

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: May 26, 2021

Subject: Application for Zoning By-law Amendment
PL202100114 – James and Klaudia Bultje
11573 Ridge Line, Community of Harwich (South Kent)

Recommendation

It is recommended that:

1. Zoning By-law Amendment application File D-14 HA/36/21/B to amend the site-specific Agricultural-16 (A1-16) Zone, which applies to the lands known as 11573 Ridge Line, in Part of Lot 7, Range TL N, in the Community of Harwich, to add Assembly Hall as an additional permitted use, including in open air or within a tent structure, be approved, and the implementing by-law be adopted.

Background

The subject property is a 10.7 ha (23.4 ac.) parcel located on the north side of Ridge Line between Base Road and Kent Bridge Road, in the Community of Harwich (Roll No. 3650 140 005 07900). The property is the former site of the Ridge Raceway which held motor vehicle racing events for several decades, ending operations in the 1980s. The former track remains at its original location towards the north end of the lot and on the west side of an open municipal drain (Rushton Drain) that bisects the property in a north-south direction. There are two ponds and a newly constructed residential dwelling located on the west side of the municipal drain, with the dwelling located towards the Ridge Line right-of-way. Approximately one-quarter of the subject lands is situated on the east side of the open municipal drain and contain a pole-barn-style outbuilding and a few small sheds.

The property is designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural-16 (A1-16). A key map showing the location of the subject property is attached as Appendix A. Photographs of the subject property and surrounding area are attached as Appendix B.

The historical use of the subject lands has been non-agricultural. Despite the raceway being out of operation since the 1980s, the lands never transitioned to a new primary use except for the recent development of a new dwelling.

The land uses surrounding the subject property have also maintained their historical use which is primarily agricultural. This includes a livestock facility on the abutting agricultural parcel to the east. Abutting the property to the west is the 39 ha (100 ac.) Blenheim Landfill site which is no longer in active operation. Approximately 300 m (984 ft.) to the east of the property at the Kent Bridge Road and Ridge Line intersection is a small cluster of five (5) rural residential lots known locally as Rushton's Corners. The subject property is approximately 8 km east of the Community of Blenheim, 5 km west of the Community of Ridgetown, and 5 km south of the Kent Bridge on-ramp to Highway 401.

Zoning By-law Amendment

The primary use of the subject lands is currently residential. With the remaining lands currently underutilized and occupied by the former race track and open space, the owners have created a business plan that seeks to utilize the vacant open space with a new event venue operation called Timber Ridge. This operation has been summarized in the application submission as an *affordable outdoor, spacious and private, event venue option in Chatham-Kent – a location to host a gathering of people to partake in various events and/or meetings including weddings, reunions, birthdays, baby and bridal showers, anniversaries, retreats and business meetings*. Attached as Appendix C is a summary with vision for the proposed event venue. Attached as Appendix D is a conceptual site plan demonstrating how this venue is planned to initially operate from the subject lands.

The event venue use being proposed is not permitted as-of-right under the current zoning of the subject property. As such, a Planning Act application has been submitted proposing to rezone the subject property to allow for an event venue use, which encompasses all events proposed by the owners, to operate from the subject lands. Accompanying the application submission was a Planning Justification Report (PJR), prepared by Storey Samways Planning Ltd. The PJR outlines applicable land use planning policy and context that supports the proposed use, and provides a recommendation of the proper zoning amendment language that was supported by Administration and is described in more detail in the Comments Section below. The PJR also outlines consultation undertaken in support of the proposal. This included consultation with Waste Management of Canada Corporation, owner of the former Blenheim Landfill site. No issues were raised by Waste Management regarding this proposal.

Community Context

It is becoming more common within communities across southwestern Ontario for an event venue use to operate within the rural landscape. This includes on lands where the

primary use is agricultural and the event venue is secondary to this use, or on rural lands where the primary use is residential (no agricultural component) and the event venue is secondary. The latter is the case regarding the subject lands and the current proposal.

In the context of Chatham-Kent, in 2017 Council approved Zoning By-law Amendment application File D-14 CH/02/17/E, which rezoned a portion of lands at 11297 Merritt Line, specifically a portion fronting Longwoods Road, to permit the hosting of weddings and other celebratory events (The Rustic Ranch Wedding & Event Barn). This is a rural lot located approximately 17 km north of the subject property where underutilized lands have successfully transitioned to accommodate the new event based use. The current application demonstrates similar characteristics as this previous approval as it intends on transitioning underutilized portions of the subject lands to contain a viable and appropriate land use.

Comments

Provincial Policy Statement (PPS)

All agricultural lands in Chatham-Kent are classified prime agricultural area. The PPS includes policies intended to protect these areas for long-term use for agriculture. However, the PPS does contemplate non-agricultural uses in prime agricultural areas under Section 2.3.6:

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

a) extraction of minerals, petroleum resources and mineral aggregate resources; or

b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;

2. the proposed use complies with the minimum distance separation formulae;

3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and

4. alternative locations have been evaluated, and

i. there are no reasonable alternative locations which avoid prime agricultural areas; and

- ii. *there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands*

The Province has also established guiding principles for the implementation of PPS policies concerning prime agricultural areas. Specifically, the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* document provides principles under Section 3.2 that are specific to PPS Policy 2.3.6.1 b) (noted above), which is most relevant to the proposal for permitting an event venue use to operate from the subject lands. This section includes the following definition:

Limited Non-Residential Uses

In prime agricultural areas, limited non-residential uses are uses that include commercial, industrial, institutional or recreational uses but exclude residential uses. These uses may only be considered in prime agricultural areas if other locations are unavailable and if they meet the tests of PPS Policy 2.3.6.1 b).

Section 3.2 also provides direction to ensure a rigorous assessment is undertaken in considering if a proposal meets the tests of PPS Policy 2.3.6.1 b), including:

1. **Demonstration of Need:**
Identify the specific geographic market or service area for the proposed use to assess current and future market demand/supply, economic impact, and potential impact on agricultural operations in the area.
2. **Alternative Locations:**
Consider alternative sites within the entire market area/service area for the use, and adequate justification must be made for chosen location.
3. **Impact Mitigation:**
The impact of new or expanding non-agricultural uses in prime agricultural areas on surrounding agricultural operations and lands to be mitigated to the extent feasible.

Based on the above noted policy and guidelines, the proposed event venue use for the subject lands is considered an appropriate non-agricultural use for the following reasons:

- There is no recent historical agricultural use associated with the subject lands. In considering the current state of these lands, with the existing track, ponds, open drain and residential use, these lands are considered lower priority agricultural lands in Chatham-Kent and are well suited for the proposed expansion of non-agricultural uses to be permitted at this location.
- The proposed use is occasional in nature and does not present compatibility issues with surrounding lands, which are primarily agricultural. The subject lot also contains a mature tree line along the easterly side lot line, providing an

additional buffer from the rural residential lots at Rushton's Corners where the nearest dwelling is approximately 300 m (984 ft.) from the limits of the subject property.

- The subject property currently retains zoning permission to conduct a non-agricultural use on the lands (automobile racing venue with overnight accommodations). The proposal will expand the non-agricultural uses to provide the Chatham-Kent community with an affordable, outdoor, spacious event venue that supports the local economy, including those local businesses that will be utilized in supporting different events at this location (i.e. catering, entertainment).

Minimum Distance Separation (MDS):

The policies noted above reference consideration of the MDS formulae, which is a calculation based criteria for new development in respect to rural areas. The basis of this requirement is to deal with odour issues stemming from distance of livestock facilities and anaerobic digesters to more sensitive land uses (i.e. dwelling, settlement area). For example, the residential dwelling located on the subject property was recently developed on the westerly side of the lot. This location was partly chosen due to the MDS I setback requirement from the existing livestock facility on the lands abutting the property to the east. The dwelling meets the required setback distance.

In terms of the current proposal, it has been identified in the application submission that the initial intent is to hold outdoor events only, which will utilize tents for protection from the environment. It was identified by Storey Samways Planning Ltd., through consultation with Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), that an event venue of this nature will not trigger consideration of the MDS formulae. However, if at any time in the future a permanent building or structure is occupied for an event based use, the MDS formulae will be triggered and enforced at the building permit stage.

Overall, the proposal is consistent with the policy direction of the PPS and the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Official Plan

The Chatham-Kent Official Plan (OP) does not specifically contemplate non-agricultural uses in the Agricultural Area – as does the PPS. Rather, for the Agricultural Area, the OP focuses on supporting agricultural uses, farm-related industrial and farm-related commercial uses and accessory uses. In this circumstance, it is appropriate to assess the merits of the proposal under provincial policy and guidance as was addressed in the previous section.

The proposal does, however, meet the general intent and purpose of the OP in areas of health and the economy. The proposal meets the objectives of Section 2.2.1, Community Health and Well-Being, by providing additional access to local outdoor recreation/community focused event space that is affordable and that provides options

considering the current climate where space and separation for assembly is required. From an economic perspective, the proposal supports local entrepreneurship while providing opportunity in Chatham-Kent to expand its regional reputation as a proactive community supportive of different initiatives. It also provides opportunity for community benefits as the event venue will likely rely on several local businesses/services to support the event functions anticipated for the site.

Site Plan Control

For clarification purposes, no site plan control is required in support of the proposal at this time, as there are currently no buildings or structures being contemplated to facilitate the intended event venue use. The subject site has sufficient open space to accommodate the needs of any particular event and its guests, and frontage access from an improved public road.

However, if any permanent building or structure (existing and/or new) is contemplated for this use in the future, site plan control will be required and a Site Plan Agreement will be entered into which will ensure the site is functional, safe, efficient and complementary to the surrounding land uses. The Owners of the subject lands and their planning consultant are aware of this requirement in the event further build out through (re)development is pursued for this specific use.

Zoning By-law

The subject property is zoned Agricultural-16 (A1-16) which permits a race track use and accessory overnight accommodation for such use on the subject property. This is in addition to those uses permitted in the Agricultural (A1) zone.

The proposed event venue use falls outside of the permitted uses for the subject property. Therefore, the recommendation is to amend the site-specific A1-16 zone to add Assembly Hall as an additional permitted use. The Chatham-Kent Zoning By-law defines this use as:

“Assembly Hall” means a building or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and may include a banquet hall or the meeting hall of a private club.

A provision will be added to permit the Assembly Hall use in open air or under a tent structure, as this is how the use is intended to operate from the property initially. The amendment will also expand on the accessory overnight accommodation provision that currently applies to the race track use so that it also apply to the Assembly Hall use.

In addition, the Municipal Noise By-law 41-2004, as amended, and requirements of a Special Occasion Permit under the Liquor License Act, will provide some regulatory framework and oversight for how the use is conducted at the site.

Conclusion

The proposed zoning by-law amendment has been reviewed in the context of the Provincial Policy Statement and the Chatham-Kent Official Plan, and generally complies with these documents. Therefore, the application is being recommended for approval as noted in the Recommendation section of this report.

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

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the application.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by:




Anthony Jas
Planner I, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

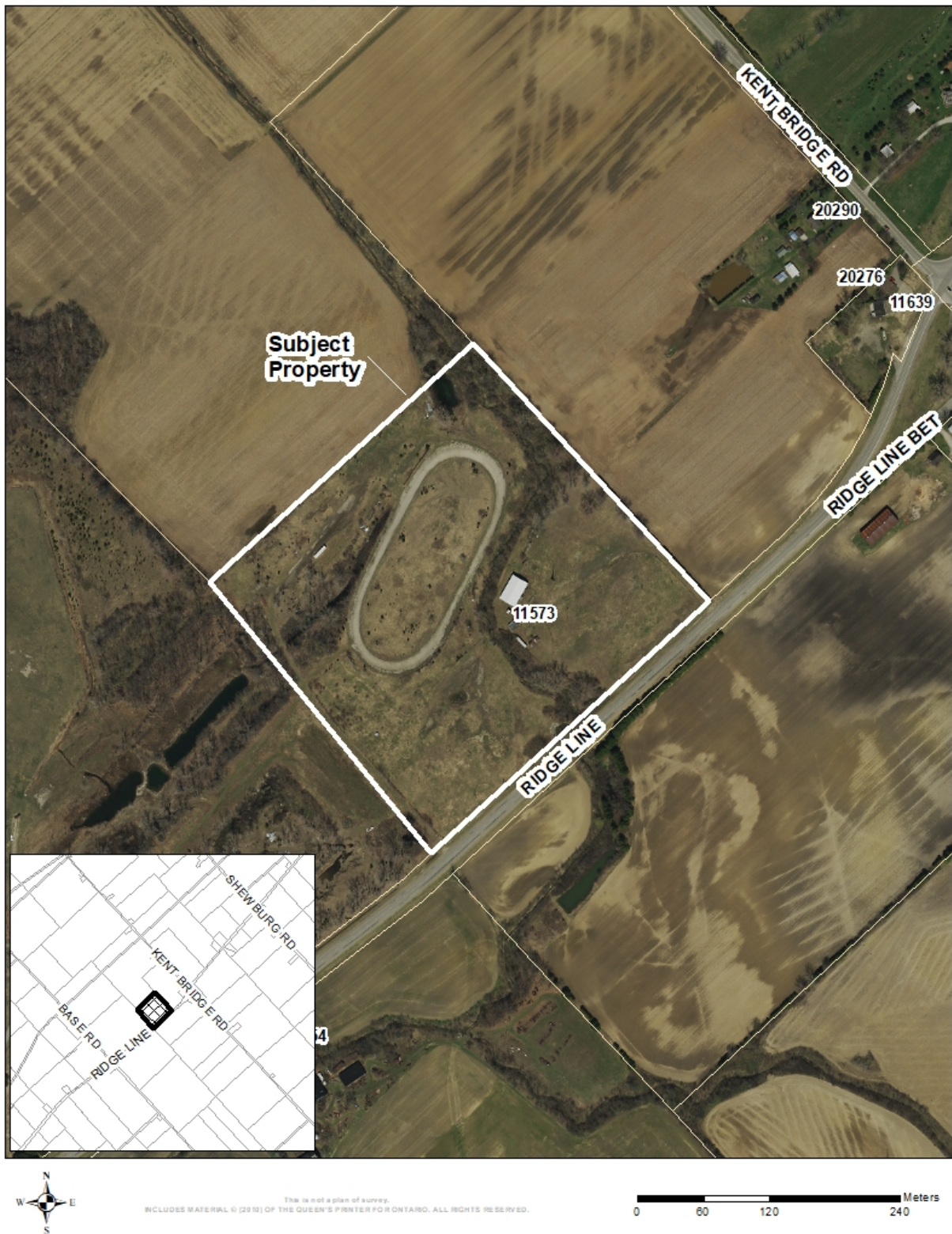


Bruce McAllister, MCIP, RPP
General Manager, Community Development

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Timber Ridge Vision Plan
Appendix C – Conceptual Site Plan
By-law to Amend By-law No. 216-2009

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Appendix A – Key Map



Appendix B – Site Photos



Looking north across the subject property from Ridge Line. In view is the municipal drain (Rushton Drain) that bisects the property. To the right is the existing pole barn. The dwelling is located to the left of the drain.



Looking north across the subject property from Ridge Line. In view is the recently constructed single detached dwelling on the property.



Looking west along Ridge Line from the easterly end of the subject property. In view is the existing tree line that acts as a buffer from Rushton's Corners which is approximately 300 m (984 ft.) to the right.



Looking south from Ridge Line. In view are the agricultural lands located directly to the south of the subject property.

Appendix C - Timber Ridge Vision Plan

Timber Ridge - Ridge Line Zoning Amendment Project 2021

Objective

To provide an affordable outdoor event venue option in Chatham-Kent. As a small business, it is important to us to help support other local businesses. We will be finalizing contracts to help us operate with only local vendors Chatham-Kent already has to offer; from DJ services, to officiants, to catering services, to florist, etc..

Classification of "Event Venue"

Location to host a gathering of people to partake in various events and/or meetings; with the option of catered in food services and liquor sales. Examples of events may include but are not limited to: weddings, reunions, birthdays, baby shower, bridal shower, anniversaries, retreats and/or business meetings.

Competitive Edge

Affordable, outdoor (covid friendly), spacious and private. Totally customizable toward clients' needs, different rate and payment plan options available.

2021	2022
As covid is still present, specialize in mirco-weddings and be an available outdoor venue option for people to host their own events (special occasions/ business meetings, etc.) that meets covid standards.	Covid permitting, start hosting larger weddings (up to 200 guests) and be an available outdoor venue option for people to host their own small-large group events (special occasions/ business meetings, etc.).
<ul style="list-style-type: none"> •clean up allocated section of property •add more gravel to designated parking lot •host within a party tent •rent trailer bathroom •buy various equipment + decor (minimal options in starting) •operate as "small business" •legal technicalities •finalize cost/ revenue and contracts 	<ul style="list-style-type: none"> •take down existing barn and replace with nicer structure (replacing party tent) •buy trailer bathroom and implement septic system •build permanent stone ceremony arch •increase variety of decor options •incorporate

Long Term Goal

Build rental A-frame dwelling to include accommodations on site as competitive edge.

Projected Expenses	Projected Revenue From
<ul style="list-style-type: none">•generator•2 party tents•trailer bathroom (rental contract)•gas for generator•outsourced companies (DJ, catering, bar, etc)•taxes•accountant•lawyer•amendment•planning service fee•site plan?•decor (including tables, chair, linens, arch etc)	<ul style="list-style-type: none">•Elopements•Micro weddings•Large format weddings•Rent out our space (hourly/ daily usage) for people to host their various special occasion celebrations/ gatherings•Businesses to rent out space for meetings/ social gatherings

Cost/ Revenue (to be determined)

Contact companies when we get the green light
-actual costs
-differences between peak day vs non peak days

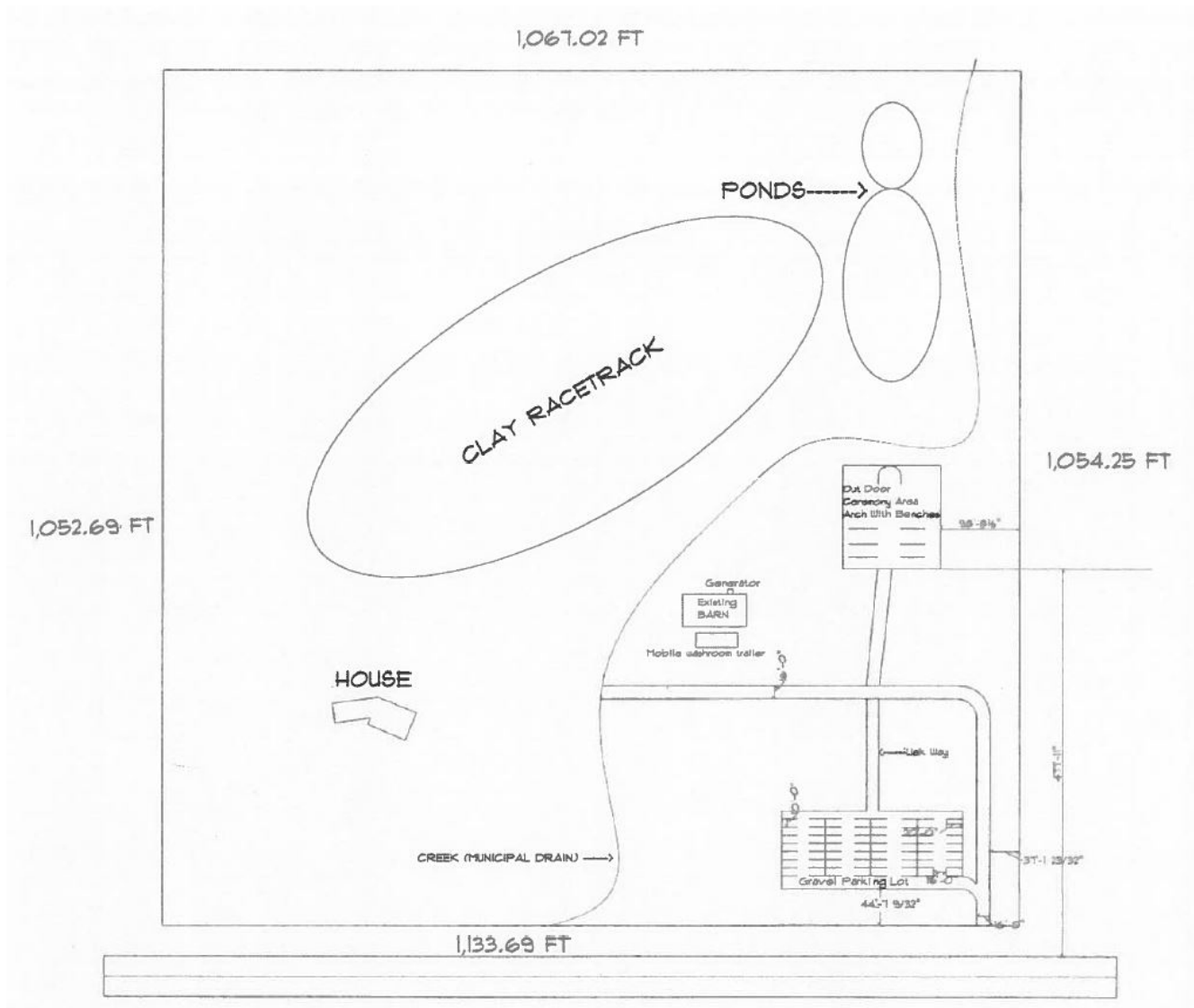
Our Role

-set up/ take down
-marketing
-book keeping
-appointments/ meetings
-secure bookings
-building
-maintenance

What we would like to see happen year one

Goal is to host 10 micro weddings and/or elopements in 2021. The revenue from these events will be put back into the business to help with the costs of items already purchased (startup costs), any/all operating expenses and invest in future purchases (ie. more decor, future dwelling etc).

Appendix D – Conceptual Site Plan



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
(James and Klaudia Bultje)
CityView # PL202100114

Whereas an application has been received for an amendment to the existing special zone provisions that apply to a parcel of land in the Community of Harwich, to add an Assembly Hall as an additional permitted use;

And Whereas the proposed uses 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 “B”, Zone Exceptions, of the said By-law 216-2009, be amended by deleting the Special Zone Provisions for Exception No. 16, in its entirety, and replacing it with the following Special Zone Provisions:

Exception No.	Special Zone Symbol	Special Zone Provisions
16	A1-16	<p>Notwithstanding any other provision of the by-law to the contrary, the permitted uses shall also include the following uses and regulations:</p> <ol style="list-style-type: none">1. Motor vehicle and off-road vehicle competitions, including racing.2. Assembly Hall, including in open air or within a tent structure.3. Accessory overnight accommodations specific to the aforementioned uses in the A1-16 Zone. <p>Regulations specific to the motor vehicle and off-road vehicle competitions, including racing:</p> <ol style="list-style-type: none">a) Minimum front yard – 6mb) Minimum side yards – 7 mc) Minimum rear yard – 30 md) Maximum lot coverage – 2%e) Maximum building height – 6m

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 21st day of June 2021.

Mayor – Darrin Canniff

Clerk - Judy Smith