

THE CORPORATION OF THE MUNICIPALITY OF NEEBING
MINUTES OF THE STATUTORY PUBLIC MEETING OF COUNCIL

Held at the Municipal Office

On Wednesday, March 25, 2009

PRESENT: Mayor Steven Harasen
Councillor Dawne Kilgour
Councillor Roger Shott
Councillor Bev Dale
Councillor James Jeffery
Councillor Maureen Schmidt
Councillor Beverly Mercer
Clerk Delma Stajkowski

Mayor Harasen called the meeting to order at 7:30 p.m.

DISCLOSURE OF CONFLICT OF INTEREST:

No disclosure was made at this time.

RESOLUTIONS:

Declaring this a Statutory Public Meeting of Council to discuss Amendments #3 and #4 to the Official Plan and Zoning By-law Amendments Z03-2008 and Z04-2008.

Res. No. 124-03-2009

Moved by: Dawne Kilgour
Seconded by: Roger Shott

THAT this be declared a Statutory Public Meeting to discuss Amendments #3 and # 4 to the Official Plan and Zoning By-law Amendments Z03-2008 and Z04-2008.

CARRIED

DISCUSSIONS:

Official Plan Amendment # 3 & Zoning By-law Amendment Z03-08 (Wolfwood Enterprises ULC)

Comments from Ministries & Agencies:

LRCA - The staff have reviewed the above-noted application as it relates to flooding, erosion and fisheries habitat issues and advise that we have no comments or concerns with the proposed amendment.

MMAH - verbal comments to include: adding to Item 6 "as per the Minutes of Settlement OMB Case 0050129"; and adding Item 9 "Additional studies may be required at the expense of the proponent when submitting applications for development".

DISCUSSION: con't

Comments from Council:

Councillor Shott inquired about additional comments from the LRCA and from Ocean & Fisheries.

Comments from the Applicant:

None at this time.

Comments from the Audience:

Letters read out were:

Richard Kukkee: I have a large concern about the zoning amendment Z03-2008 and having the access off Memory Road.

I saw a map of the proposed lot divisions and I feel that the amount of traffic and equipment that are going to access it are going to cause lots of safety issues and damage to Memory Road. The documents I received said the new road will be maintained by its owners...but who is going to pay for all the additional road work that is going to be needed to maintain Memory road or develop it to handle the excess access. The curved and hilly nature of Memory Road does not lend itself well to being the access point for those properties and the amount of traffic it will see.

Sandra Peltonen: This letter is written in support of the amendments proposed by Wolfwood Enterprises. These changes in land use designations are crucial to ensure success for future development in the Municipality. This re-zoning will allow the proponent to proceed with the next steps in their planning proposal.

I have attended past presentations by representatives of Wolfwood and have been impressed by the quality of the information given to the participants in attendance. The plan outlines different stages that will be needed to further the subdivision.

This proposal will also support the objectives of the Official Plan to increase the tax base. Road construction could also provide some needed employment opportunities. Economic Development continues to be one of my concerns for this community.

The Municipality needs to show support for individuals who wish to invest in Neebing.

Ian Pattison: I am writing to support the position of Donn Larson in his email of Sept 4, 2007 following the Aug. 29/07 presentation by Mr. Jones of the Wolwood Enterprises proposal for cottage lots on McKellar Point and Pine Point.

The size of the development is at odds with current residential development and living style in the affected neighbourhoods of Cloud Bay and Little Trout Bay. As Mr. Larson put it, while similar residential and cottage real estate development is in Neebing's interests in seeking to broaden the tax base, "It is the

Discussion: Con't

Comments from the Audience

scale, the enormity, the intrusion of the scheme and insults the natural environment and the senses of the community. By suggesting so many lots and reserving so little for scenic and conservation values, Wolfwood is cheapening the land it seeks to market at a high price and profit."

Mr. Jones initially discussed a development of 350 lots, including the most challenging, vertical cliff areas of McKellar Point. While there is no such number included with the information from the municipality in advance of the Nov. 19 public meeting, it appears from included drawings that little has changed in terms of scale and density.

Please consider having Wolfwood reduce the size of its proposal to more closely match existing adjacent residential development and respect the quiet, natural environment that we who live here now cherish. Perhaps the Nature Conservancy of Canada continues to hold an interest in McKellar Point and its unique values.

Don Bernosky - Regretably due to a previous commitment, I will be unable to attend the meeting tonight. Please accept this as my position regarding the proposed amendments.

It is my understanding that Wolfwood Enterprises ULC has applied to have the designations on those properties as Mining Location A; 3B; 9B, 10B; 8H; 10H and 11h more commonly known as McKellar Point on Little and Big Trout Bays changed from Rural and Use Limitation to Lakefront Residential and Use Limitation to allow for plans of subdivisions and vacant land condominiums to be created.

Due to the significant nature and scope of this development it would be my expectation that the applicant will be presenting and supplying all the necessary information/documentation and analysis regarding the impact of the proposed official plan designation and zoning. This would include a biological and/or Environmental Impact Study (EIS) and any mitigation measures and contingency plans that could/should be included in the zoning. In addition a detailed draft plan and subdivision, permits, etc. Which are required for any official plan amendment or zoning by-law amendment are in place for the council and community to properly make an informed decision.

Unless there is clear evidence that the proper process has been conformed to in conjunction with a planning report submitted by a registered Professional Planner, I then submit this application as premature and object to these amendments going forward.

Shawn Pedri - I am a property owner in Pine Bay, with my father Tony Pedri. We just found out about this proposal to turn our area into a huge development. As a current landowner, why were we not informed about last night's meeting (November 19, 2009)? We want to officially go on record to oppose this development.

Discussion: Con't

Henry Hamilton - We have a few questions for the developers, which can all be answered by a "yes", "no" or a few words. If the answers are favourable, we will be pleased to support the development.

- 1) Has the Neebing Municipality Planning Committee reviewed and approved the proposed plan? (Answer - yes)
- 2) Has an environmental impact study been done, and if so what was the report?
- 3) Has a business plan been introduced and approved? (Answer - no)
- 4) What is the cost to the Neebing taxpayers of the part of the access road for which the Municipality is responsible? If the Municipality builds the road to the development site, and the developers do not develop the site, what compensation or recourse can the Municipality expect from the developers? Will the residents of Pine Bay have access to the privately funded part of the access road? (Answer - The Municipality will not be constructing the road nor will they be providing funds to construct the road. The entire construction costs are the sole responsibility of the developer. Once the road has been constructed to municipal standards the Municipality has the option of accepting the road into their maintenance schedule.)
- 5) How many lots are planned? I gather that some lots may have a condo with multiple rather than single-family occupation. If this is the case how many families, cars, all-terrain vehicles, boats, etc. Will there be if all the lots are sold? (Answer - estimated number of lots 250 - all single family dwelling lots with one dwelling unit per lot allowed. The rest of the questions were unanswerable at this time.)

Mr. Jones advised that the Zoning By-law provided the "H" symbol which is the holding symbol - no development can be started until such time as the "H" has been removed.

Thora Cartlige addressed Council to advise that her and her husband, Mr. Terry Kolomeychuk were not in support of the development. They have concerns with the type and level of development being contemplated for these lands. They feel that the PPS Section 1.1.4 was not compatible with the rugged and rural landscape of McKellar Point on Little and Big Trout Bay and cannot be sustained by rural service levels. They are requesting notification of Council's decision.

Robert Illingworth - Questioned whether comments had been received from the Lakehead Rural Planning Boards. He felt this development would be pre-mature prior to receiving those comments. He has an objection to the zoning not being very specific to the property. He stated that once the zoning is in place, it may have to be changed or amended to accommodate lot sizes.

Bill Lankinen - in support of the development so the applicant can proceed to the next step which is the subdivision application.

Discussion: Con't

In reply to Dr. Hamilton - it was noted that the Anderson's (who own the abutting property) have been notified of the proceedings.

Official Plan Amendment # 4 & Zoning By-law Amendment Z04-08 (Cliffview Properties - Albert Kapush)

Comments from Ministries

LRCA - The staff have reviewed the above-noted application as it relates to our Regulatory Role and provide the following comments:

The applicant should be aware that portions of the proposed lots, as shown on the enclosed sketch, are affected by the Conservation Authority's Development, Interference with Wetlands and alterations to Shorelines and Watercourses Regulations. At a minimum, 15 metres landward and one kilometre into the lake from the 100-year Lake Superior Flood Level are regulated. The construction of any buildings or structures, the placing or dumping of fill, or any alteration to the existing lake shoreline may require a permit from the Conservation Authority. As detailed in our Level II Fish Habitat Agreement with the Department of Fisheries and Oceans (DFO) the Lakehead Region Conservation Authority evaluates proposed works as to their impact on fish habitat within our jurisdiction.

As it appears that the Authority's previous concerns related to the rock fall hazard associated with the talus slope have been addressed by the applicant, staff would support the rezoning of a portion of the Use Limitation (UL) Zone to Recreation S2 (S2); however, the applicant will need to provide a detailed plan with identifiable features (i.e. dimensioned survey plan, UTM coordinates, etc.) clearly identifying the exact area to be removed from the UL Zone.

In addition, staff would likely support the rezoning from Rural (RU) and Extractive Industrial (E) to Recreation 2 (S2) and the Official Plan Amendment; however, as detailed above the exact area needs to be detailed before a final determination can be made.

Staff recommend that the Authority be consulted during the development of the Plan of Subdivision.

Comments from Council:

None at this time.

Comments from the Applicant:

Mr. Don Manahan was speaking on behalf of the developer. He stated that various studies were being conducted at this time and they would be ready to be submitted with the application for the plan of subdivision.

The Plan has been scaled back to 27 lots including lots for public open space which would include parking areas and a boat launch. The road to the proposed plan would entail extending Margaret Street North.

Discussion: Con't

They feel this is good planning stewardship and it is compatible with the abutting land designations.

Comments from the audience:

Thora Cartlidge - We are in support of the amendments on the grounds that the required infrastructure would be an extension of an existing road.

Bill Lankinen - I have recently heard about the proposed Cliff View Properties in Blake Township. I think this is fantastic news for Neebing residents. When you consider the depth of the recession, to have someone willing to spend a lot of time and resources with this kind of endeavour is fantastic for the municipality.

I fully support Mr. Kapush's plan and I hope the council will do the same. As we all know, we have very little commercial properties and the tax burden fall on residential properties. It is important to have these kinds of developments to help council keep tax increases at a reasonable level.

Michael Fraser - Please be advised that I support the above referenced application made by Albert Kapush and Cliffview Properties.

Dennis Morgan - I have known Mr. Kapush for the past 20 years and presently own property and a cottage located at 202 Margaret St, on the site of his first development project in Neebing. Most of the people who own property or reside along Margaret St. Are in favour of this development and I hope their voices will be heard here today.

I believe that this community should recognize Mr. Kapush as a long time resident/tax payer and support his efforts to create additional, greatly needed revenue to help sustain and carry Neebing into the future.

It is no secret that the lake front properties along Margaret St. And in Mink Mountain presently represent a large portion of our tax base surely these new proposed lake lots would be a welcomed addition to our already strapped community.

Mr. Kapush proved in his initial Margaret St. Development, that he has the knowledge, the commitment and the fortitude to make this new endeavour every bit as successful as his first.

Therefore, I not only support Mr. Kapush's proposal, but applaud his efforts in helping our community grow and perhaps even prosper.

Sandra Peltonen - This letter is in support of the application for the proposed subdivision of K16 and K17 in Blake Township.

Discussion: Con't

I reside in a subdivision area that was developed previously by Mr. Kapush. He has proven to be a knowledgeable developer who has supported growth of this community in a positive and responsible manner. Much of the assessment in this area is a result of Mr. Kapush's efforts and vision.

The final order of the Ontario Municipal Board chair has indicated that the Official Plan is now in effect. Mr. Kapush's property has been reviewed by the board as to any possible constraints for development. Mr. Kapush has provided a completed application form for the subdivision which conforms with the Neebing Official Plan.

Mr. Kapush has given much time and effort to prepare for this new subdivision. In these economic times, it is important that approval from Council be given to support Mr. Kapush in furthering his development. This subdivision will provide more assessment to the Municipal budgets and provide the mandatory Parkland Dedication to benefit all residents.

ADJOURNMENT:

Res. No. 125-03-2009

Moved by: Beverly Mercer
Seconded by: B. A. Dale

THAT the time being 8:28 p.m., this Statutory Public Meeting is hereby adjourned.

CARRIED

SPECIAL MEETING OF COUNCIL

MAYOR
Steven Harasen

Clerk
Delma Stajkowski, AMCT