

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Planner I, Planning Services

Date: August 22, 2018

Subject: Applications for Consent and Zoning By-law Amendment
PL201800112 – Brent & Jane Ward
20969 Stevenson Road, Community of Romney (West Kent)

Recommendations

It is recommended that:

1. Consent application File B-57/18 to sever and convey a new 9.54 ha (23.58 ac.) lot, shown as Parts 1, 2 & 3 on the applicants' sketch, together with a permanent easement over Parts 1 & 3 for drainage purposes in favour of the retained farm parcel, in Part of Gore Lot A, Concession 2, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i) rezone the severed parcel from Agricultural (A1) to Open Space (OS1), and,
 - ii) rezone the retained parcel from Agricultural (A1) to Agricultural – 1458 (A1-1458);
 - b) that the severed parcel be transferred to the Lower Thames Valley Conservation Authority;
 - c) that the applicants pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - d) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and

- e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Zoning By-law amendment File D-14 RO/30/18/W to implement the consent, be approved and the implementing by-law be adopted.

Background

The subject property is located on the east side of Stevenson Road between Simpson Line and 4th Concession Line, in the Community of Romney. The lands are approximately 20.2 ha (50 ac.) in area. Approximately 11 ha (27 ac.) of the property is farmed and the remainder contains natural heritage features consisting of a significant woodlot and a wetland complex. The subject property is zoned Agricultural (A1) and designated Agricultural Area in the Chatham-Kent Official Plan. A key map of the subject lands is attached as Appendix A. Photographs of the subject property are attached as Appendix B.

The applicants are proposing to sever and convey a new 9.54 ha (23.58 ac.) lot, shown as Parts 1, 2 & 3 on the applicants' sketch attached as Appendix C, consisting of the natural heritage features. The applicants have been in negotiations with the Lower Thames Valley Conservation Authority (LTVCA) to convey this portion of land into public ownership to ensure protection of the natural heritage features for the long term. The retained farm parcel will be 10.69 ha (26.41 ac.) in area and will continue to be farmed by the applicants.

Over the past 15 years, the applicants have completed extensive work naturalizing the property with other partners including the LTVCA, Ducks Unlimited, Ministry of Natural Resources and Forestry, Ontario Power Generation and Forests Ontario. The work has included the planting of 50,000 trees, tall grass prairie, developing wetlands, trails and fox snake hibernaculum.

The application also proposes to establish a permanent easement for stormwater drainage over Parts 1 & 3 on the applicants' sketch, in favour of the retained farm parcel. Surface water on the subject lands drains to the Shepley Drain, a municipal drain abutting the rear lot line of the subject property.

The purpose of the Zoning By-law Amendment application is to implement the severance, according to the requirements of the Chatham-Kent Official Plan and the Provincial Policy Statement, with respect to the protection of the natural heritage feature on the property for the long-term.

Comments

Provincial Policy Statement (PPS)

Section 2.1.1 (Natural Heritage) states, *Natural features and areas shall be protected for the long term.* Further, Section 2.1.9 states, *Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.*

It is recommended that the natural heritage feature be rezoned to the Open Space zone to implement the direction of the PPS to protect natural areas for the long term. Further proposed development within the protected areas will require additional *Planning Act* applications which must include an Environmental Impact Statement (EIS) that demonstrates no negative impact on the natural heritage features will occur before development is approved.

Official Plan

Similar to the PPS, the Chatham-Kent Official Plan contains policies designed to protect and enhance natural heritage features and areas. These policies also apply to lands designated Agricultural. The Agricultural Area policies state that:

3.10.2.12 For lands located within or adjacent to the significant habitat of endangered or threatened species identified in consultation with the Ministry of Natural Resources, Provincially Significant Wetlands identified on Schedules "A" and "E" Series – Land Use, or significant natural heritage features identified on Schedule "C" Series – Natural Heritage and Hazards Features, the policies contained in Section 4 of this Plan will also apply.

Furthermore, since the severance is to convey the natural heritage features to the LTVCA for long term protection, it is supported by several policies in Section 4, Environment, which state:

It shall be the objective of Chatham-Kent to:

4.2.1 Increase and improve the health of the natural heritage system of Chatham-Kent through protection and enhancement of natural heritage features, ecological functions and natural resources, including air and water, education, conservation and environmental stewardship.

4.4.1.1 Protect and preserve provincially and federally significant natural features in Chatham-Kent.

4.4.2.1 Ensure that development and site alteration results in no negative impacts on significant natural features in Chatham-Kent.

4.4.3.1 Protect potential natural corridors through the development review process in Chatham-Kent.

The recommended rezoning of the natural heritage features will ensure that the Municipality's interests in this regard are protected, while allowing for the existing agricultural uses on the property to continue. In addition, the applicants have agreed to convey the severed parcel containing the woodlot and wetland to the LTVCA for the purposes of long-term stewardship and protection of these natural heritage features.

Zoning By-law

As indicated above, the rezoning of the natural heritage feature to Open Space will ensure long-term protection of the natural heritage features. The site-specific rezoning of the retained farm parcel will allow the existing agricultural use to continue, while also restricting development within 120 metres of the rear lot line to mitigate potential negative impacts on the woodlot and wetland.

Conclusion

The proposed applications for consent and zoning by-law amendment have been reviewed in the context of the Provincial Policy Statement, Chatham-Kent Official Plan, and Chatham-Kent Zoning By-law, and comply with these documents. Therefore, the applications are being recommended for approval as noted in the Recommendations section of this report.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

Consultation

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the applications.

External

Lower Thames Valley Conservation Authority

The LTVCA was circulated for comments. They have reviewed the applications and noted they have no objections to the proposal.

As noted above, the LTVCA has confirmed that it has invested in the development of the natural heritage features on the property over the past 15 years, along with partners including Ducks Unlimited, Ministry of Natural Resources and Forestry, Ontario Power Generation and Forests Ontario. These efforts have resulted in the planting of 50,000 trees, tall grass prairie, the development of wetlands, trails, and fox snake hibernaculum.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



Ryan Jacques, MCIP, RPP
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Reviewed by:



Bruce McAllister, MCIP, RPP
Director, Planning Services

Reviewed by:

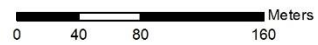
John Norton
General Manager
Community Development

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicants' Sketch
By-law to Amend By-law No. 216-2009

Appendix A – Key Map



This is not a plan of survey.
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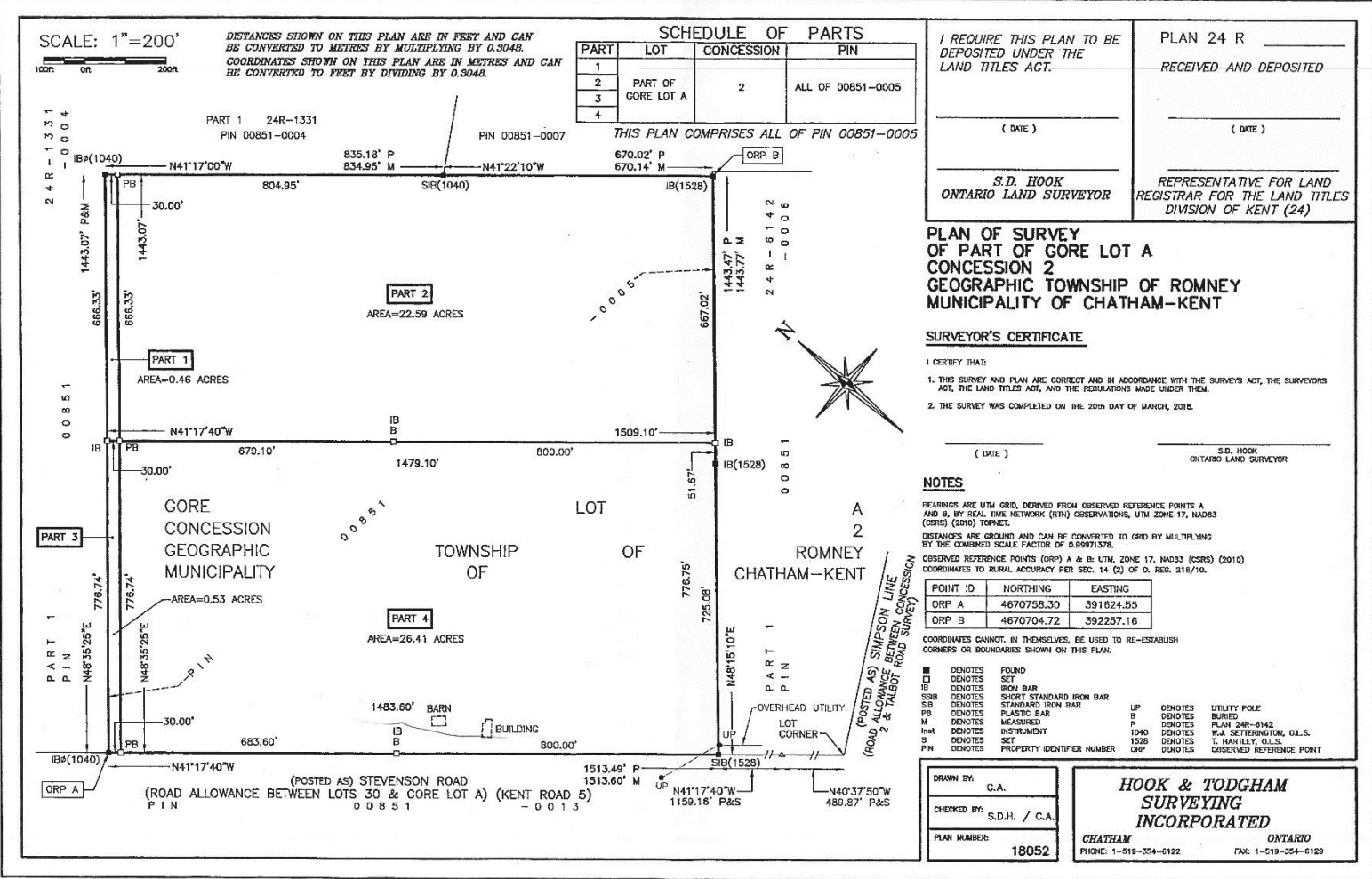
Appendix B – Site Photos



Looking east at the subject property.



Looking northeast at the lands subject to the easement.



By-law Number _____

Of The Corporation
of the Municipality of Chatham-Kent

A By-law to Amend Zoning By-law 216-2009 of the Municipality of Chatham-Kent

(Brent & Jane Ward)

CityView # PL201800112

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Romney in order to rezone the lands to protect a natural heritage feature for the long term;

And Whereas the proposed use would conform to the Official Plan;

And Whereas Council, after due investigation and consideration, concurs in the proposed amendment;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. That Schedule "A" of the By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by changing the zoning classification from Agricultural (A1) to Open Space (OS1) and Agricultural – 1458 (A1-1458) on the lands so depicted on Schedule "A" hereto annexed and also forming part of this by-law.
2. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:

1458

3. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding to the list of Special Zone Provisions, the following:

A1-1458

4. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding the following:

Exception No.	Special Zone Symbol	Special Zone Provisions
1458	A1-1458	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply: i) No buildings or structures shall be erected within 120 m of the rear lot line, unless it has been demonstrated through an

		ESS/EIS that there will be no negative impacts on the adjacent natural heritage feature or its ecological functions.; and ii) The Lot Area Minimum shall be 10.69 ha.
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This By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the _____ day of _____, 2018.

Mayor – Randy R. Hope

Clerk - Judy Smith

This is Schedule "A" to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the _____ day of _____, 2018.

