

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

**Special Meeting of Council
Via Electronic Participation
Location: Municipal Council Chambers**

May 12th, 2020

4:30 P.M.

PRESENT: MAYOR: Virginia Rook

COUNCILLORS: Barbara Anne Haitse Michael Reider Jim Rook
John Dimitrijevic Nancy Wirtz

ABSENT: Nil

DISCLOSURE: Nil *[all Council individually polled]*

STAFF: Clerk-Treasurer – Candy Beauvais
Deputy Clerk-Treasurer – Gilles Legault
Administrative Assistant – Angie Nuziale
Chief Building Official – Andrea Tarini
via telephone

MEMBERS OF PUBLIC: 3 *[announced themselves on teleconference]*

DELEGATIONS: Nil

GUESTS: Matthew Dumont, Director of Planning
Sudbury East Planning Board
via telephone

Mayor Rook called the meeting to order at 4:33 PM.

Mayor read the following statement then proceeded with roll call.

On March 19, 2020, Bill 187, *Municipal Emergencies Act, 2020* came into force. This legislation amends the *Municipal Act, 2001* to permit municipalities to amend their procedural bylaws to provide that, during emergencies, members of Councils, local boards, and committees who participate in meetings electronically may be counted for the purposes of determining quorum. The Municipality of Killarney has decided to make such an amendment to its procedural bylaw in response to the COVID-19 pandemic. Accordingly, meetings of the Municipality's Council, local boards, and committees will be conducted by teleconference. The public will also be able to observe such meetings in the same manner. Further to the COVID-19 pandemic and to promote the health and safety of the public, members of Council and staff, it is hereby the decision of Council that this meeting will be held via teleconference and the meeting will also be recorded. This is further enforced by an Order in Council made under the Emergency Management and Civil Protection Act on March 28, 2020 which prohibits any person from attending an organized public event of more than five people.

Mayor Rook presented the procedure for public hearings as indicated below:

The Mayor stated that this Special Meeting was scheduled in order to hold a Public Hearing to discuss a proposed Zoning By-Law Amendment:

Application No. ZBA 20-04KL – Killarney Mountain Lodge

The Planning Act requires that a Public Hearing be held before Council decides whether or not to pass a Zoning By-Law Amendment. The Public Hearing serves two purposes: first, to present to Council and the public the details and background to a proposed rezoning; and second, to receive comments from the public and agencies before a Council decision is made.

Mr. Dumont will provide a summary of the application. From there, the applicant will be requested to make a presentation, followed by questions or presentations from the public, either in favour or against the proposal. Council will then have the opportunity to question the applicant, Director of Planning, or anyone giving presentations. The Zoning By-Law Amendment will then be considered by Council later this evening.

The Mayor asked Mr. Dumont to advise how notice was provided.

Mr. Dumont stated that the Notice of the Public Hearing was posted in the Municipal Office and was sent by mail to the assessed owners within 120 metres of the property subject for the proposed Zoning By-law Amendment, and to those persons and agencies likely to have an interest in the application. The Notice was sent on April 4th, 2020 (being over twenty (20) days prior to this evening's meeting).

Included with the Notice was an explanation of the purpose and effect of the proposed Zoning By-law Amendment and a key map showing the location of the property.

The Mayor then declared this portion of the meeting to be a Public Hearing to deal with Application No. ZBA 20-04KL (Killarney Mountain Lodge) and requested Mr. Dumont to summarize the purpose and effect of the proposed Zoning By-law Amendment and provide any additional information and correspondence relevant to the application.

Mr. Dumont stated the subject lands are presently zoned Waterfront Commercial Tourist (WCT) under Zoning By-law 2014-29 of Municipality of Killarney. The Proposed Zoning By-law Amendment will maintain the current zone of the subject property, however a Special Provision will be added in addition to the current permitted uses under Section 7.12.1 of the WCT Zone in order to permit a nano-brewery use with a capacity of up to 3,000 hectolitres per annum.

With respect to the Provincial Policy Statement, the applicant's proposal would appear to be consistent with the PPS for the following reason: Settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The Community of Killarney is an identified settlement area in the Official Plan.

With respect to the Official Plan, **Community Policy Area**, as identified in the Official Plan for the Sudbury East Planning Area. **Commercial** as per Schedule C: Land Use Plan for Killarney Planning District.

Section 2.1.3.1 of the Official Plan indicates that Community Policy Areas have the highest concentration and intensity of land uses, are the primary focus for residential and **commercial development**, and provide the largest range of dwelling types in the Planning Area. Also, Community Policy Areas demonstrate a strong potential to provide full municipal sewer and water services.

Section 2.2.4 primary permitted uses will include commercial and retail establishment that are intended to serve the commercial needs of the local and travelling public. The commercial designation is intended to be the primary focus for a wide variety of commercial activities within the Sudbury East Plan Area.

With respect to zoning, the proposed amending Zoning By-law will establish provisions to permit a nano-brewery use with a capacity of up to 3,000 hectoliters per annum in an addition to the permitted uses under Section of 7.12 of Zoning By-law 2014-29.

The Waterfront Commercial Tourist (WCT) zone requires a minimum lot frontage of 150.0 metres, a minimum lot area of 2.0 hectares, and a maximum lot coverage of 25.0 percent.

The lot does not conform to the minimum lot area; however, the lot would be deemed to comply to the lot requirements of the Zoning By-law by virtue of Section 6.26 to Zoning By-law 2014-29. The lot would be legal non-complying.

With Respect to agency comments:

Building Services: a permit is required for any building that is greater than or equal to 10 square metres, or any size building that has permanent plumbing connections.

If there is no permanent plumbing connection, then there would be no need for a water-sewer application. If plans change (again, I have seen no plans) and there suddenly was a permanent plumbing, then yes, an application to connect to water sewer would be required.

The nano-brewery is being approved up to a certain limit of what it can produce. That is what council will be allowing if they allow this application to go through. It is my understanding that then the nano-brewery could only produce up to 3,000 hectolitres per annum. If he wanted to produce more, then he would have to reapply through the Planning Board, and if he wanted to expand his building, he would have to apply for a building permit.

Public Works: future expansion would require proper application for expansion of water and sewer.

Clerk: concerned with temporary water service as the brewery may use a hose from another building which would contravene the Municipal By-Law 2008-20. The by-law states that no outside temporary water services, including connections between buildings, vehicles or structures should be installed without the permission of council. Also, if the brewery expands in the future, council must be approached, the proper applications be submitted to council for approval of the connection to the water/sewer infrastructure due to the limited water supply at the plant.

With respect to comments from the public, the Planning Board received three (3) letters of support regarding the proposal.

The ZBA application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, therefore can be supported from planning perspective.

The Mayor invited any presentations from the applicant.

The applicant stated there was nothing to add.

The Mayor asked if there were any questions from members of the Public and if so, please give your name to the Clerk and follow with your comments.

A member of public asked if the lot was legal non-conforming or legal non-compliant.

The Planner indicated the lot is considered legal non-compliant.

A member of the public asked if a building permit has been applied for.

The Chief Building Official indicated that no building permit has been issued.

A member of public asked how 3,000 hectolitres per annum was established for the nano-brewery.

The applicant explained the definition of a nano-brewery and that you can only produce up to 3,000 hectolitres per annum. He stated the nano-brewery is more of a novelty for his guests to experience while enjoying their stay at the Killarney Mountain Lodge. The building itself is only 10 x 10.

Mayor asked if Council had any questions or comments.

Since there were no further comments or questions, the Mayor declared the Public Hearing to be concluded and the amendment would be considered by Council later in the evening.

A regulatory change for municipal *Planning Act* decisions made between February 26 and April 14 took place. While the regulation (O.Reg 149/20) is complex, it clearly requires that decision notices will have to be re-posted and a new 20-day appeal period will need to run once the Emergency has ended.

Therefore, please be advised that there is a 20 day appeal period once the Emergency has ended (to be determined) during which time any person or public body may, not later than 20 days after the day that the giving of written notice as required by Section 34(18) of the Planning Act is completed, appeal to LPAT by filing with the clerk of the municipality 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 LPAT. During this appeal period, no building permit may be issued or other work commenced.

The Director of Planning also informed the applicant that due to the ongoing pandemic, the notice will not be sent out at this time as there has been a change under the Planning Act regarding notices.

The date for the notice is undetermined at this time, but Council has made their decision regarding the matter. Once the emergency orders are lifted, notice will be sent.

20-150 BY JIM ROOK – BARBARA ANNE HAITSE

BE IT RESOLVED THAT the Special Meeting of Council held May 12, 2020 to consider a zoning by-law amendment to rezone lands at Killarney Mountain Lodge Limited to permit a nano-brewery use with a capacity of up to 3,000 hectolitres per annum be adjourned at 4:57 P.M.

RECORDED VOTE		
	<i>FOR</i>	<i>AGAINST</i>
Z. DIMITRIJEVIC	<u> x </u>	_____
B. HAITSE	<u> x </u>	_____
M. REIDER	<u> x </u>	_____
J. ROOK	<u> x </u>	_____
V. ROOK	<u> x </u>	_____
N. WIRTZ	<u> x </u>	_____

CARRIED

ORIGINAL DOCUMENT SIGNED

Virginia Rook, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk Treasurer