



AGENDA

Special Meeting of Council of the City of Kenora

**Tuesday, March 29, 2022
3:00 p.m.
City Hall Council Chambers**

1. Call to Order

2. Blessing & Land Acknowledgment – Councillor Smith

3. Public Information Notices

As required under Notice By-law #144-2007, the public is advised of Council's intention to adopt the following at today's meeting:

- N/A

4. Declaration of Pecuniary Interest and the General Nature Thereof

The Mayor will ask if any Member of Council has any Declarations of Pecuniary Interest and the General Nature Thereof pertaining to any items as follows:

- i) On today's agenda or from a previous meeting;
- ii) From a meeting at which a Member was not in Attendance

5. Presentations/Deputations

Approximately five (5) minutes per person/group.

6. Special Items

- Subdivision Agreement – Former Abitibi Mill Site

7. By-laws

Council will give three readings to the following by-laws: -

- Agreement with 5901058 Manitoba Ltd.

8. Announcements (non-action)

9. Adjourn Meeting

Information on Voting by Mayor & Council under The Municipal Act, 2001

243. Except as otherwise provided, **every member** of a council shall have **one** vote;

245. Any question on which there is a **tie vote shall be deemed to be lost**, except where otherwise provided by any Act;

246. (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote;

(2) A **failure to vote** under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be **deemed to be a negative vote**.



March 15, 2022

Committee Report

To: Kyle Attanasio, CAO

Fr: Adam Smith, Director of Development Services
Kevan Sumner, City Planner

Re: Subdivision Agreement – Former Abitibi Mill Site

File No.: D07-20-02

Owners: 5902058 Manitoba Ltd.

Agent: Randy Seller (Hook, Seller, Lundin LLP)

Recommendation:

That the Mayor and Clerk of the City of Kenora be authorized to execute a Subdivision Agreement between the City of Kenora and 5901058 Manitoba Ltd., to allow for the creation of fifteen (15) proposed lots; and further

That the appropriate bylaw be passed for this purpose.

Background:

On July 23rd, 2020, the Planning Advisory Committee gave approval to the Draft Plan of Subdivision. Included within the Conditions of Draft Plan Approval, was the requirement for an Agreement between the owner/developer, and the City of Kenora. A copy of the report provided to the Planning Advisory Committee is attached.

Staff anticipate that a subsequent Development Agreement will outline any conditions and requirements if and when there is to be dedication of municipal infrastructure. All lots will still be subject to Site Plan Control and as per the Agreement potentially other requirements prior to issuance of any building permits. Development will continue to be restricted by a holding zone on Lots 5, 6 and 15 until the relevant zoning requirements are met.

Budget:

No impact. Application fees paid in accordance with the Tariff of Fees By-law. All remaining costs for registration, surveying, etc. will be the responsibility of the developer.

Risk Analysis:

Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan. The purpose of this agreement is to provide assurance that development of services will occur as approved.

Communication Plan/Notice By-law Requirements: Notice of meetings, of the Committee of a Whole, and Council provided as per the Notice By-law.

Circulation of decision to: the Development Services Department, Engineering and Infrastructure Department and Property Owner

Strategic Plan or Other Guiding Document: The Official Plan provides criteria for the evaluation of Applications for Subdivision.



July 16, 2020

Staff Report

File No.: D07-20-02

To: City of Kenora Planning Advisory Committee

Fr: Kevan Sumner, City Planner
Melissa Shaw, Planning Analyst

Re: Application for Plan of Subdivision

Location: Former Abitibi Mill Site, 661 Ninth Street North, Kenora, ON

Owner: 5901058 MANITOBA LTD.

Agent: Randall Seller (Hook Seller Lundin LLP) and Brandon Powell, MCIP, RPP (President and COO, Lombard Group North Ltd.)

1. Introduction

An application for Plan of Subdivision, was submitted to the City of Kenora ("the City") by 5901058 MANITOBA LTD., for the lands known as the "Former Abitibi Mill site", civic address 661 Ninth Street North, being PIN # 42170-0265 ("subject lands") (see **Figure 1**). The proposed Plan of Subdivision is to divide ownership into fifteen (15) proposed lots, creating twelve (12) ML- Light Industrial lots and three (3) R3[h] Residential – Third Density, Holding.

Figure 1: Key Map of Subject Lands, Former Abitibi Mill Site



2. Description of Proposal

The subject lands have an approximate total site area of 25.49 hectares with frontage on Ninth Street North to the north, Ninth Avenue North to the east, Fifth Street North to the south, and Veteran's Drive to the west. The Draft Plan of Subdivision is proposing a private internal road system that will be 20.0 m wide. The subject lands are currently unserviced, with no water, wastewater, hydro, gas, telecommunications or internet services to the vacant lands. The application has provided a servicing plan for the installation of municipal sewer and water, and easement shall be required along the private road for Hydro and Gas.

The proposed Plan of Subdivision is to divide ownership into fifteen (15) proposed lots, creating twelve (12) ML- Light Industrial lots and three (3) R3[h] Residential – Third Density, Holding zone lots. The proposed lot frontage and proposed lot area for each of the fifteen (15) lots being created is based on information provided by the applicant in the Draft Plan of Subdivision sketch (June 26, 2020) provided to the City, and is summarized in **Table 1** below.

For clarity, the definition of "lot frontage" for non-waterfront lots in the Zoning By-law is as follows: "The horizontal distance between the side lot lines of a lot, measured parallel to the front lot line at a point that is equal to the front yard setback requirement for the zone."

Table 1: Proposed Draft Plan of Subdivision			
Lot	Zoning	Proposed Lot Frontage	Proposed Lot Area
1	Light Industrial (ML)	48.4 m (9th Street North)	0.41 ha/1.0 Acres
2	Light Industrial (ML)	Approx. 48.4 m (9th Street North)	0.41 ha/1.0 Acres
3	Light Industrial (ML)	Approx. 43.9 m (Access Easement)	0.60 ha/ 1.9 Acres
4	Light Industrial (ML)	Approx. 28.99 m (Access Easement)	0.75 ha/ 1.9 Acres
5	Residential Third Density, Holding (R3[h])	120.1 m (Main Street North)	2.06 ha/ 5.1 Acres
6	Residential Third Density, Holding (R3[h])	548.5 m (Fifth Street North)	4.13 ha/ 10.2 Acres
7	Light Industrial (ML)	80.5 m (Access Easement)	0.76 ha/ 1.9 Acres
8	Light Industrial (ML)	81.0 M (Access Easement)	0.85 ha/ 2.1 Acres
9	Light Industrial (ML)	83.0 m (Access Easement)	0.68 ha/ 1.7 Acres
10	Light Industrial (ML)	97.9 m (Access Easement)	0.65 ha/ 1.6 Acres
11	Light Industrial (ML)	88.5 m (Access Easement)	0.57 ha/ 1.4 Acres
12	Light Industrial (ML)	175 m (Access Easement)	0.86 ha/ 2.1 Acres
13	Light Industrial (ML)	102.9 m (Access Easement)	0.84 ha/ 2.1 Acres

Table 1: Proposed Draft Plan of Subdivision			
Lot	Zoning	Proposed Lot Frontage	Proposed Lot Area
14	Light Industrial (ML)	163.3 m (Access Easement)	1.18 ha/ 2.9 Acres
15	Residential Third Density, Holding (R3[h])	400.2 m (Ninth Street North)	8.33 ha/ 20.6 Acres

The subject lands are currently vacant, and the intention is that the lots will be sold to future lot owners/developers. The lots are proposed to be serviced via private access easements within the site.

Approval will allow for development in compliance with the provisions of the above-noted Zones in the City of Kenora Zoning By-law No. 101-2015.

Future development on the proposed lots will be subject to future development applications and conditions of approval for the Zoning By-law Amendment on R3[h] Residential – Third Density, Holding zone(s) plus any conditions of Draft Plan Approval.

The following supporting documentation was submitted as part of the Draft Plan of Subdivision Application:

- Planning Rationale (Draft Plan of Subdivision) (Lombard Group North Ltd., June 12, 2020);
- Proposed Consent Sketch (Rugged Geomatics Inc. File SK19065, Submitted on June 15, 2020);
- Phase III Environmental Site Assessment (AMEC Earth & Environmental, December 2010);
- Preliminary Geotechnical Investigation (AMEC Earth & Environmental, December 2010);
- Servicing Plan (LBE Group, Submitted to the City of Kenora on June 15, 2020); and
- Draft Traffic Impact Study (Stantec, August 27, 2019)

3. Existing Conditions

The subject lands are a 25.49 hectare parcel generally bordered by Veteran’s Drive to the west, Ninth Street North to the north, Ninth Avenue North to the east, and Fifth Street North to the south. The land use designations on the site are Industrial Development Area and Residential Redevelopment Area.

A rail spur exists on site, but is no longer in operation and the applicant and owner of the lands intends to decommission the spur to enable future residential development.

The site contains a mix of relatively flat and exposed (no trees) terrain where former milling activities occurred, along with several prominent areas consisting of treed rocky outcrops to the southwest, south, and northeast sections of the site. There are three existing buildings centrally located on abutting lands within the former mill site that are currently occupied by various businesses. These buildings

are not within the boundaries of the proposed Plan of Subdivision. The buildings are located on lots that were created in the previous application for consent File No. D10-19-14, which received provisional approval in November, 2019.

The site is surrounded, to the north, south and east by Established Area (primarily consisting of 100-year old single-detached houses) and Open Space land use areas. More specifically, adjacent to the site immediately across Ninth Street North, there is an existing mix of small commercial/industrial, as well as residential uses and the Lake of the Woods Cemetery. To the east, there is a mix of residential, institutional (the Evergreen Public School and the Kenora Armoury), recreational (the Evergreen Community Club) and religious (the Ukrainian Greek Orthodox Church of St. Vladimir) uses. The CPR corridor is located further to the south as is the downtown area known as the Harbourtown Centre. The majority of the land immediately to the west of the site (i.e. on either side of Veteran's Drive) remains undeveloped, with the exception of the Seven Generations Education Institute.

4. Site Visit

A site visit was conducted by Kevan Sumner on July 10, 2020. Photos from this site visit are included as **Figure 2**.

Figure 2: Site Visit, July 10, 2020



Photo 1 – Existing 9th Street North Entrance



Photo 2 – NW portion of site, area of proposed lots 1-4.



Photo 3 – Panoramic view of site from western edge – proposed lot 5 is on hill to right.



Photo 4 – Panoramic view of south boundary of proposed lot 6 (other side of fence)



Photo 5 – Panoramic view from railroad crossing at SE corner of site, area of proposed lots 10, 11, and 14.



Photo 6 – View from east edge of site, area of proposed lots 8-10, 12-14

5. Site Background

The subject lands were formerly occupied by the Abitibi Mill; they are located within the Established Area in the City of Kenora Official Plan and surrounded by existing residential development to the north, south, and east, as well as some commercial and institutional uses to the north. As a result of the Mill closure, the site has been predominantly vacant since approximately 2006, with the exception of three (3) existing industrial buildings.

In 2011, the City of Kenora adopted the Former Mill Site Community Improvement Plan (CIP) to encourage and provide incentives for the redevelopment of the

underutilized site. In 2015, the Community Improvement policies in the City's Official Plan were revised to include policies to encourage and incentivize construction of affordable housing, in keeping with provincial regulatory changes. In 2017, the Former Mill Site CIP was updated to expand the Community Improvement Project Area to include lands west of Veteran's Drive, to add financial incentive programs for housing, and to include updated policy and regulatory changes since the CIP was originally adopted in 2011. These changes were completed in consultation with the community and key stakeholders.

As such, the existing Former Mill Site CIP (2011, updated 2017) contains policies and financial incentive programs which support the following vision for the redevelopment of the site: "to create jobs and affordable housing for local residents and local Indigenous peoples, and provide business opportunities to use local resources by revitalizing the site in aesthetically pleasing manner."

In 2019, the property owner applied for an Official Plan Amendment (OPA) to the City of Kenora Official Plan, Council Adoption May 19, 2015, Ministerial Approval November 5, 2015, and a Zoning By-law Amendment (ZBLA) as it pertains to the City of Kenora Zoning By-law, Council Adoption December 15, 2015 (By-law No. 101-201), concurrent with an application for consent (D10-19-14). The intent of the applications was to permit the development of the site to a mixed-use development supporting a combination of Industrial, Commercial, and Residential uses.

By-law No. 190-2019 (File No. D09-19-03) re-designated the area containing the subject property from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to Commercial Development Area, Industrial Development Area, and Residential Development Area.

By-law No. 191-2019 (File No. D14-19-09) re-zoned the area containing the subject property from "FD" Future Development, "MH" Heavy Industrial, and "R2[h]" Residential – Second Density, Holding, to "GC[50]" General Commercial, "ML" Light Industrial, "ML[46]" Light Industrial, and R3[h] Residential – Third Density, Holding, with reduced setbacks and holding zones as detailed in the by-law.

On November 28, 2019 The Council of the Corporation of the City of Kenora considered a decision regarding the Official Plan Amendment and Zoning By-law Amendment applications, and passed both by-laws at their regular meeting on November 19, 2019 at 12:00 pm, with amending By-laws passed on December 18, 2019 approving the applications. Notice of the Decision was given on December 18, 2019 and as of January 7th, 2020 no notice of appeal was filed under Section 34(19) of the Planning Act.

The proposed Plan of Subdivision (File No. D07-20-02) to divide ownership into fifteen (15) proposed lots, creating twelve (12) ML- Light Industrial lots and three (3) R3- Residential – Third Density lots, further supports the future redevelopment of the site by creating lots to be sold for the development of new industrial and residential uses that have the potential to contribute to economic development in the City.

6. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement, 2020 (PPS) provides policy directions on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating development and use of land.

The Consent application is consistent with Policy 1.1.3.1, which states that "Settlement areas shall be the focus of growth and development", as the proposed lot creation is to occur within the City of Kenora settlement area, on a large vacant property which will contribute to the completion of the community's urban fabric.

Consistent with Policies 1.1.3.2 and 1.1.3.3, the proposed Consent for lot creation will support the future development of a range of uses and opportunities for intensification and redevelopment, specifically on a brownfield site. Avoidance and mitigation of risks to public health and safety associated with development on a brownfield site and required site remediation have been addressed through the conditions placed on approval of the Zoning By-law Amendment.

The proposed subdivision is consistent with Policy 1.7.1 of the PPS, which states that long-term economic prosperity should be supported by: a) "promoting opportunities for economic development and community investment-readiness; and f) "promoting the redevelopment of brownfield sites."

b) City of Kenora Official Plan (2015)

The existing land use designations on the subject lands include Industrial Development Area and Residential Development Area, as illustrated in **Figure 2**.

Figure 2: Land Use Map



The proposed plan of subdivision conforms to the policies of Section 8.11- Land division of the City of Kenora Official Plan, which permits land development to occur by Plan of Subdivision. Where a Plan of Subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street.

c) City of Kenora Zoning By-law No. 101-2015

The existing zoning of the subject lands includes Light Industrial (ML), and Residential Third Density, Holding (R3[h]), as illustrated in **Figure 3**.

The zoning allows for a range of light industrial uses in the ML zone and a range of residential uses including apartment dwellings, duplex dwellings, multiple attached dwellings, semi-detached dwellings, single-detached dwellings, stacked dwellings, and triplex dwellings in the R3[h] zone.

The [h] holding symbol on the R3[h] zone may not be removed and development may not occur on the subject land until:

- a) A Record of Site Condition satisfactory to residential use is submitted and approved;
- b) Supporting studies, including a transportation impact study, servicing plan to address water, sanitary, and stormwater requirements, noise and vibration study, and planning rationale, are submitted and approved; and
- c) An agreement is entered into with the City of Kenora for the implementation of recommendations and associated mitigation as required by the supporting studies referenced in a) and b) above, to the satisfaction of the City, if required.

Figure 3: Zoning Map



Based on information provided by the applicant in the Draft Plan of Subdivision Application, Planning Rationale, and sketch, the proposed lots and will comply with the applicable zoning provisions for minimum lot frontage and minimum lot area under the respective Zones.

7. Results of Interdepartmental and Agency Circulation

<p>Engineering Department</p>	<p>The City of Kenora will require an easement at the east end from 9th Ave N to 9th St N for storm, water and sewer purposes and this must be obtained as part of the subdivision creation. The survey plan associated for the easement purpose are parts depicted on 23R 14481.</p> <p>The Traffic Impact Study submitted is the original August, 2019 version that contains data and commentary on intersections that the City will not accept. If this is the TIS that is needed for the subdivision creation than it needs to be clear on what sections the applicant is using for this specific subdivision so as the City will not be inferred to accept the whole of the TIS as submitted.</p> <p>Lot 5 will need to be serviced and accessed via the proposed private road that connects into 9th St N at Mellick Ave.</p> <p>The servicing plans show Lot 6 being serviced with sewer and water from the private road and what appears to be through Lot 4 and the retained lands and an easement for these services may be required in favour of Lot 6 over Lot 4 and the retained lands.</p> <p>There are watermains located in the grass area on the proposed Lot 5 next to Veterans Dr. that the City should obtain and easement for this encroachment.</p> <p>There are no specifics in the LBE drainage plan for Lot 5 and the development of Lot 5 will have to be worked out with the Casino build in regards to storm water management.</p> <p>I have not reviewed the environmental reports, but I believe they are outdated as RSC requirements can only have this documentation be no older than 18 months.</p>
<p>Roads Division</p>	
<p>Building Department</p>	<p>No comment at this time. - June 22, 2020</p>
<p>Kenora Fire & Emergency Services</p>	<p>At this stage in development, Kenora Fire would expect that the following sections from the Ontario Building Code be applied:</p> <ul style="list-style-type: none"> 3.2.5.4 Access Routes 3.2.5.5 Location of Access Routes 3.2.5.6 Access Route Design 3.2.5.7 Water Supply and Hydrants <p>This will ensure that there is adequate water supply and fire department access to all future structures.</p>

	<p>Please refer to the visual reference sheet for access routes from the 1997 OBC.</p> <p>-June 22, 2020</p>
Water and Waste Water Division	<p>All the industries that may come on the proposed industrial development areas can discharge only the sewage complying with municipal wastewater parameters or they must have their own treatment units.</p> <p>- October 1, 2019</p>
Synergy North	<p>Synergy North has reviewed the above-noted Plan of Subdivision, and has no conditions or concerns at this time.</p> <p>We would like to comment that if/when the Developer moves forward with the noted Subdivision, Synergy North will require that they enter into a Subdivision Agreement with us. This subsequent Subdivision Agreement should include provisions for: Underground "local" Wiring; Agreements with Utility Providers which for us includes approved easements, bonding and proof of insurance; Exemption to the design and installation approval processes should we, the utility, bid and perform the work; and Registration of utility easements & utility right of ways to the satisfaction of the city solicitor.</p> <p>Please be advised that Synergy North is available to discuss the servicing options & the Subdivision Agreement process at any time for the subject property in question, as well as an overall proposed plan for the Former Mill Site. To do this the developer or their consultant(s) can call and set up a meeting with:</p> <p>Armando Simeoni, Distribution Designer, C.E.T, PMP.- 37 Front St., Thunder Bay, ON P7A 8B2 - Phone: 807-343-1005 - Email: asimeoni@synergynorth.ca</p> <p>John Oriecuia, Distribution Designer, C.E.T.- 37 Front St., Thunder Bay, ON P7A 8B2 - Phone: 807-343-1168 - Email: joriecuia@synergynorth.ca</p> <p>- June 24, 2020</p>
Environmental Services (Waste Management)	<p>Environmental division does not have any concern. The curbside collection is on Friday for residential public. The transfer station is very near the property so they can use Transfer Station for their waste management.</p> <p>- October 25, 2019</p>
CP Rail	<p>No Comment.</p> <p>- June 18, 2020</p>
Enbridge Gas	<p>Thank you for your correspondence with regards to draft plan of approval for the above noted project.</p>

	<p>It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.</p> <p>- June 25, 2020</p>																			
<p>Ministry of the Environment, Conservation and Parks</p>	<p>As a RSC is required in accordance with O. Reg 153/04 for the proposed change from industrial (former mill property) to a more sensitive land use of residential, it is suggested, that the RSC for the proposed residential lots be conducted prior to their sub-dividing to avoid having to conduct and file multiple RSC's for the properties. It should also be noted that the Phase III ESA report provided to the municipality as part of the application, does not meet the requirements to support an RSC submission and an updated ESA will be required to be conducted to support the RSC submission.</p> <p>I have included links to more information on the RSC requirements that could also be passed on to the current landowner or developer.</p> <p>https://www.ontario.ca/page/bringing-soil-record-site-condition-rsc-property https://www.ontario.ca/page/submitting-record-site-condition#background https://www.ontario.ca/page/brownfields-redevelopment</p> <p>- July 14, 2020</p> <p>Excerpt from Ministry of the Environment, Conservation and Parks Presentation, Records of Site Condition, Developer Roundtable, February 6, 2019</p> <div data-bbox="475 1360 1192 1732" style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Property Use Changes Triggering Record of Site Condition (RSC)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #4CAF50; color: white;">Standards Category 1</th> <th rowspan="5" style="writing-mode: vertical-rl; transform: rotate(180deg);">RSC Required to Cross to Sensitive Property Use</th> <th>Standards Category 2</th> <th>Standards Category 3</th> </tr> </thead> <tbody> <tr> <td>Industrial (e.g., manufacturing)</td> <td>Residential (e.g., home)</td> <td>Agricultural (e.g., farm)</td> </tr> <tr> <td>Commercial (e.g., office building)</td> <td>Parkland (e.g., town park)</td> <td>Other (e.g., the rest)</td> </tr> <tr> <td>Community (e.g., community centre) - except section 14(10)</td> <td>Institutional (e.g., university)</td> <td></td> </tr> <tr> <td>RSC Required to Cross to Sensitive Community Uses</td> <td></td> <td></td> </tr> <tr> <td>Community section 14(10): Indoor pool, arena, enclosed stadium, indoor sports field or gymnasium that is Group A occupancy</td> <td></td> <td></td> </tr> </tbody> </table> </div> <ul style="list-style-type: none"> • Standards same for uses within a category. • Change from category 1 requires an RSC (more sensitive). • Changes within categories do not trigger, with exception of sensitive community uses (Section 14(10)). 	Standards Category 1	RSC Required to Cross to Sensitive Property Use	Standards Category 2	Standards Category 3	Industrial (e.g., manufacturing)	Residential (e.g., home)	Agricultural (e.g., farm)	Commercial (e.g., office building)	Parkland (e.g., town park)	Other (e.g., the rest)	Community (e.g., community centre) - except section 14(10)	Institutional (e.g., university)		RSC Required to Cross to Sensitive Community Uses			Community section 14(10): Indoor pool, arena, enclosed stadium, indoor sports field or gymnasium that is Group A occupancy		
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8. Public Comments

Circulation of the Notice of Complete Application and Hearing Draft Plan of Subdivision was completed in accordance with Section 51 (19.4) of the Planning Act; whereby it was circulated to property owners within 120 metres of the subject property on July 2, 2020 and an advertisement was published in the Municipal Memo section of the Daily Miner and News on July 2, 2020. Notice was also provided by way of email and mail circulation to the persons and public bodies as prescribed within O. Reg 544/06.

A virtual public hearing is scheduled to be held on July 21, 2020 via Zoom Meeting, to hear public comments. If new information or comments are provided at the meeting, additional information may affect the outcome of the recommendation presented.

As of the date of this report, no comments have been received. (July 16, 2020)

9. Legislative Framework for Draft Plan of Subdivision Approval

The Committee shall evaluate draft plan of subdivision based on the Provincial Policy Statement (2020), The City of Kenora Official Plan (2015), Zoning By-law No. 101-2015, as amended, and the provisions of Section 51(24) of the Planning Act:

Section 51(24) of the *Planning Act* requires that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- (a) the effect of development of the proposed subdivision on matters of provincial interest;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;

- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.

10. Evaluation

The proposed draft plan of subdivision meets the following criteria for approval, as listed in Section 8 of this Report:

- (a) As discussed in Section 6 of this Report, the draft plan of subdivision is consistent with the policy directions of the PPS, with regards to directing growth to settlement areas and the redevelopment of brownfield sites.
- (b) The proposed draft plan of subdivision will allow for the redevelopment of a brownfield site in the City of Kenora that will contribute to the completion of the community and economic development opportunities, and is in the public interest.
- (c) As discussed in Section 6 of this Report, the proposed draft plan of subdivision conforms to the policies of Section 8.11- Land division of the City of Kenora Official Plan, which permits land development to occur by Plan of Subdivision.
- (d) The draft plan of subdivision is suitable for the purpose of the land, as it conforms to the vision for the future redevelopment of the Former Abitibi Mill Site set out in the Official Plan and the Former Abitibi Mill Site Community Improvement Plan. Furthermore, the proposed uses for the site will conform to the permitted uses in the Official Plan land use designations and the applicable Zones.

Further, the proposed plan enables the future development of the land with a range of industrial and residential uses, and represents an opportunity for brownfield remediation and intensification within the settlement area.

- (e) The site has access from Ninth Street North and Fifth Street North. Road widenings / road takings shall be determined through future development applications. The proposed lots will be serviced by proposed private access easements within the site.
- (f) The dimensions and shapes of the proposed lots and retained lands comply with the Zoning By-law, for ML- Light Industrial and R3[h] - Residential Third Density, Holding Zone.

- (g) Any future development on the R3[h]- Residential Third Density, Holding Zone lots will be subject to the proposed restrictions and conditions of approval for Official Plan Amendment and Zoning By-law Amendment application No. D09-19-03 and No. D14-19-09:
 - The effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands. The '-h' holding symbol may not be removed and residential development may not occur on the subject lands until: a Record of Site Condition is submitted and approved; and supporting studies for draft plan of subdivision, draft plan of condominium, and site plan development applications, including a transportation impact study, servicing study to address water, sanitary, and storm water requirements, geotechnical study, environmental impact statement, noise and vibration study, and planning rationale, are submitted and approved.
- (h) With respect to natural resources, there are no known natural heritage features or areas on the proposed subdivision.
- (i) The adequacy of utilities and municipal services shall be determined as a condition of draft plan approval and in accordance with the conditions of approval for the Official Plan Amendment File No. D09-19-03 and Zoning By-law Amendment File No. D14-19-09.
- (j) At the time of this Report, the School Boards have not identified the need for a school site on the subject lands. As part of future development applications for residential uses, the Schools Boards will be circulated for review and comment.
- (k) Dedication of land for public purposes (e.g. parkland dedication or cash in lieu of parkland) shall be mutually agreed upon by all parties as a condition of draft approval.
- (l) In accordance with Section 1.8.1 of the PPS, this draft plan of subdivision supports the compact form and is located in a transportation corridor, encouraging transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- (m) Site plan control matters will be addressed through future development applications.

11. Recommendation

It is recommended that the creation of fifteen (15) new lots be approved, as proposed in the Plan of Subdivision.

It is my opinion that the proposed Plan of Subdivision meets the criteria as set out in Section 51(24) of the *Planning Act* and that Draft Approval may be given by the Planning Advisory Committee.

This draft approval applies to the Draft Plan of Subdivision, circulated as File No. D07-20-02, for the subject property located at 661 Ninth Street North, being PIN # 42170-0265.

It is further recommended that approval be subject to the following proposed conditions, as well as any others deemed necessary by the City of Kenora:

That as part of the Draft Plan of Subdivision approval:

- The Owner acknowledges that municipal road widenings and/or easements may be required at the time of future development applications for Site Plan Control, and that conveyances for municipal parks, or grants in lieu, and/or conveyances for roads may be required at the time of future application for Site Plan Control.
- The Owner acknowledges that future development of industrial uses and sensitive lands uses shall be subject to the Ministry of the Environment, Conservation, and Parks D-Series Guidelines, D-6 Compatibility between Industrial Facilities.
- The Owner acknowledges that there may be a need to register notices on title to the severed lands respecting noise and vibration related to industrial uses and sensitive land uses, and/or other noise attenuation measures, as determined through required noise and vibration studies which form a condition of approval of Zoning By-law Amendment application No. D14-19-09.

That draft plan approval be granted, subject to the following conditions:

1. That this draft approval applies to the Plan of Subdivision File No. D07-20-02, 661 Ninth Street North, Kenora, Ontario, known as "Former Mill Site Subdivision".
2. That the Subdivision Agreement between the owner or Developer and the City of Kenora be registered against the lands to which it applies along with the final Plan of Subdivision, prior to any other registrations. That the Subdivision Agreement shall be registered on title and shall contain among others, specific provisions to the following:
 - a. That all the requirements financial and otherwise including but not limited to the owner's obligation and responsibilities of the developer as per the attached responsibility chart in Schedule A referred to on page 16 of this report.
 - b. That the City of Kenora acknowledges the submission of the Servicing Plan (LBE Group, Submitted to the City of Kenora on June 15, 2020); the City will not take responsibility for approval of the plans as they refer to development on privately owned property. Furthermore the City acknowledges there may be need for private easements for access,

pedestrian walkways, sewer and water, utilities, drainage or other purposes, the responsibility for registering those easements shall be that of the current owner, future developer and or property owners and not the City of Kenora.

- c. That the Developer agree, if the drainage is to be allowed to flow via the natural low lying land of the private lots, the City will not be responsible for those portions of drainage courses that traverse through private lands.
 - d. That the private road shall include a sign at each entrance to the Subdivision as approved by the City of Kenora for sign specifications and shall include the following wording: *This road is not owned or maintained by the City of Kenora: Use at your own risk.*
3. That the matter of Parkland Dedication as per Section 4.6.3 of the Kenora Official Plan (2015) shall be mutually agreed upon by all parties prior to final approval.
 4. That the City of Kenora acknowledges the Draft Traffic Impact Study (Stantec, August 27, 2019). The City will require the submission of a Traffic Impact Study specific to Plan of Subdivision D07-20-02 prior to final approval.
 5. That prior to final approval easement is registered in favour of the City of Kenora per 23R-14481 for storm, water and sewer purposes. Furthermore that an easement be registered and shown on a reference plan for a waterman located on the proposed Lot 5 (adjacent to Veterans Drive).
 6. That the Developer agrees to grant such easements and or enter into such agreements as may be required for utility purposes to Synergy North, Bell Canada and Enbridge.
 7. That approvals are received from the City for the provision of any future entrance permits, culvert and materials as required to develop driveway access, if required.
 8. That all costs associated with extension of services, development of private road, surveys, legal fees and matters related to the application are the responsibility of the owner.
 9. That prior to final approval, a digital file of the plan to be registered, will be provided to the City of Kenora Planning Department in "pdf" format.
 10. Three original copies (not photocopies) of the plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein be provided; that illustrate the lots, exclusive use common areas, the common elements, the retained land, and any other items to which the approval relates; it must show in general, the same area and dimensions as the Draft Plan forming part of the application.

11. The final plan for registration must be in a registerable form together with all necessary instruments or plans describing an interest in the land.
12. That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
13. That prior to final approval the City of Kenora shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions #1 through #12 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

NOTES:

- I. Purchasers/tenants are advised that sound levels due to rail traffic and rail operations may, on occasion, interfere with some activities of the dwelling occupants as the sound levels may exceed the Ministry of the Environment and Climate Change's noise criteria.
- II. It is the applicants' responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to Kevan Sumner, City Planner, 60 Fourteenth St. N, 2nd Fl., Kenora, ON P9N 4M9. Telephone 807-467-2059, Email: ksumner@kenora.ca

The following section(s) of the Planning Act apply:

Lapse of approval

(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51). 2017, c. 23, Sched. 5, s. 99 (1).

Extension

(33) The approval authority may extend the approval for a time period specified by the approval authority and may further extend it but no extension is permissible if the approval lapses before the extension is given. 1994, c. 23, s. 30.

Schedule A

File No.: D07-20-02

Re: Application for Plan of Subdivision

Location: Former Abitibi Mill Site, 661 Ninth Street North, Kenora, ON

Owner: 5901058 MANITOBA LTD.



Former Abitibi Mill Site Redevelopment Responsibility Chart

Disclaimer: The Owner shall be responsible for the studies as outlined in the Subdivision Agreement. The City of Kenora reserves the right to request additional studies from future land owners / developers, contingent on a change in legislative requirements, or as warranted.

Redevelopment Responsibilities	5901058 MB Ltd.	Future Lot Owners / Developers	City of Kenora
1. Initial Development Applications ¹	X		
2. Concept Plans		X	
3. Residential-Industrial Compatibility Mitigation Measures ²		X	
4. Servicing Options Study / Servicing Memo		X	
5. Utility/Municipal Service Easements ³	X	X	
6. Municipal Service/Hydro Upgrades and Extensions ⁴	X	X	
7. Alternative Energy Installation ⁵		X	
8. Park Dedication		X (Res Lots)	
9. Environmental Studies / Records of Site Condition		X	
10. Composite Utility Plan		X	
11. School Board Lands Requirement ⁶	X		
12. Storm Water Management Plan		X	
13. Transportation/Traffic Study	X	X	
14. Geotechnical Studies		X	
15. High-Level Drainage Plan	X		
16. Detailed Drainage Plans		X	
17. Coordination with CP Rail if Existing Railyard is Removed	X		
18. Site Plan Control Applications ⁷		X	
19. Hydrogeological Study		X	

¹ The Owner will need to include easements for private road access, sewer/water and utilities at the time of registration.

² Concerns can be alleviated through a zoning revision from MH to ML zoning coupled with the existing topography and tree canopy present in the area, thereby, acting as a natural buffer between land uses.

³ Each Lot Owner (inclusive of 5901058 MB Ltd. who intends to retain Lots 10, 11 and 12) to consult with Synergy North, the City and other Utilities regarding easements on their respective lands as required.

Each Lot Owner is responsible for their proportionate share of any necessary hydro and municipal service upgrades and extensions to their respective Lot(s).

⁵ Subject to any constraints upgrading and extending hydro services to the site, each individual lot owner at their discretion and expense may elect to install alternative energy options (e.g. solar and/or wind power) to energize their lots.

⁶ The school boards will be contacted to discuss the redevelopment plans on site and gauge their interest in a school site(s). If any required, the intent would be to sell any required land parcels at fair market value.

⁷ To be determined by Future Lot Owners/Developers in consultation with the City.