

Notice to All Owners of Property within a 60 metre radius of Property Located at
1942 Highway 17W, Kenora, Ontario
SECTION 53 OF THE PLANNING ACT, RSO 1990

TAKE NOTICE that the Kenora Planning Advisory Committee will hold a public meeting on **November 21, 2017 at 7:00 p.m.** in the Operations Training Room, 60 Fourteenth Street North, 2nd Floor, Kenora, to consider an application for consent on property legally described as Section DKF; Location K84 S of CPR, Parcel 1112, locally known as 1942 Highway 17W.

The applicant is seeking to create one (1) lot, zoned HC-Highway Commercial. This application is being considered in conjunction with an application for Site Plan Control.



The effect of approval would be the creation of one (1) new lot approximately 7.0 ha in size, for uses permitted in the Highway Commercial Zone.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support or in opposition of the proposed application for consent.

If you wish to be notified of the decision of the Planning Advisory Committee in respect of this application, you must submit a written request to the Planning Advisory Committee. This will also entitle you to be advised of a possible Ontario Municipal Board hearing.

Even if you agree with the decision of the Committee, you should request a copy of the decision since the Planning Advisory Committee decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public. To appeal the decision, of the Committee, to the Ontario Municipal Board, send a letter to the Secretary-Treasurer for the Planning Advisory Committee outlining the reasons for the appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

ADDITIONAL INFORMATION relating to the proposed application for consent is available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday - Friday, at the Planning Department, Operations Centre, 2nd Floor, 60 Fourteenth St. N., Kenora, Ontario,

or for further information please contact Melissa Shaw at 807-467-2292 and quote file no. D10-17-08.

Dated at the City of Kenora this 26th Day of October, 2017.

Melissa Shaw, Secretary-Treasurer, 60 Fourteenth St N, 2nd Floor, Kenora, ON P9N 4M9
807-467-2292

**The City of Kenora Operations Centre is a Scent-Free Workplace, Thank
you.**

Office Use Only

Date Stamp - Date Received:



File Number:

D10-17-08

Roll Number:

124 001 01200

Date Received:

October 23, 2017

Application Fee Paid:



Application Deemed Complete (Date):

1.0 - Requirements/Checklist for a Complete Application:

Note: If the information below is not received the application cannot be deemed complete.

- ☒ Pre-consultation meeting 29 Sept 2017 • 19 Oct 2017
- ☒ 1 copy of the completed application form
- ☐ 2 copies of any reports/letters of support etc.
- ☐ Entrance Permit or MTO clearance if fronting a Provincial Highway
- ☒ Sketch as per the requirements of Ontario Regulation 197/96
- ☐ 2 copies of information/reports as indicated on application form
- ☐ The required application fee of as per the schedule of fees by-law
- ☒ Planning Rationale
- ☐ Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- ☐ Authorization
- ☐ Electronic version of all required information (i.e. Reports/studies etc.)
- ☐ Ontario Municipal Board (OMB) cost recovery undertaking
- ☒ Proof of Ownership

2.0 - Concurrent Applications Filed

Please check if you have filed any concurrent applications:

- | | |
|---|---|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Plan of Subdivision or Condominium Description |
| <input checked="" type="checkbox"/> Site Plan Application | <input type="checkbox"/> Other (Please Specify): _____ |
| <input type="checkbox"/> Minor Variance | <input type="checkbox"/> Zoning By-law Amendment |

3.0 - Applicant Information

Date Application Submitted to the City of Kenora:

23 Oct 2017

Subject Property Information

Civic Address	Street NO.: 1942	Street Name: Hwy 17W	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description	Sec Dkf; Location KBA 3 of CPL, Pcl 1112 - see attached			
Reference Plan Number	23R-			
Lot NO.(s)/Block NO.(s)				
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016 124 001 01200			
Lot Frontage (Metres)				
Depth (Metres)				
Area (Ha.)				

Owner/Applicant Information

Check Appropriate Box:	<input checked="" type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname: Klassen / Webster	First Name: Michael / Donna		
Mailing Address	Street NO.:	Street Name: PO Box 701	Postal Code: POX 1C0	Unit Num.:
City	Keewatin		Province: ON	
Contact Information	Phone: 807-464-0007	Fax:		
Email	mjk timber@gmail.com			
Acquisition Date of Subject Land				

Agent/Solicitor Information

Company or Firm Name	TNER Consulting Kenora			
Name	Surname: Rickaby	First Name: Tara		
Mailing Address	Street NO.:	Street Name: Box 303	Postal Code: POX 1C0	Unit Num.:
City	Keewatin		Province: ON	
Contact Information	Phone: 807-407-1740	Fax:		
Email	tnerconsultingkenora@outlook.com			

Mortgages, Encumbrances, Holders of Charges Etc. of Subject Land

Company	None			
Contact Person	Surname:	First Name:		
Mailing Address	Street NO.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:	Fax:		
Email				

4.0 - Please list the reports and/or studies that will accompany this application

N/A

5.0 - Purpose of Consent Application

Transfer:	<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Lot Addition	<input checked="" type="checkbox"/> Creation of new lot(s) - (Number of lots created : 1)
	<input type="checkbox"/> Creation of a Lot for semi-detached or row housing		
Other:	<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Easement	<input type="checkbox"/> Lot Line Adjustment/Correction
	<input type="checkbox"/> Lease	<input type="checkbox"/> Correction of Title	<input type="checkbox"/> Other (Please Specify): _____

6.0 - Transferee

If known, state the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

1572969 Ontario Inc.

If the application is for lot addition, identify the lands to which the parcel will be added (legal description).

If application is for easement, identify property which will benefit (legal description).

7.0 Easements

Are there any easements or restrictive covenants affecting the subject lands?



YES



NO

If Yes, please describe each easement and/or covenant and its effect:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)
23R 11237	KN 7759	Bell Canada RDW

8.0 Other Applications under The Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.:	Status:
Zoning By-law Amendment	File No.:	Status:
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.:	Status:
Minor Variance	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (please specify)	File No.:	Status:

9.0 Description of Subject Lands and Servicing Information (Complete each subsection.)

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
9.1 Description	Frontage (m)	30 m - Mink Bay 20 m - Devlin Dr.			20 m → Devlin Dr.
	Depth (m)	irregular min 180 m			≈ 485 m → Mink Bay ≈ 265 m depth
	Area (ha)	≈ 7 ha			
9.2 Use of property	Existing Use(s)	storage/carpenter shop			- 2 storage structures
	Proposed Use(s)	light industrial bldg + greenhouse			1 former residence to be torn down - no change in immediate future
9.3 Buildings or Structures	Existing	storage/carpenters' shop			
	Proposed	light industrial bldg + greenhouse			

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
9.4 Access (√)	Provincial Highway (include MTO letter of support with application)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal - year round	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Municipal - seasonal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other public road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private right of way (provide documentation with application)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Water access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Describe in Section 9.8 the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
>9.5 Water Supply (√)	Publically owned and operated piped	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private communal well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lake or other water body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
>9.6 Sewage Disposal (√)	Publically owned and operated sanitary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual septic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Private communal septic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Privy/grey water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* A certificate of approval from the Northwestern Health Unit for the severed and retained lots is required.

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
>9.7 Other Services (✓)	Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	School bus service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Waste/recycle collection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

>9.8 If access to the subject land is by other than publically owned and maintained road, indicate who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available. If access is by water only, please provide proof of arrangements for docking and vehicle parking.

10.0 - Land Use			
What is the land use designation in the City of Kenora Official Plan (2015)? <u>Commercial Development Area</u>			
Does the proposal conform with the City of Kenora Official Plan (2015)?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
If No, have you made a concurrent application for an Official Plan Amendment?			
<input type="checkbox"/> YES	<input type="checkbox"/> NO	File NO.:	Status:
What is the current zoning designation of the subject property? <u>HC- Highway Commercial</u>			
Does the proposal conform to Zoning By-law No. 101-2015 as amended?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
If No, have you made a concurrent application for a zoning by-law amendment?			
<input type="checkbox"/> YES	<input type="checkbox"/> NO	File NO.:	Status:
What is the existing use of the subject land? <u>Wood/carpenters' shop/storage</u>			
What is the proposed use of the subject land? <u>light industrial use</u>			

What are the uses of the abutting properties?

How long have existing uses been present?

2016 - Storage structure. Some residential use up until previous owner. Farm / Vacant prior.

Has there ever been an industrial or commercial use on the subject land or adjacent land? If Yes, please explain the uses:

No

CONTAMINATION

YES NO UNKNOWN

Has the grading of the subject land been changed by adding earth or other material?

☐ ☒ ☐

Has a commercial, industrial use or a gas station ever been located on the subject land or adjacent land at any time?

☐ ☒ ☐

Has there been petroleum or other fuel stored on the subject land or adjacent land?

☐ ☒ ☐

Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (brownfields, industrial waste etc.)?

☐ ☒ ☐

What information did you use to determine the answers to the above questions? If an Environmental assessment has been performed please submit it with the application.

Local knowledge

*If the answer to any of the above questions from regarding contamination were checked Yes or if there was a previous industrial or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.

11.0 - IS THE PLAN CONSISTENT WITH POLICY STATEMENTS ISSUED UNDER SUBSECTION 3(1) OF THE PLANNING ACT?

Please state how this application is consistent with the 2014 Provincial Policy Statement (PPS).

Please see planning rationale.

12.0 - ORIGINAL PARCEL TRANSFER

Has any land ever been severed from the parcel originally acquired by the owner of the subject land? ☐ YES ☐ NO

If Yes, please indicate the date of the transfer, the name of the transferee and the uses of the severed land:

Date of Transfer: _____

Name of Transferee: _____

Use(s) of Severed Land: _____

13.0 – SIGNIFICANT FEATURES CHECKLIST

Check through the following list. Indicate under YES, NO or UNKNOWN if a listed feature is on-site or within 500 metres. Indicate under YES, NO or UNKNOWN if a listed development circumstance applies. Be advised of the potential information requirements.

FEATURE OR DEVELOPMENT CIRCUMSTANCE	YES	NO	DON'T KNOW	IF YES, SPECIFY DISTANCE IN M	POTENTIAL INFORMATION NEEDS
Non-farm development near designated urban areas or rural settlement areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Evaluate impacts within 300 metres.
Operating mine site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Determine possible impacts within 200 metres.
High Voltage Transmission Lines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Consult the appropriate electric power service.
Transportation and Infrastructure corridors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Will corridor be protected? Noise Study Prepared?
Agricultural Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Will development hinder access to the resource or the establishment of new resource operations?

Mineral Aggregate Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Will development hinder continuation of extraction? Noise and Dust Study completed?
Existing Pits and Quarries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods/Winnipeg River: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Development not permitted
Lands Subject to Flooding and/or Erosions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Slope Study, Flood Line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	Assess and inventory of previous uses in areas of possible contamination.

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays,

14.0 - ADDITIONAL INFORMATION

Please provide any additional information that you feel would be beneficial to the application:

Area subject to site plan agreement would best be in ownership of business for following reasons: 1) access to water source (toilets/sinks) 2) greenspace for employees 3) construction of greenhouse/garden on n. side of pond 4) develop truck turnaround 5) owner prefers to steward the lands - maintain buffer of light industrial use 6) control water into the pond - A portion of the SW corner of the property will be transferred to the C.O.P.K. for turnaround

15.0 - SKETCH

A sketch, draft survey or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. The sketch or site plan must clearly demonstrate:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

All necessary information must be contained on one single sketch or site plan.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

16.0 - DIRECTIONS

Please provide directions to the subject property:

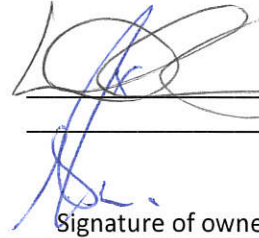
17.0 - AUTHORIZED AGENT/SOLICITOR

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We Michael Klassen/ Donna Webster, am/are the owner(s) of the land that is subject of this application for consent and I/We hereby authorize Tara Rickaby to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

22 Oct 2017

Date


Signature of owner(s)


18.0 - SWORN DECLARATION OR AFFIDAVIT

I, Tara Rickaby of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 197/96, and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the Province of Ontario this 23 day of October in the year 2017



Commissioner of Oaths



Applicants(s)

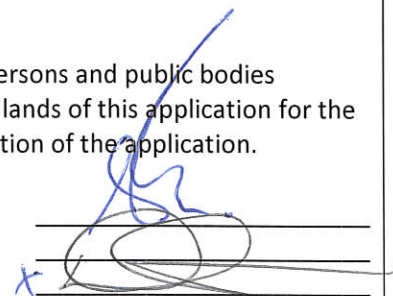
Melissa Gail Shaw,
a Commissioner, etc., Province of Ontario,
for the Corporation of the City of Kenora.
Expires October 24, 2019

19.0 - PRIVACY CONSENT/FREEDOM OF INFORMATION DECLARATION

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of the Planning Advisory Committee or Council Members.

I/We, Michael Klassen / Donna Webster being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.



Owner(s) Signature

PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED PURSUANT TO THE MUNICIPAL ACT, AND WILL BE USED FOR THE PURPOSE OF PROCESSING AND APPROVAL OF THIS APPLICATION AND ASSOCIATED APPLICATIONS. QUESTIONS ABOUT THIS COLLECTION SHOULD BE DIRECTED TO: FREEDOM OF INFORMATION AND PRIVACY COORDINATOR, CITY OF KENORA, ONE MAIN STREET SOUTH, KENORA, ON P9N 3X7 - (807) 467-2295.

Properties

PIN 42154 - 0027 LT Interest/Estate Easement ☒ Add Easement
Description SERVIENT LANDS: PCL 1112 SEC DKF; PT MINING LOCATION 233P KENORA; PT 5
PL 23R11237; KENORA

DOMINANT LANDS: 21403-0082, PT TOWN LT 5 N/S ADELAIDE ST, 6 N/S ADELAIDE
ST PL TOWN OF YORK TORONTO, PT 1 & 2 63R545; S/T ES53983; S/T CT 660935;
TORONTO, CITY OF TORONTO
Address KENORA

Consideration

Consideration \$7,600.00

Transferor(s)

The transferor(s) hereby transfers the easement to the transferee(s).

Name GOMBAR, BORBALA
Address for Service 548 FIRST AVENUE SOUTH
KENORA, ON P9N 1W7

I am at least 18 years of age.

LASZLO GOMBAR and I are spouses of one another and are both parties to this document

This document is not authorized under Power of Attorney by this party.

Name GOMBAR, LASZLO
Address for Service 548 FIRST AVENUE SOUTH
KENORA, ON P9N 1W7

I am at least 18 years of age.

BORBALA GOMBAR and I are spouses of one another and are both parties to this document

This document is not authorized under Power of Attorney by this party.

Transferee(s)**Capacity****Share**

Name BELL CANADA
Address for Service RIGHT OF WAY
2ND FLOOR, 136 BAYFIELD STREET
BARRIE, ON L4M 3B1

Statements

The CITY OF KENORA PLANNING COMMITTEE has consented to this severance herein: See Schedules.

Schedule: See Schedules

Signed By

Pamela Lovas	204-301 First Avenue S Kenora P9N 1W2	acting for Transferor(s)	Signed	2006 11 07
Tel 8074689831				
Fax 8074688384				
Pamela Lovas	204-301 First Avenue S Kenora P9N 1W2	acting for Transferee(s)	Signed	2006 11 07
Tel 8074689831				
Fax 8074688384				

Submitted By

HOOK SELLER & LUNDIN LLP

204-301 First Avenue S
Kenora P9N 1W2

2006 11 10

Tel 8074689831

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Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Land Transfer Tax \$0.00

Total Paid \$60.00

File Number

Transferee Client File Number :

S-34359

BY: GOMBAR, BORBALA
GOMBAR, LASZLO
TO: BELL CANADA

1. W. RANDALL SELLER

I am

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
☐ (c) A transferee named in the above-described conveyance;
☒ (d) The authorized agent or solicitor acting in this transaction for BELL CANADA described in paragraph(s) (C) above.
☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
☐ (f) A transferee described in paragraph() and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph() and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	7,600.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	0.00
(ii) Given Back to Vendor	0.00
(c) Property transferred in exchange (detail below)	0.00
(d) Fair market value of the land(s)	0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	7,600.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	0.00
(i) Other considerations for transaction not included in (g) or (h) above	0.00
(j) Total consideration	7,600.00

6. Other remarks and explanations, if necessary.

1. Tax has been previously paid upon the registration of a NOTICE OF OPTION TO PURCHASE as Instrument Number KN2676 registered on 2006/03/22 .

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement
LRO 23 Registration No. KN7759 Date: 2006/11/07

B. Property(s): PIN 42154 - 0027 Address KENORA Assessment -
Roll No

C. Address for Service: RIGHT OF WAY
2ND FLOOR, 136 BAYFIELD STREET
BARRIE, ON L4M 3B1

D. (i) Last Conveyance(s): PIN 42154 - 0027 Registration No. KN5142
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes ☐ No ☒ Not known ☐

E. Tax Statements Prepared By: Pamela Lovas
204-301 First Avenue S
Kenora P9N 1W2

WHEREAS the Transferee is the owner in fee simple of those lands and premises (the "Transferee's lands") being composed of Parts of Town Lots 5 and 6 on the North side of Adelaide Street West according to the Plan of the Town of York and designated as Parts 1 and 2, Plan 63R-545, City of Toronto.

WHEREAS the Transferor is the owner in fee simple of lands described as
42154-0027 Parcel 1112 SEC DKF; Pt Mining Location 233P Kenora as in LT1269; Pt 5
23RL1237; Kenora (the "Property").

THE TRANSFEROR grants and transfers to the Transferee, its successors and assigns to be used and enjoyed as appurtenant to the Transferee's lands, a free and unencumbered easement (the "Easement") in perpetuity upon, over, in, under and across lands more particularly described in box 5 on Page 1 attached (the "Easement Lands"):

1. the right to construct, operate, maintain, repair, replace, renew, or make additions at all times to telecommunications facilities (the "Facilities") or any part thereof forming part of continuous lines between the Transferee's lands and other lands including, without limitation, all necessary cable and wires (both buried and aerial), conduits, conduit structures, markers, poles, anchors, guys, maintenance holes, fixtures, equipment, and all appurtenances thereto.
2. the right of free and unimpeded access at all times to the Transferee, its contractors, agents, employees, vehicles, equipment, and supplies to and over the Easement Lands.
3. the right of free and unimpeded access at all times to the Easement Lands from and over the Property or abutting road allowances or abutting rights of way for the purpose of exercising the rights hereby granted.
4. the right to remove, trim, sever, or fell any obstructions such as trees, roots, brush, stumps, boulders or rock encountered during the course of construction or subsequent maintenance of the Facilities.

THE TRANSFEROR shall:

1. have the right to fully use and enjoy the Easement Lands provided that without the prior written consent of the Transferee, such consent not to be unreasonably withheld, the Transferor shall not place any buildings or other structures or dig, drill, pave or excavate within the Easement Lands.
2. have the right to normal cultivation for farming purposes of the Easement Lands.
3. have the right to install a private tile drainage system on the Property for the purpose of improving the agricultural productivity of the Property and where such installation would cross through the Easement Lands, the Transferee shall at its own expense, where such installation requires it, physically expose and raise or lower the Facilities to the extent necessary to accomplish such installation.

THE TRANSFEE shall:

1. be responsible for any damage caused at any time by its agents or employees to the Property. When practical, the Transferee, after any of its activities, shall restore the Property appropriately. The subsequent maintenance of the Property shall be the responsibility of the Transferor.
2. indemnify and save the Transferor harmless from all actions, causes of actions, suits, claims and demands of every nature and kind whatsoever which may be made against the Transferor relating to or arising out of the placement of the Facilities by the Transferee and for which the Transferee, in law, is responsible.
3. at its sole discretion, be permitted to attach, or permit the attachment of, wires, cables and equipment of any other company or commission for the purposes only of supplying a service to the public.

NOTWITHSTANDING any rule of law or equity and even though any of the Facilities may become annexed or affixed to the Easement Lands, title to the Facilities shall nevertheless remain in the Transferee.

THIS AGREEMENT including all rights, privileges, and benefits herein contained shall extend to, be binding upon, and enure to the benefit of, the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

THE TRANSFEE, in the event it grants a release of Easement, may abandon the Facilities annexed/affixed to the Easement Lands at its option.

SCHEDULE TO TRANSFER OF EASEMENT IN PERPETUITY

TRANSFEROR(S):

GOMBAR, Borbala

GOMBAR, Laszlo

as Joint Tenants

TRANSFeree(S):

BELL CANADA

DESCRIPTION:

42154-0027 SERVIENT LANDS: PCL 1112 SEC DKF; PT MINING LOCATION 233P
KENORA AS IN LT 1269; PT 5 23R11237; KENORA.

CERTIFICATE OF OFFICIAL

I certify that consent was given by the
City of Kenora under section 53 of the
Planning Act to the transaction to which
this instrument relates
on the 19th day of September, 2006

J. PORT, MCM RPP, SECRETARY/TREASURER

Dated this 26th day of October, 2006

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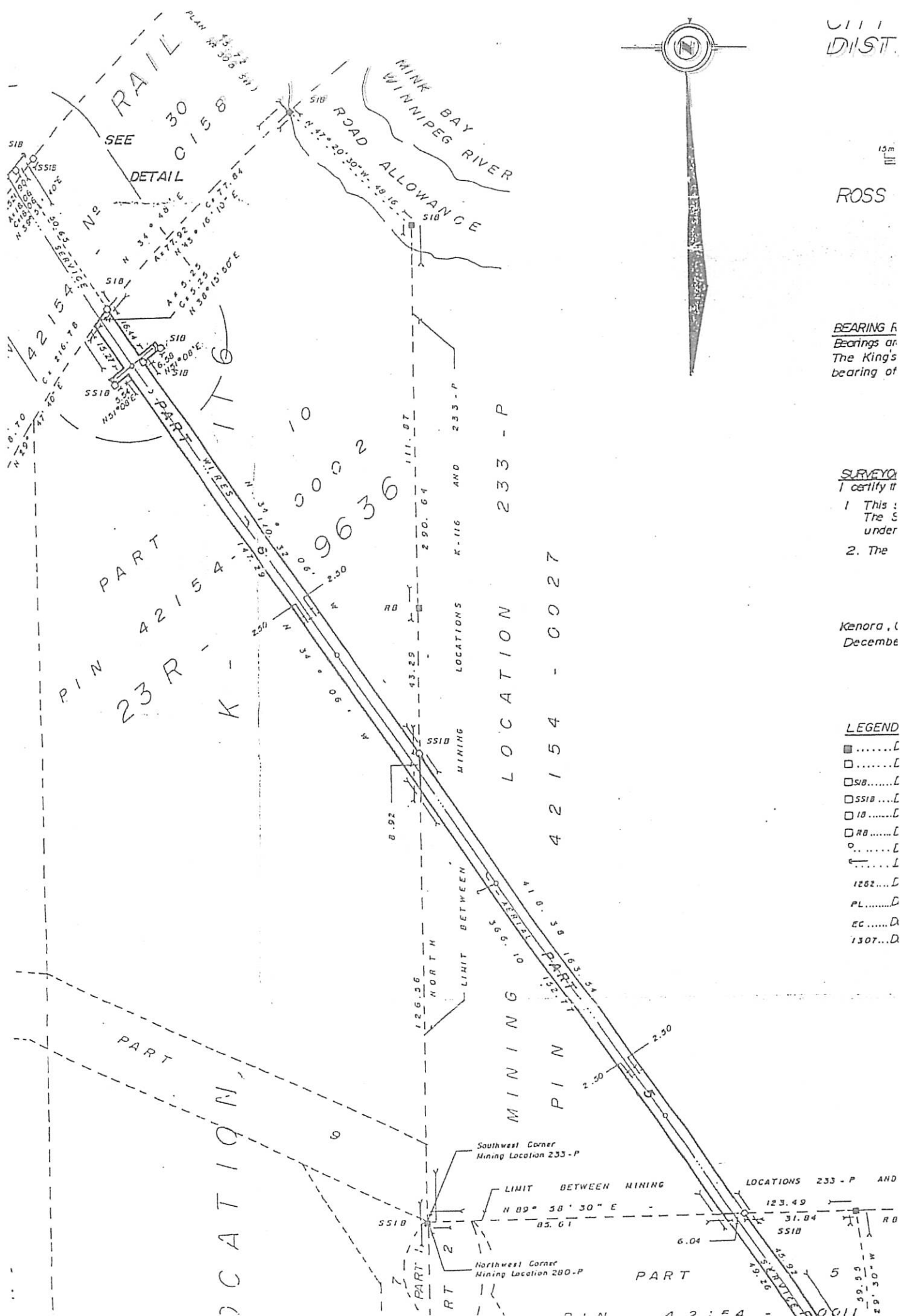
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LEGEND

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□ New lot 1
≈ 7 ha

— Easement

□ To City
of Kenora

□ Subject to site
plan agreement



The maps provided are graphical

**Planning Rationale re. Application to create one new HC – Highway Commercial Lot
City of Kenora Planning Advisory Committee**

Introduction:

Michael Klassen and Donna Webster, property owners (the Owner) have contracted with Tara Rickaby, CAPT, of TMER Consulting Kenora, to make application for consent to create one new HC-Highway Commercial lot, within the City of Kenora. The subject property is legally described as :
PIN 42154-0026 – Pcl 2961 Sec DKF; Location K84 Kenora situate S of the ROW of the Canadian Pacific Railway Company btn said ROW and water's edge of Mink Bay as in PA2449; Kenora
PIN 42154-0027 Pcl 1112 Sec DKF; Pt mining location 233P Kenora as in LT 1269;S/T easement over Part 5 23R 11237 as in KN7759; Kenora
PIN 42154-0028 Pcl 14410 Sec DKF; Pt mining location 233P Kenora on the S side of Mink Bay as in LT37829 Kenora

The subject property and several older structures, on the north side in close proximity to Mink Bay, were formerly used for residential and farming purposes. There is one new carpenters' shop/storage building on site. The Owners propose to create one new lot, approximately 7 ha in size. The retained lot would be approximately 6 ha in size.

Subject site and surrounding uses:



Figure 1 – Site location

The subject land is located on the north end of Devlin Drive, and accessed from Highway 17 West. Mink Bay abuts the subject lands, to the north and the Canadian Pacific Railway mainline is located to the north of that. The City of Kenora owns a 20m strip between the property and Mink Bay. The property is zoned HC – Highway Commercial.

There are three older structures located on the retained lands, one of which will be demolished and two of which are currently used for storage purposes.

There is one structure located on what is to be the lot to be created which is currently used as a carpenters' shop/storage building. A portion of the lands, which would be the lot to be created, has been cleared in order to develop a road and a new structure. A boundary survey of the south and east lot lines has been performed in order to ensure that only the Owners' property was cleared.

The lands slope from south to north, to the approximate location of the proposed new lot line. The lands rise again, from that point, to the north lot line, abutting Mink Bay. The lands on the east side, abutting the residential use, are significantly higher than the residential use, and that grade change provides some buffering.

The lands are subject to a right of way easement in favour of Bell Canada.

There is a multi-residential use located to the east of the subject lands (zoned RR – Rural Residential), and light industrial and marine uses located to the south and to the west. (zoned HC-Highway Commercial).

The proposal:

The Owner proposes to create one new HC – Highway Commercial lot, approximately 7 ha in size. The Owner would retain the lot abutting Mink Bay; approximately 6 ha in size. The new lot would be transferred into a company name.

The new lot would be the site of a light industrial use, which would see the assembly of finished parts, made from previously prepared materials. This is a permitted use of the property under the HC-Highway Commercial provisions of Kenora's Zoning By-law.

In addition, the Owner proposes to develop a greenhouse and garden area, on the northern side of a pond, which would form part of the new lot. The proposal includes some frontage (approximately on Mink Bay, which will provide access to a water source for the office area/washrooms associated with the light industrial use, as well as a green space for the employees of the company.

There are no plans for the use or change in use for the retained lands, abutting Mink Bay.

There is a concurrent application for a site plan agreement with the City of Kenora, which would restrict the development of approximately 3 ha of the north portion of the new lot to the development of a greenhouse and a portion of a vehicle turnaround. In addition there would be a water line, from Mink Bay, to the light industrial building, and a green space area (picnic area) for the use of the employees. The proposed light industrial use building will be located in excess of 200 m from Mink Bay.

The building(s) will be serviced with private water and sewage systems.

Legislative Framework

Provincial Policy Statement, 2014

The application, and proposed outcome are consistent with the Provincial Policy Statement, 2014 as the creation of a new highway commercial use lot will add to the range of employment lands within the City of Kenora, to meet long term needs. The land division is compact development making use of existing municipal infrastructure (Devlin Drive).

The natural heritage feature/Provincially Significant Wetland Mink Bay will be protected, as the development is not abutting the wetland area. There will be no development or site alteration affecting the wetland. The site plan agreement will ensure no impact.

The intensification/efficient re-development of the property, and resulting economic and employment opportunities provide some of the foundation for long-term, diverse economic prosperity.

Northern Growth Plan

This proposed use of the property is a "value-added" light industrial use which will complement the area's resource-based industry.

City of Kenora Official Plan, 2015

The City of Kenora is striving to diversify its reliance on traditional resource-based industries, enhance economic development opportunities and remain sustainable.

The addition of a new highway commercial property supports an existing business and will develop a new employment opportunity for Kenora's residents. The creation of the new lot is compact development that will make use of existing infrastructure. The development will continue to protect the wetland and maintain the integrity of the natural heritage feature which supports principles 1 and 3, of the Plan.

The creation of one new lot in the Commercial Development area of Highway 17W is supported by the policies of section 4.4 Commercial Development Area.

The use is not a sensitive use and therefore is not subject to the policies of section. 4.71 Railyard Policies.

The new light industrial use will be located in excess of 200 m from Mink Bay. Site plan control will be utilized to ensure that no development occurs between that use and Mink Bay, which would negatively affect the Provincially Significant Wetland.

Access

Access to the subject lands is via Devlin Drive (local road) and Highway 17 W, one of Kenora's main arteries,

Land Use Compatibility

The location of any new structure, on the new lot, will minimally comply with the 20 m setback for a Class 1 Industry (Sec 3.15.2), from the east lot line, abutting the residential (sensitive) use. The buffer area being proposed for the site plan agreement, which is an application being made concurrently with this application per pre-consultation with the City of Kenora, will ensure that there will be no impact to the Mink Bay wetland. The closest existing structure, to the Mink Bay Wetlands, is approximately 165 m south. The new, larger building will be constructed south of that, and therefore further away from the wetland, in excess of 200 m. There will be no new structure (with the exception of a passive energy greenhouse) on the "buffer" property, which will be subject to the site plan agreement.

City of Kenora Zoning By-law No. 101-2015, as amended

The lot sizes and frontage of both the new and retained lots comply with the provisions of the HC-Highway Commercial zone provisions. Per the City of Kenora staff, a minimum frontage of 11 m onto Devlin Drive is required as the lot is a waterfront lot.

The new light industrial use complies with the zone regulations listed in Section 4.8.3.

Parking, loading spaces, etc. will be developed to comply with the regulations.

Site plan

The Owner will enter into a site plan agreement, as required by the Council of the City of Kenora. The application has been submitted, concurrently.

Conclusion

Because the proposed land division and subsequent commercial/light industrial development would have regard to both the Provincial Policy Statement 2014 and Northern Growth Plan, and importantly, to the policies of the City of Kenora Official Plan, 2015 and regulations of the Kenora Zoning By-law No. 101-2015 as amended, it would be appropriate that the City of Kenora Planning Advisory Committee approves the application to create one new HC-Highway Commercial lot.

Respectfully submitted by Tara Rickaby, CAPT, TMER Consulting Kenora on behalf of Michael Klassen and Donna Webster

