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**TO:** Mayor and Members of Council  
**FROM:** Storey Samways Planning Ltd.  
**DATE:** September 28, 2004  
**SUBJECT:** Background Study

**GENERAL FILE INFORMATION AND KEY MAP:**

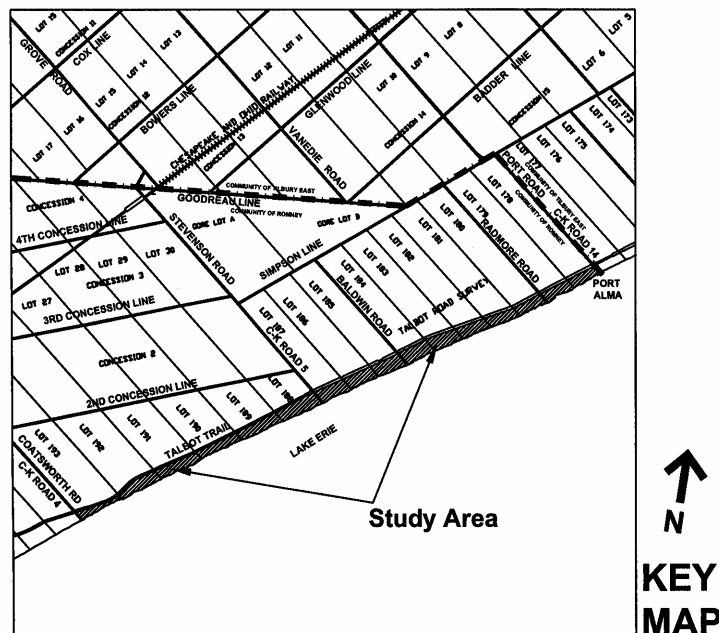
**Application:** Official Plan Amendment (OPA 13 - Romney)  
 D-28 RO/87/04/T

**Hansen#:** 1382, 1383 & 1384

**Applicants:** Richard Bradley & Christine Thomas, Authier Farms Ltd.  
 & Lyle & Audrey Dawson

**Location:** Part Lots 178 to 193 inclusive,  
 Talbot Road Survey

**Communities:** Romney  
 (West Kent)





## TALBOT TRAIL (ROMNEY) RESIDENTIAL STUDY

### Municipality of Chatham-Kent

#### **1.0 INTRODUCTION**

##### **1.1 General**

On August 11, 2003, Council for the Municipality of Chatham-Kent approved an application for an official plan amendment, consent and zoning by-law amendment to create four estate residential lots in Part of Lot 188, on Talbot Trail, in the Community of Romney.

The rationale for the approval was:

- i) the parcel was not suitable for agriculture due to poor soil quality, small land area and disturbance due to a previous gravel extraction operation;
- ii) the aesthetic qualities of the site for estate residential use (lake view);
- iii) lands in Tilbury East and Raleigh former townships neighbouring to the east with similar site characteristics already permit estate residential uses.

Shortly afterward expressions of interest were received from 3 different parties in the same general area for a similar type of development approval. Since there are a number of parcels with site characteristics similar to that approved in August, it was decided that a comprehensive review of an 8 kilometer stretch of Talbot Trail in Romney would be in order, rather than a piecemeal approach. The three interested parties agreed to pool their application fees to fund this study.

##### **1.2 Purpose**

The purpose of this exercise is threefold:

- i) conduct a background study identifying all issues associated with potential estate residential development, how these issues can be addressed and recommend where (if anywhere) such development can be supported;
- ii) prepare an official plan amendment implementing the recommendations of the background study, if appropriate;



- iii) report on the specific development applications of the three parties with recommendations based on the outcome of the background study and OPA. The Official Plan Amendment and individual application reports are produced under separate covers.

### 1.3 **Format**

Following this Introduction, the remainder of the report is divided into three principal parts.

- i) Background – this section provides a comprehensive look at the existing setting by reviewing the following:
  - rationale for the limits of the proposed study area
  - recent history of limited lot creation within the study area
  - current development levels on estate residential lots in Raleigh and Tilbury East south of Talbot Trail
  - provincial policy
  - existing consent policies for estate residential designations in Chatham-Kent
  - existing zoning regulations with particular regard to lot size, lot frontage and front yard setback
  - existing development pattern in the study area
  - review of potential gravel extraction from the study area lands and any history of past extraction
- ii) Consultation
  - review and comment from the Lower Thames Valley Conservation Authority regarding bank erosion and current setback requirements
  - other stakeholder consultation
  - Technical Advisory Committee Consultation
  - meeting with affected landowners & neighbours



- iii) Analysis and Impact – in this section analysis of existing zoning and consent polices in estate residential areas within Chatham-Kent are undertaken to develop the standards necessary to evaluate consent and zoning applications for the study area. The potential impact of these standards on the existing rural residential development and surrounding agricultural area is reviewed.
  
- iv) Conclusion and Recommendations – based on the study analysis recommendations are made on the lands within the study area to be included in a special policy area and site specific development standards set out for the creation of new lots.



## **2.0 BACKGROUND**

### **2.1 Limits of Study Area**

Talbot Trail (C-K Road 3), starting at Craford Road in the Community of Raleigh and extending west through the Community of Tilbury East and ending at Coatsworth Road (C-K Road 4) in the Community of Romney, runs roughly parallel to the bank of Lake Erie varying in depth from less than 100 ft to approximately 600 ft. East of Craford Road and west of Coatsworth Road, Talbot Trail begins to travel further from the Lake bank with lakeside parcels of a size viable for agriculture. The parts of this area lying in Tilbury East and Raleigh have been designated for residential development in their official plans.

The proposed study area is approximately 8 km in length, encompasses the lands south of Talbot Trail in Lots 178 through 193, inclusive in Romney and extends from Port Road (C-K Road 14) to Coatsworth Road (C-K Road 4). (see *Figure 1*) There is a total of 293 acres comprised primarily of small agricultural parcels, some with dwellings and/or outbuildings, and some rural residential development on individual lots. The current official designation of the study area lands is Hazard Land and Agricultural with a Potential Gravel Area overlay covering approximately 50% of the area.

The rationale for the chosen study area is twofold: 1) the past and present interest of the above noted applicants is concentrated within this area; and, 2) the study area possesses many of the same characteristic of estate residential lands in both Raleigh and Tilbury East.

### **2.2 Existing Land Use**

A detailed land use survey of the study area was completed April 15<sup>th</sup> of this year to identify the current land uses and the pattern of development. (see *Figures 2 & 3*). The north side of Talbot Trail abutting the study area consists of agricultural lands with or without outbuildings, farm parcels with dwellings and a total of seven rural residential lots. There is only one agricultural commercial operation, a seed cleaning operation in the northwest corner of the intersection of Stevenson Road and Talbot Trail. The study area on the south side includes much of the same with a higher concentration of rural residential development. There are also two small cemeteries and some industrial property that includes a natural gas compressor station and a former MTO roads garage now owned by the municipality. The highest concentration of rural residential and agricultural dwellings is in the western half of the study area between Coatsworth Road and Stevenson Road on the north and south side of Talbot Trail with most of the rural residential development on the south side. There is no set pattern to the size or frontage of the existing rural residential development and the age of the housing stock varies from older farmhouses to new dwellings just recently completed. The bulk of the existing development however has been in place for some 20 plus years.



### **2.3 Recent Lot Creation**

As noted earlier, in August of 2003, Council approved an application for an official plan amendment, consent and zoning by-law amendment to create four estate residential lots in Part of Lot 188. Presently one of those lots has been developed and the remaining lots are for sale. Most of the existing lots within the study area have been developed. What remains are approximately 14 parcels that are either vacant or have a single dwelling and range from 7 acres to 20 acres in size.

### **2.4 Current Development Levels on Chatham-Kent Erie Lakeshore**

The lands that are located in Raleigh and Tilbury East south of Talbot Trail possess the same characteristics as those within the Romney study area. Raleigh's designated area extends from Dealtown west to Merlin Road. The area in Tilbury East extends along the entire lake frontage of the former township but is a special policy area which permits lot creation by way of exception, according to special zoning requirements and is not actually designated. (see *Figure 4*) In recent years development along this area has started to accelerate and a number of larger parcels have been subdivided usually creating 2 to 5 lots. Much of the lot creation has occurred in Raleigh likely due to its closer proximity to Chatham and Blenheim. However several properties in Tilbury East are for sale with the intent of creating additional lots and some dwelling development has occurred in the last two to three years.

Although the above noted areas in Raleigh and Tilbury East are the most similar to the study area there are other areas along Lake Erie where additional lot creation is possible or has been already completed. The area in question is not continuous but extends from Howard Twp. to the Detroit Line area in Romney. Based on the 2001 Chatham-Kent aerial photos and Teranet mapping, Table 1 characterizes the present inventory of lakeshore residential lands:



**Table 1 – Inventory of Lakeshore Residential Lots, Howard to Romney**

Current vacant lakeshore properties	112
Additional lots possible through severance of existing properties	20
Total available lots	132
Current developed properties	516
Total possible lots within the study area*	85
Total available lot inventory if study area included	217 (132 + 85)
Total % of lands currently developed	80% (516 of a possible 648)

*(Figures are estimated lot size and frontages based on the studied areas estate residential zoning regulations or OP special policy requirements)*

It is important to note that of the current vacant lakeshore properties only a small percentage may actually be for sale. Often these properties are purchased as long term investments with the hope of building a retirement home or leaving the property to a son or daughter. Since 2001, when the aerial photos were taken, there has also been a considerable amount of development in both home building and lot creation within the areas studied potentially further reducing the vacant stock of available lands. One other factor that leads to a conclusion that the stock of vacant lands is low in the area is that of price. Lakeview properties are traditionally higher value properties and often in high demand. However, from consultation with the local realtors demand may be overtaking the current supply as the prices being paid for lake view and lake front properties has significantly increased in the last few years. Lots in the 35,000 to 45,000 range are now upwards of 55,000 to 75,000 and existing developed lands are showing even more considerable increase in value.

**2.5 Provincial Policy**

There are five areas of interest regarding Provincial Policy in the review of the proposed designation change in the study area.

- i) *Section 1.2.1 - Provision will be made in all planning jurisdictions for a full range of housing types and densities to meet the projected demographic and market requirements of current and future residents of the housing market area...*



Most of the lands currently designated or used for estate residential development are located along shorelines, primarily the Thames River or Lake Erie. The supply of those lands will at some point be exhausted. There is a significant demand for these types of property. Discussions with local realtors indicate that the price of even small water front cottage properties has increased significantly in recent years. This is typically a sign of increased demand and a lack of supply.

- ii) *Section 3.1.1(a) - Development on hazard lands adjacent to the shoreline of the Great Lakes.*

The Lower Thames Valley Conservation Authority is responsible for addressing the Natural Hazard Section of the PPS. Their comments are discussed in detail later in the report.

- iii) *Section 2.5 - Cultural Heritage and Archaeological Resources.*

Policy 2.5.2 of the PPS, states that because the property is located within 300 metres of a primary water source and has topography suitable for human habitation, which means it could have archaeological potential based on the Educational Primer and Comprehensive Guide for Non-Specialists prepared by the Ministry of Citizenship, Culture and Recreation. Some portions of the study area have undergone gravel extraction in the past and an extensive amount of surface disturbance has occurred greatly impacting any archaeological potential. Any requirement of an archaeological assessment will likely be applied on a site-by-site basis as applications are made to create lots.

- iv) *Section 2.1 - The use of prime agricultural lands for non-agricultural development.*

The study area is considered a Class 2 soil capability based on the Canada Land Inventory (CLI) mapping. The specific soil type is Fox Gravelly Loam. The soil is further broken down into a Subclass of F to M which notes that it is of *low natural fertility which may or may not be possible to correct by additions of fertilizers or manure to droughtiness affecting crop growth and mainly caused by low moisture holding capacity.*

During the land use survey this was confirmed and it was noted that cropping in the study area appeared to be limited to soybeans and wheat. It is estimated that about 35% of the study is still under active cultivation. The parcel size however is limited and any potential for specialty crop production suited to this type of soil is again limited by the size of the individual parcels.

- v) *Section 2.1.3 - Impacts from any new non-agricultural uses on surrounding agricultural operations and lands will be mitigated.*



The present development pattern of the study area has existed for some time and the farm and non-farm uses appear to have co-existed without major conflict. The farming in the area is primarily limited to cash crops with no evidence of livestock production or greenhouse development. This is not to say that this type of development will never occur. The most likely type of new farm related development in this area is greenhouses that have in the last two to three years increased in number within Chatham-Kent. Currently development in this area is limited due to a lack of both sufficient water supply and three-phase power. In addition the recently passed greenhouse by-law requires an increased setback of 300 metres from existing residential zones south of Talbot Trail in the Community of Romney. The affect of this has been illustrated in *Figure 5 & 6*. Approximately 50 to 60% of the study area is currently affected by this increased setback. However if mitigation measures through site plan control can be demonstrated then a zoning amendment can be undertaken to reduce this setback. Finally, from close analysis of the setback impact it is important to note that, with the exception of two to three farm parcels, none of the properties along the north side of Talbot Trail lend themselves to larger greenhouse developments because of their limited frontage.

- vi) *Section 2.2.1 – Mineral resources (mineral aggregates, minerals and petroleum resources) will be protected for long-term use*

Mineral aggregates are discussed in detail in Section 2.8 and comment on petroleum resources is found under Section 3.2 (iv) of the background study.

## **2.6 Existing Estate Residential Consent Policies**

In Chatham-Kent currently three of the former township official plans have estate residential designations (Dover, Harwich & Raleigh) and one that permits development by way of an exception (Tilbury East). Typically estate residential development is geared to larger lots with some form of natural setting and aesthetic appeal, in most cases river valleys or lake views, and this is outlined in the current OP policies. Servicing ideally would include both municipal sanitary and water but in most cases a minimum of municipal water has been acceptable to permit development. A combination of the current policies will be used as a framework for the development of the special policy for the study area.

## **2.7 Existing Zoning Regulations for Estate Residential Lots**

The main component of estate residential zoning regulations is that of increased lot area and frontage. Presently the lot area regulations vary from 1 to 2 acres and the lot frontage from 100 ft. (30 metres) to 200 ft. (60 metres) in the former townships which have an estate residential classification. Within the study area one of the primary concerns is that of the front yard setback which would have a significant impact on the building envelope given the required 180 ft. (55 metre) setback from the top of the bank along Lake Erie. The current range for existing estate residential zones is from 26.2 ft. (8 metres) to 72 ft. (22 metres). The R2 zoning used on the previously approved application has a front yard



requirement of 82' or 25 metres. A reduced front yard standard may be necessary in some cases to offset the top of bank setback requirements in order to create a reasonable building envelope. As the details of each property are not known and conditions may change prior to actual lot creation a standard revised zoning for the entire study area is not recommended. Instead front yard setbacks should be considered on a site-specific basis at the time of a consent/zoning application, and based on the creation of a reasonable building envelope, and the existing setback of other dwellings in the area.

## **2.8 Potential Gravel Extraction**

Within the eastern half of the study area the Romney OP outlines a potential gravel area, which extends between Lot 178 and Lot 187, the largest area being between lots 180 and 186. From consultation with the Ministry of Natural Resources the area was identified as a Lacustrine Beach Ridge. MNR also noted that mitigation measures should be taken prior to lot creation, “ *a detailed geotechnical survey be completed to ensure that the aggregate within these lots is not sufficient in quantity or commercially viable for extraction.*” All three of the subject properties where lot creation is presently proposed have had aggregate removed and until recently the Dawson property was licensed for extraction. Comments received at the public consultation on July 29<sup>th</sup> reinforced that much, if not all, of the commercially viable gravel has been extracted from the subject area. While it is possible that some gravel may still be present within the area, there are a number of issues that suggest it is unfeasible to extract including:

- a) setback requirements from Talbot Trail, Lake Erie and existing residential development each of which is 30 metres;
- b) quality and quantity of the aggregate;
- c) if the aggregate has not been extracted to-date even on licensed properties the local aggregate industry may have already deemed the area as not commercially viable for extraction operations.

This is an additional item that will need to be examined on a site-by-site basis to determine if the suggested geotechnical survey is necessary.



### 3.0 CONSULTATION

#### 3.1 Technical Advisory Committee (TAC) Consultation

As is standard practice with all development applications TAC members have been provided with information about the study area and asked to provide comment. A number of issues were raised that we have reviewed and provided comment back to TAC. Issues identified are as follows:

- a) Traffic Volumes – Talbot Trail is a former provincial highway and used as an alternate truck route. The concern was that with noise levels often associated with heavy trucks that there would be a call for reduced speed limits as development intensifies which could potentially push truck traffic to other roads that are not acceptable for such use.

**Comment:** TAC was asked to provide traffic volume numbers to confirm this however no information has yet been received. During the land use survey we were in the study area for 3 hours, in addition we have done work in the area in the past and travelled this section of Talbot Trail at varying times of the days. Our conclusion based on this ongoing observation is that truck traffic levels are not of a significant enough level to negatively impact on new development. Nor is there any evidence of concern coming from present land owners within the study area.

- b) Agricultural Impacts – these are discussed in detail under Provincial Policy
- c) Intensified Residential Development Needs – it was noted that with an increase in the amount of residential development, such as that proposed, comes an increased level of expectation in terms of services. Most notably the provision of safe areas for activities such as jogging, biking and walking.

**Comment:** current estate residential areas in Raleigh and Tilbury East provide no such amenity and to our knowledge none has been requested by the local residents. The Health Unit has stated that it would encourage the development of paths and the Roads Dept. has said that the right-of-way is wide enough to provide the necessary space. However, development of the path would be piecemeal with potential gaps over existing development and in several areas where large ditches or gullies drain into the lake. The funding of the ongoing maintenance would also be an issue.

- d) Shoreline Protection – this issue is addressed under comments provided by the LTVCA.



- e) Drainage Corridors – some assurances need to be made to locate and protect tile drainage through the subject lands to the lake. There are several areas where drains exist but the details are not known with regard to location.

**Comment:** *a drainage map for the former Township of Romney was supplied by Todgham & Case Associates Inc. that shows two large drain outlets, one at the end of Radmore Road and the other at Stevenson Road. The Drainage Act would provide some degree of protection for any of these unknown drains and it could be further required that the applicants must provide a detailed report of their property that indicates the presence of any drains that affect neighbouring lands or Talbot Trail itself. Should that report identify any significant drains located on a subject parcel the location of lots would be affected and the appropriate actions taken by way of easements or relocation, at the owner's expense to protect the affected drain.*

- f) Access Restrictions – some concern was expressed that access points to Talbot Trail should be limited through the use of service roads or common entrances.

**Comment:** *The Roads Dept. reviewed this issue in more detail and individual accesses to each lot were deemed to be acceptable.*

### **3.2 Other Agency Consultation**

The following agencies were circulated as part of the background study:

- i) Ministry of Natural Resources – MNR identified the area as having potential gravel resources and suggested that a geotechnical report be submitted prior to lot creation. This issue is addressed in more detail under potential gravel extraction and MNR's comments are attached under Appendix 1.
- ii) Lower Thames Valley Conservation Authority – the following comments were received, *“with regard to development along this area of the Lake Erie shoreline, the Authority is responsible for the Natural Hazards Section (3.1) of the Provincial Policy Statement (PPS). Much of this Lake Erie shoreline area would be characterized as a steep clay bluff that is subject to erosion due both to wave action at the toe of the slope and to water hydraulically seeping out of the bank to the lake below. We believe that the area will be subject to these types of erosion for the indefinite future. As time passes we are also becoming more knowledgeable about the rate of erosion that this area encounters. The Authority recently reviewed aerial photos taken in the early 1950's and compared these photos with ortho rectified ones that the municipality produced in 2001. It was found that the erosion*



rate for this area is approximately 35 metres per one hundred years.

Another consideration is the provision of a stable slope allowance along the Lake Erie bluff. A stable slope in this region is a 3 to 1 slope. In this region of the shoreline the stable slope allowance would add an additional 40 metres to the above 100 year erosion allowance.

We believe that it is important to note that the province has determined that newly constructed homes should be planned with a projected life span of 100 years. However, it is also probably felt that 'Estate Residential' homes, due to their more substantial construction, should have an inherently longer life span. As we noted the erosion of Lake Erie will continue for the indefinite future and, therefore to better match the lifespan of the home to the property that it is sitting on, consideration could be given to increasing the setback requirement.

Another consideration may be that some lots in this area may currently have a suitable building envelope for a 'rural residential' designation but not an 'estate residential' designation due to the larger footprint that is required. This may result in a hardship for these individuals.

In general, the Conservation Authority does not recommend the 'Estate Residential' designation for this area. At the same time staff understands the inclination of the municipality to allow development of this area as many of the farm parcels are too small to efficiently operate. If the municipality continues to desire an 'Estate Residential' designation we would recommend that;

- A setback in excess of 75 metres from the top of the bank of Lake Erie be selected. This increased setback may help to account for the higher value and inferred longer life span of 'Estate Residential' homes;
- All structures must be setback 40 metres from the top of the bank of Lake Erie ravine systems. This setback accounts for the aforementioned stable slope allowance;
- Pools **must** be subject to setbacks from the top of bluff of Lake Erie and the top of the bank of the ravine systems.

**Comment:** many of the properties within the subject area are capable of providing the necessary increased setback requirement as is the case with two of the three applications made for lot creation in conjunction with the OPA. There are however two to three properties within the study area that would likely require



further consultation and a detailed site inspection by LTVCA to determine if the existing 55 metre setback could still be used or if a combination of reduced front yard, modified house design and reduced setback requirement i.e. 65 metres would be satisfactory. This is actually the case with one of the applications for lot creation which is likely the shallowest of the developable properties in the study area.

- iii) Ministry of Municipal Affairs and Housing – no comment has been received to-date.
- iv) Talisman Energy Inc./Elexco Ltd. – the affected lands are located in lot 179 and 180 and partially used for a compressor operation that sends gas from Lake Erie to another plant located near Morpeth. The balance of the lands are used as a buffer area for this station and there are no immediate plans to develop this property. Additional comments received recently also noted that there is concern regarding both the tax implications and ability of the company to continue its operations if that area is redesignated for residential use. (See comments attached as Appendix 2)

**Comment:** In consultation with MPAC no tax increase is anticipated as a result of the redesignation and the current operations are protected under the current official plan and zoning policies which recognize them as necessary public utilities. This protection would continue regardless of any change.

### 3.3 Public Consultation

On July 29<sup>th</sup> a public meeting was held to provide the property owners within the study area information about the proposed changes and provide input into the background study. For the most part there were no major concerns expressed by the individuals in attendance and the questions limited to that of a technical nature with regard to actual lot creation. Questions asked were as follows:

- i) How does the 5% parkland dedication work?

**Comment:** typically with new lot creation a 5% dedication of parkland is required or cash-in-lieu equal to the value of that 5%. In this particular case since the lot creation is on a site-by-site basis the Municipality has stated that cash-in-lieu will be required.

- ii) What is involved in the archaeological assessment?

**Comment:** in these cases a level one assessment is usually required and is mainly a historical review of the site to determine if further on-site work is necessary.

- iii) Does the whole study area have to undergo the geotechnical and/or archaeological assessment?



**Comment:** *at the time of the meeting it was noted that further review of this requirement would be necessary, however since then it has been determined, as noted above, that a site-by-site assessment will be done at the time of any application for lot creation and if gravel extraction has taken place on a significant scale then both the geotechnical and archeological assessment may not be necessary.*

- iv) Is this study area part of the new Official Plan review?

**Comment:** *No detailed review of the study area was undertaken to permit lot creation as part of the new Official Plan. The area is being reviewed independently as the result of the interest expressed by three individual property owners.*

- v) Will there be a tax increase?

**Comment:** *From consultation with the Municipal Property Assessment Corporation (MPAC) it was determined that there is no tax increase associated with the redesignation of lands from agricultural to residential. The tax implications only come into affect on lands where lots for a residential use are created and zoned accordingly.*

- vi) Can the study area be expanded further to the west?

**Comment:** *During the public consultation there was some interest expressed by property owners just west of the study area in Lot 194. However, at present it has been determined that further extension of the study area will have to be looked at a later date given the current time constraints.*



## 4.0 ANALYSIS AND IMPACT

### 4.1 Overview

The underlying objective of a comprehensive review of the study area versus a site-by-site basis, as was the initial case with the Shanks application, was to avoid a piecemeal approach that does not take into consideration a wider scoped analysis. By first reviewing the area in question and then reviewing the individual applications it is hoped that a more comprehensive plan is formulated that will better serve the long-term development of the area and reduce potential land use conflicts between farm and non-farm residents. In addition a closer analysis of the existing stock of lakefront properties was undertaken where development is presently permitted. This lends additional support to the need for the expansion of similar type development within the study area.

### 4.2 Agricultural Impacts

The most dominant land use in and around the study area is that of agriculture or more specifically cash crop farms. Much of the area to the north of the Talbot Trail is a heavier Brookston Clay soil that, although productive, is typically limited in crop production to soybeans and cereal crops with some limited corn production. Higher value crops such as tomatoes, sugar beets, seed corn or vegetable crops are not suited to this area. The study area itself, as noted above, has a limited amount of land that remains in productive use. Factors such as parcel size, soil type and previous gravel extraction operations have detracted from its continued use for crop production and have likely led to an even greater reduction in the total amount used for production over the last few years.

By allowing residential intensification of the study area through the creation of additional lots it is necessary to insure that:

- 1) the loss of productive farm land is minimized;

**Comment:** *The limited amount of land being used for productive use at present and the ongoing reduction of cultivated area would appear to be one of natural development meaning that over time with the increased size of farm operations larger equipment becomes difficult to use on these small parcels. Often these lands are simply cropped to control weeds. It is also important to keep in mind that all of the parcels within the study area are, for the most part, lots that could presently be built on and completely removed from agricultural production.*

- 2) that the increased presence of residential uses will not adversely impact on the existing agricultural uses and any other potential farm uses such as livestock or greenhouses.

**Comment:** *In Figures 5 and 6 an attempt has been made to illustrate the existing impact of the present residential development on the south side of Talbot Trail on possible greenhouse development. In October of 2003 Chatham-Kent*



Council passed a comprehensive greenhouse by-law which outlined standards for the development of large scale greenhouses. One component of that by-law was to require a 300 metre setback from certain residential zones such as those which exist around the fringe areas of urban centers. In addition it was recommended that the 300 metre setback requirement also be applied to "R2" zones on the south side of Talbot Trail in Romney given the large number estate type homes and lots already in the area. The circles on the maps represent the existing impact, the bold dashed line represents the affect of the entire study area being developed and zoned to "R2". The hatched areas represent the properties that are not currently affect by the 300 metre setback and therefore are the properties most impacted by possible rezoning and lot creation.

One important point to note in this case is that the 300 metre setback was not recommended as a total prohibition of greenhouse development near certain residential zones. It was intended as a guide to be used in the review of large scale greenhouse development. If development was proposed closer than 300 metres the municipality reserves the right to review the development and note what mitigation measures would be required to reduce any negative impacts on nearby residential development and in turn permit the development though a site specific rezoning.

As was noted earlier greenhouse development in the study area is not presently anticipated because of the lack of certain key infrastructure. It was stated however by Ron Anderson, (Agricultural Coordinator for Chatham-Kent Economic Development Dept.), that the study area could become a prime greenhouse area if service upgrading took place. If the study area were completed developed approximately 35% of total frontage along the north side of Talbot Trail would be affected. However, despite this potential negative impact it should be noted that all of the farm properties on the north side of Talbot Trail have frontage on at least one additional road where no increased setbacks would be required. Although this frontage may be on secondary gravel surfaced road, all are within approximately 1 kilometre of a paved road with direct access to Talbot Trail.

The impact on potential livestock development in the area is somewhat more complex to illustrate. There are too many variables to realistically consider. However, two factors are presently clear: there is no livestock currently within the study area and the existing presence of homes on both sides of Talbot Trail would have an impact on the location of any new operation. In addition since any livestock development would be classed as new the MDS II setback requirements are greatly increased further increasing the impact of existing residential development. Finally, as noted with the comments on greenhouse development, all of the farm properties on the north side at least have frontage on one additional road to provide an alternative location for a new livestock operation.

Lastly is the impact of additional residential development on present agricultural operations. The issue is typically the relationship between farm operations and



*non-farm residents. Complains about dust, noise, chemical application and late night equipment operations are always a potential concern. The Agricultural Code of Practice does outline normal farm practices and as is often noted non-farm residents: a) must realize the environment that they are moving into, and; b) understand that as long as normal farm practices are followed, no major conflicts should arise. Finally there is a considerable history of similar existing development circumstances along the lakeshore, i.e. Tilbury East and Raleigh, without evidence of land use conflict.*

*Based on this it is our belief that the redesignation of the study area does not pose a significant negative impact to present or future farm operations. It is likely that the study area will not completely develop to its full potential, and if it does it will likely occur over a substantial time frame allowing for a gradual adjustment of the relationship between farm and non-farm development.*



## 5.0 SUMMARY & CONCLUSIONS

The primary reason for this study, as stated earlier, was to undertake a comprehensive review of the study area, rather than a piecemeal approach, which would better serve the long-term planning of the area. As part of the study the following items have been considered:

**Agricultural Impact** – the primary focus of analysis was to look at the impact of existing residential development versus that of permitting additional new residential develop and the loss of productive farmland. Based on the current agricultural operations and potential for new types of farming i.e. livestock or greenhouse development, it was concluded that the impact was minimal based on the affect of existing residential development and the availability of alternative locations for these types of farm operations on all of the affected farm properties within the study area.

The loss of productive farmland is discussed under both Provincial Policy and the Agricultural Impacts. One fact that was not outlined under these section is the conclusion that if alternative high yield or high income crops were possible on any of the remaining cultivated lands surely they would have been explored by now. Simply put these lands have no unique qualities for any type of specialty crop and that most specialty crops present along Talbot Trail are located on the north side of the road. Given the general trend to large-scale farm operations the parcels within the study area are not deemed conveniently farmable or productive.

**Demand for Lake View Property** – In our opinion it is reasonable to assume there is a strong consistent demand for this type of development, although it is difficult to measure. While approval of the proposed designation may result in a supply of lakeview property beyond the normal 20 year planning horizon, it is reasonable to proceed to ensure comprehensive policies are applied, rather than the piecemeal approval applied to individual applications which would be otherwise difficult to refuse.

**Hazard Land** – most of the bank along the study area is zoned and designated hazard lands which serves to identify those lands as having some characteristic that prevents or limits the location of development. At present there is a 55 metre setback from the top of the bluff (determined by the LTVCA) along Lake Erie. The Conservation Authority has recommended that an increased setback of 75 metres be used for new development, particularly the type of estate residential development that is proposed. There is one exception to this requirement with regard to one of the three application for lot creation. The property owners (Authier Farms) consulted with the LTVCA and received written comments that indicate the 55 metre setback be applied.



**Aesthetic Quality** – the demand for lots in this area is the function of one factor, lake view. These lots are large, low density, buffered from close neighbours to the north and south and provide the added quality of being located in a rural setting.

**Services** – municipal water is available along the frontage of all of the lands within the study area and lot sizes will be such to support private sanitary systems.

**Gravel Extraction** – there is the possibility that limited resources may still exist on some of the study area properties, however this will need to be examined on a site-by-site basis if and when lot creation is proposed.

**Plan of Subdivision versus Consent** – since amalgamation all lot creation along the lake has been done by way of consent and to date no issues have been identified that would require a change from that process. Most applications have only involved the creation of two to six lots with no internal street or major servicing requirements that might necessitate the use of a plan of subdivision.

**Park Lands** – TAC has indicated that the municipality would prefer a 5% cash-in-lieu condition on new development within the study area. In addition some discussion had taken place on the possible development of a pathway or trail along the frontage of the study area lands. The Roads Dept. identified that there was sufficient width in the municipal road allowance to accommodate such development however the cost of establishing and maintaining this trail was unclear. It was also noted that the trail would likely lack short to medium term continuity with the presence of existing development and at least two large ravines on the south side that would leave considerable gaps.

**Traffic Impact** – no traffic issue has been identified and none are anticipated, as the pace of development will be such that a sudden increase of traffic flow would be unlikely.

Based on the analysis undertaken in the background study and subject to a number of conditions outlined in the recommendation section, it is our opinion that placing the lands in a special policy under the Romney Official Plan is both an appropriate use of the study area lands and a logical extension of the existing designated areas found in the Communities of Raleigh and Tilbury East to the east. The addition of these lands will provide a significant addition to the inventory of available lake view lots and provide a long-term stock of estate residential lands.



## 6.0 RECOMMENDATIONS

Through the background study it was determined that a number conditions would be required in order to permit lot creation on the subject lands that are outlined as follows:

- i) Minimum lot area shall be 0.4 hectares (1 acre) with a minimum lot frontage of 45 metres (150 ft.). However given the nature of the lake bank and the new 75 metre setback requirement increased lot area and/or lot frontage may be necessary depending on the timing of lot creation or available building envelope.
- ii) Minor variances from the 75 metre setback from the lake bluff may be considered if the Lower Thames Valley Conservation Authority is consulted and satisfied with the requested reduction or if bank modifications can be completed to adequately address the erosion issues. Any bank modification will require approval from the LTVCA.
- iii) Front yard setback requirements may be reduced in order to meet the prescribed lake bluff setback and maintain a reasonable building envelope. Consideration shall be given to the setback of existing neighbouring dwellings and adjustment limited so as to not adversely affect existing development.
- iv) The property owner must submit a storm water management plan satisfactory to the municipality including the identification of any open or closed municipal or private drains.
- v) Any necessary road widenings will be conveyed to the municipality.
- vi) Where there has been no previous gravel extraction a geotechnical report should be completed to determine if any potentially viable aggregate resources exist.
- vii) A level one Archeological Assessment must be completed unless there has been significant surface disturbance from previous gravel extraction operations.
- viii) All new lot creation will be required to obtain a new water connection and pay the associated connection charges alternatively the implementing zoning by-law shall place the subject lots into a Holding zone until such time as the connection charges are paid.
- ix) All new lot creation within Special Policy Area 4 is subject to the development charges outlined by the Development Charges By-law.



- x) All new lot creation will be required to pay 5% cash-in-lieu for parkland dedication.



Appendix 1

Ministry of  
Natural Resources

353 Talbot Street West  
Aylmer ON N5H 2S8  
Tel: 519-773-4747  
Fax: 519-773-9014

Ministère des  
Richesses naturelles

353, rue Talbot Ouest  
Aylmer ON N5H 2S8  
Tél.: 519-773-4747  
Télééc.: 519-773-9014



March 18, 2004

**Municipality of Chatham-Kent  
Planning Services  
c/o Storey Samways Planning Ltd.  
330 Richmond Street, Suite 204  
Chatham, ON.  
N7M 1P7**

Attn: R. Robert Brown

**Re: Official Plan Amendment (OPA 13)  
Lots 178 to 193 inclusive, Talbot Road Survey  
Community of Romney, Municipality of Chatham-Kent**

Dear Sir:

This office has now reviewed the information provided in your letter dated March 4, 2004.

There are no available Aggregate Resources Inventory Publications for the above noted area. However we are providing you with a copy of unofficial mapping completed for Lots 180 to 193 inclusive. This map indicates that the area in question is underlain by a Lacustrine Beach Ridge and remains a large portion of the available aggregate resources within the Township of Romney. This map is available to view at the Ministry of Natural Resources, Aylmer District Office.

Lot 189 also contained a former Class B Aggregate Resources Act Licence. This licence has since been surrendered as of July 25, 2003.

As indicated in your correspondence, the area in question is also identified as a potential gravel area in the former Romney Township Official Plan.

Prior to the creation of residential lots within this area. The following mitigation measures are suggested:

1. *A detailed geotechnical survey be completed to ensure that the aggregate within these lots is not sufficient in quantity or commercially viable for extraction.*

Should this material be identified as being a viable source of aggregate, this office would request that the Municipality have regard for section 2.2.3 of the Provincial Policy Statement.

Should you have any further questions or concerns please do not hesitate to contact the undersigned.

Sincerely,

Emmilia Kuisma  
Aggregate Resources Inspector  
Aylmer District  
Ministry of Natural Resources

ek/2004/attach

MNRA 001



Appendix 2

**TALISMAN**  
ENERGY

TALISMAN ENERGY INC.  
SUITE 3400, 888 3RD STREET S.W.  
CALGARY, ALBERTA T2P 5C5  
FAX (403) 237-1902  
TEL (403) 237-1234  
www.talisman-energy.com

March 22,2004 BY FAX 2004-03-22

R Robert Brown H.Ba (Planner)  
Municipality of Chatham-Kent  
c/o Storey Samways Planning Ltd.  
330 Richmond Street  
Suite 204  
Chatham, Ontario  
N7M 1P7

RE: Official Plan Amendment (OPA13)  
Lots 178 to 193 inclusive , Talbot Road Survey  
Community of Romney, Municipality of Chatham-Kent

Dear Sir:

We are in receipt of your letter dated March 4,2004 regarding what Talisman's interests are in the above named Lot's.

Currently Talisman own a 5.7 acre parcel in Lot 179 that is solely used as a protection buffer to the gas operation to the west. This acreage is considered potential for residential development but is not expected to be used as such by Talisman. To my knowledge we have no immediate plans to develop this property and wish to keep it vacant and grassed.

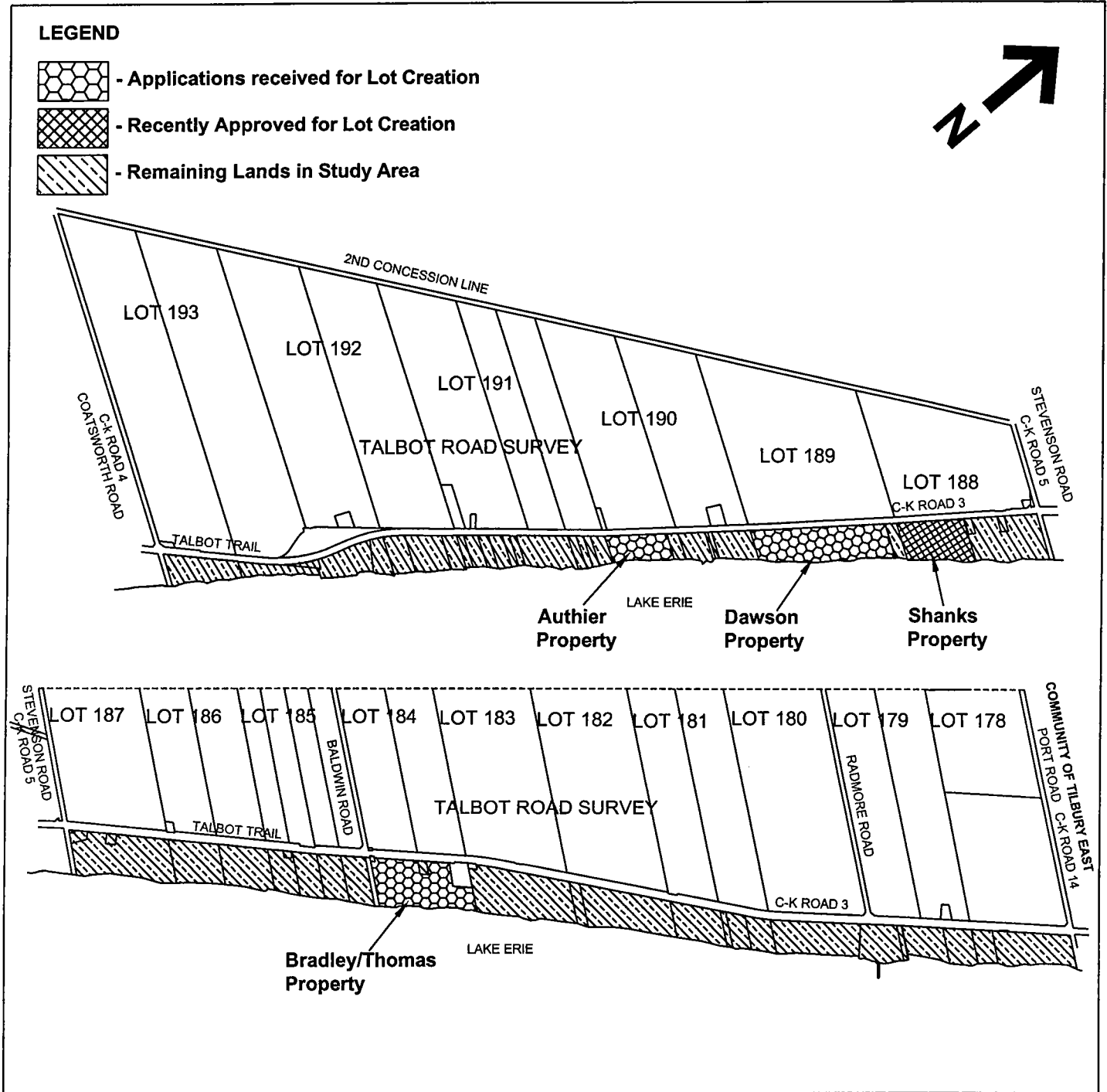
However, in the remainder of Lot 179 to the west and Pt of Lot 180 we have a gas compressor operating as a mid point for marketing gas from Lake Erie to Morpeth where our gas plant is located. We also have a storage building, tanks, ramp to Lake Erie , dock and pipelines located on this site. I expect that this site will remain this way until gas production ends.

Hopefully this will help in your deliberations.

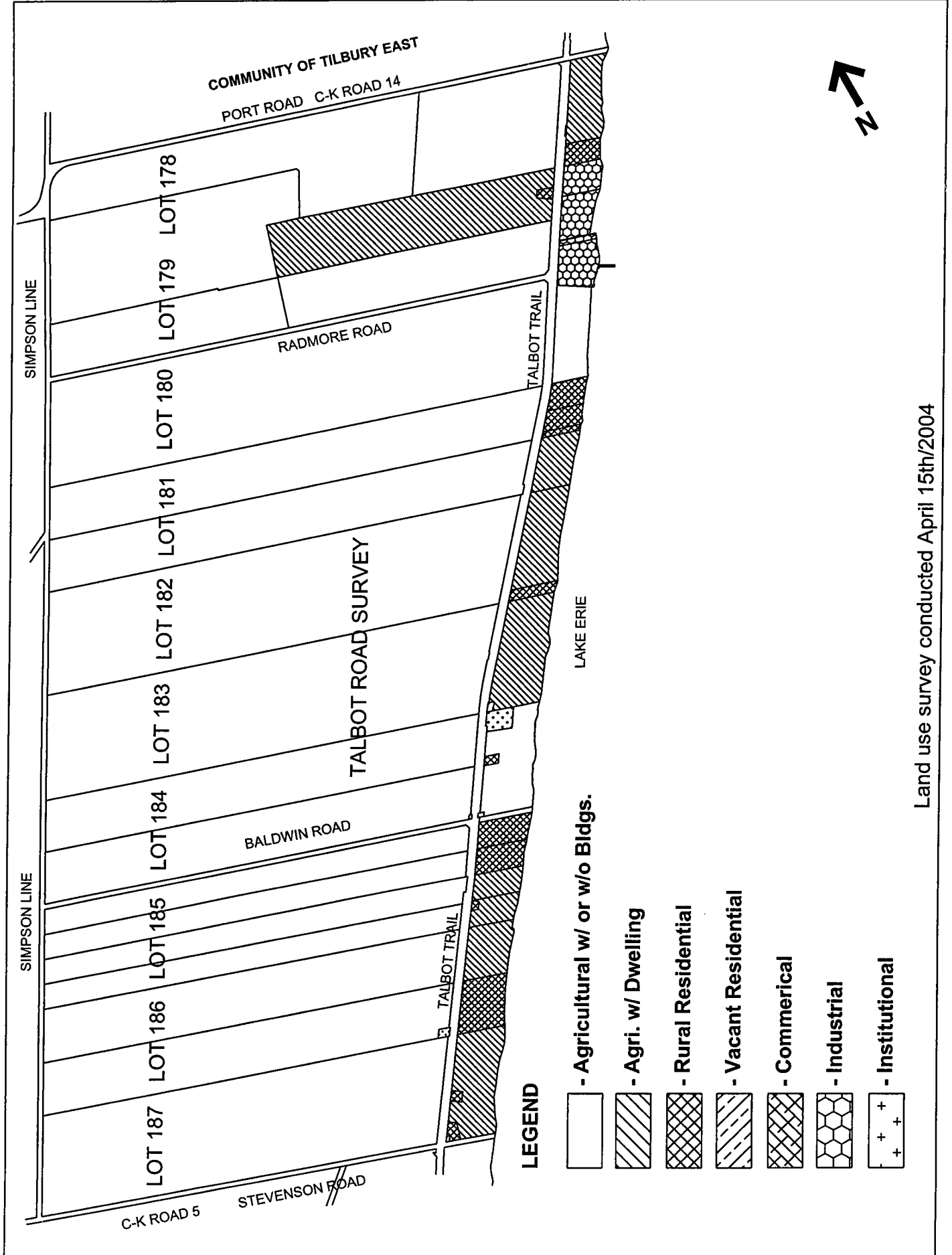
Yours truly,

Ronald Stinson  
Talisman Energy Inc.  
75 Conifer Place  
London Ontario  
N6K 4B3  
0-1-519-657-7303  
F-1-519-65705793

**FIGURE 1**  
**Study Area Key Map**



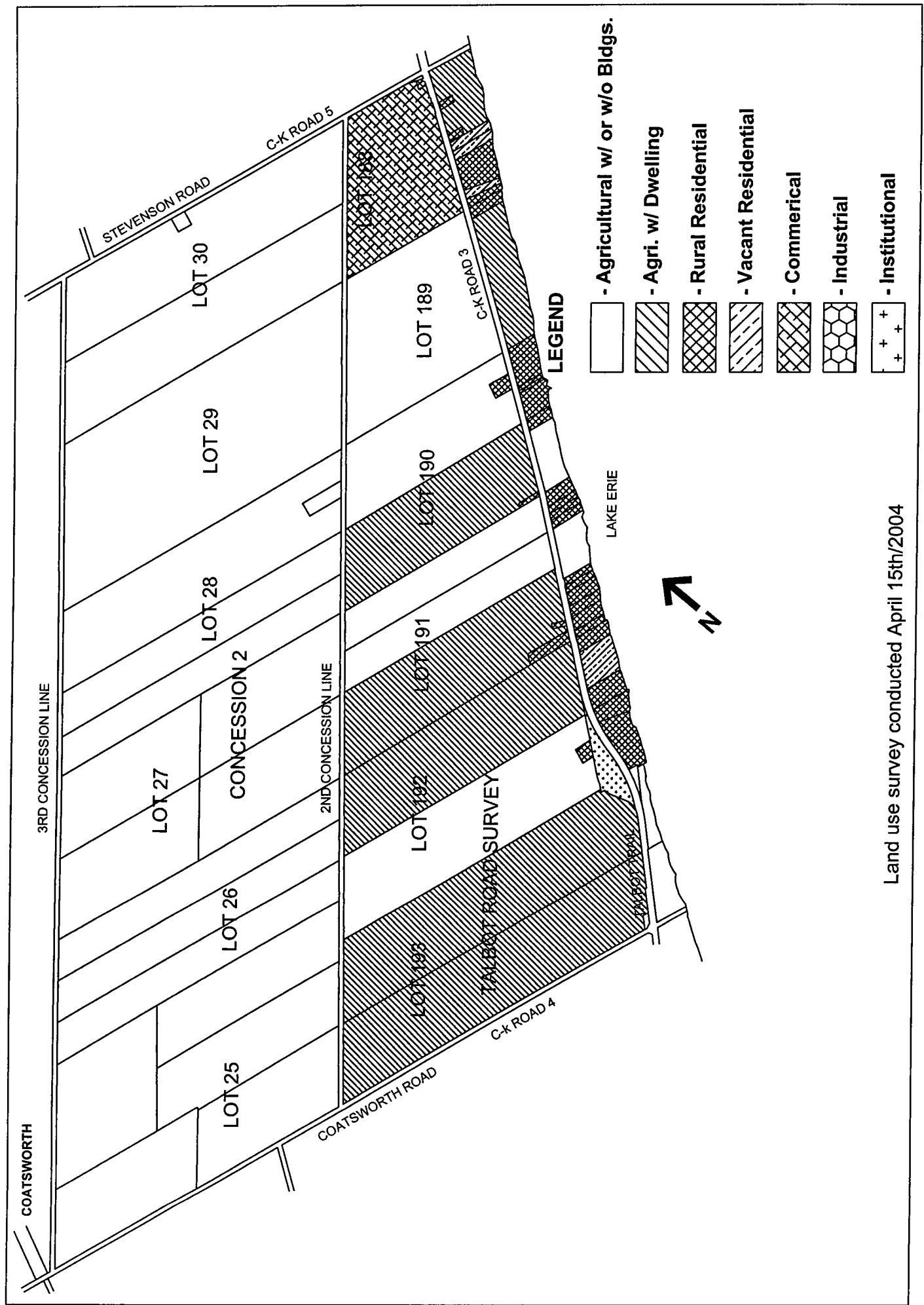
**FIGURE 2**  
Existing Land Uses



**LEGEND**

- Agricultural w/ or w/o Bldgs.
- Agri. w/ Dwelling
- Rural Residential
- Vacant Residential
- Commercial
- Industrial
- Institutional

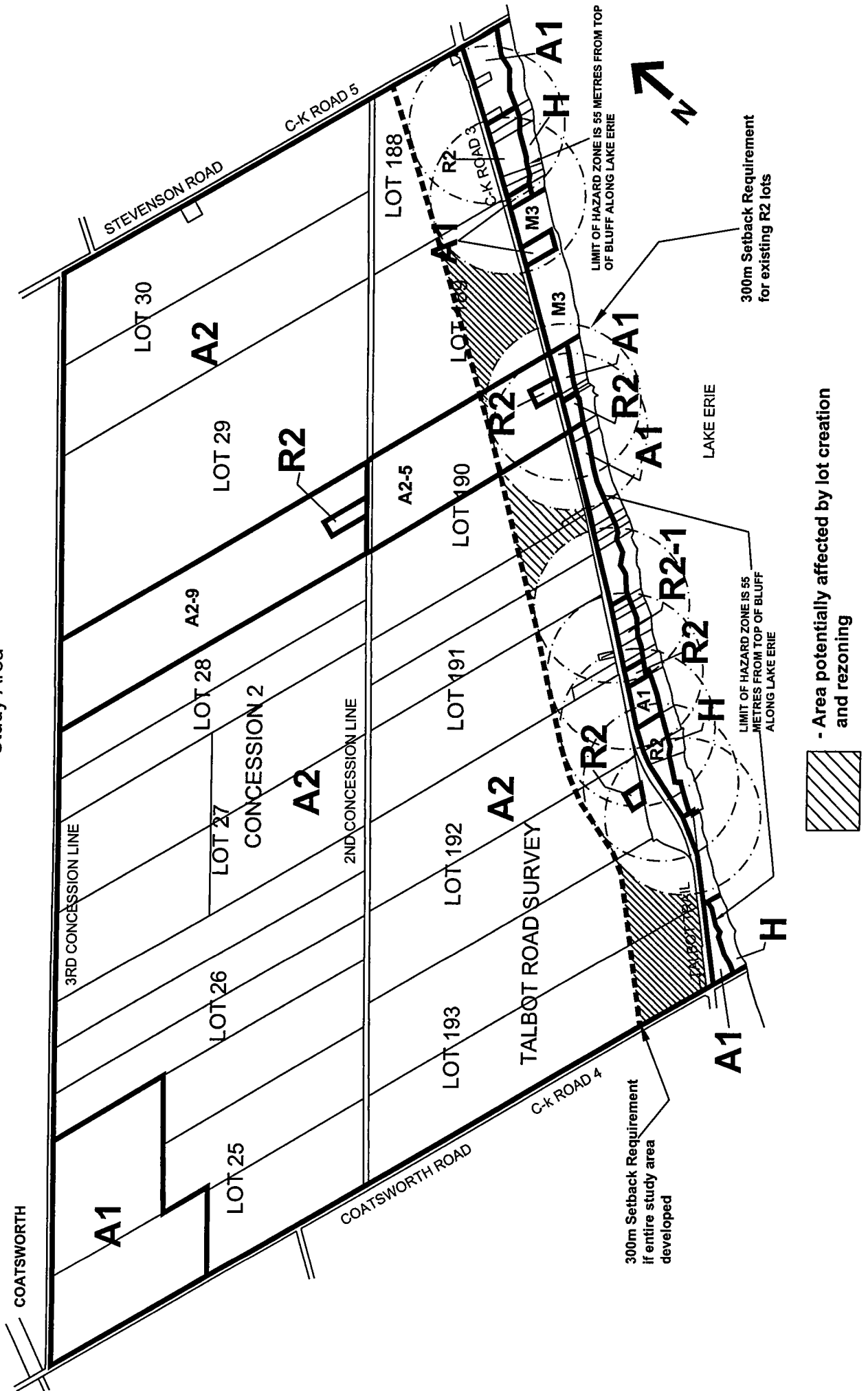
**FIGURE 3**  
Existing Land Uses



Land use survey conducted April 15th/2004



**FIGURE 5**  
 Potential Impact on Possible Greenhouse Development within  
 Study Area



**FIGURE 6**  
 Potential Impact on Possible Greenhouse development within  
 Study Area

