

RESORT VILLAGE OF KIVIMAA – MOONLIGHT BAY
Council Meeting Minutes

Minutes for the Regular Meeting of the Resort Village of Kivimaa-Moonlight Bay held at the Resort village Office on November 15, 2021.

Call to Order: Mayor Nasby called the meeting to order at 7:20 P.M.

Present: Mayor Nasby, Councilors Anderson, Johnson and Macleod, Assistant Andrews

MINUTES:

Motion 241/21: Anderson

Johnson: That the minutes of the October 18, 2021 Regular Meeting be approved as presented.

CARRIED

ARISING FROM MINUTES:

CORRESPONDENCE:

- Fall 2021 Engage Magazine—SK Lotteries
- Fall 2021 Horizons Magazine—Stars Ambulance
- Q4 Think Big Magazine—SK Heavy Construction Association
- Email SK Power—Quote of \$7400 for Street Light at Amalia Place
- Email HELP Shelterbelt Program Announcement
- Email CCL Networks—Internet Tower on Village Property
- Email SK Energy—Nov 30 Municipal Payment will be \$221.49

ARISING FROM CORRESPONDENCE:

Street Light at Amalia Place

Motion 242/21: Anderson

Macleod: That the Village defer accepting the quote of \$7400 from Sask Power to have street light installed at Amalia Place.

CARRIED

CCL Networks

Steve to discuss with operations manager best place to install Xplornet tower

ACCEPTANCE OF CORRESPONDENCE:

Motion 243/21: Johnson

Macleod: That the correspondence be adopted as presented.

CARRIED

APPROVAL OF EXPENSE ACCOUNTS:

Dot Andrews—332 km travel, Process Color Print (Flags) \$551.78

Jackie Helgeton—166 km travel \$97.94

Motion 244/21: Johnson

Anderson: That the expense accounts be approved for payment as presented.

CARRIED

PAYMENT OF ACCOUNTS:

Motion 245/21: Anderson

Macleod: That the accounts in the amount of \$24,835.34 Ck #'s 7895 – 7903 including Online Payments be approved as per list submitted to Council.

CARRIED

STATEMENT OF RECEIPTS AND DISBURSEMENTS:

Motion 246/21: Johnson

Anderson: That the Statement of Receipts and Disbursements and Bank Reconciliations for the month of October 2021 be approved as presented.

CARRIED

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DELEGATIONS: Attending: Debbie Kivimaa, Kay Kivimaa, Alden & Sandra Halseth, Lorne & Kathy Hickman, Jason Neufeld, Peter Donovan

Public Meeting—Rezoning of Lot 9, Blk 12, Plan 84B16177

8:00—Phone Presentation, Karrie Adolph

8:10—Jason Neufeld

Written Submissions: Les and Sue Adolph; Tim Oman; Chris Oman; Russell and Esther Corrigan; Shonna Quayle; Alden and Sandra Halseth; Jim Whitfield; Makari Builders; Hank Fischer; Lynn Mazzei; Donna Jamieson; Larry and Donald McCormick; Richard and Deborah Moldenhauer; Doug Irwin; Bill and Judy Tumbach; Allen & Cora Walker; The Nickless Family; Evert and Colleen Gristwood (Note: Written submissions are included as an addendum to the minutes)

Motion 246/21: Johnson

Anderson: That Council deny the application to rezone Lot 9, Blk 12, Plan 84B16177 from Residential to Commercial

CARRIED

REPORTS:

Motion 247/21: Anderson

Johnson: Council accepts with thanks, the report from Karen Perry on the October 20, 2021 North SK Municipal Health Holdings meeting.

CARRIED

BYLAWS:

OLD BUSINESS:

SK Health Update

Still no response from SK Health on ratepayer dumping sewage on Village Property. Mayor Nasby will follow up.

Camera Installed in Village Office

Voice and motion activated camera now installed in Village office.

NEW BUSINESS:

Camping for Members of the Band

Motion 248/21: Macleod

Johnson: That the Village accept the kind offer from Dorothy Kivimaa to allow the members of the band to camp on her property across from the Village Office during Picnic in the Park in 2022

CARRIED

SK Volunteer Fire Fighting Association

Councilor Johnson to investigate further into courses offered by SK Volunteer Fire Fighting Association in Melville, SK

Nick Matvenko—Appreciation

Motion 249/21: Anderson

Macleod: That the Village obtain 2 \$75.00 gift certificates from Turtle Grove Resort in appreciation for work done by Nick Matvenko

CARRIED

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Hiring of Staff

Motion 250/21: Anderson

Macleod: Due to the length of time required to qualify staff for the position of administrator, the Village will hire a replacement for the current administrator as soon as a qualified person can be found.

CARRIED

Blind Corners

Motion 251/21: Johnson

Anderson: Council will direct maintenance staff to remove trees and brush obstructing sightlines at blind corners to improve safety within the Village.

CARRIED

Declaration of Eligibility

Motion 252/21: Macleod

Anderson: That Council declare their compliance with the eligibility requirements of the Ministry of Government Relations in order to receive the Municipal Revenue Sharing Grant. The requirements are:

1. Submission of Audited Annual Financial Statements to the ministry
2. Submission of the Public Reporting on Municipal Waterworks to the the ministry (if applicable)
3. In Good Standing with respect to the reporting and remittance of Education Property Taxes
4. Adoption of a Council Procedures Bylaw
5. Adoption of an Employee Code of Conduct
6. All members of council have filed and annually updated their Public Disclosure Statements, as required.

All applicable requirements have been met and the Administrator is authorized to sign the Declaration of Eligibility and submit to the Ministry of Government Relations.

CARRIED

BUILDING PERMITS

*****Meeting is now closed to public*****

Tax Enforcement Proceedings

Review of Ratepayer List of unpaid taxes

*****Meeting now open to public*****

Motion 253/21: Macleod

Anderson: That Tax Enforcement Proceedings be undertaken to collect taxes and applicable costs from Ratepayer List provided to Council

CARRIED

NEXT MEETING:

Motion 254/21: Macleod


Johnson: That the next regular council meeting will be held on December 13, 2021. This will be held a week early due to the Christmas season.

CARRIED

ADJOURNMENT:

Motion 255/21: Macleod: That this meeting be adjourned at 9:40 pm.

CARRIED



Administrator



Mayor

To: Mayor Nasby, Councillor Anderson, Councillor MacLeod, and Councillor Johnson

From: Karrie Adolf and Jeff Bakal (Lot 4, 14 and 15, Block 12); Aryn and Darren Campbell (Lot 5, Block 12); Mardelle and Jordan Tourney (Lot 3, Block 12)

Re: Response to Public Notice issued on Oct. 5, 2021 re: Zoning Bylaw Amendment to change Lot 9, Block 12, Plan 84B16177 from R-Residential District to C-Commercial District

Please accept this letter as notification that we oppose the rezoning of Lot 9, Block 12 from R-Residential to C-Commercial. Concerns regarding this application include:

1. This lot is zoned a residential lot which is consistent with being located in the middle of many other residential lots within a residential district. It does not follow the community planning recommendations set forth when the Zoning Bylaw was created to have a commercial lot in the middle of a residential district (see Consolidated Zoning Bylaw section 6.1).
2. The lot in question is surrounded by seasonal and year round house trailers, cabins and single family homes. Changing a lot in this area to commercial use, would change the landscape of the neighborhood. When determining discretionary use outside of the permitted residential uses, the council must consider such things as size, shape and arrangement of buildings, trailers, lighting, whether signs are compatible with the surrounding landscape, road use and standards. People must prove they will not unreasonably negatively affect the surrounding residential properties, consider noise, dust and pollution as well as safety, and surrounding existing development (see Consolidated Zoning Bylaw section 6.1.2). We ask that you consider these points when considering if changing the zoning of the lot in question to a commercial use is acceptable as well.
3. Commercial districts have been defined already in the current zoning bylaw and village plan, commercial pursuits should be in these areas. Commercial districts have the space, access and infrastructure to manage the needs of a commercial lot. Residential areas do not.
4. The current infrastructure of the area where the lot is located does not support a commercial establishment. This proposal will increase the traffic on Mattila Trail and Kivimaa Drive, both of which are lined with residential lots. In this area, children use these roads to bike and run between cabins

to play and people walk these roads daily. We want to encourage these activities in the village. Increased traffic and pulling in and out of parking lots in these residential areas creates a safety hazard for children and adults alike. Again, keeping commercial properties gathered together on a main road is recommended in urban and village planning. It is the neighbors who will lose when the village needs to pay to widen roads to accommodate trucks coming in and out of the lot. At present the Village has no capacity to enforce parking.

5. Due to the location, signage will be required in multiple locations to direct customers to the store. If the lot was a corner lot on a main road, this would not be as much of an issue. This lot is not visible from a main road. Is the village permitting signage as well? What about future developments?
6. What will the requirement be for waste removal? A commercial property produces a lot more waste than a residential property as well. Will our village garbage system be able to support this business?
7. Has an environmental impact assessment been completed?
8. Also if there is food service (including coffee and ice cream) who will ensure that Sask Health has been involved or consulted?
9. Why and how have the use of existing commercial sites been removed from consideration? It seems that rather than considering what is best for the village, we are doing what is best for one property owner. Opening a store on that lot, solely because they own it is not a good reason.
10. Have existing stakeholders (Thunderchild / owner of Turtle Grove Restaurant) been appropriately made aware of this plan? Are these areas being re-zoned to residential to minimize the number of commercial lots?
11. It seems unlikely that either of these sites will re open if there is already a store. So we are left with two derelict buildings?
12. We understand that currently, the Gristwoods intend to use this property for a retail store, if it is zoned as commercial. However, once it is zoned as C-Commercial District, the permitted uses of the property will include: gas stations, personal service shops, hotels and motels (see Consolidated Zoning Bylaw section 6.2.1). The discretionary uses include seasonal campgrounds, construction trades and mixed use development (see Consolidated Zoning Bylaw section 6.2.2). We do not know what the future intentions for the property are under the current ownership or, if it is

sold, what new owners may do with the property. What are the limitations on the amendment? Will it go back to residential zoning if sold?

13. This decision will set a precedent for changing Residential zoned lots to Commercial. In this case, the current proposal on the table is a convenience store, but the next request may be for something less desirable. Approving the change to the bylaws that allows a commercial lot in the middle of a residentially zoned area sets precedence to applicants with potentially less desirable requests. This change in bylaw and permission of this site change will leave council with reduced authority to restrict future random commercial development.

Signed,

Karrie Adolf and Jeff Bakal
Arynn and Darren Campbell
Mardelle and Jordan Tourney

We have been coming to Kivimaa Moonlight Bay every summer for 40 years. We have seen many changes, and we **do not** support the proposal to allow a commercial development in a long established residential area.

As a busy summer resort village should be, the roads in the affected area are busy with pedestrian traffic and cyclists, adults and children. Increasing car and truck traffic would be dangerous. We have concerns that the proposed site may not allow for enough parking, nor for access by delivery vehicles. Would overflow spill out onto the road? Widening the road, and taking down more of our lovely trees should not be an option - this is a residential area!

The two stores that were previously built at KMB, remain empty and closed. They were built close to the main road, an acceptable distance from residential properties, with large parking lots to accommodate customers and delivery trucks. They are very accessible to everyone, but were not built in a residential area. The commercial area near the mini-golf course would be much more suitable.

The voters did not receive notice of the Council's intentions, and only found out about the proposal by word of mouth. The voters were available in the summer months, but this was proposed right after the season ended. Makes a person wonder if that was intentional??

The Resort Village of Kivimaa-Moonlight Bay Public Notice reads that the Council "intends" to adopt a bylaw to rezone a parcel of land. Does this mean it's a done deal before voters get their say?

"Public Notice is hereby given that the Council of the Resort Village of Kivimaa-Moonlight Bay (RV) intends to adopt a bylaw under The Planning and Development Act, 2007, to amend Bylaw No. 3/14, known as the Zoning Bylaw.

INTENT: The proposed amendment would rezone a parcel of land within the RV from R – RESIDENTIAL DISTRICT to C – COMMERCIAL DISTRICT.

AFFECTED LAND: The affected lands are all of Lot 9, Block 12, Plan 84B16177, which lie just south of the intersection of Zulynik Pl. and Kivimaa Dr. within the RV.

REASON: The reason for the amendment is to provide to accommodate a proposed retail/general store."

Mayors and councillors are elected to represent the voters. If important decisions, such as a change in land designation in a residential area, are made without informing the voters (more than a notice in one paper, in one city) and with no intention of listening to the voter's voices as the notice implies, the governance is no longer democratic. The system is broken.

Les and Sue Adolf

Zimbra**rvkmb@myaccess.ca**

Store

From : Tim Oman <tim.oman1@gmail.com>

Mon, Nov 01, 2021 03:36 PM

Subject : Store**To :** rvkmb@myaccess.ca

Hello,

I was questioned on my thoughts for a new store being brought to the village.

My thoughts are that it would be very handy to have a store closer. It would allow us to get supplies without having to go for a lengthy drive or to potentially go for a walk and get a treat for the kids. I would imagine it would also generate good tax dollars back to the village that could be spent on other improvements.

All that being said I can understand the concerns with re-zoning lots especially for those closest to the proposed location. I would likely have concerns if I had purchased a property or even had one that was in the family for generations to now see a store moved in beside it. What would that do to the property value, a quiet street might now be busy, etc.

I am not sure where else one could be set up since the Moonlight store is not likely to be an option. If not there or the new proposed site then perhaps by the mini golf?

Zimbra

rvkmb@myaccess.ca

New store

From : Chris Oman <chrisoman75@hotmail.com>

Mon, Nov 01, 2021 03:34 PM

Subject : New store

To : rvkmb@myaccess.ca

Hello

We are in support of having a new store.

Thank you

Sent from my iPhone

Zimbra**rvkmb@myaccess.ca**

Store

From : ~~ruscorr@sasktel.net~~

Mon, Nov 01, 2021 07:07 PM

Subject : Store**To :** Resort Village of Kivimma Moonlight Bay
<rvkmb@myaccess.ca>

Russell and I support the building of a store. It would be beneficial for all of us. Throughout the year, as permanent residents we have to ~~contend~~ contend with a number of issues created by summer vacationers. We aren't happy about a lot of these things but we put up with it.

Esther and Russell Corrigan

Zimbra**rvkmb@myaccess.ca**

Proposal for store

From : Shonna Quayle <shopeder@hotmail.com>

Mon, Nov 01, 2021 08:20 PM

Subject : Proposal for store**To :** RESORT Jackie Helgeton <rvkmb@myaccess.ca>

Hi Jackie, I wanted to send an email into the village in regards to the proposed store for the village. I feel a store would be a huge asset to our little community. So often families go up for long periods of time, and it would be so nice to be able to pick some things up right there. I also feel there are so many that live in the village year round who would also benefit hugely from this business. I myself would welcome this business.

Shonna Quayle

Sent from my iPhone

Zimbra

rvkmb@myaccess.ca

Rezoning

From : Sandra Halseth <[REDACTED]>

Tue, Nov 02, 2021 10:56 AM

Subject : Rezoning**To :** rvkmb@myaccess.ca

We are opposed to the rezoning of Lot 9,Block 12,Plan 84B16177from Residential to Commercial. This is a poor location for a general store with no visibility from the main road. The rezoning would disrupt a long established residential neighbourhood and would set a precedent for future rezoning to break-up other neighbourhoods. We are,however,not at all opposed to a general store in a more suitable location.

..
Sandraand Alden Halseth.

M

Zimbra

rvkmb@myaccess.ca

Store at Kivma

From : J Whit <[REDACTED]>

Wed, Nov 10, 2021 09:46 AM

Subject : Store at Kivma

To : rvkmb@myaccess.ca

To whom it may concern.

I would love to see a store in the village and am all for the rezoning

Jim Whitfield
1 zulynik place

Sent from my iPhone

Zimbra

rvkmb@myaccess.ca

Re: November 15 Public Meeting

From : Makari Builders Ltd <makaribuilders@gmail.com>

Mon, Nov 08, 2021 12:12 PM

Subject : Re: November 15 Public Meeting**To :** RESORT VILLAGE OF KIVIMAA MB c/o Jackie Helgeton
<rvkmb@myaccess.ca>

To whom it may concern.

We are in Lot 17, just to the north of the proposed change of site, and would not like it changed or re-zoned unless there would be a 8-10' high privacy fence to insure the peace and quiet we so love at turtle lake.

Thank you.

Makari Builders Ltd.
makaribuilders@gmail.com
306-830-2293
780-214-4659

> On Nov 8, 2021, at 9:18 AM, RESORT VILLAGE OF KIVIMAA MB c/o Jackie Helgeton <rvkmb@myaccess.ca> wrote:

>

> Yes this is the email to use for your submission. I will have to get back to you regarding the zoom meeting.

> Please submit your email by Wednesday Nov 10th.

>

> Thank you.

>

> Jackie Helgeton

>

> Administrator

>

> ----- Original Message -----

> From: "Makari Builders Ltd" <makaribuilders@gmail.com>

> To: "rvkmb" <rvkmb@myaccess.ca>

> Sent: Thursday, November 4, 2021 9:55:16 AM

> Subject: Re: November 15 Public Meeting

>

> Ok. I for sure won't be able to make it in person. So do I just send an email to this address? Or is there another email I can use?

> And also will they be on a zoom meeting during the meeting, and if so how do I join in that?

> Thanks.

>

> Makari Builders Ltd.

Zimbra**rvkmb@myaccess.ca**

Re the store

From : Hank Fischer <hankfish66@gmail.com>

Sun, Oct 31, 2021 12:39 PM

Subject : Re the store**To :** rvkmb@myaccess.ca

To whom it may concern I believe it be of most convenience and asset to the Kivamaa Hamlet. People are wanting a excisting store to be purchased or a different location is better then what is proposed for location. I do not believe the location

Is bad. The new store will be very welcoming to Kivamaa. Thank you to everyone concerned. Hank Fischer.

Sent from my iPhone

RVKMB Zoning Bylaw Amendment

From : Lynn Mazzei <l.mazzei@live.ca>

Sat, Oct 30, 2021 07:04 PM

Subject : RVKMB Zoning Bylaw Amendment**To :** Resort village kivimaa KMB <rvkmb@myaccess.ca>

Attention RVKMB Council,

Please confirm receipt of this email by sending me a quick replay.

I recently noticed that the RVKMB has a proposed amendment to rezone a parcel of land from Residential to Commercial. I am opposed to this change. Please take the time to read this email at your Public Hearing on November 15, 2021.

I am opposed to the rezoning change from Residential to Commercial for several reasons:

- this would increase traffic in a residential area
- adjoining properties did not purchase their lots with the knowledge that a commercial property would exist and instead were intending to live in a residential area
- the safety of children in the residential area could be adversely affected by rezoning to commercial
- there should be more input from the residents of the village prior to this submission. As a suggestion, in the future the council could consider soliciting input from residents regarding decisions such as this by using an email list to request feedback prior to the formal submission of such a decision.

Therefore, please accept my input that I oppose this proposed rezoning bylaw amendment to change a lot from residential to commercial zoning. Thanks for your time and consideration.

- Lynn Mazzei

November 1, 2021

RVKMB
PO Box 120
Livelong, SK S0M 1J0

VIA email rvkmb@myaccess.ca

Attention : Mayor and Councillors:

Re: Zoning Bylaw Amendment Residential District to C-Commercial District

I am opposed to the above re-zoning from Residential to Commercial for the following reasons:

- Increase in traffic
- Safety of residents especially children
- Adjoining property owners purchased their lots intending to live in a residential area, not a commercial area

Although a store in the RVKMB is a great idea and much needed, it is NOT needed in a residential area.

I do hope Council look long and hard into this proposed amendment and does not allow the rezoning of this property.

Thank you for your time.

Donna Jamieson

November 12, 2021

Larry and Donalda McCormick

Box 11037, Lloydminster AB T9V 3B4

To the Council

Resort Village of Kivimaa-Moonlight Bay

67 Lakeshore Drive

Kivimaa-Moonlight Bay, SK

Dear Sirs: Re: Proposed Zoning Bylaw Amendment (Lot 9, Blk 12, Plan 84B16177)

We are located in the lot straight south and adjacent to the proposed store. This property has been in our family for more than 40 years. The property was used by our parents, by us, my siblings and by our children, nephews, cousins and friends. We have enjoyed many years at Turtle Lake. In close proximity to us was my grandmother, uncles and aunt. These other properties have both passed on to the next generation a short distance away down Zulynik Place.

We would like to express our strongest opposition to the proposal to rezone this adjacent property to commercial use. This property and surrounding properties should remain as residential only. Please consider the following comments and reasons to support our argument:

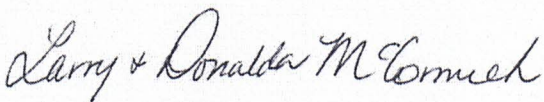
1. **Safety** – Many people that reside in cabins to the east of our cabin down Matilla Drive and South on Kivimaa Drive, walk with young children to the beach. There are school aged children that ride their bikes through this intersection to get to the beach or stop to view and play on the “rock people”. It is not unusual to see a young group of children walking their dog, playing ball, or just walking around our neighborhood. Often, young children run ahead of their parents or grandparents to play on the “rock people”. One year, we had someone run into our trailer as they were not paying attention and drove off the road on their way home from the former laundromat.
2. **Noise** – We enjoy our quiet neighborhood. Putting a store adjacent to us will increase the noise. There will be increased traffic, increased car doors opening and being slammed shut, vehicles revving up as they leave the store, delivery truck noise, and the store noise itself of air conditioning running, stock being delivered, garbage being put out and voices. These will be a direct negative impact on us by being next door.
3. **Garbage** – As much as you try, there will be kids throwing away candy wrappers and other garbage as they leave the store. Each spring we have a clean up of garbage along Kivimaa Drive and this will just get worse.
4. **Traffic Flow** – Most of the traffic driving past us is along Kivimaa Drive. Having a store mid block will increase the traffic coming and going from the store. This traffic is usually fast moving and

having a store will also increase the risk of accidents due to the congestion. I do not think that you can argue that most people will walk to the store or bring their golf cart. You need to consider the customers coming from a farther distance away and from Horseshoe Bay.

5. Parking – The parking spaces available for the proposed store are limited and we suspect we will have people parking along our lot on Kivimaa Drive or blocking the access to our lot. We also have our garage doors opening out to Kivimaa Drive which will hinder our safe use of backing into our parking spot.
6. Matilla Drive – We are opposed to any proposed changes to Matilla Drive as this currently is a low use road and due to the number of young children that use this to get to the beach, we strongly want it left as is. There are beautiful mature trees along this road and it is a beautiful walk. Because it is quiet, we saw lots of people enjoying nature and taking pictures of the nest of the ospreys. We already have a noisy road on one side of us, we do not want to have noise pollution on three sides of our lot...2 roads and a store. We feel the east – west roads should be for access to the beach and playground and be discouraged from increasing traffic on it. We would be in support of closing one end of Matilla Drive to traffic so that it is not a through road.
7. Risk to wildlife habitat – In our block, there is an Osprey nest. Any risk to these birds should be avoided including an increase in traffic and noise. The second habitat that will be affected is the numerous bats that live in the trees at the north end of our lot and along the Utility Right of Way. For decades, we have enjoyed watching the bats set off at dusk to hunt mosquitoes and keep these pests at bay in our neighborhood.
8. Residential neighborhood – All of the lots within a few yards of the proposed store are cabins. This is not a large enough space to support a store. It is unheard of that a residential lot surrounded by residential lots is now being considered to change to commercial use. Commercial use should be left for intersections where there are no close existing residential properties. There have been three properties exchange hands adjacent to this property in the past few years. One to the north and two across from it on Kivimaa Drive. A store will negatively affect our property values. No one wants to be next to a store when you come to the lake to get away from busy lives and relax. The two vacant stores concern us to the long-term viability of operations. Will this be the third vacant and abandoned store in two, five or ten years from now? If the rezoning to commercial use is approved, we will definitely reconsider our plans to build a new cabin on our lot for our retirement.

Please take these factors into consideration and do not approve any zoning change for this lot.

Yours Truly,



Larry and Donalda McCormick

Zimbra**rvkmb@myaccess.ca**

Zoning Change For Store

From : Deb Moldenhauer <~~debm716@gmail.com~~>

Fri, Nov 12, 2021 02:48 PM

Subject : Zoning Change For Store**To :** rvkmb@myaccess.ca

As ratepayers we respectfully request that the Mayor and Councillors for the village of Kivimaa Moonlight Bay deny the application to rezone Lot 9, Block 12 - Plan 84B16177 from 'residential to 'commercial'.

We understand that Evert and Colleen Gristwood (owners of above listed lot) are requesting the change in zoning to allow them to operate a store on said location.

It should be very obvious to anyone responsible for zoning that Lot 9, Block 12 is not an appropriate location for any commercial activity, let alone a store that would create significantly more vehicular traffic (increasing traffic noise and compromising child pedestrian safety) in an area surrounded by residential lots. It is difficult to envision how store customer's vehicles could be accommodated without parking on adjacent roadways!

Most of us retreat to our cottages or live in the village to escape the typical urban noise and light pollution, and to enjoy the sanctity of a natural forest environment - we surely don't need more of our village's trees removed!

It appears to us that there are already several more suitable areas within the Village that are appropriately zoned for commercial use, have adequate parking, and are already devoid of trees.

Sincerely,

Deborah and Richard Moldenhauer
15 Matilla Trail
Kivimaa Moonlight Bay

Sent from my iPad

Zimbra

rvkmb@myaccess.ca

RE: Store

From : Doug Irwin <dougi@tingleishc.com>

Mon, Nov 15, 2021 09:58 AM

Subject : RE: Store**To :** steven nasby <s_nasby@yahoo.com>, Doug Lowrie
<lowriemechanical@hotmail.com>**Cc :** Rvkmb <rvkmb@myaccess.ca>

Steven,

With regards to the proposed rezoning of the lot behind my lot, I really feel this is a bad place for this store. This would create a huge increase in the traffic on our street and I have a number of small grandchildren that like to ride their bikes on this street. I believe a store is a good thing to have in town but it should be built and located where the old stores were or on one of the lots that have already been zoned for commercial. The entrance by the mini golf would seem to me like a logical location. I will not be at the meeting but I will have someone there to represent my concerns.

Sincerely,
Doug irwin

-----Original Message-----

From: steven nasby <s_nasby@yahoo.com>

Sent: November 5, 2021 2:07 PM

To: Doug Lowrie <lowriemechanical@hotmail.com>

Cc: Doug Irwin <dougi@tingleishc.com>; Rvkmb <rvkmb@myaccess.ca>

Subject: Re: Store

Doug,

Thanks for your email I will forward your message to the village with your concerns. There Are a lot of cabin owners have expressed issues like you have noted. We will bring your views to this meeting. We are getting a lot of the same concerns from cabin owners. This is why we are having a public meeting on November 15th. I would like to thank you for this email

Steve Nasby
1-639-844-7606

> On Nov 5, 2021, at 12:32 PM, Doug Lowrie <lowriemechanical@hotmail.com>
> wrote:

>

> Mornin Steve

> I think the traffic past my place is going to be terrible if this store is
> built, all the people driving to the store from your end will funnel down my

street and foot traffic may start taking shortcuts through my yard. A store up there would be ok but this location will make the quiet street very busy and there are already two stores that are closed, why not use one of them? The newly developed lots on past me are a good indicator as traffic has already doubled. I talked to Doug Irwin and he is also upset about this.

> If I don't make it to the meeting what is the best way to express my concerns?

>

> Doug Lowrie

>

> Sent from my iPad

Zimbra**rvkmb@myaccess.ca**

Public Hearing

From : Judy Tumbach <jmtumbach@gmail.com>

Fri, Nov 12, 2021 09:57 AM

Subject : Public Hearing**To :** rvkmb@myaccess.ca

We are unable to attend the public meeting to be held on November 15, 2021 regarding the proposed Zoning Bylaw Amendment.

Please read the following comments into the discussion and reflect them in the minutes:

Mayor and Council

Dear Sirs:

RE: Zoning Bylaw Amendment affecting Lot 9, Block 12, Plan 84B16177

We are writing to object to the proposed zoning bylaw amendment as noted above. Allowing rezoning of one lot in a long established residential area is unfair to owners in the immediate area. Additionally, this would create uncertainty for other residents currently in residential areas, whether they have been there for years or have recently purchased in an area surrounded by other residential buildings.

Rezoning to commercial in a residential neighbourhood would set an unacceptable precedent.

Overall we feel that this amendment is not in the best interest of the ratepayers of The Resort Village of Kivimaa-Moonlight Bay. We strongly urge the Council not to go forward with this proposal.

Sincerely,

Bill and Judy Tumbach

November 8, 2021

Resort Village of Kivimaa-Moonlight Bay
PO Box 120
Livelong, SK
S0M 1J0
rvkmb@myaccess.ca

Council Members and Administrators;

We are sending this letter to inform you all, of our concerns.

We are not new to the community. My family has had property here since the sixties. We have many great memories. We brought my own children here every summer, to experience the wonder that is Kivimaa-Moonlight Bay.

However, we are new to this neighbourhood.

We purchased our cottage March 26, 2021, having outgrown sharing the family cabin. When looking for a new cottage, we knew what we wanted. We had no intention on buying property across the street from a grocery/retail store.

A store brings many changes to our neighbourhood. After much thought and consideration, we made a list and discovered that the cons outweigh the pros.

Pros:

1. If we run out of eggs or milk, we need only walk across the street.
2. Possibly open up Zulynik Pl to thru traffic again, to accommodate the increased volume of traffic

Cons:

1. Increased traffic
2. More dust from said traffic
3. Litter/garbage/cans/bottles
4. Noise – during construction and when store is open
5. Customers Blocking our access to our driveway or actually parking in our driveway
6. Crime-possible increase in break ins
7. Our property value decreases
8. Possible removal of trees lining the street to accommodate more traffic (right now it is not wide enough for two way traffic)
9. Opens up the opportunity for more retail stores in residential areas, possibly wanting to sell alcohol, fuel, marijuana, etc. And they could just build anywhere they desire.
10. Families, children, couples, dog owners. We all love to walk our lovely streets, and enjoy doing so, without worrying about traffic.

Other Options:

1. Purchase existing commercial buildings in rvkmb
2. Purchase undeveloped commercial property, that is for sale at rvkmb

To the Mayor & Council

Rejecting Plan 84B16177 - the proposal of rezoning residential Lot 9 Block 12 to commercial for the following reasons:

- The proposed lot is in close proximity to an already existing commercial lot equipped with parking, power, gas, electric and a pre-existing building.
- The proposed lot is a small treed lot with narrow road access and zero parking, therefore the road would need to be widened. This alone is cause for concern as we are all aware that our small resort village has undertaken extensive tree clearing in the past few years to accommodate more residential lots. Leaving our cabins and families more exposed to wind and traffic noise.
- Recently there have been many new lots put in which have better capacity to accommodate a store.
- The location by the mini golf is wide open and more accessible for a store, equipped with parking lot, room to expand and in perfect proximity to the residents of Kivimaa and Moonlight Bay.
- This is not a rejection to a store, as I am sure we all can agree, the convenience of a store without a drive could be beneficial to all. That being said, the benefits of having a store do not out weigh the impact of clearing more trees or safety in residential areas due to increased traffic through residential areas
- There are at least 15 pre-existing cabins and residents who's lives and families lives would be directly affected by the building of a store in this location.
- The purpose of building a store in this location would benefit one family. The owner.
- This location is not in the interest of the residents or the environment, it stems from convenience to one without the consideration of the whole picture.
- The proposed location is simply not large enough to facilitate a store building in which the proposed has offered milk, ice cream, snacks, building supplies and possible tool renting. This requires a much larger location with the ability to drive in and park, possibly with a trailer.
- A store in this proposed location would not be visible from the road, a trait that South Bay, Moonlight Bay, Kivimaa Mini Golf and the old Kivimaa Store all have.

Thank you for listening to the deep concerns of those that this proposed location would affect. We all come to the lake to get away from the hustle and bustle of city life. A small convenience store should be just that, small and convenient for all, not just one single owner. Please consider these concerns as well as other, more viable, locations for your convenience store so that it is convenient for all and does not cause unrest in your community.

Sincerely,

The Nickless Family
17 Matilla trail Kivimaa

Nov 14, 2021

To: Resort Village of Kivimaa-Moonlight Bay Council

RE: Public hearing regarding Re-zoning

In lieu of attending the public hearing on rezoning meeting in person, we wanted to provide Mayor & Council with a statement regarding our position.

As per the Zoning Bylaw, the purpose of a Commercial District is to provide for commercial development, appropriate to serve the residential and recreational needs of the community. Re-zoning Lot 9 Block 12 Plan 84B16177 to commercial for the purpose of building a general store, as we have proposed, falls under the permitted use of a Retail Store. This application goes directly to serving the needs of the community. In addition, our proposed development meets or exceeds all of the requirements of the zoning bylaw as approved by Northbound Planning.

Although only one person has contacted us directly with questions about the proposed store and re-zoning, we are aware of concerns that have been shared in the community. These concerns are related to Location, Traffic, Parking, Garbage, Privacy, and Precedent.

LOCATION:

One objection appears to be that while they are in favour of a store, they do not want the store in their neighbourhood.

Why is this lot a good location for a store?

- 1) It is on a primary access road to the village.
- 2) As a primary road, this street is structurally sound and can handle all traffic. Kaplar's, Poop to Go and Mitchell's all use this street regularly in all weather conditions.
- 3) It is located in the center of the largest percentage of the surveyed lots in the village. Approximately 55% of the lots are located within 400 m of this location.
- 4) The only remaining undeveloped areas of the village, future residential expansion, are also within this 400 m radius.
- 5) The close proximity to this large number of cabins allows for convenient access and foot traffic. This ease of access may reduce the number of vehicles that travel to the store.
- 6) It has multiple access routes which can help disperse traffic because all traffic does not have to enter and leave in the exact same route.
- 7) This lot is bordered on two sides by public reserve. Therefore, it only has residential lots as a physical neighbour on one side and these properties back onto the store lot. As per the zoning bylaw a privacy fence will be installed on this boundary to reduce impacts on the adjacent properties.
- 8) There is only one property that faces the store, separated by the street. There is also one property that has a side profile to the store, also separated by the street. All other properties back towards the store lot and are separated by the public reserve.

A few statements against this location have been made, they include that it is covered in trees, surrounded by cabins, and there is not enough room for the business.

- a) There are areas that are not treed.

The suggestion that because the proposed lot has trees does not make it ideal for development is simply ridiculous. If you were to apply this reasoning for not building, then most of the cabins that exist should not have been built as they had to clear trees in order to build. By extension, development of Block N and Block L should not have been approved because they are covered in trees. Simply having trees does not make this location unsuitable for a store.

- b) The store should be away from cabins.

The purpose of a general store is convenience and this includes location. A store that is away from the customer base it intends to serve is not convenient. Just look at any neighbourhood convenience store in a city. They are not located in an industrial or commercial area. They are located within the community, as this lot is.

- c) There is not enough room.

Any development will be restricted by the size of the lot it is on. Since the proposed development meets or exceeds all the requirements of the zoning bylaw, there is obviously sufficient room on this lot for our proposed development.

Other statements that have been made are opinions regarding where a store should be:

- d) There are other commercial lots or more commercial areas available.

Firstly, Lot 10 Block 9 just across the street that has been suggested by several people is Residential. Secondly, the only commercial "area" that exists in the village is beside the Compound. Although there may be commercial lots available in this location, it is not in our opinion a viable location for a general store as it is not centrally located to the majority of our intended customer base. Typically a convenience store is located within the neighbourhood it serves. Not in a commercial area.

- e) There are more open areas or empty lots.

Just because a section of lots does not have cabins built on it does not make it any less a residential area. Those lots are all still zoned residential and will at some point be surrounded by cabins. Therefore, if this lot is not acceptable because it is surrounded by cabins, the same argument is true for those lots.

- f) The store should have more access to the road or beach.

The proposed location does have good access to the road and beach. This lot is located on a primary access road 190 m off Hwy 795. It is only 300 m up the road from the public beach. In addition, this location will not add to the volume of traffic that already exists at the public beach.

- g) The store should be near the mini-golf or beach.

There are several reasons that we do not agree with this opinion. The lots around the mini-golf and beach are all residential lots, just like the proposed lot, so all the concerns related to being in the middle of a residential area also apply. There is already a large volume of

traffic for the mini-golf and beach in this area. A store in this area would only add to the impacts of the activities in this area on the nearby residential properties.

TRAFFIC

The traffic concerns, that we are aware of, have related to the width of the street and that this is already a busy street and people do not follow traffic signage.

- a) This lot is located on one of the five primary access roads to the village. Yes, it is already a busy street. It is not located on a quiet place or side street where traffic patterns would be drastically changed by the addition of a store. Ironically, it is only about 20 m down the street from another lot that has been suggested as a suitable location for a store. It is hard to understand how 20 m can become a traffic concern.
- b) Although the road does not conform to the survey, the actual surveyed width of the road allowance is 20 m. We do not and can not know how much traffic will increase. We do not feel that any changes need to be made to the road at this time and cleaning up the existing shoulders is all that we think may be necessary to allow smooth traffic flow.
- c) Unfortunately, the people who do not follow traffic signage now, will not likely follow traffic signage in the future. The location of a store will not change this fact.

PARKING

Concerns relating to parking have been vague.

- a) Our proposal has 7 parking spaces which exceeds the requirements of the zoning bylaw. This is comparable to your average small convenience store located in any city neighbourhood surrounded by houses. The approximately 20 ft of trees and shrubs left in the NE corner to help mitigate privacy issues across the street could be removed to create 2 more parking spots.
- b) Research indicates that the average convenience store stop is 4 minutes and the average neighbourhood grocery store stop is 20 minutes. If you average this for this type of general store, we could estimate the average stop to be 12 minutes. This translates to a turnover of 5 vehicles in each parking spot every hour or 35 vehicles an hour without issues in parking. In a 10 hour day this is 350 vehicles. From a business perspective 350 customers a day would be exceptional; however, with a village population of maybe 1000 people in the summer this would mean that over one third of the people here would have to drive to the store everyday!
- c) While the population drastically increases for two months in the summer and on weekends from May to September, the reality is most of the time the traffic volume and parking requirements will be very low. When the population does increase, a lot of the customers will walk to the store if it is close and convenient.

GARBAGE

We are aware that garbage could be an issue because of stray dogs, cats and wildlife, such as bears and foxes.

- a) We intend to have Bear Proof garbage and recycling on site.
- b) If the concern is that people may not use the available garbage containers, this unfortunately would be true regardless of the location of the store. It is also likely that those are the same people that would not use the garbage containers anywhere.

PRIVACY

- a) As mentioned previously, this lot has residential lots as a physical neighbour on one side only. There are 3 lots along this side that will be separated by a privacy fence. Two of these property owners are in favour of the development of this store. We have not heard personally from the third property owner.
- b) There are two properties separated by the street. While a store may increase the volume of traffic on the street, the amount of privacy that these properties have from the street has not changed. It always was a primary access road with high traffic.
- c) Our development plan was created in such a way as to minimize the impact the store would have on neighbouring properties.
 - a. Using both a privacy fence and hedge to block the physically adjacent properties.
 - b. Setting the store back on the lot more than the minimum allows parking well off the street to help keep the roadway clear.
 - c. Setting the store close to the public reserve boundary in order to use the building itself to maintain the privacy of the properties across the public reserve.
 - d. Leaving 20+ feet of trees and hedge on the NE corner (directly across from the one cabin that fronts the street) will help maintain some privacy. But, if parking is an issue we could remove this section of trees and have 2 more parking spaces.

PRECEDENT

A point was made that the decision by council as a result of this public hearing will set a precedent. This is true. Regardless of the decision made a precedent could be set which will have an impact on all future rezoning requests.

- a) If the decision is made to approve the rezoning of this lot, the precedent will be set for the possibility of rezoning other residential lots to commercial if the project is appropriate to serve the residential and recreational needs of the community.
- b) If the decision is made on legitimate grounds to refuse rezoning this lot for the purpose of a retail store, then no other residential property should be rezoned for the purpose of a retail store on the same grounds, as the precedent will have been set.

As year round residents we feel that a store is a huge void that exists in our community. Our goal is to provide an affordable option to the village residents for basic necessities, groceries, fishing gear, confectionary, hardware, ice cream, etc. There were many, many factors that went into our decision to proceed with the development proposal. The results of our decision are what this meeting is about... To make a decision regarding the request for rezoning Lot 9 Block 12 Plan 84B16177 to commercial for the purpose of opening a General Store.

We would like to thank Mayor & Council for accepting our proposal. We recognize that you have a difficult decision to make as there are many emotions involved. We also understand that you must make what you feel is the best decision for the Village whether that is to approve the rezoning or not.

Sincerely,

Evert & Colleen Gristwood

