



# The Corporation of the Town of Kearney

8 Main Street Box 38 Kearney ON P0A 1M0

## MINUTES

### **SPECIAL COUNCIL MEETING REMOTE PUBLIC ACCESS - Council Chambers Saturday, September 26<sup>th</sup>, 2020 10:00 a.m.**

**Council Members Present:** Mayor Carol Ballantyne  
Councillors: Cheryl Philip, Mike Rickward, Liz Stermsek and Paul Ziraldo

**Staff Present:** Brenda J. Fraser, Clerk Administrator  
Linda Moyer, Planning Technician  
Cindy Filmore, Senior Office Assistant

1. **Call the Meeting to Order**  
**Res. No. 1/26/09/2020 Liz Stermsek, Cheryl Philip**  
**BE IT RESOLVED** that the Special Council meeting of the Corporation of the Town of Kearney on September 26<sup>th</sup>, 2020 be declared open and called to order at 10:01 a.m. **CARRIED**
2. **Disclosure of Pecuniary Interest and the General Nature Thereof – None noted.**
3. **Public Comments re: Draft Comprehensive Zoning By-law**  
**Mayor Ballantyne** commented that this public meeting is to accept comments from the public on our new draft Zoning By-law; this is the second public meeting this Council has had; Council felt it was important to give the public another chance to ask questions and express concerns.  
Comments were received from the following people:  
**Carol Adamthwaite**, representing Kearney Watershed Environmental Foundation (KWEF), spoke about the environmental protection of our water bodies being of prime importance; measures to ensure the naturalizing and limiting shoreline development, protecting our wetlands and requiring setbacks of 30 metres for new buildings on the waterfront, and that the zoning for islands should be designated as Open Space or left blank, unless they have an existing residential building.  
**Linda Moyer** commented on the introduction of the Rural Residential (RR) Zone into the By-law – anything under 25 acres is zoned Rural Residential (RR) with fewer permitted uses, anything larger is Rural (RU) – mapping changes were itemized;  
**Councillor Rickward** noted a couple of comments (from KWEF) regarding islands and a discrepancy between MNRF and our Zoning that we need to make note of and corrected as it can't be both.  
**Planning Technician Linda Moyer** responded that we don't have the budget to title search and use information available at the time. Zoning on the islands was labelled by the consultant based on information available to him at the time. We have not done title searches of these properties and although we can zone Crown Land we typically don't. If not labelled with a zone, we would assume they are Open Space (OS) in accordance with the general provisions. We will look at closer when we review the submissions.  
**Councillor Rickward** asked Carol Adamthwaite if it was correct that she stated the 30 m setback on new builds and vacant lands. Ms. A stated that KWEF feels the 30 m is better on RWF along with buffer zones. Councillor Rickward confirmed it was said on new builds and vacant lands.  
**Jay** asked what happens to properties that are on the lake that are not 30 m from the shoreline. Planning Technician Linda Moyer answered that these properties would continue with the set back they have now but as non-complying. There is provision in the new By-law for a 2.5 m allowance into the front yard for an open deck. Also, additions to the side and the back would be permitted.  
**Stephanie Bradbrook** asked if we would review the issue of islands changing the zoning to Rural. Mayor Ballantyne replied that we would make changes at a Special Council Meeting. Ms. Bradbrook clarified that there would not be a final draft yet. Mayor Ballantyne confirmed that nothing will be passed today. Ms. Bradbrook commented that she does not want the islands developed.  
**Jay** questioned being able to build at a 30 m setback if a waterfront property is only 50 m deep. Linda Moyer clarified that you could potentially meet the 30 m setback. If you couldn't meet the setback, you could apply for an exception for a site specific amendment.  
**Joan Morris** asked if the Hazard (HZ) lands on Chickadee Lane was based solely on elevation or if there were other factors. Linda Moyer responded that a lot of the hazard lands originated from the original zoning and official plan for the Town and were created through aerial photography and painted with a broad brush (Sand Lake is different – there are existing elevations), and were carried forward into the current documents. If someone has HZ on your property, and they feel it is high and dry, you can apply for a zoning amendment and provide supporting information (typically engineer report / survey) to determine elevation to assure Council the area is not prone to flooding. Joan Morris commented that comparing existing cottages on hazard lands have not been an issue but there is currently consideration being given to buildings on islands. Linda Moyer responded that it depends on the

question whether there is a study needed.

Karen Fraser asked if the Zoning By-law was approved (with the 30 m setback), would an applicant need to undertake an application for an Official Plan Amendment as well as a Zoning By-law Amendment. Linda Moyer responded "No, it has not been the practice. There has been a number of exceptions in the past (for less than 20 m) and if passed, it is considered an exception to the policies. Mrs. Fraser also asked if we anticipate the use of Minor Variances more frequently or less frequently if these changes are put in place for the residential waterfront zone. Mrs. Moyer stated that she doesn't believe there will be any more amendments than we have now. Karen Fraser commented that for any buildings at 30 m, if they were to apply for any relief for their frontage, they would be looking at a zoning amendment. Linda Moyer commented that we discourage the use of Minor Variances as they are typically more involved than a Zoning By-law Amendment and typically do not get carried forward to the Zoning By-law. A Zoning By-law Amendment would be required to reduce a front yard setback. A Minor Variance is not necessarily quicker or cheaper.

John Kelly, Sand Lake and Area Property Owners Association (SLAPOA), endorsed the comments from Carol Adamthwaite regarding development on 'islands'; detailed review between 20 m plan and previous plans was submitted. Main concern is development on islands. Mayor Ballantyne assured comments will be discussed further by Council.

Carol Adamthwaite commented with regard to the importance of moving forward with environmental precautions – there have been issues with our lakes already and it is important to move forward – not backward.

Councillor Rickward stated he completely agreed but preferred new septics rather than greater set backs.

Mayor Ballantyne stated that all written submissions received will be considered, debated and discussed.

Jay spoke to his shoreline being all grass for well over 100 feet and asked about the 75% natural buffer requirement. Mayor Ballantyne and Linda Moyer clarified that the natural buffer provision is not new and was in effect in our 2002 By-law. It is stated for all waterfront properties.

Carol Adamthwaite added that the Watershed Foundation recommends a border be left; do not mow to the shore; do not fertilize; the naturalized setting helps to keep the geese away and slow and filter the seepage of rain before it gets to the lake.

Joan Morris questioned the time frame for moving forward and opportunity for further comments.

Mayor Ballantyne stated that Council will discuss a date at the end of this meeting and that is when Council will discuss the submissions. Ratepayers will certainly have opportunity for additional input.

Councillor Rickward noted the two new zones of RR and EP. Linda Moyer noted the RR zone identifies smaller rural lots; the EP is in one area that is located within the Provincially Significant Wetland; also, the MA zone identifies licensed and potential aggregate. Councillor Rickward then asked if the people in the new zones have been informed that they have been rezoned and stated that we should be sending out letters to inform them that they have been rezoned. Linda Moyer stated that she doesn't know of any municipality that contacts every property owner, we did (and will continue to) assist a lot of people individually and people were notified (of the new comprehensive By-law) in their tax bill. Councillor Rickward spoke to the length of time taken and that another notice should be sent out to say the maps are going to be updated again. Mrs. Moyer noted that the majority of changes were at the request of the owner(s), were regarding use, or were lot lines and the changes benefit the land owner. It was also noted: that if a use existed, that use/activity can continue; no new HZ lands have been introduced that we are aware of. Councillor Rickward spoke to places on Chickadee Lane in the hazard zone. Mrs. Moyer expanded on hazard lands stating that they were carried forward from the previous zoning that was provided from the province. As long as people don't want to make changes, the existing uses can continue.

Councillor Stermsek reaffirmed that changes were not arbitrarily made.

Councillor Philip asked why we didn't do new mapping if the mapping for HZ is so old and questioned why we haven't updated the mapping and that Council should consider getting it corrected. Linda Moyer stated the reason was cost and then spoke to the need for studies to support proposals. It was noted: that the new mapping is on our Website; anyone with questions can contact Staff.

Deputy Mayor Ziraldo stated that the environmental concerns raised by KWEF are essential and trump any concerns from landowners and he completely agrees with Carol Adamthwaite and her fellow members of KWEF.

Councillor Rickward thanked Linda (Moyer) for all of her efforts stating that the presentation was extremely well detailed, to which all of Council supported.

Planning Technician Linda Moyer added the following:

- We went through all of the Zoning By-law Amendments and brought them forward;
- Some Agreements that weren't applicable law were brought forward;
- Under General Provisions we clarified: 'common walls'; wording for boat dock and launching; gazebos; some of the language; Vegetative Buffer; Trailer storage; refined exception zones; and clarified definitions for nursery and green house
- Under Residential Townsite: adjusted building height;
- Clarified 'unmaintained public road';
- In Residential Waterfront, Exception 7 wording changed to allow effluent to travel 300 m as opposed to just being 300 feet back from the water
- Agreements were inserted into exception zones
- Recently rezoned properties were inserted

- Exceptions that now will comply were eliminated

Senior Office Assistant Cindy Filmore noted that four written comments were received, as follows:

- 1) Jay commented that he agreed with Councillor Rickward that if there were any zoning changes to be made, the owners need to be made aware by letter
- 2) Sharon Cane regarding a residential rural lot, it must be 60 m of frontage to build, or you require a zoning amendment
- 3) Karen Fraser agreed with Jay, that notifications be sent to residents. The Town has tools to prepare mailing lists for specific zones.
- 4) Fraser Bull commented that should there be changes to your zoning, the people should be informed by mail; when asking for this information, the Town should make the printed changes available; and, that he tried to pay for a copy but was told it was not available before the meeting.

Mayor Ballantyne stated these comments will be duly noted and would be included with the other comments heard today.

Council then determined to hold a Special Council Meeting on Friday, October 16<sup>th</sup>, 2020 at 11 a.m. to discuss moving forward with the draft Comprehensive Zoning By-law.

**4. Adjournment**

**Res. No. 4/26/09/2020 Liz Stermsek, Cheryl Philip**

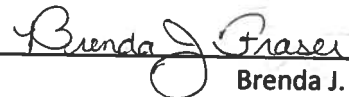
**BE IT RESOLVED** that the Special Meeting of the Corporation of the Town of Kearney adjourn at 11:28 a.m. to meet again at 9:00 a.m. on October 9<sup>th</sup>, 2020 in the Council Chambers, Kearney, Ontario.

**CARRIED**

THE CORPORATION OF THE TOWN OF KEARNEY



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Carol Ballantyne, Mayor



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Brenda J. Fraser, Clerk