



PROCEEDINGS
for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-18-01 166 Ritchie Road)
Tuesday, April 10, 2018
12:00 p.m.

PRESENT: Mayor D. Canfield
Councillor M. Goss
Councillor R. McMillan
Councillor L. Roussin
Councillor S. Smith
Councillor C. Wasacase

Regrets: Councillor D. Reynard

Staff: Karen Brown, CAO
Heather Kasprick, City Clerk
Devon McCloskey, City Planner
Matt Boscariol, Community & Development Services Manager

Mayor Canfield opened the meeting and stated that this public meeting is being held by the City of Kenora in accordance with Section 34 of the *Planning Act* to consider various amendments to the City of Kenora Comprehensive Zoning By-law Number 101-2015, as amended.

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.

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

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 of \$300.00

An appeal may only be made on the basis that the by-law 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 with an applicable official plan.

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.

Devon McCloskey, City Planner presented the planning report.

An application for zoning by-law amendment is proposed to change the regulated zoning of property specifically indicated on the key map, from RU - Rural to RR - Rural Residential. Approval would enable consideration of an application for consent to sever, having the effect of creating one (1) new lot for uses permitted in the RR- Rural Residential zone.

The property is located at 166 Ritchie Road.

1. Existing Conditions

The property is fronting on Ritchie Road, and has an exterior side yard on Martin Road. It is developed with two accessory storage structures, previously used for agriculture purposes; the majority of the property is vacant. Rezoning of the property, and the future consideration of an application for consent will enable the properties to be developed with single-detached dwellings, compliant with the provision of the RR - zone within the zoning by-law.

The property is serviced with a private septic and well, the applicant has informed City staff that the existing septic field serviced a residential dwelling that has since been removed from the property. New development will comply with Part 8 of the Building Code Act concerning sewage systems.

Adjacent properties are Rural and zoned Rural Residential, improved with, low density single-detached, seasonal and/or permanent housing types. The Rural Zone allows for agricultural uses as well as recreational and other compatible uses.

On March 20th, Devon McCloskey, City Planner attended the subject location to view existing development and the property subject to rezoning.

2. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (2014) (PPS)

The application is consistent with several policies, and following are noteworthy:

Policy 1.1. Managing and directing land use to achieve efficient and resilient development and land use patterns;

1.1.1. Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation

Policy 1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;

Policy 1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

c) City of Kenora Official Plan (2015)

The Land Use Designation of the property is RU – Rural Area. The following policies with particular relevance are extracted.

4.8 Rural Area

Rural Areas include a variety of agricultural, residential, industrial, commercial, recreational, tourism and open space uses. Over the lifetime of this Plan the Rural Areas may experience limited change.

4.8.3 Residential Development in the Rural Area

- a) Residential development shall be restricted to single-detached dwellings on relatively large lots serviced by private water and sewage;*
- b) Development proposals shall be limited in scale and shall not detract from the planned role and function of the settlement area; and*
- c) Development shall preserve rural character and the scenic quality of the rural landscape and shall avoid densities more appropriately found in the settlement area.*

d) Zoning By-law No. 101-2015

The subject property is currently zoned Rural 'RU', and subject to the regulations of Section 4.12. *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.*

Whereas section 4.12.3 (b) of the Rural zone within the zoning by-law requires lot size to be a minimum of 2.0 ha, the current zoning on the subject property and its size of 3.58 ha would preclude future severance and lot development. The application is proposed to change the zoning from RU - Rural to RR - Rural Residential. Whereas section 4.5.3 (b) permits lot area in the RR-zone with a minimum size of 1.0 ha. Future consideration of an application for consent under Section 53 of the Planning Act shall allow for the consideration of the creation of one (1) lot consistent with the zoning by-law.

If approved, the property would be eligible for an application for severance. All other regulations and requirements of the zoning by-law would be met for the lot dimensions and building locations.

Section 4.5 RR- Rural Residential Zone

Allows for the development of low density single-detached, seasonal or permanent housing and compatible uses in a rural setting.

5. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Operations Department	No comments received
Building Department	The building department has no comment
Roads Department	An entrance permit is required to allow access from Martin Road to the newly created lot - February 5, 2018
Water & Wastewater Department	Division has no issues on this application - February 5, 2018
Kenora Hydro	N/A
Kenora Fire & Emergency Services	No Comments Received
Hydro One	Hydro one only has concern that the applicant is aware of the hydro one 1 phase distribution line on the north side of the proposed application - Our plant follows the south side of Martin Road to the end with multiple customers along Martin Rd. We do not have any major concerns that will not allow this application to be approved, we just want the easement known and that we have a record that all parties involved are aware the line will stay in place and will not me moved or altered once the new lot is created. The poles on the subject property are owned by Bell Canada, which means Bell will have the easement for the line and Hydro one is the tenant on the poles - February 13, 2018
Bell Canada	Bell Canada has no objection to this rezoning or severance, but would like to echo Hydro One’s comments drawing attention to the existing pole line - February 22, 2018
Northwestern Health Unit	Included within the Application a copy of the NWHU Consent Report regarding the above mentioned property - February 7, 2018

6. Public Comments

A public meeting is scheduled to be held by Council on April 10th, 2018. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was

circulated on March 8, 2018 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on March 15, 2018 and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

On April 3rd, I was provided with a fax sent by a property owner who had received notice of the application and wanted to provide their opposition to both the Application for Zoning By-law Amendment as well as to lot creation, for any development proposed adjacent to Martin Road.

The explanation for opposition being that Martin Road currently crosses through her property, which is located at the intersection of Ritchie and Martin Road, and she does not agree that it should. She explains that she purchased the property in 1989 from the Town of Jaffray Melick and was unaware that there was a road passing through it. The property is only 0.075 ha, and the road occupies approximately 30% of it. The lot is non-complying already in that it is extremely undersized (93% smaller than the required lot size), it is not serviced, and partially zoned RR and RU.

No other public comments have been received as of April 6th, 2018.

7. Planning Advisory Committee Recommendation

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on March 27, 2018. Resolution and minutes of this meeting will be forwarded on to Council for their information.

It was described that if new information or comments were provided at either the PAC or Council meetings, such information may affect the outcome my professional planning opinion and the recommendation as presented herein.

The Agent for the Application requested a colleague (Randy Seller) to represent the application, he was available to answered questions of the PAC.

The minutes of the PAC meeting are available for review, this report has been adapted from the report provided to the PAC.

8. Evaluation

Whereas property in Rural Zones is permitted to be used for a variety of uses with higher intensities than residential uses, the minimum required lot size is larger than that required for a privately serviced residential lot. Since the property is no longer proposed to be used for Rural Uses, and solely residential use, a change in zoning to Rural Residential would allow for a severance and the creation of smaller lots.

Concerns with regard to the existing aerial hydro service which currently encroaches over part of the north side of the lot, can be addressed and resolved if noted as a condition on the provisional consent for severance, for which an application would be submitted and considered by the Planning Advisory Committee.

9. Recommendation

As Planner for the City of Kenora, it is my professional planning opinion that application D14-18-01, should be approved, in lieu of public comments that may yet to be received.

That Council accepts the recommendation of the Kenora Planning Advisory Committee, and further; that Council, in lieu of public comments, gives three readings to a by-law to authorize approval of the amendment to enable a change in zoning from RU to RR.

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

Mayor Canfield questioned if there was anyone who wished to speak in favour of the amendment?

There were none.

Mayor Canfield questioned if there was anyone who wished to speak in opposition of the amendment?

There were none.

Mayor Canfield asked if there were any questions?

Councillor Roussin asked about prescriptive rights of ownership of this property. Access to Martin road was never registered to that property. It is a municipal road and has been maintained by the municipality. It is noted to be a travelled road in 1977.

As there are no further questions, Mayor Canfield declared this public meeting CLOSED at 12:15 p.m.