

**Municipality of Chatham-Kent**  
**Community Development**  
**Planning Services**

**To:** Mayor and Members of Council  
**From:** Ryan Jacques, Planner  
**Date:** January 12, 2018  
**Subject:** Planning Services Report

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**Application Details**

**Application:** Combined Application (File D-28 RA/57/17/D) for Official Plan Amendment No. 53 (File D-09 RA/05/17/D) and Zoning By-law Amendment (File D-14 RA/45/17/D)

**CityView #:** PL201700181

**Applicants:** Delhaven Orchards Ltd., and Hector Delanghe

**Location:** 8198 & 8202 Talbot Trail, Survey TRS PT LOT 133 S/S, Raleigh Concession Talbot Road PT LOT 133 S/S Talbot Trail, Craford Road, Survey TRS PT LOT 133

**Roll Numbers:** 3650 110 012 00200; 3650 110 012 00200; 3650 110 012 00400

**Community:** Raleigh (South Kent)



**Recommendations**

It is recommended that:

1. Official Plan Amendment application D-09 RA/57/17/D, being OPA No. 53, in the Community of Raleigh, to change the land use designation for:
  - i. 8198 Talbot Trail, Survey TRS PT LOT 133 S/S,

- ii. 8202 Talbot Trail, Raleigh Concession Talbot Road PT LOT 133 S/S Talbot Trail, and,
- iii. Craford Road, Survey TRS PT LOT 133,

from Recreational Residential to Agricultural Area, be approved and the implementing by-law adopted.

2. Zoning By-law Amendment application D-14 RA/45/17/D, to implement the Official Plan amendment, to rezone the lands knows as:

- i. 8198 Talbot Trail, Survey TRS PT LOT 133 S/S,
- ii. 8202 Talbot Trail, Raleigh Concession Talbot Road PT LOT 133 S/S Talbot Trail, and,
- iii. Craford Road, Survey TRS PT LOT 133,

in the Community of Raleigh, from Recreational and Lakeside Residential (RLR) to a site-specific Agricultural (A1-1435) zone, be approved and the implementing by-law adopted.

### **Description of Proposal**

The subject property is located at the southeast corner of Talbot Trail and Craford Road in the Community of Raleigh. The lands are approximately 4.63 ha (11.46 ac.) in total area and contain a single detached dwelling and several outbuildings. The subject property is zoned Recreational and Lakeside Residential (RLR) and designated Recreational Residential Area in the Chatham-Kent Official Plan.

The subject property consists of three (3) adjacent parcels operating as part of Delhaven Orchards Ltd., and situated just east of its base of operations located at 8182 Talbot Trail. Delhaven Orchards Ltd. is a family owned and run farm that produces locally grown fresh fruits including: strawberries, sweet cherries, pitted sour cherries, plums, apricots, nectarines, peaches, apples, and sweet apple cider.

The current land use designation and zoning of the subject property do not permit agricultural uses as-of-right. Therefore, the Official Plan Amendment and Zoning By-law Amendment applications propose to re-designate the lands to Agricultural and rezone the subject property to a site-specific Agricultural (A1-1435) zone to permit agricultural uses and establish appropriate regulations. This land use change will allow the existing business to continue to operate, and expand into the future, while complying with Chatham-Kent's planning documents.

A Key Map showing the location of the subject property and photographs of the subject lands are attached as Appendix A and B, respectively.

## **Consultation**

### **Internal**

#### **Technical Advisory Committee**

The Technical Advisory Committee supports the application.

### **External**

#### **Lower Thames Valley Conservation Authority (LTVCA)**

The Lower Thames Valley Conservation Authority has reviewed the application and has no objection to this proposal.

#### **Ministry of Municipal Affairs (MMA)**

MMA was circulated for comments and the Province has no objection to the proposal.

## **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)

### **Planning Analysis**

Provincial Policy Statement (PPS):

The proposal is consistent with the PPS

Chatham-Kent Official Plan:

The proposed amendment is consistent with the PPS

Zoning By-law:

The proposed amendment conforms to proposed Official Plan amendment

### **Comments**

#### *Provincial Policy Statement (PPS)*

The applications do not raise any issues of provincial interest and are consistent with the PPS. Specific policies in the PPS most relevant to the proposal are as follows:

- Section 1.1.4, Rural Areas in Municipalities, Section 1.1.4.2 states that, “rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.”
- Section 1.1.5, Rural Lands in Municipalities, Section 1.1.5.8 states that, “Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.”
- Section 2.3, Agriculture, Section 2.3.1 states that, “Prime agricultural areas shall be protected for long-term use for agriculture.”

The subject property is located within a prime agricultural area and is not part of a rural settlement area. Therefore, the proposal to re-designate the subject property to Agricultural is appropriate and conforms to the PPS.

#### *Official Plan*

The applications have been reviewed under policies of the Official Plan. They have been specifically reviewed under Section 3.10 Agricultural Area Policies and Section 6.3.3 Planning Tools (Official Plan Amendments), and generally meet these policies, which include the following:

- 3.10.1.1 *Support a healthy and viable agricultural industry as a cornerstone of the Municipality's economy.*
- 3.10.1.3 *Support Chatham-Kent's agricultural industry, including local food production and distribution systems, farmers' markets and farm-gate*

*sales, to provide healthy and accessible foods that serve the needs of Chatham-Kent residents.*

3.10.2.2 *The Agricultural Area designation means that the primary use shall be agriculture, farm-related industrial and farm-related commercial uses and accessory uses.*

6.3.3.10.4.1 *Amendments in any Land Use Designation*

*Council will consider the need for the proposed change, the effect on municipal services and facilities, and the impact of the proposed change on the ability of the Municipality to achieve the goals, objectives and policies expressed in this Plan, and in the Provincial Policy Statement...*

An objective of the Official Plan is to make provisions for the long-term protection of the agricultural industry in Chatham-Kent. The predominant land use of the subject lands and surrounding area is agriculture. The proposal will place the subject property into the Agricultural Area designation, more appropriately reflecting the current and proposed use of the lands. This change supports and protects the surrounding prime agricultural area, and the long-term viability of the local agricultural industry in Chatham-Kent.

The existing residential dwelling on the subject property will remain as the only permitted primary residence. There will be no impact on the existing municipal servicing surrounding the subject property as a result of the proposal.

Surrounding Land Uses

It should be noted that the lands to the north of the subject property and the adjacent lot to the east (8252 Talbot Trail) are designated and zoned agricultural, as is being proposed for the subject property. The lands to the south and west are designated Recreational Residential Area; however, the predominant land use is agricultural with scattered residential uses along Lake Erie and Talbot Trail. The proposal is intended to facilitate the continued agricultural operation on lands owned by the applicants.

*Zoning By-law*

The subject lands are currently zoned Recreational and Lakeside Residential (RLR), which only permits residential type uses as-of-right. The current and the proposed uses of the subject lands are agricultural in nature. It is recommended that the subject property be zoned in a site-specific Agricultural (A1-1435) zone that permits the uses set out in the Agricultural (A1) zone, and establish appropriate regulations.

## Conclusion

The proposed official plan amendment and zoning by-law amendment have been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and will be in full conformity, if approved. Therefore, the applications are being recommended for approval.

Prepared by:



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Ryan Jacques, MCIP, RPP  
Planner I, Planning Services

Reviewed by:



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Bruce McAllister, MCIP, RPP  
Director, Planning Services

Attachments: Appendix A – Key Map  
Appendix B – Site Context  
By-law to amend Zoning By-law 216-2009  
Amendment No. 53 to the Official Plan for the Municipality of  
Chatham-Kent

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Report.docx

Appendix A – Key Map



This is not a plan of survey.  
INCLUDES MATERIAL FROM THE SUBMITTER'S PLOTTING FOR REFERENCE. ALL RIGHTS RESERVED.



Appendix B – Site Context



Looking southeast across the subject property from the Talbot Trail and Craford Road intersection.



Looking southwest across the subject property from the Talbot Trail.



Looking northeast across the subject property from Craford Road.



**AMENDMENT No. 53 TO THE  
OFFICIAL PLAN FOR THE  
MUNICIPALITY OF CHATHAM-KENT**

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

BY-LAW NO. -2018

A BY-LAW TO ADOPT AMENDMENT NO. 53 TO THE OFFICIAL PLAN FOR THE  
MUNICIPALITY OF CHATHAM-KENT

Hector Delanghe  
CityView No.: PL201700181

The Council of the Corporation of the Municipality of Chatham-Kent, in accordance with the provisions of Sections 17 and 21 of the Planning Act, hereby enacts as follows:

1. Amendment No. 53 to the Official Plan for the Community of Raleigh consisting of the attached Schedule "1" and explanatory text, is hereby approved.
2. This by-law shall come into force and take effect on the day of the final passing thereof.

Read a First, Second and Third Time and Finally Passed This 12<sup>th</sup> Day of February, 2018.

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MAYOR – Randy R. Hope

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CLERK – Judy Smith

AMENDMENT No. 53 TO THE  
OFFICIAL PLAN FOR THE  
MUNICIPALITY OF CHATHAM-KENT

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AMENDMENT No. 53 TO THE  
OFFICIAL PLAN FOR THE  
MUNICIPALITY OF CHATHAM-KENT

STATEMENT OF COMPONENTS

PART "A" - PREAMBLE does not constitute part of this amendment.

PART "B" - THE AMENDMENT consisting of the following text and one (1) map (entitled Schedule "1") constitutes an amendment to the Official Plan for the Municipality of Chatham-Kent, namely Amendment No. 53 to the Official Plan for the Municipality of Chatham-Kent.

PART "C" - APPENDICES does not constitute part of this amendment. These appendices contain the background information and planning considerations associated with this amendment.

PART "A" - PREAMBLE

1. Purpose

The purpose of this amendment is to re-designate certain lands within the Recreational Residential designation to the Agricultural designation, specifically lands located at the southeast corner of Talbot Trail and Craford Road intersection in the Community of Raleigh.

2. Location

This amendment consists of one part which shall be known as Item 1.

Item 1 – The lands subject to this amendment, located on the south side of Talbot Trail and east of Craford Road, described as:

- i. 8198 Talbot Trail, Survey TRS PT LOT 133 S/S;
- ii. 8202 Talbot Trail, Raleigh Concession Talbot Road PT LOT 133 S/S Talbot Trail; and,
- iii. Craford Road, Survey TRS PT LOT 133,

are being placed in the Agricultural designation.

3. Basis

The subject property consists of three (3) adjacent parcels approximately 4.57 ha (11.3 ac.) in total combined area, and contain a single detached dwelling and several outbuildings utilized as part of an existing agricultural operation in the vicinity. The current zoning and land use designation permit residential type uses. The existing use of the property and proposed future use is agricultural. Therefore, the Official Plan

amendment is required to re-designate the lands to Agricultural to protect the lands for long-term use for agriculture. It should be noted that agriculture is the predominant land use in the area, and the adjacent lot to the east of the subject property is zoned Agricultural (A1) and designated Agricultural.

#### PART "B" - THE AMENDMENT

All of this part of the document, entitled "Part B - The Amendment", consisting of the following text and one (1) map (entitled Schedule "1") together constitute Amendment No. 53 to the Chatham-Kent Official Plan.

##### Item 1:

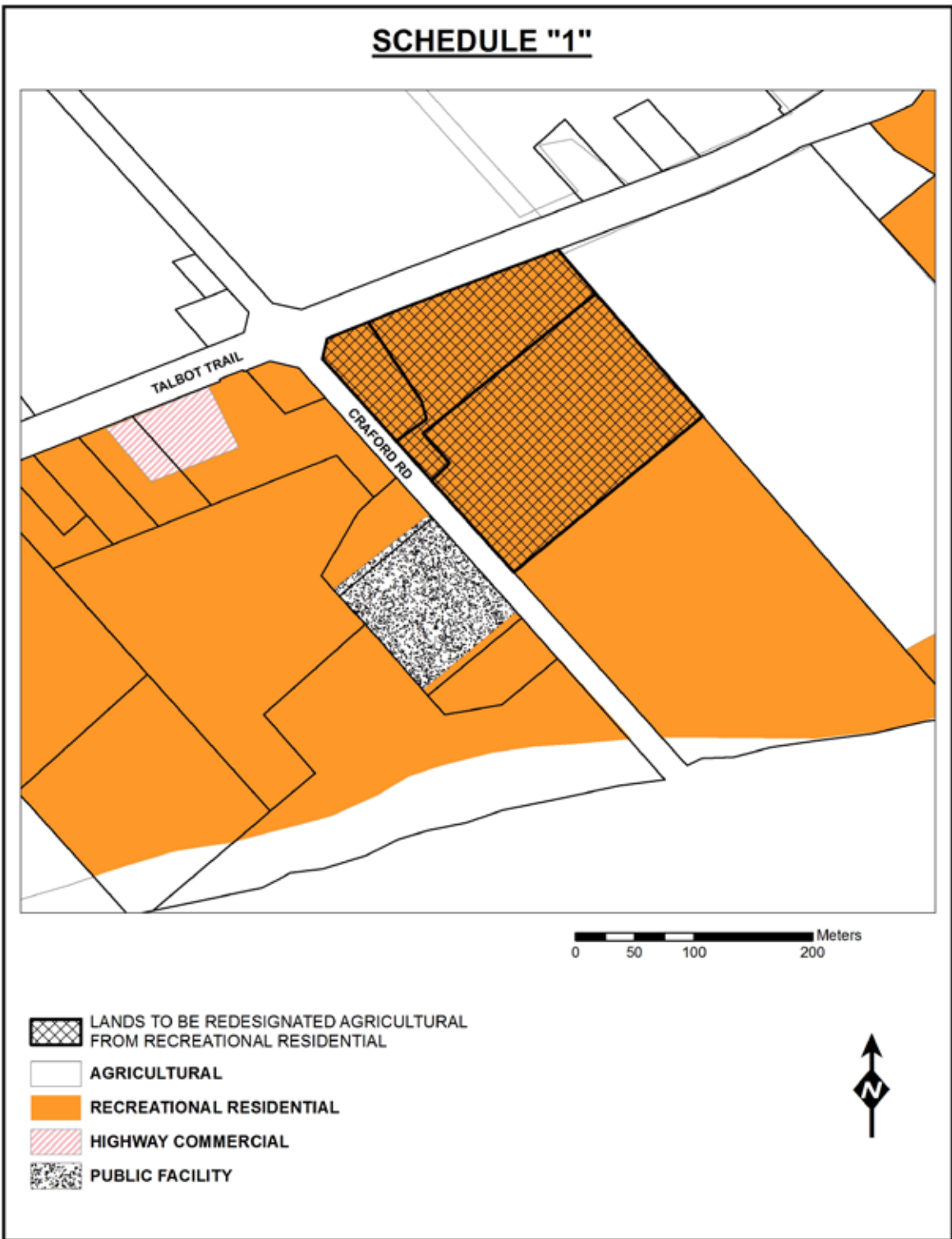
Map Schedule "A5 ", Community of Raleigh Township (Land Use Schedule), is amended by re-designating to Agricultural from Recreational Residential the lands so depicted on the attached Map Schedule "1".

#### PART "C" - APPENDICES

The following appendices do not constitute part of Amendment No. 53 to the Chatham-Kent Official Plan, but are included for information supporting the amendment.

APPENDIX 1 – January 12, 2017, Planning Report (attached).

### SCHEDULE "1"



CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

BY-LAW NO. -2018

A BY-LAW TO AMEND ZONING BY-LAW 216-2009

OF THE MUNICIPALITY OF CHATHAM-KENT

(Hector Delanghe)

CityView # PL201700181

WHEREAS an application has been received for an amendment to the zoning by-law for certain parcels of land in the Community of Raleigh in order to rezone the lands to permit agricultural uses and to establish appropriate regulations;

AND WHEREAS the proposed use would conform to the Official Plan upon the final approval of Official Plan Amendment No. 53 (OPA 53);

AND WHEREAS Council, after due investigation and consideration, concurs in the proposed amendments;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED AS By-law No. -2018 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 zone classification from Recreational and Lakeside Residential (RLR) to Agricultural-1435 (A1-1435) on the lands respectively 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:

Exception No. 1435

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

A1-1435

4. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Area 1435:

Exception No.	Special Zone Symbol	Special Zone Provisions
1435	A1-1435	Notwithstanding any other provisions of the by-law to the contrary, those lands zoned A1-1435 shall be considered one lot for the purposes of the By-law, and the following applies:  i) Minimum Lot Area – 4.63 ha

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 AND FINALLY PASSED this 12<sup>th</sup> day of February, 2018.

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MAYOR – Randy R. Hope

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CLERK – Judy Smith



This is Schedule "A" to By-law No. -2018 of the Corporation of the Municipality of Chatham-Kent passed on the 12<sup>th</sup> day of February, 2018.

