

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Manager, Planning Services

Date: July 15, 2020

Subject: Applications for Consent and Zoning By-law Amendment
PL202000088 – Stephen & Kyle Crackel
9163 Drury Line, Community of Harwich (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-43/20, to sever and convey a new agricultural parcel, approximately 30.7 ha (75.94 ac.) in area, shown as Part 2 on the applicant's sketch, in Part of Lot 19, Concession 2, in the Community of Harwich, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i. rezone the natural heritage feature (significant woodlot) on the severed parcel from Agricultural (A1) to a site-specific Open Space (OS1-1426) zone to recognize the existing woodlot and to permit conservation uses;
 - ii. rezone both the remainder of the severed and retained parcels from Agricultural (A1) to a site-specific Agricultural-1520 (A1-1520) zone to permit the continuation of agricultural uses and implement setbacks from the significant woodlot for new buildings and structures.
 - b) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - 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; and,
 - d) 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 application File D-14 HA/24/20/C, be approved, and the implementing by-law be adopted.

Background

The subject property is located at the northwest corner of the Drury Line and Fargo Road intersection, in the Community of Harwich (Roll No. 3650 140 009 01000). The lands are approximately 61.4 ha (151.73 ac.) in area and contain a single detached dwelling, three (3) outbuildings, and a natural heritage feature (Significant Woodland). The lands are designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). A key map showing the location of the subject property is attached as Appendix A. Pictures showing the subject property and surrounding area are attached as Appendix B.

The application proposes to create a new agricultural parcel, approximately 30.7 ha (75.79 ac.) in area, containing the existing dwelling, and outbuildings, shown as Part 2 on the applicant's sketch, attached as Appendix C. The retained farm parcel will be approximately 30.7 ha (75.79 ac.) in area and is comprised of farm land with no outbuildings.

Zoning By-law Amendment

To implement the proposed surplus dwelling severance, a Zoning By-law Amendment application is required to:

- Recognize the existing woodlot as a significant feature to be protected and to permit conservation uses; and,
- Permit the continuation of existing agricultural operations, and prevent buildings or structures from being erected within 120 m of the woodlot, unless it has been demonstrated through an environmental site screening or environmental impact statement that there will be no negative impacts on the adjacent natural heritage feature or its ecological functions.

Comments

Provincial Policy Statement (PPS)

Agricultural Lot Creation

The proposed surplus dwelling severance is consistent with Section 2.3.4.1(c) of the PPS and does not raise any issues of provincial interest.

Natural Heritage

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 features be rezoned to the Open Space zone to implement the direction of the PPS to protect natural areas for the long term.

Official Plan

Agricultural Lot Creation

The application has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 3.10, Agricultural Area Policies, Section 4.4, Natural Heritage Features, and Section 6.3.3, Planning Tools (Consent and Zoning By-law), and generally meets these policies.

The proposal is to divide the subject property for agricultural uses where both the severed and retained parcels meet the minimum lot area requirement set out in the Official plan (Section 3.10.2.18.2(a)). There is no shared drainage between these lands. The severed parcel will maintain access from Drury Line and Fargo Road, and the retained parcel will maintain access from Drury Line and Lagoon Road. It has also been verified that there are no local improvement charges associated with the subject property.

Natural Heritage

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.

The natural heritage feature on the property is identified as a Significant Woodland in Schedule C4 of the Official Plan. Furthermore, the Natural Heritage Features and policies state:

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 areas will ensure that the Municipality's interests in this regard are protected, while allowing for the existing agricultural uses on the property to continue.

Overall, the application maintains the general intent and purpose of the Official Plan.

Zoning By-law

As stated above, a Zoning By-law Amendment application is required to implement the proposed consent. The zoning by-law amendment will rezone the natural heritage feature on the severed parcel from Agricultural (A1) to a site-specific Open Space (OS1-1426) zone in order to provide a level of protection of the existing woodlot for the long term. Both the severed and retained parcels will be rezoned from Agricultural (A1) to a site-specific Agricultural-1520 (A1-1520) zone to permit the continuation of existing agricultural operations, and prevent buildings or structures from being erected within 120 m of the woodlot, unless it has been demonstrated through an environmental site screening or environmental impact statement that there will be no negative impacts on the adjacent natural heritage feature or its ecological functions.

Both the severed and retained parcels will continue to be farmed in their current manner and will remain viable farm parcels as is the case today.

Conclusion

The proposal has 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.

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)

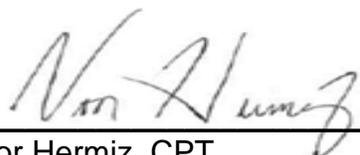
Consultation

There was no consultation required as part of these applications.

Financial Implications

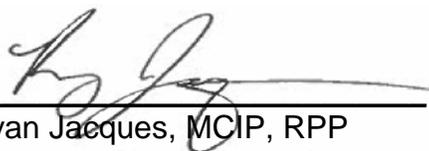
There are no financial implications resulting from the recommendations.

Prepared by:



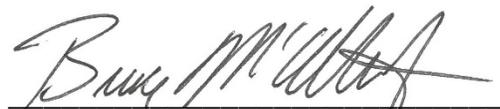
Noor Hermiz, CPT
Planner II, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Manager, Planning Services

Reviewed by:

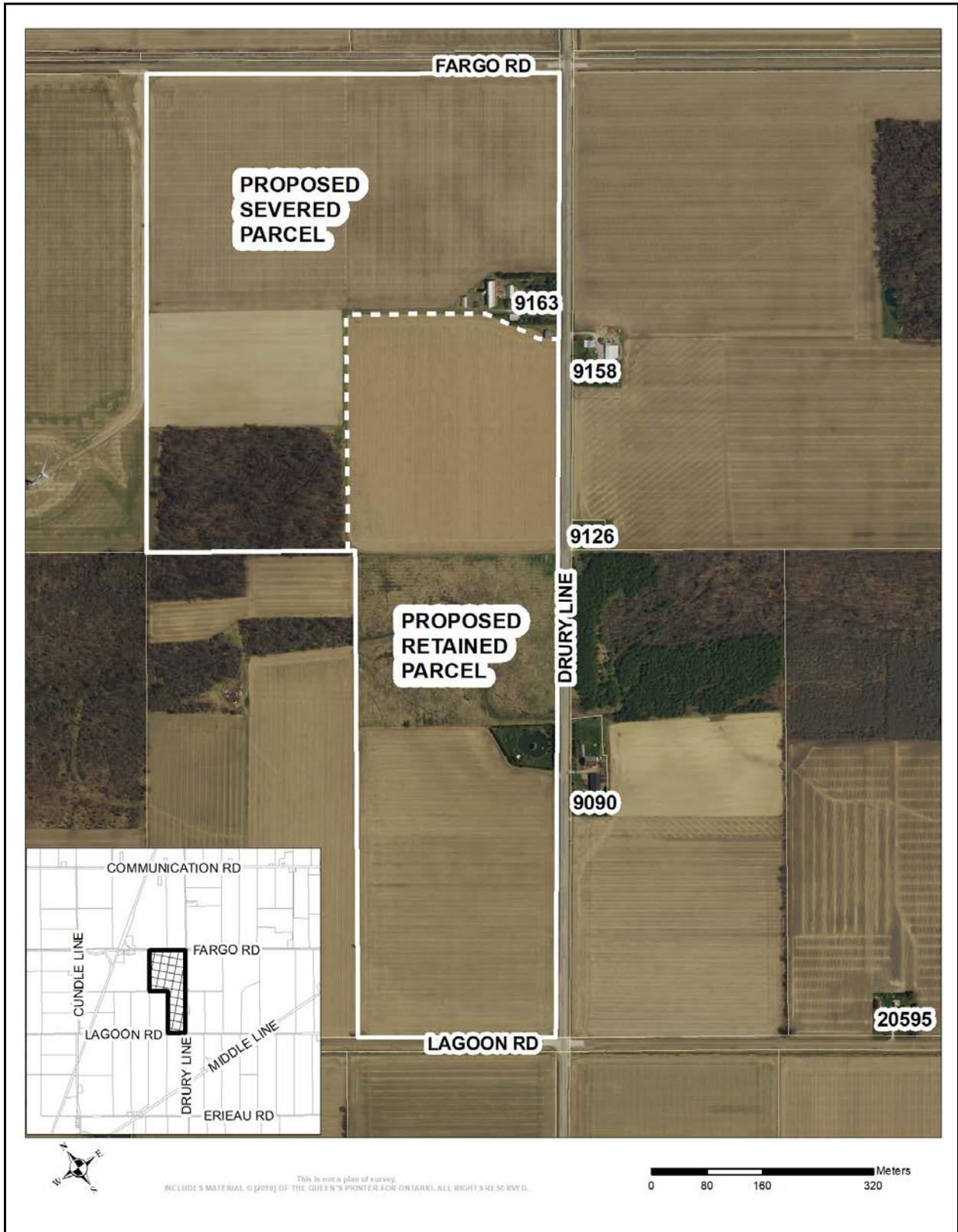


Bruce McAllister, MCIP, RPP
Acting General Manager,
Community Development
Director, Planning Services

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
By-law to amend By-law 216-2009

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking North towards the existing dwelling on the proposed severed parcel.



Looking North towards the Significant Woodland on the proposed severed parcel, and agricultural lands on the proposed retained parcel to the west (left).

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

(Stephen & Kyle Crackel)

CityView # PL202000088

Whereas an application has been received for an amendment to the zoning by-law for certain parcels of land in the Community of Harwich in order to rezone the lands to recognize continued agricultural uses while protecting a significant woodland.

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 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-1426 (OS1-1426) and Agricultural-1520 (A1-1520) 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:

1520

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:

A1-1520

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

Exception No.	Special Zone Symbol	Special Zone Provisions
1520	A1-1520	<p>Notwithstanding any other provision of the by-law to the contrary, the following shall also apply:</p> <ul style="list-style-type: none"> <li data-bbox="711 381 1406 596">i) No buildings or structures shall be erected within 120 m of an Open Space (OS1) zone, 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.

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 10th day of August, 2020.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule "A" to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 10th day of August, 2020.

