



## **AGENDA**

### **Regular Meeting of Council of the City of Kenora**

**Tuesday, August 13, 2019  
12:00 p.m.**

**City Hall Council Chambers**

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**1. Call to Order**

**2. Blessing – Councillor Poirier**

**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:

- Budget amendment in the amount of \$10,482.00 to be funded through the Parkade/Parking Rental Reserves for the purchase of metered parking equipment for the current phase of Downtown Revitalization
- Adopt a new Tariff of Fees and Charges - 'Schedule D-Operations & Infrastructure' to reflect a \$35.00/tonne increase to ICI Recycling Services tipping fee September 1, 2019 and authorize adjustments to the Bulk Corrugated Cardboard Commercial rate March 1, 2020
- Budget amendment in the amount of \$7,550.00 to be funded through the Community Club Reserves for the Evergreen Community Club Outdoor Rink project
- Budget amendment in the amount of \$6,762.93 to be funded through the Recreation Reserves for the Portage Bay Backstop
- Budget amendment in the amount of \$19,500.00 to be funded through the Contingency Reserves for the damages to the Kenora Recreation Centre roof not covered by the insurance claim
- ~~Amend 'Schedule D-Operations & Infrastructure' of the Tariff of Fees and Charges Bylaw to reflect an increase in water and sewer rates by 5.5% for 2020 (item recommended to be deferred)~~
- ~~Amend 'Schedule D-Operations & Infrastructure' of the Tariff of Fees and Charges Bylaw to reflect various amended water and wastewater rate charges for 2020 (item recommended to be deferred)~~

**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. Confirmation of Previous Council Minutes**

- Regular Council – July 16, 2019

## **6. Presentations/Deputations**

Approximately five (5) minutes per person/group.

## **7. Additions to Agenda** (urgent only)

## **8. Appointments**

- None

## **9. Reports from Committee of the Whole**

### **9.1 Administration & Finance**

- 2019 January to June Capital and Unusual Spending
- 2019 Q2 Investments
- 2019 April to June Approved Contracts & Expenditures
- Harbourfest Fireworks Tax Deduction Request
- June 2019 Financial Statements
- Budget Amendment – Downtown Revitalization Metered Parking
- Reaching Home Federal Funding Program
- Vehicle Operation Policy HR-2-04 Amendment
- 2020 Water and Sewer Rate Increase (recommended for deferral)
- Recreational Cannabis Retail Stores (amended recommendation)

### **9.2 Fire & Emergency Services**

- No Reports

### **9.3 Operations & Infrastructure**

- Tariff of Fees and Charges – Water & Wastewater Fees (recommended for deferral)
- Tariff of Fees and Charges – Solid Waste Fees
- Traffic Amendment to No Parking Zone – West Bay Road

### **9.4 Community Services**

- Budget Amendment – Evergreen Community Club Outdoor Rink
- Budget Amendment – Portage Bay Backstop
- Budget Amendment – Kenora Recreation Centre Roof Damage

### **9.5 Development Services**

- D09-19-02 Official Plan Amendment & D14-19-07 Zoning Bylaw Amendment (Bed and Bale Application – 66 Cambrian Drive)
- D14-19-08 Zoning Bylaw Amendment – 915 Ottawa Street - Nowe

## **10. Housekeeping Resolutions**

- Application to Rural Economic Development Program
- Deputy Division Registrar Appointments
- June 2019 Water Wastewater Systems Monthly Summary
- School Crossing Guard Service

## 11. Tenders

- None

## 12. By-laws

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

- Ayrie Development Agreement
- Confirmatory
- Budget Amendment – Downtown Revitalization Metered Parking
- Vehicle Operation Policy HR-2-04 Amendment
- Tariff of Fees and Charges – Water & Wastewater Fees (recommended for deferral)
- Tariff of Fees and Charges – Solid Waste Fees
- Traffic Amendment to No Parking Zone – West Bay Road
- Budget Amendment – Evergreen Community Club Outdoor Rink
- Budget Amendment – Portage Bay Backstop
- Budget Amendment – Kenora Recreation Centre Roof Damage
- D09-19-02 Official Plan Amendment & D14-19-07 Zoning Bylaw Amendment (Bed and Bale Application – 66 Cambrian Drive)
- D14-19-08 Zoning Bylaw Amendment – 915 Ottawa Street - Nowe

## 13. Notices of Motion

## 14. Proclamations

- None

## 15. Announcements (non-action)

## 16. Adjourn to a Closed Session

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization for Council to move into a Closed Session to discuss items pertaining to the following: -

**i) Education & Training Members of Council** (2 matters – CAO & Mayor Update)

## 17. 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**.



# Housekeeping Reports NOT attached to Committee of the Whole Agenda



**July 30<sup>th</sup>, 2019**

## **Staff Report**

**To: Mayor & Council**

**Fr: Devon McCloskey, City Planner**

**File No.: D09-19-02 & D14-19-07 Addendum**

**Re: Applications for Official Plan Amendment & Zoning By-law Amendment**

**Location: 66 Cambrian Drive**

**Owners/ Applicants: Dave and Laura Loohuizen "Bed and Bale"**

### **1. Background**

On July 16<sup>th</sup>, the Council of the City of Kenora, deferred a decision indefinitely for the passing of By-laws to approve the subject applications for Official Plan Amendment and Zoning By-law Amendment.

Following the Public Meeting to hear comments on the applications that was held on July 9<sup>th</sup>, additional written submissions were received as well as a deputation. Council wanted to provide more time to review the comments and concerns. As such, this report is an addendum to the Council report provided on July 9<sup>th</sup> (dated July 2<sup>nd</sup>).

Applications to change the Official Plan designation and zoning of property, which is located at 66 Cambrian Drive, are summarized as follows:

The purpose and effect of the Official Plan Amendment is to:

- Change the Official Plan Designation from "Residential development Area" to "Rural Area". The proposed site specific amendment to the zoning by-law would then be consistent with the Official Plan Designation.

The purpose and effect of the Zoning By-law Amendment is to:

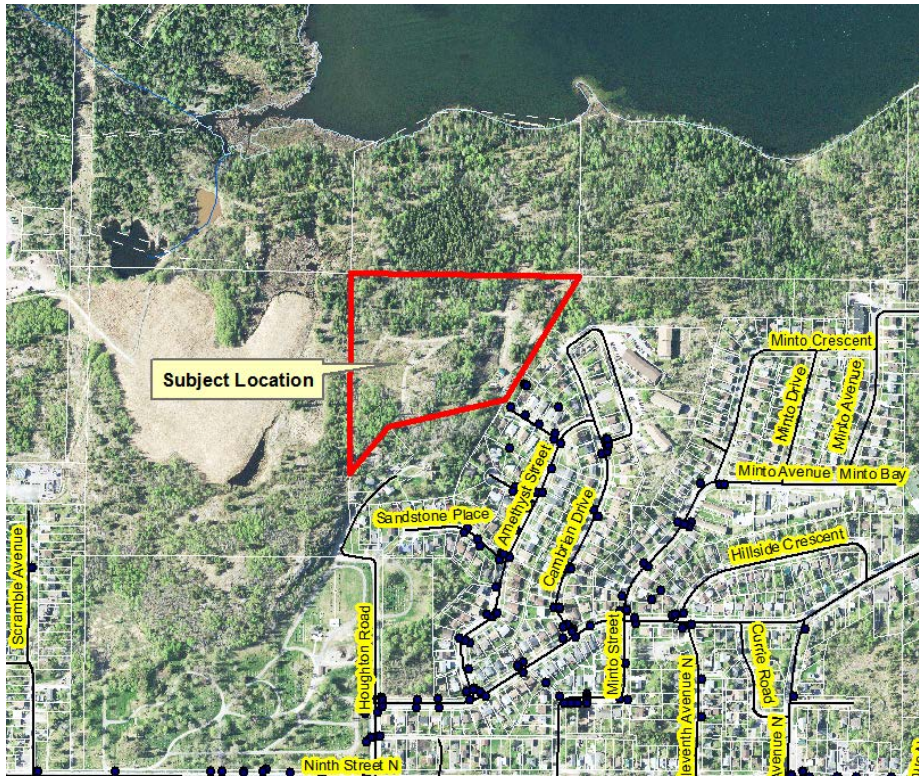
- Add site specific permitted uses under the RU zone provisions, including campground and resort. This will enable use of the property as a small farm and campground, offering people travelling with horses short term accommodation, and the potential for summer & year-round cabins in a future phase of development, not exceeding 25% of the property.

It is important for Council and the public to understand that the applications subject to amendment pertain only to private property owned by Laura and Dave Loohuizen.

Through the submission of the applications, the City has become aware of the use of City property in the area of Rabbit Lake and Garrow Park, by Kenora Bed n' Bale, and



a separate report will be provided by Community Services, which will capture the use of City property. As such, the evaluation that has taken place for the subject planning applications, pertains only to private property.



**Figure 1** – Aerial photo (2014) displaying the subject property in red.

At the request of Planning Staff and in response to public comments, the applicants provided further details of the proposal, as well as use of public space. Copies of their emails are attached.

Since the July Council meeting, additional public comments have been compiled and a circulation to Ministries and Agencies was undertaken. Comments were received as follows:

## 6. Results of Ministry and Agency Recirculation

On July 12<sup>th</sup>, 2019, the Planning Department recirculated the following Ministries and Agencies to obtain comments with regard to the potential for offsite impacts as related to the proposed amendments and use of trails and the lake by horses.

Ministry of the Environment	I have reviewed the contents of your email, and there are no MECP legislative requirements based on the business operation and public concerns regarding the use of public (city) lands.
Conservation and Parks	OMAFRA may be the best contact regarding the concern around horses in the water etc. Here is the contact info for the new OMAFRA rep for the area – Jennifer Wall 807-482-1921. I believe she is away and Barry Potter can be contacted in her absence at 705-647-2086. Also, here is a fact sheet that I found, that

	<p>may/may not be helpful: <a href="http://www.omafra.gov.on.ca/english/livestock/beef/facts/08-013.htm">http://www.omafra.gov.on.ca/english/livestock/beef/facts/08-013.htm</a></p> <p>Additionally, the NWHU may be able to provide additional information regarding private drinking water supplies from Rabbit Lake as they also conduct the beach surveillance program.</p> <p>- July 22, 2019</p>
Ministry of Agriculture and Rural Affairs	<p>A Nutrient Management Study is triggered with the submission of a Building Permit for a barn or if there are more than 5 nutrient units.</p> <p>- July 22, 2019</p> <p>In the event that there are adverse effects to caused to water by horses, Section 18 (3) of the <i>Nutrient Management Act</i> could be enforced by the MOE.</p> <p>- July 29, 2019</p> <p>Under the <i>Nutrient Management Act (2002)</i>, section 18 (3) states the following:</p> <p><a href="https://www.ontario.ca/laws/statute/02n04#BK22">https://www.ontario.ca/laws/statute/02n04#BK22</a></p> <p><b>Effect</b></p> <p>(3) The adverse effect mentioned in clause (2) (c) is an effect that is one or more of the following:</p> <ol style="list-style-type: none"> <li>1. Impairment of the quality of the natural environment for any use that can be made of it.</li> <li>2. Injury or damage to property or to plant or animal life.</li> <li>3. Harm or material discomfort to any person.</li> <li>4. An adverse effect on the health of any person.</li> <li>5. Impairment of the safety of any person.</li> <li>6. Rendering any property or plant or animal life unfit for human use.</li> <li>7. Interference with the normal conduct of business.</li> </ol> <p>- July 29, 2019</p> <p>The definition of adverse effect in the Nutrient Management Act is as it is written below. However, it is important to realize that there are a number of approaches that an Environmental Officer (EO) from the</p>

Ministry of Environment might take when talking to a farmer or landowner about the management of manure on the property. In some, cases the discussion between the EO and farmer might be sufficient or the EO might ask the farmer to come up with a mutually acceptable plan to address the issue(s); this is referred to as voluntary abatement. With more serious situations such as a manure or chemical spill, the EO could look at a notice of violation, provincial officers' order and finally charge(s) under one or more environmental statues including causing an adverse effect. Keeping in mind, when orders or charges are issued, there is due process (i.e. burden of proof, right of appeal and right to a hearing, etc) so it is not a trivial matter. Thus, if issues can be resolved with less formal approaches (such as discussion between the EO and landowner), this is generally preferred. In summary, the EO would be looking for the right approach given the specifics of the situation...in many cases, it may be as simple as a discussion with the landowner or farmer.

As I mentioned during our phone conversation, I would suggest that you discuss this further with the local Ministry of Environment office in Kenora; they (Min of Env) are the lead ministry with compliance and they can provide you with a more complete picture of how they work with farmers, landowners and private citizens on these matters.

And OMAFRA has a role in agri-environmental issues too. One of my roles as an Environmental Specialist with OMAFRA is to provide info and resources with a goal to prevent problems from happening in the first place. OMAFRA has extensive factsheets and articles about agri-environmental issues; I offer the link to the OMAFRA website below as an example for your reference:

[http://www.omafra.gov.on.ca/english/environment/horses\\_enviro.htm](http://www.omafra.gov.on.ca/english/environment/horses_enviro.htm) (this link has a list of several different factsheets to choose from).

Another significant program in Ontario is the Environmental Farm Plan (EFP) offered since the mid 1990's. This voluntary program is a free education program for farmers/landowners and leads the participant through a self-directed risk assessment for their farm and ultimately leads the participant to develop an action plan to address identified issues. The EFP is offered locally through Ontario Soil & Crop Improvement Association.

<https://www.ontariosoilcrop.org/oscia-programs/workshops-webinars/environmental-farm-plan/?lang=1>

- July 30, 2019



Northwestern Health Unit	<p>We do not have any additional comments on this application as the concerns fall out of our scope. If anyone is taking water out of the lake for drinking it would need to be filtered and disinfected prior to use. We do sample the beach area so we can monitor any changes in levels of e-coli from the public areas.</p> <p>- July 15, 2019</p>
Ministry of Natural Resources and Forestry	<p>The Kenora District Ministry of Natural Resources and Forestry (MNRF) has reviewed the information provided. MNRF has no concerns with the Official Plan or Zoning By-law amendments. The Bed and Bale property is private and is surrounded by other private or City-owned lands, including the lands that contain the nearby trails. Therefore, there are no Crown Land concerns. The <i>Public Lands Act</i> does not prevent people (and their animals) from using Crown lake bed for swimming, especially if it is fronted by private property, and the proposed activities are not anticipated to have a negative impact on the fishery. Water quality concerns do not fall under the mandate or legislative authority of MNRF. As such, MNRF has no concerns with this proposal.</p> <p>- July 23, 2019</p>
Fisheries and Oceans Canada	<p>My first inclination would be for you to contact the Ontario Ministry of Natural Resources, any local conservation authorities and/or Public Health Ontario but I sure you have already.</p> <p>The only Federal departments that I can think of is Environment and Climate change Canada (ECCC), who monitors freshwater quality of inland waters (<a href="https://www.canada.ca/en/environment-climate-change/services/freshwater-quality-monitoring/overview.html">https://www.canada.ca/en/environment-climate-change/services/freshwater-quality-monitoring/overview.html</a>) and Fisheries and Oceans' Fisheries Protection Program (<a href="https://www.dfo-mpo.gc.ca/pnw-ppe/fpp-ppp/index-eng.html">https://www.dfo-mpo.gc.ca/pnw-ppe/fpp-ppp/index-eng.html</a>).</p> <p>- July 12, 2019</p>

## 7. Public Comments

As of the date of this report, 6 individuals have provided written emails in support of the proposed amendments and 3 individuals have provided written opposition, one was specifically in regard to use of public spaces owned by the City.

Comments in support can be summarized as giving support for the applications to allow for camping for tourists, as well as use of the public trails. As neighbours, the applicants are praised for their efforts to clean up the property, and to welcome people onto it to learn and observe the farm, and all of ongoing improvements. Comments were also submitted criticizing vocal opposition, stating that misinformed comments have delayed approved, and these include unproven remarks and speculation.

Comments in opposition raise concern over conflict between horses, pedestrians and dogs on Rabbit Lake and Rotary Trails. Concerns were received about the barrier free trails being degraded by hooves, manure being left behind and causing the trails to become impassable. One individual raises concern over water quality since her property is serviced from surface water at Rabbit Lake.

Personal information including names and addresses have been redacted and attached to this report.

## **8. Recommendation**

In consideration of the latest comments received from Ministries, Agencies, and the Public, my recommendation remains to be as follows:

As the Planner for the City of Kenora, it is my professional planning opinion, that the Applications for Official Plan Amendment and Zoning By-law Amendment, File No. D09-19-02 and D14-19-07, to:

- Change the Official Plan Designation from "Residential development Area" to "Rural Area". The proposed site specific amendment to the zoning by-law would then be consistent with the Official Plan Designation.
- Add site specific permitted uses under the RU zone provisions, including campground and resort. This will enable use of the property as a small farm and small campground, offering people travelling with horses short term accommodation, and the potential for summer & year-round cabins in a future phase of development, not to exceed 25% of the total property area.

Are consistent with the Provincial Policy Statement, the Official Plan, and the Zoning By-law, and both applications should be approved.



Devon McCloskey, RPP, MCIP  
City Planner

## **References and Attachments**

- Report to Council dated July 2<sup>nd</sup>, 2019 and attachments
- Additional information provided by the applicants July 15<sup>th</sup> to July 25<sup>th</sup>
- Public Comments received as of noon July 30<sup>th</sup>, 2019

July 31<sup>st</sup>, 2019

## Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

File No.: D14-19-08

Re: Application for Zoning By-law Amendment

Location: 915 Ottawa Street

Applicant: Vanessa Nowe

Owner: Kirby Campbell Holdings Inc.

### 1. Introduction

An application has been received for the subject property, to change the zoning from Institutional (I) to Residential Third Density (R3) with varied building access, reduced building setbacks, reduced visitor parking, and reduced parking stall length per Table 4 of Sections 3.23.1, 3.23.2, and 3.23.4 of the Zoning By-law No. 101-2015.



**Figure 1 (above)** - Aerial sketch displaying subject area of proposed rezone

### 2. Description of Proposal

To allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard, 8 m rear

yard), and a total of 8 10 parking spaces on site. 7 parking spaces will have reduced lengths of 5.36 m.

On July 7<sup>th</sup>, the applicant provided new information to remove the request for reduced parking. Since they would be able to remove the exterior staircase to the lower units, parking at the rate of 1.5 per unit could then be supplied as per the By-law for Apartment Dwellings and Visitor Parking.

### **3. Existing Conditions**

The property is located at 915 Ottawa Street, PLAN 18 BLK 49 LOT 12; Townsite of Keewatin. The property is a corner lot with an exterior side yard on Eighth Street. It is located at the westside of business area in Downtown Keewatin. Property to the west is zone Residential Density 1 (R1), and developed with single-detached dwellings, and property to the north and east are zoned Institutional (I) and General Commercial (GC) and developed for building supply, retail, restaurant, and institutional uses.

The building is legally non-complying to the Institutional Zone since the front yard, interior side yard, and rear yard do not meet the current zoning provisions, as it was constructed in 1992. Most recently, the building was used as an Office and a Place of Worship. Currently parking is provided along the exterior side yard and the rear yard.

### **4. Site Visit**

On June 17<sup>th</sup> and July 8<sup>th</sup>, 2019, I attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the existing building, property, and surrounding development.

**Photo 1** – View of the front of the building





**Photo 2** – View of the westside of the building (looking east)



**Photo 3** – View of the rear yard, deck and parking area for trucks and larger vehicles



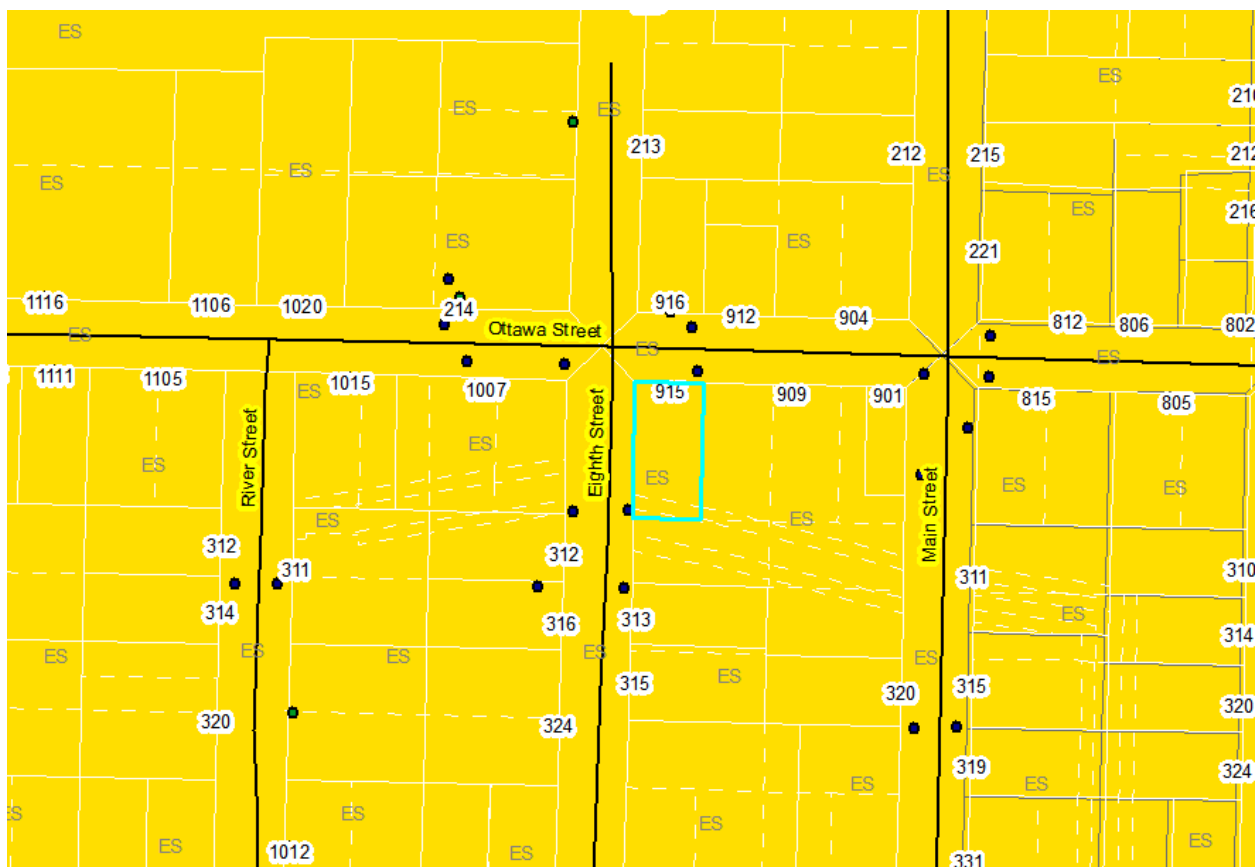
## 5. Consistency with Legislated Policy and City Directives

### a) Provincial Policy Statement (PPS) 2014

The proposed rezoning is consistent with those policies that support increasing the supply of housing that is located within a walkable and centralized area of the community.

In particular, the provision for a range and mix of housing types and densities (Policy 1.4.1), which will support economic development, and attraction of workers. The location of the proposed redevelopment is ideal, with its accessibility to public service facilities, and commercial areas, by means of active transportation (Policy 1.4.3 d).

### b) City of Kenora Official Plan (2015)



**Figure 2 - OP Mapping**

The Land Use Designation of the property is Established Area (ES). Policy 4.1 of the Plan describes that permitted uses shall include residential, commercial, industrial and institutional uses.

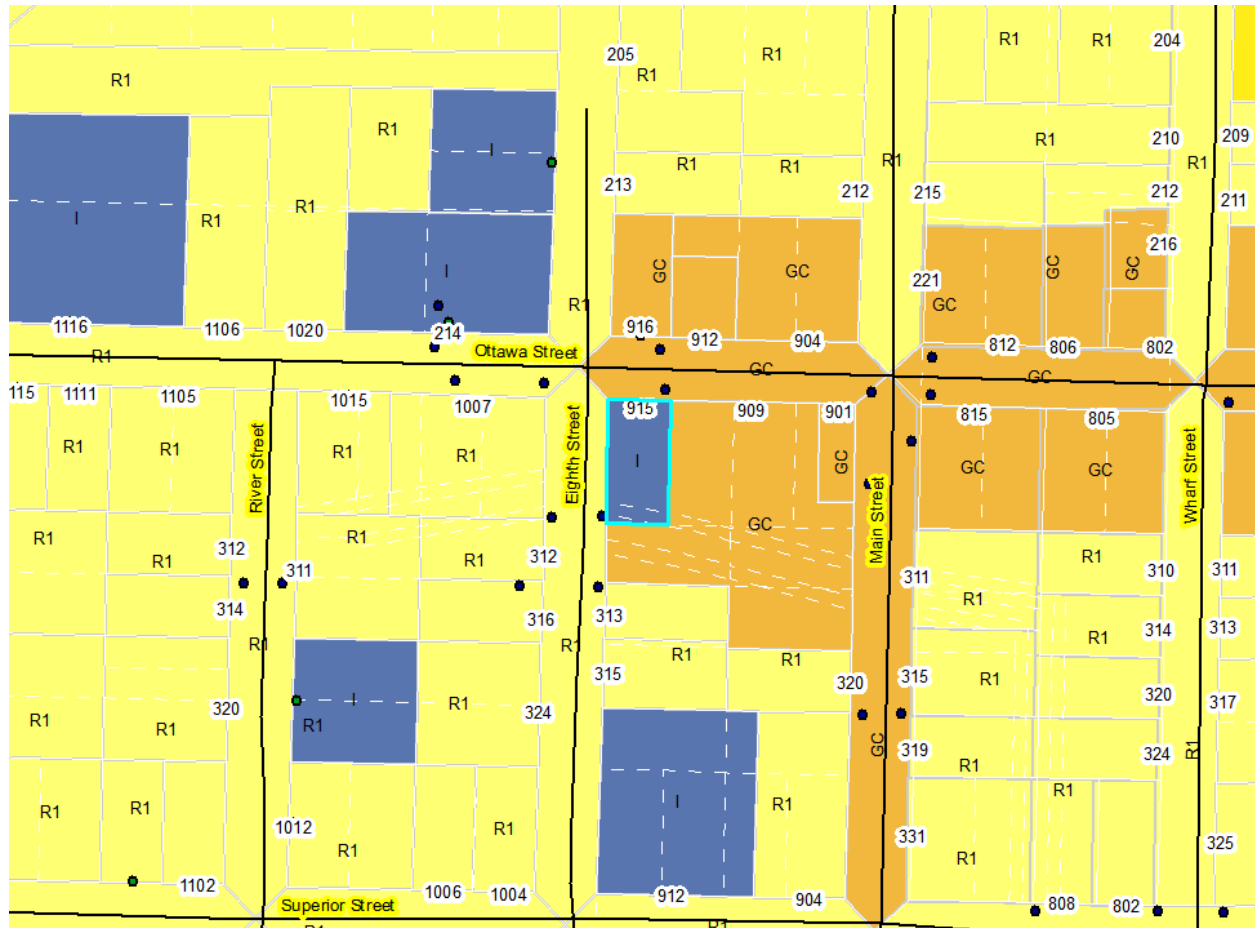
PL 4.1.2 c) of the plan explains that residential development shall be encouraged.

PL 4.1.2. e) states "Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are



similar in scale to the surrounding built form and that improve the quality of life for area residents may be permitted through an amendment to the Zoning By-law.”

### c) Zoning By-law No. 101-2015




**Figure 3 - Zoning By-law Mapping**

Zoning of the property is currently Institutional (I), permitted uses include Place of Assembly, Place of Worship, Retirement Home, Group Home, Offices and Recreational Facilities.

A change in zoning to Residential Third Density (R3) would allow for permitted uses within the R3 zone including multiple apartment dwelling, converted dwelling, and multiple attached dwelling.

Zoning regulations including parking is required, and the application demonstrates that parking will be provided, however the stall length of the spaces provided along Eighth Street will be slightly less than regulated, and that these spaces would continue to be accessed directly to the roadway, despite section 3.23.4 of the By-law.

## 6. Results of Interdepartmental and Agency Circulation

Engineering	<p>There is a concern on the proposed parking stalls fronting/closest 8<sup>th</sup> St may encroach into the sidewalk causing issues for pedestrians all year round and for sidewalk snow plowing in the winter. There has to be assurance that this parking will not affect the sidewalk and this may mean the stalls being proposed may have to be diagonal as opposed to perpendicular to ensure the sidewalk is clear of parked cars. Also, there is a timber retaining wall that is about 0.5 m out from the west wall of the building that takes away potential parking stall depth as seen in the photos below, but it could be assumed that the front overhang of the car could encroach in the area between the building wall and the timber retaining wall?</p> 
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It would be beneficial for more area for parking if the stairwell heading into the lower level of the building was eliminated as per the photo below, but it is uncertain if this set of doors is required to remain to accommodate the proposed re-development?



- June 24, 2019

Response from Vanessa Nowe –

We truly feel that there will be no issue with the parking stalls fronting/closet to 8<sup>th</sup> Street encroaching on the sidewalk, as stated we plan to only park cars along that strip but we did take pictures of our real estate agents SUV (larger vehicle than we plan to allow) as per the attached to show you that even a larger vehicle does not encroach at all. You will note the retaining wall will not be an issue as the vehicles front overhang can go over and will actually act as a stop to ensure no one hits the building with their car as such we did include that area as parking area in our drawings as it truly is. The timber retaining wall is exactly 29" from the building which as you can see in the pictures provides a perfect distance for the front overhang. We plan to also install padding on the building to ensure vehicles can pull up as far as possible and the hand railing on the front of the parking will also be removed to allow vehicles to pull closer to the building. I also included pictures of my van which is very low (we always scape the sidewalk when parking) and even it doesn't touch the retaining wall at all. I completely agree that a truck would be an issue, which is why we will assign parking according to the tenant's vehicle that they drive. We would be happy to provide each tenant some parking rules when they sign their lease letting them know that they must pull up close to the building and ensure that their vehicle isn't encroaching on the sidewalk for the safety of pedestrians, we can even incorporate that into our lease agreement to ensure that we can issue warnings etc for those that violate. Diagonal parking is an option

	<p>but less spots would be able to fit so then our total parking spots would decrease plus it would be more difficult for tenants to parallel park then perpendicular park.</p> <p>As for snow removal, we have already contacted a company to provide us that service, all snow will be removed and taken away, no snow will be piled along the building at all or anywhere else for that matter. For smaller snows there is a space beside the side entry way that we purposely left to allow for a smaller pile of snow, this area is shown in the drawings and will not affect the parking, will not be piled along the building wall and will not be along the sidewalk. When the company comes to remove snow this pile would be removed at the same time. The same company will be providing snow removal for our 2<sup>nd</sup> street building.</p> <p>- June 26, 2019</p> <p>No outstanding concerns from Engineering</p> <p>- June 28, 2019</p>
Roads	<p>After discussions with Marco and reviewing the pictures that were taken by engineering staff and the assertion by the property owner that parking and snow clearing will be closely monitored and controlled I tend to agree with Marco's position.</p> <p>- July 2, 2019</p>
Water and Wastewater	<p>W/WW has no issues.</p> <p>- June 19, 2019</p>
Building	No comments received as of July 31, 2019
Kenora Fire	No comments received as of July 31, 2019
Synergy North	No comments received as of July 31, 2019
Environmental Services	<p>No issues</p> <p>- June 20, 2019</p>

## 7. Public Comments

A public meeting is scheduled to be held by Council on August 6<sup>th</sup>, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on July 4<sup>th</sup>, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on July 4<sup>th</sup>, and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

As of the date of this report (July 31<sup>st</sup>, 2019), two public comments have been received, refer to the attachments to review a redacted copy of each.

The first, provided by an existing business in Keewatin, offered support for the application to rezone. The second, explained that the property is part of the business district in Keewatin, that there has been a revitalization of buildings and new business; but expressed concern for setting precedence of changing commercial uses to residential that could lead to the loss of businesses established in Keewatin. Increases to on street parking was also noted to be a concern.

The notice that was circulated stated as part of the purpose and effect of the application, that 2 less parking stalls would be provided, however the applicant has since undertaken a further evaluation of the renovation of the building and determined that additional parking will be available with the removal of a staircase which currently accesses the basement.

## **8. Planning Advisory Committee Meeting**

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on July 16<sup>th</sup>, 2019. Resolution and minutes of this meeting will be forwarded on to Council for their information.

On July 16<sup>th</sup>, the applicant presented the proposal to the Committee, describing the existing conditions of the property, and the proposal to renovate the building interior, improve the building exterior, and provide off street parking.

The PAC discussed the application, asked questions, and a copy of resolution to recommend approval of the application is included in this report. In addition, a full set of the PAC's draft meeting minutes is attached for reference, the minutes of subject application begin on page 9 of 12.

### **Figure 4 – PAC Resolution**





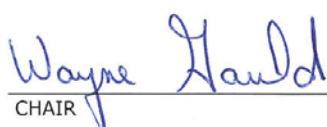
The Corporation of the City of Kenora

**PLANNING ADVISORY COMMITTEE MEETING RESOLUTION**MOVED BY: Graham ChazeSECONDED BY: John McDougall

DATE: July 16, 2019

**RESOLVED THAT** the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve application D14-19-08, subject property located at 915 Ottawa Street in Keewatin, ON, described as Plan 18, Block 49, Lot 12, to change the zoning from I-Institutional to site-specific R3-Residential Third Density to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard; 8 m rear yard), a total of 10 parking spaces on side, and 7 parking spaces having reduced lengths of 5.36 m.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

DIVISION OF RECORDED VOTE				CARRIED <input checked="" type="checkbox"/>	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS	 CHAIR	
	Chaze, Graham				
	Richards, Bev				
	Gauld, Wayne				
	Kitowski, Robert				
	Pearson, Ray				
	Barr, John				
	McDougall, John				
	Koch, Andrew				
	McIntosh, Tanis				

**9. Evaluation**

Most recently the property was used as an office and church. The building has been vacant and for sale, for years. The Official Plan, as well as the Community Improvement Plan, are supportive of increasing the housing supply, and for mixed neighbourhoods in Keewatin.

Use of the property for commercial opportunities is limited given proximity to established residential areas, housing is in high demand, and the prospective purchasers are proposing to renovate and bring this vacant property back to life.

If approved, the requested rezoning will add to the supply of housing, opening more opportunities for tenants who are looking to reside within a centralized

location of Keewatin. One of the units is planned to be barrier free, and a tenant has already been selected.

To date, parking has been provided upon the property in the same alignment as the application proposes. The applicant has described that the spaces along the exterior side yard, which do not currently conform to the by-law, given that drivers would access directly to a road, and that the stall length is 0.62 metres short of the regulated requirement, would still be viable.

The tenants will only be permitted to park small cars, and will be made aware via their rental agreements. Other examples of this can be seen in Kenora, such as at the Safeway parking lot, along the south side of the property at Laurenson's Creek.

**Budget:** Application fees paid in accordance with the Tariff of Fees By-law.

**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.

**Communication Plan/Notice By-law Requirements:** Notice of the complete applications and public meeting provided in accordance with the Planning Act. Notice of meetings held by the Planning Advisory Committee, Committee of a Whole, and Council provided as per the Notice By-law.

**Strategic Plan or Other Guiding Document:** The Official Plan provides criteria for the evaluation of Applications for Official Plan, and Zoning By-law Amendments

## 9. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-19-08, to change the zoning of the subject property to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard, 8 m rear yard), a total of 10 parking spaces on site, and 7 parking spaces having reduced lengths of 5.36 m; should be approved for a site specific amendment, in lieu of public comments that may yet to be received.



Devon McCloskey, RPP, MCIP

City Planner

**Attachments**

- Complete Application for Zoning By-law Amendment, including Planning Rationale (Updated July 4, 2019), and sketch
- Notice of Application and Public Meeting
- Public Comments – July 11, 2019
- Draft PAC July 16<sup>th</sup> Meeting Minutes

August 7, 2019

## **Housekeeping Council Briefing**

**(direct to Council – does not appear at COW)**

**Agenda Item Title:** Application to the Rural Economic Development (RED) Program

**Background Information:**

The City of Kenora began work on Phase IV of the Downtown Revitalization Project in June 2019. A component of this initiative includes the development of a pedestrian friendly space within the specific project area to be located at the intersection of Chipman Street and the realigned First Street South.

The Lake of the Woods Development Commission has committed \$100,000 through the Municipal Accommodation Tax to support the design and delivery of a new public washroom to further spur pedestrian traffic in the downtown core. The goal of this work is to develop a public washroom facility that is accessible and architecturally unique.

In addition, Development Services has identified the enhancement of the urban forestry program within the Harbourn Town Centre as a priority initiative for 2020. Work will include assessment of current trees, maintenance and additional plantings in the downtown to enhance the overall program. This will serve to further improve the pedestrian experience in the area.

The RED Program opened on July 29, 2019 and has included a Strategic Economic Infrastructure component in this intake under which these activities may be considered eligible.

**Resolution for Council:**

That Council of the City of Kenora approves an application to the Rural Economic Development (RED) Program for the delivery of an accessible and architecturally unique public washroom and enhancements to the urban forestry program in the amount of \$200,000; and further

That the City of Kenora confirms its financial commitment of up to \$140,000 with \$100,000 to be funded through the Municipal Accommodation Tax for the project; and further

That Council hereby approves any cost overruns associated with the project.

**Budget:**

The RED Program will support up to 30 percent of eligible project costs, to a maximum of \$250,000 under the Strategic Economic Infrastructure stream. The Municipal Accommodation Tax allocation has been approved through the 2019 Lake of the Woods Development Commission planning process. The City of Kenora contribution in the amount of \$40,000 to the urban forestry program has been included for consideration in the 2020 capital budget.

**Risk Analysis:**

There is a low positive financial risk in undertaking this application to the RED program as it will reduce project costs.

**Communication Plan/Notice By-law Requirements:** Bylaw required when agreement is received from the RED Program.

**Strategic Plan or Other Guiding Document:**

- 1-1 The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district;
- 2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems;
- 2-4 The City will act as the catalyst for continuous improvements to the public realm.

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**Briefing By:** Adam Smith, Manager of Development Services

**Bylaw Required:** No



July 25, 2019

**Housekeeping  
Council Briefing**  
(direct to Council – does not appear at COW)

**Agenda Item Title:** Appointment of Deputy Division Registrar

**Background Information:**

By virtue of the office of the Clerk, the Vital Statistics Act automatically appoints me as the Division Registrar to issue marriage, birth and death records on behalf of the Corporation.

Under Section 38 of the Act, Deputy Division Registrars may be appointed by the Registrar General for the same purpose and it is necessary to make amendments to these appointments.

The bylaw will also cover the same appointments as Lottery Licensing Officers for the City.

**Resolution for Council:**

That Council gives three readings to a bylaw to appoint Kerri Holder as a Deputy Division Registrar and Lottery Licensing Officer for the City of Kenora; and further

That Sandy Ratcliffe and Melissa Reynard be hereby repealed as Deputy Division Registrars for the City of Kenora.

**Briefing By:** Heather Kasprick, Manager of Administration/City Clerk

**Bylaw Required:** Yes



July 16, 2019

## **Housekeeping Council Briefing**

**(direct to Council – does not appear at COW)**

**Agenda Item Title:** 2019 Water & Wastewater Systems Monthly Summary Report – June

**Background Information:**

The Water and Wastewater Division will be providing Council with Water and Wastewater Systems Summary Reports, on a monthly basis.

The purpose of the Report is to provide Council with an understanding on how the water and wastewater systems they own and operate are maintained. Data will be collected at the end of each month and presented to Council for acceptance, see attached.

The Operations and Infrastructure Department recommends that Council accept the 2019 Water and Wastewater Systems Monthly Summary Report for June.

**Resolution for Council:**

That Council of the City of Kenora hereby accepts the June 2019 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by City administration.

**Budget:** N/A

**Risk Analysis:**

The risk level is low to moderate. The monthly reporting is just standard practice for transparency purposes, and an opportunity to further Council's understanding of the Division's monthly budgeting. No mitigating strategies are required.

**Communication Plan /Notice By-law Requirements:**

Resolution required. Jeff Hawley, Biman Paudel, WTP, WWTP

**Strategic Plan or other Guiding Document:**

Goal #2 Strengthen Our Foundations

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.

2-2 The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue.

2-3 The City will ensure prompt and immediate response times supported by resilient communications in the event of system outages and other emergencies.

**Briefing By:** Jeff Hawley, Operations & Infrastructure Manager

**Bylaw Required:** No

**CITY OF KENORA**

**Monthly Summary Report  
Water & Wastewater Systems**

**June 2019**

Prepared by: Biman Paudel, Water & Wastewater Division Lead  
Ryan Peterson, ORO, Water Treatment Plant  
Darryl Wilson, ORO, Wastewater Treatment Plant

## **1.0 Introduction**

This report contains the major maintenance activities and operational events that occurred during the month of June 2019 at the Kenora Area Water Treatment Plant, Kenora Wastewater Treatment Plant, Water Distribution System and Wastewater Collection System. This information report has been prepared for Council to better understand how the systems they own and operate are maintained on a monthly basis.

## **2.0 Water Treatment Plant**

### **2.1 Monthly Flow and Operating Data – See Schedule “A”**

### **2.2 Weekly Bacteriological Samples**

1 Raw, 1 Treated and 6 Distribution for a total of eight (8) samples are taken on a weekly basis.

Sampling was conducted on the following dates:

- June 5
- June 10
- June 17
- June 24

All samples tested were within the allowable parameters.

### **2.3 Maintenance**

- Troubleshooting communication issues to Keewatin Standpipe.
- Replaced operating solenoid on #2 highlift electric checkvalve.
- Repaired leaking roof drain in chlorinator room.
- WTP Generator was serviced by Cummins.
- Replaced bearings in #2 alum pump rotor assembly.
- Worked with IT troubleshooting communications with Zone 3 Booster.
- Installed radio communication antenna at Keewatin Standpipe.

### **2.4 Training**

- All operators attended a 2 day Walkerton training course on “Basic Mathematics for Water Operators”.

- 

## **2.5 Water Quality Complaints**

- There was one water quality complaint in June. The resident complained of brown coloured water that was progressively getting worse. The Operator checked the chlorine residual and valves, both were shown to be normal, and no discolouration was observed. In further discussions with the resident, it was discovered that although the tap water was brown, the toilet water remained clear, leading operators to believe it was a hot water tank issue, which the resident will investigate further.

## **2.6 Other Information**

- Distribution chlorine residuals were collected on a weekly basis.
- Celco was on-site for program collection and planning for SCADA (Supervisory Control and Data Acquisition) upgrades.
- Super-chlorination sampling and additional Bacti tests are being conducted for new construction downtown, as well as other water main replacements.

# **3.0 Water Distribution System and Wastewater Collection System**

## **3.1 Maintenance**

### **3.1.1. Water Distribution**

- June 12 – 13 – Dug and repaired leaking hydrant at: 143 Regina Avenue.
- June 27 – Dug and repaired curb stop at: 1312 Pine Portage Road.

### **3.1.2. Wastewater Collection**

- June 6 – Replaced grinder pump at: 306 Rabbit Lake Road.
- June 7 – Dug and repaired grinder pump canister at: 328 Rabbit Lake Road.
- June 9 – Rodded plugged sewer at: 33 Ocean Avenue.
- June 10 – Rodded plugged sewer at: 609 First Avenue South.
- June 12 – Televised sewer service at: 1132 Valley Drive.
- June 13 – Rodded plugged sewer at: 1218 Eighth Street North.
- June 17 – Televised plugged sewer at: 122 Third Street North.
- June 19 – Rodded plugged sewer at: 21 Gunne Crescent.
- June 20 - Dug and replaced collapsed sewer service at: 122 Third Street North.
- June 24 – Dug and repaired plugged sewer service at: 1331 Beach Road.
- June 24 – Rodded plugged sewer at: 112 Seventh Avenue South.
- June 24 – Rodded plugged sewer at: 8 Sixth Avenue South.
- June 26 – Dug and replaced sewer service at: 112 Seventh Avenue South.
- June 27 – Replaced grinder pump at: 322 Rabbit Lake Road.

- June 27 – Rodded slow moving sewer at: 806 Park Street.

### 3.1.3. Water Thaws:

	June 2018	June 2019
City	0	0
Private	0	0

## 3.2 Training

- Majority of the staff attended training on “Traffic Control and Protection, Book 7, ON Traffic Manual”.
- Majority of the staff attended a 2 day Walkerton training course on “Basic Mathematics for Water Operators”.

## 3.3 Water Quality Complaints

There was one water quality complaint for the month of June, see item #2.5 for further details.

## 3.4 Boil Water Advisory(s) - 2019

Date and Location:

- June 3 – Ten (10) residents on Third Street South.
- June 4 – Six (6) residents on Fifth Avenue South.
- June 5 – Three (3) residents on Seventh Avenue South and Seven (7) residents on Park Street.
- June 12 – Twenty seven (27) residents on First Street South, Five (5) residents on Sixth Avenue South and One (1) resident on Park Street.
- June 15 – Two (2) residents on Fifth Avenue South, Five (5) residents on Sixth Avenue South, Two (2) residents on Second Street South and thirty three residents (33) on Third Street South.

## 3.5 Other Information

- Rich Pernsky received his Class I Certification on Water Distribution and Wastewater Collection.

## 4.0 Wastewater Treatment Plant

### 4.1 Monthly Flows & Operating Data – See Schedule “B”

### 4.2 Samples

- 4.2.1. **Monthly** - Complete Analyses of Treated Effluent and Raw Sewage Samples sent out on June 18, 2019 - Results:
- a. Total BOD (biological oxygen demand) Raw Sewage: 65 [mg/L]

- b. Total BOD Final Effluent: 3.9 [mg/L] - limit is 25 [mg/L].
- c. Total Suspended Solids Raw Sewage: 35.4 [mg/ L]
- d. Total Suspended Solids Final Effluent: 4.8 [mg/ L] - limit is 25 [mg/L]

- 4.2.2. **Weekly** - Final Effluent Bacti Samples sent to ALS Laboratory on June 4, 11, 18, 24, 2019 - Results: Organisms/100 ml
- a. Geometric Means from samples in May: 10 organisms/100mL.
  - b. Geometric Means Limit as per Certificate of Approval is 200 organisms/100 mL.

In summary, raw sewage enters the plant with a bacti count of approximately 3 million organisms/100 mL and effluent leaves the plant with a geometric mean of 10 organisms/100 mL, which is within the limit of 200 organisms/100 mL. Plant final effluent BOD was 3.9 p.p.m., and final effluent T.S.S. was 4.8 p.p.m., both well within the C of A requirements.

#### **4.3 Maintenance**

- Sludge press maintenance (clean and grease) 700 Building.
- Cleaned HVAC filters in the 100 Building.
- Painted the guard on the scum pump in the 300 Building.
- Greased and lime awayed Bank B on the UV Disinfection in the 300 Building.
- Painted the WAS/RAS line in the 600 Building.
- Cleaned the sediment pond behind the 100 Building.
- The City Electrician replaced the breaker on the organic return in the 100 Building.

#### **4.4 Training**

- All operators attended a 2 day Walkerton training course on “Basic Mathematics for Water Operators”.

#### **4.5 Other Information**

- Health and Safety inspection was conducted on June 5, 2019.
- Contractor Tri-Core finished the concrete restorations on June 27, 2019.



## Schedule "A"

### Water Systems Flow and Operating Data Monthly Summary Report - 2019

<b>Water Plant Flows</b>	<b>Units</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>TOTAL</b>
<u>Influent Flow</u>														
Total Influent Flow	m <sup>3</sup> /month	199621	201983	232768	205559	197164	199672							1236767
Maximum Daily Influent Flow	m <sup>3</sup> /day	7598	7840	8500	8048	7072	7633							46691
Minimum Daily Influent Flow	m <sup>3</sup> /day	5584	6469	6558	5649	5361	5500							35121
Average Daily Influent Flow	m <sup>3</sup> /day	6439	7214	7509	6852	6360	6656							41030
Maximum Daily Instantaneous Influent Flow	m <sup>3</sup> /day	22894	16854	17368	17348	16991	17951							109406
<u>Effluent Flow</u>														
Total Effluent Flow	m <sup>3</sup> /month	185093	188211	216932	190974	182971	185576							1149757
Maximum Daily Effluent Flow	m <sup>3</sup> /day	7149	7412	7948	7630	6531	7126							43796
Minimum Daily Effluent Flow	m <sup>3</sup> /day	5149	6061	5890	5415	5144	5205							32864
Average Daily Effluent Flow	m <sup>3</sup> /day	5971	6722	6998	6366	5902	6186							38145
Plant Meter Reading	m <sup>3</sup> /month	3826	3584	4003	3721	3717	3854							
Compensated Total Effluent Flow	m <sup>3</sup> /month	181267	184627	212929	187253	179254	181722							1127052
<u>Samples</u>														
<u>Weekly Bacteriological</u>														
Number of Raw Samples Taken		5	4	4	5	4	4							26
Number of Treated Samples Taken		5	4	4	5	4	4							26
Number of Distribution Samples Taken		30	24	24	30	24	24							156
<u>Boil Water Advisory Bacteriological</u>														
Number Taken		6	4	6	2	18	23							59
<u>WTP Callouts</u>														
		1	1	1	2	3	3							11
<u>Water Thaws</u>														
City		9	27	50	1	0	0							87
Private		16	11	7	0	0	0							34
Total		25	38	57	1	0	0							121



## Schedule "B"

## Wastewater Systems Flow & Operating Data Monthly Summary Report - 2019

[illegible]

### Schedule "B"

## Wastewater Systems Flow & Operating Data

### Monthly Summary Report - 2018

[illegible]

July 29, 2019

**Housekeeping  
Council Briefing  
(direct to Council – does not appear at COW)**

**Agenda Item Title:** School Crossing Guard Service Contract 2019-2020 & 2020-2021

**Background Information:** An agreement was reached between the Corporation of the City of Kenora and Alpine Janitorial (Kenora) Inc. for the provision of School Crossing Guard Services for the term of two (2) years in the amount of \$117,249.00 (plus applicable taxes). The agreement is now ready for execution by bylaw.

School Crossing Guards are an integral part of our Community. They provide safety and security to our Community's students when commuting to and from school; should the Crossing Guard Services not be available, students may be placed at risk. Crossing Guards can also help develop safe behavior in our school aged children by encouraging them, and all pedestrians, to assess the safety of their surroundings prior to crossing a busy street. Additionally, Crossing Guards have proven quite valuable in reporting incidents and potentially unsafe conditions to the Municipality and/or law enforcement.

The Highway Traffic Act stipulates the mandatory requirements for the operation of School Crossings and School Crossing Guards in Ontario as follows:

School Crossings R.S.O. 1990, c. H.8, s. 176 (1); 2005, c. 14, s. 1 (1).

176 (1) In this section,

"school crossing guard" means a person sixteen years of age or older who is directing the movement of persons across a highway and who is,

- (a) Employed by a municipality, or
- (b) Employed by a corporation under contract with a municipality to provide the services of school crossing guard.

Alpine Janitorial (Kenora) Inc. has proven their dedication, commitment, and professionalism to these services time and time again, and have become a staple in our Community.

**Resolution for Council:** That three readings be given to a bylaw to execute an agreement between the Corporation of the City of Kenora and Alpine Janitorial (Kenora) Inc. for the provision of School Crossing Guard Services; and further

That the Mayor & Clerk be authorized to execute this agreement.

**Budget:** Utilize the remaining funds allotted from the 2019 Roads Division Operating Budget of \$27,228.21, and allocate the remaining disbursement of \$90,020.79 (plus applicable taxes) appropriately over the 2020 and 2021 Roads Division Operating Budget.

**Risk Analysis:** As per the City's ERM policy, there is a moderate to major risk involved with not perusing this contract with Alpine Janitorial (Kenora) Inc.. The Municipality has an obligation, under the Highway Traffic Act, to ensure crossing guard services are in place for each school term.

**Communication Plan/Notice By-law Requirements:**

Resolution and By-law required. J. Hawley, H. Pihulak, KCDSB, KPDSB, O.P.P., B. Mann.

**Strategic Plan or Other Guiding Document:**

Highway Traffic Act R.S.O. 1990, c. H.8, s. 176 (1); 2005, c. 14, s. 1 (1).

**Briefing By:** Jeff Hawley, Operations and Infrastructure Manager

**Bylaw Required:** Yes