



PROCEEDINGS

Of a Public Meeting to discuss
Amendments to the City's Official Plan By-law #20-2004
and
Comprehensive Zoning By-law #160-2004
(Black Sturgeon Lake)
Monday, March 9, 2009 - City Council Chambers
At 4:00 p.m.

PRESENT: Mayor L. Compton
Councillor W. Cuthbert
Councillor D. McCann
Councillor R. McMillan
Councillor C. Van Wallegghem
Tara Rickaby, Assistant Planner
Joanne L. McMillin, Clerk

REGRETS: Councillor C. Drinkwalter
Councillor A. Poirier

Mayor Compton advised the public meeting is being held by Council in accordance with Sections 16 and 34 of the Planning Act to consider an amendment to the City of Kenora Official Plan and Comprehensive Zoning By-law

Ms McMillin, City Clerk, advised the Notice pertaining to this public meeting appeared in Kenora Miner & News on February 11, 2009.

Mayor Compton asked if there was anyone who wished to receive written notice of the adoption of the By-law, to leave their name and address with the Clerk. Mayor Compton mentioned that any person may express his or her views of the amendment, and a record will be kept of all comments.

Tara Rickaby, Assistant Planner then reviewed the details of the Planning Report:

The development of waterfront lots on Black Sturgeon Lake over the past 30 years triggered the need for a review of City land use policies in the watershed area. There have been a number of cottage lot subdivisions developed on the lake during this period, including; Black Sturgeon Estates, James Road, Ritchie Road and Worona Road. As well, there have been numerous consents to sever one or two lots on an ongoing basis. There has been concern expressed by the Planning & Development Department, Planning Advisory Committee and local residents with respect to the capacity of Black Sturgeon Lake to absorb new development pressure.

Details of the Official Plan Amendment

It is proposed that the City of Kenora Official Plan be amended to reflect many of the key recommendations contained in the "*Lake Capacity and Management Study for Black Sturgeon Lake, October 2007*". The Official Plan amendment will be a new section added to Section 4.7 – Resource Conservation and Protection, and Section 8.7 Environmental Impact Statements. The details of the amendment are as follows:

4.7.10 Black Sturgeon Lake

Although there are no known immediate threats to water quality in the lake, the pace of development and proximity of the lake to the urban centre of the City have raised concerns as to the sustainability of the lake experience. The City of Kenora has undertaken a detailed scientific analysis of the lake system, and developed the following land use policies which will:

1. Guide future development in an orderly fashion, and;
2. Ensure that the future development is managed to prevent detrimental impacts to water quality, fish and wildlife and their habitat, other aspects of the natural environment and the human amenity values associated with recreation on Black Sturgeon Lake.

The land use policies that apply to development on Black Sturgeon Lake are as follows:

4.7.10.1 Water Quality

It is recognized that the protection of water quality is of paramount importance for Black Sturgeon Lake, and it is the goal of this plan to:

- i. Maintain a high level of water quality
- ii. Acknowledge that water quality is a key limiting factor to development
- iii. Acknowledge that water quality is the keystone resource for the health of other resource values
- iv. Recognize that development must be sensitive to the protection of water quality through natural shorelines, increased setbacks, and new abatement technology
- v. Encourage shoreline stewardship
- vi. Encourage septic inspection program

The City of Kenora shall update, and monitor, the water quality of Black Sturgeon Lake by; (i) the establishment of a water quality monitoring program, (ii) encouraging landowners to take part in MOE's Lake Partner program, (iii) Coordinate water quality testing with MOE on a regular basis, (iv) work with citizen groups to coordinate water clarity and bacterial testing, and, (v) report water quality monitoring results in the City website.

The City of Kenora shall work cooperatively with federal and provincial environmental protection agencies to encourage the implementation of septic system inspection, and follow up compliance, for the entire lake. The City shall promote awareness of threats to water quality through education and best management practices with local and provincial cottager associations.

The City may consider the implementation of bylaws prohibiting the use of fertilizers or pesticides on waterfront properties.

4.7.10.2 Lot Sizes and Density on Black Sturgeon Lake

The City of Kenora shall adopt bylaws which; (i) restrict the minimum lot frontage to 61 metres (200 ft.), (ii) restrict the minimum lot size the .8 hectares (2 acres), (iii) restrict any disturbance to the shoreline area to 25% of the total linear frontage.

The City of Kenora shall permit no development in an embayment where sensitive or natural features have been identified.

The City of Kenora shall restrict development in an embayment as identified on the “Restricted Development Designation” of Schedule “A” of the City of Kenora Official Plan by requiring a minimum lot frontage, or lot width, of 122 metres (400 ft).

Not more than 142 new residential lots shall be created during the life of this plan.

New marinas, waterfront landings, or other public docking facilities shall not be permitted on Black Sturgeon Lake.

Back lot development on Black Sturgeon Lake shall have a minimum road frontage of 90 meters (295ft.), a minimum lot area of 2 hectares, and shall generally reflect the same density level, or less, of the foreshore development.

4.7.10.3 Fish and Wildlife Values

The City of Kenora shall update Schedule “A” of the Official Plan to ensure that fish and wildlife values reflect the most recent data available in the Ministry of Natural Resources “NIRVIS” database. The City shall also update natural values mapping whenever new information is provided to the City.

Site plan control may be used for any development on Black Sturgeon Lake, or any navigable waterway in the City, in order to protect natural resource values.

Citizen groups will be encouraged to participate in Provincial fish and wildlife monitoring programs.

4.7.10.4 Shoreline Naturalization, Preservation and Wetlands

The City of Kenora shall adopt bylaws for Black Sturgeon Lake that restricts shoreline disturbance to a maximum of 25% of the lot frontage. This applies to, but is not limited to, all structures, removal of vegetation, pathways, decks and docks.

The undeveloped islands of Black Sturgeon Lake are recognized to be an integral part the amenity value that comprises the visual landscape. Only one lot of record shall be permitted on any island in order to preserve this unique viewscape.

Limited development, compatible with wetland areas, may be permitted where the integrity of the wetland resource can be preserved and the suitability of the proposed development is confirmed by an Environmental Impact Statement (EIS) report.

4.7.10.5 Public Access

Water corridors, routes and associated portages shall be preserved, and protected from future development.

The City of Kenora shall retain all road allowances leading to the lake, unless there is no possible future use, or access due to physical barriers or terrain constraints.

8.7 Environmental Impact Statements (EIS)

8.7.1 Scoped EIS

In cases where the development constitutes a relatively minor undertaking (such as construction on a single residential lot), or one that barely encroaches within the adjacent lands zone, municipal planning staff can exercise some discretion and request that the proponent prepare a scoped EIS.

This typically involves a simple checklist approach of planning issues that only addresses the key issues identified as the initial assessment stage.

8.7.2 Full Site EIS

For more complex proposals, such as plans of subdivisions, and resort/recreational developments (e.g., marinas), a full site EIS is the appropriate mechanism for demonstrating that development can meet the test of municipal and provincial natural heritage policies. Components of a full site EIS typically include consideration of the following:

- a) a detailed description of the natural heritage attributes of the study area, including terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat; and delineation of the precise boundaries of the natural heritage feature(s);
- b) a characterization of the existing ecological, hydrological, and hydrogeological functions performed by the significant feature(s);
- c) a detailed description of the proposed development, including building type and density, servicing (sewage disposal, water supply) and infrastructure (roads, stormwater management, etc.);
- d) a prediction as to potential impacts (direct, indirect and cumulative) of the development on the natural and physical environment;
- e) the identification and evaluation of measures/options to avoid, reduce or otherwise mitigate impacts to meet the standard of no loss of feature and function; and
- f) the selection of a preferred mitigation/rehabilitation strategy;
- g) a summary of predicted net effects after the application of mitigation compared to overall environmental targets and standards; and
- h) an evaluation of the need for and the elements of a monitoring program to assess the effectiveness of the preferred mitigation/rehabilitation strategy.

Additional guidance regarding the specific technical requirements of an EIS and the approach that should be taken for the preparation of an EIS within the context of a typical municipal planning process are discussed further in the *Natural Heritage Reference Manual* (OMNR 1999).

Details of the Zoning By-Law Amendment (Z02/09)

It is also recommended that the following amendments be made to Zoning By-law No. 160-2004, in order to implement the Official Plan policy changes. This amendment applies to the Rural Residential – RR Zone for the Black Sturgeon Lake area only.

1. Increase minimum lot width to 61 m, or 200 ft., except in “embayments” as set in schedule “B”, where the minimum lot width shall be 122 m, or 400 ft.
2. Restrict the disturbance of vegetation on waterfront lots to 25% of the linear frontage
3. Insert the following definition of “non-commercial farm”:

“A lot, of a minimum 2 hectares (5 acres), used principally for residential use, and, where accessory uses may include small scale market gardening, for retail supply.”

Livestock, including horses, will be limited to a maximum of 4 nutrient units, as defined by the Nutrient Management Act, and able to meet the Minimum Distance Separation formula.”

Overall Recommendation:

Ms Rickaby advised the Planning Advisory Committee had intended on recommending approval of both by-laws for tonight’s meeting, however the Ministry of Municipal Affairs and Housing just recently submitted their comments so these will be incorporated into a further report, with a recommendation for approval of both amendments at the April Council meeting.

Mayor Compton asked if there was anyone who wished to speak in favour or opposition to the by-law.

Dan Olscamp of the Citizens Advisory Committee asked to address Council advising he was hoping to see the amendments adopted this evening; however he now understands they will be approved at next month’s meeting. Mr. Olscamp thanked Council for having the study completed and that he looks forward to the amendments being included in the Official Plan which is good for the City, the lake and the citizens.

Mayor Compton asked if there were any questions. As there were no questions, Mayor Compton the declared the Public Meeting closed at 4:12 p.m.