



City of Kenora  
Planning Advisory Committee  
60 Fourteenth Street N., 2<sup>nd</sup> 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 February 21, 2023  
6:00 p.m. (CST)  
Video Recording:**

**DELEGATION:**

**Present:**

<b>Tara Rickaby</b>	<b>Member</b>
<b>Keric Funk</b>	<b>Member</b>
<b>Renee Robert</b>	<b>Member</b>
<b>Jay Whetter</b>	<b>Member</b>
<b>Andrea Campbell</b>	<b>Member</b>
<b>Kevan Sumner</b>	<b>City Planner</b>
<b>Heather Pihulak</b>	<b>Manager Development Services</b>
<b>Melissa Shaw</b>	<b>Secretary Treasurer</b>
<b>Alberic Marginet</b>	<b>Minute Taker</b>

**Members of Public:**

<b>George Turpie</b>	<b>Deputation</b>
<b>Doug Magnusson</b>	<b>Agent for D10-22-13</b>
	<b>Agent for D10-22-14</b>

***i. Call meeting to order***

The meeting was called to Order by the Chair, Tara Rickaby, at 6:00 PM Central Standard, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair identified that that meeting is being recorded and that all participants agree to be recorded by choosing to attend. The Chair then described the expected protocols to be followed during the meeting.

***ii. Additions to the Agenda***

The Chair asked the Secretary-Treasurer, Ms. Melissa Shaw, if there were any additions to the agenda. The Secretary-Treasurer identified one amendment and one addition to the agenda. Applications for Consent D10-22-13 and D10-22-14 were incorrectly filed under Old Business, and an amendment was requested to hear these

applications under Consideration for Applications for Land Division. A request for a deputation on behalf of Black Sturgeon Lake Property Owners Association President, Mr. George Turpie. The Chair agreed that Land Division Applications should be heard under Consents, and allowing a deputation on behalf of the Black Sturgeons Lake Property Owner Association was important to understanding the group's mission.

## **Deputation**

Mr. Turpie wished to speak regarding an application that had been withdrawn, but also speak towards the goals of the Black Sturgeon Land Property Owners Association. The groups works towards the common interests of property owners on Black Sturgeon Lake, the maintenance and enhancement of quality of life on the lake through attention to matters including water quality, shoreline development, and boating and swimming safety for over 150 members. The purpose of the Association is to promote community, friendship and mutual respect, to provide a focus for issues that may arise, to provide aid in the exchange of information, to promote and maintain the water quality of the lake, and to communicate with the media and general public over issues concerning the members. The Association identifies the desire to see the protection of the Black Sturgeon Land Restricted Development Area expanded to all areas of the lake. Mr. Turpie began to address a recent application for development on Black Sturgeon Lake and the impacts it may have, but was redirected to remain generic by the Chair as there was no one present to defend any future application that may be brought forward to the Planning Advisory Committee. Having identified the interests of the Association, Mr. Turpie redirected his deputation to indicate that the Black Sturgeon Lake Property Owners Association was interested in seeing the draft Official Plan expected later this year, and how the City would respond to the interests of the Association. Mr. Turpie indicated that he and the Association is not opposed to development or causing conflicts with developers, but that his and the Association's interests are in the best interests of the lake and its property owners.

The Chair thanked Mr. Turpie for his deputation and requested the Secretary-Treasurer advise Mr. Turpie on how to connect with City Council.

### ***iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present.***

The Chair asked the members of the Committee for any declarations of interest for the meeting, or any meeting at which a member was not present. The Secretary-Treasurer indicated that none had been received.

### ***iv. Approval of Minutes for a meeting held:***

- ***Planning Advisory Committee Meeting, January 17, 2023***

The Chair identified some minor grammatical changes had been made to the minutes from January 17, 2023, and the Chair asked if any additional changes had been identified by Members of the Planning Advisory Committee. No additional changes were identified, and the Chair asked if the minutes would be moved and seconded for approval.

Moved: Member Campbell

Secunder: Member Funk

Motion was passed, and the Chair indicated that the minutes could be distributed as amended.

***v. Correspondence relating to applications before the Committee***

The Chair asked if there was any new correspondence related to the applications before the Committee. The Secretary-Treasurer indicated for record of the minutes that Application for Minor Variance D13-22-14 in relation to 351 Peterson Road was withdrawn by the applicant MCL Holdings. Notice of withdrawal was sent by the agent and received by the City of Kenora on February 16, 2023. This was communicated with all interested parties, Members of the Planning Advisory Committee, and Members of City Council. No additional correspondence was identified for applications before the Committee.

***vi. Other Correspondence***

The Chair asked in any other correspondence had been received. The acting Secretary Treasurer indicated that there was none.

***vii. Adjournment Requests***

The Chair asked if there were any Adjournment Requests. The Secretary-Treasurer indicated that none had been received as of February 21<sup>st</sup>, 2023.

***viii. Consideration of Applications for Minor Variance***

The Chair identified that no Applications for Minor Variance were before the Planning Advisory Committee this month.

***ix. Consideration of Applications for Land Division***

i) D10-22-13 Magnusson Lot Addition

Mr. Magnusson presented his application to divide a property owned by his neighbour on Peterson Road into 2 lots, and add an 11 metre wide strip to provide frontage on Peterson Drive for his own property. He describes the proposal as fitting City of Kenora objectives for housing development and tax base increase. He identified that the Province of Ontario has suggested an archeological study, and provided his opinion as to why this archeological concern seems incorrect and why a study should not be required. He added to these opinions that performing an archeological study would negatively impact his ability to sell this property in the 2023 year.

The City Planner, Kevan Sumner, presented his report to the Committee.

The City Planner's evaluation noted that the lot addition will provide the property to the south with access to Peterson Drive, no new lots are being created, and the lot addition will not create conditions for new development. MNRF identifies habitat in proximity to the property, but does not require studies. Niisaachewan Anishinaabe Nation and Wauzhushk Onigum Nation object to this application on grounds that are supported by comments received from the Ministry of Citizenship and Multiculturalism. A Stage 1 Archeological Assessment is recommended, and the Official Plan and the PPS both support such an assessment in the case of developments or site alterations. As this lot addition will not create these conditions however, the Archeological Assessment is not being recommended for Application No. D10-22-13. Niisaachewan Anishinaabe Nation and Wauzhushk Onigum Nation have made comment regarding Section 35 of the Canadian Constitution Act, but this duty to consult is applicable only to Federal and Provincial Crown developments. Based on these comments, a recommendation was made that:

That application D10-22-13 for consent for lot addition on property located at 211A Peterson Drive, legally described as PIN 42161-0577; CITY OF KENORA be approved and provisional Consent be granted, subject to the following:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel
- 2) A Schedule to the Transfer/Deed of land form on which is set out the entire legal description of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form to be provided for each parcel.
- 3) That the lands to be transferred for lot addition be surveyed and described on a Reference Plan, and that a draft is provided to the Planning Department for preapproval.
- 4) That the newly created lot be consolidated on title with the adjacent lot identified as PIN 42161-0178 and, if recommended on solicitor review, that a merger agreement be entered into.
- 5) Three original copies and one .pdf copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of

deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.

- 6) That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 7) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions #1 through #6 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.
- 8) That all costs associated with surveys, legal fees and matters related to the application are the responsibility of the developer/applicant.

The City Planner noted that Section 53 (41) and Section 53 (43) of the Planning Act apply to this application.

The Chair asked if Mr. Magnusson had any additions to make. He added that he was in contact with the Northwestern Health Unit last fall and they did not indicate any concerns to him at that time.

The Chair asked the members of the Planning Advisory Committee if they had any comments or questions. Member Whetter asked to know, if this application was approved but the concurrent application was not, would this be a benefit to the land owner. Mr. Magnusson responded that in that case, he would not proceed with Application D10-22-13, but he would need to discuss that with his neighbour. On request of the Chair, the Secretary-Treasurer indicated that the applicant would receive a 2 year period in which the conditions identified would require completion after which endorsement of the City would be provided, or would lapse if these conditions were not met.

Member Campbell wondered if the subdivision of land could be performed to allow Mr. Magnusson to sell his lot, and if the Stage 1 Archeological Assessment could be transferred to the purchaser of the new lot. The City Planner responded that the Provincial and Official Plan processes are specific to the planning process and creation of new lots, not the building permit process. In this situation, the assessment should be completed first, and if no concerns are identified, then lot creation can be performed and permits can issued.

The Chair requested that the Secretary-Treasurer read the resolution:

That application D10-22-13 for consent for lot addition on property located at 211A Peterson Drive, legally described as PIN 42161-0577; CITY OF KENORA be approved; and

That Subsection 50(3) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent; and

That and provisional Consent be granted, subject to the conditions outlined within the Planning Report.

Moved: Renee Robert

Second: Jay Whetter

Passed

The Secretary-Treasurer read the conditions of approval to the agent and applicant of D10-22-13, and provided notice that the approval would be subject to a 20 day appeal period.

ii) D10-22-13 Magnusson Lot Creation

Mr. Magnusson had no further comments to add for Application D10-22-14.

The City Planner indicated in his previous report that many of the comments received for D10-22-13 and D10-22-14 were similar, and the report for D10-22-14 was abridged.

The City Planner's evaluation was that the application is compliant with the Zoning By-law with the approval of D10-22-13. Niisaachewan Anishinaabe Nation and Wauzhushk Onigum Nation object based on vicinity to traditional land use assets, and are supported by Ministry of Citizenship and Multiculturalism comments that the site meets archeological potential. A Stage 1 Archeological Assessment is recommended for this site in accordance with requirements of the Ministry of Tourism Culture and Sport. Niisaachewan Anishinaabe Nation and Wauzhushk Onigum Nation identify Section 35 of the Canadian Constitution Act, but municipalities are not bound by this duty to consult. However, neighbouring First Nation communities are provided with the opportunity to provide comment.

The City Planner recommended that Application D10-22-14 be deferred until a time that an archeological assessment can be completed, the findings can be taken into consideration, and a fully informed recommendation can be made. The formal recommendation was:

That application D10-22-14 for consent for lot severance on property located at 211 Peterson Drive, legally described as PIN 42161-0578; CITY OF KENORA be deferred until such time as a Phase I Archaeological Assessment has been completed and the nature and extent of any archaeological resources has been identified.

The Chair asked if Mr. Magnusson had anything to add. Mr. Magnusson wished to publicly recognize and appreciate Kevan, Melissa and Alberic, and the assistance they provided him and Peter Burbank with these consent applications.

The Chair asked if there were any questions from the Planning Advisory Committee. Member Whetter asked the City Planner if an archeological assessment was required for the recent subdivision to the east. The City Planner responded that to the best of his knowledge, no assessment was required.

Member Campbell identified that the lots neighbouring the subject property appeared to have smaller sizes and frontages, and was interested in why this was the case. The City Planner responded that these differences could be a result of comparing long

narrow lots to shorter and wider lots, or that the historic zoning requirements may have been updated since their creation.

Member Robert asked for explanation on why the retained lot didn't appear to have access to the main road. The City Planner agreed that the retained lot didn't have direct access, but access was being granted via a legal easement over the neighbouring property to the North.

The Chair asked if the Secretary-Treasurer would read the resolution:

The Recommendations is that a decision on Application D10-22-14 for Consent Lot Creation, on property located at 211 Peterson Drive, legally described as 42161-0578, CITY OF KENORA, be deferred until such time that a Stage I Archeological Assessment has been completed, received and deemed acceptable by the City of Kenora City Planner.

Moved: Andrea Campbell

Seconded: Renee Robert

Passed.

The Secretary-Treasurer identified the steps involved in proceeding to the applicant of D10-22-14, and after review and approval by the City Planner D10-22-14 will then return to the Planning Advisory Committee under old business.

***ix. Recommendations to City Council for Zoning By-law Amendment***

- i) D14-23-01 Makowsky

No agent was present to speak for the application.

The City Planner presented his report. In his evaluation, the City Planner noted that the proposed amendment is a reasonable solution for the desired agricultural use of the site. The PPS and the Official plan are both supportive of the proposed use. The recommendation of the City Planner was that the Zoning By-law Amendment D14-23-01 be approved in lieu of public comments as yet to be received.

The Chair asked if the Planning Advisory Committee had any comments or questions. None were identified.

The Chair asked if the Secretary-Treasurer would read the resolution:

That the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment File No. D14-23-01 for subject property located at an unassigned address on Jones Road, and in an identified schedule. The purpose of the Zoning By-law Amendment is to change the zoning of the subject property from "ML" Light Industrial Zone to "ML[55]" Light Industrial Exception Zone with permitted site-specific use as agricultural. The effect of the site specific zoning by-law amendment is to rezone

lands to permit the future redevelopment of the property with a greenhouse. The “ML” – Light Industrial Zone allows for a wide range of low impact light industrial land uses as well as complementary commercial uses. The proposed zoning amendment will allow for a greenhouse to be developed while retaining its suitability for future light industrial use. The Committee has made an evaluation of the application upon its merits against the Official Plan 2015, the Zoning By-law 101-2015, and the Provincial Policy Statement 2020, and provides a recommendation to council based purely on these matters whereas the Committee may not have had the opportunity to hear any internal departments, stakeholders, or public comments in full.

Moved: Keric Funk

Seconded: Andrea Campbell

The Chair identifies the resolution has been adopted and will go forward to council.

### ***ix. New Business***

#### **i) 2023 OACA Training**

The Secretary-Treasurer sent an email to Planning Advisory Committee members with access to the updated OACA Training, and provided recommendations on how to best approach this updated training. There is an opportunity for in-person training in the spring, which is dependent on budget and number of members wishing to attend, and members will be kept up-to-date as information is released. Additional information on this topic was asked to be added as an agenda item in March.

#### **ii) Property Standards Committee Training**

A request for training has been made for training to the Ontario Property Standards Association. They are able to provide online and zoom training, and it is hoped that training can be arranged prior to the Property Standards Hearing in March. The Committee will be advised as soon as information is available.

#### **iii) Property Standards Board Hearing**

The Chair asked if the upcoming hearing was scheduled for a virtual or in person setting. The Secretary Treasurer indicated that the appellant was approached at the request of the City Clerk as to their preference, and the appellant responded that they would prefer to have the hearing in person, and notice would be sent to all members within the week.

#### **iv) Planning Advisory Committee ID Badges**

Notice was provided by the City Clerk has been in contact, and ID Badges will be forthcoming. In Addition, Conflict of Interest Training is also being arranged, but no date has been set.

### ***x. Adjournment***

The Chair asked for a motion for adjournment.

Moved: Keric Funk