



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 to be held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor
August 20, 2013
7:00 P.M.**

Present:	Wayne Gauld	Chair
	Wendy Cuthbert	Member
	Ted Couch	Member
	James Tkachyk	Member
	Terry Tresoor	Member
	Vince Cianci	Member
	Tara Rickaby	Secretary-Treasurer
	Patti McLaughlin	Minute Taker
Guest:	Charlotte Caron	Property & Planning Manager
Regrets:	Ray Pearson	Member

DELEGATION: None requested.

- (i) **Call meeting to order**
Wayne Gauld called the August 20, 2013 meeting of the Kenora Planning Advisory Committee to order at 7:00 p.m.

Mr. Gauld reviewed the meeting protocol for those in attendance.

- (ii) **Additions to the Agenda – New Business:** How to determine a flood datum line. (Vince)

- (iii) **Declaration of Interest**
Wayne Gauld called for declarations of conflict of interest – at this meeting or a meeting at which a member was not present:

Wayne Gauld – B07/13 Ervick – Realtor /Agent
Vince Cianci – S02/11 Lougheed and Z04/13 Lougheed – as Surveyor

- (iv) **Adoption of Minutes of previous meeting:**
Adoption of minutes of previous meeting: (July 16, 2013)

Business arising from minutes: None.

Moved by: James Tkachyk Seconded by: Ted Couch

That the minutes of the July 16, 2013 meeting of the Kenora Planning Advisory Committee and Committee of Adjustment be approved as distributed.

CARRIED

- (v) **Correspondence relating to applications before the Committee – None**
(vi) **Other correspondence - None.**

(vii) **Consideration of Applications for Minor Variance** - None

(viii) **Considerations of Applications for Land Division**

1. B11/13 Moncrief

Creation of three new lots

Present for the meeting:

Wendy Perrier, Agent,
Hal Moncrief, Property Owner

Wendy Perrier, P.O. Box 201, Kenora, Ontario P9N 3X3, presented the application for consent for the creation of three (3) lots at 179 Worona Road situated on Black Sturgeon Lake. The legal description is Con 4 M S PT Lot 11 PCL 21559. The land is 47 acres in size with 3700 feet of frontage. The property has two zones: Rural Residential and BSL. The size of the smallest lot exceeds the requirements of the BSL zone. There is an existing septic system and well on the retained lot and the NWHU has provided a letter of approval for the existing system as well as future systems on the additional lots. She feels that the size of the proposed lots allow enough space for residential use and development of the lands without adversely affecting the neighbouring properties. Both a Fish Habitat Assessment as well as a Species at Risk General Site Assessment were conducted and determined no concerns. There will be no access road building required as an entrance permit for access to the property off Worona Road has been issued. The driveway will be shared and have a reciprocal easement for each property owner. The existing hydro/bell infrastructure will be within the municipal road allowance if the city takes 10 m from the centre line.

The Secretary-Treasurer presented the staff report confirming the property does have two zone designations. The required frontage has been exceeded on all counts. The retained is the piece of property on north with structures on site. The applicants propose to access with reciprocal easements of which entrance permit approval has been granted by the Roads A/Supervisor off Worona Road. No whippoorwills or species at risk were found and no need for mitigation as none identified. No issues requiring comment were received from internal departments except for the Roads Department who indicated that any portion of the Worona Road not already owned by the City will be required to be surveyed and conveyed to the City for municipal purposes. Permits will be required for future shoreline development. Comment from external agencies was received from the NWHU regarding septic systems. There was no comment from the public received. It is recommended that the application be approved with conditions that were read out. The Black Sturgeon Environmental Sustainability fee required by the developer will be made a condition of approval versus tariff of fee charge.

The Chair asked the Owner if they anything further to add regarding the application.

Wendy Perrier commented that she had no questions or concerns regarding the conditions.

The Chair asked if anyone from the public had anything to add.

Dan Olscamp, 709 D Peterson Road, Kenora, Ontario, P9N 0E3 expressed his thanks on behalf of the Black Sturgeon Property Owners Association for consideration given by this applicant regarding the social crowding concerns of the residents. He added that he was able to support an application which he was happy to do.

The Chair asked the Committee members whether they had questions regarding the application.

James Tkachyk requested clarification as to whose name the original property was in. Wendy answered that it was in all four. The Secretary-Treasurer explained that all four are on title of the original property. Discussion took place regarding registration of new lots.

Vince Cianci commented that the entrance to be used by all owners and guests actually represents a road. The Secretary-Treasurer said if it was designated a road then snow plow operations would require turnaround provisions. This way the owners will remain responsible for their own road.

The Chair asked the Owner if they anything further to add.

Wendy Perrier commented that she was in agreement and that she had nothing further to say.

The Chair asked whether there was anyone present who wished to speak either for or against the application. As there were no other comments from the public, the Chair indicated that the Committee would discuss the application and make a decision.

Vince Cianci requested, with regard to the easement, that it be a required minimum 10 m in width, and be a condition of approval.

Moved by: Ted Couch

Seconded by: Terry Tresoor

That application B11/13 Moncrief and Perrier, Concession 4 of Melick, S PT Lot 11 PCL 21559 179 Worona Road, for consent for the creation of three new 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 an 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 a clearance letter be received from Bell Canada and/or Hydro One Networks indicating that there are adequate easements or that none are necessary.
- 6) That if the City does not own the lands currently used and known as Worona Road the applicant transfer lands to the City sufficient that the City would assume ownership of lands measured 10m from the centerline of the traveled portion of the road, where possible. The applicant would assume all related surveying and transfer costs.
- 7) That the alignment of the lot line between Lot 2 and 3 be amended in order to accommodate comments provided by the Northwestern Health Unit: lot line angles more perpendicular from the lake to take in more of the meadow before the lot line trajects back to the common entry area at the Worona Road.
- 8) That the Developer will be responsible to pay a Black Sturgeon Environmental Sustainability fee of \$275.00 per lot;
- 9) That reciprocal easements, a minimum of 10 metres in width, be approved in accordance with the sketch provided, in order to provide access/egress from and to Worona Road for all four lots; and that a fee of \$100 per easement agreement be paid by the applicant per the City of Kenora Tariff of Fees By-law.
- 10) That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 11) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions #1 through 10 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

Carried

Wayne Gauld left meeting at 7:21 p.m.

(ix) Old Business

1. B07/13 Ervick

Change of Conditions

Present for the meeting:

Randall Seller, Agent for Jillian Ervick

Mr. Seller explained that he asked for this to be back on agenda to address the condition requiring the drilling of a well. It is common consensus from well drillers that asking them to drill prior to location of structures is not in the best interest of the owner. The Secretary-Treasurer added that in the original planning report her suggestion was that it not be included.

Discussion took place respecting LOWCB's right to flood. The Secretary-Treasurer added that the provision was a carryover from the previous Official Plan, whereby the control board was offered an opportunity to submit changes and didn't. The matter is on the list for review under the next Official Plan review. Mr. Seller said this is posing a problem for this application with respect to Lot #10 as the setback is only to protect against flooding. He added that we do know what the elevations, which were surveyed, are so there is no worry about flooding and there should not be a need for the setbacks to be the distance they are. It is the intent of Mr. Lougheed to create the best properties with what he has.

Wayne Gauld noted that there is a huge impact to Lot #6 and #7, which was agreed by Mr. Seller in that those lots will have big front yards.

Ted Couch referred to the HL designation for Lot #10. We know what the elevations are but we still have to follow the Official Plan requiring owner to come back for a minor variance even if the building is only 1500 sq. ft. Mr. Seller commented that whoever purchases Lot #10 may have to come back to Committee for a variance, depending on building size.

Terry Tresoor agreed that Committee would be creating something that may need a minor variance, but other than that he was okay with the request. Mr. Seller added that the applicant could try to fill in more of the hazard lands. This course of action was not recommended by the Planning Advisory Committee or Secretary-Treasurer.

James Tkachyk requested clarification of the building locations. The Secretary-Treasurer explained. She asked Mr. Seller if there was any natural land left there or was it all filled in? Mr. Seller answered that anything behind the purple line, on the sketch, was existing and that only Lots #5 and #6 were impacted.

Wendy Cuthbert wondered if #Lot 10 was all rock, as it appears to be rock. William Lougheed commented that it was comprised of sand and stones. She added that she was concerned with the minor variance requirement. Mr. Seller commented that there will be a side yard issue ie. 2 metre potential for side yard, but rear and front meet standard.

Wayne Gauld commented that he struggles with the Official Plan requirement ie. putting another 2 metres on flood plain development as the risk of flooding that land is slim. The Secretary-Treasurer commented that the Official Plan could change during the review. Wayne added we are assuming someone may ask for a minor variance, which could be dealt with at another time not tonight.

The Chair asked whether there was anyone present who wished to speak either for or against the application. As there were no other comments from the public, the Chair indicated that the Committee would discuss the application and make a decision.

The Secretary-Treasurer read exception [29] and suggested taking out Engineers report reference. The Engineers Report will state buildings can be built without foundations and roads can be constructed on hazard lands.

Ted Couch suggested making concerns part of site plan control ie. if the engineer's report says you can do this we want to ensure it is done properly. The Secretary-Treasurer commented that control will be through zoning.

Moved by: Wendy Cuthbert

Seconded by: Terry Tresoor

Recommendation:

That Council approves the proposed zoning by-law amendment Z04/13 Lougheed for site specific rezoning from RU – Rural, OS – Open Space and HL – Hazard Lands to RR – Rural Residential, OS – Open Space and HL – Hazard Lands [29] Notwithstanding any other provisions of this By-law, on the lands noted by [29] on the Schedules to this By-law, and specifically described as Part of Lot 21 Plan M-135 and part of Location LK2, Geographic Township of Pellatt, City of Kenora, District of Kenora be zoned to RR – Rural Residential in areas not subject to flooding per the City of Kenora Official Plan, 2010, HL – Hazard Land to permit accessory structures in which human habitation will not be permitted, and access driveways, and OS – Open Space to permit only docks, as the application is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report; and

That, unless the Engineer's Report and a site plan to indicate that there is developable area on certain lots, are submitted beforehand and are recommended for acceptance, by City Staff, two readings only

be given to any approving by-law, and the third reading be given upon receipt and acceptance of the Engineer's Report and site plan(s) per the City of Kenora Official Plan 2010.

Carried

3. S02/11 Lougheed

Change of Conditions

Present for the meeting:

Randall Seller, Agent for Wm Lougheed Trucking Ltd.

Randall Seller explained that the only other issue has to do with land under water. He referred to the diagram Open Space areas ie. the 2 parts that would form frontage for Lots 1 through 9. At one time it was thought that the Province of City would take ownership of these lands, but neither was interested. The proposal for ownership of these lands is by way of a common elements condominium. The lands could be described using a common elements condominium. A declaration would be filed as an attachment to deed of Lots 2- 9 and would be attached to each property to be maintained for water front access. Registration would show ownership of parcel and the type of utilization by owners. Each owner would be required to pay 1/9th of the cost and if didn't pay it would be added to their tax bill. He added that he felt that this is the best way of protecting the owners of Lots 2 – 9. The Secretary-Treasurer has done a good job with the explanation.

The Secretary-Treasurer presented the Staff Report indicating that most of the planning issues have been dealt with through the conditions of approval of the plan of subdivision. A site plan must be provided to indicate that there is sufficient developable area on Lots 5,6,9 and 10. This was received today.

The Chair asked the owner if they had anything further to add regarding the application - None.

The Chair asked the Committee members whether they had questions regarding the application.

Wayne Gauld wondered how the decision was arrived at for a common elements condominium.

The Secretary-Treasurer explained that this new condominium was discussed with FoTenn, representative Nadia DeSanti and it has been used successfully within the 1000 Island area in southern Ontario and that was why it was being recommended for this application. Wayne wondered what was wrong with doing nothing.

Mr. Seller explained that we would be asking owners to buy property that has frontage owned by someone else. It would be a protection for the lot owner and would create a rule for usage from the start.

Ted Couch agreed that it is the only way of doing it and we need to protect the lot owner. Terry agreed.

James Tkachyk clarified isn't it Lot #1 that is free and clear of the Open Space designation? If so then it would only include 2 to 10. William confirmed Lots 1 and 10 were not dredged and Lots 2- 9 were dredged. James added who will pay for dredging, which was answered by the Secretary-Treasurer as being the lot owners.

Mr. Seller commented that this is by far the best decision for the lands in question.

Wendy Cuthbert commented that the agreement would be specific to use and owners couldn't build whatever on the lands. She added that she doesn't want to see owners doing something totally different from the proposed usage. Mr. Seller commented that the agreement would be restrictive. The Secretary-Treasurer indicated that declaration can state how big a dock is permitted. Mr. Seller added that the common elements condominium agreement could respond to requests of this kind.

The Secretary-Treasurer questioned what the width of inundated land was and that we may want to consider a restriction on the length of dock. William Lougheed suggested 1 dock per lot with a 20 ft. maximum and that it be added to the declaration. Mr. Seller commented that we will work with the Planning Department as areas are narrow in some spots wider in others.

Wayne Gauld explained that the tough part is this is brand new and expert advice on the negatives and positives of common element condominiums would be helpful in making a decision as the

Committee discussed whether or not reduced lot size was really necessary with new configuration.

Amended Motion

Moved by: Vince Cianci Seconded by: James Tkachyk

That reference plan 23R 12148, submitted for acceptance by the Kenora Planning Advisory Committee for the creation of one new lot (B07/12 Dixon), be amended to ensure that there is a minimum of .8 ha of land included in the part to be given consent; and

That the Secretary Treasurer is directed to remind the surveyor that preliminary plans are to be reviewed before final plans are deposited at Land Titles.

All other conditions still apply.

Carried

2. October Planning Advisory Committee Meeting – Reschedule

The Secretary-Treasurer is requesting that the October Planning Advisory Committee meeting be rescheduled to either the Wednesday, Oct. 16th or Thursday, Oct. 17th as both she and the note taker would be returning from vacation and need additional days to prepare for the meeting.

The Committee agreed to move the meeting to Thursday, October 17th, 2013.

3. How to determine flood datum line (Vince)

Vince Cianci commented that he wanted to talk about this because the Official Plan is too restrictive when it comes to where one can and can't build with regards to the flood datum line. There is a lot of good land to be built on at or below the flood datum line if the owner builds appropriately. The purchaser of the land should be made aware that at this contour the land may flood and then take the responsibility to protect themselves. The Secretary-Treasurer commented that the five year mark for review of the Official Plan is approaching and that this item is on the list for review.

(xi) **Adjourn**
Moved by: Terry Tresoor

THAT the August 20th, 2013 Planning Advisory Committee meeting be adjourned at 9:00 pm.

MINUTES ADOPTED AS PRESENTED THIS 17th DAY OF SEPTEMBER, 2013

CHAIR

SECRETARY-TREASURER