

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-13	File(s): A290.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-22 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant an opportunity to attend a zoning compliance review with Staff.

Application Details

The applicant requests the Committee to approve a minor variance to allow the existing waste processing/transfer facility within 800m (approx. 2624.67ft) of a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum 800m separation distance of a waste processing/transfer facility to a Residential Zone in this instance.

Recommended Conditions and Terms

- Should Committee of Adjustment see merit in the application, staff recommend the following:
 - Waste materials may include non-anatomical biomedical waste in addition to the waste materials already permitted
 - There shall be no outside storage of any unprocessed or processed waste material on the subject property
 - A satisfactory updated Spill Response Plan must be submitted to the City

Background

Property Address: 2380 Haines Road

Mississauga Official Plan

Character Area: Dixie Employment Area

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Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-131 - Employment

Site and Area Context

The subject property is located in the Dixie Employment Area, northeast of the Cawthra Road and Queensway East intersection. Immediately surrounding the property are other employment uses to the north, south, east and west. The broader area, identified to be north of the Queensway East, is largely dominated by employment uses. South of the Queenway East, there is a utility corridor followed by a residential neighbourhood, which is located approximately 250m from the subject property.

Currently the site is permitted to operate as a waste processing/transfer facility. Any new material to be processed at the facility would require a new variance for minimum separation distance to a residential zone.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject property is designated Business Employment and is located within the Dixie Employment Area in the City of Mississauga Official Plan (MOP), which permits a waste processing station, a waste transfer stations and composting facilities.

Planning Staff note that the Committee previously approved minor variance applications for a waste processing/transfer facility within 800 m of a residential zone on the subject property, under files A386/13 and A66/14, which were supported by Planning Staff. The Committee approved application A386/13 subject to the waste processing facility being limited to processing of wire and cable material. File no. A66/14 was submitted because the property was sold and the new owner's proposed waste processing activities didn't align with Committee's previous condition which limited the facility to only wire and cable processing and rendered the previous variance null and void.

The owner of the subject property is now proposing to expand the range of waste materials being processed at this facility to include non-anatomical biomedical waste in the existing buildings on the subject property. To process this new waste stream, a new technology will be integrated within the existing facility, which converts non-anatomical biomedical waste into "sterilized fluff" to be resold, recycled or landfilled at a ministry approved landfill site.

The new technology uses heat and friction to break down the materials and emits a small amount of clean condensation that is captured before going down the drain. Furthermore, the new technology will not generate any additional air emissions, odours, or noise.

With regards to the variance, the intent of the zoning by-law regulations regarding the separation of waste processing facilities from other sensitive land uses is to ensure that the operation of the use does not create any negative impacts on nearby sensitive areas such as noise or odour. According to the applicant's agent, the new technology will not generate any air emissions resulting in additional odours. Furthermore, given that additional employment uses and a major roadway is situated in-between the subject property and the residential zone; and recognizing that the operation is a permitted use within a business employment area, Planning Staff are satisfied that the intent of the zoning by-law is maintained in this instance.

It is important to note that previous Committee decisions prohibited outdoor storage of materials. During a site visit on the property, Staff noted the presence of nine waste bins on the property. This appears to be in contravention to the conditions imposed by the committee associated with the previous variances and may require further relief.

It is Staff's opinion that the proposed use of the property is consistent to the surrounding area and that the new proposed use of the property will not impact nearby residential areas. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note additional variances may be required to address the outdoor storage onsite.

Conclusion

Based on the preceding information, the City recommends that the application be deferred to allow the applicant an opportunity to attend a zoning compliance review with Staff.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note for Committee's reference that the applicant for this Minor Variance is also currently in the process of making a proposal to the MECP for an Environmental Compliance Approval to add a biomedical, non-anatomical waste. These materials are intended for recycling once they are processed. This proposal is currently under review by the members of the internal technical review committee for comments and concerns to be provided to the MECP on the proposed additional process and waste type. One of the initial comments that the City has provided to the proponent, the MECP and the Region of Peel is the provision that an updated spill plan to reflect this change in operations be provided to Environmental Services. Other specific issues raised by the review team are also to be resolved so that final comments on the proposal can be provided to the MECP from the Commissioner of Transportation and Works.

Therefore, with regards to storm water quality and management, the Applicant is to update their existing Spill Response Plan to reflect the new process with the additional non-anatomical, bio-medical waste stream. The Applicant is to provide a copy of the updated plan to the City.

(Contact: Trevor Swift, Environmental Coordinator, Storm Sewers – Environmental Services 905-615-3200 ext. 8358).

We ask that the application be **deferred** until such time as the applicant has provided the required plan all required parties have had a chance to review and comment.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate application under file 19-9331. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Marco Palermo

Appendix 3 – Parks, Forestry & Environment

N/A

Appendix 4 – Heritage

N/A

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Appendix 6- Conservation Authority Comments

N/A

Appendix 7 – Trans Northern Pipeline Inc

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with the Committee of Adjustments Agenda relating to a minor variance to allow the existing waste processing/transfer facility within 800m (approx. 2624.67ft) of a Residential Zone. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the property northeast and adjacent side to the proposed development relating to 2380 Haines Rd.

TNPI has no concerns with the proposed development as it is outside of the Prescribed Area (30m) and outside of our right-of-way. Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- *(a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*

- **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

If there is to be development (not discovered in this review) within the 30 metres prescribed area additional steps will be required. Additionally, should the applicant propose to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Sandrine Exibard-Edgar, Team Lead, Property Administrator via email at : crossingrequestseast@tnpi.ca.

Comments Prepared by: Renee Flowerday, Property & Right of Way Administrator