



A G E N D A

For a Public Meeting

to discuss a Proposed Application for Temporary Use
Under Section 34 and 39 of the Planning Act
(Re: D14-21-02-129 Whitehead Road)

Tuesday, May 11, 2021

12:00 p.m.

Virtual Attendance

<https://video.isilive.ca/kenora/>

Land Acknowledgement - Councillor Van Walleggem

Introduction/Summation of Intent:

The purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planner, any members of Council will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planner's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the *Planning Act* and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

Notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal.

An appeal may be made to the Local Planning Appeal Tribunal not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council, and may not be added as a party unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee.

An appeal may only be made on the basis that the bylaw is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of her report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Clerk.

Council Declaration of Pecuniary Interest & General Nature Thereof

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

1. Applicant Presentation

- The applicant (or representative) will present their planning application.

2. City Planner Report/Rationale

- City Planner, Kevan Sumner, to describe the details of the planning application.

3. Express Interest

Any person may express his or her views of the temporary use provision and a record will be kept of all comments.

- a) Is there any member of the public who wishes to speak in favour of the temporary use provision?
- b) Is there any member of the public who wishes to speak in opposition of the temporary use provision?

4. Discussion

- a) Members of Council – Discussion/Questions (no decision is made)

5. Questions

- Members of the Public – are there any questions of the application?

6. Close of Public Meeting

- No further questions/comments, meeting is declared closed.



May 5, 2021

**City Council
Committee Report**

File No.: D14-21-02
To: Kyle Attanasio, CAO
Fr: Kevan Sumner, City Planner
Re: Application for Temporary Use By-law
Location: 129 Whitehead Road
Owner: 1526012 Ontario Ltd
Applicant: Mark Mcleod

1. Introduction

An application has been received, requesting Temporary Use approval for the processing of products from raw materials (sawmill) and the outdoor storage of these products and materials for a period of up to three (3) years, in the "RU" Rural Zone on a 25 acre portion of the property at 129 Whitehead Road.

2. Description of Proposal

The applicant intends to locate a small portable sawmill on the subject property for a period of three years. This type of use is normally only permitted on properties zoned "MH" Heavy Industrial, but the applicant indicates that they have had trouble finding a properly zoned property with access to three phase power and the highway. They have made arrangements with the owner of the property to locate this operation in the area indicated in Figure 1 below.

The applicant indicated in the initial application that he is willing to limit his hours of operation to limit any negative impacts related to the noise generated by the sawmill. In response to comments from neighbouring property owners and the internal review, the applicant has since indicated that he is also willing to accept conditions that the use be located at least 30m from the ordinary high water mark of a wetland on the property, and restricting heavy truck traffic from accessing the property via Whitehead Road.

3. Existing Conditions

The north-western portion property currently contains a scrap yard that is considered to be a legal non-conforming use under the "RU" Rural zone. The southern and eastern portions of the property are undeveloped. A small wetland area is located in

the northeastern portion of the property. Access to the property is via Whitehead Road, which also provides access to four rural residential properties. The entrance to Whitehead Road from Highway 17E features two tight turns and a steep gradient. Sections of Whitehead Road are in poor condition (see images in section 4 below).



Figure 1 - Aerial image displaying boundaries of subject site and area of proposed temporary use.

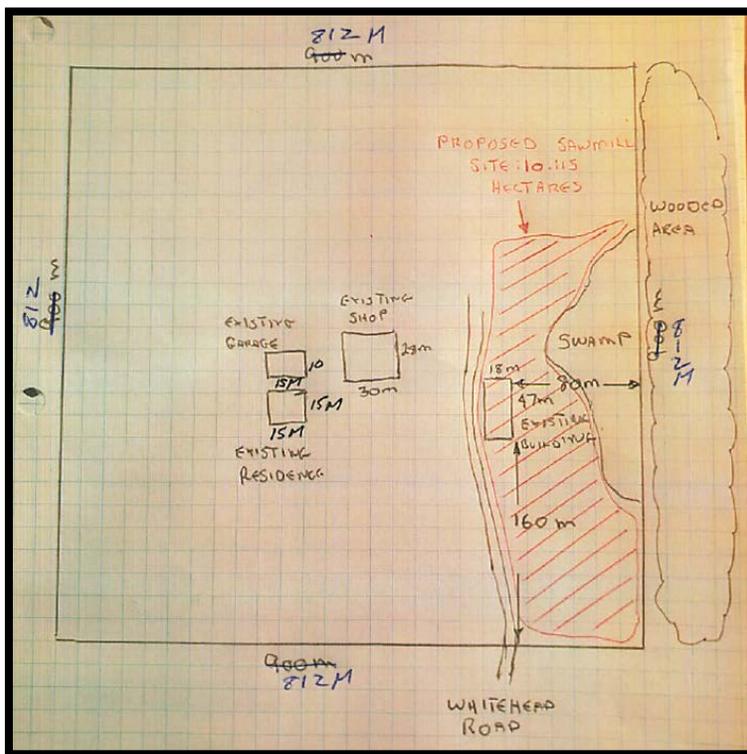


Figure 2 – Proposed Site Plan

4. Site Visit

On April 15th, 2021, I attended the subject location to view existing conditions. The photo below is intended to provide a visual of the existing lot.



Figure 3 – Panoramic view from Whitehead Road, at the entrance to the property.

On April 30th, 2021, I attended the subject property to document the current state of Whitehead Road.



Figure 4 – View of Whitehead Road entrance off of Highway 17E.



Figure 5 – View of the road surface, southern portion of Whitehead Road.



Figure 6 – View of the road surface, especially poor section of northern portion of Whitehead Road.

5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The proposed temporary use is generally consistent with the Provincial Policy Statement, which states that planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified

economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (Policy 1.3.1(b)).

b) City of Kenora Official Plan (2015)

The land use designation of the property is Rural Area (Figure 7). Policy 4.1 of the Plan states that permitted uses shall include a variety of agricultural, residential, industrial, commercial, recreational, tourism, and open space uses. All of the adjacent properties are also designated as Rural Area.

In the Rural Area, small-scale commercial and industrial uses that meet the needs of the rural community may be permitted by an amendment to the Zoning By-law provided that those uses are compatible with adjacent uses (Section 4.8.4).

The City of Kenora prefers that industrial uses be located in areas designated Industrial, but recognizes that certain types of industry have historically been located in Rural Areas, and should continue to be allowed to do so. It is recognized that such industries are important to the rural economy, but that they should not be offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation, air emissions, or other means (Section 4.8.5(a) and (b)).

Large scale industries that are unable to locate in the Industrial Development Area due to land area, open storage, and transportation requirements may locate in the Rural Area subject to Council being satisfied that the use does not have unacceptable impacts related to noise, odour, emissions, traffic, and servicing (Section 4.8.5(d)).

The Official Plan, in guiding the implementation of the Zoning By-law, allows that Council may pass a by-law to allow the temporary use of lands that do not comply with the Land Use designations of the Plan provided that:

- a) The temporary use does not require major capital investment or alteration to the existing landscape;
- b) The proposed use is compatible with surrounding land uses;
- c) The proposed use does not require the extension of municipal services;
- d) The developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted; and,
- e) The by-law shall specify a maximum time period for which the use may be permitted. (Section 8.3.2)

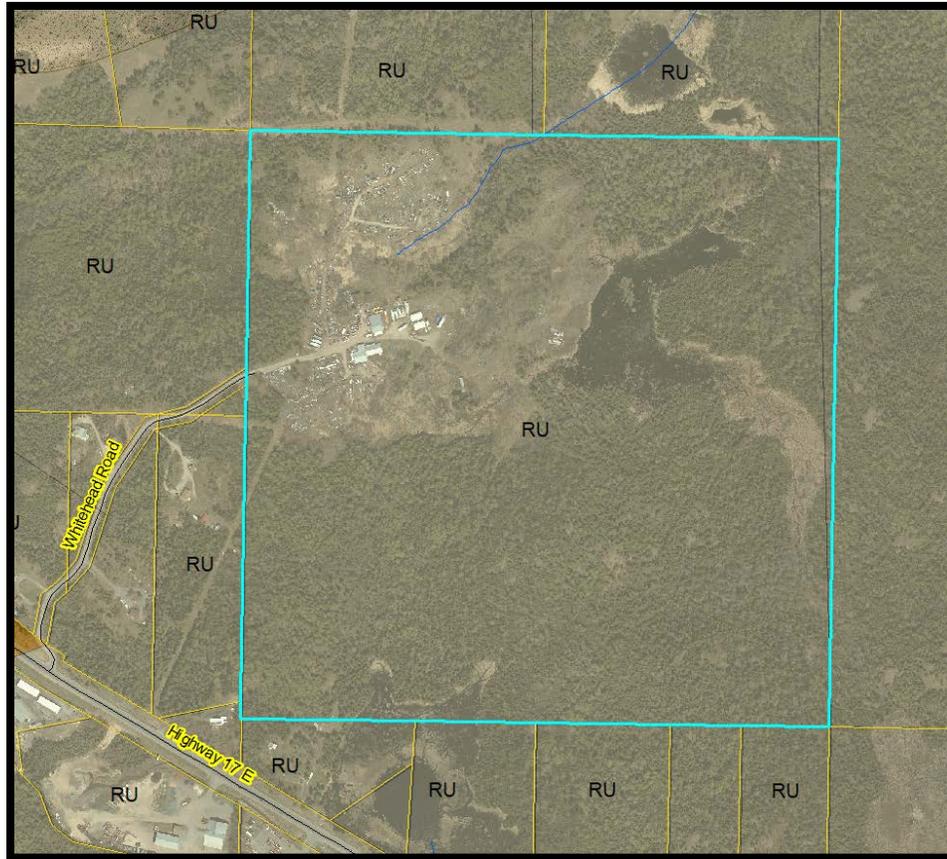


Figure 7 – Official Plan Mapping

c) Zoning By-law No. 101-2015

The property is currently zoned "RU" Rural Zone (Figure 8). This zone allows for the production of farm produce as well as recreational and other compatible uses, as well as limited development of low density single-detached seasonal or permanent housing compatible uses in a rural setting (Section 4.12). Most adjacent properties are also zoned "RU", with the exception of the properties zoned "RR" Rural Residential on Whitehead Road.

During the Planning Advisory Committee meeting, questions were raised as to whether the proposed use could be considered a Forestry Use, which is permitted in the "RU" zone. Forestry Use refers to the general raising, harvesting, and milling of wood. It is my opinion that the use as proposed is more accurately described as Heavy Industrial, which includes the manufacture or processing of products from raw materials and the storage of those products and materials. Heavy Industrial uses are not normally permitted in the "RU" zone.

The Official Plan policies (see above) allow for exceptions to the normal zoning regulations when considering applications for Temporary Use.

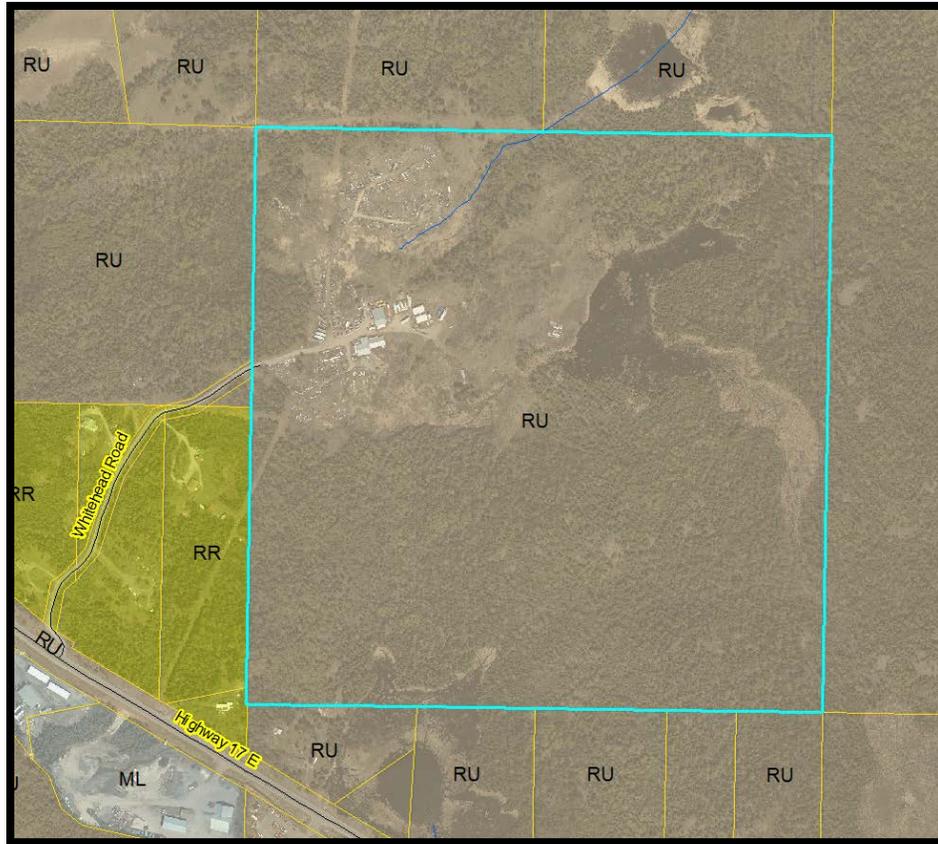


Figure 8 - Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

The application was circulated for comment on April 1st, 2021. Additional comments were requested following the public meeting of the Planning Advisory Committee, to address concerns raised by neighbouring property owners. The following is a summary of comments received in response to both requests.

By-law Enforcement	Note concerns related to noise, as it is the one thing we may receive complaints from property owners on. The application indicates there may be noise associated with the operation and their intentions to mitigate.
Economic Development	The project is anticipated to result in positive job creation outcomes.
Environmental Division	No concerns
Roads Division	This road is in no conditions at this time to with stand any kind of heavy truck traffic with raw material coming in and finished product going out. As Engineering suggests the road is only hard surfaced and it is not capable to handle these heavy weights. The road needs to be re-surfaced which is not scheduled in this year’s re-surfacing program and as for asphaltting the road. There would need to be significant work and cost for

	<p>the amount of traffic that uses the road at this time, such as widening it, adding material and better drainage with probably new culverts before any asphaltting could take place.</p> <p>The entrance off the highway is very troubling to me with heavy large loads coming off and on to the highway with the incline of the hill. From my experience these heavy loads would polish the hill and entrance quickly in the winter months. Another problem I see is the time trucks would be bringing products into and out of the mill as I'm sure they will be complaints of noise with early hours and even late hours depending on the hours of operation of the mill.</p> <p>As for maintenance in the winter it is not completed until main routes are cleared because of the classification of road. Depending on the amount of snow fall within that event it may not get done till second day of an event.</p>
Hydro One	No concerns
Kenora Fire and Emergency Services	The applicant would have to comply with Part 2 Fire Safety and Part 3, Section 3.2.2 Outdoor Storage of Lumber and Forest Products and Section 3.2.3 Outdoor Storage of Wood Chips of the Ontario Fire Code.
Engineering	<p>The Whitehead Road is only a surface treated road that would likely not survive heavy traffic from pulp and transport trucks. With many curves and steep gradients along with the s-curve approach at Hwy 17 E, the road is not conducive to pulp and transport truck traffic.</p> <p>It would also appear that a few homes along Whitehead Road and Hwy 17 E are within 500 m of the proposed mill and there may noise issues with the mill perched on a high point of land in comparison to the adjoining neighbours.</p> <p>In my opinion with the comments from both myself and Roads, and without the proponent being tasked with making substantial improvements and upgrades to the road (i.e. widening, ditching and hot mix asphalt surface) which would appear to overburden the proponent for a temporary site, that the additional truck traffic will have further harm to the existing road. The other set of factors that would also come into play is the horizontal and vertical geometry that can likely not be improved which is still a concern with the type of traffic being considered</p>

	if the aforementioned improvements and upgrades are implemented.
Building Division	No concerns
Ministry of the Environment, Conservation, and Parks	Recommend a minimum 30 meter setback of the saw mill from the high water mark of the wetland located on the eastern portion of the lot. This will help prevent sawdust from entering the waterway.

A careful review of the existing condition of Whitehead Road, completed following the Planning Advisory Committee meeting, identified cause for concern regarding the potential for the proposed heavy truck traffic to cause further deterioration to Whitehead Road and thus require major capital investment to improve the road to a suitable standard.

7. Public Notice and Comments

A public meeting is scheduled to be held by Council on May 11th, 2021. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on April 1st, 2021 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on April 8th and 15th, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the application and a resolution recommending approval of the application was defeated at their meeting on April 20th, 2021. Several local residents participated in the virtual meeting and expressed concerns regarding the ability of Whitehead Road to safely accommodate the proposed heavy truck traffic. The minutes and relevant resolution from this meeting are attached.

As of the date of this report (May 5th, 2021), one letter has been received from a neighbouring landowner (attached), expressing concern that the proposal is not consistent with the Official Plan due to incompatibility with surrounding land uses and not constituting good land use planning. The Planning Division has also received several inquiries and requests for information regarding attendance of the public meetings.

8. Evaluation

Given the difficulty that the applicant reports in obtaining a suitable lot zoned for heavy industrial use, the proposed temporary use appears to be a reasonable short-term accommodation to allow the applicant to establish operations while continuing a search for a site that will be suitable for long-term operations.

The Official Plan is supportive of small-scale industrial uses in the Rural Area, as well as industrial uses that cannot be easily accommodated in existing industrial areas due to such factors as land area requirements, open storage, or transportation needs, but care must be taken to ensure that such uses do not create an unacceptable impact on the area.

The applicant has indicated this property is required as a location to establish the business while continuing to search for a more appropriate long-term location, and that a maximum of four large trucks will be arriving on site with timber each week, and that four trucks will be departing each week with processed wood. He has indicated that he is willing to operate during regular business hours and to locate the saw in an area that decreases noise pollution that would affect neighbouring properties on Whitehead Road.

In response to concerns from City departments and neighbouring property owners, the applicant has indicated that he is now working on obtaining permission to build an alternate access route from Highway 17E to his property, bypassing the need for heavy trucks to access Whitehead Road. He has indicated that he is prepared to honour a condition on the Temporary Use approval that restricts heavy trucks from accessing the proposed location via Whitehead Road.

9. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Temporary Use Bylaw, File No. D14-21-02, to permit the temporary use of a 25 acre portion of the property located at 129 Whitehead Road for the processing of products from raw materials (sawmill) and the outdoor storage of these products and materials for a period of up to three (3) years, in the "RU" Rural Zone should be approved, in lieu of public comments that may yet to be received. It is further recommended that the approval be subject to the applicant entering in to an Agreement with the City of Kenora to:

- a) Restrict hours of operation to between 8am and 5pm,
- b) Require that all mill operations be located at least 30m from the ordinary high water mark of the wetlands on the subject property,
- c) Restrict heavy truck traffic associated with the proposed sawmill from utilizing Whitehead Road to access the property for deliveries or outgoing shipments, and
- d) Require that the applicant obtain an entrance permit for a private driveway on to Highway 17E, for a private road providing access to the proposed temporary use site.



Kevan Sumner

City Planner

Attachments

- Complete Application for Temporary Use
- Notice of Application and Public Meeting
- Planning Advisory Committee Resolution (defeated)
- Draft Minutes of the Planning Advisory Committee Meeting
- Public Comment



**The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Temporary Use By-law, File Number D14-21-02
Planning Act, R.S.O 1990, c.P13, s. 34 & s. 39**

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Sections 34 and 39 of the *Planning Act*, to consider a Temporary Use By-law as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, May 11, 2021 at 12:00 p.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

<https://video.isilive.ca/kenora/>

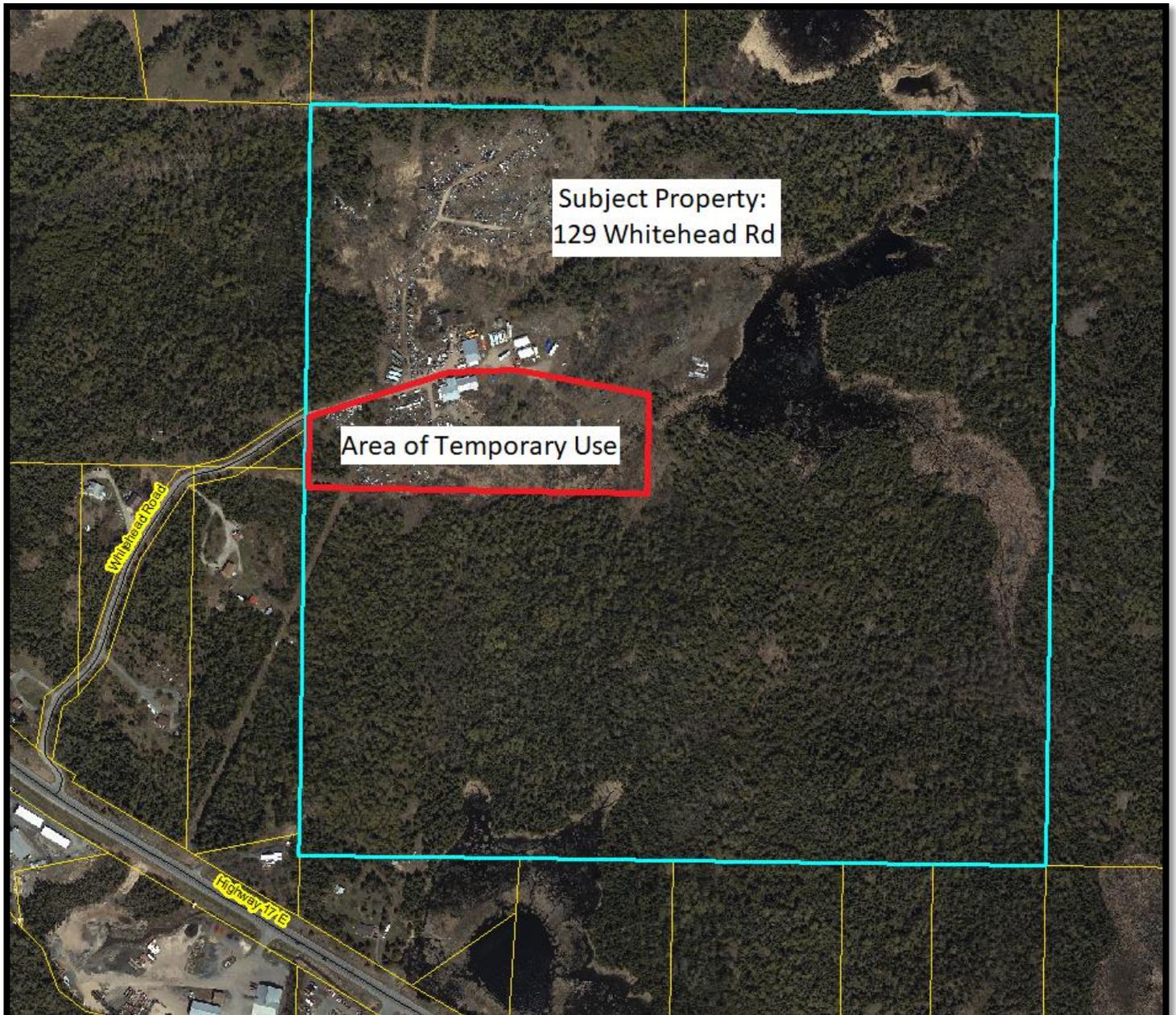
The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Tuesday, May 18, 2021 at 12:00 p.m.

You are also invited to attend The Kenora Planning Advisory Committee (PAC), who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Open House

When: Tuesday, April 20, 2021 at 6:00 p.m.
Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at planning@kenora.ca.



Be Advised that the Corporation of the City of Kenora considered the Temporary Use By-law application to be complete on March 30, 2021.

Location of Property: 129 Whitehead Road, Kenora, ON, as identified in the key map above.

Purpose: to allow for the temporary use of a portion of the property for the processing of products from raw materials (sawmill) and the storage of these products and materials for a period of up to three (3) years.

Effect of Approval: the purpose and effect of the proposed by-law is to permit the temporary location and operation of a portable sawmill and associated outdoor storage on the subject property, in the area identified.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, May 6th, 2021 by email, to planning@kenora.ca or by regular mail to the address below, and quote File Number: **D14-21-02**.
Mr. Kevan Sumner, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2
- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on April 19th, 2021 and quote File Number: **D14-21-02**. To register by phone please call: 807-467-2059.

Failure To Make Oral Or Written Submission: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law is passed:

- a) the person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Local Planning Appeal Tribunal.
- b) the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this Temporary Use By-Law may be made by any person or public body not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for Temporary Use, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Kevan Sumner, City Planner, if you require more information: Tel: 807-467-2059 or Email: ksumner@kenora.ca
Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 8th day of April, 2020.



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: **Robert Kitowski**

SECONDED BY:

DATE: April 20, 2021

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Temporary Use By-law, File No. D14-21-02, the subject lands are municipally known as 129 Whitehead Road. The purpose of the Temporary Use By-law is to permit the processing of products from raw materials (sawmill) and the outdoor storage of these products and materials for a period of up to three (3) years, in the "RU" Rural Zone , subject to the applicant entering in to an Agreement with the City of Kenora to:

- a) Restrict hours of operation to between 8am and 5pm,
- b) Locating all mill operations at least 30m from the ordinary high water mark of the wetlands on the subject property, and
- c) Limiting heavy transportation truck activity to four deliveries and four shipments each week.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

DIVISION OF RECORDED VOTE				CARRIED	DEFEATED ✓
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Richards, Bev				
	Gauld, Wayne				
	Kitowski, Robert				
	Pearson, Ray				
	Barr, John			CHAIR	
	McDougall, John				
	McIntosh, Tanis				



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday, April 20, 2021
6:00 p.m. (CST)

In Attendance:

- Wayne Gauld, Chair
- Bev Richards, Member
- John Barr, Member
- John McDougall, Member
- Robert Kitowski, Member
- Tanis McIntosh, Member
- Ray Pearson, Member
- Kevan Sumner, City Planner
- Melissa Shaw, Secretary- Treasurer
- Adam Smith, Manger Development Services

DELEGATION:

- i. The Chair called the meeting to order at 6:00 p.m. and read though the meeting protocol.
- ii. There were no additions to the Agenda, declaration of interest by a member for this meeting or at a meeting at which a member was not present- there were none.
- iii. Adoption of Minutes of previous meeting
 - February 16, 2021 approved as amended.
 - March 16, 2021, approved as amended.
- iv. Consideration of an Application for Minor Variance
 - D13-21-02, Coney Island

The City Planner provided an overview of the amended report from the March 16, 2021 meeting of the Planning Advisory Committee, the application was deferred by one month to allow the applicant to amend the application, seeking additional relief to reduce the required side yard from 15.0m to 3.0 m for a reduction of 12.0 m to accommodate the location of a new dwelling on the property.

In an evaluation of the revised application, the proposed variances was deemed compatible to the pattern of surrounding community and not cause adverse impact on neighboring properties. The required exterior side yard setback in the "RR" zone is reasonable on the larger residential lots typical of the "RR" zone, but does not accommodate redevelopment of small lots on Coney Island that pre-date modern zoning regulations and are considered rural by virtue of their lack of year-round municipal services, despite sizes that are typical of urban areas of the City. Therefore the requested minor variance is a reasonable request to accommodate the addition of a new primary dwelling on the property.

The City Planner recommended that That the application, D13-21-02 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.5.3(e) which requires a minimum exterior side yard of 15m for properties zone "RR" Rural Residential Zone, to allow for the location of a new primary residence with an exterior side yard of 3m; should be approved.

The Chair asked for anyone in the public to speak in favour of or against the application and there were none.

The Chair asked the committee for question and discussion, there was none.

Motion: Tanis McIntosh

Seconded: Ray Pearson

Application for minor variance File No: D13-21-02 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.5.3(e) which requires a minimum exterior side yard of 15m for properties zone "RR" Rural Residential Zone, to allow for the location of a new primary residence with an exterior side yard of 3m, meets the four (4) tests and is approved.

Carried.

- D13-21-04, Nash Street

Mr. Ryan Haines, Agent
Kenora Resource Consultants
ryan.haines@kenoraconsultants.com

Bruce Krawicki, Owner
Bestway.bruce@gmail.com

The Agent, Ryan Haines of Kenora Resource Consultants provided the Committee with an overview of the application; the Committee had previously heard an application for Zoning By-law Amendment on property located at 63 Nash Street for change zoning from R3- Residential Third Density to HC- Highway Commercial to support the use as a parking lot. The intention of the parking lot at 63 Nash Street is ancillary to expansion at the subject property locally known as 'Change of Latitude' Marina' at 557 Lakeview Drive. The current application for minor variance

is to seek relief in parking from 96 stalls to 72 stalls, to support 24 PWC berths to be located as accessory to 72 boat slips at 'Change of Latitude Marina'. Fifty-two (52) parking stalls will be provided at 557 Lakeview Drive and twenty (20) parking stalls to be located at 63 Nash Street. The request for reduction of twenty-four parking stalls is to allow for 24-personal watercrafts with an intended use as an accessory to the large vessels that park at 'Change of Latitude Marina'. Mr. Haines explained that large vessels towed smaller vessels for safety and also enjoyment of the lake. The boat slips are not long enough to accommodate both the large vessel and the accessory PWC. The PWC's are berthed along the shoreline. In an effort to allow for the accessory PWC's to be berthed without a required parking stall, a minor variance is required to comply with the provision of the by-law.

Kevan Sumner, City Planner reviewed the planning report, an application for minor variance to Zoning By-law 101-2015 for the property located at 557 Lakeview Drive. The effect of approval would be to reduce the required parking in the "HC" Highway Commercial Zone from 96 to 72, to accommodate the expansion of the Change of Latitude Marina docks.

The property is currently developed with a marina and clubhouse. The current marina contains a total of fifty-two (52) boat slips on Lake of the Woods, with associated parking and clubhouse located on the owner's property adjacent to the docks.

The agent indicated that the landowner has been approved for a water lot lease and intends to expand the existing marina to a total of seventy-two (72) boat slips for vessels of various sizes and twenty-four (24) associated personal watercraft boat slips. The personal watercraft boat slips are intended to be accessory to the larger boat slips, with the intention that the owner of a large boat might have a place to dock an associated personal watercraft. The proposed minor variance requests relief from the parking requirement associate with the personal watercraft boat slips, as a single renter would be renting both a regular boat slip and a personal watercraft boat slip.

The seventy-two (72) parking spaces required for the expanded docks will be provided on two properties. Fifty-two (52) parking spaces currently exist on the property. The owner purchased a second property at 63 Nash Street and successfully applied for a zoning amendment to re-zone the property to "HC" Highway Commercial, to permit development of a parking lot that is proposed to have twenty-four (24) parking spaces. As the Nash Street parking lot will be located within 90m of the subject property, those parking spaces may be used to meet the parking requirement for the marina use at 557 Lakeview Drive. The City will require that the applicant enter into an Agreement in the form of a restrictive covenant that guarantees these parking spaces will be for the use of Change of Latitude Marina in the future.

The Planner reviewed consistence with legislated policy and city directive. No major concerns were identified as a result of interdepartmental an agency circulation. As

of the date of the report and public meeting, there were no public comments received.

In an evaluation it was determined that the proposed variance is compatible to the pattern of surrounding community and would not cause adverse impact on neighboring properties. The applicant has provided a reasonable rationale for reducing the parking requirement by an amount equal to the number of personal watercraft boat slips, reasoning that these slips do not represent additional marina boat slip owners. Therefore the requested minor variance is a reasonable request to accommodate the proposed expansion of the docks.

The Planner recommended approval of application, D13-21-04 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.23.1 which requires one parking space per boat slip, or a total of 96 parking spaces, to allow for a marina expansion with a total of 72 parking spaces for 96 boat slips.

The Chair asked the applicant if there was anything to add, Mr. Haines wished to note that dock space and the ability for people to park their boats is becoming a significant bottleneck to Kenora and people in the region- the closure of Rheault Bay exasperated the shortage. Marina expansion are important, particularly under the brand promise that we are the premiere boating destination.

The chair asked for anyone to speak in favour of or against, there were none.

The chair asked the Committee for questions.

Mr. Wayne Gauld asked for clarification from the Agent as to whether the PWC slips would be able to be rented on their own. The Agent confirmed that it is the intention that the water craft locations would be for users of the docks.

There was discussion about second vehicles and it was determined that there would be no accommodation for a second vehicle should one of the 72 dock renters require one.

Ryan Haines confirmed that 63 Nash Street parking lot, location does provide four (4) additional parking spaces as overflow, however the intent of the PWC berths is to accommodate people who are renting large boat slips. The intention of the berths was not for sea-doo parking rental. Mr. Haines clarified that it will be up to Mr. Krawicki, Owner to determine if and how he chooses to use the additional 4 parking stalls at Nash Street parking lot.

Mr. Pearson sought clarification as to whether the 24 new PWC berths would be charged separately or if they would come free as an accessory use to the existing dock slips. Bruce Krawicki, Owner confirmed the ports would come at a cost. Mr. Pearson expressed concern that there was no guarantee that the 24 PWC berths would not be rented separately, Members discussed the potential that 24 berths might be rented out as 24 extra spots.

Robert Kitowski expressed concerns I have is that there is no mechanism for enforcement if the applicant decides to rent the PWC slips.

John Barr, I don't think you can make decisions today based on something that may or may not happen 10 or 15 years down the road.

John McDougall, I wouldn't rent a boat slip if I had no parking. That will naturally sort itself out. Anyone who is renting a boat slip. Parking problems we see all over town those things just happen.

The Secretary-Treasurer reminded Committee Members of the opportunity to amend the decision to limit the relief from parking to allow for the use of twenty-four (24) personal watercraft berths for use as accessory to boat slips only, unless one parking stall per rented PWC berth is provided.

Robert Kitowski supported an amendment, to provide an opportunity for enforcement and to better reflect the intent of the spots.

John McDougall disagreed, and did not believe it was fair to force the applicant into renting a combination of boat slip and PWC berths, Mr. McDougall supported the application based on 96 boat slips and 72 parking stalls.

Member John Barr and Member, Tanis McIntosh also supported the decision as written.

Motion: John Barr

Seconded: John McDougall

Approve application for minor variance file number: D13-21-04 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.23.1 which requires one parking space per boat slip, or a total of 96 parking spaces, to allow for a marina expansion with a total of 72 parking spaces for 96 boat slips; meets the four (4) tests.

Carried.

- D13-21-05, 1421 Highway 17E

Samantha Bauer, Owner
Lake of the Woods Chiropractic & Wellness
lotwchiro@gmail.com

Samantha Bauer introduced herself as the Owner of LOTW Chiropractic and Wellness, making application for MV to reduce parking at 1421 Highway 17E, for the redevelopment of an existing office space into a new clinic. The requirements are 21 parking stalls the proposed site plan allows for 11

Ms. Bauer explained that 21-parking spaces would not be necessary for how her clinic runs with four practitioners whom operate on different schedules and not all at the same time. The applicant described operations at her current location on Lakeview Drive which operated with only 8 parking spaces, in four years of operation there has not been concern.

The Planner reviewed the staff planning report, and introduced Application D13-21-05 as a request to reduce parking at 1421 Highway 17E, the effect of approval would be to reduce the required parking requirement for a clinic with four practitioners and an accessory residence from 21 to 11, to accommodate the redevelopment of the property to establish a chiropractic clinic. All other provisions will be met within the "HC" Highway Commercial Zone as per the City of Kenora Zoning By-law 101-2015.

A commercial building and dwelling are currently located on the property, which was formerly occupied by an insurance brokerage. The property owner has received a Letter of Comfort Agreement with the City of Kenora to permit parking on the unopened municipal lane on the east side of the property. The applicant is proposing to relocate a chiropractic clinic with four practitioners to this property, which will include the renovation and expansion of the existing commercial building and the continued use of the accessory single detached dwelling.

The application was deemed generally consistent with the policies of the Provincial Policy Statement 2020, City of Kenora Official Plan and Zoning By-law. The Planner reviewed the comments received from internal departments and external agencies. As of the date of the hearing there were no comments received from the public either in favour of or against the application.

In an evaluation, the Planner determined the application was desirable development of the land and compatible with the established community as the future development of this property will be similar to existing nearby uses. The application was deemed minor in nature. The City Planner recommended approval.

The chair asked the applicant if there was anything she wished to add, there was none. The Chair asked the public if there was anyone who wished to speak in favour of or against the application, there was none.

The Chair asked the Committee for questions.

Member, John Barr questioned the owner about the number of staff, Ms. Bauer clarified that there are four practitioners and no administration staff. Mr. Barr wished to ascertain if the four practitioners will take up four of the parking spots,

which would only leave seven (7) stalls for clients. Ms. Bauer explained that her staff operated on staggered schedules and are not all in the office at the same time. She said that it was not common to have a client sitting in the waiting room.

The Chair asked for discussion.

The Committee discussed the Letter of Comfort for use of municipal right-of-way to the east of the property, which was incorporated into the parking plan. Concern that the City might require the right-of-way in the future and the Letter of Comfort would be revoked.

There was a comment that the Applicant may wish to make arrangements with the property across Highway 17E should she ever require additional parking in the future.

Motion: Bev Richards

Seconded: John Barr

That the application, D13-21-05 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.23.1 which requires five parking spaces for each of the four practitioners in the proposed clinic and one parking space for a single-detached dwelling, or a total of 21 parking spaces, to allow for redevelopment of the property with a total of 11 parking spaces; meets the Four (4) Tests and is approved.

Carried.

- v. Application for Temporary Use
 - D14-21-02

Mark McLeod, Agent
mmcLeod@appliedfloors.com

The City Planner reviewed the staff report, an application for temporary use to allow for the processing of products from raw materials (sawmill) and the outdoor storage of these products and materials for a period of up to three (3) years, in the "RU" Rural Zone on a 25 acre portion of the property at 129 Whitehead Road. The Planner noted that this type of use is normally only permitted on properties zoned "MH" Heavy Industrial, but the applicant indicates that they have had trouble finding a properly zoned property with access to three phase power and the highway.

The property currently contains a scrap yard that is considered to be a legal non-conforming use under the "RU" Rural zone. The southern and eastern portions of the property are undeveloped. A small wetland area being located in the northeastern portion of the property. Access to the property is via Whitehead Road, which also provides access to four rural residential properties.

The application was deemed generally consistent with the Provincial Policy Statement. The Official Plan allows that Council may pass a by-law to allow the temporary use of lands that do not comply with the Land Use designations of the Plan provided that:

- a) The temporary use does not require major capital investment or alteration to the existing landscape;
- b) The proposed use is compatible with surrounding land uses;
- c) The proposed use does not require the extension of municipal services;
- d) The developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted; and,
- e) The by-law shall specify a maximum time period for which the use may be permitted.

Within the Zoning By-law, Heavy industrial uses such as the manufacture or processing of products from raw materials and the storage of these products and materials are not normally permitted in the "RU zone. The Official Plan policies allow for exceptions to the normal regulations when considering applications for Temporary Use.

The City Planner reviewed the comments received from internal departments. The Engineering Department identified that The Whitehead Road is only a surface treated road that would likely not survive heavy traffic from pulp and transport trucks. With many curves and steep gradients along with the s-curve approach at Hwy 17 E, the road is not conducive to pulp and transport truck traffic. The Ministry of Natural Resources and Forestry (MNR), recommend a minimum 30 meter setback of the saw mill from the high water mark of the wetland located on the eastern portion of the lot. This will help prevent sawdust from entering the waterway.

As of the date of the meeting, there were no public comments received.

The Planner provided an evaluation of the application, given the difficulty that the applicant reports in obtaining a suitable lot zoned for heavy industrial use, the proposed temporary use appears to a reasonable short-term accommodation to allow the applicant to establish operations while continuing a search for a site that will be suitable for long-term operations.

The Planner indicated that a maximum of four large trucks will be arriving on site with timber each week, and that four trucks will be departing each week with processed wood. The operations would be limited to regular business hours and the saw would be located in an area that decreases noise pollution to neighbouring properties on Whitehead Road.

The Planner for the City of Kenora recommended approval of Application for Temporary Use Bylaw, File No. D14-21-02, to permit the temporary use of a 25 acre portion of the property located at 129 Whitehead Road for the processing of products from raw materials (sawmill) and the outdoor storage of these products and materials for a period of up to three (3) years, in the "RU" Rural Zone, subject to the applicant entering in to an Agreement with the City of Kenora to:

- a) Restrict hours of operation to between 8am and 5pm,
- b) Locating all mill operations at least 30m from the ordinary high water mark of the wetlands on the subject property, and

c) Limiting heavy transportation truck activity to four deliveries and four shipments each week.

The Chair asked members of the public if anyone wished to speak in favour of or against the application.

Erin Bishop
56 Whitehead Road
RR2 Stn Main
Kenora, ON

Expressed concern with the additional noise and traffic as a result of a portable sawmill being located at the end of Whitehead Road, which was located very close to their home. Mrs. Bishop informed the Committee that on many accounts, there has been large trucks which have jack-knifed on the Whitehead Road, which blocks the five (5) residents from access to and from their property for hours, including access to emergency service. The property owners noted that they would call the City to make complaint every day, should the application proceed.

Mr. and Mrs. Ray Lunam
73 Whitehead Road
Kenora, ON P9N 0G8

As the owners of property immediately adjacent to the proposed sawmill, they expressed grave concern. Mr. and Mrs. Lunam has just completed an appraisal of their property two weeks prior to the application being circulated. The property owners were concerned that the sawmill will have an effect on the value of their property with increased noise and traffic. Mrs. Lunam explained that she was home all day, every day. The Whitehead Road was described as being in disrepair, use of the road by large trucks will disintegrate the road immediately. The Lunams also expressed concern with access off Highway 17E, noting that access should be limited from the east only, and exiting to the east only as well. A bus stop exists on the Highway at Whitehead Road, children wait there each morning and get off every afternoon. The property owners expressed concern for the safety of neighbour children getting on and off the bus. In addition, it was noted that there is a passing lane on this section of Highway 17E which should limit ingress and egress to Whitehead Road from the east only.

Public comment as provided via the Zoom Meeting chat box:

From lunam1 to Everyone: 08:28 PM
Can public still address the chair?

From Erin Bishop to Everyone: 08:30 PM
How can 10,000 board feet per day equal only 4 trucks in with raw material per week??

Also, the houseboats, while only twice per year, did in fact do significant damage to the road.

From Erin Bishop to Everyone: 08:36 PM

The logging trucks will not be able to negotiate the S curve at the beginning of the road with any type of weather whatsoever.

*Negotiate

From Marj and Tom to Everyone: 08:36 PM

rough and dangerous roads (whitehead road)

From lunam1 to Everyone: 08:37 PM

my father drove log trucks in the bush for 60 years and he says the road will not withstand it, it has no base and will punch out.

From Marj and Tom to Everyone: 08:39 PM

You are also essentially turning whitehead road into a one way lane when logging trucks enter from the highway or after being offloaded. The road is not wide enough to support two lanes of traffic

From lunam1 to Everyone: 08:40 PM

Is the chat monitored?

From Marj and Tom to Everyone: 08:45 PM

When I applied for my building permit in 1992, the city would not approve my permit until a traffic study had been completed. Will another traffic study be done for this application?

From Erin Bishop to Everyone: 08:51 PM

Not to mention as homeowners and long-time residents on this road. We are extremely concerned about declining property values, excess noise, and road safety.

From lunam1 to Everyone: 08:51 PM

you cannot safely pass and we cannot get in or out when they are stuck

From Marj and Tom to Everyone: 08:57 PM

The whitehead road is not a truck route. If the buses don't come down our road for a reason, how can pulp trucks?

From Erin Bishop to Everyone: 08:58 PM

Or city garbage trucks?

From Marj and Tom to Everyone: 09:04 PM

All 3 phased power Pioneer, Titan Weyerhaeuser not to mention Kenora's industrial park

From lunam1 to Everyone: 09:06 PM

Does this mean the site would need to be re-zoned to heavy industrial?

Meaning who knows what could come in next then

From Marj and Tom to Everyone: 09:07 PM
cost to re surface whitehead road 700 meters is \$101,500

From Erin Bishop to Everyone: 09:08 PM
How about considering the residents who live here. Paying taxes for 25 years?

The Chair asked the Committee for question.

Mr. Barr had multiple questions for the applicant regarding sawmill production.

Mr. Mark McLeod confirmed that is would be 10, 00 board feet per day of high quality pine product, white pine, and red pine into planks. An electric powered rotary debarker would be used. The trucks would carry roughly twenty (20) cords on a regular highway truck (16 or 14 footers depending on the quality of the material). The forest that is being harvested provide the prospect for high quality timber. Currently this product is leaving the community and Mr. McLeod explained that they see an opportunity for the product to stay local, attracting local employees. The trucks would be weighed at the Weyerhaeuser location.

Mr. McLeod also informed the Committee that the bark will be marketed as a product for landscaping, or as a biofuel (along with the sawdust). The applicant expressed the need to find a location on the east highway due to the proximity of the material. Mr. McLeod suggested the current location is underutilized, they would make every effort to appease the surrounding neighbours, and reminded the Committees that the intention is not to be operating the saw mill long term. The Applicant clarified that they want to sample the market and see if they can produce the level of material that they believe exists.

Mr. McLeod described the mill as a 1985 vintage, currently in the process of being rebuilt. The sewage disposal for the employees would be via an approved septic field, which the applicant believed was appropriately sized.

The Committee sought information on the noise level produced form the mill

The Applicant did not have information on decibel levels, however noted that the mill would be located behind an existing building and kept far away from the residential buildings. Mr. McLeod identified the need to stay 30 m from high-water mark on the adjacent pond, there was no intention of tree removal in the area. The mill is electric powered, there was no need to run loud generators. The City Planner confirmed that the location would be approximately 200 m from the nearest residence and at an elevation difference of 11 metres in height. The mill is lower than the residents.

The Committee expressed concern with comments from the Engineering Departments and public comments regarding Whitehead Road not being conducive to the heavy traffic.

The City Planner clarified that the operations would limit traffic load to 8 heavy vehicles per week, the level of traffic was not significant enough to require upgrades to Whitehead Road. The Planner encouraged the Committee to take into consideration those comments which had not yet been received at the time the report was drafted.

Bev, I will express the same concern with the road, and the bus schedule.

Mr. McLeod agreed that the Whitehead is not in great shape, however, the applicant noted that they did not intend to increase the use of the road. The Applicant suggested perhaps they would develop a turn around and place some gravel down.

Member Robert Kitowski acknowledged that logging trucks drive on rough and dangerous roads. He did not perceive the state of Whitehead Road as a problem.

There was discussion about the level of traffic that Whitehead Road might see within a year, it was determined as an example that there might be roughly 400 bus loads as an example.

There was discussion about noise concern, it was mentioned that instead of running a chipper, noise might be reduced by re-sawing the woods and selling as firewood locally instead of chipped wood.

Erin Bishop
56 Whitehead Road

At the beginning of Whitehead Road there is a bad 'S'-curve going up a hill, concern was noted for a log truck to maneuver up that hill. Many trucks hauling scrap get stuck up there for hours, and no one can get in or get out.

The Chair asked the Committee for discussion.

Mr. Wayne Gauld expressed large concern with access. He noted the road today is not in good condition, and can only see it getting worse. Concern was also expressed about the type of traffic using the road, and turning onto Whitehead from Highway 17E. The Chair asked if a traffic impact study should be required.

Member, Kitowski believed it should not be the obligation of the transport owner to upgrade a road. Mr. Kitowski noted that the transport has the legal right to drive on any road. If engineering thinks the road is no good, the City should upgrade the road.

The committee discussed concern with the location and suggested other options be considered.

The Chair made motion to vote to carry on the public meeting past 9:00 p.m.
Carried.

Bev, it is a major concern I like the business plan but I don't know that this is the right area for it.

There was discussion about Section 4.12 Rural Zone (RU) of the Zoning By-law and Forestry as a permitted use.

Member Robert Kitowski read the definition of Forestry as the general raising, harvesting and milling of wood.

The City Planner questioned the definition of milling, generally processing regulation. Hi interpretation is that it would come down to what fit under milling and the outdoor storage would part of the industrial use.

John McDougall, read the definition of milling and felt that it was more appropriate in the light or heavy industrial zone. When you start adding the factors such as debarkers, storage and truck traffic all the things that go with forestry, he felt it was beyond the RU zone.

Motion: Robert Kitowski

The Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Temporary Use By-law, File No. D14-21-02, the subject lands are municipally known as 129 Whitehead Road. The purpose of the Temporary Use By-law is to permit the processing of products from raw materials (sawmill) and the outdoor storage of these products and materials for a period of up to three (3) years, in the "RU" Rural Zone , subject to the applicant entering in to an Agreement with the City of Kenora to:

- a) Restrict hours of operation to between 8am and 5pm,
- b) Locating all mill operations at least 30m from the ordinary high water mark of the wetlands on the subject property, and
- c) Limiting heavy transportation truck activity to four deliveries and four shipments each week.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Defeated.

vi. Old Business

- OACA Training
 - Wayne, Bev and Ray are interested in attending the virtual training.

vii. Adjourn

Moved by: John Barr

That the April 20, 2021 Planning Advisory Committee meeting be adjourned at 9:20 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday April 20, 2021, are approved this 18th day of May, 2021.

Kevan Sumner

From:
Sent: Tuesday, April 20, 2021 10:43 AM
To: Planning; Kevan Sumner
Subject: Whitehead road sawmill proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To:
Kenora mayor and council , Clerk Heather Pihulak ,Planner Kevin Sumner.

Good morning all ,

My wife , , and I are the registered owners of ()
Based on the information I have reviewed to date , we are opposed to the Temporary Use By-Law application D14-21-02 respecting 129 Whitehead Road ,Kenora.

Our reasons for opposition include that :

- the proposed temporary use is not consistent with the Official Plan ,in particular section 4.8.5.(b) because it is not a service business or a business related directly to the use of the land ;
- the proposed temporary use is not consistent with section 4.8.5(c) of the Official Plan, because it will generate traffic from heavy trucks that the Whitehead Road is not constructed to accommodate , which will constitute a nuisance ;
- it is generally incompatible with the surrounding land use; and,
- it dose not constitute good land use planning.

Please provide us with a copy of application D14-21- 02 , including any planning justification report and all supporting studies ,as well as any staff reports that have been prepared in respect of this matter and any records of pre-consultation.

We reserve the right to provide additional comments based on further review of this matter and request that you provide notice of further meetings and decisions, including Notice of Passing of the Temporary Use By-Law, to us via email to.

Thank you for your assistance .

Kind regards ,