



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N.
Kenora, ON P9N 4M9

MINUTES
CITY OF KENORA PLANNING ADVISORY COMMITTEE

November 9, 2006
SPECIAL MEETING HELD AT 60 Fourteenth St. N.
OPERATIONS CENTRE BUILDING
3:00 P.M.

Present:

Art Mior	Chair
Wayne Gauld	Member
Jim Day	Member
Terry Tresoor	Member
Pat Pearson	Member
James Tkachyk	Member
Joyce Chevrier	Member
Jeff Port	Secretary Treasurer
Tara Rickaby	Assistant Secretary Treasurer

Regrets:

PART A – PUBLIC MEETINGS:

1. Application for Consent No. B21 & 22 Mineault

PART B – PLANNING ADVISORY COMMITTEE MEETING

I. CALL MEETING TO ORDER

Art Mior called the special meeting City of Kenora Committee of Adjustment meeting to order at 3:00 p.m.

II. CONFLICT OF INTEREST:

IV. APPLICATIONS: None

1) **Application for Consent No. B21 & 22 Mineault**

There was no discussion of the matter.

Moved by: Terry Tresoor Seconded by: Wayne Gauld

THAT Application No. B21 & 22/06 Mineault, for the creation of two (2) residential lots. It is recommended that this application for consent be approved with the following conditions:

1. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for our records be provided.
2. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal description of the parcel(s) in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form be provided.

3. Three original copies (not a photocopies) of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parcel(s) to which the consent approval relates and which must show in general the same area and dimensions as the sketch forming part of the application be provided.
4. That the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.

"No assessment has been made for quality nor quantity of groundwater. The waters of the Black Sturgeon Lake should not be used for human consumption unless they have been treated to the standards of the Ministry of the Environment or Ministry of Health before use."

If the conditions to consent approval are not fulfilled within one year of the date on this letter and the applicant is still interested in pursuing the proposal, a new application will be required.

CARRIED

V. OLD BUSINESS

1. Application for Consent No. B11 & B12 Abitibi

Deferred to an "in camera" item

2. Application for Plan of Subdivision S03/06 Moncrief Doug Vergunst, of the Northwestern Health Unit was in attendance.

Jeff Port reviewed the application and the changes to the lot configuration which came as a result of consultation with the Ministry of Natural Resources. The new configuration satisfies any issues the MNR had with respect to fishery values. He reminded the Committee that although the possibility of increasing the requirements for the lot sizes on Black Sturgeon has been discussed, he recommended that the Committee not make a decision retroactively. The application was brought forward with the lot requirements set out in the zoning by-law.

Clarification of the original letter from the NWHU was required; the septic field for the existing structure on the retained property is in need of upgrading/replacement.

Conditions will include a requirement by both the MNR and the NWHU to approve, in writing, the new lot configuration.

Moved by: Jim Day

Seconded by: Pat Pearson

THAT application No. S03/06 Moncrief, for the creation of seventeen rural residential lots be approved with the following conditions:

That this draft approval applies to the draft plan S 03/05 Moncrief (Bruckenbuger Road), prepared by Ross M. Johnson Surveying Ltd., dated July 21/05 and further amended, by red line, on November 9, 2006 and shows a total of:

- 17 lots
- An extension to the Bruckenberger Road

1. That a subdivision agreement to be signed and executed between the owner and the City of Kenora.

2. That the final plan shows no lots less than .8 hectares in area.
3. That the road allowance included in this draft plan shall be shown and dedicated as a public highway on the final plan.
4. That a letter be received from the City Engineer approving a drainage plan, prepared by a qualified engineer, licensed to practice in the Province of Ontario, as submitted by the applicant.
5. That the owner shall, at their own expense, extend and construct the road, and private works as set out in the subdivision agreement, and provide drainage on this subdivision to a standard not less than the requirements for a City of Kenora rural road standard.
6. That the City Engineer shall provide confirmation that the road has been constructed by the owner as identified in Condition 5.
7. That, prior to approval, the owner shall provide written confirmation from an OLS, indicating that the road(s) is/are wholly within the road allowance.
8. That the owner agrees in writing to satisfy all of the requirements, financial, and otherwise, of the City of Kenora, concerning the provision of roads, installation of services and drainage including entering into a subdivision agreement with the City of Kenora.
9. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority. Hydro One and/or Bell Canada standard easements shall be verified by way of letter of acceptance from the respective utilities.
10. That the subdivision agreement between the owner and the City of Kenora be registered against the lands to which it applies along with the plan of subdivision.
11. That 5% (of current assessed value) cash in lieu of conveyance of land for park or other public recreational purposes shall be paid to the City of Kenora as a condition of final approval.
12. That, prior to final approval by the City of Kenora, a letter be received from the Northwestern Health Unit indicating that there is satisfactory area on each lot for a private septic service.
13. That, prior to final approval, a Phase I Archeological assessment be undertaken by a professional archeologist licensed to practice in the Province of Ontario.
14. That a letter be received from the Ministry of Culture indicating there are no objections to the proposed development.
15. That prior to final approval by the City of Kenora, the City of Kenora is to be advised, in writing, by Moncrief Construction Limited, or their agents, how conditions 4-16 inclusive have been satisfied.
16. That draft approval for this development is for a period of five (5) years. The owner may apply for any extension at least sixty (60) days prior to the lapsing date.

Notes to Draft Approval:

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forward by the appropriate agencies to the City Planner, City of Kenora, 60 Fourteenth Street North, Kenora, ON P9N 4M9, quoting the City of Kenora file number.
2. We suggest you make yourself aware of Section 144 of the Land Titles Act and subsection 78(10) of the Registered Act. Subsection 144 of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144 (2).
3. Clearance letters are required from the following agencies:

a) City Engineer,

City of Kenora
 60 Fourteenth Street N.,
 Kenora, ON P9N 4M9

b) Hydro One Networks Inc.
 Corporate Services – Real Estate
 483 Bay Street, 12th Floor
 Toronto, ON M5G 2P5
 Att: Mike Derry Jr.

c) Bell Canada
 Right of Way
 2nd Floor, 136 Bayfield St.
 Barrie, ON L4M 3B1
 Attention: Kevin Dinsmore

d) Andrew Hinshelwood
 Heritage Planner/Archaeologist
 Ministry of Culture
 435 S. James St., Suite 334
 Thunder Bay, ON P7E 6S7

Phone: (807) 475-1632
 Fax: (807) 475-1297

andrew.hinshelwood@mcl.gov.on.ca

e) City of Kenora Roads Supervisor
 60 Fourteenth St. N.
 Kenora, ON P9N 4M9

4. All measurements in the subdivision final plan must be presented in metric units.
5. That plan must be registered within 30 days following final approval be by the City of Kenora or approval may be withdrawn under subsection 51(59) of the Planning Act.

"No assessment has been made for quality nor quantity of groundwater. The waters of the Black Sturgeon Lake should not be used for human consumption unless they have been treated to the standards of the Ministry of the Environment or Ministry of Health before use."

Recorded vote:

<u>Member</u>	<u>AYE</u>	<u>NAY</u>
Terry Tresoor	✓	
James Tkachyk	✓	
Pat Pearson	✓	
Wayne Gauld	✓	
Jim Day	✓	
Joyce Chevrier		✓
Art Mior, Chair		

CARRIED

**3. Application for Plan of Subdivision S04/06 M & L
Mark Bonten, Agent for M & L, Doug Vergunst, NWHU were in
attendance.**

Jeff Port reminded those present that there were several planning issues identified by both the Ministry of Natural Resources and TransCanada Pipelines; specifically surrounding proposed lots 1,2,3 and 4, on the west end of the proposed subdivision. Mr. Bonten met with Mr. Port and has agreed that in order to mitigate issues brought forward by both agencies, and the Committee, that those lots would be reduced from 4 to 2. This gives each of the two a building envelope with setbacks according to the zoning by-law. The City will retain the road allowance, thus ensuring no development on the water; therefore the lots were reduced from 4 waterfront to 2 backshore.

An additional change, to amend the plan by red line, will be to include the western edge of the road allowance into the plan of subdivision. Mr. Port indicated that, although the archeological study has been performed, a letter will be required from the Ministry of Culture indicating that it is satisfied.

Conditions will also include final letters of no objection from both the MNR and the NWHU.

Wayne Gauld reviewed the letter received from the NWHU and he wondered, from the Developer's standpoint, what impact the parameters for construction of septic fields would be. Discussion arose with respect to requiring each offer of purchase and sale to include the comments of the NWHU.

Doug Vergunst indicated that his original report indicates that lots 1-4 are problematic; he said that the reduction from 4 lots to 2 lots will be very helpful to mitigate any issues.

Joyce Chevrier stated that she would like to see the minimum frontages expanded to 60 metres from 45 on this subdivision.

Discussion took place with respect to the NWHU's comments that septic fields should be back 30 metres, wherever possible. The zoning by-law requires this setback, while the Provincial requirement is 15 metres.

Mr. Vergunst told the Committee that his comments were based upon a site visit when the road had been laid out, by a surveyor. He went on to say that his comments were indeed very particular, but that he prefers that conformance to the City's zoning by-law be maintained.

James Tkachyk commented on the road construction and its proximity to the TransCanada Pipeline right-of-way. Mark Bonten explained the new configuration vs. how the property is accessed today.

Moved by: James Tkachyk

Seconded by: Jim Day

THAT application No. S04/06 M & L, for the creation of sixteen rural residential lots be approved with the following conditions:

That this draft approval applies to the draft plan No. S04/06 M & L Development prepared by SRQ, Engineers and Surveyors, dated August 25/06 and modified by redline amendment on November 9, 2006 and shows a total of:

- 16 lots
- One (1) municipal road allowance

That this draft approval applies to the draft plan No. S04/06 M & L

Development prepared by SRQ, Engineers and Surveyors, dated August 25/06 and modified by redline amendment on November 9, 2006 and shows a total of:

- 16 lots

- One (1) municipal road allowance
- 1. That a subdivision agreement be signed and executed between the owner and the City of Kenora.
- 2. That the final plan shows no lots less than .8 hectares in area, and 45 metres of frontage on a navigable waterway.
- 3. That the road allowance included in this draft plan shall be shown and dedicated as a public highway on the final plan.
- 4. That confirmation be received from the City Engineer approving a drainage plan, prepared by a qualified engineer, licensed to practice in the Province of Ontario, as submitted by the applicant.
- 5. That the owner shall, at their own expense, extend and construct the road, and private works, as set out in the subdivision agreement, and provide for appropriate drainage for the proposed subdivision to a standard not less than the requirements for a City of Kenora rural road standard.
- 6. A letter be received from the Northwestern Health Unit indicating they have no objections to the draft "red line" plan as approved by the City of Kenora Planning Advisory Committee.
- 7. That, prior to final approval, the owner shall provide written confirmation from an OLS, indicating that the road(s) is/are wholly within the road allowance.
- 8. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority. Hydro One and/or Bell Canada standard easements shall be verified by way of letter of acceptance from the respective utilities.
- 9. That the subdivision agreement between the owner and the City of Kenora be registered against the lands to which it applies along with the plan of subdivision.
- 10. That 5% (of current assessed value) cash in lieu of conveyance of land for park or other public recreational purposes shall be paid to the City of Kenora as a condition of final approval.
- 11. That the owner purchase the 20 metre road allowance abutting the Winnipeg River for lots 3 – 16 inclusive.
- 12. That a letter be received from the Ministry of Natural Resources stating they have no objection to draft plan approval.
- 13. That a letter be received from the Ministry of Culture indicating there are no objections to the proposed development.
- 14. That a letter be received from TransCanada Pipelines Limited indicating that three copies of any registered plans for this subdivision and a registered copy of the subdivision agreement shall be sent to TransCanada.
- 15. That prior to final approval by the City of Kenora, the City of Kenora is to be advised, in writing, by M and L Developments, or their agents, how conditions 4-20 inclusive have been satisfied.
- 16. That draft approval for this development is for a period of five (5) years. The owner may apply for any extension at least sixty (60) days prior to the lapsing date.

Notes to Draft Approval:

- 1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forward by the appropriate agencies to the City Planner, City of

- Kenora, 60 Fourteenth Street North, Kenora, ON P9N 4M9, quoting the City of Kenora file number.
2. We suggest you make yourself aware of Section 144 of the Land Titles Act and subsection 78(10) of the Registered Act. Subsection 144 of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144 (2).
 3. Clearance letters are required from the following agencies:
 - a. Roads Supervisor,
 - i. City of Kenora
 - ii. 60 Fourteenth Street N.,
 - iii. Kenora, ON P9N 4M9
 - b. Hydro One Networks Inc.
 - i. Corporate Services – Real Estate
 - ii. 483 Bay Street, 12th Floor
 - iii. Toronto, ON M5G 2P5
 - iv. Att: Mike Derry Jr.
 - c. Bell Canada
 - i. Right of Way
 - ii. 2nd Floor, 136 Bayfield St.
 - iii. Barrie, ON L4M 3B1
 - iv. Attention: Kevin Dinsmore
 - d. KMTS
 - i. 110 Matheson St. S.
 - ii. Kenora, ON P9N 1T8
 4. All measurements in the subdivision final plan must be presented in metric units.
 5. That plan must be registered within 30 days following final approval by the City of Kenora or approval may be withdrawn under subsection 51(59) of the Planning Act.
 6. "No assessment has been made for quality nor quantity of groundwater. The waters of the Winnipeg River should not be used for human consumption unless they have been treated to the standards of the Ministry of the Environment or Ministry of Health before use."
 7. The subdivision agreement, between the City of Kenora and the Owner shall include the following provisions, requested by TransCanada Pipelines Limited (TransCanada):
 8. The conditions, restrictions or covenants specified by TransCanada shall be registered against title (by agreement with TransCanada and Owner) in relation to the "Lands" by way of application to register conditions, restrictions or covenants as applicable, pursuant to the Land Titles Act, or any amendments thereto.
 9. The conditions of draft approval specified by TransCanada shall be included in the subdivision agreement between the City of Kenora and the Owner.
 10. All permanent structures and excavations shall be located at least 10 metres from the limits of TransCanada's right-of-way. Accessory structures and lots with side yards abutting the right-of-way shall have a minimum setback of at least 3 metres from the limits of the right-of-way.

11. All crossings of TransCanada's right-of-way by roads, access ramps, trails or pathways, above or below ground services and utilities must have TransCanada's prior authorization. The crossing applicant will be required to sign a crossing agreement that will be binding on all subsequent owners of the crossing. Furthermore, in accordance with the National Energy Board (NEB) Act, an applicant is required to obtain crossing approval before the final registration of the subdivision and before the start of any work within the subdivision. This agreement can be obtained from Scott Land & Lease in Calgary at 1-800-661-1618. The Owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Pipeline Crossing Regulations.
12. Any roads or streets designed to run parallel to the TransCanada right-of-way must not have any portion of the road allowance limits located within the pipeline right-of-way.
13. All display plans in the lot/home sales office shall identify the TransCanada pipeline right-of-way corridor within the proposed linear park block(s).
14. Any roads or streets designed to run parallel to the TransCanada right of way shall not have any portion of the road allowance limits located within the pipeline right-of-way.
15. Wells or septic systems shall not be located on the TransCanada right-of-way.
16. Any grading not otherwise permitted by the NEB Act or Crossing Regulations Part I, that will affect the right-of-way or drainage onto it, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way will only be permitted when a TransCanada representative is present to inspect and supervise them.
17. The Owner shall contact TransCanada for written approval prior to commencement of construction works for any blasting undertaken within 300 m of the right-of-way. Prior to any blasting being undertaken within 60 metres of the right-of-way, a report on the methods and charges to be used must be prepared, at the Owner's expense, by a qualified blasting engineer, and submitted for TransCanada's written approval. Blasting within 30 metres of a federally regulated pipeline is prohibited by the NEB (National Energy Board).
18. Section 112 of the NEB Act requires that anyone excavating with power-operated equipment or explosives within 30 metres of the pipeline must obtain leave from the NEB before starting any work. To satisfy this NEB requirement, you may send your request for leave directly to TransCanada with supporting information explaining how the work will be carried out. Once you obtain written approval for your excavation request, you must notify TransCanada at 1-800-827-5094 three (3) business days before the start of any excavation using power-operated equipment and seven (7) business days before the use of explosives within 30 metres of the pipeline right-of-way limits.
19. During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the Owner(s) to prevent unauthorized access by heavy

machinery. The fence erected must meet TransCanada's specification concerning type, height and location. Please note that Section 112 of the NEB Act states that "...no person shall operate a vehicle or mobile equipment across a pipeline unless leave is first obtained from the company...". The Owner is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction.

20. Notice must be given to TransCanada directly (1-800-827-5094) or through Ontario One Call (1-800-400-2255) a minimum of three (3) business days before the start of any construction on or within 30m of the pipeline right-of-way and seven (7) business days minimum advance notice for any work involving explosives.
21. TransCanada's prior approval must be obtained for site plans for permanent structures to be erected on Lots 2, 3 and 4 which are adjacent to TransCanada's right-of way.
22. The Owner shall include notice of the following in all offers of purchase and sale with respect to Lots 1-18 inclusive:
 - i. Notice of easement agreement registered against the property (or near the property) which may affect development activities on the property;
 - ii. Notice of the 30m safety zone (Section 112 of the National Energy Board Act) as regulated by the National Energy Board;
 - iii. The number of high pressure natural gas pipelines within the easement and the location of the easement in relation to the development;
 - iv. The setback for all permanent structures and excavations from the limits of the right-of-way; and
 - v. The regional office contact number (1-800-827-5094).
23. The Owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing conditions.
24. The Owner or Developer shall invite TransCanada to a pre-job meeting prior to any construction at this site. At this meeting, TransCanada must be given the opportunity to make a presentation to all job supervisors responsible for construction on this project. This presentation will be a maximum of thirty (30 minutes in length.
25. Any roads or streets designed to run parallel to the TransCanada right of way shall not have any portion of the road allowance limits located within the pipeline right-of-way.
26. Wells or septic systems shall not be located on the TransCanada right-of-way.

Recorded vote:

<u>Member</u>	<u>AYE</u>	<u>NAY</u>
Terry Tresoor	✓	
James Tkachyk	✓	
Pat Pearson	✓	
Wayne Gauld		✓

Jim Day	✓	
Joyce Chevrier		✓
Art Mior, Chair		

CARRIED

Moved by: Terry Tresoor Seconded by: Joyce Chevrier
THAT this meeting be now declared closed at 3:40 pm.; and further
THAT Committee adjourns to a Closed Meeting to discuss the following:
Disposition of Land.

Action from closed meeting

Moved by: Terry Tresoor Seconded by: Wayne Gauld
THAT applications for consent B11 & 12 Abitibi be stayed as Council has
dealt with the land division, by way of section 50 (3) of *The Planning Act*.

CARRIED

IV. ADJOURN:

Moved by: Terry Tresoor

THAT the November 9, 2006 Planning Advisory Committee meeting be
adjourned at 4:15 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 21ST DAY OF NOVEMBER, 2006

CHAIR

SECRETARY-TREASURER