



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2010
(Re: Z01/14 Zylstra-Moore)

Tuesday, July 8, 2014
City Council Chambers
At 11:00 a.m.

PRESENT: Councillor L. Roussin, Property & Planning Lead
Mayor D. Canfield
Councillor R. Lunny
Councillor R. McMillan
Councillor R. McKay
Councillor S. Smith
Karen Brown, CAO
Charlotte Caron, Property & Planning Manager
Heather Lajeunesse, Deputy Clerk
Wayne Gauld, Planning Advisory Chair

REGRETS: Councillor C. Gallivan

Lead of the Property and Planning Committee, Councillor 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 Number 160-2010, as amended. The Property and Planning Committee will make a recommendation to Council with respect to whether or not the application should be approved. The Council of the City of Kenora will make the decision at a meeting of Council.

Councillor Roussin 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. Heather Lajeunesse, Deputy Clerk, advised the Notices pertaining to these public meetings were provided in accordance with Planning Act requirements. The Deputy Clerk confirmed that the notice appeared in the Daily Miner & News on June 17, 2014.

Councillor Roussin 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.

Councillor Roussin stated that each Applicant/Agent will provide the background information for their application and then the Manager of Property and Planning 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.

Councillor Roussin 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.

Applicant Description of details:

Peter and Kristine Zylstra-Moore made a powerpoint presentation in support of their application to rezone their recently purchased property on Mink Bay, at 1808 Highway 17 West, from Rural to Tourist Recreational. This will allow them to put up lodging and create an eco-tourism vacation destination spot. Based on the lands and locations it is believed their plans will be a good fit for the property.

Peter and Kristine provided background on their employment and interests, both are focused on the environment, community development, recreation and education. Details of the property were reviewed, its location in relation to neighbouring properties which include Pam's Greenhouse, Mink Bay Trail and CP Rail. The property consists of 5.35 hectares of land and 430 meters of shoreline on Mink Bay. When water levels are favourable, there is water access from Mink Bay to the Winnipeg River via tunnel. The elevation of the land varies and is largely forested. Currently there is much neglected rubbish on the property from the previous owner of which the new owners are in the process of cleaning up.

The proposed eco-destination development includes a tourism recreational site limited to small log cabins and tents. Infrastructure will be provided for activities such as canoeing, kayaking, etc., and the owners plan to live on site, separate from the camp. The initial development will include three to four cabins with wood stoves and propane cook tops, composting toilets, and large water jugs to provide water for cooking and cleaning. Tents are similar in size to the cabins and have hardwood floors. Plans include a wood fired sauna for guests, dock area, and an offsite parking area.

It is recognized in an Environmental Impact Statement to leave designated areas forested. It is preferred that human powered recreation be the only permitted means of watercraft on Mink Bay. The owners have been in touch with Mink Bay trail representatives regarding the possibility of ski trails and a skating rink during the winter months. Plans are to add more cabins and tents in the future. The residence will have an organic garden, as well as chickens and other small livestock.

The owners indicated that the lands provide a lot of space and are in close comparison for what they want to do, and is also compatible with neighbouring land uses. The area will not be visible from Highway 17 West. Noise from vehicles will be minimal, there will be no inappropriate human noise, no loud music or power boats. The existing vegetation will

remain intact as owners do not want to negatively impact the lands. Impacts on municipal services include garbage pick-up for the residence only, visitors will be responsible for removing their own garbage.

As CP Rail is within 300 meter distance, they were consulted with. As a result, owners must include a caution on lands in the waiver for cabins and tents.

Manager of Property and Planning Charlotte Caron Introduction:

Peter and Kristine Zylstra-Moore, owners of property at 1808 Highway 17 West, PT ML 233 PLAN PCL 26309, have made application to the City of Kenora to have the property zoned Tourist Recreational (TR) with the following conditions; accommodations limited to tents and cabins, recreation limited to human powered activities. The property is currently zoned Rural (RU).

The subject site is located next to Mink Bay in the former Town of Keewatin. The plan included with the application indicates that the subject site has an approximate area of 5.35 hectares, and water frontage on Mink Bay of 430 metres.

Description of Proposal

- Low impact eco-vacation destination;
- Human powered recreation;
- Up to 16 cabins and / or prospector tents;
- Two saunas;
- Group use building;
- Private residence;
- Small dock for canoeing and swimming;
- Small scale agri-tourism;
- Large organic garden;
- Small number of livestock

Surrounding land uses are as follows:

- North: Environmental Protection (EP1) Mink Bay / Water, Rural Residential
- South: Rural and Rural Residential
- East: Rural Area
- West: Highway Commercial, Rural Residential

City of Kenora Official Plan (2010)

Kenora's Official Plan states "New development should be designed to use land efficiently, be responsible to the natural environment and be compatible with existing land uses." This development is respectful of the natural environment and compatible with the existing uses of residential, walking trails and protected wetland.

This development is consistent with the following guiding principles of the Official Plan:

Principle 1 – Sustainable Development; Kenora shall promote sustainable development to enhance the quality of life for present and future generations

Principle 2 – Natural Environment; Kenora shall support the protection and integrity of the natural environment as valued by the community

Principle 4 – Diversified Economy; Kenora shall maintain and seek opportunities for a strong,

diversified economy that provides a wide range of employment opportunities for its residents, including youth, to withstand global market conditions and provide financial stability.

Principle 5 – Tourist Destination; Over the lifetime of this Plan, the City of Kenora shall continue to expand its role as an urban, cultural service centre and tourist destination, providing services to the traveling public and residents of the area.

Principle 6 – Complete Communities; Kenora shall encourage new development (e.g. buildings, new neighbourhoods) to provide for a mix of uses in planning for complete communities.

Principle 7 – Neighbourhood Design; Kenora shall promote a desirable built form in any development or re-development.

The Official Plan states the City shall have regard for matters of provincial interest such as accessibility for persons with disabilities; there will be a barrier-free cabin, shower and washrooms.

Zoning By-law (2010)

The rezoning of the lands will result in the development of a low impact eco-tourism facility; this type of facility is not currently available within the City of Kenora. The rezoning and development is in character with the neighbourhood as there are walking trails adjacent to the property and it includes a single family dwelling, also characteristic of the neighbourhood. Human powered activities are common in the area.

Land Use Planning Issues-Provincial Policy Statement (PPS) 2014

There are no identified Land Use Planning Issues that have not been addressed. The subject property is of significant size to support the development. The PPS recognizes that healthy rural areas can be sustained through the development of diverse tourism offerings as long as they are compatible with the rural landscape. This proposed development is compatible with the rural landscape and the Provincially Significant Wetland known as Mink Bay as there is minimal impact and restoration of degraded, polluted lands is occurring.

Servicing

It is proposed that there will be one water line and one septic system with additional composting toilets.

Utilities

There are presently hydro and telephone utilities on the subject property.

Access

The subject property is presently accessed via Highway 17 East, which a publicly owned and maintained road. A private driveway exists and culverts have been upgraded to address drainage concerns.

Archeological Resources

No archeological values have been identified.

Scoped Environmental Impact Statement (EI) and Species at Risk (SAR) General Site Assessment

The Scoped EIS and SAR site assessment was completed by Ryan Haines, a qualified biologist. The report was received by the City of Kenora as part of the application. The

Ministry of Natural Resources (MNR) has requested additional Canada Warbler surveys be conducted in June/July of 2014. This work is being completed. Recommendation to address drainage and water crossings has been completed.

Fisheries assessment requirements are as follows: only one dock structure is to be constructed along the entire shoreline of the property; the dock structure must not be adjacent to or within 20m of any identified provincially significant wetland area; the dock must be a floating, cantilever or post dock; there is not to be any dredging, blasting or infilling in the water body; only one water line is to extend from the property and it must not be adjacent to or within 20 m of any identified provincially significant wetland area. It is recommended that no new construction or vegetation removal occur within 20 m of the high water mark along the shoreline of the entire subject property.

It was noted that the clean-up that is occurring as part of the development of the lands will be a benefit to the subject lands. As an interest has been expressed in raising livestock, it is recommended that the proponent demonstrate adequate measures are taken to ensure that the livestock is not permitted at any time to be within 20 m of the high water mark of the shoreline along Mink Bay as well as the riparian zone of the drainage are described in section 6.0. Fecal matter must be disposed of in a designated location to minimize potential runoff into any drainage areas as well as Mink Bay.

Comments from Municipal Staff:

Departments Circulated	Comments Received
Planning Department	As per this report and the recommendation of the Planning Advisory Committee, the Planning Department supports this application. Minimum Distance Separation (MDS) will apply if livestock facilities are greater than 10m ² .
Building Department	No objections.
Operations Manager	No comments received.
Roads Department	No comments received.
Sewer & Water Department	No issues.
Municipal Engineer	No comments received.
Kenora Hydro	No concerns as not their service area.
Kenora Fire & Emergency Services	No objections provided construction is consistent with OBC and OFC.
Heritage Kenora	Brief discussion at June meeting, appropriate for Mink Bay area.

Public Comments

Written comments received from one neighbour, in support of the application.

First Nation Consultation

The proponent gave notice of the application to the Ochiichagwe’Babigo’Ining (Dalles) First Nation regarding the application. Councillor and Band Manager, Martina Strong, was unaware of any former land use by Ochiichagwe’Babigo’Ining and that Chief Lorraine

Cobiness would contact the proponents if she was aware of any past use. No response has been received to date.

Agency Comments

The Ministry of Natural Resources is not opposed to the re-zoning of the property from RU to TR. They have requested a map for clarification and additional information that is being collected. The information was not previously collected as it was the incorrect time of year.

The Northwestern Health Unit consulted with the proponents and has no objections, "we are good with the proposed Zoning change."

The Ministry of the Environment (MOE) commented about a noise assessment due to proximity to the railroad and provided contact information for CP Rail.

CP Rail is not objecting but requested that the accommodation agreement contain the following clause; "Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way and yard located within 300 meters from the land subject hereof. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way."

Assiniboine Credit Union authorizes the re-zoning subject to approval by the local municipality.

Kenora Planning Advisory Committee

The item was discussed at the regular meeting of PAC, on June 17, 2014. The Committee supports the application and recommended approval.

Statutory Public Hearing

July 8, 2014 at 11 a.m. – attendance. Written comments received from one neighbor, in support of the application.

Recommendation:

That the proposed zoning-by law amendment Z01/14 Zylstra-Moore, to and the Zoning By-law 160-2010, as amended, for the property described as 1808 Highway 17 West, PT ML 233 PLAN PCL 26309, City of Kenora, District of Kenora from RU to TR, as the application is consistent with the Provincial Policy Statement (2014), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-20101, as amended for the reasons outlined in the planning report.

Councillor Roussin asked if anyone wished to speak in favour of the amendment.

Longest neighbouring resident since 1992, Scott Schelske, spoke in favour of the application. Scott stated that it is his 23rd summer this year on Mink Bay, he is a regular user of the water on Mink Bay for activities and is happy to see the land cleaned up. Although Scott enjoys the privacy, he indicated that he is pleased with the eco-tourism destination plans, welcomes the new owners to the neighbourhood and wishes them success.

Mayor Canfield indicated that he is impressed with the presentation, the plan fits with the City's Official Plan and shows diversification within tourism. He added that the concept is unique and commended the owners on the work and research that has gone into their plans.

Councillor Roussin asked if anyone wished to speak in opposition of the amendment.

Terri Forster, a neighbouring property resident that has lived with her family on Mink Bay for the past 8 years, spoke in opposition of the amendment. She thanked the committee and expressed respect to the owners, while indicating she has a responsibility to her family to bring forth their concerns. Their property is zoned Rural Residential and they are located behind a neighbouring property zoned Light Industrial. Two years ago a parking lot was created close to their property on these lands which has already impacted their privacy. Terri feels that their rural privacy will be compromised further with the proposed change. She has concerns about her children using the beach while people are engaged in activities on Mink Bay, as well the noise from the campers will be amplified across the bay. Terri further indicated that if the proposed site becomes all season, there is worry about snow machines using the property regularly as it is already trespassed on lightly for this purpose. She pointed out the potential of fire hazards as there is limited access for fire trucks to be able to fight fires, adding that there was a fire there this year and the truck came to their property to try to obtain access to the site. Terri noted there could be impacts to endangered species due to an increase in human traffic, as well the wildlife in the area such as bobcats and wolves can endanger campers. She voiced concerns about the potential decrease in their property's value as well the zoning change will allow for future owners and users to change the land's use.

Greg Kirby, another neighbouring property resident, spoke in opposition of the amendment. The privacy of the location was the reason he chose to live there and the proposed development will change the character, affect privacy and decrease his property value. He provided examples of other areas where this has happened. He added that he is depending on the money from their property to retire. Greg also expressed concerns that if the zoning is changed, further development could occur with the present or future owners. He added that if the zoning amendment is approved, a buffer zone with neighbouring properties is requested.

Councillor Smith shared the same concerns for potential future developments on the land in moving forward, also human presence into the wetland could cause a disruption to various species of wildlife. She also noted concerns regarding the fact that motorized boats are currently permitted on Mink Bay if they can access it.

Peter clarified and confirmed there will be no access for motorized vehicles to get to water to be able to launch motorized boats, the only way motorized boats will be able to access Mink Bay is through the tunnel from the Winnipeg River when the water levels are low. Peter also clarified that the fire that was noticed and called in on property was theirs, it was a controlled fire for which they had a permit for and were following protocol. Peter stated that they are looking to be good neighbours and keep things acceptable, adding that the current trail system has been in place and is regularly used, the human environment interaction is already there and the proposed development is quite modest in comparison to the numbers already using the trail system. Kristine agreed that they would address the concerns regarding the wildlife and can bring up best practices with their users, adding that they love the natural environment of the property and do not want to negatively impact in any way.

Councillor McMillan indicated that the consideration of a buffer zone would be appreciated, and he appreciates all the information and hard work put into this application.

It was suggested that restricting the use of motorized watercraft on Mink Bay in the future would be favourable. City staff would have to look into this to see if it can be done.

Amended Recommendation:

That Council of the City of Kenora approves an amendment to Zoning By-law 160-2010 specifically on property described as 1808 Highway 17 West, PT ML 233 PLAN PCL 26309 to rezone from RU - Rural to TR- Tourist Recreation [30] /EP – Environmental Protection. Notwithstanding any other provisions of the By-law, on lands noted by [30] on the Schedules to the By-law the lands shall be zoned to permit a campground/tourist resort, including limited agricultural uses, with accommodations limited to tents and cabins, an outdoor recreation facility, with a maximum of one accessory dwelling unit, and uses and structures normally incidental to the foregoing. The effect of approval would be to permit the use of the property for low-impact vacations, a private residence, organic gardening, small- scale agricultural use in a manner which is consistent with the Provincial Policy Statement (2014) and the City of Kenora Official Plan (2010).

Councillor Roussin asked if there were any questions. There were no questions.

Councillor Roussin declared the Public Meeting closed at 12:06 p.m.