



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

Agenda
City of Kenora Planning Advisory Committee
Regular meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
November 26, 2019
6:00 p.m.

Present:

Wayne Gauld	Chair
Ray Pearson	Vice-Chair
Bev Richards	Member
John Barr	Member
Robert Kitowski	Member
Tanis McIntosh	Member
Peter Fox	Member
John McDougall	Member
Devon McCloskey	City Planner
Melissa Shaw	Secretary-Treasurer

Regrets:

DELEGATION:

- i. Wayne Gauld, Chair called meeting to order at 6:00 p.m. and reviewed the meeting protocol for those in attendance.
- ii. Additions to the Agenda- there were none.
- iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present- there were none.
- iv. Correspondence relating to applications before the Committee. There were none.
- v. Consideration of Applications for Minor Variance. There were none.
- vi. Consideration of Applications for Consent
 - D10-19-14, Former Mill Site

Brandon Powell, Lombard North, Agent
brandon@lombardnorth.com

Kim Mejia, HSL LLP, Agent
Kmejia@hsl.ca

Brandon Powell introduced himself and Kim Mejia, acting Agents representing the file. Mr. Powell and Mrs. Mejia acknowledged at the forefront some inconsistencies around the legal description identified within the application. Mrs. Mejia explained that PIN 242170-0244 should have also been included in the application. The two PINs are owned by 5901058 MANITOBA LTD., that two lots are not whole lots on an M-Plan, they have merged ~~on title by~~ law although described by two PINs. ✦
In

Mr. Powell provided a PowerPoint presentation for the Committee and Members of the public and summarized his Planning Rationale as provided within the complete application.

The application for consent, lot creation. The effect would allow for One (1) GC-General Commercial, Exception [50], two (2) ML- Light Industrial zoned properties, and one ML- Light Industrial, Exception [46] zoned property with one property retained to be zoned ML- Light Industrial and R3- Residential Third Density (R3[h]).

Powel provided a description on the history and previous use of the subject property AS A Mill Site as well as previous planning approvals including the concurrent Official Plan Amendment File No. D09-19-03 and Zoning By-law Amendment File No. D14-19-09.

Mr. Powell described the parcels as Kenora's most underutilised parcel of land. As a result of the former Mill closure, the site has remained largely vacant with exception to three current tenants. Consent approval will allow for development that is appropriate for the site and will meet the needs of future users. Mr. Powell indicated that the site has actively generated significant interest for both light industrial and commercial land users.

Nadia De Santi, Senior Project Manager
Planning, Landscape Architecture and Urban Design, WSP

Nadia.De-Santi@wsp.com
Agent

Nadia De-Santi introduced herself as Sr. Project Manager and Agent representing the City of Kenora. Her colleague Anita Sott assisted with the preparation of the report however was not on the phone call this evening.

Nadia provided a description of the subject lands and identified that lands are currently unserviced (there are no water, wastewater, hydro, gas, telecommunications or internet services to the vacant lands), with the exception of the existing industrial buildings which are serviced.

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The vision for the proposed redevelopment of the Former Abitibi Mill site is to establish a mixed-use development supporting a combination of Industrial, Commercial and Residential uses. Nadia reference Table 1: Proposed Lot creation within the Staff Report which outlines the zoning, lot frontage and the lot area of each lot proposed for creation. The Table confirms that the lots do meet the minimum requirements under the Zoning By-law.

Mrs. De-Santi provided a description of the existing uses on the retained lands; Proposed Lots 1 and 2, and the retained lands are currently vacant. Proposed Lot 3 is occupied by an industrial building and is partially leased. Proposed Lot 4 is occupied by two (2) warehouse buildings which are leased.

Mrs. De-Santi explained that it was the intention of the existing owner to continue to own Lots 2, 3, 4, and the portion of the retained lands to be zoned Light Industrial, and sell off the remaining parcels.

The Agent for the City of Kenora provided a site background, indicating the lands were formerly occupied by the Abitibi mill; 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.

Mrs. De-Santi said that the proposed Consent for the creation of four (4) new lots supports the future redevelopment of the site by creating lots to recognize existing uses, and to be sold for the development of new commercial and industrial uses that have the potential to contribute to economic development in the City.

Nadia De-Santi reviewed the application for Consistency with Legislated Policy and City Directives, Including the Provincial Policy Statement (2014, The Kenora Official Plan (2015) and the Kenora Zoning By-law 101-2015.

In a review of Interdepartmental and Agency circulation for comments, emphasis was placed upon the City of Kenora Municipal Engineers comments pertaining to a triangular portion of land that shall be obtained for the City of Kenora, from the north west corner of the proposed Lot 1 for future intersection improvements. The land acquired will provide a future intersection improvement as suggested in the owner procured Stantec TIS, which would see the creation of a merge lane from north bound Veterans' Dr. onto east bound 9th St N.

Synergy north requires easement as well as cp rail requiring comment. In addition, Synergy North requested a 3 m easements around each anchor at 5 locations along Ninth Street to protect existing anchors buried under the fence at an angle into the property.

As of the date of this report, one (1) public comment was received by phone. The member of the public expressed concerns with the receipt of the Notice for the public hearing and references in the Notice to meetings concerning the concurrent OPA / ZBLA applications which had already occurred at the time of receiving the Notice. City Planner, clarified that the Notice pertained to the public hearing for the Consent application, which was to take place at a future date (Nov. 26, 2019), and explained

that should anyone wish to review the application, they are invited to contact the City of Kenora office due to the length of the application materials.

Nadia De-Santi provided a detailed evaluation of the application and concluded that the proposed consent meets the criteria for provisional consent per Section 51(24) of the Planning Act.

The recommendation was summarized that the creation of four (4) new lots having approximately 32,495 m², 4,047 m², 54,950 m², and 18,914 m² respectively, with one retained lot having approximately 255,000 m², be approved, and that provisional consent be granted subject to conditions outlined within the Staff Planning Report.

The chair asked the Agent representing the applicant if there was nothing to add, there was not.

Chair asked if there was anyone in the audience who wished to speak in favour of or against the application. There were none.

Chair asked committee for questions.

Bev Richards posed a question about Lot 1 on the draft plan provided, she questioned if an easement would be required for the proposed turning lane. Mrs. Richards questioned the zoning provision for setback to a front lot line, as the turning lane will impede upon Lot 1, she thought perhaps the parcel should be increased in size or bumped back on the plan to accommodate the merge lane for access and to support the required front yard setback. Devon McCloskey, City Planner confirmed that the building setback is 10 m from the front property line. The requirement of a merge lane will be a transfer of land to the City, and will be reviewed at the time of Site Plan.

Bev questioned the lack of water pressure as a noted concern within interdepartmental comments; the Mill had water, why would this be an issue. The City Planner explained there is an existing deficiency of pressure to the residential area along 5TH Street North etc. These homes are required to use a booster.

In the future, The Planner suggested there may be new servicing with an opportunity for a new water line to come through the Mill Site to service residential use in the area.

Peter Fox reference three consultants that have done reports on the subject lands, there was a summary in the 2010 AMEC report that said MOE recommend a RSC be submitted. Mr. Fox asked about what is known on the RSC that was required to prep the site for residential use.

Mr. Brandon Powell understood that Commercial and Industrial Land there is no requirement of RSC, the application today deals with the creation of Light Industrial and General Commercial zoned lots.

Mr. Fox questioned the movement of soil on the subject property and asked Mr. Powell if he will address the moving of contaminated soil.

Mr. Powell confirmed that Kenon Builders has undertaken the movement of soil with Ministerial knowledge and adhering to best practises. Mr. Powell confirmed that the soil is not being moved off site, as such the Ministry does not have an issue.

Mr. Fox commented that an approved severance effectively means the soil is being moved off site. There was further discussion on the movement of soil on the subject lands.

Mr. Fox wished to discuss the movement of the material into such a large area, and referenced previous development on Highway 17E, and the instantaneous run-off that was created as a result of asphalt coverage over a large area. Mr. Fox commented on the great deal of soil being relocated from the south lot line to Ninth Street North, to the best of his knowledge there has been no grade on there to address surface drainage. As the municipal Engineer has already identified that surface drainage for the propose lots would what have to be evaluated.

Mr. Fox asked the Agent to address storm water surface run off.

Nadia De-Santi clarified that drainage and servicing studies shall be evaluated at the time of Site Plan, through draft plans of subdivision. Any future development will require engineering studies to identify and address storm water management and drainage plans will be required and done to the satisfaction of the City.

Mr. Fox recommended a master serving study be undertaken.

Ray Pearson questioned a significant number of acknowledgments listed within the recommendation that are outside the conditions of approval.

Nadia informed the Committee that the acknowledgment statements come from the concurrent applications for Official Plan Amendment and Zoning By-law Amendment and to ensure there is open transparency we professionally wanted to ensure they are included as acknowledgement in the consent process.

The Chair asked the Committee for discussion.

Peter Fox commented that rather than being done an individual lot basis, a geotechnical and off-site migration of storm water should be evaluated as a master plan. Hi concern is there has been movement of fill without a drainage plan which may adversely affect some of the severed lots.

There was discussion about the movement of fill on the property, concern was identified with moving of potentially contaminated lands to area of the property that are zoned residential, and concern that the movement of soil commenced without approvals.

Brandon Powell referenced a map which was provided on the screen for Members of the Committee and the audience to see. The map summarized the location of where

the fill is being taken from where it is being stockpiled. Points B and C which are were located along the southern lot line were identified as the extraction points, and Point A which was identified on the southeast side of the lot is where the material is being stockpiled. The material are intended for lots 5 and 1-3.

There was discussion lead by Mr. Kitowski about the right of an owner to move soil on their property as one lot, however he recognized that the creation of four (4) new lots, would mean the fill could no longer be relocated over lot lines.

Nadia De Santi agreed, in theory there should not be any moving of fill once there is a purchase and sale agreement with an intention to sell those lands to a prospective purchaser.

Brandon Powell reiterated that the works have been approved with Ministerial knowledge and with the use of best practise. Mr. Powell clarified that no soil was being moved off site, works are being completed with permission.

Moved by: Robert Kitowski

Seconded by: Ray Pearson

That property located at 661 Ninth Street North, Kenora, Ontario; described as unopened roads, lots and blocks on historical plans of survey, being PIN 42170-0258 and PIN 42170- 0244 for consent, lot creation of four (4) new lots having approximately 32,495 m², 4,047 m², 54,950 m², and 18,914 m² respectively, with one retained lot having approximately 255,000 m², be approved and subject to the acknowledgements within the planning report, and that provisional consent be granted subject the conditions as outlined in the planning report.

The application has regard for the Provincial Policy Statement (2014); is compliant with section 51(24) of the Planning Act, and subject to the fulfillment of the conditions of approval for the concurrent Official Plan Amendment and Zoning By-law Amendment applications meets the intent of the City of Kenora Official Plan (2015) and Zoning By-law No. 101- 2015 as amended.

Carried.

vii. New Business

- Recommendation: D14-19-13, Ride Out Bay

Brandon Powell, Lombard North, Agent
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Kim Mejia, HSL LLP, Agent
Kmejia@hslaw.ca

Mr. Powell addressed the Committee and those member of the Community who were in attendance. Mr. Powell described the current size of the subject property, approximately 3.2 ha in size, bordered by Veteran's Drive, Rideout Bay Winnipeg River System and undeveloped lands. The existing condition of the site is vacant,

although previous uses were ancillary to the Mill. The application for an Amendment to the Zoning by-law to rezoning from Heavy Industrial to General Commercial for the purpose of accommodating a proposed hotel and retail uses as permitted by the allowable uses in the zoning By-law for the GC- General Commercial zone.

Mr. Powell identified that specific features and attributes planned for within the site are to be determined as they are dependent upon the vision of future land purchasers who wish to improve the land. Under Section 8.4 of the Official Plan, the City shall utilize Site Plan Control to ensure development is the city is attractive an compatible.

Devon McCloskey, City Planner presented the Staff Report; The ZBLA is for land located at 768 Ninth Street North, Rideout Bay, Winnipeg River and known as the "Clarifier Site", which was part of the "Former Abitibi Mill site".

The application is proposed to change Zoning from Heavy Industrial (MH) to General Commercial (GC). The effect of approval would be to allow for development in accordance with Section 4.7.2 of the Zoning By-law for an existing vacant lot. The GC zone allows for a wide range of uses and services to meet the need of residents, businesses and tourists including but not limited to hotel, retail store, restaurant and shopping centre.

The Planner provided a detail of existing conditions and informed the Committee that the historical use of the property was for processing in association with the Former Abitibi Mill site. Remaining infrastructure on the property includes a City storm water pipe which extends east to west through the property, to empty into Rideout Bay. An easement was established at the time that the mill was still in operation, and was situated to avoid buildings and future development areas. An easement for access over abutting lands to the south also exists for minor amounts of ingress/egress associated with current use.

In an evaluation of consistency with legislated policy and City directives, the proposal was deemed consistent with policies of the PPS including Policy 1.7.1 e) which explains that long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites. Further, Policy 3.2.2 explains that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any development activity on the site associated with the proposed use such that there will be no adverse effects. The proposed ZBLA promotes the redevelopment of contaminated areas for repurposed uses, and if required, will be remediated by future lot owners as per provincial regulatory requirements. In the event that a sensitive use such as residential is proposed, even as accessory to commercial use, a Record of Site Condition (RSC) would be required to be filled per the Ontario Building Code (OBC).

The proposed ZBLA conforms to the Official Plan. As directed in the objectives under Principle 1 – Sustainable Development, the proposed amendment intends to intensify a large underutilized brownfield site through redevelopment and adaptive re-use of existing structures. The proposed development is subject to Section 8.8 – Potential

Contaminated Sites. In 2010, a Phase III Environmental Site Assessment was completed by AMEC . The methodology implemented a conservative approach contemplating future residential land uses for the entire study area in order to calculate estimated impacted soil volumes . Findings from the report suggested isolated areas of Polyaromatic Hydrocarbons (PAHs), Petroleum Hydrocarbons (PHCs) and metals above applicable standards in the proposed Industrial Development and Commercial Development Areas. The MECP's requirements for commercial and industrial lands are generally less restrictive than the requirements for residential land uses. The Phase III Environmental Site Assessment was supplied to the City and the owner said it would also be given to prospective buyers for their future consideration.

The Planner identified that a future purchaser may be required to undertake further study of their properties to identify that there are no further concerns or to highlight further remediation strategies to ensure no negative impacts are created as a result of site development. MECP does not require a Record of Site Condition for commercial and industrial land uses

The Planner evaluated the application to the Zoning By-Law, the zoning for the subject property site is currently Heavy Industrial (MH). Under the existing zoning, a wide range of industrial uses is permitted.

The application was circulated for departmental and agency comments It was noted that if there was potential a hotel or retail use the city would have concern with access off Veterans drive, the city will require an engineering study/report from the developers traffic engineering professional on the adequacy of entrance/exit for the City to consider its acceptance for construction. The City promotes access/egress to the subject property along the north property line onto Veterans' Drive.

The developer will have to confirm the adequacy of the City water supply for the proposed development.

The subject property has a current active City land drainage sewer pipe that traverses the property in a east to west alignment that will have to be taken into considered in developing the subject property. It is assumed that this land drainage sewer pipe has not been designed for additional runoff flows from any former Mill lands.

Since the location is very close to two sewage pumping stations (especially Sultana and Subway) there could be rare chance of sewer smell issue

There were no public comments received as of November 26th, 2019.

It was the recommendation of the City Planner that the Application for Zoning By-law Amendment, File No. D14-19-12, be approved, in lieu of public comments that may yet to be received.

The Chair asked if there was anyone in the public who wished to speak either in favour or against the application. There were none.

The Chair asked the Committee for questions.

Robert Kitowski questioned the City Planner if there was comment received from CPR or Synergy North on the application, the Planner confirmed no.

Peter Fox questioned the setback of proposed development, Brandon Powell confirmed it would be 20 metres.

Peter Fox reviewed the borehole information as per the 2010 AMEC report and noted an extensive amount of wood fill and wood chip information. Mr. Fox referenced a 2009 KGS report (that was not provided as supplementary information on the complete application) that suggested extensive amount of wood chips form the underlying infrastructure and that this information be placed on title. Kim Mejia clarified that this would not be something placed on legal title.

It was the opinion of Mr. Fox that a developer would not want to build on the subject property once they took a look at the potential adverse impacts.

Mr. Fox reported that the highest water fluctuation on Rideout Bay was recorded July 20, 2019 the level 319.97 m Canadian Geodetic Vertical Datum and the most recent of October of this year was 319.2 m, just a couple of feet lower. Mr. Fox asked the Planner about an OPG Flooding easement. The Planner confirmed there is no easement registered on the land.

Mr. Fox felt that a developer would never want to get into developing the property, and felt the Committee should refuse an amendment to the zoning, as it would merely provide for a lower mill rate for taxation purposes.

Mr. Powell responded with information on a conditional offer of purchase on the subject property by a party that has experienced in developing, the developer has been issued copies of all the previous environmental reports.

Mr. John Barr provided a handout to Members of the Committee and to the Agents.

Mr. Barr informed the Committee that he spent a lot of time on the subject property when it was more than just a Clarifier site. Mr. Barr provided aerial photographs of the property to demonstrate what it looked like prior to 1970. The site was the location of the Ontario-Minnesota wet wood room which debarked 4-foot log lengths in 3 cylindrical wet debarkers. Mr. Barr provided a detail of the debarking process, once debarked 4-foot logs were conveyed over Veterans Drive and charged into the grinders at the ground wood mill, or chipped and fed to the sulphite mill digesters.

Mr. Barr explained that the wet woodroom likely operated from the days of the Backus mill in 1925 and ceased operation with the opening of the new dry woodroom in the east yard in about 1985.

The primary clarifier between Veterans' Drive and the woodroom building was constructed in 1970-71 and began operation in 1971-72.

Mr. Barr reported the original soil conditions on the property were reportedly sand over bed-rock and it is reported that there was a beach on the subject property at one time. Mr. Barr was doubtful that the current shoreline is the original 1925 shoreline.

Mr. Barr questioned the Planner as to whether a current water lot exists off the shore line or if the property line at the bay is the high-water mark?

The Chair responded, and was certain it was the high water mark. The City Planner indicated there was a survey that shows how it was created when the first patent was issued. Bev Richards clarified that if it is patented right to the water's edge there are no easements.

John Barr commented on previous river water quality reports which identified a fair level of improvement after operation of the secondary waste water treatment plant related to effluent quality and the scouring of solids from the river bottom. However, Mr. Barr noted that Rideout Bay is a backwater and not subject to the same level of scouring downstream and suggested that the bottom of the bay near the shoreline is likely still bark even with decomposition. Mr. Barr referenced Section 3.2.2 of the Provincial Policy Statement which advises that sites with contaminants on land or water shall be assessed and remediated as necessary, such that there will be no adverse effects. Mr. Barr questioned if any shore-line disturbance would take into account the possibility of re-suspension of wood waste into the water column?

Devon McCloskey informed the Member that staff did engage in a conversation with MMAH, and those policies within the Official Plan which were written in accordance with the PPS (2014), as far as adverse effects to human health, Staff has let the property owner know that some assurance is required in the undertaking of development such as a silk screen to minimize contamination from the property going into the water. The Planner recommended Mr. Barr bring forward any recommendations that he may have.

Mr. Barr detailed that almost 40 test pits were drilled in the property by the KGS Group but the logs were not available. Figure 3-1 of the AMEC Report of 2010 shows a cross section B-B, generally north-south adjacent to Veterans' Drive, which indicates up to 5 meters of foreign material on top of sand, generally wood (likely bark and wood particles) with cinders, clay and gravel. Mr. Barr stated that decomposition of buried material is fairly slow in anaerobic conditions but the material may be subject to methane generation if disturbed and exposed.

Mr. Barr questioned the Planner if it will be up to the new owner-developer to assess the level of fill, the work necessary to safely construct and inhabit buildings, and the removal and replacement of materials and disposal of removed materials? And given the level of biodegradable materials currently on the property, Mr. Barr asked the City Planner if the subject property fit into the definition of a potential contaminated site pertinent to section 8.8 of the OPA? The Planner confirmed it does.

Section 8.8 of the OPA (Potential Contaminated Sites) implies that the city may require an RSC even if the MOEE does not. The Planner explained that the extent of that provision is intended to protect sensitive uses. Mr. Barr referenced Section 8.8 of the Official Plan with also talks about site remediation. With 5 m of wood fill, he questioned the Planner as to the need for site remediation. The City Planner said that a remediation plan would be required for the designer or the developer as part of their own due diligence. Mr. Barr clarified that the Official Plan says a rezone may not occur without site remediation. The City Planner explained that the MMAH suggests that provision is meant to capture sensitive uses only, unfortunately the Planner does not have that in writing from the Ministry as they are not in a position to be making written correspondence because of current government policy changes. Mr. Barr suggested that Section 8.8 of the Official Plan is written incorrectly, the Planner agreed and reiterated that there was no one to stand behind the policy when she was asking for it. The Planner explained that the City of Thunder Bay has undergone an OP review, their wording is very different than what the City of Kenora Official Plan says.

The Chair asked the Committee for discussion.

Peter Fox wished to reiterate his concerns with the subject property.

John Barr was concerned with over 15 feet of wood material on the subject property, and suggested any work on the shoreline would have to be closely watched and if the site is to be developed special construction shall be required to eliminate the potential for methane generation.

Moved by: Robert Kitowski

Seconded by: Bev Richards

That the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-19-12, civic address 768 Ninth Street North, Rideout Bay, Winnipeg River, Kenora, Ontario, locally known as the "Clarifier Site"; legally described as Part Block F of Plan 158, and by reference plan of survey being Parts 8, 10, 11 and 12 on Plan 23R-14566, being PIN # 42163-0274. The purpose of the Zoning By-law Amendment is to change the zoning from Heavy Industrial (MH) to General Commercial (GC). The effect of approval would be to allow for development in accordance with Section 4.7.2 of the Zoning By-law for an existing vacant lot. The GC zone allows for a wide range of uses and services to meet the need of residents, businesses and tourists including but not limited to hotel, retail store, restaurant and shopping centre.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2014, 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.

Carried.


Moved by: John Barr

That the November 19, 2019 Planning Advisory Committee meeting be adjourned at 8:17 p.m.

Minutes of the Special Kenora Planning Advisory Committee meeting, Tuesday November 26, 2019, are approved this 17th day of December, 2019.



Wayne Gauld, Chair



Melissa Shaw, Secretary-Treasurer