

PLANNING DEPARTMENT STAFF REPORT

TO: Trilbee Stirling-Kattler (CAO)
Committee of Adjustment (COA)

DATE: February 9th, 2024

FROM: Kristina Grondin, Planning Coordinator

SUBJECT: Application for Consent (Easement): 17 Cochenour Crescent (D10-24-01)

1. Purpose of Application

The purpose of the application is to convey an easement recognizing the location of underground hydro lines and to provide access to lands located at 23 Cochenour Crescent.

2. Description of Property

The subject property is designated Townsite Residential and zoned Townsite Residential Density 1 (R1). The subject property is 0.459 hectares with 107 metres of waterfrontage. The rear of the property has 6.2 metres abutting Cochenour Crescent. There is an existing single detached dwelling on the property.

3. Aerial Sketch of Proposed Easement



4. Official Plan

Section 8.8.12 of the Official Plan establishes the following policy regarding easements:

Consents may be granted for the purposes of deed correction, an easement, a lot addition, a partial discharge of a mortgage or any other technical purpose and to provide for a lease of 21 years or longer.

5. Planning Act

Section 53(1) provides authority to give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Section 51(24), plan of subdivision approval, was reviewed and it is determined that the proposed consent is not at odds with the noted criteria that the Committee is to consider when reviewing an application for consent.

6. Notice and Circulation

Notice of the application is posted at the Municipal Office; posted on the Municipal website and in the Municipal Newsletter. It was mailed to property owners within 60 metres of the subject property; and distributed to appropriate organizations and department heads. A copy of the notice is attached.

7. Analysis

The proposed easement would recognize the location of an existing underground hydro line servicing 23 Cochenour Crescent and access 23 Cochenour Crescent. The proposed easement is 0.012 hectares in size and covers the road frontage and access to 17 Cochenour Crescent. 23 Cochenour Crescent has vehicular access at a different point on the street.

8. Conclusion and Recommendation

Due to the fact that the proposed easement covers the access to 17 Cochenour Crescent and is the entire width of the road frontage, it is recommended that the easement only permits maintenance and/or replacement of existing underground services and pedestrian access. It shall not permit any temporary or permanent buildings or structures.

It is recommended that the Committee approves the application with the conditions noted above.



Kristina Grondin
Planning Coordinator

Attachments:

- Notice
- Complete Application for Consent
- Draft Decision



NOTICE OF APPLICATION AND PUBLIC MEETING FOR A CONSENT (EASEMENT), FILE NUMBER D10-24-01

TAKE NOTICE that the Council of The Corporation of the Municipality of Red Lake has received a complete application for the Consent (Easement) described as follows:

LOCATION OF PROPERTY: 17 Cochenour Crescent, Cochenour, refer to the location sketch.

PROPERTY DESCRIPTION: The subject property is designated Townsite Residential and is zoned Townsite Residential Density 1 (R1).

PURPOSE AND EFFECT OF APPLICATION: To establish a registered easement over the subject property to recognize the location of an existing underground utility line and to provide access to 23 Cochenour Crescent, Cochenour.

OTHER PLANNING APPLICATIONS RELEVANT TO THE SUBJECT LOCATION: None.

ADDITIONAL INFORMATION about the application including a site plan showing the location of the proposed easement is available for public inspection during regular office hours at the address shown below.

TAKE NOTICE that the application under the above file number will be heard by the Committee of Adjustment on the date, and at the time and place shown below.

PUBLIC MEETING: You are entitled to attend this public meeting in person to express your views about this application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this meeting. If you wish to make written comments on this application, they may be forwarded to the Secretary of the committee at the address below.

FAILURE TO MAKE WRITTEN SUBMISSION: If a person or public body has the ability to appeal the decision of the Committee of Adjustment in respect of the proposed consent to the Ontario Land Tribunal but does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal.

NOTICE OF DECISION: If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment at the address shown below.

DATE AND TIME OF PUBLIC MEETING: Tuesday, February 13th, 2024, at 5:00 p.m.

PUBLIC MEETING PLACE AND ADDRESS: Council Chambers of the Municipal Office, at 2 Fifth Street, Balmertown.

MAILING ADDRESS: Committee of Adjustment, P.O. Box 1000, Balmertown, ON, P0V 1C0

NOTICE DATED: Monday, January 29th, 2024

If you have any questions further to the application or planning process, please contact the Planning Department at (807) 735-2096 or by email at kristina.grondin@redlake.ca





FILE NUMBER

D10-24-01

MUNICIPALITY OF RED LAKE APPLICATION FOR CONSENT

Planning Act, R.S.O. 1990, c. P.13, s.53, O. Reg. 197/96, Schedule

☐ APPLICATION FEE ENCLOSED - \$600 FOR EACH SEVERED LOT

THE INFORMATION IN THIS APPLICATION AND ALL OTHER INFORMATION, STUDIES, REPORTS AND COMMENTS RECEIVED RELATIVE TO THE PROCESSING OF THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC. THIS APPLICATION, INCLUDING INFORMATION ABOUT YOUR PROPOSAL, WILL BECOME PART OF THE PUBLIC AGENDA OF COUNCIL AND COMMITTEES. NOTICE OF THE APPLICATION MAY ALSO BE PLACED INTO THE NEWSPAPER.

NAME OF OWNER JOHN A. FAHLGREN		NAME OF AGENT, SOLICITOR OR PLANNING CONSULTANT (IF APPLICABLE) DONALD COGHILL	
ADDRESS 17 COCHENOUR CRES., BOX 858	POSTAL BOX	STREET ADDRESS 23 COCHENOUR CRES	POSTAL BOX
POSTAL/ZIP CODE RED LAKE, ON P0V 2M0	PROV./STATE	POSTAL/ZIP CODE P0V 1L0	PROV./STATE ON
TELEPHONE 807-335-0005		TELEPHONE 662-5561 CELL 728-1623	
EMAIL utefah@gmail.com		EMAIL dacoghill@sympatico.ca	

PROPERTY INFORMATION:

LEGAL DESCRIPTION OF THE SUBJECT LAND, SUCH AS MINING PLAN DESCRIPTION, REGISTERED PLAN AND LOT OR PART NUMBERS PART OF KRL-7607 & REB 65, PART - 1 PLAN 23R-11014
PIN 42009-2276
STREET ADDRESS AND TOWN SITE NAME 17 COCHENOUR CRES

DIMENSIONS OF SUBJECT LAND	Depth (metres):	Area (hectares):
Frontage (metres): 107 WATER	112.9±	0.459 ha.

OFFICIAL PLAN LAND USE DESIGNATION - HAS A SITE SPECIFIC DESIGNATION BEEN APPLIED, AND IF SO, WHAT LAND USES ARE PERMITTED? R-1
CURRENT ZONING WITHIN THE ZONING BY-LAW - HAS A SITE SPECIFIC ZONING BEEN APPLIED, AND IF SO, WHAT LAND USES ARE PERMITTED? R-1
DATE SUBJECT LAND WAS ACQUIRED ON:
ARE THE MINERAL RIGHTS CROWN OR PATENTED? PATENTED
ARE THERE ANY RESERVATIONS ON THE PATENT OR TITLE OF THE SUBJECT LOCATION?
IF FRONTED BY WATER, IS THE SHORELINE RESERVE PATENTED OR CROWN LAND? IF CROWN, HOW WIDE IS THE RESERVATION? 66' RES OWNED BY MR. FAHLGREN

WHAT IS THE EXISTING USE OF THE PROPERTY? WHAT IS THE LENGTH OF TIME THIS USE HAS OCCURRED?

R-1 (75+ YEARS)

EXISTING USE OF ABUTTING PROPERTIES

R-1

PROPOSAL INFORMATION:

WHAT IS THE TYPE AND PURPOSE OF THE PROPOSED TRANSACTION? (FOR EXAMPLE, A TRANSFER FOR THE CREATION OF A NEW LOT, A LOT ADDITION, AN EASEMENT, A CHARGE, A LEASE OR A CORRECTION OF TITLE).

SMALL LOT ADDITION - ONLY 2.6% OF LAND

MR & MRS COGHILL HAVE USED THIS LAND SINCE 2009

IF KNOWN, WHAT IS THE NAME OF THE PERSON(S), OR CORPORATION TO WHOM THE LAND OR AN INTEREST IN THE LAND IS TO BE TRANSFERRED, CHARGED OR LEASED?

DON & DORIS COGHILL

DOES ANY OTHER PARTY HAVE INTEREST IN THE PROPERTY, SUCH AS CHARGE, RESTRICTIVE COVENANT, MORTGAGE, OR EASEMENT? PLEASE PROVIDE A DESCRIPTION OF EACH AND ITS EFFECT:

N/A

PLEASE PROVIDE THE NAMES AND ADDRESSES FOR THESE PARTIES:

DESCRIPTION OF LAND INTENDED TO BE SEVERED (PROPOSED LOT(S)), AND LAND INTENDED TO BE RETAINED:

NUMBER OF NEW LOTS PROPOSED NOT INCLUDING ONE RETAINED (MAXIMUM OF TWO NEW LOTS PERMITTED):

1. PROPOSED LOT NUMBER ONE:

FRONTAGE ^{AVERAGE} 8.2 METRES DEPTH 15.2 METRES AREA 0.012 HECTARES

WHAT ARE THE EXISTING AND PROPOSED USES AT THIS LOCATION? ACCESS TO PUBLIC ROAD

WHAT ARE THE EXISTING AND PROPOSED BUILDINGS AND STRUCTURES AT THIS LOCATION?

N/A

ACCESS - Access to the subject land will be by:

☐ Provincial Highway

☐ Seasonally maintained Municipal road

☒ Year round maintained Municipal road

☒ Right-of-way

☐ Private road

☐ Water

WATER ACCESS – Where access to the subject land is by water only:	
Docking facilities (specify)..... <u>N/A</u> distance from subject land distance from nearest public road	Parking facilities (specify)..... distance from subject land distance from nearest public road
POTABLE WATER is or will be provided to the subject land by:	
<input checked="" type="checkbox"/> Publicly-owned/operated piped water system <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Privately-owned/operated individual well <input type="checkbox"/> Other means (specify) <input type="checkbox"/> Privately-owned/operated communal well	
SEWAGE DISPOSAL is or will be provided to the subject land by:	
<input checked="" type="checkbox"/> Publicly-owned/operated sewage system <input type="checkbox"/> Pit privy <input type="checkbox"/> Privately-owned/operated individual septic system <input type="checkbox"/> Other means (specify) <input type="checkbox"/> *Privately-owned/operated communal septic system	

2. PROPOSED LOT NUMBER TWO: <u>N/A</u>			
FRONTAGE _____	METRES	DEPTH _____	METRES
AREA _____		HECTARES	
WHAT ARE THE EXISITING AND PROPOSED USES AT THIS LOCATION? _____ _____			
WHAT ARE THE EXISITNG AND PROPOSED BUILDINGS AND STRUCTURES AT THIS LOCATION? _____ _____			
ACCESS – Access to the subject land will be by:			
<input type="checkbox"/> Provincial Highway <input type="checkbox"/> Municipal road – maintained seasonally <input type="checkbox"/> Municipal road – maintained year round <input type="checkbox"/> Right-of-way <input type="checkbox"/> Private road <input type="checkbox"/> Water			
WATER ACCESS – Where access to the subject land is by water only:			
Docking facilities (specify)..... distance from subject land distance from nearest public road	Parking facilities (specify)..... distance from subject land distance from nearest public road		
POTABLE WATER is or will be provided to the subject land by:			
<input type="checkbox"/> Publicly-owned/operated piped water system <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Privately-owned/operated individual well <input type="checkbox"/> Other means (specify) <input type="checkbox"/> Privately-owned/operated communal well			

SEWAGE DISPOSAL is or will be provided to the subject land by:

<input type="checkbox"/> Publicly-owned/operated sewage system	<input type="checkbox"/> Pit privy
<input type="checkbox"/> *Privately-owned/operated individual septic system	<input type="checkbox"/> Other means (specify)
<input type="checkbox"/> Privately-owned/operated communal septic system	

3. RETAINED LOT:

FRONTAGE 107 METRES DEPTH 112.9± METRES AREA 0.447 HECTARES

WATER

WHAT ARE THE EXISTING AND PROPOSED USES AT THIS LOCATION?

LOG HOME - RES

WHAT ARE THE EXISTING AND PROPOSED BUILDINGS AND STRUCTURES AT THIS LOCATION?

ACCESS – Access to the subject land will be by:

<input checked="" type="checkbox"/> Provincial Highway	<input type="checkbox"/> Municipal road – maintained seasonally
<input type="checkbox"/> Municipal road – maintained year round	<input type="checkbox"/> Right-of-way
<input type="checkbox"/> Private road	<input checked="" type="checkbox"/> Water

WATER ACCESS – Where access to the subject land is by water only:

Docking facilities (specify)..... distance from subject land distance from nearest public road	Parking facilities (specify)..... distance from subject land distance from nearest public road
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POTABLE WATER is or will be provided to the subject land by:

<input type="checkbox"/> Publicly-owned/operated piped water system	<input type="checkbox"/> Lake or other water body
<input type="checkbox"/> Privately-owned/operated individual well	<input type="checkbox"/> Other means (specify)
<input type="checkbox"/> Privately-owned/operated communal well	

SEWAGE DISPOSAL is or will be provided to the subject land by:

<input type="checkbox"/> Publicly-owned/operated sewage system	<input type="checkbox"/> Pit privy
<input type="checkbox"/> *Privately-owned/operated individual septic system	<input type="checkbox"/> Other means (specify)
<input type="checkbox"/> Privately-owned/operated communal septic system	

*Properties to be serviced by private sewage systems will require a preliminary soils inspection. It is the responsibility of the applicant to arrange an inspection with the Northwestern Health Unit.

If the requested amendment would permit development on privately owned and operated individual or communal sewage system, and more than 4500 litres of effluent would be produced per day as a result of the proposed development, a servicing options report and a hydrogeological report must be provided.

OTHER APPLICATIONS – if known, indicate if any of the subject land has or will be the subject of an application under the Act for:

☐ approval of an Official Plan Amendment (under section 22) File Status

If Yes please describe in detail:

☐ approval of a Zoning By-Law Amendment (under section 34) File Status

If Yes please describe in detail:

☐ approval of a plan of subdivision (under section 51) File Status

If Yes please describe in detail:

☐ minor variance (under section 45) File Status

If Yes please describe in detail:

Are you aware of any *Planning Act* Applications within currently being proposed for any properties within 120 metres of the subject property?

HAS ANY LAND BEEN SEVERED FROM THE PARCEL ORIGINALLY ACQUIRED BY THE OWNER OF THE SUBJECT LAND? YES NO

IF YES, PLEASE PROVIDE THE FILE NUMBER, DATE OF TRANSFER, NAME OF TRANSFEREE AND THE USES OF THE SEVERED LAND:

STORM DRAINAGE is or will be provided to the subject land by:

☐ Sewers ☒ Ditches ☐ Swales ☐ Other means (specify)

What is the expected type and volume of waste to be produced on the subject lands? How will this waste be managed or treated?

Grey water (sinks) as a result of indoor plumbing NIL

Black water (toilet) as a result of indoor plumbing NIL

Food wastes NIL

Recyclable household wastes (plastic, glass, aluminum) NIL

Building hardware wastes (treated wood, shingles, metal) TO MUNICIPAL DUMP

CHECK AS APPLICABLE:

Does the Owner own any adjoining property?

☒ Yes

☐ No

If Yes please describe in detail: _____

Is there any reason to believe that the site may be environmentally contaminated?

☐ Yes

☒ No

If Yes please describe in detail: _____

Has an industrial or commercial use been on or adjacent to the property?

☐ Yes

☒ No

If Yes please describe in detail: _____

Has lot grading been changed by adding or removing earth or other material?

☐ Yes

☒ No

Yes please describe in detail: _____

Has the Ministry of the Environment or any other ministry advised the owners that the property is or may be contaminated?

☐ Yes

☒ No

If Yes please describe in detail: _____

Are there any known Natural Heritage values existing on the site?

☐ Yes

☐ No

If Yes please describe in detail: _____

Is the proposed Application for Consent consistent with the Provincial Policy Statement issued under subsection 3(1) of the Planning Act? (The 2005 Provincial Policy Statement can be found on the website of the Ministry of Municipal Affairs and Housing at www.mah.gov.on.ca/Page215.aspx)

YES

Land within the Municipality of Red Lake is designated under a Provincial Plan being the Northern Growth Plan that took effect in March 2011. Does this application conform or not conflict with the plan?

YES

Is there any other information that you think may be useful to the Municipality in reviewing this Application for Consent? If so, explain below or attach a separate page with this information.

AUTHORIZATION OF THE OWNER FOR AN AGENT TO MAKE APPLICATION

I/We the undersigned, being the owner of the subject land, hereby authorize Donald Coghill to be the applicant in the submission of this application. This application has been submitted with my/our full knowledge and endorsement.

[Signature]
Signature of 1st Owner or Signing Officer

D. Coghill DORIS COGHILL
Signature of Witness

[Signature]
Signature of 2nd Owner or Signing Officer

January 15 2024
Date

AFFIDAVIT OR SWORN DECLARATION FOR THE PRESCRIBED INFORMATION

I/We, Donald Coghill of the Municipality of Red Lake in the Province of Ontario
(Municipality/ City) (Province)

solemnly declare that the statements and any maps or plans submitted with this application are true, and I/We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue and provided by me are true and I make this solemn of the Canada Evidence Act.

Sworn (or declared) before me at the Municipality of Red Lake
in the District of Kenora
This 19 day of January, 2024

[Signature]
Commissioner for Taking Affidavits

[Signature]
1st Owner/ Signing officer/ Authorized Agent

Affix commissioner stamp here:

Christine Goulet
a Commissioner, etc., District of Kenora
for the Corporation of the Municipality of Red Lake.

2nd Owner/ Signing officer/ Authorized Agent

This section for Red Lake Municipal office use only:

Date complete application received: Jan 19, 2024

0.724 ha
1.789036 ACRE

PART 1.

PLAN KR-1783

PARCEL 5242

D.P.F.

M I ~~N~~ I N G

66.221 (P1)
66.250 (MEAS)
49.285 (MEAS)
49.256 (P1)

9.1) ^{Q. Q.} GARAGE
PART 16
PLAN KR-1783

PART 1, PLAN 23R-2730

N85°33'30"W
N85°35'W

61.700 (MEAS)
61.655 (P3)

REFERENCE BEARING
N34°52'30"E

LC LA

19 (696)
(AR-1765)

IS (896)
(KR-1783)

BU (696)
(KR-1783)

PLAN 23R-21
PARCEL 5240 D
Fifty

D.P.F.

OVER



MUNICIPALITY OF RED LAKE

COMMITTEE OF ADJUSTMENT

DECISION – APPLICATION FOR CONSENT

FILE NO: D10-24-01
APPLICANT: John A. Fahlgren
DATE: February 13th, 2024

DESCRIPTION OF APPLICATION:

To establish a registered easement over the subject property to recognize the location of exiting underground hydro line and pedestrian access to lands located at 23 Cochenour Crescent.

SUBJECT PROPERTY:

17 Cochenour Crescent, Cochenour.

MOVED BY: _____

SECONDED BY: _____

DRAFT

DECISION: _____

THIS DECISION:

IF APPROVED: Is subject to the conditions set out on Page 2 of this decision.

IF REFUSED: Is for the reasons set out here below of this decision.

REASONS FOR DECISION IF REFUSED

CONCURRING MEMBERS

Brenda Cooke, Member

Allistair McRae, Member

Enid Carlson, Member

Jerret Landry, Vice Chair

Vacant

Vacant

I HEREBY CERTIFY this to be a true copy of the decision of the Municipality of Red Lake Committee of Adjustment made on February 13th, 2024, for the subject application for consent.

Secretary-Treasurer

DRAFT



MUNICIPALITY OF RED LAKE

COMMITTEE OF ADJUSTMENT

DECISION – APPLICATION FOR CONSENT

FILE NO: D10-24-01
APPLICANT: John A. Fahlgren
DATE: February 13th, 2024

DRAFT

EFFECT OF APPLICATION:

To establish a registered easement over the subject property, 17 Cochenour Crescent, Cochenour, to recognize the location of exiting underground hydro line and pedestrian access to lands located at 23 Cochenour Crescent, Cochenour.

THIS PROVISIONAL CONSENT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. **All** conditions must be fulfilled **within two years** of the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. *Section 53(41), the Planning Act, R.S.O. 1990.*
2. That the Secretary-Treasurer be provided with a draft R-plan (suitable for registration) for review and approval by the Secretary-Treasurer and the Planning Coordinator prior to registration.
3. That the Secretary-Treasurer be provided with a draft transfer conveying the proposed easement from the applicant's lands to lands located at 23 Cochenour Crescent and further that said easement shall permit maintenance and/or replacement of existing underground services and pedestrian access. It shall not permit any temporary or permanent buildings or structures.



DRAFT