



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

MINUTES

CITY OF KENORA PLANNING ADVISORY COMMITTEE REGULAR MEETING HELD IN THE OPERATIONS CENTRE, 60 FOURTEENTH ST. N, July 20, 2010 @ 8:51 P.M.

Present:

James Tkachyk	Chair
Wayne Gauld	Vice Chair
Art Mior	Member
Joyce Chevrier	Member
Terry Tresoor	Member
Vince Cianci	Member
Ted Couch	Member
Tara Rickaby	Secretary Treasurer
Patti McLaughlin	Minute Taker

PART A PUBLIC MEETINGS

James discussed Open Meeting protocol and introduced the Secretary Treasurer Tara Rickaby.

I. APPLICATIONS:

Application for Minor Variance A11/10 Bruce
Application for Consent B09/10 Luby
Application for Consent B10/10 and A13/10 Lunam

DELEGATION: None

PART B PLANNING ADVISORY COMMITTEE

I. CALL MEETING TO ORDER:

James Tkachyk called the July 20, 2010 regular meeting of the Kenora Planning Advisory Committee to order at 8:51 p.m.

II. CONFLICT OF INTEREST

Ted Couch declared conflict re: Application for Consent B10/ 10 Luby.

Application for Consent B05/10 Wm. Lougheed

Discussion ensued whether those in attendance of the Lougheed application would be allowed to speak. James Tkachyk reminded Committee and those in attendance that the Lougheed application was the subject of a statutory public meeting on June 15, 2010. Members were asked their opinion and the Committee agreed to allow anyone who wanted to speak to come forward as long as it pertained to the application. Duncan MacDonnell indicated that he has been retained by Mr. Lougheed and discussed correspondence sent to the Secretary Treasurer.

The Secretary Treasurer's up dated Planning Report discussed the three points in the Solicitor's correspondence which included a new sketch. She updated the Committee, and those present,

on the new information received since June 15, 2010, including comments from the Ministry of Natural Resources indicating that the species at risk is not considered a high enough ranking to affect development.

James Tkachyk asked those in attendance if they had any comments.

The Secretary Treasurer read an email from Allan Isfeld outlining concerns with proposed development.

Duncan MacDonnell commented that there is no intention of developing a trailer park. The application is for two lots only. Mr. Lougheed explained the new sketch.

Ted Carey questioned why a site line was cut 50 ' from his property line. Mr. Lougheed and Ross Johnson described the survey work.

Alex MacKenzie reiterated points made at the last meeting and suggested that a member of Committee may be in conflict. He provided the Secretary Treasurer with a copy of Lakeshore Capacity Handbook published May 2010, a publication by the MOE, MNR and Ministry of Municipal Affairs Housing.

Rick Broadhagen questioned when the Entrance Permit was issued and that it was in a poor location. The Secretary Treasurer will respond to the question of timing of the issuance of the entrance permit.

Klaus Lahr's request for a poll of those in favour in attendance was turned down by the Chair.

Jim Peary questioned frontage requirements. The frontage differences in RU and RR zoning was explained, and the Secretary Treasurer indicated that the property would have to be rezoned to RR if the application was approved.

Ed Scribilo stated he did not have a problem if the Application was just for creation of two lots. Carol Sharber requested more research if more development is planned.

Irene Nelson reiterated her concern for water quality.

Jim Peary requested Notice information be emailed or mailed as he does not get the newspaper.

III. MINUTES:

June 15, 2010

- a. Corrections to minutes - None
- b. Approval
- c. Business Arising

Moved by: Art Mior

Seconded by: Joyce Chevrier

THAT the minutes of the Planning Advisory Committee June 15, 2010 be approved as distributed.

Carried

Ted Couch left the room at 9:14 ~~9:52~~ p.m.

IV. APPLICATIONS:

1. Application for Consent B09/10 Luby

The Committee identified two issues 1) frontage requirements and 2) servicing options. The Secretary Treasurer commented that an Official Plan and Zoning By-law amendment would be required for Lot 2 and Lot 3. Discussion ensued regarding rezoning to Rural Residential to meet frontage regulations. Rezoning would address the other concerns with drainage and traffic on River Drive. Art Mior commented that Lot 2 and Lot 3 are sterile under this application because of lack of servicing and the recommendations in the Environmental Impact Study. There is 30 metres of wetland that migrates into most of the corner of one lot. The Secretary Treasurer reminded the Committee there are options to approve with conditions, refuse, approve an amended application, or adjourn for

further information ie. request a detailed site plan and wet land report completed by a professional.

Moved by: Wayne Gauld Seconded by: Art Mior

THAT Application No. B09/10 Luby, River Drive, PLAN M25 PT LOT 11, for the creation of two lots, be deferred pending the receipt of a site plan, prepared by a professional which will provide:

- A servicing plan for proposed Lots 2 and 3
- Access plan for proposed Lots 2 and 3
- Drainage plan
- Detail of mitigation measures to protect shoreline and wetlands reflecting the recommendations in the Environmental Impact Statement, prepared by Ryan Haines, B.Sc., for David Luby, Spring 2010

CARRIED

2. Application for Consent B10/10 Lunam

A major issue with this application is the Ministry of the Environment's required distance of 300 metres from quarry.

Ted Couch entered at 9:5214-p.m.

Discussion ensued regarding it zoned as Rural when there are two extractive pits in the area. The issue is the proximity of the residential use to the quarry. The 300 metre is clearly set out in the Ministry of Environment guidelines.

Moved by: Joyce Chevrier Seconded by: Art Mior

THAT Application No. B10/10 Lunam 788 Ritchie Road, CON 8J N PT LOT 7 PCL 960 , for the creation of one rural lot, be deferred pending the receipt of:

- Additional information such as how the Ministry of Environment Guidelines D-6 Compatibility Between Industrial Facilities and Sensitive Uses, and Procedures D-1-2 Land Use Compatibility: Specific Applications affects the current application
- An amended proposal for lot creation, depending on the information referred to above
- An amended sketch, drafted to scale, indicating the proposed amendments

CARRIED

V. OLD BUSINESS:

1. Application for Consent B02/10 Kubisewsky – Notification from OMB – Date for hearing – 17 August 2010 - The time of Hearing is 10:00 a.m. Tara to confirm location.
2. Official Plan and Zoning By-law Review – Zoning By-law Adoption – August 9, 2010 The adopted Official Plan is with Ministry of Municipal Affairs and Housing and due back the end of August.

Motion to continue meeting past 10:00 p.m.

Moved by: Art Mior Seconded by: Joyce Chevrier

Carried

Wayne Gauld left at 10:07 p.m.

3. **Application for Consent B05/10 Lougheed**

This Application was discussed after the Public Meetings after the opening of the Planning Advisory Committee Meeting. Committee members discussed two issues: Two lots and one shared driveway and the Operations Manager's statement that there is no drainage plan. Committee discussed the fact the Application is for the creation of two lots and further applications for development of the retained lot would be approached with due diligence and caution.

Moved by: Terry Tresoor

Seconded by: Ted Couch

THAT Application B06/10 Lougheed, as Plan M135, Lot 21 and FM 177, Winnipeg River, for the creation of two rural residential lots 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 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.
- 5) That the Applicant transfers a 20 metre road allowance (10 metres either side of the travelled portion) for any portion of the Sunnyside Road that crosses the subject property.
- 6) That the two lots be rezoned to RR – Rural Residential.
- 7) That Hydro One and Bell Canada provide clearance letters indicating that there are adequate easements for utility purposes for service lines for proposed Lots 1 and 2.
- 8) That a clearance letter be received from the Northwestern Health Unit indicating that there has been a permit issued for the location and installation of a sewage disposal system for each lot.
- 9) That the easement, indicated on the application sketch, be a minimum of 10 metres in width and that the additional fee of \$500 for a consent for an easement be provided to the Secretary Treasurer of the Kenora Planning Advisory Committee.
- 10) That a drainage plan, prepared by a professional, indicating drainage of the two proposed lots and affected lands adjacent to them be submitted to, and approved by, the City of Kenora Operations Manager.

Conditions not fulfilled

53(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of one year from the date of the order of the Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under subsection (29) or (33). 1994, c. 23, s. 32.

Lapse of consent

53 (43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

1. 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.
2. 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.
3. 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. This condition provides for the potential of deeply buried or enigmatic local site areas not typically identified in evaluations of potential.

CARRIED**4. Application for Plan of Subdivision S01/10 Coker**

Committee discussed red line amendment and .3 metre blocks to separate ownership.

Moved by: Joyce Chevrier**Seconded by: Vince Cianci**

THAT Application for Subdivision S01/10 Coker, Concession 3 of Melick, South ½ of Lot 7 and Part 2 on Plan 23R-5651, for a 13 lot subdivision, and two roads be approved with the following conditions:

That this draft approval applies to the draft plan No. S01/10 Coker, prepared by Ross M. Johnson Surveying Ltd., dated December 19, 2006 and redlined on July 20, 2010 showing a total of:

- 13 lots
- Two (2) municipal road allowances
- Two .3m wide blocks; one being 20 metres wide, in favour of the City of Kenora and one being the length of proposed Lot 1, in favour of the Applicant

1. That the subject property be rezoned to BSL - (Black Sturgeon Lake Zone, with an EP – Environmental Protection designation in accordance with the recommendations contained in a report by Ryan Haines Consulting, June 2009, to protect areas described as Section G (Lot 8 & 9 on draft plan – 10 metres on either side of location indicated on draft plan) , and Section J (Lot 11 on draft plan - 20 m on either side, and 20 m inland) and Sections N- 0 (Lot 13 on draft plan – 10 metres on south side of section 0).
2. That conditions to development imposed by the Ministry of Natural Resources, in order to protect the habitat of a whippoorwill, be met to the satisfaction of the City of Kenora.
3. That a subdivision agreement be signed and executed between the owner and the City of Kenora.
4. That the final plan shows no lots less than .8 hectares in area, and 61 metres of frontage on a navigable waterway.
5. That the road allowance included in this draft plan shall be shown and dedicated as a public highway on the final plan.
6. That the owner shall, at their own expense, extend and construct two roads, and private works, as set out in the subdivision agreement, and provide for appropriate drainage (approved by the Municipal Engineer) 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 there is adequate area for sewage systems on each lot.
8. The applicant undertakes to enter into a site plan agreement, in accordance with the recommendations contained in a report by Ryan Haines Consulting, June 2009, to protect areas described as Section G (Lot 8 & 9 on draft plan – 10 metres on either side of location indicated on draft plan) , and Section J (Lot 11 on draft plan - 20 m on either side, and 20 m inland) and Sections N- 0 (Lot 13 on draft plan – 10 metres on south side of section 0).
9. 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.
10. 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, or approved reference plan, from the respective utilities.
11. 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.
12. 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.
13. That a levy of \$1000 per lot is to be included as part of the subdivision agreement with the City of Kenora.
14. That a levy of \$275.00 per lot, for the Black Sturgeon Environmental Levy, is to be included as part of the subdivision agreement with the City of Kenora.
15. That prior to final approval by the City of Kenora, the Secretary Treasurer of the City of Kenora Planning Advisory Committee is to be advised, in writing, by the Applicant, or agent, how conditions 4-14 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. It is suggested that 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. Municipal 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. 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.

- 9. **Sale of lands in accordance with unregistered plan prohibited:** No person shall subdivide and offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, but this subsection does not prohibit any person from offering for sale or agreeing to sell land by a description in accordance with a plan of subdivision in respect of which draft approval has been given under section 51 (of the *Planning Act*).

CARRIED

VI. NEW BUSINESS:

- 1. **Questions re. Planning and Property Meeting:** None

VII. ADJOURN

Moved by: Terry Tresoor

THAT the July 20, 2010 Planning Advisory Committee meeting be adjourned at 10:12 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 17TH DAY OF AUGUST, 2010

CHAIR

SECRETARY-TREASURER



MINUTES

**CITY OF KENORA COMMITTEE OF ADJUSTMENT
REGULAR MEETING HELD IN THE OPERATIONS CENTRE, 60 FOURTEENTH ST. N,
July 20, 2010 @ 10:13 P.M.**

PART C COMMITTEE OF ADJUSTMENT

I. CALL MEETING TO ORDER

James Tkachyk called the July 20, 2010 City of Kenora Committee of Adjustment meeting, to order at 10:13 p.m.

II. CONFLICT OF INTEREST - None

III. MINUTES:

June 15, 2010

- a. Correction to minutes - None
- b. Approval
- c. Business Arising - None

Moved by: Terry Tresoor Seconded by: Ted Couch

THAT the minutes of the Committee of Adjustment meeting of June 15, 2010 be approved as distributed.

CARRIED

July 7, 2010 Special Meeting

- a. Correction to minutes - None
- b. Approval
- c. Business Arising - None

Moved by: Joyce Chevrier

Seconded by: Art Mior

THAT the minutes of the Committee of Adjustment meeting of June 15, 2010 be approved as distributed.

CARRIED

IV. APPLICATIONS:

1. Minor Variance A11/10 Bruce

Committee discussed that there were no conditions as drainage plan had been reviewed by the Operations Manager.

Moved by: Joyce Chevrier

Seconded by: Ted Couch

THAT Application for Minor Variance A11/10 Bruce, KR39 PT 1 PT 4 ML D131 PCL2235, for relief from the setback requirements for sewage systems, from a waterway, from 30 metres to 15 metres be approved, as the general intent of both the Official Plan (2004) and Zoning By-law 160-2004 is maintained, the application is minor and the use is appropriate and the setback meets the Provincial requirement.

CARRIED

2. Minor Variance A13/10 Lunam

This item was not discussed as there was no decision on Consent B10/10 Lunam.

~~Moved by: _____ Seconded by:~~

~~THAT Application for Minor Variance A13/10 Lunam, 788 Ritchie Road, CON 8J N PT LOT 7 PCL 960, for relief from Section 6 Section RU for relief from the front yard setback requirement of 15 m to 1.524 m for a variance 13.476 and 15 m to 0 for a variance of 15 metres be refused, as the concurrent application for Consent B10/10 Lunam was refused.~~

CARRIED

V. OLD BUSINESS: None

VI. NEW BUSINESS:

- a) Vince Cianci – Reiterated the importance of the Committee having access to existing plans referred to in applications.

VII. ADJOURN

Moved by: Terry Tresoor

THAT the July 20, 2010 meeting of the Kenora Committee of Adjustment be adjourned at 10:21 p.m.

CARRIED

ADOPTED AS PRESENTED THIS 17TH DAY OF AUGUST, 2010

CHAIR

SECRETARY - TREASURER