



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

HM/A-24:36 – 354 Nash Road North, Hamilton

Recommendation:

Approve

Proposed Conditions:

1. That Variance 1 generally apply to a 0.35 hectare Waste Processing Facility for the receipt and processing of liquid soil from hydro-excavating trucks as shown on the Plans included in the Notice of Public Meeting for HM/A-24:36 and as approved through MECP Environmental Compliance Permit Number 5640-CYHM2T

Proposed Notes:



Development Planning:

Background

This application is tied to an application for Ministry of the Environment, Conservation and Parks, Environmental Compliance Approval (MECP ECA). Staff provided comments and conditions to the ministry and a report was heard at planning committee on September 6th, 2024, and the subsequent report was approved by the committee and an ECA Permit has been issued by the MECP. The application was tabled at the March 12, 2024, Committee of Adjustment Hearing pending more information related to land use compatibility and Council's direction on comments related to the Environmental Compliance Approval permit.

The application is in support of establishment of a Waste Processing Facility on the subject lands as a permitted use. The subject site is approximately 0.35 hectares in size. The site is to be used as a waste processing and transfer facility.

The proposal is to operate a liquid soil processing site to manage excess soils and slurry created from hydrovac equipment used to uncover utilities and conduct utility locates. The proposed operations will serve as a hydrovac slurry (liquid soil) processing facility that will receive a soil-water slurry from hydrovac trucks that have been used to support utility locates and subsurface utility investigations. The operations will involve prefabricated soil-water separation process equipment that can separate the slurry into three components; water, fines (silts and sands) and larger sized materials including gravels and small rocks (aggregates). The operation will process slurry and store the processed materials in separate uncovered areas of the site. The facility proposes to reuse the separated water for future hydrovac excavations, while redistributing the fines and aggregate materials for resale/reuse as permitted. The facility will not accept material suspected of being contaminated.

The following variance is requested:

1. A Waste Processing Facility shall be located on a lot being 249.0 metres from Residential and Institutional zoned lands whereas the by-law requires such use to be a minimum of 300.0 metres from a Residential and Institutional zone.

Staff recommend that the variance be amended to a separation distance of 270 metres as the nearest Residential and Institutional zone from the portion of the subject lands being used as a waste processing facility is ±275 metres.

The following variance was amended as recommended:



1. A Waste Processing Facility shall be located on a lot being 270.0 metres from Residential and Institutional zoned lands whereas the by-law requires such use to be a minimum of 300.0 metres from a Residential and Institutional zone.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Areas” on Schedule E – Urban Structure and designated “Industrial Land” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The lands are located within the Centennial Neighbourhoods Secondary Plan and is further designated as “Light Industrial” on Map B.6.7-1. A Waste Processing Facility is a permitted use in the land use designation.

The following policies apply:

“E.5.3 Employment Areas – Industrial Land Designation

The Employment Area – Industrial Land designation applies to older industrial areas of the City with a variety of industrial uses, many in older purpose-designed facilities on a variety of parcel sizes. These areas shall continue to play an important role accommodating traditional industrial uses and those which benefit from access to the Port of Hamilton.

Planning for this designation must be flexible to allow new employment uses and supporting uses through redevelopment and adaptation of existing structures, while ensuring that sensitive land uses are protected from noxious and incompatible impacts.

E.5.3.2 The following uses may be permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law:

e) waste processing facilities and waste transfer facilities

E.5.3.6.2 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for a Certificate of Approval for Waste Disposal site, as required under Part V of the Environmental Protection Act and/or any other applicable legislation for the approval of new waste management facilities or expansions or alterations to existing waste management facilities within the City of Hamilton.

E.5.3.6.3 Existing waste management facilities shall be recognized as permitted uses in the Zoning By-law.

E.5.3.7 Waste processing facilities and waste transfer facilities, including expansions,



shall be located a minimum of 300 metres from a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.

E.5.3.7.1 Notwithstanding Policy E.5.3.7 above, waste processing facilities and waste transfer facilities, including expansions, may be permitted within 70 metres to 300 metres of a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, subject to amendment to the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal Consultation, the Applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:

- a) The appropriateness of the proposed land use in relation to surrounding land uses;
- b) Mitigation of potential impacts to sensitive land uses, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
- c) On-site wastewater and storm water management measures.”

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned General Industrial (M5) Zone, which permits the use of a Waste Processing Facility provided it is located a minimum of 300.0 metres from a Residential and Institutional zone.

Analysis

Variance 1 as amended

1. A Waste Processing Facility shall be located on a lot being 270.0 metres from Residential and Institutional zoned lands whereas the by-law requires such use to be a minimum of 300.0 metres from a Residential and Institutional zone.

The portion of the property closest to the sensitive residential uses to the south, which is approximately 270 metres, is being used for administrative offices and staff washrooms. The portion of the site where the processing of the waste is occurring is approximately 350 metres from the existing sensitive uses to the south. The City’s Zoning By-law No. 05-200 requires that the separation distance be applied from the portion of the lands that are being used for a Waste Processing Facility and as the proposed administrative offices are supportive of the Waste Processing Facility use, staff have taken a conservative approach and considered it part of the use, thus triggering the requirement for the Minor Variance. Staff have reviewed the Plan of Operations and associated materials



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submitted with the Environmental Compliance Approval permit application and are satisfied that the four test for a Minor Variance under the *Planning Act* are being met.

In the determination of the appropriateness of the proposed reduction in the required separation distance, the following shall be analyzed and evaluated by the City per Policy E.5.3.7.1 of the Urban Hamilton Official Plan:

- a. The appropriateness of the proposed land use in relation to surrounding land uses;
- b. Mitigation of potential impacts to sensitive land uses, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
- c. On-site wastewater and storm water management measures.

The proposed operation is located within the interior of an existing industrial area and is surrounded on all sides by existing industrial uses. Accordingly, staff find that the proposed land use is appropriate in relation to the surrounding land uses as per policy E.5.3.7.1 a). The mitigation measures submitted by the applicant that addresses Policy E.5.3.7.1 b) and c) were analyzed through the Environmental Compliance Approval Permit process and are included below:

Traffic

The proposed facility is expected to receive a maximum of 25 hydrovac trucks per day, and it is anticipated that traffic in the area of the subject site will remain unchanged with the exception of incoming and outgoing hydrovac trucks that will not need to stop outside of the site boundary. Transportation Planning staff were circulated the proposed Environmental Compliance Approval permit for comment and had no concerns. They were also circulated on this Minor Variance Application. Staff defer any further comment to them.

Noise

The submitted Plan of Operations contained an analysis of the potential noise impacts generated by the proposal. The leased portion of the proposed operation is surrounded by industrial and commercial activities. The expected noise output from the processing equipment, hydrovac trucks, and associated activities is not anticipated to exceed the typical noise levels produced from the surrounding industrial and commercial operations. The operational hours are between 5:00 am and 10:00 pm, and noise occurring from hydrovac truck operations and moving materials within the site will be conducted within the hours of operations, mitigating isolated noise production from the proposed operations. The portion of the property closest to the sensitive receptors (residential) to the south (± 270 metres) is proposed to be used for staff offices, washrooms and parking, which are uses that do not generate significant noise. The portion of the lands being used for the processing of hydrovac truck slurry, which are the uses most likely to generate noise, is located over 350 metres from the existing sensitive receptors to the south. Furthermore, there is a major arterial road (Barton



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Street East) between the proposed operation and the existing sensitive receptors to the south, which would create a significant level of existing background noise.

Odour and Air Quality

The nature of the proposed operations will only accept liquid soil contents. Furthermore, the Plan of Operations document explains that shipments of slurry that are presumed to contain deleterious or foreign material outside of a typical soil-water complex will not be accepted at the facility. Since the proposed operations will only process water mixed with natural uncontaminated soils, extensive odour or adverse air quality impacts are not anticipated to occur at the site.

Dust

The potential for adverse impacts caused by fugitive dust is not anticipated due to low quantity of dust production expected from the proposed operations. The Plan of Operations document further explains that the possibility of dust production in warm, dry, and windy conditions may occur from the processed soils stored onsite as well as from the site's gravel surface. In such a situation where high production of fugitive dust persists, mitigation measures such as tarping and managing the height of the soil stockpiles to below the concrete walled partitions, as well as wetting the stockpiles and gravel surfaces, are expected to prevent adverse impacts.

Site Drainage

The overland flow of surface water on the site is expected to follow in accordance with the local topography of the immediate area. The expected direction of surface drainage is westerly to north-westerly, directed toward the portion of the subject property that is not leased. The surface drainage will flow to stormwater catch basins located on the unleased portion of the property, and along the City of Hamilton Road right-of-way. Development Engineering staff have reviewed the Environmental Compliance Approval permit application and had no concerns. Development Engineering staff were circulated on the subject Minor Variance and will identify any further concerns from a grading and drainage perspective.

Visual Buffering

The leased portion of the subject property is where the proposed operations will take place and it is expected to be fenced within the subject property. The leased portion is located at the rear of the subject property, away from the road right-of-way and sensitive land uses. The proposed operation will be partially screened from the street by the existing buildings located on the subject lands and will not be easily visible from the public right-of-way. Staff do not anticipate any visual impacts.

It should be noted that the proposed operation is regulated through an Environmental Compliance Approval permit, and the applicant will be required to operate in accordance with the approved Environmental Compliance Approval and the conditions of approval identified within the MECP



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permit. The scale of the proposed operation is relatively minor and occupies approximately 11% of the subject lands furthest from the public street, towards the interior of the site. Staff are satisfied with the information provided within the submitted Plan of Operations that the impact to sensitive land uses within 300 metres of the subject site will be appropriately mitigated.

Through the conditions of the MECP ECA application staff required that the applicant successfully obtain approval of the submitted Minor Variance Application. Based on the forgoing analysis staff recommend the **approval of the variance as amended**, as the variance maintains the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate development of the subject lands.

Zoning:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | |
| Notes: | 1. The lands are subject to Site Plan Control. |

Development Engineering:

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| Recommendation: | No Comments |
| Proposed Conditions: | N/A |
| Comments: | N/A |
| Notes: | N/A |

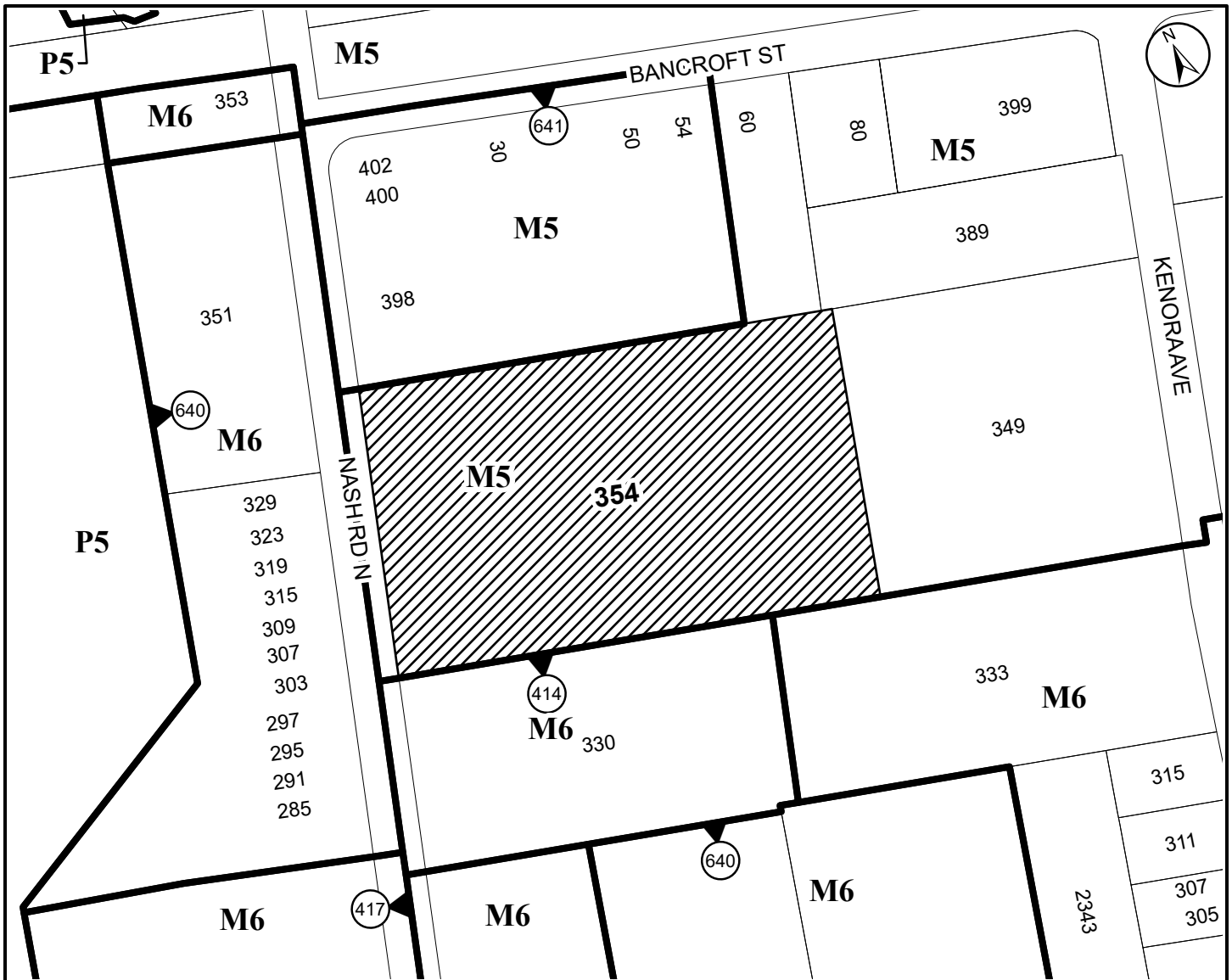
Building Engineering:

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|----------------------|-------------|
| Recommendation: | No Comments |
| Proposed Conditions: | |
| Comments: | |
| Notes: | |

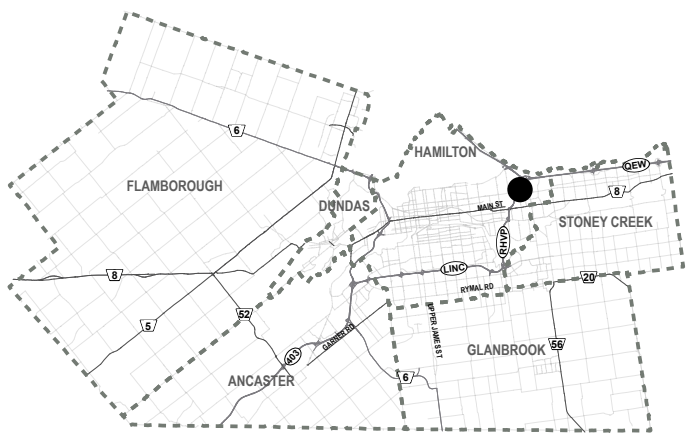
Transportation Planning:

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|----------------------|-------------|
| Recommendation: | No Comments |
| Proposed Conditions: | |
| Comments: | |
| Notes: | |

Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

354 Nash Road North, Hamilton (Ward 5)

File Name/Number:

HM/A-24:36

Date:

October 31, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton