

---

# HALDIMAND COUNTY

## Report PDD-29-2019 Zoning By-law Amendment to Permit an Institutional Use – DeBoer Acres



For Consideration by Council in Committee on October 29, 2019

---

### OBJECTIVE:

To consider a proposal to amend the Town of Haldimand Zoning By-law 1-H 86 to rezone lands to 'Rural Institutional' (IR) to permit the establishment of a new church.

### RECOMMENDATIONS:

1. THAT Report PDD-29-2019 Zoning By-law Amendment to permit an institutional Use – DeBoer Acres be received;
2. AND THAT application PLZ-HA-2018-168 to amend the Town of Haldimand Zoning By-law 1-H 86 to rezone lands from Agriculture (A) and Hamlet Residential (RH) to Rural Institutional (IR) Zone be approved for reasons outlined in Report PDD-29-2019;
3. AND THAT the Zoning By-law attached to Report PDD-29-2019 be presented for enactment;
4. AND THAT the proposal is deemed to be consistent with Provincial Policy Statement 2014 and the Provincial Growth Plan.

**Prepared by:** Justin Miller, Planner

**Respectfully submitted:** Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

An application has been received to amend the Town of Haldimand Zoning By-law 1-H 86, by rezoning lands from 'Agriculture' and 'Hamlet Residential' to 'Rural Institutional (IR)'. The application is required to allow the construction of a proposed church within the Hamlet of Sweets Corners. The proposed IR Zone permits a place of worship, including a church. Although not all of the lands to be rezoned are contained within the current hamlet boundaries of Sweets Corners, recent changes to the Provincial Growth Plan allow for minor rounding out of settlement boundaries to accommodate developments such as the subject proposal. In staff's opinion, these Provincial policy changes allow for interpretation of the County's Official Plan (without need for an amendment) and the rezoning for the proposed church to proceed.

Should Council approve the proposed zoning by-law amendment, the applicants will go through a boundary adjustment application to convey lands from the farm parcel (5365 Rainham Road on Attachment 1) to the existing lot fronting on Rainham Road (5353 Rainham Road on Attachment 1). The total size of the enlarged parcel would be 1.04 hectares (2.6 acres) of which approximately half would be brought into the settlement boundary as noted above. The subject lands are also under site plan control and the proposed church will need to move through the site plan process, which will include

a detailed review of the proposed church and its required services, grading/drainage, parking arrangements, lighting, etc.

Staff has reviewed the proposed zoning amendment on the subject lands against Provincial and County policy frameworks and the principle of land use is consistent with each. Planning staff recommends approval of this proposal for the reasons set out within this report.

## **BACKGROUND:**

The proposed zoning amendment is required to permit the construction of a new church. To facilitate development of the institutional use, this proposal will rezone the subject lands from 'Hamlet Residential' and 'Agriculture' to 'Rural Institutional', which permits a place of worship, including a church.

The proposed church, which is to be located on land on the north side of Rainham Road, is intended to replace an existing church located almost immediately south also on Rainham Road. The current church to the south of the subject lands does not meet modern standards for accessibility, washrooms or kitchen, and sits on a property that is constrained (undersized) and not able to be enlarged. The existing church also does not meet the needs of the growing congregation. The proposed church on the north side of Rainham Road is intended to have a capacity of 275-300 people and will be serviced by a private septic system and well. The proposed church has also left open the possibility of providing daycare for the rural community. Preliminary plans show the proposed church as a 1 level church with an area of 634.4 m<sup>2</sup> (6,830 ft<sup>2</sup>).

The subject lands are located on the north side of Rainham Road, east of the intersection of Sweets Corners Road and Rainham Road. The site is legally described as Part Lot 19, Concession 2, Rainham, part of 5365 Rainham Road and 5353 Rainham Road. A general location map can be found in Attachment 1, with the overall lot configuration being shown in Attachment 2 (the owner's sketch).

As part of the application submission, the agent has provided a functional servicing brief to provide a high-level analysis showing that private servicing, and appropriate grading/stormwater management can be located within the proposed site plan. A more detailed analysis will be required during the site plan approval process.

## **ANALYSIS:**

Planning staff have determined key planning issues related to this application. They are as follows:

### **Provincial Policy:**

#### ***Provincial Policy Statement***

The Provincial Policy Statement (PPS) 2014 directs growth and development to settlement areas and promotes the vitality and regeneration of those areas. The proposed rezoning is intended to allow a church to be established within an existing hamlet, provided there is some minor rounding out of that hamlet. The church will serve residents of the hamlet (Sweets Corners) and surrounding agricultural areas. The proposal generally complies with the PPS.

#### ***Provincial Growth Plan***

Places to Grow was also reviewed in relation to the subject application. The Growth Plan (2019), to protect prime agricultural lands, directs growth to existing settlement areas and encourages intensification to promote complete communities that are compact, vibrant and optimize infrastructure.

Recently, the Provincial Growth Plan has been amended to allow for minor rounding out of rural settlement areas outside of a municipal comprehensive review and need for amendment to an Official Plan. The impetus for this change is to recognize those situations where a development site within a hamlet settlement is constrained or slightly undersized and thus challenges in terms of accommodating an otherwise ideal land use. These types of situations can typically be remedied through a minor addition to a property that alleviates the constraint. In the past, this would not be permitted outside of a full update of a municipal Official Plan and an amendment of same. This change to the Growth Plan serves to streamline that process and allows for the minor addition to the settlement to create a developable property. The changes to the Growth Plan do set out safe-guards to ensure that the policy permissions are used in an appropriate manner which includes the need to meet a number of criteria which are set out below:

- a) The affected settlement area is not in the Greenbelt Area;

*Planning Comment:* The affected settlement area is not in the Greenbelt Area. No portion of Haldimand County is covered by the Greenbelt Plan.

- b) The change would constitute minor rounding out of existing development, in keeping with the rural character of the area;

*Planning Comment:* The northern area of the subject lands, not currently within the settlement boundary, and to be considered as “minor rounding out”, represents an area located immediately north and east of the Hamlet of Sweets Corners, is bound by built hamlet to the west and south, and bound by a watercourse/drain to the north and east: the subject lands, bound by the watercourse and existing built hamlet, logically round out the hamlet and are functionally bound by these existing features (Attachment 1). The proposed church will functionally round out the existing hamlet and is generally compatible with the surrounding residential uses. The needs of the existing church to expand, servicing the rural community in and near Sweets Corners, will see the existing church moving across the road to the proposed location within Sweets Corners.

- c) Confirmation that water and wastewater servicing can be provided in an appropriate manner that is suitable for the long-term with no negative impacts on water; and

*Planning Comment:* Sweets Corners is a privately serviced hamlet. For the long-term, private servicing is anticipated to remain the sole means of servicing the hamlet. No negative impacts to water are expected. As part of a complete application, the applicants have provided a high-level functional servicing report to demonstrate that the site can be developed without impacts to the adjacent watercourse. Further detail will be required at the site plan stage to confirm no impacts to the watercourse, including permission from Long Point Region Conservation Authority.

- d) Section 2 (Wise Use and Management of Resources and 3 (Protecting Public Health and Safety) of the PPS are applied.

*Planning Comment:* The rounding out to encompass the entirety of the subject lands will not have a negative impact on the wise use and management of resources or health and public safety. In particular, there is no functional impact to existing agricultural uses: the subject lands are currently vacant, have not been farmed in some time and a majority of the lands contains small trees. The lands are largely unfarmable due to the watercourse that separates these lands from the rest of the farmed agricultural area.

Planning staff are confident that the application does not conflict with the Growth Plan and that the proposal is consistent with the general intent of the Growth Plan.

## **County Policy:**

### ***Haldimand County Official Plan***

The subject lands are designated 'Hamlet' and 'Agriculture' within the Haldimand County Official Plan (OP). The Province's Growth Plan allows for minor rounding out of existing rural settlement areas, like the hamlet of Sweets Corners, and the 'Hamlet' designation allows for appropriately-scaled institutional uses. In this particular case, the Hamlet designation will be interpreted to extend to the additional lands to be added to the property. The authority for this interpretation comes from the implementation policies of the County's Official Plan which take guidance from the aforementioned changes to Provincial policy within the Growth Plan. As such, an individual, applicant filed Official Plan Amendment is not required and staff will complete the administrative change via an update to the OP.

Given the enlarged property will be wholly within the Hamlet boundary/designation, the following criteria are to be considered when reviewing proposed development:

- a) The traditional form of servicing in the Hamlet areas has been individual water services and on-site sanitary sewage systems designed and installed as per the *Ontario Building Code*;

*Planning Comment:* Preliminary site plan and servicing details have been provided, outlining the required space for on-site water and sanitary services. The plans have demonstrated functionality of these services in the context of the larger site development and existing soil/site conditions.

- b) The availability and provision of adequate stormwater management facilities and legal and adequate drainage outlets;

*Planning Comment:* Preliminary plans have been provided showing on-site stormwater management to legal stormwater outlets. Additional details will be required at the site plan approval phase.

- c) New development should be a logical extension of the existing built-up area;

*Planning Comment:* As described above in the Growth Plan portion of this analysis, the proposed development and expansion to Sweets Corners is a logical extension of the existing built-up area and is neatly bound by a watercourse/drain.

- d) In-depth development rather than linear development along roads is the preferred form of development in hamlets;

*Planning Comment:* The proposed development is 'in-depth', and utilizes the remaining space between the existing built hamlet and an exiting watercourse/drain.

- e) Provision shall be made at appropriate locations to permit access from main roads to second or third tiers of lots behind existing development;

*Planning Comment:* This criteria is not applicable. The proposed church will utilize all of the subject lands, and additional roads will not be required.

- f) Proximity to, and the potential impact on Natural Environment Areas, Hazard Lands and cultural heritage resources should be addressed; and

*Planning Comment:* Provided Long Point Region Conservation Authority (LPRCA) reviews and supports any stormwater outlet, there should be no impact to natural environment areas or Hazard Lands. Haldimand County's Forestry staff has also reviewed the application and has no objection to the proposal. The proposal has been reviewed against the Ministry of Culture Tourism and Sport's Criteria for Evaluation Archaeological Potential and the site does not appear to need any further assessment.

- g) The standard for separating residential uses from existing, new or expanding livestock facilities shall be the Minimum Distance Separation formulae.

*Planning Comment:* The proposed use is not a residential use, and no livestock operations were observed in the general area.

Institutional uses, including churches, are generally integrated parts of communities and are generally surrounded by the communities they serve. The proposed church will be surrounded by existing residential uses on two sides, and its location and scale is generally consistent with many other institutional uses throughout the County's rural settlement areas. The detailed site plan process to follow will insure that there is appropriate servicing, including drainage and stormwater concerns, and appropriate buffering, where needed from natural features and surrounding residential uses.

The proposed church is consistent with the 'Residential' designation of the Official Plan.

### **Town of Haldimand Zoning By-law 1-H 86:**

The subject lands are zoned 'Agriculture' (A) and 'Hamlet Residential' (RH) in the Town of Haldimand Zoning By-law 1-H 86. The intent of this proposal is to permit the creation of a church by rezoning lands to 'Rural Institutional' (IR). Following the rezoning, the applicants intend to apply to boundary adjust the subject lands to 5353 Rainham Road (also included in this rezoning) to provide adequate space to construct a church; at that time, Haldimand County will review the application through the site plan process to insure that suitable setbacks, parking, servicing, etc. exist to insure the functionality of the proposed church. At this time, no formal site plan submission has been made to the County. Preliminary site plans, provided during the County's pre-consultation process, have shown no proposed deficiencies.

### **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

### **STAKEHOLDER IMPACTS:**

Building and Municipal Enforcement Services – No objections.

Hydro One – No objections.

Long Point Region Conservation Authority (LPRCA) – It should be noted that a portion of the property is regulated by LPRCA, as such the property is prone to flooding and erosion during a storm event. LPRCA staff encourage all development, as defined in the *Conservation Authorities Act*, to be setback 15 meters from the watercourse, this includes any grading, parking lot or stormwater detention area. If it is not possible to locate greater than 15 meters from the watercourse, at a minimum all development should be located at least 6 meters from the watercourse. A permit from LPRCA is required for any works located within 15 meters of the watercourse.

*Planning Comment:* Preliminary site plans show parking areas within 15 metres of the watercourse. A permit, if obtainable, will be required from LPRCA prior to development. Through the detailed site plan process, modifications may be required to the proposed site layout to facilitate LPRCA permission.

Roads Operations – No objections.

Planning and Development (Development & Design Technologist) – No objections (review of detailed plans required for site plan approval).

Emergency Services – No objections.

Municipal Property Assessment Corporation – No objections.

Public Comments – The following public comments were provided as a written letter (Attachment 5) and submitted to the County. The written letter was provided to the applicant by the County for review and response, if desired; a response from the applicant is provided as (Attachment 6). The letter writer was encouraged to also attend the public meeting and provide his comments to the Committee.

- Desired parking lot light go off when church is not in use.

*Planning Comment:* Site plan approval process will require a photometric plan showing no light from church spilling on to adjacent properties. Lights turning off at a specific time would be an operational matter and could be controlled by the church through use of a timer.

- Concerns about exhaust from cars.

*Planning Comment:* Vehicle use at the church will be limited to regular church activities (e.g. weekly service, church meetings, study groups), and no negative impacts are expected.

- Desire to have church gated when not in use to prevent kids from ‘hanging out’.

*Planning Comment:* Staff will not require the church to be gated as this is not a typical site plan requirement for institutional uses which are intended to be welcoming community facilities. Management of this can be achieved through other means such as effective use of lighting on site and also through usage of the facility by community and congregants.

- Used portion of back yard is actually part of subject lands.

*Planning Comment:* This is a civil issue and outside of the scope of this policy analysis.

- Short notice for public meeting held by proponent.

*Planning Comment:* There are no statutory notice requirements for privately held information sessions. This privately held meeting meets the *Planning Act* requirements and is in addition to this public meeting.

- Want no parking spaces near property lines.

*Planning Comment:* The proposed site plan utilizes good planning practices and locates the church near the road; this means that parking will be located to the rear of the church and near some rear-yard property boundaries. Through the site plan process, Planning staff will encourage/require some buffering from the parking spaces (landscaping).

- Want to be given more property (rear yard).

*Planning Comment:* This is outside of the scope of this policy analysis and will not be required by County staff.

- Want trees planted.

*Planning Comment:* Some landscaping will be required as part of the site plan approval process.

No comments were received from the Mississaugas of the Credit First Nation, Six Nations Council, or Union Gas.

## REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Owner's Sketch.
3. Draft Amendment to Zoning By-law.
4. Zoning Review Chart.
5. Letter from the Public.
6. Response to Letter from the Public.