



MINUTES
SPECIAL COMMITTEE OF THE WHOLE
Tuesday, February 16, 2021
11:00 a.m.
Virtual Attendance

Council met electronically as permitted by the City of Kenora Procedural bylaw. Citizens and our Media Partners are encouraged to watch the virtual meeting via the Public Live Stream Event at:

<https://video.isilive.ca/kenora/2021-0216.html>

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

Staff: Kyle Attanasio, CAO, Heather Pihulak, Manager of Administration/City Clerk, Adam Smith, Manager of Development Services, Kevan Sumner, City Planner, Melissa Shaw, Planning Analyst

Call Meeting to Order

Mayor Reynard called the meeting to order at 11:00 a.m.

Blessing & Land Acknowledgement

Delivered by Councillor Van Wallegghem

As we gather, we recognize that we are on Treaty Three Lands which are steeped in rich Indigenous history and home to many First Nations and Metis people today. We continue to be thankful for the partnerships with our Indigenous people.

We give thanks for the many blessings we enjoy in the City of Kenora. We seek wisdom in our minds, clearness in our thinking, truth in our speaking and always love in our hearts, so that we may try always to unite the Citizens of Kenora. Let these principles guide us in our decision making.

Public Notices

Take Notice that as required under Notice By-law #144-2007, Council intends to adopt the following items at this Special Meeting of Council:

- Council will accept the Official Plan Policy Directions and Recommendations Report at the February 16, 2021 Regular Meeting of Council

Declaration of Pecuniary Interest & General Nature thereof

i) On Today's Agenda

ii) From a Meeting at which a Member was not in Attendance

There were none declared.

Deputations

None

1. Official Plan Review 2020-2022 Revisions

The City of Kenora is undertaking the legislated five year review of its Official Plan as required by the Planning Act. The Official Plan Review will update and refine the goals, objectives, policies, and schedules of the Official Plan to ensure that it is consistent with the 2020 Provincial Policy Statement, and reflects matters of local interest.

The Special Meeting of Council will enable opportunity for the public to speak to revisions that may be required as part of the Official Plan Review for the City. The intent of this meeting is not to review a Draft Official Plan, which will be prepared and made available for review in the following months, but to consider what ought to be further reviewed moving forward.

Kevan Sumner, City Planner provided opening comments to today's meeting. He thanked the public for their attendance and are pleased to see so many people present and interest in the meeting. Normally during a review such as this, we would have had more opportunities to engage more directly with the public before this meeting, and we are pleased to see so many people taking advantages off the opportunities that we can provide.

The Planning Act of Ontario requires municipalities to prepare and adopt an Official Plan to provide guidance for the physical development of communities. It must be updated every 10 years or sooner, to ensure that it conforms with provincial plans, has regard for matters of provincial interest, and is consistent with the Provincial Policy Statement. Prior to revising the Official Plan, Council must hold a special meeting of council to discuss the revisions that may be required, which is why we're here today.

The consultants at WSP Canada, will be presenting the work that they've been doing on the comprehensive review since work began in September of 2020. Since that time, the consulting team and City staff have met with provincial departments and a Technical Advisory committee, and sought input from the public via an online survey. Their findings have been published in a background report and Policy recommendations report.

Kevan reviewed the mapping changes that are being proposed by Development Services staff. Those changes are illustrated in the maps contained in the Map Amendments document that is the first attachment to my report.

Map 3, which illustrates a proposed addition to the Settlement Area, which is the area of the community identified for concentrated development. We are proposing to add four parcels north of Boatlift Road, comprising a total of 3.51 hectares. These parcels are either owned by the City or being acquired from the Crown, and are designated as Open Space. Our other mapping proposals are for changes to map designations.

Map 1: Redesignation of 0.74 ha of Rural Area to Established Area, on two properties at the north end of Regina Avenue that currently contain split designations.

Map 2: Redesignation of 15.19 hectares of land on either side of Veterans Drive that is currently designated as Rural Area most of it with a Future Development overlay, to Residential Development Area.

Map 4: Redesignation of 19.43 hectares of land on the north side of Norman from Rural Area with a Future Development overlay, to Residential Development Area.

Map 5: Redesignation of 0.1 hectares of land on the north side of the rail yards from Established Area to Railyard on two parcels that currently contain split designations.

Map 6: Re-designation of 2.95 hectares of land north of Cambrian Drive and Minto Crescent from Open Space to Residential Development Area.

Map 7: Realignment of the Rural Area and Industrial Development Area designations on the property containing the Ritchie Road gravel pit, to bring the designation into alignment with the expanded pit boundaries.

Map 8: We're proposing to remove the Black Sturgeon Lake (Restricted Development Area) overlay designation from the map. Our current and proposed policies for Black Sturgeon Lake treat all shoreline areas equally, recognizing that all development potentially impacts the lake, so there is no longer any benefit to identifying these areas.

Nadia DeSante, Senior Project Manager with WSP and Megan Boles with WSP. Provided a presentation.

The slides lay out the process we will follow over the course of the Official Plan review. It lists the documents that you will have an opportunity to review and provide feedback on, as well as the numerous meetings and engagement events that have been and will be held to present our progress and obtain your feedback. The presentation provides the Policy Directions and Recommendations Report for proposed changes to the Official Plan.

The purpose of this meeting statutory meeting in accordance with Section 26(3) of the Planning Act, regarding proposed revisions that may be required to the Official Plan Review the Policy Recommendations for revisions to the Official Plan, as provided in the Final Policy Directions and Recommendations Report.

Members of the public may make delegations regarding the Official Plan review and Community input will help inform Official Plan policies.

A background report has been prepared and is available on the City's website. It includes: current description of the community; the regulatory planning framework which applies to the City; an overview of the existing OP and other local municipal documents. This includes the population, housing and employment projections and vacant land analysis. A discussion of the feedback we received from the community visioning survey.

On July 21, 2020, City staff presented the Kenora Vacant Lands and Growth Strategy – Population and Employment Projections Memorandum to Council, which was prepared by Urban Systems (March 2020).

Based on these projections, the population is estimated to increase between 1,049 and 1,434 persons over the next 20 years, to a population of between 16,986 (low) and 17,371 (high) persons, which represents a percentage change between 6.6% and 8.3%. For the purpose of the Official Plan Review, it was discussed that the average growth rate would be used: 17,177 persons and 625 jobs by 2039.

The City conducted a vacant land analysis in December 2020 for residential and employment uses. The results of the analysis indicate that there is a total of 227 gross ha of vacant land in the settlement areas: 80.3 gross ha of residential; 146.9 gross ha employment. The main takeaway is that the available vacant lands are sufficient to accommodate projected residential and employment growth to the year 2039, and there is no need for a Settlement Area boundary expansion.

The main purpose of the presentation is to present the Policy Directions and Recommendations Report. The report combines some of the information from the background report, available under separate covers. This report identifies key issues that will need to be addressed in the Official Plan through proposed policy changes and recommendations based on the new legislative changes and planning frameworks that are in place and issues identified in consultation with the City, stakeholders and the public.

Section 2 of the report presents the draft recommendations, which are organized themes. There is a total of 20 recommendations, which are presented in bold and are found at the end of each theme. The report also contains a proposed table of contents for the structure of the Official Plan.

In 2015, Bill 73 was passed which resulted in changes to the Planning Act. These changes allow municipalities at the time of an Official Plan Review, to repeal their existing Official Plan and adopt a new Official Plan which would then be applicable for 10 years, instead of 5 years. Municipalities are still able to amend an existing Official Plan without repealing it, but then it has to be reviewed every 5 years.

Even if the City adopts a new Official Plan for the next 10 years, they can still review it at any time within those 10 years. The longer 10 year timeframe allows municipalities to better monitor the effectiveness of policies once they are implemented. Rec 30: is to repeal the City's existing OP and adopt a new OP, to enable the City to benefit from the 10-year review period.

With respect to the Vision Statement and the community input we received from the visioning survey, the respondents generally expressed a vision for Kenora which offers more variety, choice, and opportunities in all facets of life, such as housing, employment, transportation, and recreation. In other words, community members envision Kenora as a healthy inclusive community. The City recognizes the importance of its beaches, parks and trails throughout the municipality

Council adopted the City of Kenora Beaches, Parks and Trails Plan (2016) to guide the municipality in enhancing a network of on-road cycling facilities, trails and pathways that

will help turn the City into a destination community. The Plan illustrates concept plans for the beaches, parks, and trails that will be implemented over time.

Moreover, through the online survey, community members expressed the importance of recreational trails for active transportation (e.g. cycling). Therefore, the policies of the Official Plan should reflect the City of Kenora Beaches, Parks and Trails Plan.

The City has developed an Age-Friendly Strategic Plan to support age-friendly initiatives, infrastructure and facilities, with a key focus on outdoor spaces/buildings; transportation; and housing. The City OP will be updated with age-friendly policies in sections such as housing, transportation, and parks and open space. For example, housing policies may promote a range of affordable housing options that are integrated to the extent possible with community amenities and services. Policies for transportation may include one drop-off / loading spot shall be provided in an Age-Friendly Priority Zone (e.g. a drop-off spot should replace a few of the street parking stalls in Harbourtown Centre).

While there are no prime agricultural areas identified in the City, the Official Plan Review will include an analysis of agricultural and rural land use policies. Policies will be updated to reflect the 2020 PPS and the Ontario Ministry of Agriculture, Food and Rural Affairs Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2016), with respect to agriculture-related uses and on-farm diversified uses. As part of the One Window pre-consultation meeting, the Province confirmed that Kenora does not have any prime agricultural land (i.e. Class 1, 2 or 3 soil types).

While agricultural and rural land uses policies will be updated, the online community survey demonstrated that members of the community are in favor of urban agricultural uses, as well as the keeping of animals (e.g. backyard chickens, beekeeping). Although these new uses are desired, there are some concerns about associated noise, odour, safety and animal wellbeing. Based on research that WSP has undertaken, other municipalities have addressed urban agricultural uses through an Animal Control By-law (for example: Guelph, Waterloo, Kingston, Chatham-Kent, Hamilton).

In keeping with the City's Strategic Plan and sustainability efforts, Recommendation 7 is to add policies to allow the City to consider a wildland fire hazard schedule to implement Provincial direction and illustrate the presence of hazardous forest types.

Based on what we heard through the online visioning survey, there is strong support for the development of a community wide Community Improvement Plan. The City would prepare one CIP, with specific project areas/properties recommended within various areas of the City. The development of a CIP would be completed in consultation with the public, agencies, and local business owners who may benefit from the selected financial incentives and grant programs the CIP would offer. There are designated cultural heritage and archaeological resources in the City, such as Tunnel Island.

The Official Plan policies will be updated to provide policy direction on the studies that may be required for development applications, including cultural heritage assessments and archaeological assessments. The need for any studies would be determined by the City through a pre-consultation meeting with a proponent.

The Harbourtown Centre is an important economic, cultural and touristic area for the City of Kenora. The Official Plan should have policies that reflect the Harbourfront Business Development Plan (2019).

Through the online Community Survey, community members generally expressed support for more housing options in the City, with a prominent focus on increasing the supply of housing.

The recommendations in this section are intended to meet the requirements of the Planning Act (e.g. to authorize additional residential units) and PPS direction to accommodate an appropriate range and mix of residential uses (including additional residential units, affordable housing, and housing for older persons).

The City of Kenora adopted the 'Enabling Affordable Housing Action Plan' in 2018. Affordable housing has been recognized by the City as a key priority in guiding community development in the future. The outcome of this Plan should be reflected in the new Official Plan.

Section 39.1 of the Planning Act allows a municipality to pass a temporary by-law to permit Garden Suites (often referred to as coach houses or 'granny flats').

Temporary Garden Suites are single-unit detached residential structures containing bathroom and kitchen facilities that are ancillary to existing residential dwellings and designed to be portable.

The portable unit is permitted for a period not exceeding 20 years. This form of housing contributes to the affordable housing supply to provide residents with an opportunity to age in place.

Additional residential units (formerly referred to as second units) are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas, within dwellings or within structures ancillary to a dwelling.

Examples include basement apartments, in-law flats, and suites contained within a separate ancillary structure, such as above a detached garage.

In order to comply with the provisions of the Planning Act regarding additional residential units, the Official Plan and Zoning By-law will need to be updated to include policies permitting additional residential units in detached, semi-detached and row houses, in both the primary dwelling and ancillary buildings or structures.

In effect, this permits a total of three (3) residential units: two (2) residential units in a detached, semi-detached or row house (e.g. the main dwelling unit and a basement apartment), as well as one (1) additional residential unit in an ancillary building or structure (e.g. a garage).

Additional residential units should be permitted in accordance with the Planning Act, subject to appropriate servicing and other relevant planning considerations. Official Plan policies and Zoning By-law provisions which are supportive of additional residential units were widely supported by community members in the online Community Survey.

Short-term accommodations refer to private rentals of a dwelling (e.g. house, townhouse, condominium, apartment and secondary suites) for less than 30 days (e.g. through online platforms like Airbnb).

The outcome of the online Community Survey indicated that short-term accommodations should be regulated to minimize the loss of housing supply and the impact on the neighborhood character.

Please note, typically short-term accommodations are not dealt with in the OP and ZBL but through a separate municipal by-law. Therefore, through discussions with the City, this matter will be discussed internally in more detail.

The existing Official Plan identifies certain lands along the Winnipeg River and Lake of the Woods as 'Hazard Lands'. The same wording is used to identify contaminated lands. In order, to appropriately identify these lands that are subject to flooding and/or slope hazards, it is recommended to consider designating / renaming these lands as 'Natural Hazards'.

The terminology of the Official Plan and Zoning By-law should be updated to refer to these lands as 'Natural Hazards', as the term 'Hazard Lands' can be misinterpreted as meaning contaminated lands. Consequently, the term 'Hazard Lands' should only be used to identify contaminated lands.

Updates to the natural heritage policies in the Official Plan are required to ensure consistency with the 2020 PPS and the Province's Natural Heritage Reference Manual, Second Edition (2010).

The Official Plan policies should reflect the community's desire for protection and celebration of the natural heritage features and areas. Rec 18 pertains to developing updated OP schedules with the most current mapping information available from the province.

There is need to ensure that appropriate Official Plan policies are in place to protect the City's waterfront area's unique physical and environmental character. Concerns have been expressed regarding the scale, height, and setbacks of new development and the redevelopment of waterfront properties. Furthermore, the same concerns apply to accessory buildings and the impacts on adjacent properties and on the natural environment, natural and built heritage, and visual impacts. The existing Official Plan contains general policies which should be clarified.

The establishment of waterfront development design guidelines would be a tool that could assist the City with evaluating development applications to ensure that a proposed development respects and blends into the natural environment. The guidelines would also inform the implementing Zoning By-law. The guidelines would be developed to ensure that the ecological integrity of shorelines and protection of water quality are maintained, while recognizing the importance of protecting shorelines and islands from overdevelopment and restoring shorelines to a naturalized state. The guidelines could also address boathouses in terms of establishing size, visual impact, height, lift mechanisms to clear water and ice, building materials, and water protection.

The updated Official Plan is required to address the risks associated with development near the presence of hazardous forest types for wildland fire, in order to be consistent with the PPS.

The policy directions and recommendations report also includes a proposed table of contents of the new Official Plan structure, and identified any new policy sections or schedules proposed. This table of contents and OP structure may be further development as we prepare the Draft Official Plan.

As part of the Official Plan and Zoning By-law review, an online visioning session was launched on November 19, 2020 for a period of two weeks to introduce the project and key topics for consideration in the review. A total of 258 people viewed the visioning workshop presentation, which was made available on the City's website.

Draft Official Plan to be prepared by March 31, 2021 for Ministry of Municipal Affairs and Housing review. Draft Zoning By-law to be prepared by July 16, 2021. Statutory Public Open House on Draft Official Plan and Zoning By-law to take place at the end of July 2021.

Mayor Reynard thanked Kevan, Nadia and Megan for the presentation.

Presentations:

Tracy MacPhee, Senior Director of Passenger Operations at Ontario Northland. Ontario Northland provides bus service through Kenora since May of 2020. Ontario Northland provides reliable transportation and bus parcel express. They would like to see Official Plan policies to support intercommunity passenger transportation services to connect communities in Northern Ontario with each other and to regional service centres, educational institutions and health care. Randy Nickle is on the Ontario Northland Board and is excited to have the services in our community and would like to see transportation included in our official policies.

Magdalena Angel and Jake Boutwell as representatives of Harvest Kenora. Together with a group of volunteers from numerous organizations that make up the Chickens Group (many of whom are chicken keepers) we have been researching the possibility of having backyard hens in Kenora. I personally live within city limits and would like to keep backyard hens, and Jake lives in rural Kenora and currently keeps chickens.

The Provincial Policy Statement from 2014, states that "The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages..." I am grateful for the opportunity to participate in the process of planning for the future of Kenora, as I see this as a critical process given the climate and public health context in which we find ourselves. We believe that allowing the keeping of backyard hens in Kenora is an opportunity for our city to be a leader in the food security movement and take a step towards self-sustainability. Allowing residents to keep backyard hens will support community members in becoming more resilient as it will prepare us for the negative impacts of climate change while helping us mitigate it through sustainable living. If it can work in large urban areas, it should be able to work in a more relaxed, rural atmosphere such as Kenora.

A number of municipalities in Ontario have given the green light in allowing residents to keep hens in their backyard. Kudos to Guelph, Kitchener, Brampton and Niagara Falls for example! Toronto is currently in its third year of a three year pilot in raising backyard

hens. Other cities within Canada have legalized backyard hens without issue, including Victoria, Surrey and Vancouver.

In mid-June of 2020 Harvest Kenora launched a survey to gauge the public interest in keeping backyard hens. We had 296 responses with 82.4% stating they want to keep backyard hens. The survey dives deeper into people's intentions for keeping hens and whether or not those who don't want to keep them would be Okay with their neighbors having them. Of the 296 people surveyed, just shy of 90% were okay with having one of their neighbours having chickens, and of the people who said they wouldn't be okay with it, 40% would consider changing that position if their concerns were addressed.

We suggest that regulations can be made based on best practices and precedent set by cities like Kingston and Kitchener. In addition, we would be very keen to share the information that The Chickens Group and Harvest Kenora have amalgamated on this matter, if that were to be of any assistance. Here, I will address the concerns outlined in the Official Plan Policy Directions and Recommendations Report namely odour, noise, safety, and animal well-being. Is there a smell with hens? There can be, just as with dogs or any other animals being kept in the yard, but with a small flock, a regularly cleaned hen house, and manure management the smell will be minimal. A key component to smell management is access to bedding like straw, hay, wood chips, or shavings. What about the Manure? Isn't this a health hazard? Hen feces, as with human, dog, cat, deer or any animal, may contain pathogens.

Proper management, including hand washing, is important. An average layer hen will excrete about 120 grams of feces per day. In comparison, an average dog produces about 340 grams per day (that's 220g more than a single hen). However, hens tend to defecate throughout the day in smaller amounts, so proper maintenance is needed to control odour. Limiting the number of hens to (6 to 8) will make odour easier to manage. An upside to hen feces is that it can be composted and used as a free nutrient-rich manure for growing vegetables in the garden (furthering the goal of resiliency and food security for our city). Education and materials can be provided to hen keepers to decrease the risk of mishandling hen feces. It's good to note that there is community support available through the Kenora Poultry Lovers Facebook Group. In addition, if I am able to keep hens I would be happy to disseminate information as a regular contributor of Harvest Kenora's newsletter. Currently we have 71 subscribers and I have published two articles about keeping backyard hens. What about noise, will hens violate the noise by-law?

A roosters crowing is typically what people think of when they think of chicken noises. We would propose that roosters not be permitted on non-rural urban properties. Moreover, the clucking of hens, especially in such small numbers, is not generally viewed as a noise issue because hen noises are not persistent. Hens are at their loudest for a few minutes after laying an egg, a sound which reaches at most 70 dB but typically averages around 63 dB. It's important to note, this is the noise level of an average human conversation. In comparison, a barking dog can reach 70-100 dB while a lawnmower is a persistent 90 dB (20 dB more than a hen). Noise complaints can be limited by requiring hens to lay in an indoor enclosure or coop. In addition, limiting the number of birds to (6 to 8 hens), and requiring distancing of the coop from the property line would further prevent complaints. The city of Kitchener, for example, requires the coop be 1.2m away from the rear lot line and 2.5m from neighbouring lot lines. Finally, certain quieter breeds can be endorsed to further alleviate noise concerns.

Is there an increased risk of disease from handling poultry? Most health issues associated with backyard poultry are gastrointestinal (Salmonella, Campylobacter, and E. coli) due to improper hand hygiene and poor food handling. Educational materials and training can be provided to decrease these risks. Transmission of avian influenza from wild birds to domesticated poultry is possible; however, it is far less common in settings where hens are given ample space and flock sizes are limited. Salmonella vaccinations are also available for hens; however, they may be cost prohibitive. It's worth noting that household pets can also carry disease, for example 40% of cats are infected with Cat Scratch Disease (Bartonella Henselae) which causes cat scratch fever. They also carry Crypto (Cryptosporidiosis), Giardia (Giardiasis) and Toxoplasmosis, which can all cause illness to humans. With basic and appropriate hygiene, keeping of hens should present no more hazard than other common domestic pets.

Hens benefit from small scale living, as backyard hens will generally get far more humane care than those raised in crowded "factory farms." Keeping backyard hens promotes improved animal welfare as we move away from supporting industrial battery cage producers. Industrial production is creating numerous problems, including pollution from manure, antibiotic resistance and higher risk of a more dangerous strain of bird flu. Keeping a few hens at home is one way we can each do our part to counter these systemic problems.

The Covid-19 pandemic has shown us that crisis can have un-anticipated effects. As the climate shifts, food sources that have been accessible to us may become inaccessible. Eggs are nutritious and when left unwashed, can be stored without refrigeration. Allowing backyard hens in Kenora would give families the opportunity to have greater food security, both generally and in times of crisis, increasing Kenora's ability as a whole to adapt to climate change. I believe that Kenora is a leader in the North, and allowing backyard hens would be a courageous step in showing that this city is at the forefront of progressive thinking.

John Saunders address recommendation #19 the waterfront section. Kenora is bountifully blessed with a natural attraction and managing and maintaining it is critical for drawing residents and businesses into the downtown core. Suggests lake, walkway, roadway and bikeways. Development in the downtown core should be limited with limited heights.

Lisa Moncrief under the present OP section 8.4 there is reference to site plan control for industrial and want to ensure there is nothing changed or eliminated through this process.

Dan Olsyka question about site plan control. Black Sturgeon Lake and the restricted developed areas. We have no intention to open those up to development as our policies will not pertain to all open shorelines.

2. Adjournment

Meeting adjourned at 11:59 a.m.