



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2010
(Re: Z02/15 Pedersen)

Tuesday, March 10, 2015
City Council Chambers
At 11:00 a.m.

PRESENT: Councillor S. Smith, Property & Planning Lead
Mayor D. Canfield
Councillor M. Goss
Councillor R. McMillan
Councillor D. Reynard
Councillor C. Wasacase
Karen Brown, CAO
Charlotte Caron, Property & Planning Manager
Heather Kasprick, City Clerk

REGRETS: Councillor L. Roussin

Lead of the Property and Planning Committee, Sharon Smith, 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 that notice was 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, City Clerk, advised the Notices pertaining to these public meetings were provided in accordance with Planning Act requirements.

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.

Applicant Description of details:

Mr. Pedersen was present and explained that this is an application that the Planning Advisory Committee has recommended.

Planning Administrator, Tara Rickaby Introduction:

Tom Carten, Agent for the property owners, Kjell Pedersen, Einar Pedersen, Inger Lavergne, Torunn McC Calder, and Linda Newman, has made an application to amend Zoning By-law No. 160-2010, as amended, as a condition of approval of draft consent to create three (3) new residential lots on the Winnipeg River. The subject site is designated Rural Area in the City of Kenora Official Plan, 2010. The subject site is currently zoned RU – Rural.

The Kenora Planning Advisory Committee gave conditional approval to the creation of three new lots (B06/14 Pedersen) with the following as one of the conditions:

That the areas indicated in the Fish Habitat Assessment Spring 2014 – Kenora Resource Consultants Ryan Haines B.Sc which are not to be developed, in order to protect a fishery/spawning area, be zoned to EP – Environmental Protection, and to permit the retained lot to have a reduced frontage on Anderson Road while ensuring that the new lots each have a minimum of 11 metres, per the zoning by-law provisions.

Description of Subject Lands and Context

- The property is approximately 24 ha in size;
- The property is zoned RU – Rural;
- There is one single family dwelling located on the property and one accessory garage;
- The property is accessed by two existing driveways, from Anderson Road;
- There is an existing septic field;
- There is approximately 455m m of frontage on the Winnipeg River, facing west and south;
- The property has two cleared areas but is largely undeveloped, with the exception of trails

The surrounding land uses are as follows:

North: Rural Area, large acreage – Rural residential uses
South: Winnipeg River and Rural Area – Rural residential uses
East: Rural Area – Rural residential uses
West: Winnipeg River

Description of Proposed Development

The applicant proposes to amend Zoning By-law No. 160-2010, as amended by changing the zoning from RU - Rural to the following:

1. Shoreline areas abutting an identified fisheries value to be zoned "Environmental Protection" - EP; and
2. Permitting an exception for the frontage on the Anderson Road for the retained lot to permit reduced frontage for that lot and ensure that the new lots each have not less than 11 metres of frontage on the Anderson Road.

Comments from External Agencies

The application was circulated per the requirements of the *Planning Act* and the following comments were received:

Agencies	Comments Received
	None to date (Feb 25, 2015)

Agencies - B06/14	Comments Received
Northwestern Health Unit - August 25, 2014 - Doug Vergunst, CBO	A site inspection was conducted with the family last week and we are ok with all four lots. Three have water front where the future building location will likely be by the water and the fourth has an older small home close to the road serviced by minimal systems. There is area in relative close proximity to the four future build sites to install a future septic system. The topography is rolling with both open and wooded areas. There are areas of exposed bedrock and deep clay soils. The lots are huge so the meandering creek through Parts 2 & 3 is not an issue for clearance setback distances. We have no objections to the proposed consent.

Comments from the Public - No response to date. No appeal of decision of conditional approval of B06/14 Pedersen.

Comments from City Departments:

Departments Circulated	Comments Received
Planning Department	Planning issues dealt with by PAC No objections
Building Department	
Roads Department	

Sewer & Water Department	N/A
Kenora Hydro	N/A
Kenora Fire & Emergency Services	City Fire has no objections
Heritage Kenora	
Engineering Department	Will need to ensure the common entrance easement doesn't fall through the cracks and Anderson Road ROW has been obtained from the applicants if applicable. *** Note from Planning Dept – a reciprocal easement is a condition of approval of the lot creation

Official Plan and Zoning By-Law

The Official Plan designation is Rural Area. Policy 4.8.1 permits limited residential development in the Rural Areas.

The Official Plan includes a list of Guiding Principles and Objectives, one of which is Principle 2. Sustainable Development – one of its objectives is to permit limited residential growth in the Rural Area, where lot size and configuration can support private water supply and sanitary sewage systems, and the development would be compatible with the character of the land use in the surrounding area.

Principle 7 – Neighbourhood Design includes objectives to promote built form that may address the needs of present and future generations (i.e. live, work, play) and to ensure that all aspects (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner.

The change in zoning, associated with the conditional approval of consent to sever three lots will ensure that land use appropriate to the rural residential character and use of other lands in the area developed for residential use and meets the intent of Official Plan natural heritage policies.

Section 5.1 Natural Heritage and Schedule A to the Official Plan is satisfied by the use of zoning to control development in identified areas.

Zoning By-law No. 160-2010

The property currently is zoned RU- Rural. The minimum lot frontage for a lot, not on the water, is 90m while frontage on a road for lots with frontage on a water body is 11m. The retained lot has been developed for approximately 50 years, including the driveway. There will be no impact to a reduced frontage for the retained lot.

The application for approval of the creation of three new lots has been approved and the zoning by-law amendments are one of the conditions of approval. The proposed amendments meet the intent of the Zoning By-law.

Provincial Policy Statement (2014)

The rezoning of this property will provide limited residential development while protecting natural heritage resources.

Kenora Planning Advisory Committee:

The following conditional approval was carried on 16 September 2014:

Moved by: Wendy Cuthbert

Seconded by: Ted Couch

That application B06/14 Pedersen, 616 & 628 Anderson Branch Road, Kenora, ON P9N 4J9, CON 8J N PT LOT 1 PCL2226 for consent for the creation of three lots, be approved with the following conditions:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City 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 If the City does not own the lands currently used and known as Anderson Road the applicant transfer lands to the City sufficient that the City would assume ownership of lands measured 10m from the centerline of the travelled portion of the road, where possible. The applicant would assume all related surveying and transfer costs.
- 6) That the areas indicated in the Fish Habitat Assessment Spring 2014 – Kenora Resource Consultants Ryan Haines B.Sc which are not to be developed, in order to protect a fishery/spawning area, be zoned to EP – Environmental Protection, and to permit the retained lot to have a reduced frontage on Anderson Road while ensuring that the new lots each have a minimum of 11 metres, per the zoning by-law provisions.
- 7) That reciprocal easements be approved in accordance with the sketch provided, in order to provide access/egress from and to the Anderson Road for Lots 1, 2 and 3; and that a fee of \$100 per easement agreement be paid by the applicant per the City of Kenora Tariff of Fees By-law.
- 8) 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.
- 9) 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 8

have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

Carried

Planning Recommendation:

That the proposed zoning by-law amendment Z02/15 Pedersen, to amend the Zoning By-law 160-2010, as amended, for the property described as 616 & 628 Anderson Branch Road, Kenora, ON P9N 4J9, CON 8J N PT LOT 1 PCL2226 , City of Kenora, District of Kenora from RU to RU[32] notwithstanding any other provisions of the By-law, on lands noted by [32] on the Schedules to the By-law the lands shall be zoned to permit EP – Environmental Protection uses and a reduced frontage on the Anderson Road 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.

Councillor Smith asked if anyone wished to speak in favour of the amendment. There were no further comments.

Councillor Smith asked if anyone wished to speak in opposition of the amendment. There were no comments.

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

Councillor Smith the declared the Public Meeting closed at 11:05 a.m.