**SUBJECT:** Application for a Change in Zoning for a Portion of Lands Located on Part of Lot 47, Concession 3, Part 1, Registered Plan 62R-2119 – Southcote Road (Ancaster) (PED06406) (Ward 12)

**RECOMMENDATION:**

That approval be given to Zoning Application ZAR-06-58, 1520896 Ontario Inc. (c/o Gilbert DiGregorio), owner, for a change in zoning from the Residential “R4-516” Zone to the Public “P-552” Zone to permit the relocation of a sanitary wastewater pumping station on Lot 86 and part of Lot 87 of Draft Plan of Subdivision 25T200401 “Southcote Woodlands”, for lands located at Part of Lot 47, Concession 3, Part 1, Registered Plan 62R-2119 (Ancaster), as shown on Schedule “A” of Appendix “D” to Report PED06406, on the following basis:

(a) That the subject lands be rezoned from the Residential “R4-516” Zone to the Public “P-552” Zone.

(b) That the draft By-law, attached as Appendix “D” to Report PED06406, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
EXECUTIVE SUMMARY:

The applicant has submitted an application for a change in zoning to permit the development of a sanitary wastewater pumping station on Lot 86 and part of Lot 87 of Draft Plan of Subdivision 25T200401 “Southcote Woodlands”, as shown on Appendix “B”.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, and conforms with the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan and the Garner Neighbourhood Secondary Plan. The proposal is compatible with the existing and planned development in the area, and the pumping station is in a location that will more adequately serve the future development of the Garner Neighbourhood.

BACKGROUND:

Proposal

The applicant has applied to change the zoning for a portion of lands within Draft Plan of Subdivision 25T200401 “Southcote Woodlands” in order to facilitate the development of a sanitary wastewater pumping station to serve the proposed development and surrounding lands in the Garner Neighbourhood. The new pumping station will replace the existing one on Harmony Hall Drive (see Appendix “B”).

The applicant has requested that Lot 86 and part of Lot 87 be rezoned from the Residential “R4-516” Zone to the Public “P-552” Zone to permit the sanitary wastewater pumping station. The uses permitted in the Public “P” Zone include water treatment, pumping and storage facilities, sewage pumping treatment facilities, work yards, municipal offices, libraries, fire halls, post offices, police stations and other such similar uses.

The applicant has requested modifications in the minimum yard requirements of the Public “P” Zone to accommodate the proposed pumping station. The modifications include reductions in lot line setbacks from 9 metres to 2.7 metres for all lot lines.
adjacent to the Public Open Space “02” Zone, and from 15 metres to 9.5 metres for all lot lines abutting a Residential Zone. All other provisions of the Public “P” Zone are to still apply.

Details of Submitted Application


Owner/Applicant: 1520896 Ontario Inc. (c/o Gilbert DiGregorio).

Agent: The Odan Detech Group Inc. (c/o John Krpan).

Description: Frontage: 18 metres (Street “C” – see Appendix “B”).
Depth: 30.17 metres.
Area: 544.4 square metres.

Existing Land Use and Zoning

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<tr>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands:</td>
<td>Vacant</td>
<td>Residential “R4-516” Zone</td>
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<td>Surrounding Lands:</td>
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<td>North</td>
<td>Vacant and Residential (Single Detached Dwellings)</td>
<td>Residential “R4-514” &amp; “R4-516” Zones and Existing Residential “ER” Zone</td>
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<td>East</td>
<td>Vacant and Residential (Single Detached Dwellings)</td>
<td>Residential “R4-516” Zone, Public Open Space “02” Zone and Agriculture “A-216” Zone</td>
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<tr>
<td>South</td>
<td>Vacant</td>
<td>Public Open Space “02” Zone, Residential “R4-517” Zone, and Residential Multiple “RM2-515” Zone</td>
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<tr>
<td>West</td>
<td>Vacant</td>
<td>Public Open Space “02” Zone and Residential “R4-516” Zone</td>
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ANALYSIS/RATIONALE:

Circulation of the proposed application to various City Departments and outside agencies resulted in no significant issues with respect to the zone change. Planning staff’s evaluation of the proposed application is set out below.

1. This proposal has merit and can be supported for the following reasons:

   (i) The change in zoning is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan, the Ancaster Official Plan and the Garner Neighbourhood Secondary Plan.

   (ii) The proposal is compatible with existing and planned development in the Garner Neighbourhood.

   (iii) The proposed change in zoning would allow for a better location for the pumping station that would more adequately serve the surrounding area.

2. The applicant submitted a preliminary site plan with their application (see Appendix “C”), which has been reviewed against the standard requirements of the Public “P” Zone. The Public “P” Zone requires minimum yards for the location of buildings or structures of 9 metres from any lot line, or 15 metres from a Residential Zone. However, the applicant is proposing a minimum setback of 2.7 metres from the Public Open Space “O2” Zone (south and east lot line) and 9.5 metres from the Residential “R4-516” Zone (north lot line). The Public “P” Zone’s standard setback of 9 metres from the front lot line will still apply.

   The purpose and intent of the By-law is to require minimum yard setbacks in order to maintain building separation for noise and odour and to provide space for maintenance and drainage. Staff is satisfied that the reduction will not significantly impact building separation for noise and odour as appropriate mitigation measures and building design will be incorporated into the site plan approval. Adequate space for maintenance and drainage will also be maintained. The proposed rezoning reflects these modifications.

3. As a result of a preliminary circulation of the zoning application to all residents within 120 metres of the subject property two written responses were received, attached as Appendix “E”. The letters raised concerns over the costs and capacity of the pumping station, the type of station and life expectancy, location, odours, noise, visual impacts, maintenance and monitoring and the area that the pumping station is going to service. These issues are discussed below:
Capacity of the Pumping Station

Although it would be desirable to service all lands between Southcote Road and Highway No. 6, the reality is that due to the downstream capacity constraints the City will not be able to drain all of the lands in the Garner Neighbourhood into the new pumping station at this time without downstream upgrades. However, as a result of the recent City Wide Master Plan for the Lake Based Systems and the GRIDS process, Water and Wastewater staff is reviewing the extent of the downstream upgrades that are required and assessing what is the most efficient plan.

Pump Station Location

The existing location and other areas within the subdivision lands were analyzed. The location of the new pumping station was derived from the surrounding topography within the proposed development and the proximity to a suitable gravity sanitary sewer outlet.

Cost Associated with the Pump Station

The proposed sanitary wastewater pumping station will replace the existing pump station on Harmony Hall Drive. The costs will be shared by the City and the developer based on the amount of flow contributed to the facility by the new development and existing development. A recent condition assessment of the existing facility identified the need for significant repair/upgrade and this arrangement will significantly reduce the impact to the capital expenditures required to repair the existing station.

As previously indicated, staff is determining what the downstream upgrades are in order to service the entire area between Highway No. 6 and Southcote Road. If it is determined that the upgrades are not extensive, then the intent would be to direct all flow in the area to the proposed pumping station. Therefore, the pumping station would be constructed in phases, with Phase 1 being sized to service the Southcote Woodlands Subdivision, and Phase 2 being sized for the remaining lands in the catchments for the pumping station which would trigger the downstream sewer upgrades. In the City Wide Water and Wastewater Master Plan, an estimate of $3 million was included, however, this estimate reflected the ultimate size for the build out.

The annual operating costs for pumping stations are recovered through sewer use rates spread over the whole the City from the users connected to the sewage system.
Noise and Odours

Pumping stations are designed in accordance with City and Provincial design guidelines to mitigate noise and odours and require a certificate of approval from the Ministry of Environment.

Construction of the Pump Station

The pump station will be both a lift station which will convey the wastewater to the gravity sewer via a forcemain. The design of the pump station will be done in accordance with the City of Hamilton design standards which include systems for redundancy and monitoring. Design guidelines are also in place for pumping stations, complete with a back up pump, stand-by power, monitoring and alarm systems to reduce the risk of basement flooding and other disturbances. To reduce the visual impact of the pump station, proper urban design will be looked at through the Site Plan Approval process.

Life Expectancy of a Pump Station

The estimated life expectancy of a pumping station varies depending upon what part of the station is being reviewed. The structure is expected to last 30 to 50 years depending on what construction method is used (i.e. cast in place, pre cast, etc). The pumps could last anywhere between 10 to 20 years depending upon the type of pump (i.e. submersible, dry pit, etc), while the electrical works (Motor Control Centre) could last anywhere between 10 to 20 years depending upon the environment in which it is installed and whether or not additional load is added to the system.

Maintenance Access and Noise Associated with the Pumping Station

City operations staff inspects all of the pumping stations within the City of Hamilton’s boundaries and, under normal circumstances, the visits are done on a weekly basis. Typically, operations staff uses a pick up truck to conduct their site visits and exercise the pumping stations generators for 30 minutes, once a month, during normal working hours, Monday through Friday. A Certificate of Approval is required from the Ministry of Environment for the generator, which reviews both air emissions and noise to ensure their regulations are being met.

Environmental Assessment

As the sanitary wastewater pumping station is within a proposed plan of subdivision (“Southcote Woodlands”), it is considered as a Schedule A in the Municipal Environmental Assessment Class EA, which is considered to be a pre-approved project. The proponent (developer) may proceed without following the procedures set out in the Municipal Class EA.
Contingency Plan to Handle Sewage Bypass

The City has “Standard Operating Procedures”, which include what to do in the case of an emergency. All outstations are connected to the control room at the Woodward Wastewater Treatment Facility and there are alarms programmed into the Supervisory Control and Data Acquisition (SCADA) system which alert the operator on duty if a preset parameter is exceeded. The City requires that there is a duty operator in the control room 24 hours a day, seven days a week.

4. While a conceptual plan of the proposed sanitary wastewater pumping station has been prepared (see Appendix “C”), Site Plan Approval will be required. During this process, the precise location and design of the control service building, wet well, service chamber, access, parking area, landscaping and buffer strips will be reviewed to ensure compliance with the proposed Public “P-552” Zone. In addition, if the Conservation Authority in their review of the proposed plan determines that a greater setback from their regulated area is required, it will be dealt with at the site plan approval stage.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, then the applicant has the option of upgrading the existing sanitary wastewater pumping station on Harmony Hall Drive so that the approved draft plan of subdivision “Southcote Woodlands” can be adequately serviced and developed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement (PPS)

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with Policy 1.6 of the PPS, which directs infrastructure and public service facilities to urban areas.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal
services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As the nature of the application is for a change in zoning to facilitate the construction of a sanitary wastewater pumping station to service the proposed “Southcote Woodlands” Draft Plan of Subdivision, where full municipal services are available, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

Ancaster Official Plan

The subject lands are designated as “Residential” on Schedule “B” Land Use – Urban Area in the Ancaster Official Plan. Policy 4.4.1 indicates that lands designated “Residential” shall:

“…be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains). Other uses which are considered necessary to serve the needs of the residents may also be permitted such as schools, parks, community centres, churches, day nurseries, and public utilities.”

The proposal conforms with the “Residential” designation as it is for the establishment of a public utility (sanitary wastewater pumping station) to facilitate the development of a draft approved plan of subdivision.

Garner Neighbourhood Secondary Plan

The subject lands are designated as “Low Density Residential 2” within the Garner Neighbourhood Secondary Plan. The Secondary Plan sets out the infrastructure requirements and development standards to guide the development of these lands, while protecting the natural and historic resources in the Garner Neighbourhood.

Policy 6.4.9.1 - “General Infrastructure Services” indicates that the Garner Neighbourhood shall be developed on the basis of full municipal services including piped water, sanitary sewers and storm drainage facilities.

In addition, Policy 6.4.9.2. - “Sanitary Sewer Policies”, outlines that servicing shall be through the regional system; the design of the sanitary sewer system shall be based on gravity flow; and a Master Servicing Plan may be prepared to identify detailed design requirements, phasing and the cost of providing sanitary sewers in the Garner Neighbourhood.

In this regard, the relocation of the sanitary wastewater pumping station to the subject location will provide sanitary service to the proposed development and surrounding area, and be located in an area to best serve the Garner Neighbourhood based on the Master Servicing Plan for this area. Therefore, the general purpose and intent of the
RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Operations and Maintenance Division, Traffic Planning Section.
- Public Health and Community Services Department – Environmental Health Section.
- Corporate Services Department – Revenues Division.
- Corporate Services Department – Budgets and Finance Division.
- Assessment Department.
- Hamilton Emergency Services.
- Hydro One Networks Inc.
- Union Gas.

Hamilton Conservation Authority (HCA)

Hamilton Conservation Authority has advised that they have no objection to the rezoning for the pumping station, that the subject property is located within an area regulated by the Authority, and that the proponent will require a permit from the Conservation Authority for the construction of the pumping station.

Public Works Department, Strategic and Environmental Planning

Strategic and Environmental Planning staff has advised that as the pumping station is within a proposed plan of subdivision it is considered a Schedule A in the Municipal Environmental Assessment Class EA, which is considered to be a pre-approved project. The proponent may proceed without following the procedures set out in the Municipal Class EA provided the pumping station, local roads and stormwater management pond will be built as a condition of the plan of subdivision. The draft plan approval requires this.

Public Works Department, Water and Waste Water Division

Water and Waste Water staff has advised that they have no objection to the proposed rezoning application and provided comments to address the concerns outlined in the letters received from the abutting property owners (see Appendix “E”). The detailed comments have been provided in the Analysis/Rationale Section of the report.

Ministry of Transportation (MTO)

The Ministry of Transportation has advised that the proposed development falls with the MTO’s permit control area and will require MTO review and approval.
Ministry building/land use permits will be required for all buildings and structures within 46 metres from the Highway 403 property limit, 396 metres from the intersection of Highway 403 and Highway’s No. 6 and 403 and Southcote Road. Subsequent requests will require the applicant to submit a site and survey plan for MTO review and approval.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was circulated to ninety-five property owners within 120 metres of the subject lands and a sign was posted on the site. Two written responses were received as a result of the preliminary circulation, attached as Appendix “E”, with concerns over the costs and capacity of the pumping station, the type of station and life expectancy, location, odours, noise, visual impacts, maintenance and monitoring and the area that the pumping station is going to accommodate. These concerns have been addressed in the Analysis/Rationale Section of report.

Notice of the Public Meeting for this rezoning application will be circulated to property owners within 120 metres of the subject lands and through a sign posted on the property in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes □ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes □ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes □ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?
☑ Yes □ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
□ Yes ☑ No

:JT
Attachs. (5)
Appendix “A” to Report PED06406

ER

Block 1

Block 2 – Area to be rezoned from the Residential “R4-516” Zone to the Public “P-552” Zone (Lot 86 and Part of Lot 87 “Southcote Woodlands” Draft Plan of Subdivision 25T200401 (Ancaster)).
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located within Part Lot 47, Concession 3,
Part 1, Registered Plan 62R-2119

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the provisions of the Planning Act;

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Map 1 to Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Residential “R4-516” Zone to the Public “P-552” Zone, the lands the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

   P-552

   That notwithstanding any provisions to the contrary of Subsection 31.2 – Regulations of Section 31: Public “P” Zone of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “P-552”:

   Regulations:

   (a) Minimum Yard Requirements

   No building or structure shall be used or erected within 2.7 metres of the southerly and easterly lot lines, 9 metres from the westerly lot line and 9.5 metres from the northerly lot line.

   (b) All other provisions of Zoning By-law No. 87-57 as applicable to the Public “P” Zone shall apply.

3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

   PASSED and ENACTED this day of , 2006.

__________________________________________  ________________________________
MAYOR                                      CLERK

ZAR-06-58
This is Schedule "A" to By-Law No. 06—
Passed the.................. day of ....................., 2006

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Clerk

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Mayor

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Schedule “A”

Map Forming Part of By-law No. 06-_____

to Amend By-law No. 87-57

Subject Property

Change in zoning from the Residential "R4-516" Zone to the Public "P-552" Zone (Lot 86 and Part of Lot 87 "Southcote Woodlands" Draft Plan of Subdivision 25T200401)
Sent: August 13, 2006

RE: Comments on Preliminary Circulation
Zoning Amendment Application ZAR-06-58
412 Southcote Road (Ancaster) Ward 12
Your File: ZAR-06-58
Our Ref: 04168

Dear Sir:

We refer to the above referenced application. As you are aware, we represent the Alaqua subdivision development in regards to engineering matters. You have spoken previously with Lorelei Jones who is the planner for Alaqua. Ms. Jones is currently on vacation.

The Alaqua subdivision development, as well as the existing 4 lots fronting Southcote Road are contributory to the drainage shed being serviced by this proposed sanitary sewage lift station. We wish to confirm that the sanitary sewage lift station and collection piping is being adequately sized to accommodate our client's lands.
Can you please advise?

We also wish to confirm that all proposed downstream facilities are being appropriately sized to accommodate our client's lands in regards to water and storm facilities as well as sanitary.

We appreciate being advised on this matter. We understand we will be informed of the public meeting date and will receive a copy of the staff report prior to the meeting.

In the interim if any matters are not clear, please do not hesitate to call.

Yours very truly

Douglas R. Barker, P.Eng.
Consulting Engineer
Tuesday, August 22, 2006

Jason Thompson, Sr. Development Planner

Re: Southcote Woodlands Zoning Application ZAR-06-58

1. Will this replace the existing pumping station and if so who will pay for the decommissioning cost?

2. Will the capacity of this pumping station accommodate future development (MTO property)?

3. Since the existing station is adequate to support the Harmony Hall subdivision. Will the developer be paying the total cost of the new station less the cost of the future development capacity or will taxpayers be paying for the Harmony Hall capacity we already own?

4. Is this a force main or lift station?

5. Where there alternate locations proposed and what was the location of each?

6. What is the estimated capital cost and annual operating / maintenance cost of each proposal?

7. What was the reason this site was chosen?

8. What is the life expectancy of a pumping station?

9. Will the annual operating cost be levied on Flat Rate Sewage Pumping Station charge for the only the residents using the pumping station or will the cost be spread over the entire tax base?

10. What controls are in place to eliminate odors?

11. What controls are in place to eliminate operational noise?

12. Will there be systems in place for redundancy and monitoring?

13. How will the facility be constructed to reduce visual impact to the neighborhood i.e. a concrete block building that looks better in an industrial park setting than a residential street?

14. Has any thought been given to future maintenance access onto a quiet residential street and the maintenance noise associated to the facility i.e. vacuum truck, monthly stand-by generator testing? Most pumping stations I have seen are located on arterial roads or on the fringe of the development.

15. Apparently the existing station once caused a back up in to some local homeowner’s basements. What controls will be in place to eliminate the risk to of basement flooding. With the new “up to” $750 per flood offered under the city’s disaster relief assistance program for basement flooding, once is more than enough.

16. Because of its proposed location next to the Ancaster creek, has an environmental assessment been completed?
17. Does the city have a contingency plan detailing the procedures to handle sewage bypass and the mitigation measures to be taken to reduce the likely environmental impact should sewage bypass be unavoidable?

The main point here is that the operation and maintenance of this type of facility is a burden on our tax dollars. This development will cost the taxpayers money. The developer may have contributed to the construction of the facility and the increased tax base from the new homes built will contribute to the operating cost, but let’s face it... The city is struggling to keep up with the maintenance and replacement of its crumbling low tech, gravity sewer infrastructure. Supporting this type of the infrastructure with the ever-increasing cost of energy and the eventual replacement of this facility will haunt city taxpayers for years. While there may not be an alternative to using a pumping station in this instance, the city should seriously consider how this type of high cost infrastructure will be supported in the future or limit the development of land where the cost of infrastructure is high. From the environmental perspective... what kind of message do we send out when we allow a raw sewage pumping station to be built next to a creek? It’s not hard to find evidence of pump stations around Ontario that have failed and left wake of environmental damage. As far as the process goes, notifying a small group of residents to a zoning change to accommodate a sanitary wastewater pumping station doesn’t really tell the full story. Taxpayers need to understand what the real cost of development is and the potential impact on our environment.

Respectfully,

Paul Graham
416 Southcote Rd.
Ancaster, Ontario