
HALDIMAND COUNTY

Report PED-PD-28-2018 Official Plan and Zoning By-law Amendment to Permit the Expansion of Gateway Church

For Consideration by Council in Committee on June 19, 2018



OBJECTIVE:

To consider an Official Plan and Zoning By-law amendment to facilitate the expansion of an institutional use onto neighbouring Agricultural lands.

RECOMMENDATIONS:

1. THAT Report PED-PD-28-2018 Official Plan and Zoning By-law Amendment to Permit the Expansion of Gateway Church be received;
2. AND THAT application PLOP-HA-2018-059 to amend the Haldimand County Official Plan designation of the subject lands to a site-specific 'Agricultural' designation to facilitate the expansion of the institutional use onto agricultural lands, be approved for the reasons outlined in Report PED-PD-28-2018;
3. AND THAT the By-law attached to Report PED-PD-28-2018 to adopt the Official Plan Amendment to the Haldimand County Official Plan be presented for enactment;
4. AND THAT application PLZ-HA-2018-060 to amend the Town of Haldimand Zoning By-law 1-H 86 to add the institutional use to the permitted uses on the subject property through a site specific zoning provision be approved subject to a "Holding (H)" provision, for reasons outlined in Report PED-PD-28-2018;
5. AND THAT the Zoning By-law Amendment attached to Report PED-PD-28-2018 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
6. AND THAT the Holding Provision Removal By-law attached to Report PED-PD-28-2017 be presented for enactment, and the General Manager of Planning and Economic Development be granted authority to remove the holding provision when all conditions relating to the matter are satisfactorily addressed;
7. AND THAT the subject lands be placed under site plan control for reasons outlined in Report PED-PD-28-2018 and the Site Plan Control By-law attached to the report be presented for enactment;
8. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2014, Provincial Growth Plan 2017 or other matters of provincial interest.

Prepared by: Benjamin Kissner, Planner

Reviewed by: Mike Evers, MCIP, RPP, BES, Manager, Planning and Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

A joint Official Plan and Zoning Amendment application has been received from the consulting firm, GSP, who has been retained by Gateway Church which is located at 15 Haldimand Road 66 in north Caledonia. The purpose of the applications is to facilitate the expansion of the church and to provide for further long term growth. A portion of the subject lands are owned by Allan and James Parke, and should this proposal be approved, the lands will be severed from the farm property and boundary adjusted to the Church lands.

The applications propose to amend the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1 H-86 for lands that abut the church in an effort to facilitate a major expansion on those lands. The existing church has seating for 400 people contained within a 1,369 m² facility with three portable classrooms, and 110 parking spaces. The expansion will include an 800 seat auditorium, 256 m² of classroom space and an additional 270 parking spaces. The expansion lands measure 3.6 hectares (8.9 acres) and would have the same site specific designation and zoning applied to them as is currently in effect for the existing church property. The church has seen continued growth over the last number of years and is anticipating it to continue as the community continues to experience development of new residential projects. As such, there is a need that has been demonstrated for the subject applications and the expansion proposal. Staff have assessed the proposal relative to the appropriateness of the expansion, land use compatibility, impacts to agricultural lands and technical matters (servicing, traffic impacts) and have determined the proposal to be supportable. Should the Official Plan and Zoning By-law amendment be approved, the church will advance with a severance application to boundary adjust the expansion lands from the abutting farm to the church property. A site plan application would also be required to review all detailed design aspects of the proposal. In staff's opinion, the proposal aligns with Provincial Policy and the County Official Plan, and as such, is recommended for approval.

BACKGROUND:

The proponents are requesting an amendment to the Haldimand County Official Plan and the Town of Haldimand Zoning By-law to expand the provisions that permit the existing church use, such that these provisions will be applied to the lands identified in Attachments 1, 2 and 3. If the applications are approved, and the boundaries of the special policy area and the special provision are expanded, the proponents will apply for a boundary adjustment to add the lands shown in Attachments 1, 2 and 3 to the existing church property.

The proponents have identified a need to expand the existing church, which is adjacent to the subject lands and is elaborated upon below. The existing church was established in 2005 through an Official Plan and Zoning by-law amendment which were followed by a severance application and site plan control review. Through these County reviews, the proponents were able to establish the use, which is accessed from Haldimand Road 66, serviced by a private individual septic system, and has access to municipal water supply (via the transmission main which runs along the property frontage). The growth that the County is experiencing in Caledonia has led to the proponents' conclusion that the current congregation will continue to grow over time and the lands that house the use will need to grow as well.

The proponents are seeking to include an additional 3.6 hectares (8.9 acres) under the existing special policy area and special provision that are in place in the Haldimand County Official Plan and Town of Haldimand Zoning By-law respectively. The expansion of the existing building which would follow the acquisition of the lands will include the construction of an additional auditorium with a floor area of 1,319 m² (14,198 ft²) with seating for 800 people, and an additional classroom with an area of 256 m² (2,755 ft²). In order to accommodate the increased use of the site, the expansion will include the addition of 270 parking spaces to the existing 110. There is a proposed addition to the existing dry pond for

stormwater management, as well as the installation of two additional dry ponds on the site to accommodate the additional runoff. The church will continue to be serviced by municipal water, and the wastewater will be dealt with by installing an additional private septic bed on the site in area identified in Attachment 3.

The subject lands are currently vacant of any structures. The property directly north of the subject lands is used for agricultural purposes, while those to the northwest and west contain a variety of industrial and commercial uses and the lands to the east contain residential properties.

ANALYSIS:

Provincial Policy Statement 2014

The Provincial Policy Statement 2014 (PPS) encourages developing strong communities that promote general wellbeing, while ensuring that development occurs in such a way that health, livability and safety are accounted for, and there is a wide range of land uses that are available to be realized. This includes residential, commercial, industrial and institutional uses. The subject application proposes an expansion to an established church that is forecast to experience growth as a result of the increased residential development in Caledonia. The proposed development will have access to Haldimand Road 66, and has already established a connection to municipal water, thus the development will not require the expansion of the public road network or the water servicing, which satisfies the PPS requirement to intensify development where infrastructure already exists. The use will require wastewater servicing from an on-site septic system, and staff is satisfied that there is sufficient area on the property to accommodate this service. The proposed expansion includes an expansion to the parking facility, which will require stormwater management control to be installed to ensure that the quality and quantity of the runoff from the site is properly maintained. These matters are to be addressed through Site Plan Control and through this mechanism will allow for PPS to be satisfied from a health and safety/infrastructure provision standpoint.

The lands identified for the expansion exist outside of the Urban Area Boundary for Caledonia, and are designated Agricultural in the Haldimand County Official Plan. The PPS outlines specific requirements that need to be met in order to remove lands from the agricultural land base. Given that this proposal is for institutional use, the noted policies apply and there is opportunity to consider the application under PPS subject to a series of criterion being satisfied. The requirements are as follows:

PPS Policy 2.3.6 b)

Limited non-residential uses, provided that all of the following are demonstrated:

1. The land does not comprise a specialty crop area;

Planning Comment:

The subject lands are classified as Class 1 and 3 soils in the Canada Land Inventory (CLI) Land Classification index. While the site does contain soils that are identified as prime agricultural lands, they are not used for the growing of tender fruits, grapes, or other fruit crops or vegetable crops, the lands are not subject to special climactic conditions or any other factors that establish them as being appropriate for specialty crop growth. This policy test is not offended by permitting the expansion of the use onto agricultural lands.

2. The proposed use complies with minimum distance separation formulae;

Planning Comment:

There are no livestock farming operations located in the vicinity of the subject lands, thus staff is confident that minimum distance separation (MDS) will not be a factor that leads to any land-

use incompatibility issues for this proposal. This policy test is not offended by permitting the expansion of the use onto agricultural lands.

3. There is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and

Planning Comment:

The existing church use has identified a need to expand the amount of lands available for building and parking on the site, this will become more of an issue as the church parish continues to grow in proportion to the residential development occurring in the community. When the church was first opened to the public in 2006, the parish had roughly 200 members. At present, membership has grown to approximately 600 people, and it is forecast to grow to 800 as a result of the residential development that is taking place in the County.

Policy 1.1.2 of the PPS outlines how sufficient land shall be made available through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing, and other land uses to meet projected needs for a time horizon of up to 20 years.

The proposed amendments relate to an established and fully operational church facility, which is looking to expand in order to continue to grow and service the existing community and new residents arriving in the various new residential neighbourhoods. The facility is well established, with investments made to the existing infrastructure, in terms of buildings and land. To relocate the operation at this time would require a new site to be established and a number of buildings to be constructed. Also, the future consent application will seek to boundary adjust the subject lands to the parcel containing the existing church, thus the endpoint of the application process will not result in new lot creation. This policy test is not offended by permitting the expansion of the use onto Agricultural lands.

4. Alternative locations have been evaluated and:
 - a. There are no reasonable alternative locations which avoid prime agricultural areas; and
 - b. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Planning Comment:

The proponents conducted a review of the surrounding area for lands that are not within the Agricultural area of the County, and were unable to find lands suitable enough to accommodate the use that they wish to expand. This is due to the fact that parcels within employment areas do not permit institutional uses and employment land conversions are not desirable (nor supported under Provincial Policy), and the parcels that were available were predominantly undersized relative to the needs of the church. The church has indicated that the land area that will accommodate their forecast growth will need to be approximately 5.25 hectares (13 acres) in total (current plus expansion lands). Finally, the proponents are requesting that the expansion lands be subject to the same special policy area and special provision that applies to the abutting church property and which permits the institutional use in addition to the uses permitted in the Agricultural designation and the A zone. This approach would avoid removing the Agricultural designation and A zone entirely and the proposal will add the desired use to those permitted as of right already.

As previously stated, the proposal is to expand an existing church, and as a result there is no reasonable alternative location to the development to lower priority lands. The existing church has already removed 1.82 hectares (4.5 acres) from agricultural production, and the proposed amendments and expansion are considered logical development. The soil classification

considers the area as Class 1 and 3 soils, which is consistent with adjacent lands. The majority of the soil class for Haldimand County ranges between Class 2 to 4, moderate to severe limitations.

Based on the above, this policy test is not offended by permitting the expansion of the use onto Agricultural lands.

Based on the foregoing, the proposal is considered consistent with the Provincial Policy Statement, and satisfies the criteria for Removal of Prime Agricultural Lands. The application has made efforts to remove as minimal lands required for the proposed use, as well as it is assisting in the continued growth and development of an established church facility that services the Caledonia community and surrounding area.

Growth Plan for the Greater Golden Horseshoe

Policy 4.2.6 3) of the Growth Plan for the Greater Golden Horseshoe directs that:

Where agricultural uses and non-agricultural uses interface are outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impact on the agricultural system. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, within the area being developed.

The subject proposal will expand an established institutional use that exists in the rural area of the County, which will not result in the use needing to be established at another site which may result in additional lands being removed from agricultural production. Also, the proposal represents an opportunity to intensify a use where servicing already exists, and will not result in additional expansion of County owned and operated infrastructure.

Haldimand County Official Plan

The subject lands are designated 'Agriculture' within the Haldimand County Official Plan. Under the 'Agriculture' designation, the land base is to be protected and the use of the lands must be predominately agriculturally oriented, with permitted uses including all forms of farming, as well as land uses compatible with or related to agriculture. The Official Plan contains a special policy area (HAL.41) on the church property which permits for the institutional use and accessory uses as well as municipal water service to the lands, within the existing Agricultural designation. More specifically, HAL.41 states:

"Notwithstanding the Agricultural uses permitted on these lands, a place of worship and accessory uses shall also be permitted on those lands identified as having reference to this subsection on Schedule A.1 and Schedule B.1. In addition, notwithstanding the servicing policies outlined in this Plan for non-urban areas, building constructed for the uses noted above may be connected to municipal water services provided the design standards are acceptable to the County."

As the intent of the application is to expand the existing church use, the Official Plan amendment is required to permit the use. This special policy noted above is requested to be applied to the expansion lands which are identified in Attachment 4.

In terms of the proposed amendment, the removal of lands from the farm and agricultural production is not considered to have a negative impact on the farm operation. The lands subject to the amendment are of a size—i.e. 3.6 hectares (8.9 acres)—that minimizes the impact to the farm operation and are only what is absolutely required for the proposed long term church expansion. Care has been taken to ensure that only those lands necessary for Gateway Church are considered in the application. In that regard, staff has worked with church representatives and their planning consultant to ensure that an over-designation/removal does not take place. The retained agricultural lands will continue to have an approximate area of 30.34 hectares (74.97 acres), and is considered of a size that is both viable and flexible for a variety of farming types. This is a farm size that is both viable and flexible for any future

transitions in farm type. The property transfer will provide the opportunity for an existing church to continue to grow and develop and utilize extensive infrastructure invested into the institution.

Additionally, severances for legal or technical reasons, including minor boundary adjustments, easements or rights-of-ways or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality or viability of a farm, are permitted. Should Council support the amendment it will provide the necessary policy support for the future severance application.

Land Use Compatibility

Where a new use is proposed on lands which abut a sensitive land use, a compatibility review must be undertaken to ensure the appropriateness of the development and potential for mitigation measures. The land uses that surround the subject property are varied in nature. There are residential, agricultural, commercial and industrial uses within the vicinity of the subject property. A more detailed description is provided below, and the description is illustrated by Attachment 1, which depicts the larger neighbourhood to provide a broader context. Section F.1) 1 of the Haldimand County contains policies which outline mitigation measures that can be utilized in situations where a new land use is going to be located to a sensitive land use. The considerations are outlined below:

- Separation of uses by increased setbacks;

Planning Comment:

The proposed building and parking expansion will result in the institutional use getting closer to the existing residential dwellings in the area. While institutional and residential uses are generally considered compatible, the land use adjacent to the dwellings on the north side of Haldimand Road #66 will become more intensive than the current agricultural land use. In order to mitigate the potential for negative impacts, the proponents have shown an 8 m (26 ft.) separation distance between the parking area and the nearest residential property. Included within this separation distance is a landscaped buffer, which will help reduce negative impacts between the two uses (e.g. vehicular/parking lights shining, visual).

The expanding church use can also be considered a sensitive land use when compared to lands the south where there is policy support to establish a commercial business park and industrial (employment) uses, as well as the existence of several small business operations to the south-east (CNC machining and welding operations). The existing church can be assessed with respect to the neighbouring lands through the lens that the expansion to the church will not be progressing in a direction that would place it closer to the lands that are intended for/being used for employment purposes. Rather, the church additions are going to be directed away from these lands and proceed to the north/northeast of the existing building. Further, there are numerous residentially developed properties on both the north and south side of Haldimand Road #66 which are closer than, and would post more of a direct impact to any planned or existing employment uses. Thus the expansion proposed of the church will not create any new or more restrictive setback implications for business operations.

In both cases (church expansion lands and employment lands), the lands will be subject to site plan control, which means that the new development on the site, and the final details of design, will be reviewed and any additional mitigation measures can be included as part of the site plan approval process. The review would include the location and orientation of buildings, orientation of use, grading and drainage, landscaping, vehicular movements and parking.

- Screening and buffering such as landscape strips, architectural screenings, fences or berms;

Planning Comment:

Landscape features such as vegetation plantings and fencing are proposed to be incorporated for the subject project, and will be finalized through the site design and site plan approval process to further act as both a visual and sound buffer. Future development of neighbouring lands to the south would also be subject to site plan control and there would be opportunity through that process to review any requirements for screening and buffering of uses on those lands.

- Location of lighting so that it is deflected away or shielded from adjacent sensitive uses;

Planning Comment:

Any lighting installations will be assessed via a photometrics plan and mitigation of light spillage will be reviewed as part of the site plan process. This process, and the ultimate final lighting design, will ensure there is no light spillage onto adjacent properties.

- Proper location of parking, loading and unloading areas, and outside storage; and

Planning Comment:

The location of all of these elements will be carefully assessed as part of the site plan approval process. The use is institutional in nature so there will be limited instances where large, delivery vehicles need to navigate the site but movement of vehicles of this nature will be assessed and accounted for through the site plan process. The expected high-volume, or peak usage times are expected to occur on Sundays, while usage for the remainder of the week will likely be less intense and less frequent. The expected size of the congregation is anticipated to be grow to approximately 800 members, and the bulk of these people will travel to the site for services held on Sundays, with a much smaller number of these members expected to frequent the subject lands during the remainder of the week.

- Provision of safe, convenient pedestrian access with minimal interference from vehicular movement.

Planning Comment:

Pedestrian access has been considered based on the plans that were included in this suite of applications. At this point in time, the proponents have shown an acceptable level of connectivity within the site for pedestrians to be able to safely move from their vehicle to the buildings on site. This element of site design will be finalized through the site plan review process.

The proponents have submitted a Traffic Impact Study that has been reviewed by County staff as well as staff representing the Ontario Ministry of Transportation. This review has concluded with the request that modification be made to the existing entrance to the subject lands, once the proposed development begins. These modifications are being requested to ensure that the intersection with Highway 6 is not impacted by the traffic volumes that are likely to be associated with the church services that will be held. These requests are outlined in more detail below, and are provided in their entirety in Attachment 8.

The properties abutting the subject lands to the northeast and northwest are designated 'Agricultural' and subject to HAL 40 which permits the commercial uses on the subject lands, and as previously stated, the lands to the south are designated urban business park and are subject to special policy HCOP-20 which outlines the policies that regulate the development of the lands for a large scale retail centre and urban business park. Staff are confident that supporting the expansion of the church on the subject property will not introduce a land-use conflict with these lands. In order to ensure that the potential for land-use conflicts between the church and neighbouring residential uses are mitigated, staff will request buffering between the uses through the site plan control process.

Water and Wastewater Servicing

The subject property exists outside the urban boundary for Caledonia. The Official Plan sets out that such lands are to be serviced privately. However, as part of the previous amendments to establish the church, partial municipal services (in the form of municipal water) were approved for the development. Those permissions are proposed to be extended to the expansion lands so that the enlarged facility will continue to receive municipal water into the future. A new private individual wastewater treatment system (septic) will be constructed as part of the proposed expansion. As the church already benefits from partial servicing and no upgrades or impacts would be experienced to the municipal system in this location, the current status is recommended to continue, and is subject to more thorough review through the site plan control process. Also, through the site plan review, a site plan agreement will be required to be registered on title once it has been executed by the proponent and the County. This agreement will include a provision that will require the present or any future owner to connect with wastewater servicing should it be installed along Haldimand Road #66 in the future. Should that occur, the septic system would need to be decommissioned at that time and following connection to the County servicing.

Site Plan Control

Site Plan Control is applied to a variety of zones throughout Haldimand County to regulate development (Attachment 7). Traditionally, the 'Agricultural (A)' zone is not subject to site plan control, however due to the scale of the proposed development staff is recommending that this project be subject to a site plan review.

This review will allow staff to have input into issues such as: stormwater management, ingress/egress, parking layout, site lighting and buffering between land uses. This review is tailored to suit each project, and as the proponent has not initiated a formal site plan review, staff has not yet begun this process.

Planning staff acknowledge that there is potential for land-use conflicts to arise between the proposed expansion to the church and the neighbouring residential uses. To ensure that the potential for issues are mitigated, staff will recommend that there be buffering installed on the site between the church use, and the residential lands.

Through the commenting process relative to the subject Official Plan and Zoning by-law amendment, the Ministry of Transportation (MTO) has provided comment with respect to matters that relate to the road network that is under their jurisdiction, as the subject lands are within their regulation distance from Highway 6. The comments from MTO are explained in more detail in the following sections, however they can be summarized as follows:

- The existing entrance be restricted to right-in and right-out only access;
- The proposed new entrance can accommodate full movements; and
- The County should consider a 5m wide road widening along the north limit of Haldimand Road 66 between the intersection with Highway 6 and #21 Haldimand Road #66.

The comments that have been received from MTO to date are included as Attachment 8 to this report. Staff will incorporate these matters into the requirements for Site Plan Approval, once that formal review has begun.

Lastly, as part of the site plan process, a site plan agreement will be required. As part of the agreement, the obligations of future potential servicing 'tie in' will be incorporated (as described in the servicing section immediately above).

Zoning By-law

The zoning on the subject property is currently zoned 'Agricultural' (A) in the Town of Haldimand Zoning By-law 1 H-86, and the proponent is seeking to expand the special provision that applies to the existing parcel—i.e. Special Provision 36.310. This special provision establishes the church, and accessory uses

(gymnasium, nursery, offices and meeting rooms) for the lands under review. The proponents are not seeking relief for any other zoning provisions relating to lot area, frontage, or yard setbacks and thus are requesting the amendment specific to the uses noted.

The recommendation from staff is to leave the A zone in place for the site, and expand the area that the special provision applies to such that the lands subject to this application are included as well as those previously covered. This approach will leave the A zone in place so that, if in the future the expansion does not occur, the permitted uses in the A zone may be established without needing to submit a Planning application.

In addition to the above noted amendments to permit the proposed church expansion, staff is recommending that a 'Holding (H)' provision be applied to the subject lands. The H-provision will require that the site plan review is completed, and a site plan agreement will be registered on title and that an archaeological study is completed with respect to the lands that are subject to this current set of applications. The lands upon which the existing church were built were subject to an archaeological investigation prior to issuance of building permits in 2005. Staff are working with the Ministry of Tourism, Culture and Sport (MTCS) to determine if the work completed in the past warrants additional investigation in terms of the expansion. If MTCS confirms that additional archaeological work is not required, the condition of the Holding can be waived, however, if the investigation is required the proponents will need to supply the County with MTCS clearance once the work is completed and prior to construction commencing. (Attachment 6)

Draft Amendments

Copies of the proposed draft Official Plan amendment (Attachment 4), and a Zoning By-law amendment (Attachment 5) have been prepared and attached to this report. With the approval of the requested Official Plan and Zoning amendment, the proposed development on the subject lands will have a site specific policy added to the site and the Zoning By-law will have a site specific zoning provision added as well. These planning instruments would extend the site specific policy and provisions that exist on the abutting church property to the subject lands to create consistency across the enlarged parcel.

Planning Opinion:

Planning Staff has reviewed the proposal in relation to Provincial and County policy frameworks and are of the opinion that the proposed amendments are consistent with and generally maintain the intent and purpose of the Provincial Policy Statement, 2014, the Places to Grow Plan 2006 and the Haldimand County Official Plan. Additionally, the proposed amendment to the Zoning By-law maintains the intent and purpose of the Town of Haldimand Zoning By-law 1 H 86. Therefore, Planning Staff is supportive of the subject applications.

The proponents have sent notice to the neighbours within 120 metres of the subject property regarding a proponent-run open house that was held on July 27th, 2017. No concerns were raised as a result of the circulation prepared by the applicants or at the open house they hosted.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Emergency Services—No objections.

Planning and Development Division (Development and Design)—No comments.

Building Controls and By-law Enforcement Division—No objections.

Hydro One—No comments.

Ministry of Municipal Affairs/Ministry of Housing Ontario—Awaiting commentary at the time of writing this report.

Ministry of Transportation—See Attachment 8.

Six Nations—No comments received.

Mississaugas of the New Credit—No comments received.

Public Works (Road Operations)—No objections.

Haldimand-Norfolk Health Unit—No objections.

MPAC—No objections.

Other—No objections to the proposal have been received from any other agency or member of the public.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Detail Map.
3. Owners Sketch.
4. Official Plan Amendment.
5. Zoning By-law Amendment.
6. Removal of Holding By-law.
7. Site Plan Control By-law.
8. Ministry of Transportation Ontario (MTO) Comments.