



City of Kenora  
Planning Advisory Committee  
60 Fourteenth St. N., 2<sup>nd</sup> Floor  
Kenora, Ontario P9N 4M9  
807-467-2292

**Meeting Minutes  
City of Kenora Planning Advisory Committee  
Regular Meeting held in the Operations Centre Building  
60 Fourteenth St. N., 2<sup>nd</sup> Floor – Training Room  
August 21, 2018  
7:00pm**

**Present:**

Wayne Gauld	Chair
Robert Kitowski	Member
Graham Chaze	Member
Bev Richards	Member
Vince Cianci	Member
Devon McCloskey	City Planner
Kylie Hissa	Secretary Treasurer

**Regrets:**

Chris Price	Member
Ray Pearson	Member

**DELEGATION:**

- (i)** Wayne Gauld, Chair, called the meeting to order at 7:00 pm and reviewed the meeting protocol for those in attendance.
- (ii)** Additions to agenda - there were none.
- (iii)** Declaration of interest by a member for this meeting or at a meeting at which a member was not present – there were none.
- (iv)** Adoption of minutes of previous meeting

The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.

- July 17<sup>th</sup>, 2018
  - Approved as written: July 17<sup>th</sup>, 2018 minutes of the regular Kenora Planning Advisory Committee meeting.
- (v)** Correspondence relating to the application before the Committee.
  - The Secretary Treasurer presented a revised 21-month neighbourhood assessment report relating to application D13-18-08, Emergency

Shelter. The document had been printed for Committee members to review if they did not have the opportunity to print prior to the meeting.

- (vi)** Consideration of applications for minor variance/permission
- D13-18-08, Emergency Shelter

Tara Rickaby, Agent  
TMER Consulting, Kenora ON

Tara Rickaby introduced herself as the person speaking on behalf of the Agent (Kenora District Services Board) for the file D13-18-08. The minor variance application is to extend the temporary use provision that had been approved in January 2017. It is anticipated that construction will be finished December 2018; however, they want to give themselves leeway. The application is for continued use of the emergency shelter in the existing building; the Agent indicated that it is still not operated on a 24 hr basis until January 2019. Ne Chee Friendship Centre, Knox Church and KDSP entered into an agreement to allow the shelter to be operated 20 years less a day earlier this year.

The Agent referenced the Kenora Official Plan, stating that it permits temporary uses. The use has been demonstrated to be suitable with neighbouring property owners and continuing its use with the requested extension of time is appropriate and reasonable. There are no other requirements beyond what the previously approved By-law had laid out. The Northwestern Health Unit and KDSB have worked diligently to ensure that there are no negative impacts to the neighbourhood.

The Planner explained that the report as presented by the agent was very thorough and that she would add briefly to what the Agent has already explained. With regard to the application, an emergency shelter is not permitted within the I-Institutional zone, which is why the temporary use provision had been required. The Planning Advisory Committee did review and recommend the temporary use to Council under Section 39 of the *Planning Act*. This current application is a variance to that by-law (No. 13-2017), as the Committee has statutory power to approve minor variances. The need for the extension is to complete renovations as they are not yet finished. The application is consistent with legislative policy and City directives, and the previous application was to allow the emergency shelter to operate for two years rather than three years, which is the maximum amount of time for a temporary use provision. Internal departments were circulated again with no concerns and to this date, no public comments were received. With regard to the evaluation of the application, there have not been negative comments submitted for the use, it is beneficial to the community and therefore, the Planner recommends that it be approved.

The Chair asked if there was anyone in the public whom wished to speak in favour or against the application. There were none.

The Chair asked the Committee if they had questions pertaining to the application. There were none.

The Chair asked for discussion prior to making a decision. There was none.

**Moved by: Robert Kitowski**

**Seconded: Graham Chaze**

That the Kenora Planning Advisory Committee approves application for minor variance file No. D13-18-08, seeking an extension to temporary use provision by-law No. 13-2017 of which an emergency shelter is not a permitted use in the Institutional zone. Approval will allow the continuation of operations of the emergency shelter at the subject property for four (4) additional months, to expire Jan. 31<sup>st</sup>, 2019 as the programming is transitioned to the permanent site. And that approval of the application for minor variance to a temporary use provision meets the four tests, is consistent with the provisions of the Zoning By-law, the Official Plan, does not have a negative impact on neighbouring properties and considered minor in nature.

Carried.

- (vii)** Considerations of applications for an amendment to the Zoning By-law
- D14-18-05, Meek

Tara Rickaby, Agent  
TMER Consulting, Kenora ON

Tara Rickaby also introduced herself as the Agent for file D14-18-05 and explained that the owner of the subject property is looking to divide two existing business, which are barging/transportation depot and contracting. The application is requesting both a severance and easement and in order to get approval, but a zoning by-law amendment to permit undersized lots is required first. The current owners of the existing businesses wish to separate the lot into two; lot 1 will have a new wharf to accommodate the business. The Agent explained that fish habitat was identified on the retained portion; however, it is well away from the day-to-day operations. There is approximately 80 m separating the portion of the property with the fish habitat and the area above it and so it is not conducive to parking or storage.

The Agent also provided some context to the subject property, explaining that the site was formally used for barging/booming activities by the former Abitibi Consolidated paper mill from about 1930. Thirty-five years ago the current owners bought the land from Abitibi. The garage of the property was constructed in the early 2000s. Currently, empty propane is briefly stored on site until they can be recycled. Kenora Forest Products is located south and across Lake of the Woods and residential development is on the west. The Agent pointed out that this application is not for any new development and there would be no change in day-to-day operations. The separation of existing uses of the property is appropriate and efficient, and it is valuable infrastructure to the City, which is important to economic growth. The Ministry of Natural Resources and Forestry (MNR) reviewed the fish habitat area and requested that it be added to Schedule A of the Official Plan; however, it does not require further information on the matter.

The Agent described how the subject property is designated as an Industrial Area. The two existing businesses are supported and use can continue with access to a publically maintained road. There is no building type located or contemplated on the property, as it is dry industrial use. The minimum lot size is 1 ha, which the lots will not meet; however, all other provisions are met or exceeded.

Development is to include filled lands, which form the foundation for the existing retaining wall and wharf. The MNRF had also been contacted to find out information on the status of these lands, which have been in existence since at least the 1940s. Purchasing them could be a possibility as the MNRF did not have concerns with the lands as they are now. The owner can choose to do that in the future. The Agent indicated that if in the future there is a decision to make a change to the use of the subject property, it would be subject to future consultation. If there is a structure put on the land, then the Northwestern Health Unit would be notified and a certificate will be issued. It was highlighted that size limits use and in this case, it is a good thing.

The Planner presented the planning report file D14-18-05, explaining that approval of the Zoning By-law amendment would enable the creation of one new lot (0.28 ha) with the retained parcel being 0.97 ha. She noted that based on the Agent's presentation of the file, that "marine depot" will be included as one of the existing uses of the property.

Existing use as been over 60 years and an application for consent has been submitted and filed as D10-18-09. Although the property is zoned MH-Heavy Industrial, Section 3.30 of the Zoning By-law is applicable to this case with regard to hazard lands. Since the bulk of the property is closer than 20 m of the high water mark, there is hazard land in the area; however, operation is entirely waterfront and marine based in which they are entitled to. The application was circulated to internal departments and the Operations Department had questions about access but did not have any concerns. Kenora Fire and Roads Department had no concerns and Kenora Hydro noted that there existed 200 amp single services. If requested, electrical service to the east side would be possible as an extension but it would be at the owner's cost and easement would be required. As of today's date, no public comments were received.

Given the property's shape, dimension, and terrain, use is limited. If the application for zoning by-law amendment is approved, it would enable existing use, which would be protected by site specific zoning and limit future use. It was the Planner's professional opinion that the application be approved and that PAC recommends it to Council.

The Agent asked the Planner about accessing the land over City property and whether an easement would be required. The Planner explained that it is not a concern and that the area is already deemed a road right of way. It would be different if it was an actual lot owned by the City, for which an easement would be needed.

The Planner asked the Agent if it is the first time that the owner has heard about the possible hydro extension. The Agent informed the Planner that they had been aware and that there is another transformer across from the entrance way.

The Chair asked if there was anyone in the public whom wished to speak in favour or against the application. There were none.

The Chair asked the Committee if they had questions pertaining to the application.

Vince Cianci asked if there is a water lot, indicating that the consent would sever a chunk of that and asked whether anyone owns it. The Agent explained that it had been part of the booming grounds and is owned by the Crown.

Vince Cianci also indicated that the proposed severance line bends from the jog of the road to which the Agent explained that it follows the existing fence line. The severance would follow the existing retaining wall that has been there since the 1940s and is holding together the land.

Vince Cianci asked for further clarification with regard to the bends in the severance line. The Agent and owner (Geordie Meek) explained how the surveyor followed the existing PIN and that the proposed severance lines work with the current operations of the businesses. They do not want to remove the retaining wall due to its function of holding together the land.

Wayne Gauld asked if the Agent could elaborate further with the MNRF correspondence about the reserved lands. The Agent explained that the reserved lands are the filled lands that had been used as part of the booming ground. The MNRF confirmed that it had been used as such and that there is no issue with future purchase of that land.

The Planner also indicated that there will likely be further comments provided by the Operations Department when the consent application comes forward with regard to the easement to confirm how access would be provided.

The Chair asked for discussion prior to making a decision.

Vince Cianci indicated that he was still of the opinion that the severance line should be straight and that in the future, whenever the retaining wall needs to be rebuilt, they can re-locate it.

Wayne Gauld asked if Vince's concern could be dealt with at the September PAC meeting, when the consent application is considered. The Planner confirmed that it could be.

Graham Chaze explained that he disagreed with Vince in a way. If the severance line is what the owner wants to do and everyone is in agreement, he sees no objections. Graham explained that it is not the role of the Committee's to make the severance line different.

There was no further discussion.

**Moved by: Bev Richards**

**Seconded: Robert Kitowski**

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve application D14-18-05, subject property located at 1053 Lakeview Drive and the site specific zoning of MF-Heavy Industrial to change the regulated zoning, which is Heavy Industrial "MH" from certain provisions as follows: That relief is granted from the lot area minimum requirement to allow for creation of one new lot with both the retained portion (0.97 ha) and the new lot (0.28), being less than the required lot area for an un-serviced lot zoned MH. Permitted use of the property will be limited to existing uses which include industrial/commercial barging, transportation and marine depot, and contractor services, as site specific provisions.

Carried.

**(viii) New Business**

- Wickham property early consultation subdivision application & lot layout

The Planner explained that the Committee has the opportunity to review a draft plan of subdivision, which is coming forward to the September 18<sup>th</sup>, 2018 PAC meeting. A minor variance will also be applied for in order to allow reduced water frontage on Lot 1 of the draft plan. Originally, there was no frontage proposed on the river but after discussion with servicing, they thought they should have some frontage for the waterline.

The Planner indicated that the Agents will need to provide a strong rationale for why the reduced frontage is not an issue and that it would be sufficient to have a dock. It had changed from 17 m to 25 m of water frontage. Part of the reason why they propose the reduced frontage is because they did not want to detract from the frontage on Lot 2, which has a low area and a natural divide between the two lots that they wanted to keep. A revised road plan profile is in the works. The Engineering Department had reviewed prior drafts and had questions about the location of required culverts for drainage and surface width of the road. There are about 10 attachments as part of the application, which demonstrates that quite a bit of work has gone into this development. The property owners are Bill and Darlene Wickham and John Balkwill (Lakeland Consulting) and Ryan Haines (Kenora Resource Consultants Inc.) are the acting Agents.

Wayne Gauld asked if the owners live on the subject property and what the driveway is for. The Planner explained that the property is accessed off of Andy's Camp Road and that there is an easement over private property to access the proposed Lot 3. Once the road is developed on the east side, they won't need the easement for access. It had been something worked out near the start to determine

an alternative way for access. The neighbour did not seem supportive to give additional access to the subdivided lots.

The Planner then went on to explain how the owners were initially looking to do four lots; however, the feasibility of developing a road with City standards was not there. It turned out that there was more property than what was initially thought and Randy Seller suggested that they subdivide more lots and include the road plans in the application.

Additionally, while Ryan Haines is the Agent, he will not be attending the September meeting. Randy Seller will be submitting the minor variance application, which is required prior to the subdivision, and he will be attending the meeting to speak on behalf of Ryan.

Wayne Gauld asked if Ryan will be doing an assessment on the shoreline. The Planner confirmed that he has. The conclusion was that there is some fish habitat at the tip of Lot 4 and as a condition of the draft plan of subdivision, site plan approval is recommended for it to be zoned as EP-Environmental Protection and that any development would need to account for fish habitat, demonstrating that there will be no negative impact.

Robert Kitowski asked how long it would take to have everything wrapped up and finished. The Planner indicated that approvals for both the subdivision and minor variance can be given at the September meeting. There would be a list of criteria expected to have been met and it would be left with City staff as administration to ensure all conditions are completed. Robert explained that he asked because Committee member terms are finished in November and is not sure what will happen with potentially new members. The Planner stated that she can't see the applications being an issue to take longer than October to finalize.

The Planner indicated that at this time, any comments are helpful to provide to the applicants; nothing would be taken as face value.

Vince Cianci expressed concern with the subdivision and the seeking of an approval for a minor variance when it is brand new creation of land. Vince explained that it should be stand-alone legal development with no variance; there is a rule book and people should come to the Committee with everything planned for so that the process can move forward nicely. Vince suggested that Lot 1 should have no water frontage and that future owners can make agreements with neighbours. Vince did not believe the relief to be minor in nature, in his opinion.

**(ix)** Old Business

Wayne Gauld asked the Planner for an update regarding the Kings Landing development. The Planner explained that the Committee saw the application in July and it went to Council with a Site Plan Agreement, which Council passed a by-law for. As part of the agreement, they needed to provide security which they have not done yet.

As of two weeks ago, the Operations Department received confirmation from the Ministry of Environment and Climate Change (MOECC) that a certificate of approval is required to extend the sewer line. That is some work that was not expected. The MOECC has estimated that the process will take 6 months. There is the expectation that the mayor is attending AMO and is hoping to speak with the Minister. In the meantime, the developer is surprised and frustrated and wants to discuss other opportunities to start on the process. They have spoken to the Building Department and although there is no guarantee that they get the MOECC approval, they will be able to proceed with site preparation. It will need site plan approval first, which requires the security being provided. The City is hoping to get more of an update with the approval process soon.

Wayne Gauld asked if there is an explanation for why it would take six months, highlighting that it is the MOECC that is making the process take this long.

Karen Brown (CAO), in the audience, explained that the City has considered lobbying because it is not required to undertake this type of application for the extension of waterlines, but only for sewer mains. Karen highlighted that the local MOECC staff in the Kenora office do not write the legislation, they abide by it. Karen also indicated that in other projects within Kenora, they also had to get the approval, such as at Tall Pines. For the Splash Park, the services are already there.

The Committee discussed various projects in town and whether they received the MOECC approval.

Wayne Gauld stated that unfortunately for the developer, the response by the public to this will be very tough. People are already backing out and there have been rumours that the project has been cancelled. He hopes that we can keep the public informed and let them know that it is not the City that put them in this position.

Karen Brown stated that usually developers will have consultants working with them to let them know about all of the necessary approvals. Unfortunately that didn't happen and it was not anyone's fault.



The Committee discussed in short the benefit of a press release for the developer to explain the situation to the public.

**(x)** Adjourn

**Moved by:** Graham Chaze

That the August 21, 2018 Planning Advisory Committee meeting be adjourned at 8:13 p.m.

