacerbate the potential for contaminated surface water to run into nearby watercourses and infiltration into the groundwater supply. Furthermore, a lack of natural vegetation on the site due to the 2008 forest fire presents a concern for the protection of watercourses on the site.
(d) <i>any other relevant matter of planning concern.</i>	<b>None identified.</b>
(e) <i>Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-79F", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02; E-Aug 17/02).</i>	<b>N/A</b>

# ATTACHMENT C

## **Case 19800: Open House Summary Report**

### **Prepared by:**

Stephanie Salloum and Nathan Hall  
Planning and Development

October 31, 2016

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## 1.0 Introduction

Kiann Management Limited submitted an application to rezone a portion of a property located along the north side of Highway 7, west of Parker Lane, in Porters Lake, from RE (Rural Enterprise) to CD-2 (C&D Materials Processing Facilities) to permit a new Construction and Demolition Waste Processing Facility. This application is being considered under Policy P46-G of the Municipal Planning Strategy for Planning Districts 8 & 9 (Lake Echo/Porters Lake) through the rezoning planning process.

As part of the rezoning process, staff led several open house sessions to collect comments and feedback about the proposal for consideration when staff prepare their recommendation to Harbour East - Marine Drive Community Council and for when Council makes their decision. The decision to rezone a property is based on whether the proposed rezoning is reasonably consistent with the intent of plan policy - in this case, Policy P46-G. The key question for the public consultation was whether the proposal met the policy criteria in terms of appropriate site conditions, separation from residential uses, site layout, buffering and traffic.

Notification of the open houses was sent to over 800 property owners in proximity to the site, details were also provided on the application website, and advertisements were posted in the newspaper to notify the public of the application. Staff hosted seven open house sessions, in two days, to provide an opportunity for as many members of the public as possible to participate in the process. Planning staff and the applicant presented information on the planning process and the proposal, answered questions, and documented community feedback at the open houses. This report outlines the public consultation process conducted for the application and summarises the comments received from residents who attended the open houses.



### 3.0 Open House

An open house was scheduled for March 2, 2016 and March 5, 2016 at the Lake Echo Community Centre as part of the public consultation process for the proposal. Due to poor weather conditions, the second open house was rescheduled for May 7, 2016. The open house was in the form of a guided tour (see Figure 3), where the public could learn more about the planning process, proposal, and provide feedback. The proposal attracted strong interest in the community. As a result, staff scheduled the guided tours every hour for smaller groups and the public was advised to make reservations.

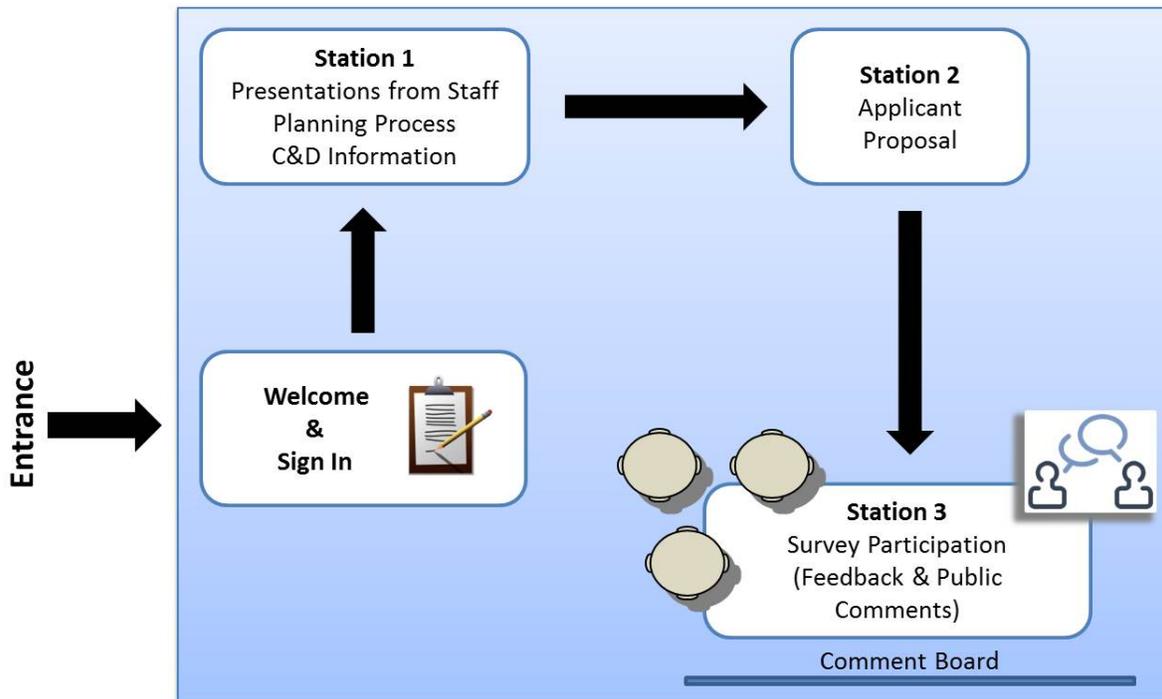


Figure 3: Open House Layout

At Station 1, planning staff presented information about the rezoning process with consideration of the MPS and LUB (Figure 4). Solid waste staff also presented an overview of their requirements for processing C&D materials. At Station 2, the applicant provided information about the proposal and answered questions from the community. At Station 3, after the presentations, the community members were asked to participate in a survey to provide their feedback on the proposal. The survey comprised of six questions which asked participants whether they thought the proposal met the policy criteria. The written comments were compiled and summarized for this report.



Figure 4: Participants of the first open house attend a staff presentation on the re-zoning process

## 4.0 Comments and Feedback

More than 280 residents from the Porters Lake and Lake Echo communities attended the open house sessions. Many attendees noted that they lived within 1km of the subject property (see Figure 5). Most of the attendees lived around Lake Echo and Martin Lake, west of the subject site. Several attendees lived along the western side of Porter's Lake. North of the site is a recently approved residential development.

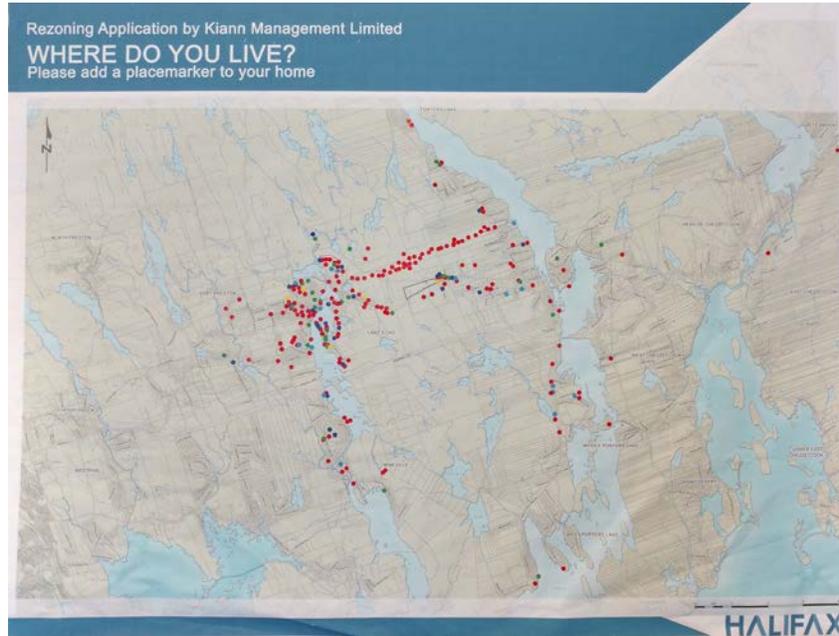


Figure 5: Participants' home locations

Staff received 118 responses to the survey. In addition to the survey responses, staff received feedback about the proposal via email and through comment boards and dotmography boards posted at the open house (see Figures 6 and 7 respectively).



Figure 6: Comment Board

Figure 7: Dotmography Boards

Overall, only 1% of attendees found the site suitable for a C&D Processing Facility and 99% found the site unsuitable (see Figure 8). Most of the attendees felt that the proposal did not meet the criteria under Policy P-46G of the MPS. The major concerns expressed by the community were regarding the existing site conditions, location suitability, environmental impacts, and traffic and road suitability.

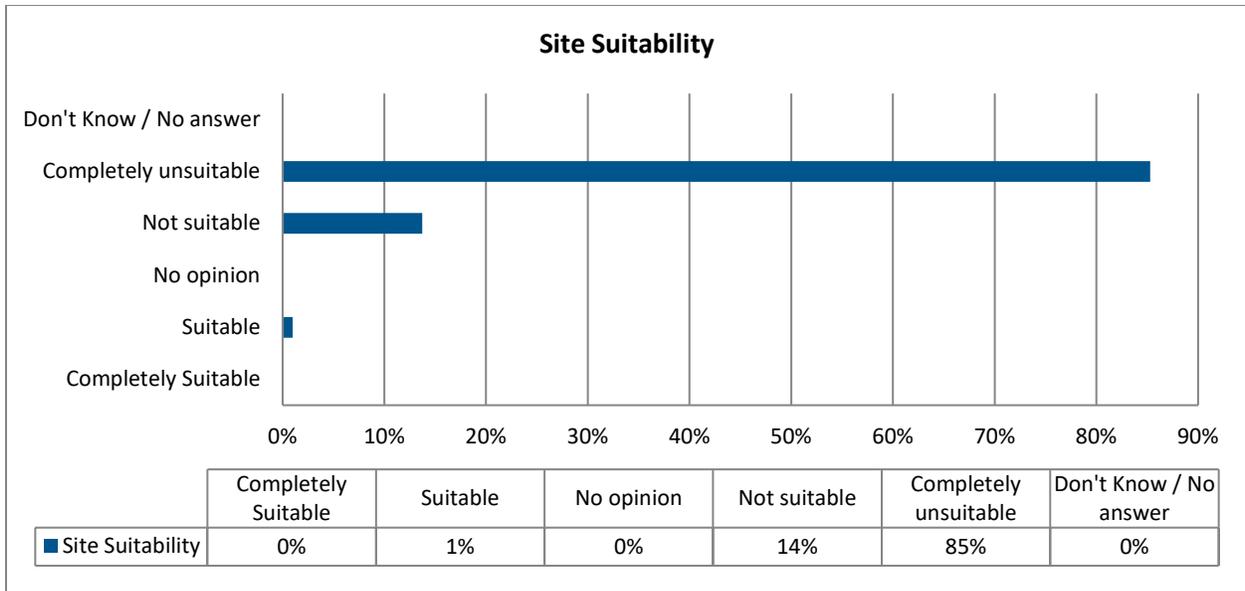


Figure 8: How suitable is the proposed site for a proposed C & D Processing Facility?

#### 4.1 Site Conditions

Many participants commented on the property’s conditions and the associated challenges to ensuring environmentally sound operation of a C&D Processing Facility. As shown in Figure 9, approximately 90% of survey respondents noted that the proposal does not meet the policy criteria for site suitability in terms of site conditions (i.e. steepness of grades, soil and geological conditions, locations of water. Most of the respondents’ explanations were focused on the elevation of the site and potential for watercourse and groundwater contamination in surrounding areas.

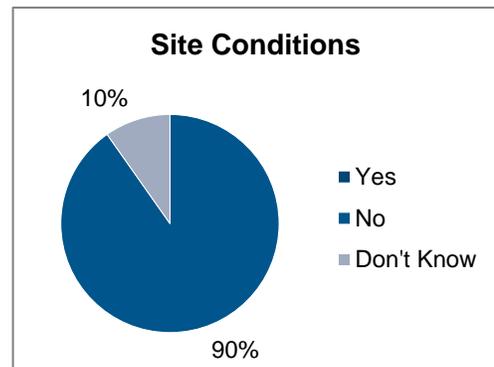


Figure 9: Is the proposed site suitable in terms of site conditions?

Two watercourses run north to south through the site. The 14.7 acre portion to be re-zoned is situated in between. Both watercourses flow through Grand Lake to the southeast and into Porters Lake, running through several smaller lakes, ponds, and wetlands. The area is unserved, with residents relying on groundwater from private wells. It was felt that controlling stormwater runoff and the potential seepage of contaminants was of critical importance. Many participants felt that inadequate provisions to control for runoff had been proposed.

A large number of participants pointed to the geology of the area as a significant challenge to controlling water runoff and groundwater contamination. The area is characterized by a shallow layer of topsoil, which residents contended would not provide significant filtration of stormwater before it runs offsite. Several participants pointed out the challenges of constructing a holding pond on bedrock. Participants supposed that the stormwater from the site would run quickly from the site with little natural filtration through the soil over the layer of bedrock that sits a short depth below the surface. Residents also pointed out that the bedrock on the site is fractured in places, presenting further risk for contaminants to penetrate from the site into the groundwater and nearby watercourses.

A number of open house participants pointed out that the subject lands are positioned on top of a hill sloping down toward the southeast. There was concern that this could worsen issues related to contaminants running from the site into groundwater and watercourses, including Porters Lake. Many participants also noted the damage done to trees on the site by a forest fire that took place on June 13, 2008 (Figure 10). As a result of the fire, there is reduced forest cover on and around the subject site. It was felt that the lack of tree cover would make buffering from nearby residential uses difficult to achieve, and that mitigating noise pollution would also be a challenge.



Figure 10 – Effects from forest fire on June 13, 2008 (photo provided by area resident)

## 4.2 Location Suitability

The proposed location for the C&D facility, identified as PID 40740276, is off Highway 7 in Porters Lake. Although the current zoning in the area permits a variety of land uses, the participants commented that the Lake Echo, Porters Lake area is a residential neighbourhood based on development trends. Several respondents suggested that the proposal does not fit in with the existing residential character of the area and would better suit a commercial or industrial park. Developers noted that sales for new homes in the area declined after announcing the application for the proposed C&D facility. The majority of survey respondents (94%) noted that the proposal does not meet the suitability criteria for separation from residential uses (Figure 11).

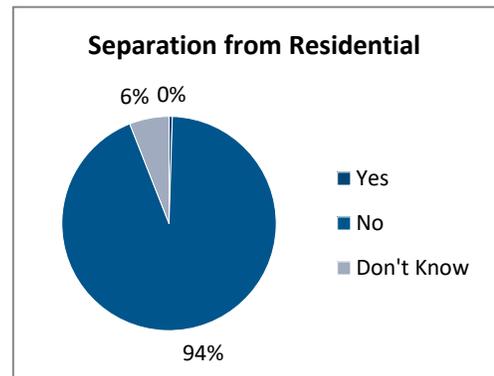


Figure 11: Separation form residential uses

*“The majority of Lake Echo residents live within two kilometres [of the proposed site]. There are much better areas with less risk.”*

The community identified that the site is surrounded by lakes and other watercourses that are essential for their water supply; two watercourses run through the subject property, alongside the proposed CD-2 zoning boundaries. Most residents were concerned that the site’s proximity to a highly residential area and watercourses could impact the surrounding environment, residents’ health, property values, and road safety.

Approximately 80% of respondents supposed that the buffering measures shown on the proposed site plan were insufficient to reduce the visibility of the facility from surrounding properties and protect an environmentally sensitive area (see Figure 12). Many participants noted that the vegetated buffer was limited to the street facing portion of the lot and the vegetation would be sparse for most of the year. In

addition, there is limited vegetation cover due to the forest fire from 2008 (Figure 10). The community felt that not enough vegetation was proposed to screen the facility from the road and surrounding areas.

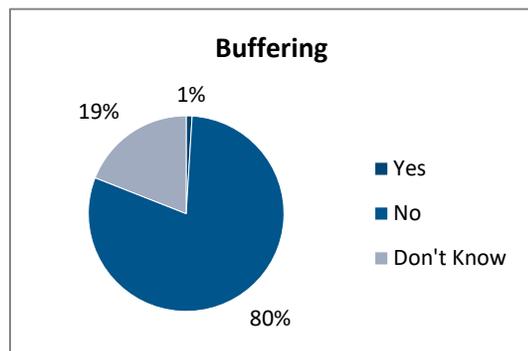


Figure 12: Does the proposal make appropriate consideration for buffering?

Most of the residents suggested that the berms shown on the site plan would not prevent leaching into nearby watercourses. The proposed site is located on a hill; the community supposed that contaminated runoff would be directed to the watercourses below. As a result, the residents were concerned that their water supply would be contaminated. Several participants suggested that a larger buffer should be required (greater than 200 ft.). The respondents who were unsure whether or not the proposal met the buffering policy criteria (19%) requested additional research on the potential impacts on the environment, preferably through the municipality to avoid biased results.

Most residents assumed that the operations of the proposed C&D facility would generate high volumes of dust and create air pollution. Since the proposed facility is relatively close to their homes, the participants were concerned they would face health risks such as asthma. Some residents noted that they already experienced breathing difficulties.

Several of the participants mentioned that they walk their dogs in the neighbourhood and their children walk to the bus stop for school in the morning. There was great concern that the proposal would generate high volumes of truck traffic through the residential neighbourhood. The residents were not convinced that the travel route suggested by the applicant was the fastest and preferred route for trucks. They were confident that many truck drivers would prefer an alternate route through the residential areas and drive at relatively high speeds. Many participants expressed that the anticipated high volumes of traffic, high travel speeds, and lack of sidewalks in the area would present a safety hazard for pedestrians, particularly children walking to the bus stops for school.

The lack of visual screening, anticipated pollution, potential health risks and safety hazards led the community to believe that the Lake Echo and Porters Lake neighbourhoods would become a less desirable place to live under the proposal.

*"No one would want to live here"*

A subdivision was recently approved for over 200 single family dwelling lots in the area. Developers noted that they lost sales due to the proposed C&D facility. Existing residents also raised concern that the proposed C&D facility would devalue their property.

### 4.3 Environmental Concerns

Most comments submitted at the open house related to the environment. While the previous sections have noted many of these comments, this section provides a general overview of the environmental concerns brought forward at the open house, as well as some very specific concerns (particular types of materials, chemicals, etc.) expressed by some residents. Concerns were centred on potential damage to natural ecosystems and wildlife, as well as possible impacts to human health.

Several open house participants described the Lake Echo area as environmentally sensitive. Approximately 1% of survey respondents commented that the proposed site layout met the rezoning criteria; however, 76% noted that the site layout was not appropriate (see Figure 13). Many of these residents pointed out the presence of several important watercourses and wetlands in proximity to the proposed site. Participants

voiced strong concern for the potential contamination of these natural assets due to a lack of mitigation measures to protect them. The geological features of the site, including the small amount of topsoil, fractured bedrock, elevation and direction of slope were frequently referenced as exacerbating factors (see Section 3.1 Site Conditions). One participant noted that the recorded acid levels in Lake Echo are already high, arguing that the waterbody has limited capacity for additional contamination.

In addition to water contamination, many participants voiced concerns for air pollution. Several residents cited potential for silica dust to spread through the air and the potential harmful health effects on nearby residents, wildlife, and vegetation. Many respondents mentioned the existing health issues of family members, such as asthma and chronic bronchitis, which may be exacerbated by reduced air quality. Many participants saw the need for additional consideration for the containment of dust and regular air quality testing.

A number of open house participants expressed concern for noise pollution from the proposed C&D processing facility. In addition to the effects of noise on nearby residents, some were concerned about the impact of noise pollution on wildlife. Some residents pointed out that the topography of the area allows sound to travel far around the lakes, and that the proposal should make additional consideration for the containment of noise.

*“It seems that demolition materials may be processed and remain on such facilities for up to one year. This would allow rain and melting snow to seep through these piles of materials and pick up pollutants, and seep into the groundwater.”*

Participants were concerned with the nature of the materials to be stored on site, the length of time that materials would be stored, as well as the location and buffering of stored debris. One respondent commented that the application did not propose a site capacity (i.e. the maximum amount of material expected to be stored annually). A participant commented that the storage of materials for up to one year would allow ample time for natural rain and snow fall to wash contaminants from stored debris and into the soil and groundwater. Another participant was concerned that storage would be located too close to Highway 7.

Several residents expressed concern about the breakdown of specific materials that could be stored or processed on the site. These included gyproc (drywall), pressure treated concrete lumber, and asphalt shingles. One participant cited scientific research documenting the infiltration of acid-generating leachate into groundwater from the storage of gyproc (drywall).

No participants expressed satisfaction with the environmental provisions of the application. Some residents were concerned about the legitimacy of the environmental assessment provided with the application, desiring an assessment instead by an independent third party. It was felt by many that adequate mitigation measures to protect the natural environment and watercourses, in particular, had not been proposed. Details on a site pad to prevent leeching of pollutants into the soil and groundwater were requested by a number of participants. The proposed berm was criticized by some respondents as being insufficient to control leeching off of the site. Several respondents suggested that the entire operation should be contained within one or more buildings, rather than taking place exposed to weather on uncovered soil.

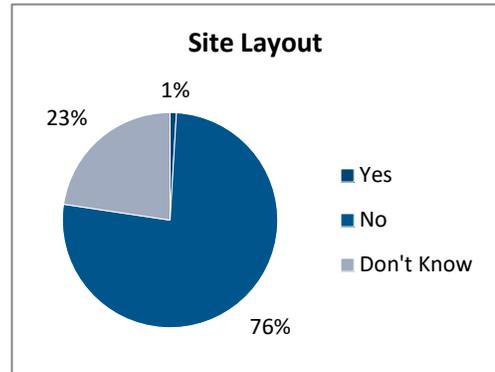


Figure 13: Is the proposed site layout, including landscaping, buildings, access and egress, parking outdoor storage, appropriate?

Many respondents requested that regular testing be required to ensure the preservation of water quality in the area, with one participant suggesting that drilled wells be installed on-site to facilitate the testing. A participant suggested that monitoring be done by a third party to ensure reliability. A number of respondents wanted to know what would happen if severe contamination of nearby wells or watercourses was discovered, and why a remediation strategy was not required.

#### 4.4 Traffic and Road Suitability

Approximately 93% of respondents noted that the proposal did not adequately consider traffic (see Figure 14). Alternatively, one participant commented that the road abutting the subject property is quiet and the anticipated traffic would not impact the community. A traffic impact statement, prepared by JRL Consulting, was submitted as part of the application for the proposed C&D facility. The statement was available for the public to read prior to the open house. Many participants from the open house expressed their disbelief in the conclusions of the traffic impact statement.

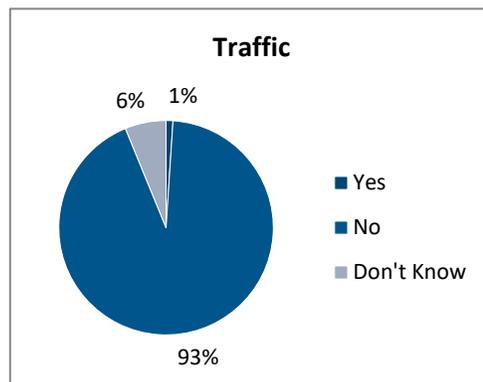


Figure 14: Does the proposal adequately consider traffic?

The traffic statement offered comments based on the existing trip distribution patterns and anticipated loads suggested by the developer. JRL Consulting noted that the existing trip patterns showed a number of trips along Highway 7, a major collector road and standard Nova Scotia secondary highway. The highway has two lanes, one in each direction, and a speed limit of 80 km/hr. Transit route 104 runs along Highway 7 as well. The consultants recognised that the existing traffic along Highway 7 predominantly served local traffic.

The applicant indicated that they would receive approximately 400 tonnes of C&D waste per week. JRL Consulting expected that the facility would generate an average of 16 additional trips per day on Highway 7, based on the capacity of a 5-tonne range truck. The consultants also expected that the preferred route to the site would be via Exit 18 from Highway 107, which is south and parallel to Highway 7; they noted that this was the shorter route.



Figure 15: A photo submitted by an open house participant showing approximate dimensions of Highway 7 near the site

The community was not convinced that the traffic impact statement offered the most accurate conclusions. Participants felt that the site would generate a much higher number of trips than 16. Furthermore, the residents expected that higher volumes of truck traffic would access the site via Highway 7, through the residential areas, as Highway 7 offered a shorter and more convenient route. The community was concerned that the existing road conditions were inadequate to accommodate such heavy loads. In addition, residents noted that increased traffic volumes would impact road conditions and, consequently, road maintenance would increase at the tax payers' expense.

*"Newly paved roads will not last with truck traffic"*

Additionally, participants were greatly concerned about the safety of pedestrians, especially children walking along Highway 7 to the bus stop for school. There are no sidewalks along Highway 7; there is only a gravel shoulder as shown in Figure 15. Most residents

*"[The] site is just after a straight area where the speed limit is 70 km/h and drivers usually drive faster. I can see potential for accidents due to coming up on turning trucks unexpectedly."*

were worried about the safety of people crossing the street while heavy vehicles travel at 80 km/hr. The community fear that trucks entering and exiting the site would interrupt traffic at high travel speeds along Highway 7 and cause accidents. The community expect that there will be many more accidents along Highway 7 due to the anticipated increase in traffic volumes, high speed limits, lack of sidewalks and limited signage.

## 4.5 Additional Themes

Many open house participants submitted comments that did not easily fit into one of the above categories. This section attempts to summarize additional themes that were brought forward in respondents' comments. These themes included concerns over liability insurance, effects on tourism, and comparisons to the C&D transfer and processing facility in Goodwood, Nova Scotia and its impacts on the nearby community of Harrietsfield.

Many respondents criticized the proposed \$2 million insurance policy for the facility as inadequate. They were concerned that if the clean-up of wells or waterways became necessary that the proposed insurance plan would not provide remediation. Several residents then questioned, "who pays [for remediation]?", arguing that comprehensive contamination insurance should be required.

Many residents voiced concerns that the proposed site would produce similar problems to those experienced around the C&D processing facility in Goodwood. Some felt that the process had failed to regulate this facility and to protect area residents from the impacts of that site.

A large number of respondents were concerned that the economy of the area might be negatively impacted by the siting of a C&D processing facility. Several cited the amount of residential development in the area, and wondered if the area would continue to attract new development. A few participants expressed concern for the impact of the proposal for a C&D processing facility on tourism in the Lake Echo area. One respondent noted that Highway 7, designated a 'scenic route' along the Eastern Shore (Marine Drive), could become less appealing to travelers.

A large number of residents argued that disposal activities had already taken place on the site without approval by the municipality (Figure 16). Several cited "a radiator with a green toxin leaking from it" on the site. Some respondents suggested that consideration of a planning application such as a re-zoning should not take place until such time that open compliance issues are resolved.



Figure 16: Photo provided by area resident showing some construction and demolition waste stored on site

Participants expressed concern that C&D uses had not been permitted before in the municipality, and that caution is necessary. Many respondents felt that the Municipality should take a more proactive role in choosing sites for C&D facilities based on minimizing impacts on residents and the environment. Overall, residents argued that the proposed site is not appropriate for the proposed use, and that other sites should be considered.

## 5.0 Conclusion and Next Steps

In processing Case 19800, application for a construction and demolition material processing facility, staff conducted extensive community engagement. Feedback was collected through two open house format community engagement sessions, as well as through written questionnaires, comment and dotmography boards, and via received documentation. The open house format allowed staff to receive comments and feedback from members of the community through group discussions, letters, survey responses, and emails, following a presentation from staff and the applicant about the planning process and proposal. Approximately 280 people attended the open houses and expressed their concerns and comments about the proposal to staff. Staff received 118 completed surveys subsequent to the open houses. All survey responses and comments were recorded and summarised in this report.

The majority of survey participants considered the proposed site unsuitable or completely unsuitable for a C&D materials processing facility. A small percentage of residents expressed support for the proposal. The major public concerns summarized in this report include: site conditions especially regarding lack of vegetation for screening, as well as geological challenges posed by high elevation and fractured bedrock; location suitability with respect to residential uses; potential environmental impacts such as groundwater and air contamination as well as potential impacts on human health; and traffic and road suitability. Most community members have requested that the Municipality reject the application.

Following the public consultation process, staff completes their review of the application, in accordance with the planning policy, and submits a staff report containing a recommendation to Community Council. All public comments and feedback summarised in this report are considered when staff formulates their recommendation to Council. This Open House Summary Report forms part of the staff report for Council's consideration. If Council proceeds with the application, they host a public hearing and make a decision on whether the proposed rezoning is reasonably consistent with Policy P-46G of the Lake Echo/Porters Lake Municipal Planning Strategy.

## Attachment A: Open House Handout

### Welcome!

Thank you for joining us for community open houses related to a rezoning application for a Construction & Demolition (C&D) Processing Facility. The purpose of the open houses is to share with the community information on the rezoning process; on how C&D facilities are regulated in the Municipality; and on the application itself. We also want to hear community comments on the rezoning application for a C&D Facility. The key question for the public consultation is whether the application meets policy criteria for the rezoning such as site conditions, separation from residential uses, site layout, buffering and traffic. The goal of the open house format is to provide an opportunity for as many members of the public as possible to provide input on the rezoning process. Planning staff as well as the applicant will be available to provide information, answer questions, and document community feedback.

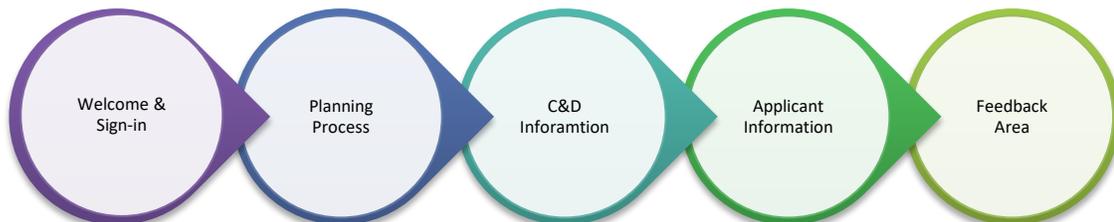
*In your opinion does the proposal meet the policy criteria for a rezoning to a C&D Materials Processing Facilities Zone?*

Your input will be used in drafting staff's recommendation for Council. All comments will be summarized and provided for Council's consideration. If Council wishes to proceed with the application, a public hearing will be held with additional opportunities for public comment. Everyone's ideas are valuable. We ask you to please:

- Participate fully in the process (i.e. ask questions and provide feedback)
- Demonstrate respect for others & let others be heard
- Provide feedback using during scheduled tours, on comment forms & posters, and at small group discussion tables

### Description of Today's Process...

You can participate on scheduled hourly tours of the open house, or on your own. The guided tour times are as follows: March 2, 2016 - 1:00pm, 2:00pm, 3:00pm, 6:00pm, 7:00pm and 8:00pm. March 5, 2016 – 1:00pm, 2:00pm, 3:00pm, 6:00pm and 7:00pm. You can provide comments in a variety of ways, and all comments will be captured by staff. The room is divided into 4 general areas:



## Case 19800 Q&A

### **What is the nature of the application?**

The Halifax Planning & Development Department has received an application by Kiann Management Limited to rezone 14.7 acres (a portion of the subject property) from the RE (Rural Enterprise) zone to CD-2 (C&D Materials Processing Facilities) zone to permit a Construction and Demolition Waste Processing Facility at PID 40740276 Highway 7, Porters Lake. The application is made under Policy P-46G of the Planning Districts 8 & 9 (Lake Echo/Porters Lake) Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

### **How are C&D Materials regulated in HRM?**

In 2001 Regional Council adopted a C&D Licensing By-law to regulate C&D operations. In 2002, as part of a Construction and Demolition Waste Management Strategy, Regional Council adopted amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws to recognize the unique land use requirements of the C&D industry and provided a consistent and comprehensive set of land use regulations through specific planning policy and zoning.

### **Will any decisions be made at the public open houses?**

No. The Harbour East-Marine Drive Community Council will make a decision on the rezoning application based on staff recommendation. If Council chooses to proceed, a formal public hearing will be held.

### **What is the overall planning process for this rezoning?**

Any new Construction and Demolition facility may only be considered by Council in areas designated industrial or mixed use. Council may consider the facility through the Rezoning process (a legal change to the by-law to permit an alternate type of development) and the Site Plan Approval process. All Construction and Demolition facilities in HRM are licensed and regulated under By-Law (L-200).

The rezoning process involves the following steps: an applicant submits a rezoning application; municipal staff reviews the application with the assistance of other agencies; staff lead a public consultation process on the application; staff submit a report to Community Council with a recommendation on the proposed rezoning; and Community Council, if it decides to go forward, holds a public hearing on the application and makes a decision on the proposed rezoning. The decision to rezone a property is based on whether or not the proposed rezoning is reasonably consistent with the intent of plan policy (Policy P-46G of the Lake Echo/Porters Lake Municipal Planning Strategy).

### **How can I receive updates on this project?**

Please sign-up to ensure you receive updates. If a public hearing is scheduled, residents living in a proximity to the site will be notified by a letter. Written comments can also be submitted to [clerks@halifax.ca](mailto:clerks@halifax.ca).

Attachment B: Sample Survey

# COMMENT FORM

## Proposed C&D Materials Facility (Case 19800)

Please tell us whether you think the proposal meets the following criteria for a rezoning to a C&D Materials Processing Facility.

### Site Conditions

- proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding

Yes  No  Don't know

Comments

## **Separation from Residential**

- separation of the proposed operation from surrounding residential development.
- extent and location of open storage with respect to abutting properties.
- scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments.

Yes  No  Don't know

Comments

**Site Layout:**

- the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, is appropriate

Yes  No  Don't know

Comments

**Buffering:**

- adequate buffering and screening measures, (berms, opaque fencing, and vegetation) to reduce any visual and/or noise intrusion to surrounding residential development.

Yes  No  Don't know

Comments

- traffic circulation or traffic hazards due to the nature or level of traffic created.
- safe access to and from the site from the abutting road
- traffic circulation or traffic hazards due to the nature or level of traffic created.

Yes  No  Don't know

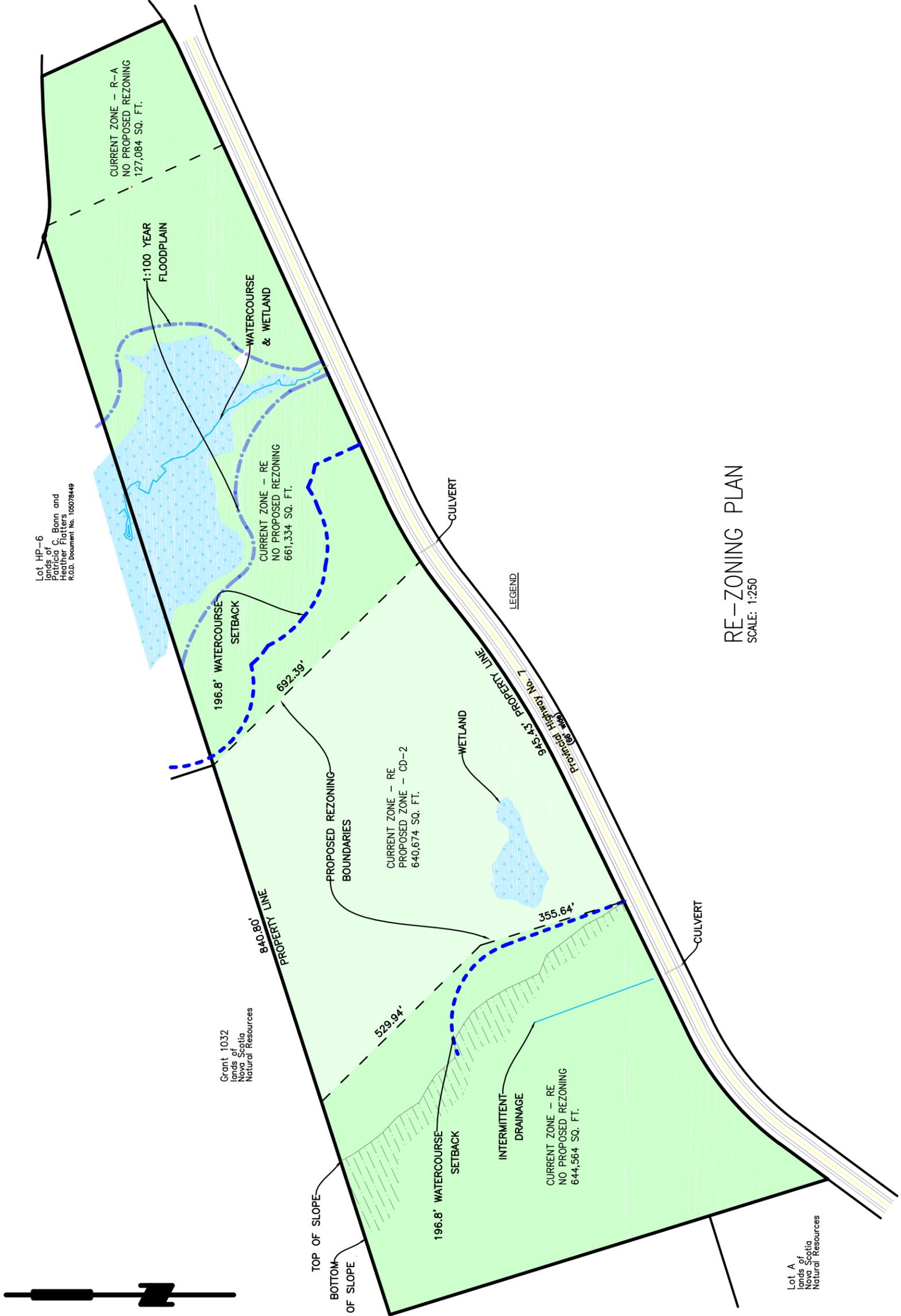
Comments

**In your opinion how suitable is the proposed site as location for a proposed C & D Processing Facility?**

- Completely suitable
- Suitable
- No opinion
- Not suitable
- Completely unsuitable
- Don't Know

Thank you!

# ATTACHMENT D - CONCEPT

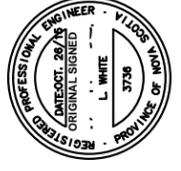


RE-ZONING PLAN  
SCALE: 1:250



**NOTES:**

1. ALL DESIGN, CONSTRUCTION, OPERATION & PROCESSING OF C&D-2 ZONED LAND TO BE IN ACCORDANCE WITH CURRENT FEDERAL, PROVINCIAL & MUNICIPAL BYLAWS, CODES, REGULATIONS & POLICIES REGULATING C&D-2 ZONINGS.
2. ALL SITE CONDITIONS & DIMENSIONS TO BE CONFIRMED ONSITE BY CONTRACTOR. ANY DISCREPANCIES TO BE REPORTED TO ENGINEER & RECTIFIED PRIOR TO PROCEEDING.
3. DRAWINGS ARE THE INTELLECTUAL PROPERTY OF SHERWOOD ENTERPRISES AND MAY NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE WRITTEN CONSENT FROM OWNER.
4. DRAWINGS INVALID FOR CONSTRUCTION UNLESS STAMPED & SIGNED BY ENGINEER.



Sherwood Enterprises Inc.  
38 Dillon Cres  
Halifax, NS B3M 4A8  
(902) 443-3020  
sherwoodinc@eastlink.ca

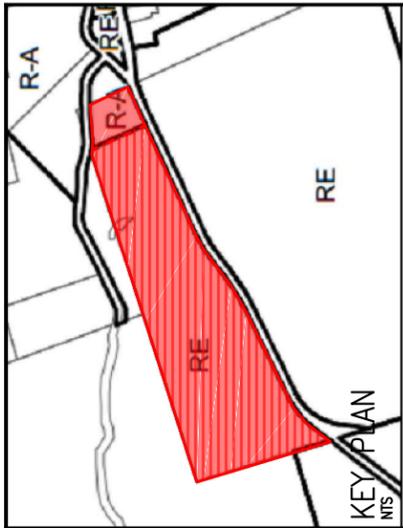
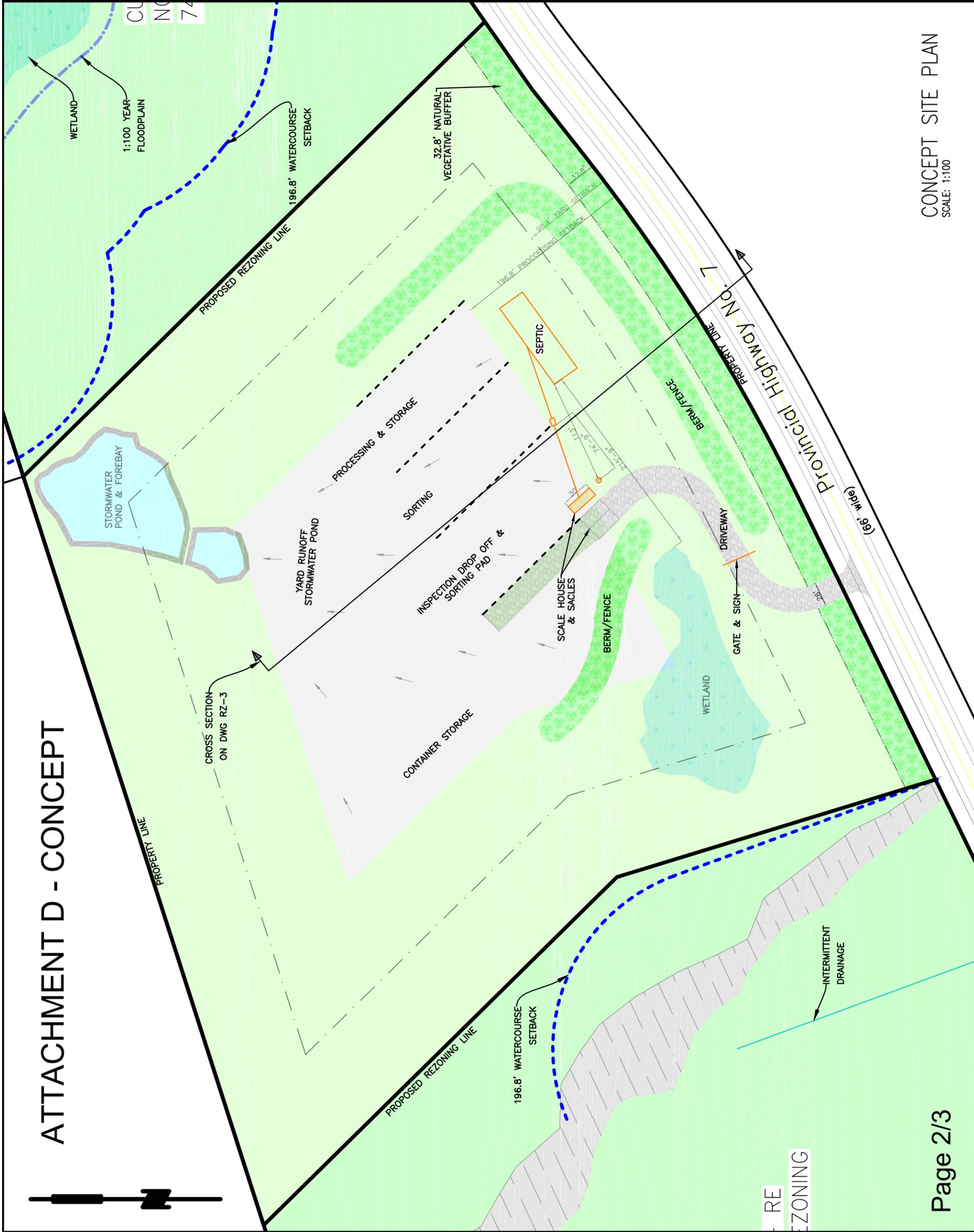
## KIANN MANAGEMENT LTD.

REZONING APPLICATION  
TO CD-2 ZONE

PID 40740276  
BLOCK 2 lands of  
KIANN MANAGEMENT LTD.

Scale:	IMPERIAL	Reviewed	L. WHITE
	AS NOTED	By:	
Drawn	J. WHITE	Job	N/A
By:		NO.:	
Date:	26-10-2015	DWG	RZ-1
		NO.	

# ATTACHMENT D - CONCEPT



**NOTES:**

1. ALL DESIGN, CONSTRUCTION, OPERATION & PROCESSING OF C&D-2 ZONED LAND TO BE IN ACCORDANCE WITH CURRENT FEDERAL, PROVINCIAL & MUNICIPAL BYLAWS, CODES, REGULATIONS & POLICIES REGULATING C&D-2 ZONINGS.
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REZONING APPLICATION  
TO CD-2 ZONE

PID 40740276  
BLOCK 2 lands of  
KIANN MANAGEMENT LTD.

Scale:	IMPERIAL	Reviewed By:	L. WHITE
	AS NOTED		
Drawn By:	J. WHITE	Job NO.:	N/A
Date:	26-10-2015	DWG NO.:	RZ-2

CONCEPT SITE PLAN  
SCALE: 1:100

# ATTACHMENT D - CONCEPT

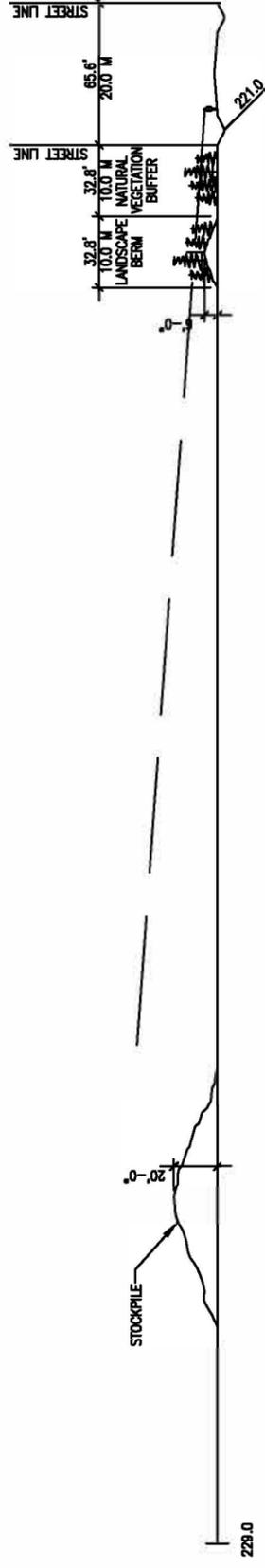
## CD-2 ZONE REQUIREMENTS

REQUIREMENT	PLANNING DISTRICTS 8 & 9 LAND USE BYLAW	PROPOSED
LOT AREA (FT <sup>2</sup> ) ONSITE SERIVES	40,000	640,674
LOT FRONTAGE (FT) ONSITE SERIVES	98.4	945.7
FRONT YARD (FT)	98.4	98.4
REAR YARD (FT)	98.4	98.4
SIDE YARD (FT)	98.4	98.4
MAX HEIGHT OF BUILDING (FT)	36	36
LOT COVERAGE* (%)	50	23.3
<b>PROCESSING SEPARATIONS - BUILDINGS, STRUCTURES &amp; AREAS</b>		
FROM ANY PROPERTY LINE (FT)	196.8	198.8
FROM NEAREST RESIDENTIAL DWELLING OR INSTITUTIONAL USE (FT)	295.3	~2,578 FT FROM PROPOSED REZONED AREA
FROM A WATERCOURSE (FT)	196.8	196.8
VEGETATION BUFFER (FT)	32.8	32.8

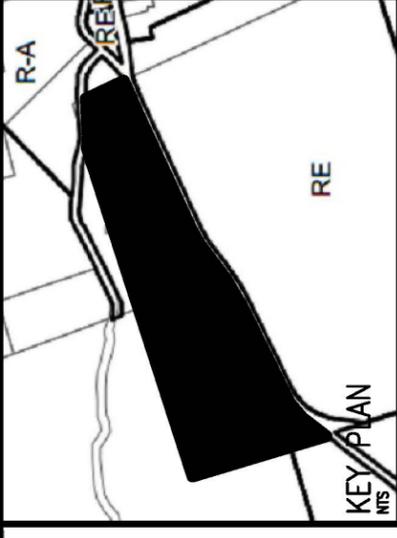
\*INCLUDES SHADED GREY AREA ON DWG RZ-2

EXISTING	
TOTAL AREA	2,073,656 FT <sup>2</sup>
RE ZONED AREA	1,946,572 FT <sup>2</sup>
R-A ZONED AREA	127,084 FT <sup>2</sup>

PROPOSED	
TOTAL AREA	2,073,656 FT <sup>2</sup>
CD-2 ZONED AREA	640,674 FT <sup>2</sup>
RE ZONED AREA	1,305,898 FT <sup>2</sup>
R-A ZONED AREA	127,084 FT <sup>2</sup>



CROSS SECTION  
SCALE: 1:80



### NOTES:

1. ALL DESIGN, CONSTRUCTION, OPERATION & PROCESSING OF C&D-2 ZONED LAND TO BE IN ACCORDANCE WITH CURRENT FEDERAL, PROVINCIAL & MUNICIPAL BYLAWS, CODES, REGULATIONS & POLICIES REGULATING C&D-2 ZONINGS.
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KIANN MANAGEMENT LTD.

Scale:	IMPERIAL	Reviewed	L. WHITE
	AS NOTED	By:	
Drawn	J. WHITE	Job	N/A
By:		NO..	
Date:	22-09-2015	DWG	RZ-3
		NO.	