

PLANNING DEPARTMENT STAFF REPORT

TO: Trilbee Stirling-Kattler, CAO
Planning Advisory Committee (PAC) DATE: April 5th, 2023

FROM: Kristina Grondin, Planning Coordinator FILE: D14-24-01

SUBJECT: Application for Temporary Use Provision Extension: 71 Sandy Bay Road.

1. Application Description

The purpose of this application is to extend the existing Temporary Use Provision (TUP) which permits a mobile home in a Rural Residential (R4) zone, for an additional fifteen (15) months.

2. Property Description and Location

This application pertains to the property located at 71 Sandy Bay Road. A location sketch is provided below.

The property is designated and zoned Rural Residential. The subject property is approximately 40 acres in size. Currently has a mobile home, serviced by a well and septic field.

The adjacent lots to the east, west and south are zoned Rural Residential (R4). There is also a pump house located to the south. The property to the north is zoned Natural Resources and is undeveloped.

3. Location Sketch



4. Official Plan, Zoning By-Law and Planning Act

The property is designated Townsite Residential and zoned Rural Residential (RR).

Official Plan (OP)

Section 3.10

The Official Plan (OP) includes policies pertaining to temporary use of land. Section 8.7(1) states that Council may pass a By-Law to allow for a temporary use of lands that does not conform to the land use designation in the Official Plan provided that:

- a) The temporary use does not require major capital investment or alteration to the existing landscape;
- b) The proposed use is compatible with surrounding existing and zoned land uses;
- c) The proposed use does not require the extension of municipal services;
- d) The developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted; and
- e) The By-Law shall specify a maximum time period for which the use may be permitted.

Zoning By-Law

Permitted uses in the Rural Residential (R4) zone are modular and single detached dwellings. Mobile homes are permitted in the Mobile Home Residential (R3) zone.

Section 3.17 states that not more than one main building shall be erected on the lot unless specifically allowed in the zone in which the lot is located. The R4 zone only permits one main building.

Planning Act

Section 39 (Temporary Use Provisions) of the Planning Act authorizes a local municipality to pass a by-law under Section 34 (Zoning By-Laws), to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

The Planning Act further states that the temporary use by-law shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law. Council may grant further periods of not more than three years each during which the temporary use is authorized.

5. Site Visit and Photos

Photos from the site visit completed on Monday, April 8th, 2024.

Photo 1: Temporary Mobile Home & Well Location



Photo 2: Septic Field



Photo 3: Temporary Electrical



Photo 4: Access to Temporary Mobile Home



6. Notice Circulation

Notice of the application was posted at the Municipal Office; advertised in the Municipal Newsletter; mailed to property owners within 120 metres of the subject location; sent to applicable agencies; and provided to appropriate department heads. A copy of the notice is attached.

No additional comments or concerns were received as of Friday, April 5th, 2024.

7. Public Hearing

A public hearing is scheduled to be held on April 9th, 2024, to hear any comments from the public. In consideration that the public hearing is to be held the same evening that the committee is considering the application, it is important to recognize that new information brought forward at the meeting has the potential to affect the outcome of the recommendation, as well as the committee's decision.

8. Analysis and Conclusion

The mobile home is already located on the property and is connected to private services and temporary electrical. The mobile home is located approximately 240 metres from Sandy Bay Road. Due to unforeseen circumstances the applicant was not able to complete the log home that was originally planned. He is requesting the TUP extension to allow for time while he makes a decision regarding the property. If he retains the property he will still move forward with a log home but it will most likely be prefabricated. The applicant is requesting that the existing TUP be extended for fifteen (15) months, ending July 19th, 2025. The Planning Act permits extension to be up to three (3) years.

9. Recommendation

Based on the above analysis, Staff proposes that the Planning Advisory Committee recommends to Council the approval of the requested extension and consider increasing the term to two (2) years as this will provide two full building seasons which will be sufficient time to build a log home and potentially prevent future requests for an extension.



Kristina Grondin
Planning Coordinator

Attachments:

- Notice of Application and Public Meeting
- Draft Zoning By-Law Amendment



THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW No. XX-2024

BEING A BY-LAW TO TEMPORARILY AMEND BY-LAW NO. 1930-14 WHICH REGULATES THE USE OF LAND, CHARACTER AND LOCATION OF BUILDINGS, AND STRUCTURES IN THE MUNICIPALITY OF RED LAKE

WHEREAS the Council of The Corporation of the Municipality of Red Lake passed Zoning By-Law No. 1930-14 on September 15th, 2014; and

WHEREAS Section 39 of the Planning Act states that the council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

WHEREAS Council approved By-Law No. 34-2021, amending Zoning By-Law No. 1930-14 to temporarily permit a mobile home in the Rural Residential (R4) zone for a period of three (3) years, ending on April 19th, 2024; and

WHEREAS Council deems it advisable to extend the Temporary Use Provision for an additional fifteen (15) months, ending July 19th, 2024;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake hereby **ENACTS AS FOLLOWS:**

SECTION 1 – Application

- 1.1 This By-Law shall apply to property located at 71 Sandy Bay Road.
- 1.2. A location sketch identified as "Schedule A" is attached hereto and forms part of this By-Law. The property subject to this Temporary Use Provision is shown as "Subject Lands".

SECTION 2 – Purpose and Effect

- 2.1 A Temporary Use Provision in coordination with By-Law No. 1930-14 is hereby enacted insofar as it applies to the permitted temporary use of lands for a mobile home on lands shown on Schedule A.

The regulated zoning classification of the lands shown as "Subject Lands" are zoned Rural Residential (R4); however a temporary use provision shall also apply.

SECTION 3 – Temporary Use Provision

- 3.1 Whereas the regulated zoning of the subject lands is Rural Residential ('R4'), a Temporary Use Provision allows for one (1) mobile home to be placed on the Subject Lands. This by-law would allow for its use for the period of two (2) years, and shall become effective from the date of its final passing, following the required appeal period of 20 days.

As per the Official Plan, the Municipality of Red Lake and the Property Owner shall enter into an agreement specifying the conditions under which the use may be permitted.

SECTION 4 – Conformity with Official Plan

The proposed By-Law is in conformity with the Official Plan for the Municipality of Red Lake, as provided within the statement given in Schedule B, attached hereto.

THAT this By-Law shall come into force and take effect upon the final passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 15th DAY OF APRIL, 2024.

Fred Mota, Mayor

Christine Goulet, Clerk

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 15th DAY OF APRIL, 2024.

Fred Mota, Mayor

Christine Goulet, Clerk

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Municipality of Red Lake
KEY MAP
By-Law No.



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SCHEDULE B

STATEMENT OF CONFORMITY TO THE OFFICIAL PLAN
FOR THE MUNICIPALITY OF RED LAKE (BY-LAW 1937-14)

I, CHRISTINE G. GOULET, CLERK OF THE MUNICIPALITY OF RED LAKE,
HAVE REVIEWED BY-LAW NO. XX-2024 OF THE MUNICIPALITY
OF RED LAKE, AND I AM OF THE OPINION THAT THIS BY-LAW
IS IN CONFORMITY WITH THE OFFICIAL PLAN FOR THE
MUNICIPALITY OF RED LAKE (BY-LAW 1937-14).

CHRISTINE G. GOULET, CLERK

April 15th, 2024

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