



PROCEEDINGS
for a Public Meeting
to discuss a Proposed Zoning and Official Plan Amendment
(Re: D-14-19-04, D09-19-01 City Initiated Amendments)
Tuesday, May 14, 2019
12:00 p.m.

PRESENT: Mayor D. Reynard
Councillor M. Goss
Councillor R. McMillan
Councillor A. Poirier
Councillor K. Ralko
Councillor S. Smith
Councillor C. Van Wallegghem

Staff: Karen Brown, CAO
Kelly Galbraith, Deputy Clerk
Devon McCloskey, City Planner
Adam Smith, Development Services Strategist

Mayor Reynard opened the meeting and declared the purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planner, any Planning Advisory Committee members will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planner's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes. There is also a sign in sheet for interested members of the public at the back of the room.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the *Planning Act* and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

Notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120

metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal.

An appeal may be made to the Local Planning Appeal Tribunal not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council, and may not be added as a party unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee of \$300.00.

An appeal may only be made on the basis that the bylaw is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of her report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

Devon McCloskey, City Planner introduced Nadia DeSanti and Anita Sott, Planners with WSP who the City retained to submit the applications. Housing is a major priority for the City and the consultants have experience with similar undertakings to amend public uses in Northern Ontario.

Nadia De Santi, Senior Project Manager with WSP presented the planning report for the amendment applications:

1. Introduction

The City of Kenora ("the City") has made applications for a City-initiated Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) to add policies and provisions which would permit the development of a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in specific land use designations in the OP and in specific zones in the ZBL.

2. Description of Proposal

Official Plan Amendment:

The proposed Official Plan Amendment would change the following:

- Section 3.20 Public Uses of the Official Plan would be amended to permit a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in the following land use designations, without the

need for an Official Plan Amendment, and with consideration for the policies in the Land Use Compatibility Section of the Official Plan:

- Established Area;
- Residential Development Area;
- Harbourtown Centre; and
- Commercial Development Area.

Based on comments received from the Planning Advisory Committee on April 16, 2019, the proposed OPA was revised to specifically exclude a correctional facility from the types of public uses which would be permitted. This change to the proposed OPA is further discussed in Section 8 of this report.

The general intent and purpose of the proposed amendment is to permit the development of a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, which are under the jurisdiction of a public agency (e.g. a non-profit housing corporation, housing cooperative, or housing board), in the appropriate land use designations where other compatible and supportive uses are permitted in the OP (e.g. residential uses, retail, offices, health services, etc.).

The proposed amendment conforms to specific Principles and related Objectives in Section 2.2.1 Principle 1 – Sustainable Development, Section 2.2.3 Principle 3 – Affordable Housing, and Section 2.2.6 Principle 6 – Complete Communities in Section 2 City Vision of the Official Plan, as further described in Section 5 of this report.

The proposed amendment also reinforces the policies in the following sections of the OP:

- Section 3.2 Affordable Housing in the OP, specifically the policy to ensure that adequate and affordable housing is available for all residents, particularly seniors and new entrants into the housing market; and
- Section 3.4 Community and Neighbourhood Design, specifically the policy which promotes the development of complete communities and neighbourhoods throughout Kenora, which include a range of uses to meet the residential, employment, shopping, and recreational needs of residents; and the policy which supports establishing community hubs where public service facilities would be co-located to provide convenient, integrated, and cost-effective services.

Zoning By-law Amendment:

The general intent and purpose of the proposed Zoning By-law Amendment is to implement the proposed Official Plan Amendment by permitting the development of a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, which are under the jurisdiction of a public agency (e.g. a non-profit housing corporation, housing cooperative, or housing board), in specific zones.

The proposed Zoning By-law Amendment would change the following:

- Amend Section 2 Definitions to add a new definition for “Public Use”;

- Amend Section 2 Definitions by replacing “Public Authority” with “Public Agency”, and by amending the definition;
- Amend the definitions of “Conservation” and “Sewage Facility” in Section 2 Definitions to replace references to “public authority” with “public agency”; and
- Amend Section 3.34.5 Public Uses to add a new provision to allow a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, to the following zones:
 - Residential – First Density Zone (R1);
 - Residential – Second Density Zone (R2);
 - Residential – Third Density Zone (R3);
 - Local Commercial Zone (LC);
 - General Commercial Zone (GC);
 - Highway Commercial Zone (HC); and
 - Institutional Zone (I).

The proposed amendment to add a definition for “Public Use” is required, as no definition currently exists and to clarify that a “public use” is intended to refer to a use which is owned, occupied, used, or administered by a public agency.

The proposed amendment to replace “Public Authority” with “Public Agency” and amend the definition is intended to better reflect that the definition encompasses any Federal, Provincial, District or Municipal agencies, and includes any public department, ministry, commission, corporation, authority, board, utility, or other agency established from time to time by such agencies. For example, the definition could include a non-profit housing corporation, housing cooperative, or housing board.

The proposed amendment to replace the references to “public authority” with “public agency” in the definitions for “Conservation” and “Sewage Facility” is required as a result of the proposed amendment to replace the term “Public Authority” with “Public Agency” in Section 2 Definitions.

The proposed amendment to add a new provision to Section 3.34.5 Public Uses to permit a public use in specific zones, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, is intended to conform with OP Principles 1, 3, and 6 and related objectives in Section 2 City Vision, and to the OP policies in Section 3.2 Affordable Housing and Section 3.4 Community and Neighbourhood Design.

Specifically, the proposed amendment assists in ensuring that adequate and affordable housing is available for all residents, particularly seniors and new entrants into the housing market (Section 3.2). It also conforms to OP policy 3.2(b)(v), which states that “The City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives and direct supports, including but not limited to: more flexible zoning.” The proposed amendment also helps to implement the OP policy which promotes the development of complete communities and neighbourhoods throughout Kenora, which include a range of uses, and the policy to establish community hubs with co-located public service facilities, where appropriate (Section 3.4).

Precedents in Other Municipalities

a) Town of Cochrane, Ontario

The Official Plan for the Cochrane and Suburban Planning Board (Ministerial Approval: April 30, 2014; Consolidation December 10, 2018) contains policies which permit public and institutional uses in various land use designations. Section 4.2(3) Residential Neighbourhood Area of the Official Plan states that "The following complementary land uses may be permitted in residential neighbourhoods where they are compatible with the residential environment: b. public and institutional uses under the jurisdiction of the municipality or a local board, such as schools, cemetery, fire hall, nursing home, hospital and other appropriate public uses [...]".

Section 3.4(4) Affordable Housing of the Official Plan also states that "The municipality will collaborate with the Cochrane District Social Services Administration Board (Cochrane DSSAB) and other agencies as appropriate, to identify and respond to affordable housing needs in the community."

The Cochrane and Suburban Planning Board Zoning By-law (Council Adoption June 10, 2014; Consolidation April 18, 2018) contains the following definitions for "Public" and "Public Agency":

- "Public, when used in reference to a building, structure, use or lot, means a building, structure, use or lot which is owned, occupied, used or administered by a public agency."
- "Public Agency means the Government of Canada, the Government of Ontario, the Town of Cochrane or any other municipal corporation; any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Ontario, the Town of Cochrane or any other municipal corporation; or any public utility."

Under Section 4 Zone Provisions, "public use" is included as a permitted use in the following zones: R1 – Residential First Density Zone; R2 – Residential Second Density Zone; C2 – Commercial Transition Zone; C3 – Linear Mixed Commercial Zone; M1 – Industrial Zone; RU – Rural Zone; AG – Agricultural Zone; and HT – Hamlet Community Zone.

"Public institutional use" is included as a permitted use in the following zones: R1 – Residential First Density Zone; R2 – Residential Second Density Zone; C1 – Commercial Core Zone; RU – Rural Zone; AG – Agricultural Zone; and HT – Hamlet Community Zone. For further context, the Zoning By-law includes the following definition for "institutional use":

- "Institutional Use means land building or structure or part thereof used by any government agency, organization, group or association for the promotion of governmental, religious, charitable, educational, medical or hospital purposes, benevolent objectives or public services and which is not operated for gain or profit including, without limiting the generality of the foregoing, a children's home, a place of worship, a day nursery, a hospital, a public medical centre, a private club, a non-profit or charitable institution, a special care home, a recreation and community centre, a public or private school, or any other public use other than a public utility, but excluding a mental hospital or any place of detention or correction."

“Institution” or “Institutional use” is included as a permitted use in C1 – Commercial Core Zone and in C2 – Commercial Transition Zone.

b) City of Thunder Bay, Ontario

The City of Thunder Bay Official Plan (Adopted April 20, 2018), Part 11 - Implementation contains the following policy with respect to permitting public uses: “The following should be considered when applying the policies of this Plan: [...] public uses (those facilities owned and/or operated by the City of Thunder Bay, the Province of Ontario, or the Canadian Government) are permitted in all designations and zones [...]”.

The City of Thunder Bay Zoning By-law 100-2010 (Passed: October 18, 2010; Effective Date: January 1, 2011) contains the following definitions for “Public Authority”:

- “Public Authority – any of the federal, provincial, or municipal governments, including their crown agencies and local boards, as well as the Thunder Bay District Social Services Administration Board.”

Section 5.23.1 Uses by Public Authorities includes the following general provision for public uses by a public authority: “Subject to the regulations in this Section 5.23, nothing in this By-law applies to prevent the use of any land or the erection or use of any building or structure by a public authority for a public use within that authority’s jurisdiction.”

Section 5.32.2 Public Uses in Residential Zones including the following general provision for public uses: “Where Section 5.23.1 authorizes a use in a Residential Zone that would not otherwise be permitted, the following regulations apply to that use:

- (a) no outdoor storage is permitted;
- (b) the regulations prescribed for a use that is most similar to the use being authorized will be complied with to the furthest extent possible; and
- (c) any building or structure erected shall be designed and maintained wherever possible in general harmony with the buildings or structures permitted in the Zone in which it is located.”

3. Existing Conditions

As the proposed amendments are not site-specific, information regarding existing conditions of specific lands is not applicable.

4. Site Visit

As the applications affect all lands within the applicable land use designations and zones in the City of Kenora, a site visit was not conducted.

5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

The proposal is consistent with policies of the PPS including the following:

- Policy 1.1.1 b) which explains that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) [...] and other uses to meet long-term needs. **The proposed OPA and ZBLA support the provision of public uses in the form of housing and supportive housing in appropriate land use designations and zones, in order to meet the needs of residents for short- and long-term housing availability, associated support services, and housing affordability.**
- Policy 1.1.1 g) which explains that healthy, liveable and safe communities are sustained by ensuring that necessary [...] public service facilities are or will be available to meet current and projected needs. The PPS defines “public services facilities” as “land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services”. **The proposed OPA and ZBLA support the development of institutional uses, excluding a correctional facility, and forms of housing that meet this definition and are proposed by public agencies in response to community needs.**
- Policy 1.4.2 b)1. which states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements. **The proposed OPA and ZBLA will allow for public uses, including housing and supportive housing (e.g. housing which includes on-site support services or programming), as a means of contributing to the range and mix of housing types available in specific land use designations and zones in the City.**
- Policy 1.4.3 c) which directs the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. **The proposed OPA and ZBLA will permit the development of public uses, including housing and supportive housing, in land use designations and zones in the City of Kenora where existing infrastructure and public service facilities are available to support new residents and housing units.**
- Policy 1.6.1 b) which states that planning for [...] public service facilities shall be coordinated and integrated with land use planning so that they are available to meet current and projected needs. **The OPA and ZBLA are being proposed in a coordinated manner to enable the development of public uses by public agencies that meet specific community needs, in those land use designations and zones where other compatible and supportive uses are permitted and currently exist, without the additional costs and potential delays associated with site-specific OPAs and ZBLAs to permit those public uses.**
- Policy 1.6.5 directs that public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation. **The proposed OPA and ZBLA would allow for the development of public uses in appropriate land use designations and zones where other compatible and supportive uses are**

permitted and currently exist, and where lands with existing municipal services are available.

- Policy 4.8, which states that zoning and development permit by-laws are important for implementation of the PPS, and that planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the PPS. **The proposed ZBLA conforms to the OP and will implement Principles 1, 3, and 6. The amendments will also implement the policies of Section 3.2 Affordable Housing, including policy 3.2(b)(v) to encourage and promote the development of affordable housing through more flexible zoning, as well as the policies of Section 3.4 Community and Neighbourhood Design regarding promoting the development of complete communities with a range of uses.**

b) City of Kenora Official Plan (Council Adoption May 19, 2015; Ministerial Approval November 5, 2015)

Section 2.2.1 Principle 1 – Sustainable Development of the OP states that Kenora shall promote sustainable development to enhance the quality of life for present and future generations.

Objectives under Principle 1 include:

- To direct residential development to land within the settlement area boundary by way of infilling and residential redevelopment in the Established Area and Harbourn Centre and the Residential Development Area.
- To support infill and intensification in built-up areas (e.g. Harbourn Centre) where services exist.

Section 2.2.3 Principle 3 – Affordable Housing of the OP states that Kenora shall support the location of affordable housing in an integrated manner within new or existing development.

Objectives under Principle 3 include:

- To provide a mix and range of housing types that shall meet the physical and financial needs of all current and future residents, in particular the aging population and new entrants to the housing market, with the goal of providing a timely response to housing needs associated with a diversified economy.

Section 2.2.6 Principle 6 – Complete Communities of the OP states that Kenora shall encourage new development (e.g. buildings, new neighbourhoods) to provide for a mix of uses in planning for complete communities.

Objectives under Principle 6 include:

- To support mixed-use neighbourhoods.

Section 3.2 Affordable Housing of the OP states that affordable housing is a critical component of a healthy community, and includes policies that are intended to ensure that adequate and affordable housing is available for all residents, particularly seniors and new entrants into the housing market. It also states that the City of Kenora will encourage and promote the development of affordable housing by providing a toolkit of planning incentives

and direct supports, including but not limited to, more flexible zoning (Policy 3.2(b)(v)). Finally, the OP directs that the processing of development applications from non-profit housing corporations and housing cooperatives, for the development of affordable housing, will be given priority by the City (Policy 3.2(c)).

Section 3.4 Community and Neighbourhood Design of the OP promotes the development of complete communities and neighbourhoods throughout Kenora, which include a range of uses to meet the residential, employment, shopping, and recreational needs of residents. Where appropriate, establishing community hubs allows the co-location of public service facilities to provide convenient, integrated, and cost-effective services.

The proposed OPA would permit public uses, including but not limited to institutional uses, housing, and supportive housing, but excluding a correctional facility, in specific land use designations.

In the Established Area designation, residential, commercial, industrial and institutional uses, such as schools, places of worship, cemeteries, long-term care homes, hospitals and health care centres are permitted uses (Policy 4.1.1). Policy 4.1.2(c) states that residential development shall be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. Medium density residential use shall be supported provided that the development is in keeping with the character of the area.

In the Residential Development Area designation, residential uses and all housing types, commercial, retail, and institutional uses, such as schools and places of worship, are permitted (Policy 4.2.1). Policy 4.2.2(c) states that a range of densities shall be encouraged to ensure a variety of housing forms. Policy 4.2.2(d) states that new housing should provide opportunities for affordable housing as well as housing suitable for an aging population and persons with disabilities, in recognition of the future needs of the population.

In the Harbourtown Centre designation, commercial, entertainment, recreation, and residential uses are permitted (Policy 4.3.1 (a)). Co-location of public serve facilities is encouraged for convenience, cost-effectiveness, service integration, and promotion of active transportation. Multi-unit residential development in conjunction with commercial uses shall be encouraged, where the street level is used for commercial purposes (Policy 4.3.1(b)). Relevant objectives of the Harbourtown Centre designation include to encourage:

- the development of major office buildings, hotels, convention facilities, cultural and tourism uses and Government buildings that have a City-wide or regional significance (Policy 4.3.2(c); and
- growth in the residential component of the Harbourtown Centre and peripheral areas to support and reinforce the community focus of the area (Policy 4.3.2(i)).

In the Commercial Development Area designation, permitted uses shall primarily serve vehicular traffic. Residential uses are permitted on a limited basis in existing buildings and structures suitable for residential use, while new residential development shall not be permitted (Policy 4.4.1(c)).

The proposed OPA conforms to the Official Plan. As directed in the objectives under Principle 1 – Sustainable Development, the proposed amendment supports the development of public

uses within the settlement area where services exist, and where infill is encouraged. The proposed amendment also supports Principle 3 – Affordable Housing and the objective of providing of a mix and range of housing types that meet the needs of all current and future residents. Public agencies regularly assess and respond to those needs with specific housing and supportive housing developments, some of which may be in the form of affordable housing units. Further, the proposed amendment supports Principle 6 – Complete Communities and the development of public uses, such as institutional uses, housing, and supportive housing, that contribute to mixed-use neighbourhoods and a mix of uses towards creating complete communities.

The proposed amendment also conforms to the policies in Section 3.2 Affordable Housing. It supports the provision of public uses, such as housing and supportive housing which may include affordable housing units, by public agencies, such as non-profit housing corporations and housing cooperatives, in land use designations where residential uses are generally permitted. While new residential development is not currently permitted in the Commercial Development Area designation, the proposed OPA would permit new public uses, such as housing and supportive housing, notwithstanding Policy 4.4.1(c), to reflect that there are existing lands within the designation that are surrounded by other residential uses, and where housing would be supported by existing retail and other commercial services.

The proposed amendment also conforms to the policies in Section 3.4 Community and Neighbourhood Design. It contributes to the development of complete communities and neighbourhoods by allowing for the integration of a greater mix of uses within appropriate land use designations where other compatible uses exist. The proposed amendment would also allow for public service facilities to be developed in areas that serve as or are close to community hubs.

As with any proposed development, any proposed public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, shall consider the policies of the Land Use Compatibility Section of the OP, as well as any other applicable policies.

The proposed ZBLAs specifically conform to Policy 3.2(b)(v) of the OP, as they would implement the proposed OPA, result in more flexible zoning for affordable housing developments proposed by a public agency, and assist with interpretation of the ZBL through changes and additions to the ZBL definitions.

c) Zoning By-law, By-law 101-2015 (Adopted December 15, 2015)

Section 2 Definitions establishes the interpretation of terms used in the ZBL. This section does not currently include a definition for “Public Use”, which the ZBLA proposes to add.

The proposed ZBLA would permit public uses, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in specific zones, which generally correspond to the land use designations where these public uses would be permitted as a result of the proposed OPA.

In the Residential – First Density (R1) Zone, residential permitted uses include group homes, modular homes, secondary dwellings, and single-detached dwellings. Institutional uses which are currently permitted include emergency shelters and group homes.

In the Residential – Second Density (R2) Zone, residential permitted uses include duplex dwellings, group homes, modular homes, secondary dwellings, semi-detached dwellings, and single-detached dwellings. Institutional uses currently permitted include emergency shelters and group homes.

In the Residential – Third Density (R3) Zone, residential permitted uses include apartment dwellings, boarding houses, converted dwellings, duplex dwellings, group homes, modular homes, multiple attached dwellings, retirement homes, secondary dwellings, semi-detached dwellings, single-detached dwellings, stacked dwellings, and triplex dwellings. Institutional uses currently permitted include emergency shelters, group homes, and retirement homes.

In the Local Commercial (LC) Zone, dwelling units are permitted to be located above or to the rear, but within the same building, of one or more permitted uses that occupy the first floor of a non-residential building. Institutional uses currently permitted include clinics, day nurseries, and offices.

In the General Commercial (GC) Zone, residential permitted uses include apartment dwelling units. Further, dwelling units are permitted within the same structure and above one or more permitted uses that occupy the first floor of a non-residential building, as well as in one-storey buildings, subject to specific provisions. Institutional uses currently permitted include clinics, continuum care facilities, day nurseries, instructional facilities, libraries, offices, and places of assembly.

In the Highway Commercial (HC) Zone, a maximum of one dwelling unit shall be permitted as an accessory use to any commercial use. Institutional uses currently permitted include clinics, offices, and places of assembly.

In the Institutional (I) Zone, a wide range of institutional uses are permitted. Residential uses currently permitted include group homes and retirement homes. It should be noted that this zone currently permits a correctional facility. The proposed amendment to permit public uses in specific zones excludes a correctional facility, so the amendment would not result in this use being permitted in any additional zones other than the Institutional (I) Zone, where it is currently permitted.

The proposed amendment to permit public uses, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in the above zones is in keeping with the general intent and purpose of the ZBL, as the zones generally permit a range of housing and institutional uses. Any proposed public use would be required to comply with the regulations for the Zone in which it is proposed, or seek a minor variance for any proposed deviations.

6. Results of Interdepartmental and Agency Circulation

Operations Department	No comments received at the time of this Report.
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Engineering Department	No comments received at the time of this Report.
Roads Department	Comments received on April 11, 2019: No issues.
Building Department	Comments received on April 10, 2019: From a Building Permit perspective; Keep in mind that a Chief Building SHALL (among other conditions) issue a building permit if Applicable law is met. The Official Plan is NOT applicable law, the 2 Planning related references to applicable law are Section 34 (Zoning By-law) and Section 41 (site plan control). If an application for building permit is received and a Public Use is a permitted use within the Zoning By-law, a permit shall be issued.
Kenora Fire	No comments received at the time of this Report.
Water and Waste Water Department	Comments received on April 9, 2019: No issues.
Synergy North	No comments received at the time of this Report.
Environmental Services	Comments received on April 9, 2019: No issues.
Ministry of Natural Resources and Forestry (MNRF)	No comments received at the time of this Report.
Lake of the Woods Control Board	No comments received at the time of this Report.

7. Public Comments

A public meeting is scheduled to be held by Council on May 14th, 2019. Notice of the application was given in accordance with Sections 17 and 34 of the Planning Act, whereby it was published in the Municipal Memo of the Newspaper on April 4th, 2019, 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 (May 7th, 2019), one (1) submission was received from a member of the public, requesting more information on the applications.

8. Planning Advisory Committee

The Statutory Notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of these applications to Council at their meeting on April 16th, 2019. The PAC's resolution and draft meeting minutes are attached.

WSP, the agent for the application, presented the proposed OPA and ZBLA to the Committee by teleconference. Karen Brown, CAO, and Adam Smith, Development Services Strategist,

also presented in support of the applications and discussed the urgent need for affordable housing in the City of Kenora and the need to have policies and tools in place to support public agencies in their role as direct housing providers.

The PAC asked questions and discussed the applications. A PAC member asked for clarification as to whether it is the vision for the City to build housing. Karen Brown clarified that it is the City's intent to facilitate the provision of housing, including affordable housing and supportive housing, by public agencies like the Kenora District Services Board (KDSB). Another PAC member asked whether there are specific properties in mind for the development of the proposed public uses. Devon McCloskey, City Planner, clarified that there is no specific location, as the proposed amendment would apply to any of the identified land use designations within City limits, and that locations would likely be within existing built-up areas where there are properties eligible for redevelopment. It was also clarified that developers, including public agencies, would still be required to go through the standard process.

A member of the public stated that it seems like the City is allowing a public agency to do anything on any property in Kenora, and asked how many zones there are in which public uses would not be permitted through these amendments. WSP and Devon McCloskey clarified that the proposed amendments would only allow public uses in specific land use designations and zones, and that there are a number of zones which are uncondusive to housing, such as Light and Heavy Industrial zones, Open Space zones, where the amendments would not be applicable.

A PAC member expressed concerns that the proposed amendments, as originally submitted, would permit correctional facilities in the land use designations and zones proposed, as a correctional facility is an institutional use. It was requested that adding a definition of institutional use be considered (see the PAC Resolution in **Figure 1**), and that it should expressly exclude a correctional facility, to ensure that the proposed amendment would not result in correctional facilities being permitted in all the proposed land use designations and zones.

As a result of PAC's request, WSP discussed revisions to the proposed OPA and ZBLA with Karen Brown and Adam Smith on April 23, 2019. It was agreed that adding a definition for institutional use to the Zoning By-law would likely result in conflicts with the existing permitted uses in the Institutional Zone. For example, the Institutional Zone permits correctional facilities, which would conflict with a new definition for institutional use that would exclude correctional facilities. It was agreed with City staff that the preferred option would be to amend the OPA and ZBLA to add the text in **bold** below, in lieu of adding a definition for institutional use:

Proposed OPA – Section 3.20 Public Uses:

*"Notwithstanding any other policy in this Official Plan, a public use, including but not limited to an institutional use, housing, and supportive housing, **but excluding a correctional facility**, shall be permitted in the following land use designations without an Official Plan Amendment, with consideration for the policies in the Land Use Compatibility Section of the Official Plan:*

- a) Established Area;*
- b) Residential Development Area;*

- c) *Harbourtown Centre; and*
- d) *Commercial Development Area.*”

Proposed ZBLA – Section 3.34.5 Public Uses:

*“Notwithstanding any other provisions of this By-law, the use of land or the use, construction or re-construction of any building or structure for the purposes of a public use, including but not limited to an institutional use, housing, and supportive housing, **but excluding a correctional facility**, shall be permitted in the following Zones:*

- e) Residential – First Density Zone (R1);*
- f) Residential – Second Density Zone (R2);*
- g) Residential – Third Density Zone (R3);*
- h) Local Commercial Zone (LC);*
- i) General Commercial Zone (GC);*
- j) Highway Commercial Zone (HC); and*
- k) Institutional Zone (I).”*

9. Evaluation

Official Plan Amendment

The proposed OPA is intended to permit a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in specific land use designations without the need for an Official Plan Amendment, including: Established Area; Residential Development Area; Harbourtown Centre; and Commercial Development Area. The proposed amendment is supported by Principles 1, 3, and 6 and related objectives in Section 2 City Vision. It is also supported by OP policies in Section 3.2 Affordable Housing and Section 3.4 Community and Neighbourhood Design. Various institutional uses and new residential development are permitted in all of the above-noted land use designations, with the exception of the Commercial Development Area designation. However, there are existing lands within the designation that are surrounded by other institutional and residential uses and where institutional uses or housing would be supported by existing retail, commercial, and community services. The proposed amendment would help to achieve the creation of complete communities and neighbourhoods with mixed uses that support the needs of residents and the regional area, including a diversity of housing options and community services in the settlement area.

Regarding the comments received from the City’s Building Department, it is expected that existing compatibility policies in the OP would continue to apply to ensure that considerations such as built form, the pattern of the surrounding community, and impacts on adjacent development due to shadowing, lighting, and noise, among others detailed in Section 3.15.5 Compatibility Criteria of the OP, are all taken into account when considering a development application, such as site plan control, for a public use. The policies of Section 3.15.5 would apply to any proposed development in the City, as they under Section 3 General Development Policies in the OP. As further explained below, any public use would still be required to comply with the applicable zoning regulations.

Zoning By-law Amendment

The proposed ZBLA is intended to add a new definition for "Public Use", and amend existing definitions for "Public Authority", "Conservation", and "Sewage Facility", to provide greater clarity when interpreting terms used in the ZBL.

The proposed ZBLA is also intended to add a new provision to permit a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in specific zones, including: Residential – First Density Zone (R1); Residential – Second Density Zone (R2); Residential – Third Density Zone (R3); Local Commercial Zone (LC); General Commercial Zone (GC); Highway Commercial Zone (HC); and Institutional (I) Zone. A range of residential and institutional uses are generally permitted in all of the above-noted zones.

As the proposed amendment does not propose any changes to existing regulations (i.e. development standards) for each Zone, any public use would be required to comply with the regulations for the Zone in which it is proposed, or seek a minor variance for any proposed deviations.

The proposed amendments are consistent with the Provincial Policy Statement, 2014, conform to the policies of the City of Kenora Official Plan (Council Adoption May 19, 2015; Ministerial Approval November 5, 2015), and meet the purpose and intent of the City of Kenora Zoning By-law, By-law 101-2015 (Adopted December 15, 2015).

9. Recommendation

As professional planners retained by the City of Kenora to assist with these applications, it is our professional planning opinion that the following amendments as proposed for the Application for Official Plan Amendment, File No. D09-19-01, and the Application for Zoning By-law Amendment, File No. D14-19-04, be approved, in lieu of public comments that may yet be received.

Proposed Official Plan Amendment:

- Section 3.20 Public Uses of the Official Plan would be amended to permit a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in the following land use designations, without the need for an Official Plan Amendment, and with consideration for the policies in the Land Use Compatibility Section of the Official Plan:
 - Established Area;
 - Residential Development Area;
 - Harbourn Centre; and
 - Commercial Development Area.

Proposed Zoning By-law Amendments:

- Amend Section 2 Definitions to add a new definition for "Public Use";
- Amend Section 2 Definitions by replacing "Public Authority" with "Public Agency", and by amending the definition;

- Amend the definitions of “Conservation” and “Sewage Facility” in Section 2 Definitions to replace references to “public authority” with “public agency”; and
- Amend Section 3.34.5 Public Uses to add a new provision to allow a public use, including but not limited to an institutional use, housing, and supportive housing, but excluding a correctional facility, in the following zones:
 - Residential – First Density Zone (R1);
 - Residential – Second Density Zone (R2);
 - Residential – Third Density Zone (R3);
 - Local Commercial Zone (LC);
 - General Commercial Zone (GC);
 - Highway Commercial Zone (HC); and
 - Institutional Zone (I).

Any person may express his or her views of the amendment and a record will be kept of all comments.

Mayor Reynard questioned if there was anyone who wished to speak in favour of the amendment?

There were none.

Mayor Reynard questioned if there was anyone who wished to speak in opposition of the amendment?

Janet White, Fourth Street North resident commented that existing zoning should be taken into consideration as well. In the area of the proposed Fourth Street development there are a lot of duplexes with a variety of people living in them. She cautioned Council that they have to be careful in that area because there are currently a lot of low income and subsidised housing in the North End. She shared that the Winnipeg paper over the past two weekends published about in-fill development, looking at any available housing, anywhere which is being done in Winnipeg and Edmonton. Because of this the zones are already changed for those areas and they do not have to consult with the neighbours about changing the zoning in those areas because it is already approved. She stated that those are some of her objections.

Val Edison-Ryan a long-time resident, expressed her love for the community and shared that she has never felt the fear she feels today. She expressed that it is a beautiful community however she is very much opposed to the Fourth Street Development. She noted there are three similar facilities in her area and questioned why they are coming into the North End. There are 13 single, senior citizens including herself who live in the Fourth Street area. She contacted KDSB and there was no returned phone call.

Mayor Reynard requested that Ms. Ryan speak to the item on today’s agenda. Ms. Ryan reiterated that she is very opposed to the proposed Fourth Street development. Mayor Reynard advised her this is a general application and not site specific in this case. She indicated it is site specific for her as it is going to be right in front of her home.

Ms. Edison-Ryan expressed that the community does not embrace senior citizens and the people that work really hard. She expressed that she is not saying let’s not help the poor but they have to be assessed and treated properly and put back into society. Ms. Edison-Ryan

expressed she is losing sleep at night over the unknown because no one has given a clear answer. Ms. Edison-Ryan expressed that slowly she is becoming a prisoner in her own home and she doesn't think it's fair that the North End is getting all these home. Mayor Reynard reminded Ms. Edison-Ryan we need to speak to the item on the agenda and thanked her for her comments. Ms. Edison-Ryan noted she is pleading her case and asked Council to please not approve this.

Teresa Stephens, resident of Gould Road expressed her concerns are very much the same as Janet White's. With the zoning by-law change she is concerned about the consultation and public knowledge about what is going on and what developments may be taking place. She questioned if there will be opportunity for input from the people that are effected in the region and specific area. She expressed concern for things that are going on in the City today and what she sees. She would like to have her grandchildren come and stay in a safe community and she is concerned what direction and what type of development will be taking place. She questioned if residents will know if there is some type of institutional development.

Mayor Reynard thanked her for her comments and shared that she can raise those questions when we get to that point. Ms. Stephens expressed her concern is the proposed change is a blanket and is not site specific.

Mayor Reynard opened the floor to members of Council for questions or comments and reminded them that Council will not be making a decision today, this is an opportunity for Council to hear from the public and the City Planner regarding the application.

Councillor McMillan questioned if under the proposed change where a zoning amendment is not required, will there be a need for the public meeting? The City Planner advised part of the mechanism for reducing red tape is to reduce the application process which would involve an application, circulation, a public meeting and it be an item for the Planning Advisory Committee and for Council, so there would not be a requirement for a public consultation process, with the ability for a public agency to be listed within a public zone.

Councillor McMillan asked if a proponent wants to put a development in any of the particular areas, would any member of the public have opportunity to appeal. The City Planner informed him they would not have the opportunity to appeal. Nadia De Santi, Senior Project Manager with WSP reminded Council that if a proponent was putting a development in one of those zones, they would have to meet the zoning by-law provisions for lot area, frontage, and setback. If their development does not meet the zoning provisions and standards for the zones they are proposing to be in then they either adjust their development plan to comply with zoning, or if for whatever reason they cannot do this, they would have to seek a minor variance which is a public process.

Councillor McMillan stated his last question is more of a process question. Should this go through at Council next week, is it necessary to submit it to the Province for review? The City Planner indicated that notice of the application was sent to Municipal Affairs and Housing in Thunder Bay and she received a response from the Director and Planner for the Kenora area and they were very supportive hearing about the amendment and anxious to see how it would be received by Council. They agreed in consideration of the need and barriers that Kenora is facing that this would be a good option for the City to undertake.

Councillor Smith shared there is good red tape such as when it comes to protecting the environment. She commented when it comes to the concerns and interests of property tax payers maybe some of the red tape is good red tape. She asked is there is any risks associated with the amendment and reminded the group to keep in mind that when Council looks at amendments to the OPA especially with zoning, the project presented is not looked at, Council's only interest is if the zoning change can happen and she stated this is something to have some conversation around. Councillor Smith spoke to the importance of tax payers being heard and having their say as well of the importance of communicating with the tax payers. The community needs to be part of the process particularly when it comes to site plan control because the City no longer does Site Plan Control meetings. She questioned Nadia if there is any risk she can see.

Nadia spoke to the community component and reminded the group that zoning is for land, we do not zone for people. Secondly, through the site plan process the City no longer requires a public meeting, generally you know when a land owner or developer wants to build in the community, you generally know of concerns or may know some comments or questions that get asked. Nadia commented that while it's not prescribed in the City's Site Plan Control By-law she believes they City's door is open if there are questions or comments the public wants to bring forward. Municipalities are trying to be inclusive. The proposed amendment is to address the housing crisis. Nadia spoke to her experience working with various agencies and the importance of a place to call home. She shared that the proposed amendments are in the public's interest to address the housing crisis. You cannot measure risk however, the risk is having fewer housing units to house people.

Councillor Smith shared that she agrees with what Nadia said however there is a missed opportunity when the community is not allowed to hear that message also. It's educational. It is critical to include the community with that type of communication so they understand what is happening.

Councillor Ralko raised a point of clarification, based on the feedback Council is getting. Today's 12:00 meeting is to discuss the Official Plan Amendment and a Zoning By-law Amendment. The Fourth Street project that was discussed earlier this morning does not turn on these amendments. That project already meets the zoning requirements of that area.

Mayor Reynard asked if there were any questions?

Teresa Stephens shared that she has invested heavily in her home and is now faced with a decision to retire there or move. She expressed to Council that permitting zoning and not having to consult with the residents about proposed developments is a gamble. These developments can effect property values and residents want to know if they are safe. She expressed concern with what can be developed next to homes without a public process. There is need for an avenue to bring forward concerns. She expressed that Fourth Street residents not getting answers and there is no input for public consultation. Anything can be developed and residents do not have a voice as tax payers.

Mayor Reynard asked Ms. Stephens what her question is. She questioned why the City would do this when tax payers are saying they want to have some say.

The City Planner informed Ms Stephens that the City is working with public agencies and

government agencies who hold the community's best interest in mind. Housing uses ideally would be in residential areas. The City Planner noted that people don't always know their neighbours now or control who moves into a residence. You cannot predict year to year who will be in any home.

Nadia commented that the opinions expressed today are based on assumptions that the people moving in have a criminal record or might be criminals, or that these are bad people. She shared that in her experience working with various agencies that these are people who need a restart, these are people that can't afford to own a house, these are people who need a break and opportunity re-build or enter the market. She reminded the group once again that we do not zone for people. The assumption is these people are all bad people and Nadia expressed she was disheartened to hear that.

Val Edison-Ryan expressed her concerns asserting that there's been a lack of communication. She expressed that residents have a right to know what's going into our community. She shared that she knows her neighbours and likes to know what's going on in her neighbourhood as she lives alone.

Mayor Reynard reminded Ms. Edison-Ryan that we need to get back to questions regarding the Official Plan Amendments and Zoning Amendment before us, not relating to a specific neighbourhood. He welcome questions pertaining to the Official Plan Amendment and Zoning Amendment.

Ms. Edison-Ryan shared that she is completely against re-zoning. Lack of communication goes a long ways. Mayor Reynard shared he appreciates Ms. Edison-Ryan's comments however, she is merging two issues and we need to stay with the agenda.

Teresa Stephens asked what consideration will be given to where places will be situated. She shared that when purchasing a home she assesses the neighbourhood. If there is no opportunity for consultation prior to a development the neighbourhood could be impacted. She asked what assurance is there that Council will look at the area before building.

The City Planner indicated that the zones that being proposed to allow for institutional housing pieces are all R1, R2, and R3. Those are built up areas. Areas that have roads, services for sewer and water, hydro, etc. These are areas that you would anticipate more development and more density, not rural areas.

Ms. Stephens expressed her concerns that with the proposed changes in zoning you could put a low income property in a community with \$500,000 homes. The City Planner noted that Kenora does not have gated communities.

Janet White expressed that she wanted to take exception to the comment that zoning is not for people. It does not sit right with her because the changes are going to effect the people that already live there and are paying taxes in these areas. She shared her home is on a corner, double lot and asked if she decided to sell, what is stopping the purchaser from renovating the home to a boarding house that accommodates 10 tenants? Then tax payer are stuck paying the taxes.

Mayor Reynard asked Ms. White if she has a question, she shared she only has a statement.

Nadia spoke to Human Rights Commission cases involving municipalities and zoning. She provided the example of when municipalities are updating their Official Plan and Zoning By-laws they can no longer use the term "Single-Family Dwelling" as there is no way to define what a family is.

Ms. Stephens questioned if the proposed KDSB property will be a group home. The proposed amendments will allow for blanket zoning with no consultation and residents will not be able to get answers. She stated that there are no assurances now so what about future development.

Mayor Reynard asked the members in attendance if there were any questions pertaining to the items on today's agenda.

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 1:00 p.m.