

June 21, 2019

Mr. Allan G. McKittrick, Q.C.
17A Cumberland Street South
Thunder Bay, Ontario
P7B 2T3

Re: LPAT Case No: PL190146

Dear Mr. McKittrick,

Thank you for your Notice of Response To Motion. Northshore Ridge Condominium Corporation would like to clarify where By Law Number 41-2019 does not comply with the Kenora Official Plan as it relates to Section 3.13.3 – Docks and Shoreline Development.

The By-Law states under 2. (b): Area "C", to allow for a two storey Club House and Administration Office with two resort units, not to exceed 7m in height, to reduce the setback from water to 6m, to reduce the rear setback to 4.5m.

Section 3.13.3 Docks and Shoreline Development is quite specific where docks, waterfront and marina structures are on property abutting water. Point (a) iv states: "not contain sanitary facilities, pressurized water systems or dwelling units."

Area "C" would not comply. It is irrelevant as to whether one calls the units a resort, condominium, fractional ownership or a hotel. They are dwelling units.

I have attached to this letter Section 3.13.3 of the Kenora Official Plan and By Law Number 41-2019.

Sincerely,



James L. Cook
President

Northshore Ridge Condominium Corporation

cc. Ben Bath, Case Coordinator/Planner, LPAT



Section 3 – General Development Policies

- g) Hazard lands shall not be included in minimum lot area calculations, as established in the Zoning By-law.

3.13.2 Wildland Fire Hazards

Hazardous forest types for wildland fire are forest types assessed as being associated with a high or extreme risk of wildland fire. These areas are generally forested areas which are composed of a certain type and condition of forest fuels. Vegetation (fuel types) that are high to extreme risk for wildland fire include natural conifer forests and unmanaged conifer plantations. There is an inherent risk to the public when changes to the landscape occur, such as encroachment of development into forested areas associated with high to extreme risk. When mapping information from the Ministry of Natural Resources and Forestry (MNRF) becomes available, Schedule "A" will be revised to reflect these hazards.

The following policies shall apply to areas near wildland fire hazards:

- a) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- b) Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the MNRF.
- c) In the absence of detailed municipal assessments, proponents submitting a planning application shall undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands, to the extent possible. If development is proceeding where high to extreme risk for wildland fire is present, measures should be identified by proponents to outline how the risk will be mitigated.
- d) Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in wildlife habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies in Section 5.1.1 (Wildlife Habitat) of this Plan.

3.13.3 Docks and Shoreline Development

Land uses permitted along shorelines shall be as specified in the policies of the applicable land use designation. Proposed development within these areas shall be governed by the policies of Section 3.13.1 (Hazard Lands) of this Plan, the applicable land use designation and other applicable policies of this Plan, in addition to the policies of this section.



Section 3 – General Development Policies

- a) Docks, waterfront and marina structures on property abutting water shall:
 - i. be subject to the policies of the MNRF, the Canadian Coast Guard, Fisheries and Oceans, and the City of Kenora, and where such structures are to be on Crown Land covered by water, the comments of adjacent land owners.
 - ii. be designed, constructed and maintained in a manner which contributes to the amenity of the City.
 - iii. be capable of withstanding damaging storms, ice, and high water conditions.
 - iv. not contain sanitary facilities, pressurized water systems or dwelling units.
 - v. be located so as not to interfere with navigation or aids to navigation.
 - vi. be constructed and placed so as to minimize the impact on natural vegetation, and topography and shall not have a negative impact on natural heritage features such as fish habitat, wildlife habitat, habitat of endangered and threatened species, and wetlands.
 - vii. be constructed to meet the requirements of Ontario Regulation R.R.O. 1990, 351 (Marinas) under the Environmental Protection Act, in the case of marinas.
- b) Septic fields servicing shoreline areas shall be located at least 30 m from the high water mark of the abutting water body. All residential lots shall be large enough to ensure that sewage fields are not located within 30 m of a water body.
- c) Commercial uses on the shoreline shall be designed to be compatible with surrounding uses. Developments which contribute to the tourism industry shall be encouraged.
- d) Prior to development or site alteration in areas adjacent to Fish Spawning and Nursery Area as shown on Schedule "A", a Fisheries Assessment and an Environmental Impact Statement shall be prepared to identify the potential impacts of development and site alteration adjacent to other areas of fish habitat and to adjacent watercourses and waterbodies.
- e) Where new development occurs adjacent to any navigable waterway within the City of Kenora, a 5 m natural vegetation area will be required and a 10 m natural vegetation buffer will be strongly encouraged adjacent to the shoreline to minimize the impact of development on water quality in the water body.
- f) Where required under the Lakes and Rivers Improvement Act or the Public Lands Act, prior written authorization from the Province must be obtained.
- g) No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without written authorization from the Province. Where required under the federal *Fisheries Act*, prior written authorization from the federal Department of Fisheries and Oceans must also be obtained.
- h) When considering applications for waterfront development, Council shall ensure that cultural heritage resources, both on shore and in the water, are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on resources of cultural heritage interest or value.
- i) Council will encourage owners of properties adjacent to lakes and water bodies to participate in the Ontario Ministry of the Environment and Climate Change Lake Partner Program. The information collected through the program allows the early detection of changes in the nutrient status and/or the water clarity of lakes due to the impacts of shoreline development, climate change, and other stresses.

The Corporation of the City of Kenora

By Law Number 41 - 2019

A By-law to Amend Comprehensive Zoning By-law 101-2015

Whereas the Council of the Corporation of the City of Kenora passed Comprehensive Zoning By-law No. 101-2015 on December 15, 2015; and

Whereas Council has amended By-Law 101-2015 from time to time; and

Whereas it is deemed advisable and expedient to further amend By-Law 101-2015;

Now therefore the Council of the City of Kenora Enacts as follows:

That Schedule "A", attached to and forming part of By-Law 101-2015, is hereby amended by changing the zoning of property located at:

1. Area A known as the 'Anchor Inn' at 543 Lakeview Drive, Area B at 49 Nash Drive, and Area C at the southside of Nash Street; described as being Block 3, Plan 3, Part of Lot 1 to 3, Part Main Street, RP 23R-12204 Parts 3 to 7
2. That this By-law will cause the zoning of property as identified to be changed from Highway Commercial (HC) to Tourist Recreational (TR-42) to allow for development of uses permitted within the TR zone, including a Resort, and enable site specific provisions:
 - a) Area 'A', to reduce the eastside yard setback to allow a narrowing from 4.5 m to 1.6 m, reduce the westside yard setback to 2.4 m, reduce the front yard setback to 6 m, reduce the rear yard to 4.5 m, increase building height to enable a variable terraced design to 15 m;
 - b) Area 'C', to allow for a two storey Club House and Administration Office with two resort units, not to exceed 7m in height, to reduce the setback from water to 6 m, to reduce the rear setback to 4.5m
 - c) To increase the lot coverage for the overall development to 44%.
3. That Schedule "A" attached hereto is hereby made part of this By-Law, fully and to all intents and purposes as though cited in full herein.
4. That this By-Law shall come into force as provided in the Planning Act c. 13, R.S.O. 1990, as amended, and thereupon shall be effective from the date of its final passing.

By-law read a first and second time this 19th day of March, 2019

By-law read a third and final time this 19th day of March, 2019

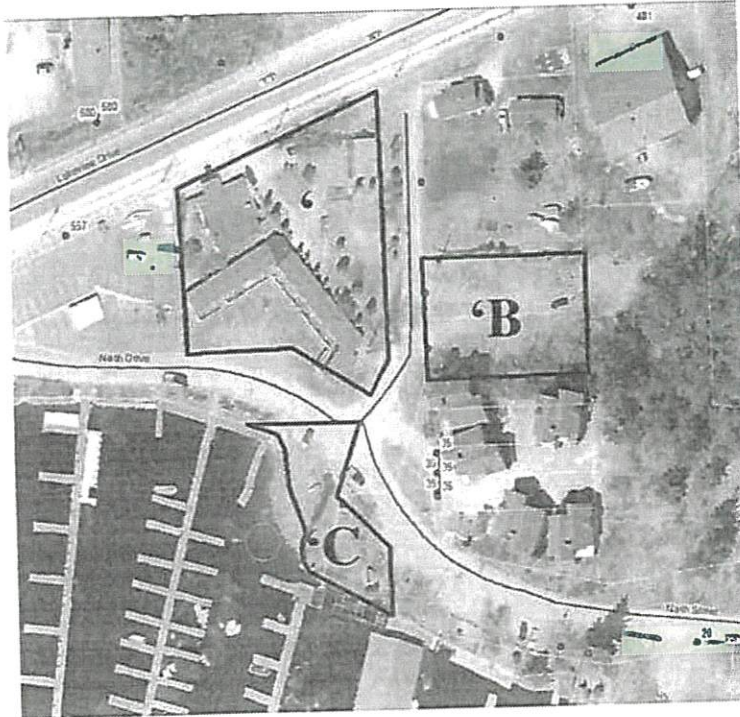
The Corporation of the City of Kenora:-

Dan Reynard, Mayor

Heather Pihulak, City Clerk

**City of Kenora By-law No. 41 - 2019, amending By-law 101-2015
Schedule "A"**

**Location Sketch
(2014 Aerial Imagery)**



1. Area A known as the 'Anchor Inn' at 543 Lakeview Drive, Area B at 49 Nash Drive, and Area C at the southside of Nash Street; described as being Block 3, Plan 3, Part of Lot 1 to 3, Part Main Street, RP 23R-12204 Parts 3 to 7
2. That this By-law will cause the zoning of property as identified to be changed from Highway Commercial (HC) to Tourist Recreational (TR-42) to allow for development of uses permitted within the TR zone, including a Resort and the following site specific provisions;
 - a. Area 'A', to reduce the eastside yard setback to allow a narrowing from 4.5 m to 1.6 m, reduce the westside yard setback to 2.4 m, reduce the front yard setback to 6 m, reduce the rear yard to 4.5 m, increase building height to enable a variable terraced design to 15 m;
 - b. Area 'C', to allow for a two storey Club House and Administration Office with two resort units, not to exceed 7m in height, to reduce the setback from water to 6 m, to reduce the rear setback to 4.5m
 - c. To increase the lot coverage for the overall development to 44%.

Mayor

City Clerk