

**TO:** Mayor and Members of Council

**FROM:** Storey Samways Planning Ltd.

**DATE:** August 12, 2008

**SUBJECT:** Planning Services Report

**GENERAL FILE INFORMATION AND  
KEY MAP:**

**Application:** Combined Consent (File B-101/07) and Zoning By-law Amendment (File D-28 CH/75/07/K)

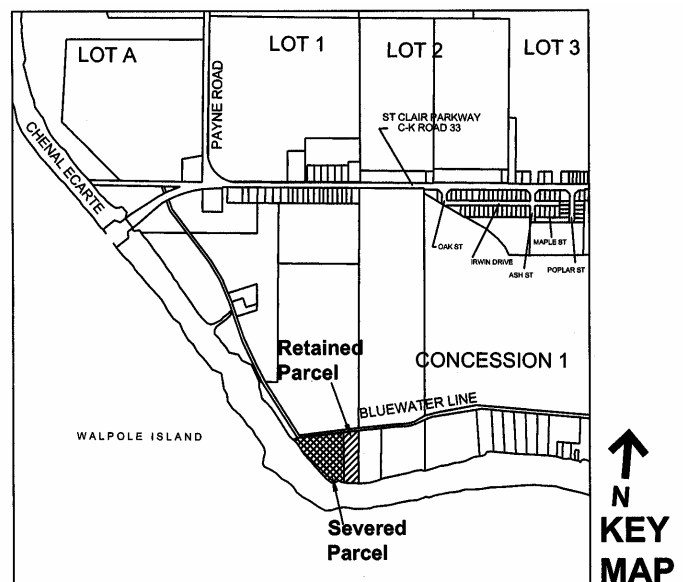
**Hansen#:** 4263

**Applicant:** Birgit Kroon

**Location:** 5732 Bluewater Line  
Part of Lot 1, Conc. 1  
(Gore)

**Roll Number:** 3650 410 007 05600

**Community:** Chatham (Township)  
(North Kent)



**RECOMMENDATIONS:**

It is recommended that:

1. Council approve consent application B-101/07 concerning Part of Lot 1, Concession 1 (Gore), in the Community of Chatham (Township) to create one (1) new open space lot, subject to the following conditions:
  - a) that the zoning by-law be amended to:
    - i) rezone the severed parcel to an appropriate open space classification and permit the use of the lands for seasonal recreational purposes;
  - b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;

- c) that the applicant(s) demonstrate that the septic system on the retained parcel is functioning in accordance with Municipal Protocol;
  - d) that the applicant complete an archaeological assessment on the severed lands and obtain a Certificate of Clearance from the Ministry of Culture;
  - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.
2. Council approve the zoning amendment application D-28 CH/75/07/K and adopt the by-law to implement the consent.

**DESCRIPTION OF PROPOSAL:**

The subject land is a 9.39 acre residential parcel located on the south side of Bluewater Line, west of Kilbride Road, in the Community of Chatham Twp. The property contains an existing cottage in the northeast corner. The applicant would like to sever 6.3 acres to the west of the cottage leaving the retained parcel with the cottage on a 3.16 acre parcel. The lands are low lying and much of the lot is covered by trees which the applicant and her family have planted since acquiring the property in 1948. In consultation with the St. Clair Region Conservation Authority (SCRCA) it was determined that further subdivision of the lands for residential purposes, although possible, was not particularly feasible or practical as approximately 6 to 7 ft. of fill would be required in order for new development to meet the SCRCA minimum opening elevation. The alternative which is being proposed by this application was discussed with the SCRCA on-site. It was later noted by the Authority that this was a preferable option to the development of new lots for residential development. Therefore it is proposed that the westerly 6.3 acre be severed and rezoned to a site specific open space classification that would maintain the natural environment of the property. The applicant would, however like to retain the ability to use the site for personal seasonal camping which would include a tent, travel trailer or R.V. The area used for this purpose will be limited to an existing cleared area of approximately 0.65 acres in the northeast corner of the severed parcel which also contains an existing access and small cabin.

The purpose of the zoning application is to implement the severance.

**BACKGROUND:**

Severed Parcel	Dimensions – 605.4’F x irregular Lot Area – 6.33 acres Existing Buildings – small frame cabin Services – municipal water is available Access - existing driveway
Retained Parcel	Dimensions – 203.5’F x irregular Area – 3.167 acres Existing Use – existing cottage Services – private septic system and municipal water Access – existing access
Official Plan	Rural Residential
Existing Zoning	“A2, Restricted Agricultural”

**CONSULTATION:**

At the time of writing, no unfavourable comments have been received from any of the agencies canvassed and the Technical Advisory Committee (TAC) supports the application. Because of the property’s proximity to a body of water an archaeological assessment will be required and is a condition of the severance. A new water connection to the severed parcel was not noted as a requirement since the use will be seasonal recreation and will not permit permanent development. However, if water was requested it is available along Bluewater Line.

The St. Clair Region Conservation Authority was consulted on the application and their comments are attached as Appendix “A”.

**ANALYSIS:**

*Community Strategic Plan*

The recommendation in this report supports the following objectives and strategic directions:

- C. Environment – We are a green community
  - C3. Promote protection and restoration of our natural resources

### Desired Outcomes/Proposed Activities

- Increase natural habitat, such as tree coverage, grasslands and wetlands and create linkages among these natural areas in Chatham-Kent
- Build on incentives that help to protect and restore natural habitats
- Maintain and enhance Chatham-Kent's existing biodiversity
- Increase community participation in species-at-risk recovery initiatives

The recommendation will not adversely impact on the remainder of the Community Strategic Plan.

### *Provincial Policy Statement*

Section 2.1.6 states that *“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in .....unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”*

**Comment:** The property is not identified as a natural heritage feature by the Chatham-Kent Official Plan and as such an Environmental Impact Statement (EIS) is not required as a result of the proposed severance. There was consultation with the Ministry of Natural Resources (MNR) regarding the initial proposal to create residential lots. MNR's comments were an influencing factor in the revised proposal as it was felt that an EIS was necessary because of the potential presence of threatened or endangered species on the property. With the now limited development proposal the natural environment of the severed property will be maintained and the camping limited to an existing open area not unlike camping areas in Provincial parks throughout Ontario. It is my opinion that since the area was not identified as a natural heritage feature in the Chatham-Kent Official Plan an EIS is not required.

Section 2.6, Cultural Heritage and Archaeology notes the following:

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.

**Comment:** Due to the proximity of the subject lands to the Chenal Encarte and the Walpole First Nation Reserve the lands may have archaeological potential. The Ministry of Culture has indicated that an archaeological assessment is necessary. Completion of this assessment is included as a condition of the severance and a certificate of

clearance will be required from the Ministry of Culture.

### *Official Plan*

The subject lands are designated Rural Residential by the Chatham Twp. Official Plan and the proposed lot creation conforms with the policies outlined in Section 2.3 Rural Residential. The lands are designated Agricultural by the Chatham-Kent Official Plan however since this plan is not the governing document we must look to the existing Official Plan for the subject lands. Open Space uses are permitted in all designations of the Official Plans. A private camp site per se would not be a typical use in a rural residential designation however given the location of the property, the natural setting and the effort being made to preserve the natural environment I believe the proposal maintains the intent and purpose of the Official Plans.

### *Zoning By-law*

It is proposed that the severed parcel be placed in a site specific open space zone with the special provision for the use of the lot for seasonal camping by the owner and limitation on the location of the area to be used for this purpose. The retained lands will be placed in the "R1, General Residential" Zone similar to lands to the east of the subject property.

### *Conclusion*

On the basis of the foregoing, I support these applications.

### **FINANCIAL IMPLICATIONS:**

There is a nominal change in property taxes anticipated as a result of this application.

Prepared by:

\_\_\_\_\_  
Robert Brown, MCIP, RPP  
Storey Samways Planning Ltd.

Reviewed by:

\_\_\_\_\_  
Evelyn Bish, B.A.  
Acting General Manager  
Community & Development Services

Reviewed by:

\_\_\_\_\_  
Ralph Pugliese, MCIP, RPP, DPA  
Director, Planning Services

Reviewed by:

\_\_\_\_\_  
C. D. Weldon  
Chief Administrative Officer



Looking south toward the existing cottage and access on the retained lands



Looking south at the existing open area and access to the severed parcel



Looking southwest across the frontage of the severed parcel from Bluewater Line



## Appendix "A"



### St. Clair Region Conservation Authority

205 Mill Pond Cr., Strathroy, ON, N7G 3P9  
(519) 245-3710 (519) 245-3348 FAX  
E-Mail [stclair@scrca.on.ca](mailto:stclair@scrca.on.ca)  
Website [www.scrca.on.ca](http://www.scrca.on.ca)

August 22, 2008

#### Member Municipalities

Township of  
Adelaide-Metcalfe

Township of  
Brooke-Alvinston

Municipality of  
Chatham-Kent

Township of  
Dawn-Euphemia

Township of  
Enniskillen

Municipality of  
Lambton Shores

Township of  
Middlesex Centre

Village of  
Newbury

Village of  
Oil Springs

Town of  
Petrolia

Town of  
Plympton-Wyoming

Village of  
Point Edward

City of  
Sarnia

Municipality of  
Southwest Middlesex

Township of  
St. Clair

Township of  
Strathroy-Caradoc

Township of  
Warwick

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

**Attention: Mr. Robert Brown, MCIP, RPP**

**Re: Combined Consent and Zoning By-law Amendment Application  
Part of Lot 1, Concession 1 (Gore)  
Community of Chatham Township  
5732 Bluewater Line  
Birgit Kroon**

St. Clair Region Conservation Authority (SCRCA) staff have reviewed the above noted application as it relates to Natural Hazard and Natural Heritage features - as described in Provincial Policy. We wish to offer the following comments for your consideration.

From the information provided, we understand that the landowner wishes to sever a 2.56 hectare parcel from the subject property. The retained 1.28 hectare parcel would contain the existing dwelling. We understand that the severed parcel will be rezoned to an open space or conservation classification. We further understand that a 45 metre by 66 metre parcel of the severed parcel, fronting Bluewater Line will be specially identified to permit personal, seasonal camping.

#### Natural Hazards

The subject property is located on low-lying land adjacent the Channel Ecarte. As such, the subject property is susceptible to flooding during the 1:100 year flood event. The elevation of the 1:100 year flood event for this reach of shoreline is 177.6 metres G.S.C. Our mapping indicates the existing ground elevation on the subject property varies but is approximately 174 - 175 metres G.S.C.

#### Recommendation

As there is no new development proposed through the combined Consent and Zoning By-law Amendment Application we have no objection to its approval. We recommend that any trailer used on the site for camping purposes be maintained in

Combined Consent and Zoning By-law Amendment Application Page 1 of 2  
5732 Bluewater Line, Lot 1, Concl. 1, Chatham Gore  
Kroon

member of



Conservation  
ONTARIO  
Natural Champions

"working together for a better environment"

an easily moveable condition in the event that it must be relocated due to a forecasted flood.

We note that this property is regulated by the Authority through its "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation implemented pursuant to Section 28 of the *Conservation Authorities Act*. Written permission is required from the Authority prior to the commencement of any development activities on the subject property. Development activities include: the construction of a structure; placement or removal of fill; re-grading, or; altering or interfering with a wetland or watercourse in any manner.

If you have questions regarding any of the above, do not hesitate to contact the undersigned. A copy of the decision would be appreciated.

Yours truly,



Jeff Lawrence  
Environmental Planner/Regulations Officer

Kroon Consent & ZBA Application, Lot 1, Conc. 1 Gore, Chatham Twp.doc