



City of Kenora
Planning Advisory Committee
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Kenora, Ontario P9N 4M9
807-467-2059

**MINUTES
CITY OF KENORA COMMITTEE OF ADJUSTMENT &
PLANNING ADVISORY COMMITTEE
REGULAR MEETING HELD IN THE OPERATIONS CENTRE
60 FOURTEENTH ST. N., KENORA
December 20, 2011
5:00 P.M.**

Present:

James Tkachyk	Chair
Wayne Gauld	Vice Chair
Terry Tresoor	Member
Ted Couch	Member
Wendy Cuthbert	Member
Tara Rickaby	Secretary-Treasurer
Patti McLaughlin	Minute Taker

Regrets: Vince Cianci Member

DELEGATION: None

(i) Call meeting to order

James Tkachyk called the December 20, 2011 meeting of the Kenora Planning Advisory Committee to order at 5:00 p.m.

James Tkachyk reviewed meeting protocol for those in attendance.

(ii) Additions to the Agenda

- New Business – Request for special meeting in January.

(iii) Declaration of Interest

James Tkachyk called for declarations of conflict of interest – at this meeting or a meeting at which a member was not present:

- Wendy Cuthbert S03/11 Lafreniere – abstain due to not being in attendance at statutory public meeting.
- Wayne Gauld Z03/11 Deon Drillers – Applicant is a relative.

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: November 22, 2011

Correction

- **Adoption of Minutes of previous meeting – Page 1**
Wendy Cuthbert questioned the spelling of Candide Henley's name. The Secretary-Treasurer confirmed that the spelling was correct.
- **Considerations of Applications for Land Division – Page 4 – third sentence down**

James Tkachyk wondered what Terry Tresoor's original motion was. The Secretary-Treasurer clarified that the original motion was that the application be approved as submitted.

- **New Business – Motion - Page 9**

James Tkachyk questioned the reference to "six parallel parking stalls". The word "parallel" needs to be taken out.

Business arising from minutes - none

Moved by: Terry Tresoor

Seconded by: Ted Couch

That the minutes of the November 22, 2011 meeting of the Kenora Planning Advisory and Committee of Adjustment be approved as amended.

CARRIED

(v) Correspondence relating to applications before the Committee

- B18/11 Herbacz – to be discussed as part of Agenda items.

(vi) Other correspondence - None

(vii) Consideration of Applications for Minor Variance - None

(viii) Considerations of Applications for Land Division

1. B19/11 Anderson

Creation of two new lots

Present for the meeting:

Bruce Anderson

Bruce Anderson presented the application for consent for the creation of two new rural lots. The retained property will maintain the existing residential use; the severed property is to be transferred. He added that the entire parcel was purchased one year ago and in a couple of years he would like to sell the existing house and build on the other property.

The Planning Department indicated that there are no access issues, except that the new lots would require entrance permits. The creek area, designated under the Zoning By-law as EP-Environmental Protection will be protected through site plan control. The retained and proposed new lots exceed the lot, size and frontage requirements of the Zoning By-law. Ownership needs to be determined regarding the section of the Coker Road described as LRO No. 68684.

Comments from City Departments

- The Engineering, Building, Roads, Kenora Fire & Emergency Services and Heritage Kenora had no comment.
- Comment from the Water and Sewer Department was not required.

Comments from External Agencies

- Hydro One had no comment.
- The Ministry of Natural Resources had no comment to-date.
- The Northwestern Health Unit has no objection as there is multiple areas on each proposed lot to construct a future septic system with imported sand.

Comments from the Public - None

James Tkachyk asked the Committee for comment.

Wayne Gauld, in looking at the sketch, questioned whether it represented what was applied for as it appeared different.

Bruce Anderson confirmed that it represented a smaller version of what was circulated.

The Secretary-Treasurer commented that the creek area is designated EP – Environmental Protection under the Zoning By-law. Site Plan control will be used to ensure the area is protected. The fishery assessment provides detailed information on the area that needs protection and comments received from the Biologist will be used to restrict where can build.

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application. There was no one who wished to speak.

Moved by: Wayne Gauld **Seconded by: Ted Couch**

That application for Consent No. B19/11 Anderson, for the creation of two new lots on property described as the south part of Lot 8, Concession 6 of Melick and part of mining location S489, Parts 1-3 Plan 23R 11820, 1620 Coker Road 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) The transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.
- 5) That written confirmation be received indicating that an entrance permit for the new lot has been issued by the City of Kenora.
- 6) That written confirmation be received indicating that part of the Coker Road, indicated on the sketch an LRO No. 68684 is owned by the City of Kenora. If not it will be the property owner's responsibility to have it surveyed out and transferred to the City of Kenora.
- 7) That a site plan control agreement can be entered into with the City of Kenora in order to protect the fishery values identified in the study performed by Ryan Haines in the summer 2011.

Carried

Present for the meeting:

Valmore Charles
Marie Charles

Valmore Charles presented the application for consent for the creation of two new rural residential lots fronting the Winnipeg River. The property is located at 192 Kerr Drive. Lot 22 is the lot in question. It is now designated as OS – Open Space and he would like to change it to RR – Rural Residential and would then like to sever it into 3 lots. Both he and his former wife are owners on the deed and she would like to build a retirement home on the land.

The Secretary-Treasurer commented that the property is presently zoned OS-Open Space and will require a Zoning By-law amendment to change it to RR-Rural Residential. In order to comply with the required frontage on the public road, the zoning by-law amendment must include a reduced dimension from 11 metres to 10 metres. The proposed new lots meet the requirements for lot size and frontage on the Winnipeg River. The Official Plan designation is Rural. The existing storage uses will be required to be removed from the property as a condition of the zoning by-law amendment. An easement for access in favour of the property to the east may be required, which is based totally on air-photography, there may not be an encroachment. The access road to the property to the south west, to the existing dock and boat ramp and to the block of property to the north will be required to be closed as part of the rezoning if consent is granted. She added that when this subdivision was approved the turnaround was not completed, however was accepted by the former Town of Jaffray Melick.

She also added that the intent of the policies of the OS designation in Section 4.6 of the Official Plan is the provision of parking, multi-use trails, launching and docking facilities. Uses in the Open Space land use designation include parks, public and private non-commercial recreational uses, and private and municipally-owned and operated recreation facilities. Section 4.6.2 (c) indicated that where land that is designated as Open Space is under private ownership, this Plan does not intend that this land will necessarily remain as Open Space indefinitely, nor shall it be construed as implying that such land is free and open to the general public or that it will be purchased by some public agency.

Comments from City Departments

- The Roads Department provided comment with regards to the turnaround at the end of Kerr Drive; There is good grade to the partial turnaround at present, the turnaround is approximately 60 % complete, to finish the turn around would be accomplishable by City of Kenora personnel at a reasonable cost, the survey marks would have to be established to complete a turnaround on City of Kenora property and the project could start any time given weather conditions.
- The Engineering, Building, Kenora Fire & Emergency Services and Heritage Kenora had no comment.
- Comment from the Water and Sewer Department was not required.

Comments from External Agencies

- Hydro One had no comment.
- The Ministry of Natural Resources (November 22, 2011) Abby Anderson, District Planner, due to the extent of the existing development and the distance between the subject lands and the nest, the MNR is not concerned with the nest at this time. (December 14, 2011) No concerns once the entire application was reviewed.
- Northwestern Health Unit inspection of the property has determined that there is enough room for three separate septic fields on the subject property and have requested a copy of the application to review prior to issuing a formal letter.

The Secretary-Treasurer commented that a condition could be written confirmation from the Northwestern Health Unit indicating that there is no objection to the application.

James Tkachyk asked the Committee for comment.

Wayne Gauld wanted to review the air photo.

Mr. Hawryluk presented the Secretary-Treasurer with a copy of the plan of subdivision for the Committee.

The Committee reviewed the air photo and survey.

James Tkachyk wondered how the 10 metre frontage requirement was going to be handled and if a minor variance would be needed. The Secretary-Treasurer indicated that it would be part of the re-zoning rather than processed as a minor variance.

The Secretary-Treasurer confirmed for Wendy Cuthbert that the only concern for the Roads Department was that entrance permits be obtained for both lots.

Comments from the Public

Mike Mostow, 176 Kerr Drive supported Mr. Charles's application stating that he had done his homework and everything was in order.

David Kerr, 504 Anderson Road, supported the application stating that he put in the subdivision by himself and at the time was not happy with the designation of OS – Open Space. He is happy with the proposed severance and it is good for the tax base.

Jennifer Westbury, 906 Somerset Avenue, explained that she is Mr. Charles neighbour and owner of Lot 10, which she and her partner purchased in 1981. She read from a prepared statement.

She stated that Lot 22 was set aside as OS – Open Space and there is a bald eagle in the area and a small creek. She remarked how beautiful the area was and as environmentalists they enjoy the land. She commented that the presence of Beaver Island seems to have created pockets of habitat for wild animals ie. loons, ducks, turtles, deer and there are schools of bait fish. She acknowledged the letter from the MNR stating no concerns with the eagle's nest. She added that she had spoken with the MNR and they repeated what they said in their letter.

The Secretary-Treasurer commented that with respect endangered species it is specific in the MNR scan that there aren't any and explained that this is one of the reasons the City ensures MNR involvement. Mr. Charles was made aware that he had to speak with the MNR regarding the fishery assessment, and the MNR letter also addressed that issue, indicating no concern.

Rupert Ross, 25 Lori- Lee Bay, supported Mr. Charles proposal stating that he saw no reason why Mr. Charles should be prohibited from severing his property for family.

Matt Charles, 48 Damar Heights, explained that he and his Mother would each like a lot to build on.

James asked Committee members

The Secretary-Treasurer clarified for Wayne Gauld that the proposal meets the requirements of the Official Plan. She indicated to Mr. Charles that the trailer that is located on the property can't be used for occupancy, which may be added as a condition of approval.

The Secretary-Treasurer commented that the possible encroachment into the east side of the subject land is just that; "possible" as the lines on the GIS aerial photo are not exact. A survey will determine any encroachment. If there is an encroachment the matter will have to be sorted out between property owners.

The Secretary-Treasurer confirmed for the Committee that the shore allowance is not privately owned.

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application, before it would be closed to Committee members only.

Jennifer Westbury stated that she did not understand that this hearing would be addressing the easement issue.

The Secretary-Treasurer explained that when an application is reviewed all of the documentation is reviewed and it is noted so that everyone on the Committee is aware of any issues.

Wayne Gauld wanted it clarified that the comments made re: an easement does not mean that an easement may be granted, or be the appropriate method to satisfy the encroachment. The manner of dealing with it will have to be agreed to by the neighbours first.

Moved by: Terry Tresoor Seconded by: Wendy Cuthbert
That application for Consent No. B20/11 Charles, for the creation of two new lots on property described as 192 Kerr Drive, PLAN M755 BLK 22 PCL 32914 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) The transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.
- 5) That the subject lands be rezoned from OS – Open Space to RR – Rural Residential and to amend section 4.5.3.(l) For those permitted uses fronting on both a navigable waterway and a municipal street, the minimum lot frontage requirement along the street shall be 11 m to require a 10 metre frontage on the municipal street.
- 6) That written confirmation be received indicating that an entrance permit for the new lots has been issued by the City of Kenora.

- 7) That written confirmation be provided by Hydro One and Bell Canada that there are adequate easements for service lines, or that no easements are required.
- 8) That written confirmation be provided by the Northwestern Health Unit indicating that there is no objection to the consent application B20/11 Charles.
- 9) That an undertaking be provided that the roads/driveways over the subject lands have been closed.
- 10) That the owner is responsible for surveying the turnaround, as shown on the Plan of Subdivision M755, in order that the City can complete upgrading works on City of Kenora property.

Carried

(ix) Old Business

a) S03/11 Lafreniere Application for Plan of Subdivision

Present for the meeting: Jeffrey Port, Agent for Doug Lafreniere

The Secretary-Treasurer, indicated that as per the November 22, 2011 meeting, a separate meeting was held with Nadia De Santi, FoTenn and Jeffrey Port on December 8, 2011, to discuss the nine (9) conditions.

The Secretary-Treasurer read out new comments that were received from the City of Kenora Engineer:

Comments from City Departments

- The Engineering Department provided the following comments: I have performed a review of the second draft of the drainage plan for the above noted proposed subdivision and note that the latest document is now stamped by a professional engineer, and the Rational Formula calculations have been corrected which satisfies my first two items below. However, the questions I have raised in regards to the method of culvert sizing, capacity of swales and ditches, and concern of Lot 9 taking on ditch drainage have not been addressed in the second version of the document.

In regards to comments on the \$1,000 per lot levy, I believe the City would still be seeking this compensation from the developer for two reasons as follows:

Upgrades or damage that will occur on Coker Road either by way of the construction for the new homes, or longer term by the additional traffic expected due to the new lots.

Secondly, the roads the City will eventually assume will need to be maintained by the City in terms of annual calcium applications or a more long term surface treatment solution which these funds would be used for after acceptance.

The Secretary-Treasurer indicated that at the December 8, 2011 meeting an agreement was reached regarding the draft conditions. She summarized that the requirements for the MNR and NWHU were removed and it was agreed upon that Lot 3 was not in the BSL - Restricted Area. At this time she read out the 21 draft conditions.

James Tkachyk asked Jeffrey Port if he was in agreement with the 21 draft conditions and he confirmed that he was.

James Tkachyk asked the Committee for comment.

All Committee members were in agreement with the draft conditions.

James Tkachyk asked whether or not there was anyone else present who wished to speak either for or against the application. There was no one who wished to speak.

Moved by: Ted Couch Seconded by: Wayne Gauld
That this draft approval applies to the Plan of Subdivision File No. S03/11 Lafreniere – Proposed Plan of Subdivision of Part of Lot 11, Concessions 5 and 6, Geographic Township of Melick, City of Kenora, District of Kenora, prepared by Ross Johnson Surveying Ltd., dated July 8, 2011 shows a total of:

- 15 lots
 - 1 municipal road allowance
 - 1 block for a future parking/docking facility
1. That a Subdivision Agreement be signed and executed between the owner or Developer and the City of Kenora.
 2. That the Subdivision Agreement between the owner or Developer and the City of Kenora be registered against the lands to which it applies along with the final Plan of Subdivision, prior to any other registrations.
 3. That the road allowance shown on the Plan of Subdivision shall be dedicated on the final plan as public highways for municipal purposes to the City of Kenora.
 4. That the City of Kenora may acquire lands for rights-of-way or the widening of rights-of-way, if deemed necessary. Any road widening, as required by the City of Kenora, will be specified in the Subdivision Agreement between the City and the Developer.
 5. That the street(s) shall be named to the satisfaction of the City of Kenora Council through the Property and Planning Committee and the name be endorsed through a City By-law.
 6. That any dead ends and/or open sides of road allowances shall be terminated in a 0.3 metre reserve to be conveyed to the City of Kenora and at no cost to the City.
 7. That all roads be constructed to the standards of the City of Kenora and as agreed to in the Subdivision Agreement.
 8. That the Developer agrees to grant such easements as may be required for utility purposes to Bell Canada and Hydro One. These easements shall be shown on the reference plan.
 9. That the Developer makes satisfactory arrangements with Hydro One for the provision of electrical services for this Plan of Subdivision.
 10. That the City of Kenora Zoning By-law be amended to reflect the following land use designations:
 - "Rural – R" for the 6 backshore lots;
 - "BSL – Black Sturgeon Lake" for the 9 waterfront lots;

- "Open Space – OS" for Block 16
 - "EP – Environmental Protection" for all of the areas identified in the fisheries assessment requiring protection of fisheries values.
11. That the Developer provides a report indicating that the quality and quantity of potable water available for proposed Lots 10 through 15 meets the guidelines of the Ministry of Environment's *Procedure D-5-5 Technical Guideline for Private Wells: Water Supply Assessment*.
 12. That the Developer, prior to final approval, completes an archaeological assessment, prepared by a licensed archeologist, along with a clearance letter from the Ministry of Tourism and Culture.
 13. That the Owner/ Developer provides letters of undertaking confirming that there is one residential unit only on each of Lot 11 and 12 and that all other existing structures are accessory to the residential use, and that the undertaking forms part of the agreement of purchase and sale for each lot.
 14. That the owner/Developer provides evidence that upon registration of the Plan of Subdivision the title of Lots 11 and 12 cannot be further subdivided by any means.
 15. That a Site Plan Control Agreement be executed between the developer and the City of Kenora for the lands described as Block 16 as shown on the Draft Plan of Subdivision. The agreement will indicate the location of the proposed roadway, location and configuration of six (6) dock slips on Black Sturgeon Lake, a parking area for six (6) vehicles and a storage building not to exceed 1000 s.f. in size. The agreement will be registered on the title of Block 16 and included in each agreement of purchase and sale.
 16. That prior to any grading or construction on the site, and prior to final approval of the Plan of Subdivision, the Developer will provide a final Drainage Plan with information on how the drainage basin runoff flow is calculated, information regarding the capacity of the existing natural swales and/or proposed ditches and demonstrate that the drainage for all roads and lots be as close to the property lines as possible. The Developer shall obtain approval from the City of Kenora of a storm water management or drainage plan. The Developer shall agree that, if the drainage is to be allowed to flow via the natural low lying land of the private lots, the City will not be responsible for those portions of drainage courses that traverse through private lands. The final Drainage Plan – Birchcliffe Estates on Coker Road shall be signed, stamped and filed with the City.
 17. That prior to final approval lands indicated on the Draft Plan of Subdivision as Crown reservation are to be purchased from the Crown and incorporated into the abutting lots.
 18. That the Developer obtains approval from the Department of Fisheries and Oceans prior to the construction of the docks associated with Block 16.
 19. That the Developer, prior to final approval, shall submit to the City of Kenora, a digital file of the plan to be registered in a format approved by the City of Kenora, and in "pdf" format.
 20. That the Developer will be responsible to pay the cash-in-lieu of the required 5% parkland dedication to the City of Kenora.

Wayne Gauld returned to the meeting at 6:20 p.m.

b) Special Meeting Request – January 31, 2012

The Secretary-Treasurer indicated that Qualico Headwaters have retained a professional to assist them with their application. The Mayor has requested that a special meeting be held in January. FoTenn Consultants Inc. will prepare the planning report in the absence of the Planning Administrator. No public consultation is required.

(xi) Adjourn

Moved by: Terry Tresoor

THAT the December 20, 2011 Planning Advisory Committee meeting be adjourned at 6:25 p.m.

MINUTES ADOPTED AS PRESENTED THIS 21st DAY OF FEBRUARY, 2011

CHAIR

SECRETARY-TREASURER