



**PROCEEDINGS**  
Of a Public Meeting to discuss an  
Amendment to Zoning By-law #160-2010  
(Re: S01/10 Coker)  
**Tuesday, September 11, 2012**  
**City Council Chambers**  
**At 10:00 a.m.**

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**PRESENT:** Councillor L. Roussin, Property & Planning Chair  
Mayor D. Canfield  
Councillor R. Lunny  
Councillor R. McKay  
Councillor R. McMillan  
Councillor S. Smith  
Karen Brown, CAO  
Rick Perchuk, Operations Manager  
Tara Rickaby, Planning Administrator  
Heather Kasprick, Deputy Clerk

**REGRETS:** Councillor C. Drinkwalter  
Councillor R. Lunny

Chairman of Property and Planning Committee, Louis Roussin opened the meeting. This public meeting is being held by the City of Kenora Property and Planning Committee in accordance with Section 34 of the Planning Act to consider amendments to the City of Kenora Comprehensive Zoning By-law No. 160-2010. The Property and Planning Committee will make a recommendation to Council with respect to whether or not the applications should be approved. The Council of the City of Kenora will make the decision at a meeting of Council.

The Chair asked the Clerk to confirm the dates of notice given by publishing notices in the Kenora Daily Miner and News, being a newspaper that, in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law would apply that it would give the public reasonable notice of the public meeting. H. Kasprick, Deputy Clerk, advised the Notice pertaining to these public meetings appeared in Kenora Daily Miner & News on August 21, 2012 also mailed to everyone within 120 meters.

The Chair indicated that if anyone wishes to receive written notice of the adoption of the By-laws is to leave their name and address with the Clerk.

The Chair explained that an appeal may be made to Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34(18) is completed

by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council by filing a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, with the City Clerk.

The Chair stated that each Applicant/Agent will provide the background information for their application and then the Planning Administrator will provide information from the planning report, after which anyone who wishes to speak either for or against the applications will be given the opportunity to do so, and a record will be kept of all comments.

**Mr. Coker** – the main purpose of the application is to meet the conditions of the subdivision application. The two residences are serviced by private road and the intent down the road is to have two blocks (14, 15) to give them direct access to the subdivision road. There is still a third residence in there – block 14 (nephew) 15 he owns and 16 his daughter lives in. That block of land has a fair amount of frontage. Intent is to have everything zoned all at once. There is three areas in there that would be zoned BSL – lot 11 & 12 – that is a confirmed habitat area and there would be 20 meters – other 2 areas on lot 9 and touches on lot 8 and the other is on lot 13 which is a potential nursery area. The current restriction goes back another 20 meters. Subdivision is only for the 13 lots with no back lots.

**Tara Rickaby, Planning Administrator, then reviewed the details of the Planning Report for S01/10 Coker:**

**Introduction**

Jack Coker received draft approval for a thirteen (13) lot plan of subdivision on property located off of Coker Road, and abutting lands on Coker lane in July of 2010. The subject land is approximately 128 acres in size, with approximately 1,200 metres of water frontage on Black Sturgeon Lake.

Two of the conditions of approval for this subdivision are:

1. That the subject property be rezoned to BSL - (Black Sturgeon Lake Zone), with an EP (Environmental Protection) designation and site plan control 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 the subject lands be rezoned to BLACK STURGEON LAKE (RESTRICTED DEVELOPMENT AREA) ZONE (BSL).

The Applicant is also proposing to rezone certain portions of the land to EP – (Environmental Protection) and to RR (Rural Residential). The effect of approval would be to ensure that future uses and construction on the residential lots are in compliance with the BSL provisions, and to provide protection to fishery resources. The property to be rezoned to RR is to be consolidated with property that is currently zoned RR.

### **Description of Proposal**

The applicant proposes to develop a thirteen lot subdivision over lands which are comprised of those described as Concession 3 of Melick, South ½ of Lot 7 and Part 2 on Plan 23R-5651.

There are two roads included in the subdivision; the road accessed from Coker Road will be approximately 230 metres in length. The first 100 metres of this road has been cleared and grubbed. The second road will provide access to all of the lots and is projected to be approximately 750 metres in length. The proponent has proposed names for the two roads; Hillesden Road and North Marston Drive, respectively. The road names reference family history in England.

The applicant provided a fishery assessment of the shoreline along the subject lands, as part of the application. Three areas have been identified as either potential spawning area or nursery habitat. These areas have been considered in the layout of the subdivision and are the subject of this application as well; the proposal is to rezone to EP – Environmental Protection.

The draft plan includes two blocks of land (Blocks 14 and 15). These blocks are proposed to be added, by lot addition after final approval of this subdivision, to two existing properties which are currently accessed by private easement (Coker Lane). Block 14 is proposed to be rezoned from RU – Rural to RR – Rural Residential; it will be transferred, as a lot addition, to the property owners to the south. That property is currently developed as a year-round residence. The lot addition would provide access to the larger property from the new subdivision road.

The surrounding land uses are as follows:

North – Vacant – Rural

East – Vacant – Rural and some Rural residential type shoreline development

South– Rural residential type shoreline development. Property owned by Developer.

West – Black Sturgeon Lake

### **Official Plan and Zoning By-law**

All planning matters have been satisfied through the subdivision process. The Applicant wishes to ensure that the areas which are potential or confirmed fishery habitat are protected by using the zoning by-law mechanism.

### Section 3 of the City of Kenora Official Plan: Land Use Policies Land Development

- The rural character of area will be maintained.
  - The size and topography of the lots are appropriate; lot frontage and size have been reviewed to ensure low density development and adequate frontages protect the visual amenities and qualities
  - The subject property is located within an area designated for rural development. There is no BSL designation of the lands in the Official Plan.
  - The matters of provincial interest respecting wildlife (fishery and whippoorwill) have been addressed
  - The proposed subdivision is located far enough from the existing urban core that the City will not provide municipal sewer and water services in the foreseeable future
  - The following conditions were part of the draft approval:
- 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 61 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) 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).
  - 6) 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.

- 7) 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.
- 8) 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.
- 9) 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.
- 10) That prior to final approval by the City of Kenora, the City of Kenora is to be advised, in writing, by the Applicant, or agent, how conditions 4-12 inclusive have been satisfied.
- 11) 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.

## **City of Kenora Official Plan (2010)**

### **5.3 BLACK STURGEON LAKE (RESTRICTED DEVELOPMENT AREA)**

Although there are no known immediate threats to water quality in the lake, the pace of development and proximity of Black Sturgeon 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:

Guide future development in an orderly fashion; and,

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.

#### **5.3.1 Water Quality**

a) It is recognized that the protection of water quality is of paramount importance for Black Sturgeon Lake, and it is the objective of this Plan to:

- Maintain a high level of water quality;
- Acknowledge that water quality is a key limiting factor to development;
- Acknowledge that water quality is the keystone resource for the health of other resource values;

- Recognize that development must be sensitive to the protection water quality through natural shorelines, increased setbacks, and new abatement technology;
- Encourage shoreline stewardship; and
- Encourage septic inspection program.

b) 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.

c) 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.

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

### **5.3.2 Permitted Uses**

Industrial uses, new marinas, waterfront landings, or other public docking facilities shall not be permitted.

Notwithstanding any other policy in this Official Plan, development shall be limited in the Black Sturgeon Lake (Restricted Development Area) as illustrated on Schedule "A" of this Official Plan.

As lots are created, the City will monitor lot creation. Residential uses shall be permitted but not more than 142 new residential lots shall be created during the life of this Plan. Developments of more than 5 lots should be consistent with MOE's *Procedure D-5-4 Technical Guidelines for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*.

The City's Zoning By-law shall implement the Official Plan policies through appropriate zones the permitted uses and shall establish the appropriate lot sizes and densities.

Notwithstanding any other policy in this Official Plan, back lot development on Black Sturgeon Lake shall generally reflect the same or less density of the foreshore development.

### **5.3.3 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 "NOI" 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 shall be encouraged to participate in Provincial fish and wildlife monitoring

programs.

#### **5.3.4 Shoreline Naturalization, Preservation and Wetlands**

The City of Kenora shall restrict shoreline disturbance for any property on Black Sturgeon Lake 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 of 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.

#### **5.3.5 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.

#### **Zoning By-law (2010)**

The rezoning of the lands will mean that the provisions of the Black Sturgeon Lake Restricted Development zone (BSL), EP- Environmental Protection and RR- Rural Residential zones will be applied to any future development, including construction of new structures.

#### **Land Use Planning Issues**

##### **Lot Size and Frontage**

Each of the lots is proposed to be a minimum of .8 ha in area, with a minimum of 61 metres of frontage on the Black Sturgeon Lake.

The minimum frontage on a proposed road is 20 metres; the zoning by-law permits a minimum of 11 metres of frontage on a road for waterfront lots.

The average lot size for the draft plan of subdivision is 1.1 ha, and lot frontage is in excess of 61m . The minimum lot size is .8 ha, and the minimum frontage is 61m.

##### **Servicing**

It is proposed that all of the lots will be serviced by privately owned and operated water and sewer systems. The water source is proposed to be surface water from Black Sturgeon Lake and the sewage system will be privately owned and operated septic fields as approved by the Northwestern Heath Unit. The minimum set back from Black Sturgeon Lake for septic fields is 30m.

##### **Utilities**

There are presently no hydro and telephone utilities on the subject property. These services would need to be extended, at the cost of the developer, as a condition of

approval.

### **Access**

The subject property is presently accessed via the Coker Road, which a publicly owned and maintained road. Two new municipal roads are proposed to be constructed in order to provide access to the proposed plan of subdivision. The roads will be constructed to the City of Kenora rural road standards and the cost of the road will be borne by the developer. The developer has been in contact with the Municipal Engineer.

### **Archeological Resources**

The subject property is located on the Black Sturgeon Lake watershed, which is potentially archeological significant, both locally and provincially. The proponent has acknowledged that there is possible potential for archeological resources in the area. However, much of the lands were cleared and cultivated in the early 1900s up until the late 1960s. The proponent suggests site plan control requiring a stop work requirement and investigation/study if any material etc. is encountered during the road construction.

### **Fish and Wildlife Resources**

The City of Kenora Official Plan maps did identify one area of potential nursery and spawning. As a result, the applicant was instructed to undertake a fisheries assessment on the subject lands within the proposed plan of subdivision.

### ***Fisheries Assessment***

The work for the fisheries assessment for the plan of subdivision was completed by Ryan Haines, a qualified biologist. The report was received by the City of Kenora as part of the application. The rezoning of the property supports the recommendations in a report indicated that there are three shoreline areas with the potential to support Northern Pike and smallmouth bass nursery habitat along Lot 9. It also indicated that that there are some shoreline areas with the potential to support walleye, lake whitefish and white sucker spawning along proposed Lot 11. Potential nursery habitat was identified along part of lot 13 and a portion of retained lands.

### **Public Comments**

None received to date.

### **First Nation Consultation**

The proponent gave notice of the application to the Dalles First Nation regarding the application for plan of subdivision. No response has been received, to date. The City of Kenora provided notice of the application for Zoning By-law Amendment. No response has been received, to date.

### **Agency Comments**



The Ministry of Natural Resources has no objections to the draft approval of the subdivision. One of the conditions of approval was that the property be rezoned.

**Kenora Planning Advisory Committee**

The item was discussed at the regular meeting of PAC, on August 18, 2012. The Committee observed that the draft approval, including the condition requiring the property to be rezoned indicated their recommendation for approval.

There were no other public in attendance of the meeting other than Mr. Coker and no objections were received by the Planning Administrator either by phone or written.

Councillor Roussin asked if there were any questions.

- There were no questions.

Councillor Roussin the declared the Public Meeting closed at 10:16 a.m.