

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

**To:** Mayor and Members of Council  
**From:** Ryan Jacques, Planner I  
**Date:** January 25, 2018  
**Subject:** Planning Services Report

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**Application Details**

**Application:** Combined Application (File D-28 RA/58/17/W) for Zoning By-law Amendment (File D-14 RA/49/17/W) and Consent (Files B-87/17, B-88/17, B-89/17 and B-90/17)

**CityView #:** PL201700186

**Applicant:** Wonnacott Farms Limited

**Location:** 6651, 6671 and 6673 River View Line, Part of Lot 10, Concession 1 (Front)

**Roll Number:** 3650 110 001 08800

**Community:** Raleigh (South Kent)



**Recommendations**

It is recommended that:

1. Consent application File B-87/17, to sever and convey a portion of land, approximately 0.40 ha (1.0 ac.) in area, shown as Parts 5, 6 and 7 on the applicant's sketch, in Part of Lot 10, Concession 1 (Front), in the Community of Raleigh, as a lot addition, subject to the following conditions:
  - a) that the Chatham-Kent Zoning By-law be amended to re-establish the extent of the HL as identified by the LTVCA, and to rezone the balance of the parcel to the Recreational and Lakeside Residential (RLR) zone;

- b) that the lands to be severed, shown as Parts 5, 6 and 7 on the applicant's sketch, be conveyed to the owner of the abutting residential parcel to the east (6705 River View Line / PIN 00883-0046) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
  - c) that a one-foot square from the receiving lot be conveyed to the Municipality free of charge and clear of all encumbrances, and that the applicant pay \$75 for the registration of the dedication by-law for the one-foot square conveyance;
  - d) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
  - e) 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;
  - f) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Consent application File B-88/17, to sever a new 0.19 ha (0.48 ac.) residential lot, shown as Part 1 on the applicant's sketch, in Part of Lot 10, Concession 1 (Front), in the Community of Raleigh, be approved, subject to the following conditions:
- a) that the Chatham-Kent Zoning By-law be amended to re-establish the extent of the HL as identified by the LTVCA, and to rezone the balance of the parcel to a site-specific Recreational and Lakeside Residential (RLR) zone;
  - b) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
  - c) 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;
  - d) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
3. Consent application File B-89/17, to sever a new 0.15 ha (0.36 ac.) residential lot, shown as Part 4 on the applicant's sketch, in Part of Lot 10, Concession 1 (Front), in the Community of Raleigh, be approved, subject to the following conditions:
- a) that the Chatham-Kent Zoning By-law be amended to re-establish the extent of the HL as identified by the LTVCA, and to rezone the balance of the parcel to a site-specific Recreational and Lakeside Residential (RLR) zone;

- b) that Consent application File B-87/17 be finally approved;
  - c) that the applicant install a new septic system on the severed parcel to the satisfaction of the Municipality;
  - 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;
  - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
4. Consent application File B-90/17, to sever a new 0.23 ha (0.57 ac.) vacant residential lot, shown as Part 2 on the applicant's sketch, in Part of Lot 10, Concession 1 (Front), in the Community of Raleigh, be approved, subject to the following conditions:
- a) that the Chatham-Kent Zoning By-law be amended to re-establish the extent of the HL as identified by the LTVCA, and to rezone the balance of the parcel to a site-specific Recreational and Lakeside Residential (RLR) zone;
  - b) that Consent application File B-88/17 be finally approved;
  - c) that the outbuilding on the severed parcel, labelled "Tobacco Barn" on the applicant's sketch, be removed to the satisfaction of the Municipality;
  - d) that the applicant pay \$1,500 cash-in-lieu of parkland dedication;
  - e) that the applicant prepare an archaeological assessment over the severed parcel, to the satisfaction of the Ontario Ministry of Tourism, Culture and Sport;
  - f) 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;
  - g) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
5. Zoning By-law Amendment application File D-14 RA/49/17/W be approved and the implementing by-law be adopted.

### **Description of Proposal**

The subject property is located on the north side of River View Line between Drake Road and Dillon Road in the Community of Raleigh. The lands are approximately 1.12 ha (2.76 ac.) in area and contain three (3) single detached dwellings and four (4)

outbuildings. The subject property is split zoned Recreational and Lakeside Residential (RLR) and Hazard Land (HL), and designated Recreational Residential in the Chatham-Kent Official Plan.

The applicant is proposing to sever and convey a portion of the subject property, approximately 0.40 ha (1.0 ac.) in area, from the subject property, shown as Parts 5, 6 and 7 on the applicant's sketch, attached as Appendix A, as a lot addition to the adjacent residential parcel to the east (6705 River View Line). The proposed severed lands contain three (3) outbuildings that will become accessory to the existing single detached dwelling on the receiving lot. The receiving lot was created by Consent File B-172-88, which was approved by the County of Kent Land Division Committee on December 15, 1988.

The applicant is also proposing severances on the balance of the subject lands to create the following parcels:

- i) a 0.19 ha (0.48 ac.) residential lot, shown as Part 1 on the applicant's sketch, containing an existing single detached dwelling (6651 River View Line);
- ii) a new 0.23 ha (0.57 ac.) vacant residential lot, shown as Part 2 on the applicant's sketch;
- iii) a new 0.15 ha (0.36 ac.) residential lot, shown as Part 4 on the applicant's sketch, containing an existing single detached dwelling (6673 River View Line);

The retained parcel, shown as Part 3 on the applicant's sketch, is a 0.14 ha (0.35 ac.) residential lot containing an existing residential dwelling (6671 River View Line).

The severed and retained lots are all individually serviced with municipal water connections. Development of a dwelling on the proposed vacant lot (Part 2) will require that a new septic system be installed.

#### Zoning By-law Amendment

A zoning by-law amendment is required to implement the proposed severances. The proposed zoning is in accordance with the requirements of the Lower Thames Valley Conservation Authority, the Chatham-Kent Official Plan and the Provincial Policy Statement, and is discussed in detail in the Planning Analysis section below.

A key map showing the location of the subject property and photographs of the subject lands are attached as Appendix B and C, respectively.

## **Consultation**

### **Internal**

#### **Technical Advisory Committee**

The Technical Advisory Committee supports the application, subject to the conditions set out in the Recommendations section of this report. These are reviewed in more detail below:

#### ***Community Development***

- Building Development Services has indicated that the 0.15 ha (0.36 ac.) severed lot (Part 4) will require that a new septic system be installed. The retained and severed parcels with existing dwellings (Part 1 and 3) will be required to demonstrate the existing septic systems are functioning in accordance with municipal protocol.
- Cash-in-lieu will be submitted for actual parkland dedication in accordance with the Official Plan and the Planning Act.
- An archaeological assessment report must be prepared over the vacant parcel, and be in compliance with the Ontario Ministry of Tourism, Culture and Sport (MTCS) requirements, and a letter sent by MTCS to the licensed archaeologist confirming that MTCS has added the report to the Ontario Public Register of Archaeological Reports, in accordance with the Official Plan and the Planning Act.

### **External**

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

The LTVCA was circulated for comments. They have reviewed the application and noted they have no objections to the proposal. An application is required from its office prior to any works/construction taking place within the regulated area.

The LTVCA has verified the limits of the regulated area along the Thames River, as outlined in its Watercourse Setbacks, attached as Appendix D. The Hazard Land (HL) zone boundary will be amended in the implementing zoning by-law to be consistent with the LTVCA regulated area.

### **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 proposal conforms to the Chatham-Kent Official Plan

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

This application does not raise any issues of provincial interest. Section 1.1.5, Rural Lands in Municipalities, of the PPS sets out that on rural lands, limited residential development that is compatible with the rural landscape, and can be sustained on rural service levels is permitted, outside of prime agricultural areas. Chatham-Kent's Official

Plan contains policies to ensure development conforms to this PPS policy. These policies are discussed in more detail below.

### Official Plan

The proposed lot addition and lot creation conforms to the general policies found in Section 6.3.3, Planning Tools, of the Chatham-Kent Official Plan. Specifically the proposal has been reviewed under Section 6.3.3.38 and 6.3.3.40 (Consent Policies) and is deemed to be in conformity with the policies of this section, which require the following:

- i) frontage on an improved Municipal road;

Comment: the subject lands have full frontage on River View Line, an improved rural arterial municipal road, and no traffic hazard will be created by implementing new accesses for the proposed lots.

- ii) lot size appropriate for and in character with the existing development;

Comment: three of the proposed lots already contain existing single detached dwellings. The proposed infill lot is comparable to the recreational residential character of the area.

- iii) will not restrict the development of adjacent lands;

Comment: three of the proposed lots already contain existing single detached dwellings. The proposed infill lot will have negligible impact on the development of adjacent lands.

- iv) be appropriately serviced;

Comment: a municipal water connection is required to be installed to the proposed infill lot. This required connection has been completed to the satisfaction of the PUC.

- v) convey 5% of the lands for park purposes or a cash-in-lieu payment;

Comment: a cash-in-lieu payment for parkland dedication is recommended for creation of the vacant lot.

- vi) not be within an area of significant aggregate resources.

Comment: not applicable.

The proposal also conforms to the Recreational Residential Area Policies found in Section 2.3.12. Recreational Residential development is permitted in locations that are in close proximity to water corridors and will not impact agriculture and the natural environment. These policies include:

- 2.3.12.2.4 *Recreational Residential development shall have adequate setbacks from the shoreline of any lake or watercourse to ensure adequate protection from erosion, changes in water level and flooding, in consultation with the appropriate Conservation Authority, and to ensure maintenance of water quality and the protection of fish and wildlife habitats in consultation with the appropriate authority.*
- 2.3.12.2.5 *Floodplain lands and shoreline corridors shall be reserved for open space and will not be included in the buildable portion of the residential lot.*
- 2.3.12.2.6 *Any lot proposed for recreational residential development shall be served by a year-round, publicly maintained road. Notwithstanding the aforementioned, seasonal cottages shall be permitted on existing lots of record served by a private road.*
- 2.3.12.2.7 *Development shall be by plan of subdivision, plan of condominium or by consent.*
- 2.3.12.2.8 *Recreational Residential Areas shall be serviced with adequate water supply and sanitary sewage disposal services. Development proposals shall demonstrate the suitability of the site for the proposed method of water supply and sanitary sewage disposal to the satisfaction of Chatham-Kent and other approval agencies.*

The Official Plan also contains flood protection policies which apply to the proposed zoning by-law amendment due to the proximity of the Thames River along the northerly edge of the subject property. The LTVCA has confirmed its Watercourse Setback, attached as Appendix D, which identifies the regulated flood constraint areas on the subject property. These policies include:

- 4.5.3.1 *Protect people and property from natural hazard in Chatham-Kent.*
- 4.5.3.2.1 *Flood and erosion constraint areas consist of Floodplains, which may consist of Floodway, Floodfringes, Special Policy and erosion setback areas, as identified through consultation with the appropriate Conservation Authority. Flood and erosion constraint areas are identified on Schedule "C" Series – Natural Heritage and Hazards Features.*
- 4.5.3.2.2 *Development and site alteration will generally be directed outside of areas of flooding, erosion, and/or dynamic beach hazards along lakefronts, rivers and stream systems. Development and site alteration, however, may be permitted on certain floodplains and erosion constraint areas provided that:*
- a) *the flood hazard can be safely addressed;*



- b) no new hazards are created or existing ones aggravated;*
- c) no adverse environmental impacts will result;*
- d) vehicles and people can safely enter and exit the area during times of flooding;*

**4.5.3.2.6** *Hazard Areas will be zoned in the implementing Zoning By-law for Chatham-Kent.*

Finally, the subject property was determined to have archaeological potential, and thus cultural heritage value due to:

- archaeological sites located within 1 km;
- the presence of River View Line, an early transportation route; and
- its proximity to the Thames River – an early source of potable water, transportation and sustenance.

The Official Plan contains policies which apply to proposals for development on lands with archaeological potential, which includes:

**5.3.2.21** *Where a development is proposed on lands with archaeological potential, an archaeological assessment shall be required by a licensed archaeologist in compliance with the Standards and Guidelines for Consultant Archaeologists (2011), and the terms and conditions of an archaeological licence under the Ontario Heritage Act. Areas of archaeological potential shall be determined by the use of provincial screening criteria.*

**5.3.2.22** *Development shall not be permitted on lands containing archaeological sites, unless the sites have been properly documented in accordance with provincial agency requirements and non-licensed alteration prohibitions in the Ontario Heritage Act have been waived*

Thomas G. Arnold & Associates has completed an archaeological assessment of the subject property. The reports conclude that due to previous construction, demolition and re-development, the subject property no longer has cultural value or interest and no further archaeological assessment is recommended. It is a condition of consent that the applicant obtain clearance from the Ontario Ministry of Tourism, Culture and Sport, prior to proceeding with the creation of the new vacant residential lot.

### Zoning By-law Amendment

As indicated above, the regulated flood constraint areas of the subject property, as identified by the LTVCA will remain in the Hazard Land (HL) zone in order to recognize the flood constraint areas, which limits the construction of buildings and structures.

The balance of each of the new parcels will be rezoned to a site-specific Recreational and Lakeside Residential (RLR) zone. Each of the parcels will include special provisions to recognize existing development, permit single detached dwellings, and establish appropriate regulations that will enable each lot to be further developed in an orderly and sustainable manner.

**Conclusion**

The proposed consent 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, Planning Services

Reviewed by:



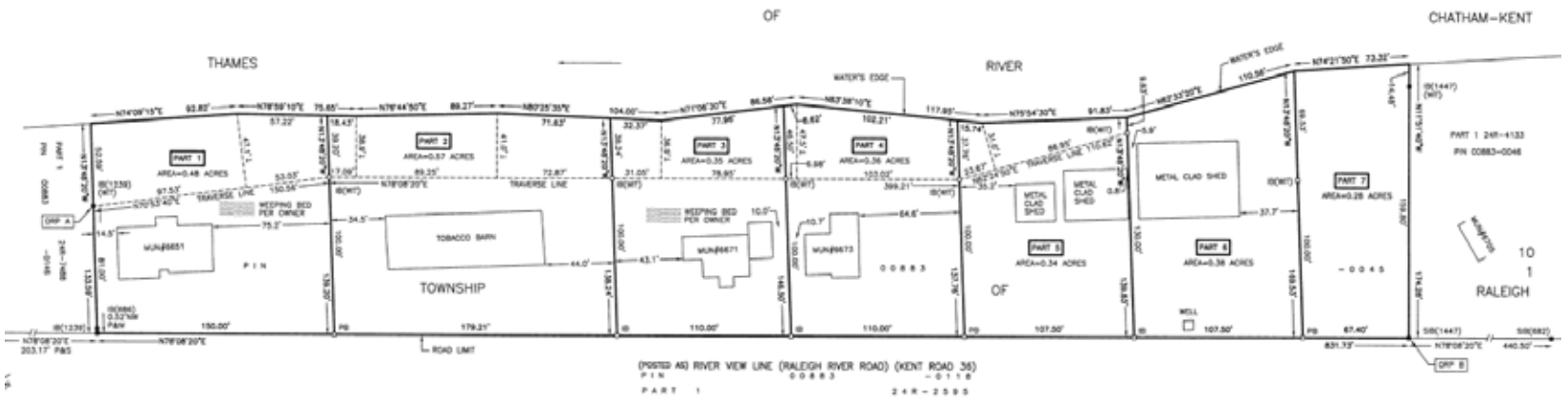
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Bruce McAllister, MCIP, RPP  
Director, Planning Services

Attachments: Appendix A – Applicant’s Sketch  
Appendix B – Key Map  
Appendix C – Subject Property  
Appendix D - LTVCA Watercourse Setback  
By-law to amend By-law 216-2009

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Appendix A – Applicant's Sketch



Appendix B – Key Map



This is not a plan of survey.  
INCLUDES MATERIALS IN PART OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.



Appendix C – Subject Property



Looking east across the subject property at 6651 River View Line and the "Tobacco Barn" that is to be removed.

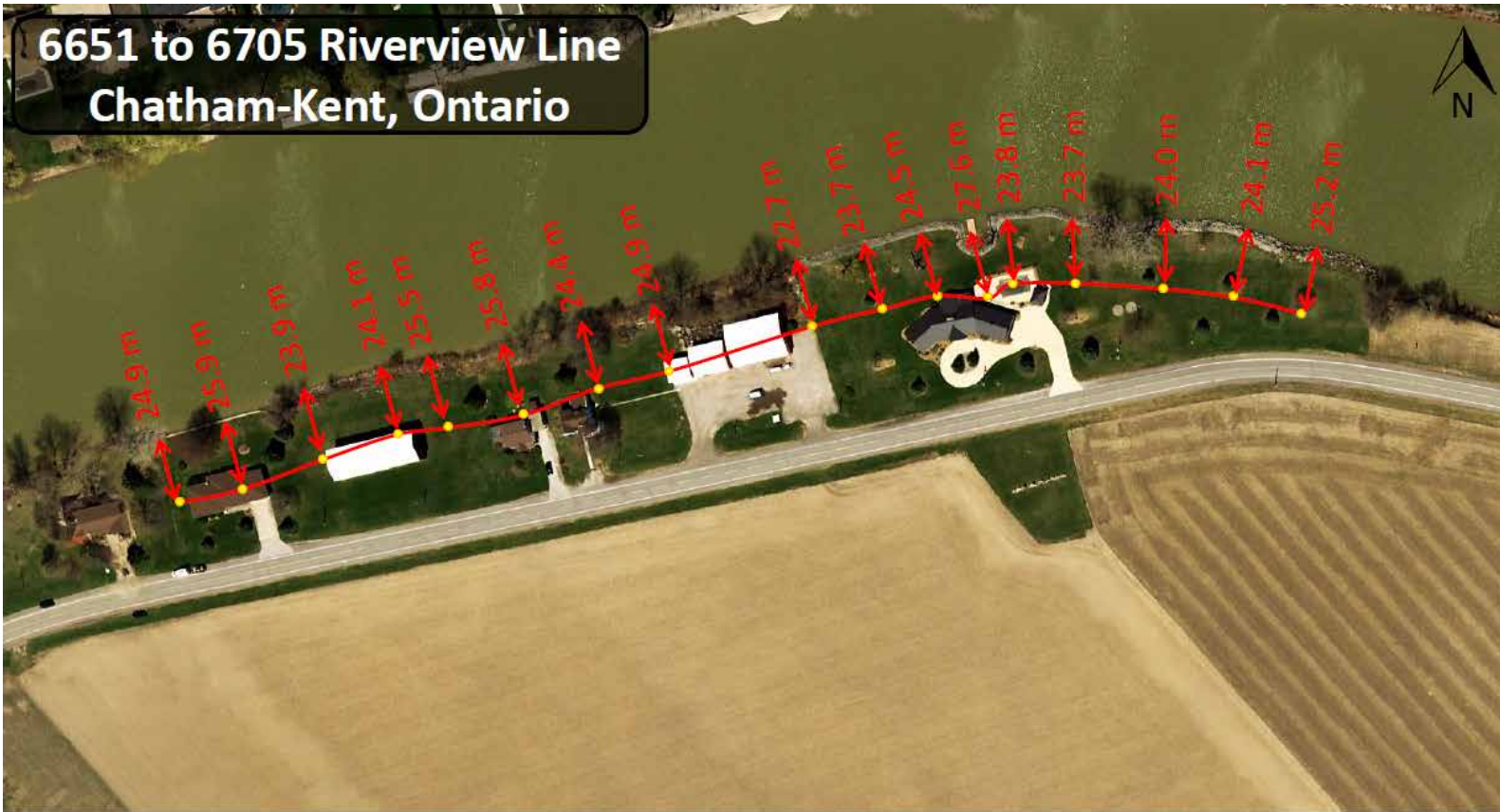


Looking northwest across the subject property at 6671 & 6673 River View Line.



Looking west across the subject property at three outbuildings that are part of the lot addition lands.





**LTVCA Watercourse Setback**

100 Year Erosion Allowance = 15 m

3:1 Stable Slope Allowance = 7.7 to 10.9 m  
 (3 x bank height)

Watercourse Setback = 22.7 to 25.5 m

**Flooding Note:**

The 1:250 year flood elevation is approximately 179.95 m (above mean sea level). The entire area is a regulated floodplain. The typical ground surface elevation ranges from 178 to 179 m but varies locally.

Legend	
●	Measurement Spot
—	Watercourse Setback

Note: Lot lines not exact. All distances and heights are approximate. Includes material ©2015 of the Queen’s Printer for Ontario. All rights reserved.

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

(Wonnacott Farms Limited)

CityView # PL201700186

WHEREAS an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Raleigh in order to rezone the flood prone area of the lands and to implement severances through site-specific zoning regulations.

AND WHEREAS the proposed use would conform to the Official Plan;

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 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 Recreational and Lakeside Residential-1438 (RLR-1438) and Recreational and Lakeside Residential-1439 (RLR-1439), and from Hazard Land (HL) to Recreational and Lakeside Residential (RLR), Recreational and Lakeside Residential-1438 (RLR-1438) and Recreational and Lakeside Residential-1439 (RLR-1439) 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. 1438  
Exception No. 1439
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:

RLR-1438  
RLR-1439

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
1438	RLR-1438	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply:  Regulations:  1. Lot Area Minimum – 0.08 ha 2. Rear Yard Depth Minimum – 0 m
1439	RLR-1439	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply:  1. Lot Area Minimum – 0.13 ha 2. Front Yard Depth Minimum – 7.62 m 3. Rear Yard Depth Minimum – 0 m

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.

\_\_\_\_\_  
MAYOR – Randy R. Hope

\_\_\_\_\_  
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.

