

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Bruce McAllister, MCIP, RPP
Director, Planning Services

Date: August 21, 2018

Subject: One Year Extension of Interim Control By-law Number 164-2017 for Erie Shore Drive Properties and Update on the Adapting to the Future Storm and Ice Regime in the Great Lakes – Chatham-Kent Lake Erie Shoreline Study

Recommendation

It is recommended that:

1. The attached by-law be adopted to extend Interim Control Bylaw Number 164-2017 for a period of one year until November 5, 2019.

Background

Section 38 of the Planning Act permits a municipality to pass an Interim Control By-law prohibiting the use of land, buildings or structures for such purposes as set out in the by-law (i.e. effectively “freezing” development on the land) for up to a year, with the right to extend the by-law for a further year. In order to enact such a by-law, a municipality must direct that a review or study be undertaken in respect of land use policies in the municipality (or a defined part of the municipality).

On November 6, 2018, Council approved the following recommendations:

1. The Municipality provide a letter of support to participate as a partner in the “Adapting to the Future Storm and Ice Regime in the Great Lakes” proposal in order to develop a Lake Erie Integrated Shoreline Management Plan.
2. If the proposal is successfully awarded funding by Natural Resources Canada (decision in early 2018), the Municipality commit \$50,000 in fiscal year 2018 and \$50,000 in fiscal year 2019 to be funded through the Strategic Development Reserve, as its matching share.

Based on the above recommendations to participate in the study and the significant flooding as a result of high water levels and wave action for properties along Erie Shore

Drive that were experienced in 2017, Council deemed it necessary and expedient to pass an Interim Control By-law (By-law 164-2017) to provide the Municipality with time to undertake the study.

Update on the Adapting to the Future Storm and Ice Regime in the Great Lakes – Chatham-Kent Lake Erie Shoreline Study

The Adapting to the Future Storm and Ice Regime in the Great Lakes proposal is a multi-faceted study and it was just recently accepted for funding by Natural Resources Canada. This type of work has never been completed before in the Great Lakes.

As one of four Case Studies of the overall study, experts in shoreline hazards, meteorology, climate change, coastal engineering design, and adaptation planning are undertaking a detailed study for the Lake Erie shoreline from Wheatley to Clear Creek (the Lake Erie municipal boundary of Chatham-Kent). Natural Resources Canada's Climate Change Adaptation Platform, the Municipality of Chatham-Kent, and the Lower Thames Valley Conservation Area are co-funding the study. The technical work is being undertaken by Zuzek Inc. and other partners.

Phase I investigates the magnitude and intensity of historical storms on Lake Erie, such as the recent April 14 to 16, 2018 ice storm that extensively damaged infrastructure along the shoreline. The study will also assess the effects of climate change on future ice conditions, as less ice cover increases the exposure of the shoreline to damaging storms in the winter. Estimated changes in the duration, intensity, and magnitude of future storms that cause flooding and erosion along the Lake Erie shoreline will also be provided. This work will be completed by March 2019.

Phase 2 will start in early 2019. The study will engage with shoreline stakeholders including land owners and users of the Chatham-Kent shoreline to discuss erosion and flooding hazards along the Lake Erie shoreline and explore potential solutions. Recently, as an initial step staff from the Conservation Authority, the Municipality, and the consulting team toured the shoreline and met with several land owners to gather information on their perspectives of the challenges associated with living along the lake.

Using existing knowledge of natural hazards and projected effects of climate change, the study will develop information to reduce coastal risks, increase the resilience of the shoreline, and protect natural assets such as beaches and coastal wetlands. Both short- and long-term solutions will be co-developed with stakeholders during the study. Information on future public meetings and co-learning events will be posted within the community.

Comments

It took several months from the time the proposal was initially submitted to Natural Resources Canada to be evaluated and formally accepted for funding. Given that study will run through most of 2019, it is recommended that Interim Control Bylaw Number

164-2017 be extended for one additional year until November 5, 2019 in order to complete the work.

Under Subsection 38(2) of the Planning Act, R.S.O., c.P.13, as amended, authority is granted to make such an extension, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports 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 recommendation in this report supports 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

Legal Services was consulted in the preparation of this report.

Financial Implications

There are no financial implications resulting from this report.

Prepared by:

Reviewed by:



Bruce McAllister, MCIP, RPP
Director Planning Services

John Norton
General Manager,
Community Development

Consulted and confirmed the content of the consultation section of the report by:

Dave Taylor
Manager, Legal Services

Attachments: By-law to Extend Interim Control By-law Number 164-2017

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By-law Number _____

of the Corporation of the Municipality of Chatham-Kent

Being a By-law to Extend Interim Control By-law Number 164-2017 under Section 38 of the Planning Act, R.S.O. 1990, c. P. 13, as amended

Whereas By-law Number 164-2017 was enacted by the Council of the Corporation of the Municipality of Chatham-Kent in order to provide interim control over development within the lands referred to on Schedule A to By-law Number 164-2017 in order to provide the Municipality with time to undertake a study of the Lake Erie Shoreline;

And Whereas it is deemed desirable and expedient to extend the period of time during which the said by-law will be in effect;

And Whereas by Subsection 38(2) of the Planning Act, R.S.O., c.P.13, as amended, authority is granted to make such an extension;

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

1. That Section 5 of By-law Number 164-2017, be deleted and the following substituted in place thereof:

“5. This By-law shall come into force and take effect at 11:59 pm local time on November 5, 2018 and shall be in effect until 11:59 pm local on November 5, 2019.”

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

Mayor – Randy R. Hope

Clerk - Judy Smith