



City of Kenora  
Planning Advisory Committee  
60 Fourteenth St. N., 2<sup>nd</sup> Floor  
Kenora, Ontario P9N 4M9  
807-467-2059

## MINUTES

**CITY OF KENORA PLANNING ADVISORY COMMITTEE  
SPECIAL MEETING TO BE HELD IN THE PLANNING, BUILDING AND  
ENGINEERING BUILDING, 60 FOURTEENTH ST. N,  
December 5, 2007  
3:30 P.M.**

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**Present:**

James. Tkachyk	Chair
Joyce Chevrier	Vice Chair
Wayne Gauld	Member
Colin Bird	Member
Terry Tresoor	Member
Tara Rickaby,	Assistant Secretary Treasurer
Jeff Port,	Secretary Treasurer
Regrets: Art Mior	

### **COMMITTEE OF ADJUSTMENTS**

#### **I. CALL MEETING TO ORDER:**

James Tkachyk called the special meeting of the City of Kenora Committee of Adjustments meeting to order at 3:30 p.m.

#### **II. DELEGATIONS – None**

#### **III. CONFLICT OF INTEREST – None**

#### **IV. APPLICATIONS:**

##### **1. Application for Plan of Subdivision S04/06 M & L – Change of conditions**

**Mr. Bonten was in attendance as was Steve Duda, MNR Area Planner.**

The City Planner reviewed the history of the subdivision, indicating that it received draft approval on May 15, 2007.

A fishery assessment was undertaken in July of 2007, which identified the area in front of lots 3,4 and 5 of the red line draft plan of subdivision as spawning area for walleye and whitefish.

Mr. Port reminded those present that, in order to protect the fishery in the area of Lots 1 and 2, the City will not be selling the road allowance abutting the property and the Winnipeg River. He recommends that condition number 11, respecting sale of road allowance to the Developer, be changed to sell only that part of the road allowance fronting lots 6 through 16. In addition it is recommended that a cautionary clause be required to be registered on title of all lots and in all offers of purchase and sale stating

that and in all agreements of purchase and sale stating “ Due to the potential sensitivity of fish habitat in the area, all alterations such as vegetation removal, dredging and placement of fill below the high water mark will not be permitted. Applications for docks and other works which are likely to impact the aquatic environment must be made to the MNR and DFO.”

The Committee was apprised on whether or not notice is required. Based on the following, there was no objection to no notice being given.

James Tkachyk asked Mr. Bonten whether or not he had anything to add. Mr. Bonten stated that he agreed with the change, however was under the impression that there may be an opportunity, in the future, for owners to purchase the road allowance.

Steve Duda indicated that he is not speaking against the application however pointed out that the MNR is not entirely comfortable with the proposed condition to require the applicant to have a letter of no objection from the Ministry of Natural Resources. He indicated that while the most critical habitat is in front of lots 1-5, there is no indication that there isn't additional habitat to be protected. Mr. Duda stated that the MNR is not in a position to review individual applications for dock location.

Discussion took place with respect to removal of condition 12, being the condition with which the MNR has some reservations. There was further discussion of the “One Window” planning process in which the MNR and other agencies participate if municipal planning departments request.

James Tkachyk summarized the discussions indicating that there will be a change to condition 11, meaning that the City will not sell the road allowance in front of lots 1-5 inclusive, and the addition of a condition requiring the registration of a caution on the title of every lot in the subdivision. Condition 12 will remain.

Wayne Gauld questioned the depth of lots 15 and 16 with respect to the ability to locate a private sewage system on them. The City Planner reminded the Committee that the Northwestern Health Unit has provided a letter indicating no objection to the subdivision, with certain conditions on certain lots.

Mr. Bonten explained that the NWHU has provided specific instructions for the layout and location of the septic fields and that the road, now constructed, is located further to the north and thus gives more room for the septic fields, further from the river; they will now be approximate 130 feet back from the river.

**Moved by: Wayne Gauld                      Seconded by: Terry Tresoor**

**THAT** conditions of approval for Application for Plan of Subdivision S04/06 M & L be amended as follows:

That draft approval for application No. S04/06 (M&L Development) be amended by modifying the following condition No. 11 as follows:

11. That the owner purchase the 20 metre road allowance abutting the Winnipeg River for Lots 6 – 16 inclusive.

And Further that condition No. 18 be added to the draft approval:

18. A cautionary clause shall be registered on title to all lots and in all agreements of purchase and sale stating “Due to the potential sensitivity of fish habitat in the area, all alterations such as vegetation removal, dredging and placement of fill below the high

water mark will not be permitted. Applications for docks and other works which are likely to impact the aquatic environment must be made to the MNR and DFO.”

**CARRIED**

## **2. Application for Plan of Subdivision S01/07 1703591 Ontario Inc.**

Jeff Port presented the updated planning report highlighting the following: the property will need to be rezoned from RU – Rural to RR – Rural Residential, the average lot size and frontages in the plan, the archeological report indicating that an existing gravesite on Lot 6 must be treated with respect and fishery values which have been acknowledged in both the road area and in front of several lots.

The two areas with fish and wildlife values are 1) the access road area. The report prepared by the Developer’s consultant indicated that the road would have a negative impact on the fishery, therefore, a plan was proposed to the Department of Fisheries and Oceans and a “Habitat Disturbance and Disruption Permit” has been issued to the Developer. The requirements of the “HADD” will become a part of the subdivision agreement in order to mitigate any negative impact on the fisher. The second value was identified in front of lots 6,7 and 9, for walleye and whitefish and in front of lots 1 and 5 and parts of 2 and 6 for northern, bass and crappie.

Mr. Port discussed public comment from a previous meeting and also indicated that the Dalles First Nation indicated, on June 27<sup>th</sup>, 2007, that there were no further concerns with the proposed subdivision. The NWHU has specific requirements for a septic field on Lot 17 and that will be dealt with in the conditions of approval. The Ministry of Culture has provided comment, with no objection, on the archeology report.

James Tkachyk asked Mr. Scurfield if he had anything further to add. Mr. Scurfield indicated that there is a no-development area required by the Ministry of Culture for the gravesite. Mr. Port added that the subject area would not be able to be developed because of the requirements of the zoning by-law.

Joyce Chevrier asked how the assessed value is established. Jeff Port explained that the property assessment on the current tax roll is used.

Dan Williams asked for an update on the Lake Capacity Study.

Mr. Port explained that the citizens advisory committee will be reconvening to review all of the recommendations and to help set priorities for the City to implement.

Mr. Williams asked for clarification on whether or not DFO has issued a development permit for the road. Mr. Port stated that there is a permit, signed by the Regional Director of the Central/Arctic Region of the Department of Fisheries and Oceans.

Discussion took place with respect to the approval process for a subdivision, septic field locations and permitted uses in the RR zone.

Dan Olscamp pointed out that there is an appeal mechanism for any decision made by this committee. Jeff Port explained the appeal process.

Discussion took place on the design of the road and its elevation in proportion to the high water mark. Mr. Williams accepted the explanation and proposed height of the road.

Joyce Chevrier suggested that future planning reports should not include percentages when describing and comparing lot sizes and frontages. Mr. Port acknowledged that the average could be skewed and that the mean should be used as a tool.

Discussion took place with respect to the requirement of the NWHU for Mr. Scurfield to upgrade his current sewage system. This has already been completed.

Wayne Gauld asked if Joe Neniska was building the road. This was acknowledged.

James Tkachyk noted that a condition of approval will be to rezone the property to Rural Residential. Discussion took place with respect to this condition indicating recommendation to approve will be given to Council.

Discussion took place with respect to the existing gravesite. Conditions of approval will protect the gravesite.

Steve Duda commended Mr. Scurfield on the fisheries work completed to date, and commented that, from the MNR perspective, the Committee will be making a decision tonight in the absence of information respecting fish values in front of lots 1 through 6. He stated that the information in the fisheries assessment is good but that there is potential shown in other areas. Rather than burden the Developer with more work, there is an opportunity to mitigate potential impacts with conditions today, rather than require more reporting and recommendations.

Discussion took place with respect to the use of a site plan agreement if future reports recommend mitigation. The Applicant may have to come back to this Committee to amend conditions, or the layout of the subdivision, regardless of the outcome. Mr. Scurfield stated that he is prepared to spend the money to see exactly what is there. Mr. Duda indicated that if the Developer is prepared to follow up with more reporting and the City will change conditions, if required, then he is comfortable with the conditions because the City has better tools to deal with issues such as this one.

Discussion took place with respect to approvals for property within municipal boundaries as opposed to properties located in unorganized territories.

**Moved by: Terry Tresoor      Seconded by: Colin Bird**

**THAT** Application for Plan of Subdivision S01/07 1703591 Ontario Inc. be approved, for the creation of a 19 (nineteen) lot subdivision with the following conditions:

**THAT** Application for Subdivision S01/07 1703591, for a 19 lot subdivision be approved with the following conditions:

That this draft approval applies to the draft plan No. S01/07 **1703591 Ontario Inc** prepared by Ross M. Johnson Surveying Ltd., dated December 19, 2006 showing a total of:

- 19 lots
  - One (1) municipal road allowance
- 1) That the subject property be rezoned to RR – Rural Residential, with an EP – Environmental Protection designation for the gravesite on Lot 6.
  - 2) That a subdivision agreement be signed and executed between the owner and the City of Kenora.

- 3) That the final plan shows no lots less than .8 hectares in area, and 45 metres of frontage on a navigable waterway.
- 4) That the road allowance included in this draft plan shall be shown and dedicated as a public highway on the final plan.
- 5) 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.
- 6) 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.
- 7) A letter be received from the Northwestern Health Unit indicating that it is in receipt of a workable plan concerning the septic field placement on lot 17.
- 8) A letter be received from the Northwestern Health Unit indicating that the current systems on the adjoining property where the first part of the proposed road enters the subdivision are in good working order.
- 9) The subdivision agreement, between the City of Kenora and the Owner shall include the provisions outlined by the Department of Fisheries and Oceans (DFO) in the "Authorization for Works or Undertakings Affecting Fish Habitat" dated October 5th, 2007
- 10)The applicant undertake more detailed fisheries assessment work to determine the potential for spawning and nursery habitat for Walleye and Lake Whitefish along proposed Lots 6, 7 and 9, and also for Northern Pike/Largemouth Bass/Crappie along proposed Lots 1 and 5 and parts of Lot 2 and 6.
- 11)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.
- 12)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.
- 13)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.

- 14) That a cautionary clause be registered on the site of Lot 6 indicating that there exists on site a gravesite which shall be treated with respect and no structure shall be erected within 30 feet of said gravesite.
- 15) 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.
- 16) That prior to final approval by the City of Kenora, the City of Kenora is to be advised, in writing, No. S01/07 1703591 Ontario Inc., or agent, how conditions 4-13 inclusive have been satisfied.
- 17) 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. Department of Fisheries and Oceans  
PO Box 649  
Kenora, ON P9N 3X6  
Attention: Earl Jessop
  - e. Northwestern Health Unit  
Attention: Doug Vergunst  
21 Wolsley St.  
Kenora, ON P9N 3W7
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.
  6. "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."
  7. Should human remains be identified during operations, all work in the vicinity or the discovery will be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the District Coroner. Notification should also be made to the Ministry of Culture office and the Registrar of Cemeteries, Ministry of Consumer and Commercial Relations. Other government staff may be contacted as appropriate, however, media contact should not be made in regard to the discovery.
  8. Should other cultural heritage values (archaeological or historical materials or features) be identified during operations, all activity in the vicinity of the recovery will be suspended and the Ministry of Culture Archaeologist contacted at (807) 475-1632. This condition provides for the potential of deeply buried or enigmatic local site areas not typically identified in evaluations of potential.

**CARRIED**

## **V. ADJOURN**

**Moved by:** Terry Tresoor

THAT the December 5, 2007 Special Meeting of the Kenora Planning Advisory Committee adjourned at 5:01 p.m.

**CARRIED**

ADOPTED AS PRESENTED THIS 18<sup>th</sup> DAY OF DECEMBER, 2007

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CHAIR

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SECRETARY-TREASURER