



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
May 21, 2013
7:00 P.M.**

Present:

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

Guest: Charlotte Caron Property & Planning Manager

DELEGATION: None requested.

(i) Call meeting to order

Wayne Gauld called the May 21, 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.

Mr. Gauld introduced Charlotte Caron, Manager of Property and Planning.

(ii) Additions to the Agenda – None.

(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, as Realtor
- Wayne Gauld B08/13 Landgraf, as Realtor

(iv) Adoption of Minutes of previous meeting:

Adoption of minutes of previous meeting: (March 26, 2013)

Business arising from minutes: None.

Moved by: Ted Couch Seconded by: Ray Pearson

That the minutes of the March 26, 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

Wayne Gauld left the meeting at 7:01 pm.

(viii) Considerations of Applications for Land Division**1. B08/13 Landgraf****Creation of one new lot**

Present for the meeting:

Bill Scribilo, Agent for Joachim and Ingeborg
Landgraf, Joachim (Joe) Landgraf

Bill Scribilo, Agent for the Applicants presented the application for consent for the severance of property on the Essex Road to create one new rural lot. There is a purchaser for the lot who plans to construct a single family dwelling. The new lot would be 2.34 ha in size with the retained portion of the property being 50 ha. If approved the required lot will meet the requirements of the Provincial Policy Statement and will be consistent with the Zoning By-Law. It will create new housing.

The Secretary-Treasurer presented the staff report, indicating that both the retained lot and Lot 1 have private sewage systems. The existing well on the retained lot services the primary residence and provides water to the outbuilding proposed as storage on new Lot 1. The accessory building on the created Lot 1 does not meet the requirements of the zoning by-law, but could be altered for use as a workshop/storage building, or sleep cabin. The lot line will not be straight in order to meet side yard setback requirements of a new residential structure on the new lot. The property that fronts the Essex Road was transferred to the City as a condition of a previous consent. There was no comment or objection received from any of the internal departments.

The Secretary-Treasurer commented that the application is recommended for approval with conditions.

The Chair asked if the agent of the applicant had anything further to add regarding the application.

Bill Scribilo questioned whether Mr. Landgraf is required to have the well drilled before the severance is completed? He added that he had never encountered this before.

The Secretary-Treasurer indicated that this would be recommended to ensure the availability of water and to prohibit the sharing of a well, but that this requirement could be further discussed with the Committee.

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

James Tkachyk requested clarification regarding the well servicing from the primary residence to the accessory building. The Secretary-Treasurer and Bill Scribilo commented that service was provided by underground piping that could easily be removed.

James Tkachyk reaffirmed that one of the conditions would be that an undertaking be submitted to ensure the accessory building has been renovated.

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 clarification regarding the lot size numbers, which was corrected by the Secretary-Treasurer to be 2 ha rather than .8 ha. He approved of the bending of the lot line as it showed purpose.

The Secretary-Treasurer read out the conditions requesting further comment regarding the well drilling requirement. Discussion ensued with the Committee in agreement as the condition regarding provision of a well has regard for the Official Plan and it would have to be done anyway.

Moved by: James Tkachyk Seconded by: Ray Pearson

That application B08/13 Landgraf for consent for the creation of one new lot for property described as, Concession 3 of Melick PT OF LOT 1 PC20733 & 20140, located at 1475 Essex Road, north of the School Road intersection and Contact Lake, 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 a 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 a letter be received from the Northwestern Health Unit indicating that the existing private sewage system meets their requirements.
- (6) That a letter be received from the Northwestern Health Unit indicating that there is adequate area for a new sewage system (if required) for new Lot 1.
- (7) That a report, from a qualified well-driller, be received indicating that a well has been drilled on the new lot and the quality and quantity of water meets current MOE requirements.
- (8) That the registered owner(s) shall obtain, from the City of Kenora Road Supervisor, any required entrance approvals.
- (9) That an undertaking be provided indicating that the existing accessory structure has been renovated in order to meet provisions of Zoning By-Law re: sleep cabin or an accessory structure.
- (10) That the payments 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 9 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

CARRIED

Wayne Gauld returned to the meeting at 7:11 pm.

2. B05/13 Energy Tech

Creation of one new lot

Present for the meeting:

Randall Seller, Agent for Energy Tech Services
(Kenora), Brandon Vingerhoeds, Nicole Burton

Randall Seller, Agent for the Applicants presented the application for consent for the creation of a new highway commercial lot between Energy Tech Services and Trim-Line of Kenora. A surveyor will have to ensure the lot lines. There is a TSSA requirement with regards to the propane tank on the property and an addendum re: property line division to meet the 50 yd. set back. There is enough property to meet the depth requirement. The NWHU can produce a location for the sewage system. He requested clarification regarding why the well needed to be drilled before the buildings were located as is the practice of well drillers.

The Secretary-Treasurer presented the staff report for consent for a new commercial lot across from a rural residential area, in the Commercial Development area per the Official Plan. The propane operation is fenced with a drainage ditch around the part of property being used. The TSSA requirement will drive the progression of this application. It is recommended that the application be approved with conditions. The Secretary-Treasurer added that the notes to approval state that no assessment has been made for ground water and that site Plan control will apply.

The Chair asked if the agent of the applicant had anything further to say regarding the application.

Randall Seller commented that he thought there was a drainage ditch at the back of the new lot. He added that he agreed with the conditions.

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

James Tkachyk questioned why B05/13 was zoned Highway Commercial – HC. The Secretary Treasurer noted the clerical error and provided the following correction to the recommendation: “for the creation of one commercial lot”.

Wendy Cuthbert requested clarity regarding water servicing and provisions for a well. The Secretary-Treasurer commented that it could be made a condition of approval. Wendy further requested direction as to where the Committee was going with wells is it going to be up to the property owner to add it to cost.

Discussion ensued regarding wells and Committee’s plan for consistency’s sake. The Secretary-Treasurer commented that there is less concern regarding a highway commercial development versus a residential development with shared well and added that it is best to treat application separately. Committee agreed that for this Application the provision for a drilled well, to MOE standards, should be a condition as part of the Site Plan Agreement with the City of Kenora.

Vince Cianci expressed concern with regards to a propane development close to residential area. Randall Seller commented that there will be a minimum standard under TSSA regulation that will have to be met.

Vince Cianci requested that that the sketch he received in his package, with red and green lines, show the red line extended to include property belonging to Energy Tech. The Secretary-Treasurer’s copy had a pink line and Committee agreed it should be dropped down to include the southerly corner Part 2.

The Chair asked whether there was anyone present who wished to speak either for or against the application.

Nicole Burton questioned whether the TSSA will know exactly what will be going on that property before they give approval. The Secretary-Treasurer commented that they will investigate, within the certain proximity parameters, what the use will be.

Brandon Vanderhoeds questioned whether the development of a new well could affect his quality or quantity of water at his property. The Secretary-Treasurer explained that it would be an unpredictable outcome that would have to be dealt with through the appropriate channels.

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 the conditions with the drilling of well to MOE standards to be Item #9 replacing the entrance permit requirement as it has been met, but may have to be revisited once drainage site grading is completed.

Moved by: Ted Couch Seconded by: Terry Tresoor

That application B05/13 Energy Tech for consent for the creation of one commercial lot from property described as, CON 2J PT LOT 5 DES PTS 1&2 23R-8351 PCL 39378, located on Highway 17 East just south of Transmitter 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) That the transferor and the transferee not be the name of the same person on the Transfer/Deed of Land Form.
- 5) 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.
- 6) That the owner/operator of the propane operation provides a copy of the TSSA approved Risk and Safety Management Plan, which considers the closer proximity of development to the propane operation.
- 7) That a letter be received from the Northwestern Health Unit indicating that there is adequate area for a new sewage system on the new lot and that the private system on the retained is up to standard.
- 8) That a letter be received from Bell Canada/Hydro One Networks indicating that easements are either adequate or not required.
- 9) That provision for a drilled well, to MOE standards, will be a condition as part of the Site Plan Agreement with the City of Kenora.
- 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 the meeting at 7:36 pm.

3. B07/13 Ervick

Creation of three new lots

Present for the meeting:

Randall Seller, Agent for Jillian Ervick

Randall Seller, Agent for the Applicants presented the application for consent for the creation of three (3) rural lots. The Application suggested access for the retained lot would be from the Redditt Road, but a more logical access would be off the Bruckenberger Road.

The Secretary-Treasurer presented the staff report stating that each of the three new lots exceed the minimum size and frontage provision. The retained lot will be accessed from the Bruckenberger Road. The first part of Bruckenberger Road is not owned by the City and will require a survey and transferring to the City. The Roads Department will require entrance permits for access from Bruckenberger Road for the new lots. There were no other comments or objections received. The application is recommended for approval. The conditions were read out with the quality of ground water referenced in the Notes.

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

Vince Cianci commented that in the past, when there was more than one development, the applicant just had to prove water in area by one drilling one well. He emphasized the need for consistency when dealing with the well issue.

James Tkachyk questioned the reference plan, shown on the plan, which Vince commented that it was created to be sold off but was never acted on therefore does not have its own PIN.

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. – No discussion took place.

Moved by: Ted Couch

Seconded by: Ray Pearson

That application B07/13 Ervick for consent for the creation of three new lots from property described as, CON 3 M MAJOR PT LOT 12 PCL 4684, on the corner of Highway 658 (Redditt Road) and Bruckenberger 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 a 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 should the City of Kenora not own the lands currently used and known as Bruckenberger Road, that the applicant transfer lands to the City sufficient that the City would assume ownership of lands measured 10m from the centerline of both sides of the travelled portion of the road.
- (6) That a letter be received from the Northwestern Health Unit indicating that there is adequate area for a new sewage system on each of the lots.
- (7) That a letter be received from Bell Canada/Hydro One Networks indicating that easements are either adequate or not required.
- (8) That a report, from a qualified well driller be received indicating that a well has been drilled on 1 lot and quantity/quality of water meets MOE standards.
- (9) That the registered owner(s) shall obtain, from the City of Kenora Road Supervisor, any required entrance approvals.
- (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 returned to the meeting at 7:56 pm.

4. B09/13 Portier

Consent for Lot Addition

Present for the meeting:

Randall Seller, agent for Eileen Portier, Rob Bell, Tim DePorto

Randall Seller, Agent for Mrs. Portier, presented the Application for a lot addition to the existing Bell Subdivision, to provide area for an easement for parking and access to the lake for back lots. When plan was drafted it was clear that the parameters of Lot 1 would have to be increased to accommodate parking etc. Mr. Rody has been asked to provide a more accurate drawing to redefine the small hectare area to make sure it is large enough for parking for docking. Read from planning rationale. This Application is required to meet the requirements of the subdivision plan. The present dock will have to be moved over.

The Secretary-Treasurer presented the staff report and commented that a reciprocal easement will be required for Lot 1 and backshore lots for access only. Development may occur without impact to critical spawning habitat as per Ryan Haines, Fall 2010. If snapping turtles are found it will be dealt with through site plan control. There were no other comments or objections received except from the

- (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 a 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 payment of any outstanding taxes including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- (6) 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 5 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

CARRIED

(ix) Old Business – None

(x) New Business

a) Application for Amendment to Zoning By-law Z03/12 Lakeshore

Wayne Gauld explained that this Item was for information purposes only.

The Secretary-Treasurer added that the Agent for the Applicant wants to have more information to provide to the Committee for June's meeting. The Public hearing is scheduled for June 18th and the Planning Advisory Committee meeting is on the 17th.

b) How Elevations are established re: Hazard Lands – Vince Cianci

Discussion took place with respect to the Lougheed subdivision approval, of 2011. The Secretary Treasurer has been working with Ross M. Johnson Surveying to resolve a discrepancy in an identified flood elevation in the conditions of approval.

c) Update re: Draft Plans of Subdivision - The City provided an update to the best of their knowledge:

- | | | | |
|------|--------|------------|--|
| i) | S01/10 | Coker | - approved Phase to accommodate hydro. Subdivision agreement approved. |
| ii) | S01/11 | Wright | - unknown status |
| iii) | S02/11 | Lougheed | - ongoing – awaiting transfer of Crown land. |
| iv) | S03/11 | Lafreniere | - road naming approved – preliminary plan approved today. |
| v) | S01/12 | Bell | - meeting conditions. |

d) June Meeting

- Meeting date confirmed for Monday, June 17th, 2013 at the regular time.

(xi) Adjourn

Moved by: Terry Tresoor

THAT the May 21, 2013 Planning Advisory Committee meeting be adjourned at 8:58 pm.

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

CHAIR

SECRETARY-TREASURER