
HALDIMAND COUNTY

Report PDD-32-2020 Zoning By-law Amendment to Facilitate Consent and Site Plan Approval – Bethel CRC



For Consideration by Council in Committee on December 8, 2020

OBJECTIVE:

To present the key planning considerations related to a Zoning By-law Amendment application to rezone lands to support the expansion of the Bethel Christian Reformed Church (CRC) near Dunnville.

RECOMMENDATIONS:

1. THAT Report PDD-32-2020 Zoning By-law Amendment to Facilitate Consent and Site Plan Approval – Bethel CRC be received;
2. AND THAT application PLZ-HA-2020-151 to amend the Town of Dunnville Zoning By-law 1-DU 80 to rezone lands to support the expansion of the Bethel Christian Reformed Church (CRC) be approved for reasons outlined in Report PDD-32-2020;
3. AND THAT application PLZ-HA-2020-151 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone lands to support the expansion of the Bethel CRC be approved for reasons outlined in Report PDD-32-2020;
4. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2020), Provincial Growth Plan (2020), and other matters of Provincial interest;
5. AND THAT the By-law attached to Report PDD-32-2020 be presented for enactment.

Prepared by: Ashley Taylor, MCIP, RPP, M.PI, Planner

Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning & Development

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

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

EXECUTIVE SUMMARY:

SullivanPlan submitted a Zoning By-law Amendment application to amend the Town of Dunnville Zoning By-law 1-DU 80 on behalf of the Bethel Christian Reformed Church (CRC) to rezone lands to facilitate consent and site plan approval to expand the church, which is located at 17 Robinson Road near Dunnville. It is Planning staff's opinion that the proposal is consistent and conforms to Provincial and County policy frameworks. Planning staff recommends approval of this Zoning By-law Amendment application and passing of the attached zoning by-laws. If this application is approved, to finalize the proposal, the applicant will need to fulfill the remaining conditions of consent approval, submit and receive approval from the County for a site plan amendment application, obtain clearance from the Province for an archaeological assessment, and obtain permits from the Grand River Conservation Authority and Building & Municipal Enforcement Services Division. The applicant is aware of these requirements and is prepared to advance on them upon receiving approval of zoning.

BACKGROUND:

The Committee of Adjustment conditionally approved consent application PLB-2020-108 on September 22, 2020 to boundary adjust 0.66 hectares (1.64 areas) of land, having no frontage, from the back of 8381 Highway 3 to add to the back of 17 Robinson Road near Dunnville. The purpose of the boundary adjustment was to create additional space for private on-site servicing and parking areas at the Bethel Christian Reformed Church (CRC) property to support the future expansion of the church. The Bethel CRC proposes to add onto the back and sides of the existing church. The future expansion will accommodate their growing membership, and will increase their seating capacity by 75 seats, from 450 to 525.

SullivanPlan submitted a Zoning By-law Amendment application on behalf of the Bethel CRC to fulfill a condition of consent approval. The purpose of the Zoning By-law Amendment application is to:

- 1) Rezone the severed lands from the 'Agricultural (A)' Zone and 'Hamlet Residential (RH)' Zone to the 'Rural Institutional (IR)' Zone to apply consistent zoning across the consolidated Bethel CRC property;
- 2) Remove the sensitive land uses (school and day nursery) from the consolidated Bethel CRC property in accordance with Provincial and County policies as the property is located in a floodplain; and
- 3) Permit the parking lot to be located 3 metres (13.12 feet) from the south lot line when 4.5 metres (14.76 feet) is required on the benefitting and severed lands.

Approval of this application is required to satisfy a condition of consent and finalize the severance approval.

Location and Description:

The subject lands are located in the former geographic township of Canborough, now in Haldimand County. The subject lands are located immediately west and outside of the Dunnville settlement boundary.

The subject lands consist of three parts (Attachment 1). Part 1 is the benefitting lands and is the original Bethel CRC property. Part 1 fronts onto the west side of Robinson Road and is municipally known as 17 Robinson Road. Part 1 has 64.95 metres (213 feet) of frontage and is 1.14 hectares (2.80 acres) in size. The Bethel CRC and parking lot are located on Part 1.

Part 2 is the severed lands that the Committee of Adjustment approved to be severed from the back of 8381 Highway 3 and added to 17 Robinson Road. Part 2 has no road frontage and is 0.66 hectares (1.64 acres) in size. Part 2 is currently vacant land. The Bethel CRC is proposing to construct a new septic system and potentially some parking on Part 2 to support the future expansion of the church. The Bethel CRC is proposing to add onto the back and sides of the existing church (Attachment 2).

Part 3 is the retained lands. Part 3 fronts onto the north side of Highway 3 and is municipally known as 8381 Highway 3. Part 3 has 95.71 metres (314 feet) of frontage and is 1.33 hectares (3.29 acres) in size. A single family dwelling currently exists on Part 3.

Surrounding land uses include residential, institutional, agricultural lands, and Provincially Significant Wetlands (PSWs) to the north; Centennial Park and a creek with PSWs to the east; residential lands to the south; and residential, commercial, industrial, and agricultural lands to the west.

ANALYSIS:

The following planning considerations apply to this proposal:

Provincial Policy:

Provincial Policy Statement (2020):

The Provincial Policy Statement (2020) (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* directs that decisions affecting planning matters “shall be consistent” with the policies of the PPS.

The subject lands are predominately located within a floodplain. The PPS generally directs development outside of hazardous lands adjacent to a river, which are impacted by flooding and/or erosion hazards. However, the PPS permits development and site alteration in hazardous lands where the effects and risk to public safety are minor, can be mitigated in accordance with provincial standards, and subject to a list of criteria. The Bethel CRC has satisfied the Grand River Conservation Authority (GRCA) in relation to these policies; this will be expanded upon in the Haldimand County Official Plan Section below.

The subject lands are also located on the periphery of Dunnville, in the prime agricultural area of the County. The PPS directs municipalities to protect prime agricultural areas for long-term use for agriculture. The PPS also permits minor boundary adjustments which do not result in the creation of a new lot in the prime agricultural area. Part 1 of the subject lands contains an existing church. Part 2 of the subject lands are to be severed from a rural residential lot. No farmlands will be lost or fragmented as a result of the proposal. It is Planning Staff’s opinion that the proposal is consistent with the agricultural policies of the PPS; this will be expanded upon in the Haldimand County Official Plan Section below.

Lastly, the PPS prohibits development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Also, Planning authorities are required to engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. To assist with evaluating archaeological potential, the Province created and released a checklist. The Province requires an applicant to hire a licensed archaeological to undertake an archaeological assessment when lands are not significantly and extensively disturbed, are located within 300 metres of a present or past water source, and there is Aboriginal or local knowledge of archaeological sites on or within 300 metres of the property. The severed lands are located within 300 metres of a creek and the Mississaugas of the Credit First Nation (MCFN) have commented that they would like an archeological assessment completed. To ensure that no site alteration or development occurs prior to acceptance of an archaeological assessment, Planning staff recommends that a Holding (H) Provision be affixed to the zoning of Parts 1 and 2 of the subject lands. Once the archaeological assessment is approved, the General Manager of Community & Development Services can remove the Holding (H) Provision “in house”. The need for an archaeological assessment was flagged in the pre-consultation meeting and minutes.

Overall, it is Planning staff’s opinion that the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2020):

The purpose of the Growth Plan is to address challenges related to the forecasted growth and changes in the Greater Golden Horseshoe, and to ensure the protection and effective use of finite resources. The Growth Plan establishes a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. Planning decisions must conform to the Growth Plan. The proposal conforms to the Growth Plan, as the Growth Plan does not provide direction on this site specific application.

County Policy:

Haldimand County Official Plan:

The Haldimand County Official Plan (OP) creates the framework for guiding land use changes in the County to 2026 by protecting and managing the natural environment, directing and influencing growth patterns, and facilitating the vision of the County as expressed through its residents. The OP also provides the avenue through which Provincial Policy is implemented into the local context. Decisions on Zoning By-law Amendment applications must conform to the OP.

Parts 1 and 3 of the subject lands (Attachment 1) are designated 'Riverine Hazard Lands' and Part 2 is designated 'Agriculture'. The subject lands are located immediately west and outside of the Dunnville settlement boundary, in the prime agricultural area of the County. The subject lands are also located within the Grand River Marshes natural environment area which extends from Cayuga to Port Maitland along both sides of the Grand River and includes Provincially Significant Wetlands (PSW), areas of natural and scientific interest (life science), and is identified as being environmentally sensitive.

The OP generally directs development away from hazard lands in accordance with the PPS; however, the OP recognizes that there are certain areas of the County where extensive development has taken place within hazard lands. To that end, the OP permits minor expansions in some areas of existing development which lie in the riverine hazards lands, subject to a study which demonstrates how the following can be achieved:

- a) Flooding and erosion can be safely addressed;
- b) Existing physical hazards are not aggravated or new hazard areas created;
- c) No negative impact on identified Natural Environment features will result;
- d) Vehicles and pedestrians have safe access and exit during times of flooding and erosion emergencies; and
- e) Development and maintenance can be carried out in accordance with established standards and procedures.

Staff defer assessment and development criteria within floodplains and natural environment areas to the applicable conservation authority. As part of the application process, the Bethel CRC met with the GRCA several times and hired Counterpoint Engineering Inc. to provide a floodplain assessment report. The report was circulated to the GRCA who are supportive of the proposal. However, the PPS and OP prohibit sensitive institutional uses that accommodate vulnerable populations (i.e. the elderly, children, or sick persons) within riverine hazard lands to protect vulnerable populations. More specifically, the PPS and OP prohibit development of hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools within riverine hazard lands. The GRCA and Planning staff recommend that the zoning of Part 1 and Part 2 be amended to remove a school and day nursery as permitted uses prior to expansion in accordance with Provincial and County policy. A "Sunday School" where parents and guardians are onsite (at worship) at the same time as their children will continue to be permitted as an ancillary use to the church. Planning staff discussed this recommendation with the Bethel CRC and they are satisfied. Prior to any future development or other alteration within the regulated areas on the subject lands, the Bethel CRC will need to obtain a GRCA permit.

Further, the subject lands are located in the prime agricultural area of the County. The OP states that the County will protect prime agricultural lands for agricultural purposes. Notwithstanding, the OP states that lands containing legally existing institutional uses as of the date of adoption of the OP (2006), such places of worship and schools are recognized as being permitted in the 'Agricultural' designation on the subject lands. According to Municipal Property Assessment Corporation (MPAC) records, the Bethel CRC was constructed in 1900. As such, a place of worship is "grandfathered" (permitted) on Part 1 of the subject lands.

The OP also permits consents to sever land in the 'Agricultural' designation in very limited circumstances, including minor boundary adjustments that do not create an additional separate lot and do not compromise the functionality and/or viability of a farm. The OP further permits minor adjustments and extensions to boundaries of sites containing uses non-conforming to the OP and which are recognized in a Zoning By-law subject to the following conditions:

- a) The extension or enlargement of the existing non-conforming use or site shall not unduly aggravate an incompatible situation by reason of odour, noise, vibration, dust, smoke, gas, fumes, interference with radio or television reception, unsightliness, inadequate parking, traffic hazards, or other incompatible features;
- b) Neighbouring conforming uses will be protected, where necessary, by the provisions of areas for landscaping buffering or screening, appropriate setbacks for buildings and structures and other measures to reduce nuisances; wherever feasible this policy shall apply not only to the extension or enlargement of the use or site but also to the established use in order to improve its compatibility with the surrounding area; and
- c) The County may require an Environmental Impact Study (EIS) to be undertaken at the proponent's expense and mitigation measures implemented where necessary to protect the Natural Environment Area. Such an EIS will be required where the extension of a non-conforming use or site legally existing as of the adoption of this Plan is proposed within:
 - i) A Natural Environment Area other than those mentioned in c) above; or
 - ii) The adjacent lands of any Natural Environment Area.

A place of worship is permitted on Part 1 of the subject lands. Part 2 of the subject lands are to be severed from a large rural residential property rather than a farm property. The adjacent and intervening properties are residential in nature. Altogether, farmlands will not be lost or fragmented as a result of proposal.

Further, Planning staff do not anticipate the church expansion to cause or aggravate any incompatible uses. The 'Rural Institutional (IR)' Zone is a site plan control zone; site plan control will provide staff and agencies with the means to ensure adequate implementation of buffering, among other items. An Environmental Impact Study (EIS) was not recommended for this proposal.

Overall, it is Planning staff's opinion that the proposal conforms to the OP.

Town of Dunnville Zoning By-law 1-DU 80:

The Official Plan (OP) sets out the County's general policies for future land use. The Town of Dunnville Zoning By-law 1-DU 80 puts the OP into effect and legally controls the use of land in the County by stating how land may be used; where buildings and other structures can be located; the types of buildings that are permitted and how they can be used; and the lot sizes and dimensions, parking requirements, building heights and setbacks from the street. If the proposal does not comply with the Zoning By-law, the Building Inspector cannot issue building permits.

Part 1 of the subject lands is zoned 'Rural Institutional (IR)' Zone, Part 2 is zoned 'Agricultural (A)' Zone and 'Hamlet Residential (RH)' Zone, and Part 3 is zoned 'RH' Zone in the Zoning By-law.

The following is proposed to facilitate consent and future site plan approval:

- 1) Rezone Part 2 of the subject lands from the 'Agricultural (A)' Zone and 'Hamlet Residential (RH)' Zone to the 'Rural Institutional (IR)' Zone;

Planning Comment: The purpose of rezoning Part 2 of the subject lands is to apply consistent zoning across the consolidated Bethel CRC property. If this Zoning By-law Amendment application is approved and the consent application is finalized, the consolidated Bethel CRC property will all be zoned 'IR' Zone. This will make the permissions and development restrictions clear and consistent across the consolidated property.

- 2) Remove the sensitive land uses (school and day nursery) from the consolidated Bethel CRC property (Parts 1 and 2);

Planning Comment: The subject lands are located in a floodplain. The PPS and OP prohibit sensitive institutional development within riverine hazard lands to protect vulnerable populations. To ensure the proposed expansion and any future expansions do not accommodate a school or day nursery in accordance with Provincial and County Policy, the GRCA and Planning staff recommend that these uses be removed from the zoning of the property. This will make it clear to the current and future owners of the property that a school and day nursery are not permitted.

- 3) Permit the parking lot to be located 3 metres (13.12 feet) from the south lot line when 4.5 metres (14.76 feet) is required on Parts 1 and 2 of the subject lands.

Planning Comment: The Zoning By-law requires that where a non-residentially zoned property abuts a residentially zoned property, no parking lot is permitted closer than 4.5 metres of any interior lot line abutting a residentially zoned property on a non-residentially zoned property. The purpose of this zone provision is to buffer nuisances associated with parking on a non-residential properties (such as an institutional properties, including churches) from residential properties. The applicant requested relief from the location of a parking lot requirements in the Zoning By-law to accommodate the expansion of the church (on both sides and to the rear) and slight outward expansion of the parking lot.

The proposed site plan (Attachment 2) illustrates there are two existing property entrances. The driveways wrap around the church, which is located in the centre of the property. The parking is proposed to be reconfigured onsite such that parking will be moved further from the front property line abutting the street (with the exception of the barrier free parking spaces) to enhance the streetscape. Parking will be maximized at the rear of the property.

The southern driveway will be located close to the church, and setback from the southern property line. Parking spaces are proposed to extend into the required setback, to the west of the existing church structure and past of the fenced backyard at 13 Robinson Road. It is Planning staff's opinion that the parking lot encroachment is appropriate in this location, as it does not abut a dwelling or rear yard amenity space. Buffering via enhanced landscaping and/or fencing can be requested and reviewed at the time of site plan application.

Overall, it is Planning staff's opinion that the proposal is appropriate. Planning staff recommend that a Holding (H) Provision on Parts 1 and 2 of the subject lands to ensure that archaeological clearance is obtained from the Province prior to site alteration and development. A zoning deficiency chart has been included as Attachment 3. An amending zoning by-law has been included as Attachment 4. Passage of the amending zoning by-law is required to clear a condition of consent approval.

Haldimand County Zoning By-law HC 1-2020:

Council approved the Haldimand County Zoning By-law HC 1-2020 (herein referred to as the "new Zoning By-law") at Council-in-Committee on November 17, 2020 to replace the County's three Zoning By-laws (1-DU 80, 1-H 86, and NE 1-2000). Subsequently, the new Zoning By-law was passed at the November 23, 2020 Council meeting. The By-law is currently in the appeal period.

In the new Zoning By-law, both lots are proposed to carry over the same zoning from the Town of Dunnville Zoning By-law 1-DU 80 – 'Rural Institutional (IR)' Zone, 'Agricultural (A)' Zone, and 'Hamlet Residential (RH)' Zone. However, Part 1 and 3 (Attachment 1) will be subject to the 'Hazard Lands (HL)' Zone overlay which will flag that GRCA approval and permits are required to facilitate this proposal. The GRCA are supportive of this proposal.

To ensure that this proposal is captured in the new Zoning By-law during the transition period from the former Town of Dunnville Zoning By-law to the new Haldimand County Zoning By-law HC 1-2020, Planning staff recommends that a separate by-law be passed to amend the new Zoning By-law as well. Under the new Zoning By-law, the same zoning items are required to facilitate this proposal. An amending zoning by-law has been included as Attachment 5. Passage of the amending zoning by-law is required to clear a condition of consent.

Next Steps:

In terms of next steps, the following is required:

1. The applicant will need to fulfill the remaining conditions of consent approval prior to September 22, 2021 to finalize the consent application and consolidate the Bethel CRC property;
2. Hire a licensed archaeologist to complete an archaeological assessment in accordance with the Province's requirements and obtain clearance from the Province to qualify for the Holding (H) Provision to be removed from the zoning of Parts 1 and 2 of the subject lands;
3. Submit a site plan amendment application and receive approval from the County for the detailed engineering and site layout aspects of the proposed expansion, redevelopment of the parking lot, and installation of the septic system; and
4. Obtain permits from the GRCA and Building & Municipal Enforcement Services Division to complete site works and build.

The applicant submitted a number of technical plans and reports that will continue to be reviewed with the site plan application. Any changes to water (including firefighting water), wastewater, and stormwater matters will be worked out through the site plan amendment process in accordance with Provincial and County policies. The applicant will also need to amend the site plan (Attachment 2) to include a passenger loading area and (delivery) loading space, which cannot obstruct the drive aisles, fire route, or any parking spaces.

Planning Opinion:

It is Planning staff's opinion that the proposal is consistent with the Provincial Policy Statement (2020) and conforms to the Provincial Growth Plan (2020) and Haldimand County Official Plan. As such, Planning staff recommend approval of this Zoning By-law Amendment application and passing of the attached zoning by-law.

Public Consultation:

Members of the public within 60 metres (200 feet) were circulated on the original consent application. No objections were received. SullivanPlan circulated a private notice of open house for October 29, 2020. However, no members of the private open house such that it was cancelled. The notice of complete application and notice of public meeting were circulated in accordance with the *Planning Act* requirements. At the time of writing this report, Planning staff received no public comments or concerns.

FINANCIAL/LEGAL IMPLICATIONS:

Any financial items will fall onto the developer and will be captured through the site plan amendment application process.

STAKEHOLDER IMPACTS:

Bell Canada – No comments received.

Canada Post Corporation – Please be advised that Canada Post does not have any comments on this application for expansion of the Church as this will not affect mail delivery.

Grand River Conservation Authority (GRCA) – The subject property contains a portion of floodplain and small drainage features providing localized drainage associated allowances to these features. The proposed zoning amendment would amend the area which has recently gone through the severance process and outside the floodplain to Rural Institutional (IR). To remove some sensitive uses within the benefitting and severed lands and to permit a parking lot as outlined. The property currently contains a place of worship and associated parking areas. Please note that any future development or other alteration within regulated areas on the subject lands will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06. Please provide Erosion and Sediment Control drawings when supplying the permit application as outlined in the Functional Servicing Report. Fees have been provided through the severance application.

Ministry of Transportation (MTO) – No comments received.

Mississaugas of the Credit First Nation – An archaeological assessment is required.

Six Nations Council – No comments received.

Union Gas – No comments received.

Hydro One (High Voltage/Corridor) – No comments received.

Hydro One (Local) – No comments received.

Emergency Services – Emergency Services see no issue with regards to the zoning by-law amendment application. After review of the Functional Servicing & Stormwater Management Report drafted by Urban Watershed Group Ltd., staff would like the inclusion of a dry hydrant water supply for Fire Protection. However, the drawing shows the proposed cistern at the back of the building. In the event of a fire, access to the cistern may be a challenge. Although this would be based on Ontario Building Code/Design Criteria. Recommendation for consideration, maybe to have the septic tanks located at the back of the building and cistern at the front accessible from road accesses.

Solid Waste – No comments received.

Transportation Engineering Technologist – No comments received.

Planning and Development (Development & Design Technologist) – After reviewing the Functional Servicing Report as prepared by Urban Watershed, dated September 28, 2020 (Draft) the County can support this requested zoning change based on the concept provided. It should be noted that the reduced setback from the property lines may result in light spillage, and recommend seeking out a qualified lighting designer to prepare a photometric plan if exterior lighting will be proposed.

I would like to commend the consultant's report, as it was very clear on the recommendations, how it was implemented and maintained. They referenced our design criteria, and where they did not meet our requirements, referenced other valid technical guidelines.

Forestry Operations – Forestry doesn't have any concerns with the proposed zoning amendment application.

Treasurer/Finance – No comments received.

Building & Municipal Enforcement Services – Comments as follows:

- Septic design is satisfactory. There is plenty of space where they are planning to locate the bed; area is not an issue. Their design is closing in on 10,000 L/day; this requires a P.eng to stamp the septic design. Tracer wire required for force-main. Building & Municipal Enforcement

Services staff will complete a more in depth review of the septic design once we receive an application.

- Fire access route is required to meet 3.2.5.6. of the Ontario Building Code which shows the centreline radius is to be not less than 12 m. The plan shows 9 m.
- A fire hydrant is required. The applicants must work with the fire department to locate the dry hydrant in a location that our fire department considers acceptable to safely connect to and within the 90 m required distance as per the Ontario Building Code.

Planning Comment: These items (including Emergency Services comments) can be worked through prior to submission of a site plan application and implemented through the site plan process, or detailed technical review of the proposal. These items are related to site design in relation to the Ontario Building Code and the County's (engineering) Design Criteria, rather than zoning.

Municipal Property Assessment Corporation – No comments received.

Haldimand-Norfolk Health Unit – No comments received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Zoning Deficiency Chart.
4. Draft, Zoning By-law to Amend Zoning By-law 1-DU 80.
5. Draft, Zoning By-law to Amend Zoning By-law HC 1-2020.