



PROCEEDINGS
for a Public Meeting
(Re: D14-18-04 - 100 Kelly Road, Black Sturgeon Lake)
Tuesday, May 15, 2018
12:00 p.m.

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

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 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.

Mr. Randy Seller, representing the applicant, deferred to Devon McCloskey, City Planner to provide details of the application.

Devon McCloskey, City Planner outlined her planning report.

An application is proposed to change the regulated zoning of the western portion of the lot, 1.10 ha in size, from TR – Tourist Recreational Zone to BSL – Black Sturgeon Lake (Restricted Development Area) Zone. The approval would allow for a severance application to be considered for the creation of one (1) lot, to separate the existing single-detached dwelling from the Tourist Camp. The property is located at 100 Kelly Lake Road and is to be considered tonight at the Planning Advisory Committee meeting for severance. We would be placing on the provisional application for consent that the zoning amendment meeting took place.

1. Description of Proposal

To enable the western portion of a lot to be rezoned which would allow for continued use of a single-detached dwelling if it can be severed from an existing lot zoned Tourist Recreational (TR) and developed as a tourist camp.

The applicant is proposing the development of a turnaround/cul-de-sac at the end of Kelly Drive. This would be transferred to the City of Kenora for access to separate driveways to the lots and would be in compliance with the provisions of the zoning by-law for frontage on a public road.

2. Existing Conditions

The property is located with the northern most section of the Municipal boundary. It is fronting on Black Sturgeon Lake and has road access via Kelly Road via Coker Road.

The Northwestern Health Unit (NWHU) had concerns in the past with regard to the sewage system, but notes that the residential property would be large enough to accommodate a new septic field, installed satisfactory to current use.

Adjacent properties are developed for rural use. No change to the character of the area would occur.

3. Site Visit

On April 11th, 2018, Ms. McCloskey attended the subject location to view existing development and the property subject to severance. A number of photos were taken and they demonstrate there are a number of cabins and single attached dwelling already on property.

The application as presented is consistent with legislative policies and City directives.

4. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

Section 1.1.5 of the Policy provides direction for the development of rural lands. Permitted uses include resource-based recreational uses including recreational dwellings. Limited residential development. Development (this includes lot creation) that is compatible with rural landscape and can be sustained by rural service levels should be promoted.

a) 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.

b) Zoning By-law No. 101-2015

The subject property is currently zoned Tourist Recreational 'TR', and subject to the regulations of Section 4.8. This zone allows for Resorts, Outdoor recreation facilities, as well as one dwelling unit as an accessory use to a commercial use.

Whereas the zone is intended to allow for tourist recreational uses in a commercial nature, uses of a lot for the sole purpose of a single-detached dwelling, would not comply with the intent of the zone. Approval of a Zoning By-law Amendment to change the zoning to Black Sturgeon Lake Restricted Development Area (BSL) would allow for residential use of the property.

Both properties would meet the required dimensions for a privately serviced lot in both the TR and BSL zones.

All other regulations and requirements of the zoning by-law would be met for the lot dimensions and building locations. It would allow for lot creation of one hectre.

6. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Operations Department	The sketch provided in the application indicates the road as Snow Drive and not Kelly Road where the cul de sac is proposed? The cul de sac would need to be constructed to one of the attached configurations – April 10, 2018. Currently Kelly Road is maintained by the City.
Building Department	The Building Department has no comment – March 19, 2018
Roads Department	Entrance Permit will be required for the new lot – April 11, 2018
Water & Wastewater Department	Division has no issues - March 15, 2018
Kenora Hydro	This is Hydro One service area, so Kenora hydro has no concerns - February 16, 2018 (a separate service will be provided to the new lot from Kelly Road)
Kenora Fire & Emergency Services	Kenora Fire has no issues with this rezoning application - March 1, 2018
Hydro One	Hydro one has no issue with the zoning change to sever the existing residential dwelling from the tourist camp – March 16, 2018
Ministry of Natural Resources	No concerns with the severance – April 9, 2018
Heritage Kenora	No concerns – March 15, 2018
Northwestern Health Unit	<p>No concerns with the proposed consent.</p> <p>Retained Lot: The septic system appeared to be malfunctioning and discharging sewage onto the surface of the ground. The owner has been using the septic tank as a pump out tank for an extended time. There is area up top at the back of the lot behind and beside the existing failed septic field to install a new one. The Northwestern Health Unit does not have jurisdiction to issue a permit until/if a Draft approval is granted. This would allow us to issue a Conditional Permit to allow a new septic system to be installed. The owner would be obliged to fulfill all of the conditions on a Draft approval for the Conditional permit to be valid. Essentially, the lot would need to be created.</p> <p>Severed Lot: This proposed lot is operated as a tourist camp. The sewage system(s) on this lot are the jurisdiction of the Ministry of the Environment (MOE). It is our understanding that they are substandard and that a valid approval exists to install a new system. There is sufficient area on this</p>

	lot to install a septic system under the jurisdiction of the Northwestern Health Unit if the flow rate is reduced to 10,000 litres per day of design flow. Cabins would need to be removed for this to occur.
Ministry of the Environment	Inspection Report for the Commercial Camp was provided dated June 2017, no mandatory actions were required.

7. Public Comments

Today is the public meeting held by Council and public notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on April 5th, 2018 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on April 5th, 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.

8. 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 April 17th, 2018. Resolution and draft minutes of this meeting are attached for Council's information.

As of the date of this public meeting, no public comments have been received.

9. Evaluation

If approved, the subject zoning by-law amendment would enable the property to qualify for a severance and allow a lot with an existing single detached dwelling to be severed from a Tourist Recreational lot. The Tourist Recreational property would continue to be used as permitted.

As demonstrated, the application is consistent with the Provincial Policy Statement, Official Plan, and meets the intent of the Zoning By-law.

10. Recommendation

As the Planner for the City of Kenora, it is Ms. McCloskey's professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-18-04, to change the zoning of a portion of the lot to Black Sturgeon Lake (BSL) Restricted Area Zone, to allow for residential use; be approved, in lieu of public comments that may yet to be received; and further

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 for a portion of the property zoning to be changed from Tourist Recreational (TR) to Black Sturgeon Lake (BSL) Restricted Area Zone.

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?

There were none.

As there are no further questions, Mayor Canfield declared this public meeting CLOSED at 12:10 p.m.