

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 11
COMMITTEE DATE: December 3, 2013	
SUBJECT/REPORT NO: Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210) (Ward 11)	
SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Peter De Iulio (905) 546-2424 Ext. 1345
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-13-008, by Trinity Canadian Reformed Church, Applicant**, for a modification to the General Agricultural "A1" Zone, to permit a place of worship on lands located at 3075 Tisdale Road (Glanbrook), as shown on Appendix "A" to Report PED13210, be **DENIED** for the following reasons:

- (a) The proposal is not consistent with the Provincial Policy Statement (PPS), and does not conform to the policies of the Greenbelt Plan;
- (b) The proposal does not conform with the intent of the Rural Official Plan; and,
- (c) Adequate justification has not been provided to locate the proposed use in the Rural Area rather than the Urban Area.

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EXECUTIVE SUMMARY

The applicant is proposing to rezone an approximate 1.74 ha. portion of the existing 20.23 ha. agricultural parcel, to permit a place of worship. A future consent application will be considered by the Committee of Adjustment on December 5, 2013, to sever the proposed parcel for the place of worship from the balance of the agricultural parcel.

The application cannot be supported given that it is not consistent with the PPS and does not conform with the Greenbelt Plan and the Rural Hamilton Official Plan, and is premature, as adequate justification has not been provided to locate the place of worship in the Rural Area rather than the Urban Area, the proposed location conflicts with the Minimum Distance Separation Formula, and the provision of private servicing has not been adequately addressed.

Alternatives for Consideration – See Page 20.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: None.

Staffing: None.

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

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The applicant is proposing to amend the General Agricultural “A1” Zone by adding a “place of worship” as a permitted use to the Zone. The proposed location of the place of worship is a 1.74 ha parcel at the northwest corner of the existing farm parcel, as indicated on Appendix “A”. A preliminary layout of the site is attached as Appendix “B”.

Chronology:

April 11, 2012: Request for Formal Consultation application FC-12-016 considered by the Development Review Committee.

April 17, 2012: Formal Consultation Document is issued by the Manager of Development Planning outlining the application(s) required

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and the information required to be submitted with the application(s) in order to deem them complete.

May 2, 2013: Application to amend Glanbrook Zoning By-law No. 464 deemed complete.

May 6, 2013: Application circulated to internal departments and external agencies.

May 10, 2013: Notice of Complete Application and Preliminary Circulation sent to 16 property owners within 120 m. of the subject lands.

May 21, 2013: Public Notice sign erected on the property.

November 15, 2013: Notice of Public Meeting given in accordance with the Planning Act.

Details of Submitted Application:

Location: 3075 Tisdale Road (Glanbrook)

Owner: Stanley Earl Williams

Applicant: Trinity Christian Reformed Church (c/o Justin Schutten)

Agent: IBI Group (c/o John Ariens)

Property Description:

<u>Lot Frontage:</u>	± 133.2 m.
<u>Lot Depth:</u>	± 158.5 m.
<u>Total Lot Area:</u>	± 1.74 ha.
<u>Servicing:</u>	Private well and private sewage disposal.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Agriculture	General Agricultural "A1" Zone

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Surrounding Lands:

North	Agriculture and Single Detached dwellings	General Agricultural “A1” Zone
South	Agriculture and Single Detached dwellings	General Agricultural “A1” Zone
East	Agriculture and Single Detached dwellings	General Agricultural “A1” Zone
West	Agriculture (turkey farm)	General Agricultural “A1” Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the PPS. Policy No. 1.1.1 identifies that healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (including industrial, commercial, and institutional uses), recreational and open space uses to meet long-term needs, while avoiding development and land use patterns which may cause environmental or public health and safety concerns. In addition, Policy No. 1.1.3 indicates that settlement areas (urban areas and rural settlement areas) shall be the focus of growth.

With respect to Rural Areas, Policy No. 1.1.4.1 states that permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development, and other rural land uses; new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae; and, development that is compatible with the rural landscape and can be sustained by rural service levels, should be promoted.

Policy No. 1.7.1 states that long-term economic prosperity should be supported by promoting the sustainability of the agri-food sector by protecting agricultural resources and minimizing land use conflicts.

In this regard, Policy No. 2.3.1 states that prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2, and 3 soils, in this order of priority. In prime agricultural areas, permitted uses, and activities are: agricultural uses, secondary uses, and agriculture-related uses. Proposed new secondary uses and agriculture-related

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uses shall be compatible with, and shall not hinder, surrounding agricultural operations. These uses shall be limited in scale, and criteria for these uses shall be included in municipal planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective. In prime agricultural areas, all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

“Prime agricultural area: means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.”

With respect to lot creation, Policy No. 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and may only be permitted for:

- “a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use, and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) infrastructure where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.”

Policy No. 2.3.5 of the PPS provides direction for the removal of land from prime agricultural areas. In particular, Policy No. 2.3.5.1 states that Planning authorities may only exclude land from prime agricultural areas for:

- “c) limited non-residential uses, provided that:

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1. the land does not comprise a specialty crop area;
2. there is a demonstrated need within the planning horizon provided for in Policy No. 1.1.2 for additional land to be designated to accommodate the proposed use;
3. there are no reasonable alternative locations which avoid prime agricultural areas; and,
4. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.”

In addition, Policy No. 2.3.5.2 states that the impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.

Based on the foregoing, while the subject lands are not “prime agricultural lands,” they are within a “prime agricultural area,” as defined above and, as a result, adequate justification has not been provided to address the above-noted policies. Therefore, the application is not considered to be consistent with the PPS.

Greenbelt Plan:

The Vision for the Greenbelt Plan is “a broad band of permanently protected land which:

- Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health, and that form the environmental framework around which major urbanization in south-central Ontario will be organized; and,
- Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation, and resource uses.”

Policy No. 3.1.4 states that for lands falling within the *rural area* of the Protected Countryside the following policies shall apply:

- “1. Rural areas support and provide the primary locations for a range of recreational, tourism, institutional, and resource-based commercial/industrial uses. They also contain many historic highway commercial, non-farm residential, and other uses which, in more recent times, would be generally directed to settlement areas but

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which are recognized as existing uses by this Plan and allowed to continue and expand subject to the existing use policies of section 4.5.

Notwithstanding this policy or the policies of section 5.3, municipal official plans may be more restrictive than this Plan, with respect to the types of uses permitted within rural areas.

2. Rural areas also contain many existing agricultural operations. Existing and new agricultural uses are allowed, normal farm practices, and a full range of agricultural, agriculture-related, and secondary uses, are supported and permitted.
4. Other uses may be permitted subject to the general policies of sections 4.1 to 4.6.
6. New land uses, the creation of lots (as permitted by the policies of this Plan), and new and expanding livestock facilities shall comply with the minimum distance separation formulae.”

Policy No. 3.4.1 states that settlement areas (Binbrook, Tapleytown and Woodburn) within the Greenbelt, support and provide significant economic, social, and commercial functions to prime agricultural areas and rural areas. They are an integral part of the long-term economic and social sustainability of the Greenbelt, and this Plan envisions that they continue to evolve and grow in keeping with their rural and/or existing character.

The rural areas of the Protected Countryside are intended to continue to accommodate a range of commercial, industrial, and institutional uses serving the rural resource and agricultural sectors.

Policy No. 4.1.1 establishes the criteria for permitting non-agricultural uses in the rural area:

“2. Proposals for non-agricultural uses must demonstrate that:

- a) The use is appropriate for location in a rural area;
- b) The type of water and sewer servicing proposed is appropriate for the type of use;
- c) There are no negative impacts on key natural heritage features, and/or key hydrologic features or their functions; and,
- d) There are no negative impacts on the biodiversity or connectivity of the Natural Heritage System.”

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With respect to lot creation, Policy 4.6 of the Plan does not contain any policies that would permit the separation of the lands, for proposed place of worship, from the balance of the property.

Based on the foregoing, while the subject lands are “rural,” adequate justification has not been provided to address the above-noted policies. Therefore, the application does not conform with the Greenbelt Plan.

Rural Hamilton Official Plan:

Some of the goals of the Plan are:

- “1.1 Reinforce and support the significant contribution agriculture makes to the lifestyle, environment, and economy of the City.
- 1.2 Maintain and promote the right-to-farm throughout Rural Hamilton.
- 1.5 Direct non-farm, rural-oriented development to Rural Settlement Areas and Rural Areas.”

The subject lands are designated “Rural Area” on Schedule “D” - Rural Land Use Designations. While these lands are characterized as having lower capability for agriculture due to a range of factors, the intent of this Plan is to protect and maintain agricultural uses as the primary and predominant land use, and to protect farm operations from incompatible forms of development, so as to preserve these lands for agricultural use. Uses permitted in the “Rural” designation are limited to the uses permitted in the “Agriculture” designation of this Plan, other resource-based rural uses, and institutional uses serving the rural community. With respect to institutional uses, Policy No. D.4.1.2 states:

“D.4.1.2 Institutional uses serving the rural community are permitted provided the following conditions are met:

- a) The institutional use must be primarily related to and directly serving the needs of the rural population. Permitted rural institutional uses shall be limited to schools, school bus depots, small scale places of worship, rural community centres, and residential care facilities; and,
- b) The use shall be subject to the policies of Section D.4.1.1 b) to e).

D.4.1.1 Resource-Based Commercial and Resource-Based Industrial Uses are permitted provided the following conditions are met:

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- b) The use shall not adversely impact surrounding agricultural uses or existing farm operations. Where non-farm development is proposed on lands used for agriculture it must be demonstrated, to the satisfaction of the City, that no reasonable alternative exists and the need and demand for the use at the proposed location is justified for the amount of land proposed, based on existing undeveloped lands available for development in Rural Settlement Areas designation and the Urban Area;
- c) Any new or expanded use proposed within 500 m. of a designated Rural Settlement Area, or an estate residential development recognized as a site-specific policy area by this Plan, shall provide evidence to the satisfaction of the City that there are no negative effects on the Rural Settlement Area, or the estate residential development, with respect to noise, vibration, lighting, traffic, and ground water;
- d) The development shall be compatible with surrounding land uses and the rural landscape; and,
- e) A Zoning By-law amendment and Site Plan approval shall be required to permit the use and address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matters.”

Chapter C of the Plan contains policies with respect to servicing and requires “all new rural development establishes and maintains in perpetuity, sustainable private services, wherever municipal water and/or wastewater services are not available.”

Chapter F of the Plan deals with implementation of the Plan, which includes consent policies. With regard to consents on “Rural” lands, the following apply:

“F.1.14.2.3 Sections F.1.14.2.1 to F.1.14.2.2 inclusive of this Plan shall also apply to lands in the Rural designation. In addition, consents for new lot creation in the Rural designation, may be considered for existing rural resource-based commercial uses, resource-based industrial uses, and rural institutional uses, provided that all of the conditions of Section D.4.2.1 are met.

D.4.2.1 Development proposed within a provincial plan area identified on Schedule A - Provincial Plans, shall comply with Section C.1.0, Provincial Plans, of this Plan.”

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Sections F.1.14.2.1 to F.1.14.2.2 permit consents for new farm parcels, agriculture-related uses, and surplus farm dwellings as a result of a farm consolidation. Based on the foregoing, while the subject lands are “rural,” adequate justification has not been provided to address the above-noted policies. Therefore, the application does not conform with the Rural Hamilton Official Plan.

Glanbrook Zoning By-law No. 464:

The lands are zoned General Agriculture “A1” Zone. The subject application seeks only to add a “place of worship” as a permitted use in the Zone.

RELEVANT CONSULTATION

The following Departments and agencies had no comments or concerns:

Taxation Division, Corporate Services Department
Hamilton Municipal Parking System
Strategic Planning, Public Works Department
Recreation Planning, Community and Emergency Services Department
Bell Canada

Enbridge Pipelines Inc. advises that it owns and operates two high-pressure petroleum pipelines located approximately 769 m. north of the proposed development, and 1443 m. east of development. Therefore, the subject land development does not impact Enbridge.

This information is for reference only.

Enbridge Pipelines Inc. is regulated by the National Energy Board, and any excavation within 30 m. of the Enbridge pipeline right-of-way requires a field locate from an Enbridge Field Representative.

Forestry and Horticulture Section (Public Works) advises that our internal mapping and information systems, as well as a recent site visit, indicate that there is one Municipal Tree Asset (a 15 cm. d.b.h White Pine in good condition) located on the road allowance of Tisdale Road. In accordance with our previous communication of April 4, 2012 in respect of FC-12-016, this tree is at risk due to grading and movement of heavy equipment during construction.

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades and Residential Improvements.

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The Forestry and Horticulture Section requests that a Tree Management Plan be prepared by a Certified Landscape Architect. All trees within this proposed development area must be surveyed, identified, and accurately plotted on the plan to determine ownership, including intentions regarding retention or removal. It is compulsory that all proposed surface treatment changes within individual tree driplines, as well as property lines, building footprints, driveways, utility construction corridors, and temporary access roads, be accurately depicted on the submission. The inclusion of a quantity of photos on the Plan is encouraged, these will aid in referencing significant trees such as endangered species or woodlots to plotted locations.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree:

- Species by Botanical and common name;
- Diameter at breast height in centimeters or millimeters;
- Ownership {> 50% @ ground level = ownership};
- Biological health;
- Structural condition;
- Proposed grade changes within individual driplines {compulsory};
- Proposed utility construction within individual driplines {compulsory};
- Proposed removals or relocations; and,
- Proposed trees to be protected.

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the Tree Preservation and Protective Measures for Trees Affected by Construction Policy.

All healthy trees on Municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal, will be subject to a Replacement Fee as outlined in the Reforestation Policy - Municipally Owned Lands.

A detailed Landscape Planting Plan prepared by a Certified Landscape Architect, showing the placement of trees on internal/external City property will also be required and was previously requested in our communication of April 4, 2012.

The Landscape Plan should specifically outline full planting details including the size and species of trees to be planted, as well as hard surface and soft surface area percentages on the site. Trees can define and humanize a thoroughfare and one of the Conditions of Approval will be the submission of a Landscape Planting Plan.

Tree species selection should take into account cultural requirements, cultivars {fruitless etc.}, salt and heat tolerance, mature tree size, public visibility and private daylight

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triangles, potential pest concerns, as well as the exposure {south west prevailing winds}.

Trees planted on the road allowance should have a minimum caliper of 50 mm. Soil depth in Planting or Landscape Strips should be an absolute minimum of 36 cm., as this is the depth of a 70 cm. root ball on an average 50 mm. caliper tree, and soil volume is a key component of new tree survival.

It is our understanding that the existing two abandoned barns will be removed, the Forestry and Horticulture Section is circulated on all Disconnection of Services Applications and staff reviews them as they pertain to Municipal Tree Assets. Trees approved to be retained as a result of a Tree Management Plan must be fully protected with a Tree Protection Zone before the demolition of any onsite structures may commence.

These matters would all be addressed at the Site Plan Control stage.

The **Niagara Peninsula Conservation Authority** (NPCA) advises that the subject land is traversed by several tributaries of the Welland River. Specifically, there is one tributary that traverses the rear (eastern) portion of the lands that are subject to this application. As such, development of this property will be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06). In accordance with our policies, new development and site alterations are not permitted within a watercourse or a flooding hazard. We do not currently have floodplain mapping for this section of the watercourse. If the NPCA has a flooding concern during the development stages, the applicant may be required to hire an engineer to determine the location of the floodplain on the property. At this time, given the small upstream drainage area of this tributary, the NPCA does not have a flooding concern for this property. Any works proposed within or adjacent to this watercourse, may require a Work Permit from this office prior to commencement of the works on site.

Typically, for a watercourse such as the one traversing the subject lands, the NPCA requires a 15 m. buffer measured from the top of bank of the feature for all new development and site alterations. An encroachment into this buffer may be entertained provided an Environmental Impact Study (EIS), prepared by a qualified consultant, is completed, that justifies that a reduction into the buffer will not have any impact to the watercourse or potential fish habitat (to the satisfaction of the NPCA).

To conclude, please be advised that the NPCA does not have any objections to the approval of this application which proposes to add a use to the current General Agricultural zone on the property, for the purposes of developing a new place of worship. All site-specific details (ie, protection of the watercourse, sediment and erosion

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control measures, stormwater management, etc.) will be dealt with by the NPCA during the required Site Plan Control process. As such, by copy of this letter, we are informing the City that the NPCA shall be circulated all future applications for this property for our review and comments.

The **Infrastructure and Source Water Protection Section, Public Works** reviewed the documentation provided (*Design Brief, Sewage Works and Drinking Water Supply, February 19, 2013* prepared by AMEC and *Planning Justification Report, April 2013* prepared by IBI Group) for the Zoning By-law Amendment Application for the subject location and we offer the following comments:

- The documentation provided does not include the layout of the proposed Place of Worship, the estimated maximum occupancy of 550 persons is a figure stated in AMEC's report, page 2. The proponent should provide a drawing with the layout of the proposed church.
- The calculation of sewage flows is based on criteria from OBC for churches and similar places of worship, at design volumes of 8 litres per seat. AMEC's report, page 2 line 6, mentions the existence of kitchen facilities to be used. There are no further details about the size and intended use of the kitchen facilities, but this aspect has an impact on the calculation of sewage flows. The proponent should clarify this aspect.
- AMEC's report, page 5, mentions the need to perform in-situ percolation testing, this is a component of a Hydrogeological Study.
- AMEC's report, page 6, proposes the introduction of an equalization tank in the design of the sewage treatment system. I&SWP would like to request that the proposed on-site sewage disposal system be approved by Building Services, including the introduction in the design of an equalization tank.
- Conclusions chapter of AMEC's study, page 8, states that in order to be below the threshold of 10mg/L of nitrate concentration at lot boundary, considering the proposed impervious surfaces and estimated background nitrate of 0.8mg/L, the required minimum lot size should be 2.8 ha. These calculations support the conclusion that the proposed lot size is insufficient to assure nitrate concentration below 10 mg/L at lot boundary.
- AMEC's report proposes, on page 9, need for a pump test to be undertaken to assess the well yield and any measurable impacts to area wells, this is a component of a Hydrogeological Study.

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- IBI's report, page 8, conclusions 7 and 8, state, in line with AMEC's report, confirmation that the application does not meet the lot size requirements for nitrate dilution.

Conclusions:

- The proponent should provide clarification on the kitchen facilities and provide a drawing with the layout of the proposed church.
- The I&SWP Section recommends for the proponent to re-submit this Application taking into consideration the requirements for lot size to ensure sufficient natural infiltration to attenuate contaminant concentrations at the lot boundaries. The I&SWP Section recommends the proponent to consider the use of Low Impact Development strategies, for instance, reducing the size of impervious areas in order to increase the attenuation area.
- The proponent should complete a Full Hydrogeological Study, to the City's satisfaction, in order to support the proposal.
- The proponent should demonstrate, to the satisfaction of the Building Services, that the private service design is appropriate.

The **Geomatics and Corridor Management Section, Public Works** advise that they have no comment regarding the proposed change in Zoning.

Preliminary Site Plan

We recommend that the southerly curve radiuses, at both proposed accesses, are increased to 8 m. to accommodate fire trucks entering.

Access curbing must terminate at the property line.

"Do Not Enter" signs must be installed at the proposed lay by to keep traffic flowing in a one way direction as proposed.

We recommend that a clear pedestrian connection is provided from the parking lot to the front door of the building. As proposed, pedestrians will need to walk between parked cars to get to the front of the building.

If changes to the access are required, we advise that the applicant/owner will need to apply for and receive an Access Permit from the Public Works Department. Prior to commencing any work within the road allowance, we recommend that the applicant/owner contact all the respective Utilities. Additional information regarding the

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Permit can be obtained from Johanna Black at 905-546-2424 Ext. 4577. The permit fee is \$104.55, and prior to commencing any works, a Site Plan approved by the City must be submitted by the applicant.

All works within the road allowance must be completed by a contractor bonded by the City of Hamilton, and the contractor must meet with City staff prior to commencing any work. We require a minimum 1.2 m. clearance between an access and any adjacent tree, fire hydrant, or utility pole. Any relocation or removal required will be the applicant's expense.

As a condition of approval, the applicant must remove all abandoned accesses and restore the boulevard at their expense, to the satisfaction of the Director of Engineering Services, Public Works.

We require minimum 5 m. x 5 m. visibility triangles between the access limits and the ultimate road allowance limits, of in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.70 m. above the corresponding perpendicular centreline elevation of the adjacent streets.

The **Health Protection Division, Public Health Services Department** has reviewed the application and Servicing Design Brief, and advise as follows:

1. The submitted Design Brief report, in support of the sewage works and drinking water supply, must be peer reviewed by the Infrastructure and Source Water Protection Section, to verify that the methods used and findings are accurate. Specifically, the review must consider the lot size, as it is undersized and cannot meet the nitrate loading from the proposed septic system.
2. The proposed drinking water system is a non-municipal drinking water system that services a public facility (church) and is subject to the requirements of Regulation 319/08 under the Health Protection and Promotion Act, R.S.O. 1990.
3. The proposed on-site sewage disposal system, with daily flows of <10,000 L/day, must comply with the City of Hamilton, Building Department, and requirements outlined in Part 8 of the Ontario Building Code.

If you are aware that a septic tank exists on the subject property, it is recommended that it be emptied by a Ministry of Environment (MOE) licensed sewage hauler, and then filled with soil. This is to reduce the likelihood of a safety hazard.

If you are aware of the existence of a water well on the subject property that is, or will no longer be used, it is recommended that the water well be abandoned according to

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Regulation 903 under the Ontario Water Resources Act. The MOE is the agency that oversees this legislation.

Public Consultation:

In accordance with Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 16 property owners within 120 m. of the subject property on May 10, 2013. Two letters and one e-mail have been received from the public. Concerns raised in the letters and e-mail include alternative locations on the property for the proposed use, minimum distance separation, impact of the proposed development on the existing residential wells in the area, and protection of the watercourse (see Appendix "C"). These issues are addressed in the Analysis/Rationale for Recommendation section of the report.

A Public Notice Sign was also posted on the subject lands on May 21, 2013, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed amendment to Glanbrook Zoning By-law No. 464 to permit a "place of worship" in the General Agriculture "A1" Zone does not have merit and cannot be supported for the following reasons:
 - (i) The proposal is not consistent with the PPS, and does not conform to the policies of the Greenbelt Plan;
 - (ii) The proposal does not conform to the policies of the Rural Hamilton Official Plan; and,
 - (iii) Adequate justification has not been provided to locate the proposed use in the Rural Area, rather than the Urban Area.
2. The Trinity Canadian Reformed Church was established in 2001 and currently has a congregation of 77 households or 356 members. The following chart summarizes the residency of the current congregation:

LOCATION	RURAL	URBAN	TOTAL
Hamilton	154 (71%)	63 (29%)	217 (61%)
Outside Hamilton	83 (60%)	56 (40%)	139 (39%)
TOTAL	237 (67%)	119 (33%)	356

SUBJECT: Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210) (Ward 11) - Page 17 of 20

Based on the above, staff concur that the proposed use satisfies Policy D.4.1.2a) as the majority of the congregation resides in the rural area and, therefore, it is primarily related to, and directly serving, the needs of the rural population.

When first established in 2001, the congregation held its worship services in the gymnasium of Guido de Brés Christian High School in Hamilton, but shortly thereafter the congregation began holding worship services in Knox Presbyterian Church in Binbrook. On July 1, 2007, the congregation had outgrown the Knox Presbyterian Church building, and began worshipping in the Binbrook United Church. On January 4, 2009, the congregation held its first worship service in the former Seneca Unity School building at 32 Unity Road, just north of Caledonia, which the congregation had purchased. With the exception of the current location, the original three places of worship were in an urban area.

While staff met with the applicants and advised them that the proposed use is permitted in the “Rural” designation and that the subject lands were one of the areas designated as such in the Rural Hamilton Official Plan, another criterion for establishing the use in the rural area, is providing adequate justification with respect to more reasonable alternatives to locate the use in either the “Urban Area” (Hamilton, Binbrook or Mount Hope) or a “Rural Settlement Area” (Woodburn or Taplestown). Staff note that the Binbrook Urban Area is only 2 km. away to the east, and there are vacant, undeveloped lands in the area that could accommodate the proposed place of worship. The only rationale provided in the Planning Justification Report was that the subject property was centrally located for its existing members. That is not a factor for the evaluation of a preferred location. However, if Council is satisfied that the proposed place of worship serves the rural community, then the proposal would be deemed to comply with the Rural Official Plan.

3. There are currently three active livestock facilities (turkey barns) to the west of the subject lands on the opposite side of Tisdale Road, and one abandoned facility (cattle barn) directly to the north of the subject lands (see Appendix “E”). As a result, the Minimum Distance Separation Formulae (MDS) are applicable. In this case, implementation guideline 6 states that “MDS I is applied to all livestock facilities reasonably expected to be impacted by the proposed development, lot creation, rezoning, or redesignation.”

The MDS calculation for the turkey barns is 500 m. Although the subject lands are within approximately 352 m. of the barns, MDS is not applicable since there are four or more existing, non-farm uses closer to the barns than the proposed use. With respect to the abandoned barn, the MDS calculation is 448 m. The proposed use is only 16 m. away. While staff have some concerns with this reduction, implementation guideline 20 states that “MDS I applies to empty

livestock facilities if they are structurally sound and reasonably capable of housing livestock, or storing manure." Based on a site-visit, staff are not sure if the barn is "structurally sound and reasonably capable of housing livestock, or storing manure." However, given the concerns of the owner of the barn and his intentions, and in the absence of any reports on the structural integrity of the barn, this remains an issue.

Given the applicants only have an offer to purchase 1.74 ha. (4.3 ac.) of the 20.2 ha. (50 ac.) farm parcel, staff are of the opinion that there is a reasonable alternative location on the southerly portion of the farm parcel to locate the proposed use, which would not be affected by the abandoned barn. However, staff note that this portion of the property is traversed by two watercourses which may further restrict the use of this portion of the property for the intended use. In addition, it may include, or is adjacent to, a "key natural heritage feature" being a "significant woodland" in which case an EIS would be required to determine the impact of the proposed use on the natural feature and any necessary mitigation measures.

Staff note that the proposed use is considered a Type B use in accordance with implementation guideline 36. As a result, all livestock facilities within 2,000 m. of the subject lands, need to be evaluated. Only facilities within 1,000 m. were examined. However, based on aerial photography, there do not appear to be any other barns within the area that have as intense a use as the turkey barns.

4. In support of the application, a "Design Brief, Sewage Works and Drinking Water Supply", dated February 19, 2013, was prepared by AMEC. Based on this Brief, a minimum lot size of 2.8 ha. (6.9 ac.) is required, in order to meet the City's nitrate loading requirements. As indicated in the comments from the Infrastructure and Source Water Protection Section of Public Works (ISWP), clarification on the kitchen facilities is required since this aspect has an impact on the calculation of sewage flows, and a drawing with the layout of the proposed church is required. ISWP also requests a full hydrogeological study, to properly assess the proposal.

Staff note that Policy D.4.1.2 a) permits "small scale places of worship" in the "Rural" area, and "small scale" is defined in the Rural Hamilton Official Plan. However, the definition is not applicable in this situation:

"Small Scale: used to describe a permitted agriculture-related or secondary use, shall mean those uses that are characterized by a size and intensity of activity that is clearly secondary to and does not negatively impact the predominant use

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of the lands for agricultural uses, and which meet the maximum floor area, site coverage and other provisions of the Zoning By-law specific to that use.”

In this regard, the former Glanbrook Official Plan permitted institutional uses in the agricultural area on parcels up to a maximum of 2 ha. (4.94 ac.). While the application, as submitted, is for only 1.7 ha. (4.3 ac.), this is too small based on the Design Brief submitted in support of the application.

5. There are two existing watercourses that traverse the farm parcel in a north/south direction, which then merge into one at the southern end of the property. The portion of the property that is subject to this application only has one of the watercourses traversing the property, which is to the rear or eastern portion of the proposed parcel. As indicated in the comments from the NPCA, the watercourse will be subject to their Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06). While their policies do not permit new development and site alterations within a watercourse or a flooding hazard, they do not currently have floodplain mapping for this section of the watercourse. However, at this time, given the small upstream drainage area of this tributary, the NPCA does not have a flooding concern for this property. If the NPCA has a flooding concern during the development stages, the applicant may be required to hire an engineer to determine the location of the floodplain on the property.

Typically, for a watercourse such as the one traversing the subject lands, the NPCA requires a 15 m. buffer measured from the top of bank of the feature for all new development and site alterations. An encroachment into this buffer may be entertained, provided an EIS, prepared by a qualified consultant, is completed, that justifies a reduction into the buffer will not have any impact to the watercourse or potential fish habitat (to the satisfaction of the NPCA). This watercourse is identified on the Concept Plan (see Appendix "B"), and a 15 m. setback is also identified from the centreline of the watercourse. Based on the survey submitted with the application, a top of slope is also identified which is a minimal distance from the centreline of the watercourse. Additional information may be required to determine the limits of the top of bank. This is typically reviewed further at the Site Plan Control stage.

6. As indicated earlier, the lands subject to this application consist of approximately 1.7 ha. (4.3 ac.) in the northwest portion of the larger 20.2 ha. (50 ac. farm parcel) (see Appendix "A"). This parcel is subject to an offer of purchase and sale by the applicants from the current landowner. In order to finalize this sale, a consent application will be required. This application has been submitted and will be considered by the Committee of Adjustment on December 5, 2013. Staff note

that the Rural Hamilton Official Plan only permits consents for existing rural institutional uses.

7. As indicated in the Relevant Consultation section of the report, concerns received from the public, include alternative locations on the property for the proposed use, minimum distance separation, protection of the watercourse, and impact of the proposed development on the existing residential wells in the area. With the exception of the last concern, these concerns are addressed in points 3. and 5. above, while the last concern would be addressed in the requested full hydrogeological study.

ALTERNATIVES FOR CONSIDERATION

If the application is approved, staff would need to prepare a By-law for Council's consideration to permit the proposed "place of worship."

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous and Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

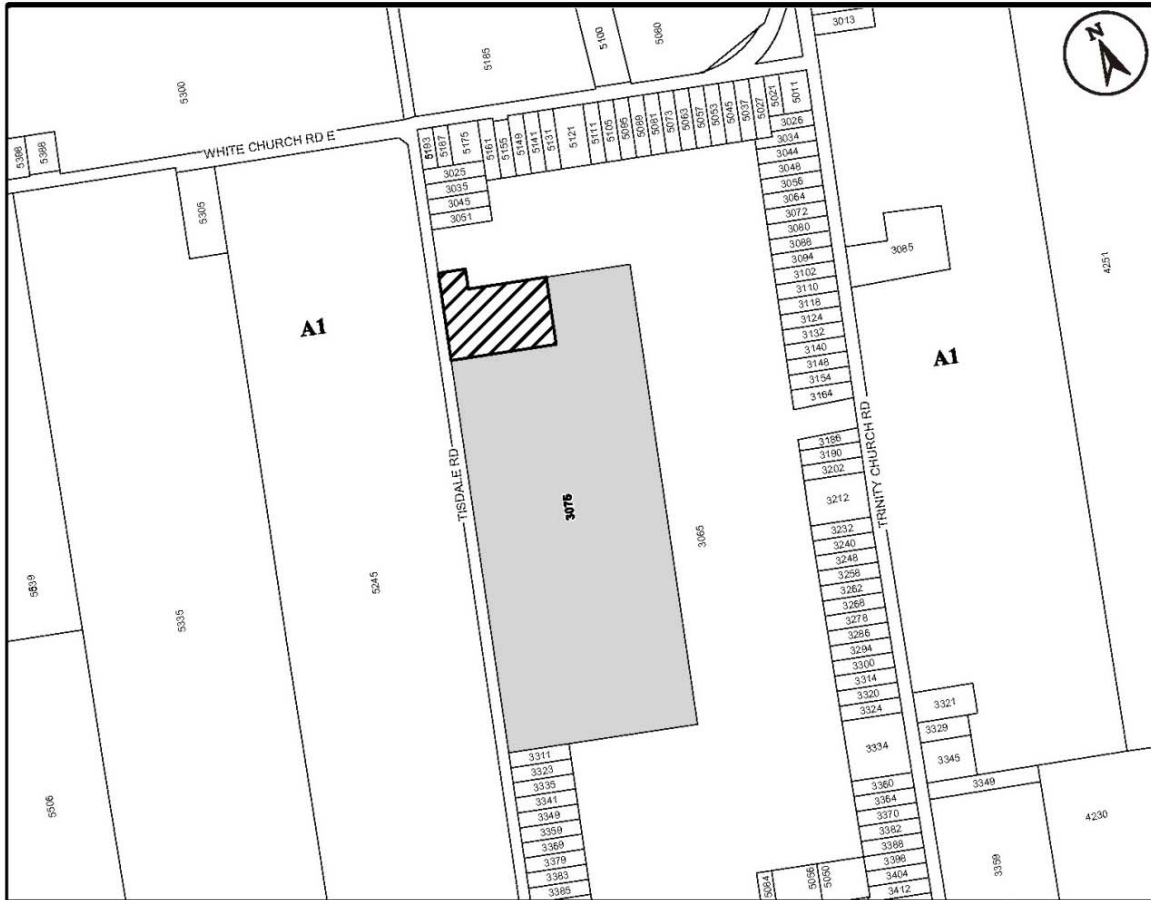
To protect agricultural areas from non-agricultural uses, to ensure the long-term viability of the agricultural economy, and to ensure that proposed uses can be adequately serviced without impacting the environment.

APPENDICES / SCHEDULES

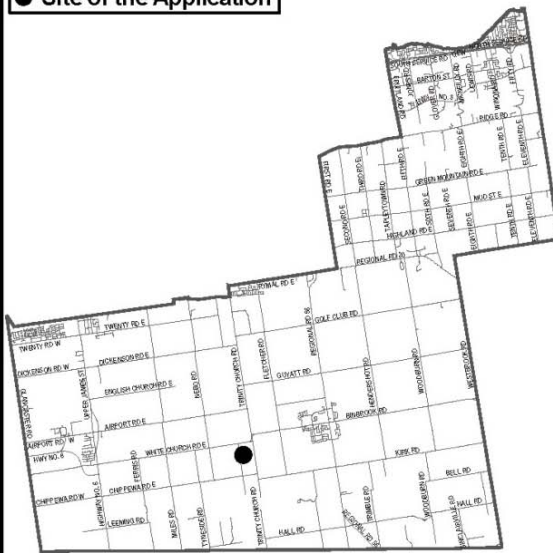
Appendix "A":	Location Map
Appendix "B":	Preliminary Site Plan
Appendix "C":	Public Comments
Appendix "D":	Congregation Residency Map
Appendix "E":	Minimum Distance Separation Calculations Map

:PD

Attachs. (5)



● Site of the Application



Ward 11 Key Map

N.T.S.



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-13-008

Date:
Apr. 29, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JH/DB

Subject Property

3075 Tisdale Road



Lands subject to Zoning By-law Amendment Application



Additional Lands of the Owner

RECEIVED
MAY 28 2013



James Matchett
3359 Tisdale Road, RR 2
Mount Hope, Ontario
L0R 1W0

May 27, 2013

Jennifer Haan
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design -- East Section
71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5

Dear Jennifer:

Regarding File No: ZAR -13-008.

Will the proposed Zoning By-law Amendment for the lands located at 3075 Tisdale Road, Glanbrook include an evaluation of the impact of the development of the subject lands on residential wells in the Tisdale Road, White Church Road and Trinity Church Road area?

Sincerely,



James Matchett

RECEIVED

MAY 30 2013

TRINITY CANADIAN REFORMED CHURCH ZONING APPLICATION

FROM: Peter Cartwright
3065 Tisdale Road

1. Alternate Location

The current owner of the property has many options of where to locate his project. It is not good planning to locate his project within 20 feet of a working barn.

There is danger of wind damage to the barn and there is also the possibility of a fire, particularly if hay is stored in the barn. Either of these events could be disastrous for a facility located as close as the proposed development.

2. IBI Report – "abandoned barn"

My barn is described as an "abandoned" barn.

I have owned the property for more than 28 years.

During that time the barn has been used for pigs, cattle, horses, chickens, hay storage, equipment storage and horse equipment storage, among other things.

Material has been cut and is ready for the installation of an additional three horse stalls.

Six years ago I put up new fencing and gates to secure horses.

I have always maintained a farm insurance policy covering pollution, liability and livestock liability.

The barn has a 100 amp hydro service.

There is a frost protected water supply in the barn and water hydrant in field.

I wish to rent horse stalls for income.

3. IBI Report – Guideline 20 PPS

Since my barn is not abandoned, this proposed development does not meet Guideline 20 of the Minimum Distance Separation Formulae. Accordingly the proposed development should not be approved..

-----Original Message-----

From: Bonnie Spurrell

Sent: Friday, June 07, 2013 11:31 AM

To: Johnson, Brenda; Haan, Jennifer

Cc: Dinney, Kathy

Subject: RE: Church application

I have one initial question: Has the Niagara Conservation Authority been notified of this application and how is the watercourse going to be addressed. I will be asking them the same question.

Thanks

Bonnie Spurrell

5121 White Church Road

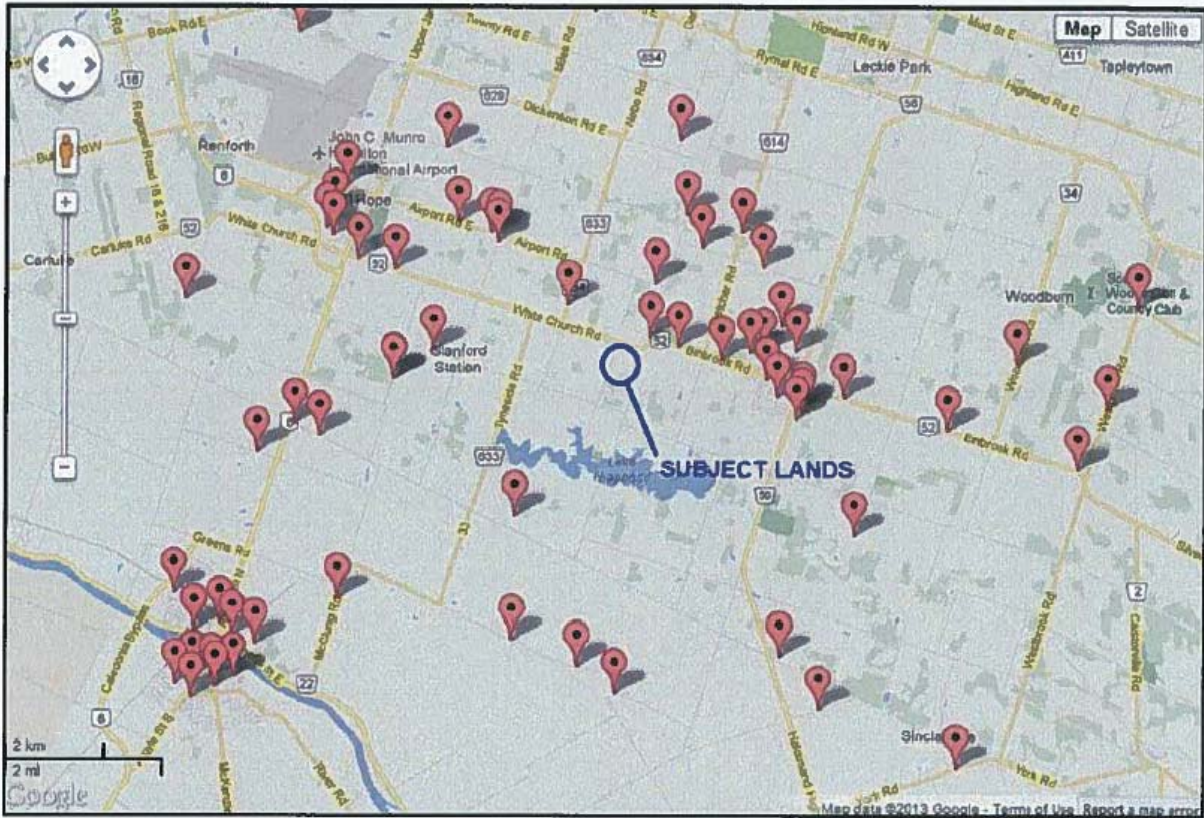


Figure 6: Location of Existing Church Members

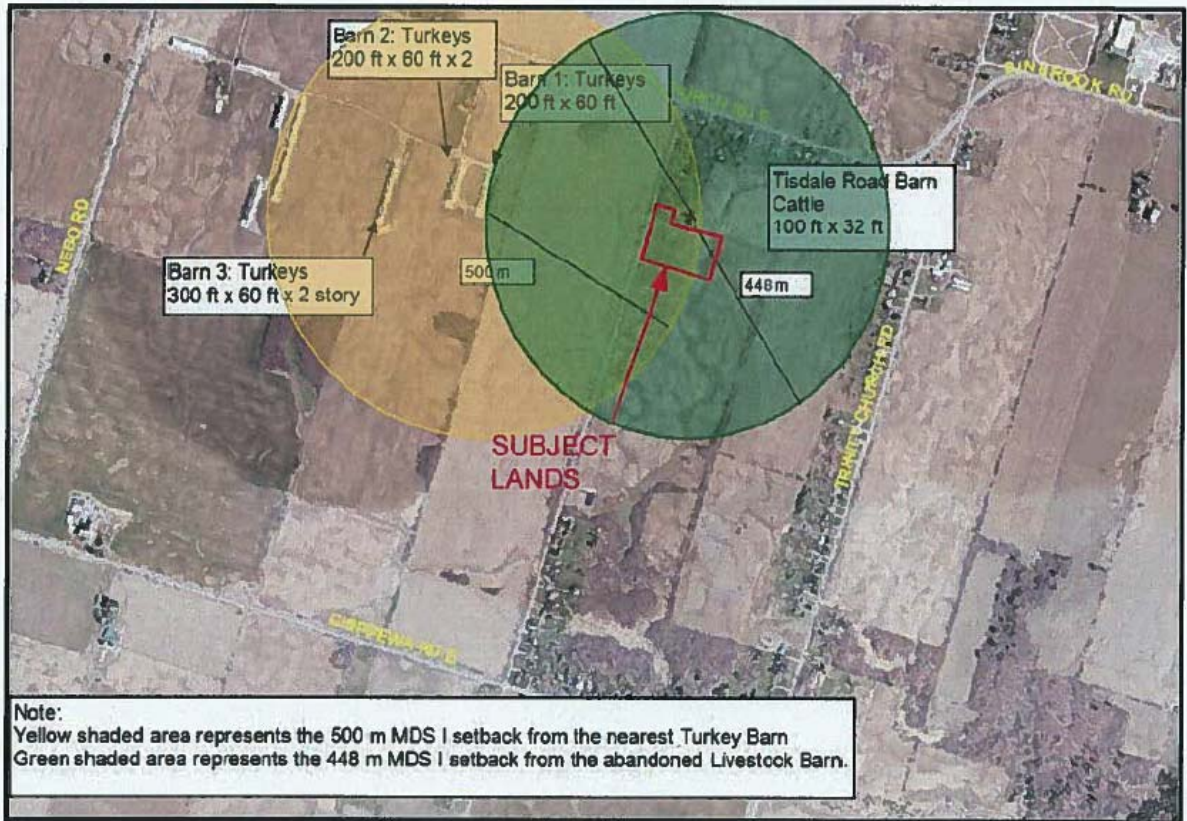


Figure 4: Existing MDS Setbacks