

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

**Agenda**  
**City of Kenora Planning Advisory Committee**  
**Special meeting held in the Operations Centre Building**  
**60 Fourteenth St. N., 2<sup>nd</sup> Floor – Training Room**  
**October 29, 2019**  
**6:00 p.m.**

**Present:**

Ray Pearson	Acting Chair
John Barr	Member
Robert Kitowski	Member
John McDougall	Member
Tanis McIntosh	Member
Bev Richards	Member
Peter Fox	Member, audience only (abstained from voting)

**Regrets:**

Wayne Gauld	Chair
Andrew Koch	Member

**DELEGATION:**

- i. Ray Pearson, Acting Chair called the meeting to order at 6:00 p.m. and reviewed the meeting protocol for those in attendance.
- ii. Additions to the Agenda- there are 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
  - Thomas Nabb, Manager, Environmental Health, Northwestern Health Unit (October 23, 2019). The letter was attached to the planning report circulated to Planning Advisory Committee Members on Friday October 25<sup>th</sup>, 2019.
- v. New Business
  - Consideration for Recommendation to Council
    - i. Application for Official Plan Amendment, File: D09-19-03, and Application for Zoning By-law Amendment, File: D14-19-09

Nadia De Santi, MCIP, RPP  
Senior Planner, WSP

Nadia De Santi, Senior Project Manager, WSP called into the meeting at 6:15 p.m., she introduced herself to members of the public and to the Planning Advisory Committee. Anita Sott, Senior Planner, WSP whom assisted with the preparation of the planning report, would not be participating in the meeting as she was representing another file that evening.

On behalf of the City Of Kenora, Nadia Di Santi and Anita Sott have prepared the Planning report for Official Plan Amendment D09-19-03 (OPA) and a Zoning By-law Amendment D14-19-09 (ZBLA). The applications have been submitted to the City of Kenora by 5901058 MANITOBA LTD.

Nadia Di Santi presented the following corrections:

- Error within the Notice of the Complete Application, the address was identified as 331 9<sup>TH</sup> Street North, the correct address on the notice should be 661 9<sup>th</sup> Street North.
- Error within the Planning Rationale submitted with the ZBLA prepared by Brandon Powell, Lombard Group North Ltd., Agent. Lands abutting the subject property on the northeast corner along Ninth Street North were inadvertently included within mapping. Nadia Di Santi confirmed the subject lands illustrated within the City of Kenora Planning Report reflect the correct area subject to the OPA and ZBLA.

The Planning Rational was presented, summarizing the purpose of the applications are to permit the development of the Former Abitibi Mill Site to a mixed-use development supporting a combination of Industrial, Commercial and Residential uses. A description of the subject lands was provided, currently underserved with no water, waste water, hydro, gas, telecommunications or internet services to the vacant lands, with exception to the existing industrial buildings which are serviced from Ninth Street North. Connection to full municipal services will be required, however one of the newly proposed lots is proposed to be on private service. The Agent confirms that the vision for redevelopment will include connection and required upgrades and extensions of municipal services at the expense of future lot owners/developers.

The effects of the OPA and ZBLA were outlined, much emphasis was placed upon the effect of the Residential Third Density, Holding (R3 [h]), which is to place a holding on the subject lands. Nadia explained to the Committee and to the Public that The 'h' holding symbol may not be removed and residential development may not occur on the subject lands until: a Record of Site Condition (RSC) 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. Nadia further

explained that as a result of recent conversations, there may be amendment to the required studies for the removal of the 'h' holding symbol, and would address this at the end of the presentation. The proposed land use maps were provided in the Planning Report and large scale printouts were provided for viewing at the open house meeting.

Existing site conditions were described as relatively flat and exposed where former milling activities occurred, along with several prominent areas consisting of treed rocky outcrops. A Small Rail Yard land use (rail spur) to the southeast corner was identified, it was the understanding of Nadia De Santi that that the rail spur is no longer operational and decommissioned. Although WSP had not undertaken a site visit of the subject lands, Nadia De Santi has worked in the City of Kenora extensively and has visited the subject lands on previous occasions. Mr. Devon McCloskey, City Planner visited the site along with Brandon Powell, Agent on October 29, 2019.

A background of the site was provided; formerly occupied by Abitibi Mill, since Mill closure in 2006 the site has been predominantly vacant with exception to three existing industrial buildings. Nadia provided information on the Former Mill Site Community Improvement Plan (CIP) that was adopted in 2011 and further updated in 2015 and 2017 to encourage redevelopment of the underutilized site and incentivize construction of affordable housing, and to provide business opportunities; keeping with provincial regulatory changes.

While the Province has issued a draft Provincial Policy Statement, Ms. De Santi clarified that the applications were evaluated amongst the consistency with the Provincial Policy Statement (PPS), 2014. Summarized that the proposal is consistent with the policies of the PPS, by supporting the provision of public uses in the form of housing, enabling residential uses to be permitted thereby facilitating future development of additional housing stock; protecting public health and safety through the inclusion of a holding zone on the land proposed to be re designated and rezoned residential, until such time that a RSC for residential use is provided; as a strategic location for intensification and redevelopment of contaminated areas for repurposed uses, that will be remediated by future lot owners as per Provincial regulatory requirements.

Ms. De Santi evaluated the consistency of the proposal to the policies of the City of Kenora Official Plan (2015). Ms. De Santi considered guiding principles within the Plan, and highlighted Section 3.6 of the Plan that contains policies for the Development and Redevelopment along Railway/ Transportation Corridors. The OP states that development along railway corridors and near rail yards should be limited to industrial and commercial uses. In order to allow for residential or other sensitive land uses between 300 m and 1000 m of a rail yard, or within 300 m of a railway corridor shall be accompanied by a noise study; and, where development is proposed within 75 m of a rail yard or railway corridor, submission of a vibration study shall be required to recommended mitigation measures, may be required.

Ms. De Santi confirmed that the applicant had not submitted a noise study nor a vibration study with the OPA and ZBLA applications, as the rail spur is no longer in use. CP requests registration of their noise clause on the title on residential lots, which can be made a condition of approval for future consent applications. The Holding Zone and future development applications will determine what studies and mitigations are required by CP, prior to the removal of the 'h'.

Nadia reviewed the policies within Section 8.8 of the Official Plan, Potential Contaminated Sites. The OP states where planning approvals are required prior to the development of any property which may have been contaminated by previous uses, or where a change in use to a more sensitive land use has been proposed, Council shall require the proponent to submit a Record of Site Condition in accordance with the Ministry guidelines. Ms. De Santi explained that in some cases, where site remediation requirements are known, planning approvals using a Holding Zone may be considered. In these instances, the remediation of the site and the submission of a Record of Site Condition, acknowledged by the Ministry of the Environment, Conservation and Parks (MECP) shall be required, in addition to studies to ensure compatibility, prior to the removal of a holding symbol.

Ms. De Santi confirmed that a Phase III- ESA (AMEC Earth & Environmental, December 2010) has been submitted as supporting documentation for the proposed applications, however, ESA reports are only valid for eighteen (18) months, and the one received as part of the applications is over nine (9) years old. Accordingly, the effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands until a RSC is submitted and approved by the Province, and the supporting studies are submitted and approved by the City, prior to any residential development can occur on the subject lands.

Ms. De Santi explained that the Province uses Records of Site Condition as a safeguard to protect public health and safety from contamination which may be present on a property and which may result in an adverse effect, as defined under the *Environmental Protection Act*.

In an evaluation of the proposal, to the City of Kenora Zoning By-law (2015), Ms. De Santi described the proposed ZBLA as an intention to rezone lands to conform to the proposed Official Plan Amendment which will enable commercial, light industrial uses and residential development to occur on the subject lands.

In review of City of Kenora inter departmental and Agency circulation which are detailed within the Planning Report. Concern was raised by the City of Kenora Building Department regarding the movement of fill currently occurring onsite. Although no formal comments were received from the Ministry of Municipal Affairs and Housing the City engaged in verbal discussions to discuss the applications, the Ministry confirmed that they are supportive of the methodology being used to ensure provincial interest would be addressed, being the implementation of the 'h'- holding symbol within the proposed R3- Residential Third Density zone, and the requirement of a record of site condition.

At the date of the Planning Advisory Committee meeting no written submissions were received from members of the public. The Statutory Public Meeting is being held by Council on November 12, 2019, Council will have the opportunity to evaluate the proposal at their regular meeting on November 26, 2019.

In her evaluation of the proposed OPA and the ZBLA, Ms. De Santi confirmed that it has been agreed upon by the Owner and the Agent that the Record of Site Condition will be a provision for the holding zone. As a result of recent discussions, Ms. De Santi suggested an amendment to the recommendation to limit the required studies to only a transportation impact study, servicing study to address water, sanitary, and storm water requirements, noise and vibration study and a planning rationale. Ms. De Santi reaffirmed that she in discussions with a Municipal lawyer to determine what other mechanisms the City may have to require studies on future planning applications.

As a professional planner retained by the City of Kenora to assist with the application, it was in the opinion of Nadia De Santi that the amendments as proposed for the Official Plan Amendment File No. D09-19-03 and Application for Zoning By-law Amendment File No. D14-19-09, be approved in lieu of public comments that may have yet been received.

Devon McCloskey, City Planner addressed an email that was received from the City of Kenora Engineering Department, prefacing that although they did not feel need to comment at this time, in review of the consent application that will be considered after Council consideration of the OPA and ZBLA, there was potential for concern with respect to access if it is proposed anywhere other than Ninth Street North. Depending on where the access is proposed a professional traffic engineer may be required to sign off on any proposed road infrastructure to ensure safe access. She affirmed that access to the created lots shall be shall be dealt with through the consent phase.

The Chair asked the Agent if there was anything he wished to add.

Brandon Powell, Agent  
Lombard North Group Ltd.  
On behalf of 5901058 Manitoba Ltd.

Mr. Brandon Powell, Agent provided a brief presentation titled the "Abitibi Redevelopment Plan" on behalf of 5901058 Manitoba Ltd. History of the subject lands include the operation of a major paper mill for over 80 years, employing over 1500 people at its peak. Market conditions and high energy cost, the mill permanently closed in late 2005.

The current owner, 59010158 Manitoba Ltd acquired the land in 2007. There are three remaining former mill buildings on-site, and are partially occupied.

Mr. Powell explained that the redevelopment on the former mill site will focus on achieving local need and priorities such as economic and housing diversification by establishing a mixed-se area consisting of Industrial, Commercial and Residential

uses. Mr. Powell informed Committee that the owner is currently entertaining serious interest in the site for all proposed land uses.

Mr. Powell provided an overview of the existing, surrounding and proposed land uses and zoning. The vision within the redevelopment plan was evaluated to the City policies and priorities within the Official Plan, Community Improvement Plan, Kenora Affordable housing Report (2014), the Kenora Community Safety and Well-Being Plan (2015), the City of Kenora Vision 20/20 Strategic Plan (2016) and the Kenora Age-Friendly Strategic Plan (2016).

As a former employment area, Mr. Powell described the subject lands as a location close to potential customers and employees, an accessible location, with the opportunity for Industrial and Commercial development on relatively level, and proposed Residential areas taking advantage of significant elevations and existing treed areas offering buffers between future light industrial lands.

Mr. Powell thanked the Committee and welcomed any questions.

The Chair asked if there was anyone in the public whom wished to speak in favour of the application. There was none.

The Chair asked if there was anyone in the public whom wished to speak against the application.

Susan Mckie  
21 Main Street Rideout  
Kenora, ON P9N 3E5

Ms. McKie was in favour of everything she had heard, however, she questioned the environmental testing that was currently being undertaken on the subject property. Ms. McKie described what looked like plumbing pipes that were coming out like stacks, suggesting they have been there for approximately six months.

Devon McCloskey, City Planner suggested perhaps it was geotechnical review that was being conducted this past summer, however confirmed that the City has not been in receipt of a geotechnical study.

Ms. McKie provided a consideration for residential developments, and asked that a buffer/ structural barrier be built to provide some safety to the residential development from the industrial parts, but also to protect the industrial parts from intrusion. Ms. McKee encouraged a cement wall over a chain link fence.

Ms. McCloskey spoke to compatibility studies; depending on the significance of the development, what buffers might look like would ideally be taken on by the proposed developers and there would be studies coming forward to identify those requirements.

Nadia De Santi adding that this information is something Mr. Powell, Agent shall relay to his client.

Lastly, Ms. McKie acknowledged and appreciated the comments as provided by the City of Kenora Engineering Department, mentioning that the mill did not use Veteran's for access.

The chair thanked Susan McKie for her comments and asked the Committee for questions.

John Barr addressed Ms. McKee's comments on buffer strips and highlighted that the ML-Light Industrial zone requires a 15 m rear yard, which in his opinion would create some form of buffer.

Devon McCloskey, City Planner addressed the D-series guidelines as provided by the Ministry of Environment, Conservation and Parks that addresses separation distances between industrial areas and sensitive land uses. Clarifying that these minimum separations shall determine the acceptable range and compatibility between the uses, and not within the zone provisions alone.

John Barr directed a question to Nadia De Santi referencing a statement within the Planning Report which mentioned a lot on private services. Mr. Barr was curious to know which lot that was.

Ms. McCloskey address the questions , they have heard that one of the future property owners may be interested in being off the grid and may also be looking into different servicing types as well.

John Barr questioned where the fill was coming from, given the extensive activity currently being undertaken onsite, and sought clarification that it was not coming from an area of previous industrial use.

The Agent confirmed the fill was coming from other areas onsite, mostly from the southern portion along the southerly proposed R3- Residential Third Density zone. Mr. Powell also confirmed that there are maps which indicate where the exceedances exist within the Environmental Site Assessment- the fill is not being relocated from within those areas.

John Barr asked Nadia De Santi to confirm if she has seen the CP Rail clause registered on title anywhere in the province. Nadia replied yes; in condition of consent, draft plans of subdivision and site plan control and registered on title and the reason for that is the future residential owners know this on title and they cannot complain to the city. It is the same noise clause that an airport would require.

Bev Richards referenced page 3 of 22 of the Planning report stating that the current owner plans on retain the parcel to be designated Industrial Development, however she crossed referenced the proposed zoning lot description map on page 8 of 22 which shows lots 1- 4 as severed. She was curious if these would be sold.

The Agent said that the intention is that existing land owner would own the Industrial Development parcels of land and the consent application will identify which shall be severed and which shall be retained. Mr. Powell did confirm that the two lots that are improved with buildings will be retained by the current owner.

Tanis McIntosh questioned the discussions that may have occurred granting a proposed land use as residential with a holding zone, versus maintaining an industrial land use, until such time that a Record of Site Condition confirms that residential use is even a possibility.

Nadia De Santi reaffirmed the strategy behind the use of the holding symbol, and deferred to the Agent to speak on behalf of his client for the rationale behind re zoning these lands to residential.

Mr. Powell explained the vision, with a need for residential diversification within the community, stating that this proposal is a great opportunity to alleviate some of the pressure in housing. Mr. Powell mentioned the Environmental Site Assessment (AMEC Earth & Environment, December 2010) and testing which was completed within the proposed residential areas, providing minor exceedance from the residential limitations. Mr. Powell acknowledged that the holding provision does not allow residential development right away, and if the conditions cannot be satisfied then residential development cannot occur.

Nadia De Santi commented that the holding symbol is meant to protect the policies from the Kenora Official Plan section 8.8, and the requirement of a Record of Site Condition is one component to determine if the lands can be developed from an environmental and public health and safety aspect. She noted the second component is that the suitability and appropriateness of the lands need to be studied from a serviceability capacity a transportation perspective and noise and vibration study. Mr. De Santi reiterated the holding symbol is to protect the public from any potential contamination. The Province will not accept an Environmental Site Assessment completed nine years ago, as they are only valid for eighteen months. The onus for future studies will be pass onto the future land owner of residential use.

Ms. McIntosh thanked the Planners for their insight, she recognized her background in financial accounting and she felt like the property owner may be receiving a significant tax break by rezoning from industrial to residential without knowing that the lands may ever be used residentially.

From the perspective of a prospective developer Mr. Powell, Agent argued that the residential zoning will provide some level of assurance for an investor to see the door open to do residential development upon the satisfaction of the required studies as per the holding symbol.

Devon McCloskey, City planner agreed that the areas identified within the proposal as residential uses are buffered by residential use within the City; the criteria of the Official Plans and Zoning By-law are met, with the holding symbol on these lands.



Robert Kitowski asked Nadia De Santi to clarify which studies she was suggesting for removal within the recommendation

Nadia De Santi confirmed that the geotechnical study may be removed as the geotechnical study will be required for the servicing study. The removal of the environmental impact statement as there were no identified natural heritage features or significant habitat.

Robert Kitowski questioned the decommissioning of the current rail spur. He questioned how the Committee might insure this will be done.

It was Nadia's understanding that the rail has been decommissioned.

Brandon Powell clarified that the rail has not yet been decommissioned, however, it is currently not in use. He said that the current land owner pays an access fee to keep the line open. The rail spur will be decommissioned subject to the approval of the applications.

Devon McCloskey City Planner spoke to the process with CP Rail for the decommissioning of a railyard. Unless there is a favourable application process, the Applicant will not undertake that, however she noted that a study for noise and vibration will be evaluated and if there is significant noise or vibration there would be proposed mitigation; if it cannot be mitigated it cannot be developed. Additionally mentioned the warning clause that CP requests be registered on title at the time of the consent.

The Chair asked members of the Committee for discussion.

There was further discussion about the removal of the geotechnical study and the environmental impact study from the recommendation to Council.

There was discussion on how a potential buyer will know there may be potential contamination on the subject lands.

Nadia De Santi and Devon McCloskey explained the process of a Phase I, II and III Environmental Site Assessment, along with mitigation measures including a remediation plan. The Record of Site Condition is an application process to the Ministry, in the end a property owner receives a 'clean bill of health' which is registered on title. Once a RSC is received, the property owner along with the Municipality know that contaminations are clear.

The committee discussed future potential use within the Industrial Zone and the possible need for a rail spur. The recommendation from Nadia De Santi was to allow the current owner to explore the decommissioning process with CP Rail, as she was not aware if there was a mechanism under the Planning Act that could trigger a decommissioning. Ms. De Santi Nadia felt it was more appropriate for the Committee to recommend that City staff further investigate the decommissioning of the rail way spur.

The Planning Advisory Committee direct city staff to investigate how the requirement for decommissioning the rail yard be implemented through planning approval.

The Committee discussed the process of a Record of Site Condition. Nadia De Santi reiterated that an ESA is only valid for eighteen months, and that the one completed in December 2010 on the subject lands is no longer valid. The Committee required a change to the wording within the recommendation to Council that the effect of the Residential Third Density, Holding (R3 [H]) is to place a holding on the lands until a Record of Site Condition that is satisfactory to Residential Use is submitted and approved by the Province, along with the supporting studies as outlined within the planning report.

**Moved by: Robert Kitowski**

**Seconded by: John McDougall**

Resolve that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Official Plan Amendment, File No. D09-19-03, for the lands known as the "Former Abitibi Mill site", civic address 661 Ninth Street North, and described as unopened roads, lots and blocks on historical plans of survey, being PIN # 42170-0256. The purpose of the Official Plan Amendment to redesignate the subject lands, from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to Commercial Development Area, Industrial Development Area, and Residential Development Area. The effect of the Official Plan Amendment is to enable commercial, industrial and residential development to occur on the subject lands.

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.

**Moved by: Robert Kitowski**

**Seconded by: Tanis McIntosh**

Resolve 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. D14-19-09, for the lands known as the "Former Abitibi Mill site", civic address 661 Ninth Street North, and described as unopened roads, lots and blocks on historical plans of survey, being PIN # 42170-0256. The purpose of the Zoning By-law Amendment is to rezone the subject lands from Future Development (FD), Heavy Industrial (MH), Residential Second Density, Holding (R2[h]) to General Commercial (GC), Light Industrial (ML), Light Industrial, Exception (ML[46]), and Residential Third Density, Holding (R3[h]).

The effect of the Zoning By-law Amendment is to rezone lands to conform to the proposed Official Plan Amendments and to enable commercial, light industrial uses and residential development to occur on the subject lands.

setbacks from 6 m to 1.7 m and (north) 6 m to 2.4. These reductions are required given the existing buildings on site as a result of a concurrent Consent Application for the subject lands.

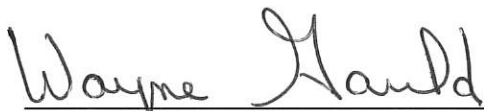
The effect of the Residential Third Density, Holding (R3 [h]) is to place a holding on the subject lands. The '-h' holding symbol may not be removed and residential development may not occur on the subject lands until: a Record of Site Condition is submitted and approved; and supporting studies for draft 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, noise and vibration study, and planning rationale, are submitted and approved.

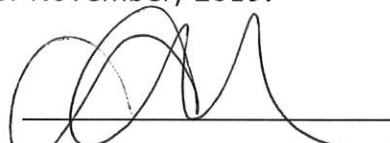
The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2014, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

**Moved by: John Barr**

That the October 29<sup>th</sup>, 2019 Planning Advisory Committee Special meeting be adjourned at 7:57 p.m.

Minutes of the Kenora Planning Advisory Committee Special Meeting, Tuesday October 29, 2019, are approved this 19<sup>th</sup> day of November, 2019.

  
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Wayne Gauld, Chair

  
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Melissa Shaw, Secretary-Treasurer