



AGENDA
**Special Meeting of Council
of the City of Kenora
Including a
Public Statutory Meeting
as per the requirements of the Planning Act
R.S.O 1990, c.P13, s. 34**

**Wednesday, July 26, 2023
4:00 p.m.**

City Hall Council Chambers

Live Stream Link: <https://kenora.civicweb.net/Portal/>

1. Call to Order

2. Land Acknowledgment – Councillor Chaze

3. Public Information Notices

As required under Notice By-law #160-2022, the public is advised of Council's intention to adopt the following at today's meeting:

- Amend its 2023 Operating & Capital Budget at its July 26, 2023 special meeting to reallocate funds in the amount of \$100,000.00 from newly generated recycling revenue currently being directed to the Operating Budget to the Capital Program Budget, which will offset the cost of a detailed bridge assessment of the Portage Bay bridge

4. Declaration of Pecuniary Interest and the General Nature Thereof

Any Member of Council to Declare and Pecuniary Interest and the General Nature Thereof pertaining to any items as follows:

- i) On today's agenda or from a previous meeting;
- ii) From a meeting at which a Member was not in Attendance

5. Planning Applications Being Considered:

- **File No. D09-23-02**

Amend the Official Plan

from Industrial Development Area to Residential Development Area

- **File No. D14-23-07**

Amend the Zoning By-law

from "HC" Highway Commercial Zone to "R3" Residential – Third Density Zone.

Location: 43 Rabbit Lake Road

Owner: The Estate of Mary Jane Duncan

Agent: McGowan Russell Group (Susan Russell)

Applicant Presentation(s)

- Each applicant (or representative) will present their planning application.

City Planner Report/Rationale

- City Planner to describe the details of the planning application(s).

Public Comment

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

Questions of Council

Any member of Council may ask questions of both the applicant and City Planner

6. Special Council Presentations/Deputations

- Rural Roads Report Presentation – Stantec

7. Special Items

- Official Plan Amendment D09-23-02
- Zoning Bylaw Amendment D14-23-07
- Budget Amendment – Portage Bay Bridge Study

8. By-laws

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

- Official Plan Amendment D09-23-02
- Zoning Bylaw Amendment D14—23-07
- Budget Amendment – Portage Bay Bridge Study

9. Announcements (non-action)

10. Adjourn to a Closed Session

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

- i) Disposition of Land (3 matters-dispose of municipal land, partnership of municipal land, request for municipal land)

11. Adjourn Meeting

Information on Voting by Mayor & Council under The Municipal Act, 2001

243. Except as otherwise provided, **every member** of a council shall have **one** vote;

245. Any question on which there is a **tie vote shall be deemed to be lost**, except where otherwise provided by any Act;

246. (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote;

(2) A **failure to vote** under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be **deemed to be a negative vote**.



July 21, 2023

Staff Report

File No.: D09-23-02 & D14-23-07
To: Kyle Attanasio, CAO
Fr: Janis Pochailo, Director of Planning and Building
Re: Consideration for Recommendation to Council
Location: 43 Rabbit Lake Road
Owner: The Estate of Mary Jane Duncan
Agent: McGowan Russell Group (Susan Russell)

OVERVIEW AND RECOMMENDATIONS

The Planning and Building Services Department bring forward for Council's consideration the two applications concerning the above noted property:

- **File No. D09-23-02**
Amend the Official Plan
from Industrial Development Area to Residential Development Area
- **File No. D14-23-07**
Amend the Zoning By-law
from "HC" Highway Commercial Zone to "R3" Residential – Third Density Zone.

The purpose and effect of these amendments is to enable future residential development on the subject property.

The *Planning Act* gives the City of Kenora the authority to make amendments to both its Official Plan and its Zoning By-law. Proposed amendments must be evaluated against the policies of the Official Plan and Provincial Policy Statement, with consideration given to comments received prior to or during the statutory public meeting. Any amendment to the Zoning By-law must be consistent with the Official Plan.

Both the Provincial Policy Statement and the City of Kenora Official Plan identify specific criteria which must be accounted for in the City's review of an application to change employment lands, in this case an Industrial Development Area, to a residential use. The criteria listed in Part 5 of this report were provided to the proponent and their planning rationale (Attachment 2) presents arguments in support of each criterion.

The Planning and Building Services Department conducted a similar evaluation, the results of which are outlined in Part 7 of this report. It has been determined that identified concerns, primarily noise and vibration issues resulting from proximity to TC Energy Compressor Station, and public concerns related to traffic can be addressed through Site Planning Control.

The *Planning Act*, the Provincial Policy Statement, and the City of Kenora Official Plan provide direction and requirements for community and aboriginal engagement. All requirements of the Planning Act have been met. Notice of this public meeting was circulated to property owners within 120 metres, published in the Municipal Memo of the newspaper, and circulated to persons and public bodies as legislated. In addition, the proponent hosted a public open house.

The Provincial Policy Statement requires that planning authorities engage with indigenous communities and coordinate on land use planning matters (Policy 1.2.2) and consider their interests when identifying, protecting, and managing cultural heritage and archaeological resources (Policy 2.6.5). Similarly, part 2.2.9 of the City of Kenora Official Plan states that "Kenora shall promote inclusivity of all people and backgrounds to participate and collaborate in achieving the City's vision." The stated objectives include:

- To ensure that all stakeholders and the public have appropriate and adequate opportunities to participate in planning processes.
- To recognize and respect the cultural values and heritage of First Nations and Métis populations, and to engage Grand Council Treaty 3, Rat Portage - Wauzhushk Onigum, The Dalles – Ochiichagwe'Babigo'ining, and Washagamis Bay – Obashkaandagaang, which are within and/or adjacent to the City's boundary.

Further to this end, the Planning and Building Services Department circulated the application to First Nations within proximity of the City's boundaries. When letters of objection were received from Niisaachewan Anishinaabe and Wauzhushk Onigum Nations (Attachment 6), the department met with the planning consultant engaged by the First Nations, however to date, no further meetings have been requested.

Although it is the Planning and Building Services Department's understanding that the proponent participated in a similar meeting, recent correspondence shared by Chief Lorraine Cobiness and Chief Chris Skead indicate that they were unable to find a path toward reconciliation and both Nations continue to strongly object to this project. Concerns related to cultural and traditional assets that are in the vicinity of the proposed development were referenced, but the nature and precise location of these assets remains unknown.

The *Planning Act* gives Council the authority to approve amendments to the Official Plan and Zoning By-law. However, Council must be satisfied that the proposed amendments are consistent with the policies and intent of the Official Plan and Provincial Policy Statements. As a Professional Planner and Director of Planning and Building and Building Services, I can attest that the Department has done a review of this proposal and determined it to be generally consistent with Policy 4.5.2(d) of

the Official Plan. The Department has not identified any municipal concerns that cannot be addressed through Site Planning Control. However, Council must also consider the views of the public including the First Nation Communities that have voiced their objections. Council must be satisfied that Part 2.2.9 of the Official Plan has been adhered to and that the planning process has provided appropriate and adequate opportunities for participation.

If the amendments are approved, development of this property will be subject to Site Plan Control approval, as are all developments of more than ten (10) residential units. The considerations raised in the public comments that the Planning and Building Services Department has received will be addressed during the review of that application. A Sewer and Water Capacity Study, a Traffic Impact Study, and a Noise and Vibration Study will be required to be submitted with the application for Site Plan Control.

PLANNING REPORT

1. Introduction

Applications have been received to amend the Official Plan designation of the subject property (43 Rabbit Lake Road) from Industrial Development Area to Residential Development Area and to change the zoning of the subject property from "HC" Highway Commercial Zone to "R3" Residential – Third Density Zone.



Figure 1: Aerial image indicating the location of the subject property (2022).

2. Description of Proposal

The applicant wishes to redevelop the property with what they describe as affordable multi-family residential development. The "HC" zone does not permit residential development of this nature, and therefore the agent is proposing to amend the zoning to "R3". As a zoning amendment must conform to the Official Plan, the applicant has also applied to amend the designation of the property from Industrial Area to Residential Development Area.

The agent has submitted a conceptual plan for the proposed development (Figure 2). These plans indicate plans to construct two large (87 unit and 60 unit) apartment buildings, along with ten (10) bungalow townhouses and sixty (60) two storey townhouses.

The agent has also provided a report in support of the proposed amendments that is attached as the planning rationale.

3. Existing Conditions

The property has an area of approximately 6.4 ha, with approximately 338m of frontage on Rabbit Lake Road and 147m of frontage on Mellick Avenue. It is serviced with municipal water and sewer.

The western portion of the property is relatively flat, with rocky areas in the northeastern and southeastern corners. The flat portion of the property is mostly cleared of trees and the land is naturally drained by a stream that leads from Rabbit Lake to the Winnipeg River. The property currently has a single residential dwelling and associated accessory buildings on the middle portion of the property, with access from Rabbit Lake Road. The property was previously used as a farm.



Figure 2: Site Plan submitted by applicant (original in attached planning rationale).

4. Site Visit

On March 7, 2023, the Planning and Building Services Department conducted a site visit and took the following photo.



Figure 3 – Panoramic photo of the property from Rabbit Lake Road near the Mellick Avenue intersection.

5. Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The PPS encourages redevelopment within settlement areas, and that land use patterns include a mix of land uses which efficiently use land and resources, are appropriate for and efficiently use available infrastructure, and support redevelopment (Section 1.1.3 Settlement Areas).

The PPS encourages an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents by permitting and facilitating all housing options required to meet their social, health, economic, and well-being requirements, directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available, promoting densities that efficiently use land, resources, infrastructure (Policy 1.4.3)

Lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant... or as regionally significant... subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses. (Policy 1.3.2.5)

An Employment Area is defined in the PPS as an area designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. The Commercial Development Area meets this criterion.

The PPS requires that planning authorities engage with indigenous communities and coordinate on land use planning matters (Policy 1.2.2) and consider their interests when identifying, protecting, and managing cultural heritage and archaeological resources (Policy 2.6.5).

b) City of Kenora Official Plan (2015)

The land use designation of the property is Industrial Development Area (Figure 4). Section 4.5 of the Official Plan states that this designation is intended to identify employment areas where major industry and related enterprises are encouraged to locate in Kenora. Areas to the west of this property are designated as Commercial Development Area and areas to the east are designated as Established Area.

The proposed Residential Development Area land use designation indicates areas that have been established to meet the needs of new residential development in the City to 2031 (Section 4.2). Permitted uses include all housing types, commercial, retail, and institutional uses. New plans of subdivision on fully serviced lands are encouraged, and development is to occur in a contiguous manner as a logical expansion of existing development. A range of densities of development are encouraged, as are opportunities for affordable housing and housing suitable for an aging population and persons with disabilities.

Proposals to convert Industrial Development Area to other purposes requires an amendment to the Plan, and may be permitted only through a comprehensive review, and where it has been demonstrated that the land is not required for employment purposes over the lifetime of the Plan, and that there is a need for the conversion (Policy 4.5.2(d)). A comprehensive review is to consider such matters as:

- i) A review of the population and employment growth projections and consideration of alternative directions for growth, and which direction would best accommodate the growth while protecting provincial interests;
- ii) The available supply of employment lands to accommodate a range of employment uses anticipated in the Industrial Development Area designation, as well as the identification of alternative sites that are currently designated or zoned for employment uses that could be developed through intensification and redevelopment;
- iii) The integration with existing and planned infrastructure and public service facilities;
- iv) The appropriateness of the proposed non-employment use(s) based on the land's physical and natural characteristics; and
- v) The impact of non-employment use(s) on the viability of any remaining employment lands regarding matters such as compatibility of land use, affordability for employment purposes, visibility of employment lands, maintenance of the identity of the employment area, and any other relevant matter.



Figure 4 – Official Plan Mapping

c) Zoning By-law No. 101-2015

The property is currently zoned “HC” Highway Commercial Zone (Figure 5). The HC zone allows for commercial development along major roads that serves the travelling public and often requires large land areas for development. The HC zone does not permit large scale residential development of the type proposed by the applicant, and therefore this zoning amendment is required.

The proposed “R3” Residential – Third Density Zone allows for the development of a full range of housing forms and other compatible uses serviced by municipal sewer and water.

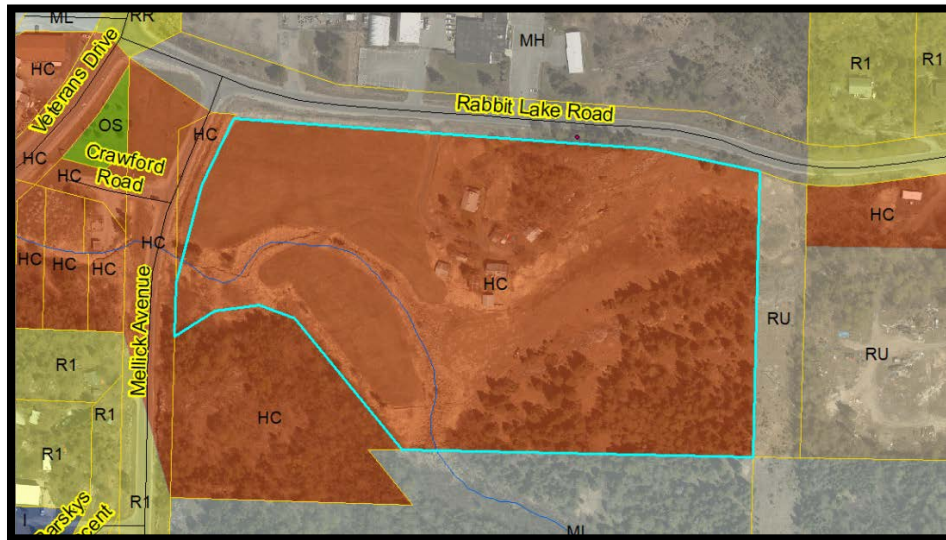


Figure 5 –Zoning By-law Mapping

d) Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on June 27th, 2023. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	No concerns
Economic Development and Tourism	Economic Development is in full support of this Official Plan and By-Law Amendment. Housing and an available workforce are key factors negatively affecting local business. This development will go a long way to reducing the material housing shortage that the City faces. As a result, local businesses will benefit from this proposed development.
Fire and Emergency Services	No concerns
Land Acquisition and Development	No concerns
Roads	No concerns
Water / Wastewater	No concerns
Hydro One	No concerns
Ministry of Natural Resources and Forestry	No known habitat or natural heritage features have been identified on this property and as such, we are not recommending additional evaluation. If any wildlife features are identified, please advise the applicant to contact our office.
Niisaachewan Anishinaabe Nation	Our initial review of the application has indicated that the proposed redesignation of subject lands is within the vicinity of traditional use assets and introduces extensive new development that is likely to have negative impacts on our credibly asserted Inherent and Treaty rights. Cultural and traditional assets identified include, but are not necessarily limited to medicine harvesting, camping, fishing, and culturally significant sites. The lack of consultation on this file before reaching this stage of approval within the City of Kenora is deeply concerning, considering the potential impacts. We are objecting to the proposed activity because of the potential impacts the proposed activity presents to our Inherent and Treaty Rights, our ability to exercise our culture and way of life, and because of our growing concerns over the cumulative impacts of unfettered development in our Territory. As Treaty #3 Nations, we are guided and bound to our sacred law, the Manito Aki Inakonigaawin, which requires consultation with our Elders and Knowledge Keepers to assess potential impacts, identify mitigation requirements, and establish ceremonial protocols. Any decision to proceed with the

	<p>proposed activity without our conditional consent will be considered a violation of our sacred laws.</p> <p>It is our expectation that the Crown provides the necessary financial resources and time for consultation. We remind the Crown of its obligations under the S.35 of the Constitution Act, 1982 to protect and respect our Inherent and Treaty rights, and the principles of free, prior, and informed consent outlined in the United Nations Declaration on the Rights of Indigenous Peoples. Considering the magnitude of this project, and the extensive cumulative impacts it presents, we insist on a meeting with the City to discuss this project in more detail. Please contact Paul Bell and myself.</p> <p>Miigwetch, Chief Lorraine Cobiness</p>
<p>Wauzhushk Onigum Nation,</p>	<p>Our initial review of the application has indicated that the proposed redesignation of subject lands is within the vicinity of traditional use assets and is likely to have negative impacts on our credibly asserted Inherent and Treaty rights. Cultural and traditional assets identified include, but are not necessarily limited to fishing, medicine harvesting, a former camp, and sacred sites. The lack of consultation on this file before reaching this stage of approval within the City of Kenora is deeply concerning, considering the potential impacts.</p> <p>We are objecting to the proposed activity because of the potential impacts the proposed activity presents to our Inherent and Treaty Rights, our ability to exercise our culture and way of life, and because of our growing concerns over the cumulative impacts of unfettered development in our Territory. Negative impacts to these sites will have irreversible consequences for our customs, traditions, and way of life. As Treaty #3 Nations, we are guided and bound to our sacred law, the <i>Manito Aki Inakonigaawin</i>, which requires consultation with our Elders and Knowledge Keepers to assess potential impacts, identify any required mitigation efforts, and establish appropriate ceremonial protocols. Any decision to proceed with the proposed without our consent will be considered a violation of our sacred laws.</p> <p>We remind the Crown of its obligations under the S.35 of the <i>Constitution Act, 1982</i> to protect and respect our Inherent and Treaty rights, and the principles of free, prior, and informed consent outlined in the United Nations Declaration on the Rights of Indigenous Peoples. It is our expectation that the Crown provides the resources necessary for consultation, which includes</p>

	<p>both financial resources, and the time necessary to complete this work.</p> <p>Considering the magnitude of this project, and the extensive cumulative impacts it presents, we insist on a meeting with the City to discuss this project in more detail. Please contact Paul Bell by email at paul.bell@narrativesinc.com or by phone at (431) 631-5219.</p> <p>Miigwetch, Chief Chris Skead,</p>
<p>TC Energy</p>	<p>TCPL operates an industrial-scale compressor station, known as "Station 49" within 750 metres of the Subject Lands.</p> <p>Increased population density associated with new development may also require TCPL to replace its pipeline to comply with CSA Code Z662. This "Class Assessment Area" includes lands within 200 metres of the pipeline. TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.</p> <p>Policy Context</p> <p>TCPL's pipelines are defined as Infrastructure in the Provincial Policy Statement (PPS), and Station 49 is considered a Major Facility. The Land Use Compatibility policies of the PPS state that Major Facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects, and to ensure the long-term operational and economic viability of Major Facilities. Where avoidance is not possible, Policy 1.2.6.2 of the PPS outlines the criteria that shall be demonstrated in order to permit an adjacent sensitive land use. It does not appear that the Planning Report addressed these criteria.</p> <p>Based on our review of the Official Plan and Zoning By-law Amendment materials, we are providing the following comments: Given the proximity to the compressor station, a Noise and Vibration Study shall be conducted by the proponent and circulated to TCPL. The study shall illustrate that sound emissions from the compressor station will be below the limits recommended by the applicable regulatory authorities and that necessary mitigation measures are in place in accordance with the required guidelines.</p>

6. Public Comments

Notice of the application was given in accordance with Sections 17 and 34 of the *Planning Act*, whereby it was circulated to property owners within 120 metres, was published in the Municipal Memo of the Newspaper, and circulated to persons and public bodies as legislated.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider a recommendation for the application to Council at the meeting on May 18th, 2023. The draft minutes and relevant resolution from that meeting are attached. The Committee has recommended approval.

As of the date of this report, two comments have been received from the public, both from individuals who identify themselves as residents of Rabbit Lake Road. One expresses support for the proposed development, noting the suitability of the site, the need for entry level housing in the community, and the proximity of the property to downtown Kenora and nearby businesses, the presence of municipal services, and the property taxes the development will generate. The other letter expresses concerns regarding the impact of additional traffic on Rabbit Lake Road and other nearby streets, encouraging consideration of SMART Growth planning principles, asking what the developer is doing to support such principles, and encouraging the developers to revise their plans. Copies of those letters are attached with identifying details redacted in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

7. Evaluation

The Provincial Policy Statement and the Official Plan give clear criteria as to what is to be considered in the re-designation of commercial area to a non-commercial use. The applicants have offered information in their planning rationale (attached) that is intended to address those criteria.

Policy 1.3.2.5 of the Provincial Policy Statement indicates that land within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant... or as regionally significant... subject to the following:

- 1. There is an identified need for the conversion and the land is not required for employment purposes over the long term.**

The City of Kenora's Strategic Plan independently recognizes a need for housing within the City. This is reinforced by comments received from the Economic Development and Tourism Department which states that housing and an available workforce are key factors negatively impacting local business. This development will go a long way to reducing the material housing shortage that the City faces. As a result, local business will benefit from this proposed development.

2. The proposed uses would not adversely affect the overall viability of the employment area.

TC Energy expressed concern indicating that a Noise and Vibration Study must be conducted by the proponent and circulated to TCPL. The study shall illustrate that sound emissions from the compressor station will be below the limits recommended by the applicable regulatory authorities and that necessary mitigation measures are in place in accordance with the required guidelines.

3. Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

The site has access to municipal services and the City's Engineering Department and consultants at LBE Group Inc have provided assurances that there is sufficient capacity in the services and the local lift station.

Proposals to convert Industrial Development Area to other purposes require an amendment to the 2015 City of Kenora Official Plan. Policy 4.5.2(d) of the Plan indicates that an amendment to the Industrial Development Area designation may only be permitted only through a comprehensive review where it has been demonstrated that the land is not required for employment purposes over the lifetime of the Plan. The Official Plan goes on to identify the following five criteria to be included in a comprehensive review:

1. A review of the population and employment growth projections and consideration of alternative directions for growth, and which direction would best accommodate the growth while protecting provincial interests.

The applicants point to the City's Vacant Lands and Growth Strategy population projections, which identify the need for 34.1-46.7ha of land for residential growth over the next twenty (20) years.

2. The available supply of employment lands to accommodate a range of employment uses anticipated in the Industrial Development Area designation, as well as the identification of alternative sites that are currently designated or zoned for employment uses that could be developed through intensification and redevelopment.

The City's Vacant Lands and Growth Strategy identifies more than enough Employment lands (primarily in the vicinity of the airport) to meet future needs.

3. The integration with existing and planned infrastructure and public service facilities.

As noted above, the City's Engineering Department and consultants at LBE Group Inc. have provided assurances that there is sufficient capacity in the services and the local lift station.

4. The appropriateness of the proposed non-employment use(s) is based on the land's physical and natural characteristics.

The land is relatively flat with minimal rock outcrops. Large areas are free of trees and the creek provides natural drainage. The applicant indicates that these features make the land suitable for cost-effective and affordable housing development. The Planning and Building Services Department was alerted by a member of the public that a waste incinerator may at one time been located on the site. Staff investigation included a review of property records and outreach to the Ministry of Environment Conservation and Parks. The Duncan family has owned the property since the early 1900s. Recent uses have been agricultural and residential and MECP has no knowledge of the site being used for any other purpose.

5. The impact of non-employment use(s) on the viability of any remaining employment lands regarding matters such as compatibility of land use, affordability for employment purposes, visibility of employment lands, maintenance of the identity of the employment area, and any other relevant matter.

As noted above, TC Energy may be considered through appropriate studies and mitigation.

I hereby certify that this report was prepared by a Registered Professional Planner, within the meaning of the *Ontario Professional Planners Institute Act, 1994*.

Janis Pochailo RPP, MCIP

July 21, 2023

Director of Planning and Building Services

Attachments

- Complete Application for Zoning By-law Amendment
- Planning Rationale
- Site Plan
- Notice of Application and Public Meeting
- Draft Minutes of the July 18th, 2023 meeting of the Planning Advisory Committee
- Planning Advisory Committee Resolution

DUNCAN FARM RESIDENCES

DRAFT REPORT IN SUPPORT FOR CONVERTING
INDUSTRIAL DEVELOPMENT AREA TO RESIDENTIAL AREA



PREPARED BY:

EDGE CORP GROUP
MCGOWAN RUSSELL GROUP

DUNCAN FARM DRAFT REPORT IN SUPPORT FOR CONVERTING INDUSTRIAL DEVELOPMENT AREA TO RESIDENTIAL DEVELOPMENT AREA

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Duncan Farm

Draft Report in Support for Converting Industrial Development Area to Residential Development Area

1.0 Purpose of Report

Duncan Farm (43 Rabbit Lake Road) has been identified by EdgeCorp Group as an ideal affordable multi-family residential development site that responds to current Provincial and City of Kenora priorities for more affordable and diverse housing choices. The majority of the land is relatively flat with minimal rock outcrops, natural land drainage, large areas clear of trees and access to all municipal services. These factors combine to provide the unique opportunity for a mixed density (townhomes and apartment style), mixed tenure (ownership and rental) affordable residential development site that is development ready with little to no rock blasting and clearing of trees.

EdgeCorp Group respectfully requests that the 14.57-acre existing Duncan farm site be converted from Industrial Development Area to Residential Development Area. The following comprehensive report provides the rationale for transitioning from Industrial Development Area to the more suitable Residential Development Area designation. In accordance with Official Plan Policy 4.52(d) the following will be considered in Section 5.0 of this report.

1. Population and Employment Growth Projections Supporting Conversion
2. Available Supply of Employment Lands
3. Existing and Planned Infrastructure and Public Service Facilities
4. Appropriateness of the proposed Residential Development based on the land's physical and natural characteristics.
5. Impact of Residential Development on the Viability of Remaining Employment Lands

We will start with a review of the Site and Land Use/Zoning Context, the Regulatory Planning Framework supporting the conversion and the Proposed Affordable Multi-family Residential Development Plan.

2.0 The Site and Land Use/Zoning Context

The site is currently zoned Highway Commercial (HC), and the land use is a single-family home and abandoned farm buildings. West of the site is Garrow Park (OS), single family homes zoned R1 and the Rabbit Lake Water Station and vacant land zoned HC. East of the site is a Hydro corridor and a Contracting business zoned RU Rural and HC Highway Commercial. Southwest of the site is single-family zoned R1 - Residential First Density Zone, and south and southeast is heavily treed vacant land zoned ML – Light Industrial. North of the site is the Hydro One station zoned MH – Heavy Industrial. Refer to Figure 1: Land Use/Zoning Context Plan Included in Appendix A.

3.0 Regulatory Planning Framework

3.1 City of Kenora

Providing affordable housing in a community generates several benefits including establishing a foundation for servicing employment and giving a boost to economic competitiveness.

The City of Kenora has twelve (12) reports that speak to the need for housing since 2014. Seven (7) of these reports are summarized below.

3.1.1 Affordable Housing (2014) prepared by Kenora Economic Development Department

Identifies the need for adequate and affordable housing particularly for seniors and young people entering the housing market. It includes policies that permit a greater density of housing types across neighbourhoods to provide housing options to meet Kenora Residents affordable housing needs.

Measures to increase the supply of affordable shelter for residents include permitting a greater diversity of housing types across neighbourhoods and cooperating and collaborating with housing providers. The report compares current housing production to the existing demand and notes shortages that would translate to a shortfall of approximately 200 housing units to 2023.

3.1.2 Strategic Plan (2017)

Identifies nine (9) Strategic Priorities including Priority 3 Enable Affordable Housing. This strategy addresses the provision of affordable and diverse housing choices and includes multiple objectives to encourage housing development including:

2.5 The City will encourage new housing partnerships leveraging the skills and expertise of public sector, private sector, and community-based agencies within Kenora and beyond.

2.6 The City will support the development of a diverse range of housing types with an emphasis on affordable housing options for families, seniors, and individuals in need of transitional and emergency housing.

2.7 The City will encourage and support the development of vacant and transitional lands for uses that support our vision.

Affordable Housing is also essential to the fulfillment of many of the other strategic priorities identified in the Plan:

Priority 1. Diversify the Economy and Grow the Industrial Base

Priority 4. Recruit, Develop and Retain Talented City Staff

Priority 7. Expand Tourism

3.1.3 Status of Housing Report (2018)

There were three main findings that support the proposed development of Duncan Farms as affordable multi-family residential.

1. Lack of Multi-Family choices creates challenges for those with low to moderate incomes (prevalence of one parent households and aging demographics)
2. Existing housing stock is aging resulting in higher energy costs and repairs.
3. High rental rates, high housing prices, long waiting lists create risk for homelessness.

3.1.4 Kenora Vacant Lands and Growth Strategy-Population and Employment Projections (2020)

This memorandum estimates that “Kenora will need to develop an additional 456 (low) to 623 (high) dwellings to accommodate projected growth in the community” (p.3). The memorandum recognizes that “Kenora currently has an existing housing shortage for market, affordable and social housing not included in the number of dwellings required to meet further demand” (p.3). The summary of the report indicates that Kenora’s largest land need in the future is for residential development. The memorandum projects that Kenora will “require between 34.1 ha (81.2 acres) and 46.7 ha (115.3 acres) of residential land to meet future needs over the next 20 years and this does not include lands required to address the immediate housing shortage noted by City staff’ (p.5)

The Kenora Vacant Lands and Growth Strategy also reviews employment growth projections and concluded the following on p.5:

- “Industrial and service commercial employment lands are not likely to be in high demand.”
- “But regional mining and resource development activities could reverse this trend in the future. Kenora’s surplus lands, particularly larger sites on the fringe with direct or secondary access to highways, should be prioritized for such uses.”
- “Between the Abitibi and airport industrial lands, there may be an existing surplus of such industrial and service commercial lands at this point in time.”

3.1.5 2021 Five Year Tourism and Economic Development Strategy

The Tourism and Economic Development Strategy, accepted by Council in 2021, provides Kenora with a comprehensive strategy to guide municipal efforts in growing and diversifying Kenora’s local economy for the next five years and beyond as resources become available.

Initial engagement of the local business community was conducted from August to September 2020. Lack of housing was cited by responding businesses as one of the most significant challenges in retaining staff.

Developing and investing in strategic infrastructure to support economic and tourism growth is one of the primary objectives of the plan. Facilitating housing growth is one of the tactics identified within the strategy and includes five activities to support implementation of this priority.

3.1.6 2022-2027 – City of Kenora Strategic Plan – Charting Our Course

Through community and stakeholder engagement, it was identified that the City of Kenora needs to prioritize promoting and encouraging housing development.

In particular, for the Tourism, Economic Growth and Development Focus Area, the strategy includes the goal to:

- 2.1 Facilitate opportunities for more and diverse housing development across the housing spectrum.

3.1.7 2023 – Kenora District Services Board (KDSB) Regional Housing Strategy

The KDSB Regional Housing Strategy looks in depth at the existing housing situation in the region, including demographic analysis, housing market, needs, and demand studies, relevant existing policies and programs, and proposes an action plan for each municipality on how to support housing needs in each of the communities.

From this strategy:

- It is projected that there will be demand for 344 to 1,351 additional housing units in the City of Kenora from 2021 to 2041.
- 41.6% of tenant households in the City spend over 30% of their income on shelter costs for rental units.
- Identified solutions include:
 - 2.1.1 Prioritize infill development and densification within existing neighbourhoods in the City of Kenora, maximizing the utilization of existing infrastructure, servicing, and access to amenities. Infill development can include greenfield and brownfield development, in addition to the redevelopment or repurposing of existing buildings (such as vacant hotels or commercial spaces) into housing.
 - 5.1.2 Partner with local economy and industry leaders within the City of Kenora to ensure housing for increased worker demand is available and developed, to prevent loss of existing housing stock for residents.

3.2 Provincial

3.2.1 More Homes More Choice, Ontario’s Housing Supply Action Plan (2019)

The goal of the Action Plan is to increase the mix and supply of housing and to streamline the development approvals process.

- “Cut red tape. Reduce Official Plan approval timelines to cut red tape and help build housing faster” (p.12)
- “Need more housing to own and rent to bring the market back to balance” (p.14)
- “15-year supply of lands designated and available for residential development” (p.16)
 - “3-year supply of lands zoned and in draft approved and registered plans”
 - “Provide for an appropriate range and mix of housing options and densities to meet projected market base and affordable housing needs.”
 - “Direct new housing towards locations where appropriate levels of infrastructure and public service facilities are available.”

3.2.2 Provincial Policy Statement (2020)

Provides greater detail on the range of housing types and living arrangements that should be used to facilitate residential intensifications.

- “Planning authorities are encouraged to permit and facilitate a range of housing options including new developments, as well as residential intensification, to respond to current and future needs” (Part IV)
- “Planning authorities are required to provide adequate land for a 25-year planning horizon” (Policy 1.1.2)

4.0 Duncan Farms Affordable Multi-Family Residential Development Plan

4.1 Vision

Duncan Farm’s Residential Development will be a pedestrian oriented residential community providing two storey townhomes, bungalow townhomes and apartment style homes, for purchase and rent, and landscaped buffers and park/greenspace that will complement adjacent industrial and highway commercial uses.

Existing industrial and commercial development will be supported and protected from potential land use conflict with the proposed residential development by:

1. Providing much needed affordable housing for employees of industrial and highway commercial businesses.
2. Providing adequate buffers and screening
3. Ensuring all homes are climate controlled (windows can remain closed) and are constructed with glazing and walls to meet multi-family residential noise attenuation rating standards.

4.2 Conceptual Development Plan

The Conceptual Duncan Farms Residential Development Plan, Figure 2 included in Appendix A, was generated to reflect the above stated vision.

The Preliminary Conceptual Development Plan includes.

1. 147 Apartments Style Dwelling Units in two 4 story buildings with ground floor enclosed parking and surface parking to meet the Zoning Bylaw requirements.
2. 12 Bungalow Townhomes each with double car garage and full driveway.
3. 60 Two Storey Townhomes each with double car garage and full driveway
4. Visitor and accessible parking to meeting zoning bylaw.
5. Tree-lined private road
6. Street Edge Landscape Buffer (Mellick Ave. and Rabbit Lake Rd.)
7. Preservation of significant approx. 4.3-acre forested area as Public Greenspace.
8. Retention and naturalization (grass & trees) of existing drainage/creek

The Conceptual Development Plan will be refined based on comments received from the City of Kenora and the Public Engagement integral to the planning process moving forward.

5.0 Official Plan Required Considerations

5.1 Population and Employment Growth Projection Supporting Conversation

As stated in section 3.0 the Kenora Vacant Lands and Growth Strategy – Population and Employment Projections Memorandum (2020) clearly states on page 5 of the Memorandum:

1. Regarding population projections and the need for Residential lands “Kenora currently has an existing housing shortage for market, affordable and social housing” (p.44) The memorandum projects that Kenora will “require between 34.1 ha (81.2 acres) and 46.7 ha (115.3 acres) of residential demand to meet future needs over the next 20 years and this does not include lands required to address the immediate housing shortage noted by City staff’ (p.5).
2. Regarding employment growth projections and the lack of demand for Industrial and service commercial employment lands
 - “Industrial and service commercial employment lands are not likely to be in high demand.”
 - “Between the Abitibi and airport industrial lands, there may be an existing surplus of such industrial and service commercial lands at this point in time.”

5.2 Available Supply of Employment Lands

As stated in Section 3.0 and again in Section 5.1 of this report Kenora has more Employment Lands than will be required to meet a 20-year demand. The Vacant Land Analysis undertaken by The City of Kenora in December 2020 concluded that the available City owned vacant lands are more than sufficient to accommodate projected employment growth to the year 2039. It was estimated that only 33% of the estimated vacant land available would be required to meet the lowest density of the City’s future development needs to 2039.

Of the 170 Acres of vacant City land, identified in the Vacant Land Analysis, only 31.3 ha (77.34 acres) are needed for employment land growth to 2039. With the estimated need for 34 ha (84 acres) for housing, the City still has a surplus of 105 ha (259.46 acres) of vacant City land.

Figure 3 Employment Lands Context, included in Appendix A, shows there are 2965 acres of Industrial lands and Duncan Farms represents only 0.55% of that total.

5.3 Existing and Planned Infrastructure and Public Service Facilities

The City of Kenora Engineering Department confirmed that there are adequate services for the proposed development directly in front of the property (sewer and water). This is illustrated in Figure 4 Duncan Farm Existing Site Servicing provided by the Engineering Department, included in Appendix A.

LBE Group Inc. (a local engineering firm) confirmed that the lift station had just been upgraded/rebuilt and is more than adequate to serve the proposed new development.

5.4 Appropriateness of the Proposed Residential Development based on the land's physical and natural characteristics.

The Duncan farm property is an ideal residential development site without the constraints of most existing vacant land that result in prohibitive servicing and rock blasting costs, not to mention the environmental impact of significant tree clearing.

The land has the characteristics essential to provide for a cost-efficient development site required for affordable housing.

- Relatively flat
- Minimal rock outcrops
- Natural land drainage
- Large areas clear of trees.
- Access to all municipal servicing
- Mature trees and natural/forested area to be retained as public open space.

The Duncan Farm site provides a unique opportunity for an affordable residential development offering a variety of housing choices that is development ready with little to no rock blasting and clearing of trees.

5.5 Impact of Residential Development on the Viability of Remaining Employment Lands

The proposed residential development will have a positive impact on existing employment land and adjacent employment land users:

1. Duncan Farms would provide the much-needed affordable housing for the employees of the industrial businesses.
2. Long term vacant industrial land has a negative impact on adjacent industrial land, reducing land value. Removing this vacant industrial land should improve the market value of remaining industrial land within the area.



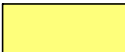




Any perceived potential concern regarding industrial noise complaints will be address proactively by all homes being climate controlled (windows can remain closed) and being constructed with glazing and walls to meet multifamily residential sound attenuation rating standards.

Appendix A

Figures 1-4



ZONING DESIGNATION LEGEND

 HC - HIGHWAY COMMERCIAL	 MH - HEAVY INDUSTRIAL
 R1 - RESIDENTIAL FIRST DENSITY	 OS - OPEN SPACE
 RU - RURAL	 I - INSTITUTIONAL
 ML - LIGHT INDUSTRIAL	

DUNCAN FARM RESIDENCES

LAND USE AND ZONING CONTEXT PLAN

JUNE 12, 2023

SCALE 1:3000

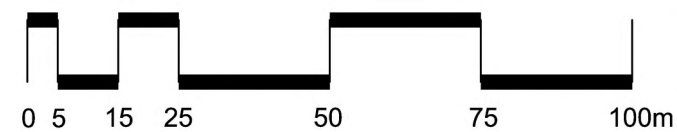


FIGURE 1



**RESIDENTIAL R3 ZONING
REQUIRED PARKING**

	REQUIRED	PROVIDED
APARTMENT DWELLING (147 UNITS)	221 STALLS	221 STALLS
BUNGALOW TOWNHOUSE (10 UNITS)	15 STALLS	30 STALLS
TWO STOREY TOWNHOUSE (60 UNITS)	90 STALLS	120 STALLS
VISITOR PARKING (0.2/UNIT)	43 STALLS	64 STALLS
TOTAL PARKING	369 STALLS	435 STALLS
ACCESSIBLE STALLS	10 STALLS	10 STALLS



DUNCAN FARM RESIDENCES

CONCEPTUAL DEVELOPMENT PLAN

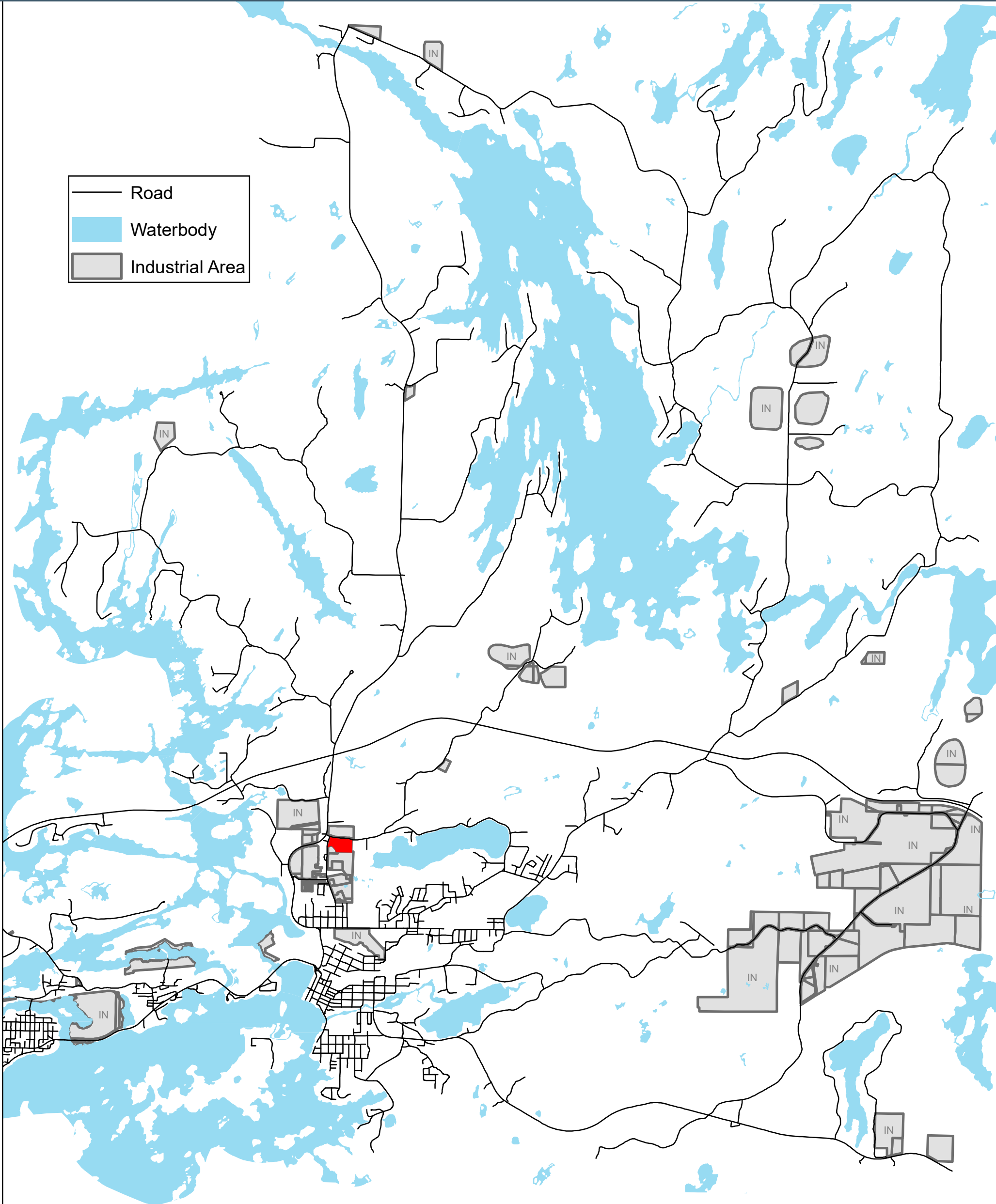
JUNE 1, 2023

SCALE 1:1250



NORTH

Employment Lands Context



Area of Industrial Areas: 1201 ha/2965 acres
Duncan Farms Area: 15 acres or .55% of Total



DUNCAN FARM RESIDENCES
EXISTING SITE SERVICES

FIGURE 4



PROPOSED STRUCTURES

	Apartment A	Apartment B	Bungalow Townhouse (6 Units/ Bldg)	Two Storey Townhouse (6 Units/ Bldg)
Ground Floor Area	2954 sm	1280 sm	957.22 sm Per Bldg	517.48 sm Per Bldg
Total Gross Floor Area	17,724 sm	5120 sm	957.22 sm Per Bldg	1034.96 Per Bldg
Number of Storeys	4	4	1	2
Length	±106.34 m	±77.88 m	±58.51 m	±42.98
Width	±20.24 m	±20.25	±16.36 m	±12.04
Height	14.63 m	14.63 m	3.65 m	9.75 m
Date Constructed	N/A	N/A	N/A	N/A
Lot Coverage (%)	5%	2.10%	3.2% (For 2 Bldgs)	8.7% (For 10 Bldgs)
Floor Area Ratio	0.300	0.086	0.032 (For 2 Bldgs)	0.087 (For 10 Bldgs)

TOTAL SITE AREA: ±58, 987.79 SQUARE METERS

RESIDENTIAL R3 ZONING REQUIRED PARKING

	REQUIRED	PROVIDED
APARTMENT DWELLING (147 UNITS)	221 STALLS	221 STALLS
BUNGALOW TOWNHOUSE (12 UNITS)	18 STALLS	30 STALLS
TWO STOREY TOWNHOUSE (60 UNITS)	90 STALLS	120 STALLS
VISITOR PARKING (0.2/UNIT)	43 STALLS	64 STALLS
TOTAL PARKING	372 STALLS	435 STALLS

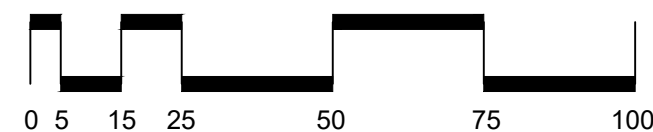
ACCESSIBLE STALLS 10 STALLS 10 STALLS

DUNCAN FARM RESIDENCES

CONCEPTUAL DEVELOPMENT PLAN

JUNE 16, 2023

SCALE 1:1250



NORTH



**The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for
Official Plan Amendment, File Number D09-23-02
Zoning By-law Amendment, File Number D14-23-07**

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting pursuant to the requirements of Sections 17 and 34 of the Planning Act, R.S.O. 1990, as amended, to consider an Official Plan Amendment and a Zoning By-law Amendment submitted by EdgeCorp Group, as it pertains to the City of Kenora Official Plan, Council Adoption May 19, 2015, Ministerial Approval November 5, 2015 (By-law No. 75-2015), and a Zoning By-law Amendment as it pertains to the City of Kenora Zoning By-law, Council Adoption December 15, 2015 (By-law No. 101-2015), as amended, at the following time and location:

**Statutory
Public Meeting**

When: Wednesday, July 26th, 2023 at 4:00 noon.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application at a special meeting of Council immediately following the Statutory Public Meeting.

You are also invited to attend The Kenora Planning Advisory Committee (PAC), who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Open House

When: Tuesday, July 18th, 2023 at 6:00 p.m.
Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at planning@kenora.ca.

Aerial image of subject property, City of Kenora GIS (2022)



Be Advised that the Corporation of the City of Kenora considered the Applications for Amendment to the Official Plan and Amendment to the Zoning By-law to be complete on June 22nd, 2023.

Location of Property: 43 Rabbit Lake Road, Kenora, ON, as identified in light blue in the key map above.

Purpose and Effect:

The purpose and effect of the Official Plan Amendment is to redesignate the subject lands from Industrial Area to Residential Development Area, to enable the corresponding zoning amendment.

The purpose and effect of the Zoning By-law Amendment is to rezone the subject lands from “MH” Heavy Industrial Zone to “R3” Residential – Third Density Zone, to enable future residential development of the subject property..

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the PAC Virtual Meeting Statutory Public Meeting may submit such comments in writing no later than Friday, July 14th, 2023, by email, to planning@kenora.ca, or by regular mail to the address listed below, quoting File Numbers: **D09-23-02** and/or **D14-23-07**.

Mr. Alberic Marginet, Associate Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the PAC Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, July 14th, 2023 and quote File Number: **D09-23-02** and/or **D14-23-07**. To register by phone please call: 807-467-2152.
- c. **Register to Speak at the Statutory Public Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, July 21st, 2023 and quote File Numbers: **D09-23-02** and/or **D14-23-07**. To register by phone please call: 807-467-2152.

Failure To Make Oral Or Written Submission: If a 'specified person' or 'public body', as defined in S. 1(1) of *the Planning Act*, does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law amendment is passed:

- a. the specified person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Ontario Land Tribunal.
- b. the specified person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this Zoning By-Law Amendment may be made by a 'specified person' or 'public body' not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for zoning by-law amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Alberic Marginet, Associate Planner, if you require more information: Tel: 807-467-2152 or Email: planning@kenora.ca. *Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.*

Dated at the City of Kenora this 27th of June, 2023

Re: File Numbers D09-23-02 and D14-23-07- Duncan's Farm

I apologize for the lateness of our comments on the above files pertaining to an Official Plan Amendment and Zoning Bylaw Amendment at 43 Rabbit Lake Road, Kenora. However, I expect our comments, even though outside the July 14th closure date, are still eligible to be part of the public record for these files.

The Official Plan amendment, if approved, will redesignate the subject property from "Industrial Area" to "Residential Development Area" and the Zoning bylaw amendment will rezone the subject lands from M1, "Heavy Industrial" to R3, "Residential- Third Density". Both will enable future residential development and infrastructure on the property. For the property, the developer has indicated that he wishes to construct and operate some 200 residential units consisting of apartments, townhouses and bungalows both of rental and condo style at market value costs, hopefully at entry level purchase prices.

We own and reside at 131 Rabbit Lake Road, 370 meters east of the subject property and we support these applications with one caveat. Our reasons for doing so are as follows:

1. Although the property was originally operated as a viable farm with chickens, horses and cattle, the owners aged and subsequently, operations were reduced to the production of hay. Buildings including barns, sheds and residence have been abandoned for a number of years and are likely no longer useable. The property is therefore amenable to conversion to residential use
2. At entry level purchase and rental prices, the proposed living units will be more attractive to professional and salaried individuals and will hopefully open up more housing opportunities for people who wish to live and work in Kenora.
3. The property is within a long walking distance to downtown Kenora and although there are no adjacent sidewalks or public transportation routes, installation of walking amenities in the area would increase the attractiveness of the Rabbit Lake area, which is a prevalent walking and biking area of the community.
4. There is a lively restaurant and general store-butcher shop within easy walking distance to the east.
5. The creek which drains Rabbit Lake runs through the property and allows the developer to improve the creek (residential) shoreline and

for the City to more adequately manage the dam at the creek headwater, thereby reducing the risk of flood waters and subsequent environmental damages downstream of the lake. The dam was installed by Jaffray-Melick in 1985 to control lake outflows which, on occasion, had damaged downstream properties. It had been managed to some extent by the city up to 2021 but recently had essentially been abandoned by the city.

6. The property is serviced by municipal water supply and sewage collection systems. The addition of some 200 units will provide additional operating finances to the city through water and sewer payments, probably totaling in the order of some \$25,000 per month.
7. The residential tax base in the city, at an average annual tax rate of say \$3000 per unit, would increase by about \$600,000 per year.

We believe the above are all supportive of the applications. However, the one caveat which residents might be concerned about would pertain to sale of the rezoned property should the development not proceed as designed and envisioned. In that case, both the city and the nearby homeowners would be restricted in having any input into what a new owner might wish to do with the property.

Thank you for your attention to this matter. If you have any questions, feel free to contact us.

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

Kenora, ON

July 10, 2023

Mr. A. Marginet, Associate Planner
60 fourteenth St North, 2nd Floor
Kenora, ON
P9N 3X2

RE: Rezoning of property located at 43 Rabbit Lake RD
File Number D09-23-02 and D14-23-07

Dear Sir,

In the consideration of re zoning this area for a significant housing development , the city must consider the following items BEFORE granting a full carte blanche on this proposal

Before any consideration for changing an existing environment , a full impact study should be completed on the environmental , traffic flows surrounding the development, pedestrian safety and overall community health and wellness strategies.

Currently, Rabbit Lake Rd is in a sad state of disrepair with numerous potholes and undulations that make driving this road a challenge . There are no sidewalks or street lamps on the north side of Rabbit Lake Rd that makes it a hazardous experience for cyclists, pedestrians and drivers . The speed limit is often disregarded and no crosswalk exists at the Rabbit Lake Trailer park where children often cross without parent supervision. The property owners on the northside of Rabbit Lake have put significant investments in to their properties . If the traffic flow is increases to accommodate increased numbers of cars driving Rabbit Lake to take their children to school and access Airport Rd or Valley drive this will make those residences less attractive to potential buyers in the future if not addressed. One solution to be considered would be to make the existing north side of Rabbit Like Rd a foot/ bike path only with a new access road built behind the properties as originally suggested 40 + yrs ago.

The same is true of Barsky's Hill and the D2 route . These would be the major roads that would see increased vehicle, cycle and foot traffic but have no sidewalks/ bike lanes or street lamps.

Has there been a recent traffic survey for these major through fares ? How will the single lane round about?handle increase flow? How is everyone going to get out of these new and existing communities to the downtown and beyond?

SMART Growth planning principles are the current guidelines for the of designing and executing new developments that are going to take housing into the new era of urban growth. The principles that should be included :

- Creating a range of housing opportunities such as affordable single family dwellings, condo units for single and retiring adults and rentals units that also preserves open spaces and protects environmentally delicate areas such as Rabbit Lake and the trail system that surrounds it.
- Provide a variety of active transportation choices including safe bike lanes , walking trails and public transit. Can residents in our communities safely walk or ride or take public transit to their schools , city centre , existing city services and employment ?
- Ensure that new green initiatives for new housing be incorporated into new developments that work to lower heating costs, reduce the effects of green house emissions and provide active solutions to waste management and recycling .
- Ensure that the existing infrastructures for water / sewer / hydro can be upgrade to support the growth of new developments without burdening existing tax payers toucher those costs .
- Ensure that the local social service infrastructures can provide all of the services that new local residents require such as schools / recreation activities and timely access to a health care provider / hospital and other social services.

What is the developer proposing to provide to support these principles?

In this proposal, there is a significant number of units densely situated on this property but does not include sidewalks /bike paths/ green spaces /playgrounds or recreation areas / common gardens/ collective composting and recycling areas . Will the developer be required to ensure replanting of trees occurs post completion of the projects?

How will the developer be including new GREEN Energy Initiatives such as improved insulation/ high grade windows and doors/ in floor heating /roof top gardens recharging stations for EV cars/ solar panels. How will the developer be contributing to the upgrades required to existing infra structures to support this community

There is an old saying : Just because you can doesn't mean you should!

The city should not be granting the go ahead without considering what it is that we as a community really want and not just allow developers to slap up sub standard housing in crowded and and poorly planned sites just for the sake of getting more housing in our area.

Please take the time to review just how many rentals, condos and single family dwellings does the city really need and how can we ensure that we have nicely designed communities with many amenities that make people want to choose Kenora as their home.

Now is the time for the city to put thoughtful planning concepts in the forefront and require developers to provide list of MUST HAVES to create an attractive, affordable community that offers innovative solutions to rising collective costs that make owning or renting in Kenora more affordable and desirable.

Thank you for including our comments and thoughts at the Planning Advisory committee meeting to take these principles into account and requiring the developer to come back with MORE thoughtful plan before allowing rezoning of this area.

Sincerely,

Personal information including mailing addresses and phone numbers have been concealed by the City of Kenora in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, c. M. 56



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

Authorized commenting Agency for



July 10, 2023

Alberic Marginet, MScPl
Associate Planner

City of Kenora
60 Fourteenth Street, 2nd Fl.
Kenora, ON P9N 4M9

Via email: amarginet@kenora.ca

Dear Alberic Marginet:

**RE: Official Plan Amendment & Zoning By-law Amendment
43 Rabbit Lake Road, City of Kenora**

EdgeCorp Group
Municipal Files: D09-23-02 & D14-23-07
MHBC File: PAR 50213

MacNaughton Hermsen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to notification of Official Plan Amendment and Zoning By-law Amendment applications to facilitate the development of an affordable multi-family residential development on the lands located at 43 Rabbit Lake Road in the City of Kenora (the "Subject Lands"). TCPL operates an industrial-scale compressor station, known as "Station 49" within 750 metres of the Subject Lands.

Increased population density associated with new development may also require TCPL to replace its pipeline to comply with CSA Code Z662. This "Class Assessment Area" includes lands within 200 metres of the pipeline.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

Policy Context

TCPL's pipelines are defined as Infrastructure in the Provincial Policy Statement (PPS), and Station 49 is considered a Major Facility. The Land Use Compatibility policies of the PPS state that Major Facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects, and to ensure the long-term operational and economic viability of Major Facilities. Where avoidance is not possible, Policy 1.2.6.2 of the PPS outlines the criteria that shall be demonstrated in order to permit an adjacent sensitive land use. It does not appear that the Planning Report addressed these criteria.

Based on our review of the Official Plan and Zoning By-law Amendment materials, we are providing the following comments:

1. Give the proximity to the compressor station, a Noise and Vibration Study shall be conducted by the proponent and circulated to TCPL. The study shall illustrate that sound emissions from the compressor station will be below the limits recommended by the applicable regulatory authorities and that necessary mitigation measures are in place in accordance with the required guidelines.

Thank you for the opportunity to comment. Please continue to circulate TCEnergy@mhbcplan.com for this proposed development. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MHBC

A handwritten signature in black ink that reads "K. Webber". The signature is written in a cursive, flowing style.

Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited



NIISAACHEWAN ANISHINAABE NATION

22 Band Office Road, Dalles, Ontario P9N 0J2
Phone: (807) 548-5876 | Fax: (807) 548-2337 | Toll Free: (888) 767-4960

Web: <https://www.niisaachewan.ca> | Email: info@niisaachewan.ca

TO: City of Kenora
60 Fourteenth Street N., 2nd Fl.
Kenora, ON P9N 4M9
ksumner@kenora.ca

Attention: Kevan Sumner

July 11th, 2023

RE: City of Kenora Official Plan and Zoning By-law Amendments D09-23-02 & D14-23-07

To Kevan Sumnar,

On behalf of Niisaachewan Anishinaabe Nation, we are contacting you regarding Application for Official Amendment D09-23-02 and Application for Amendment to the Zoning By-law D14-23-07. Our initial review of the application has indicated that the proposed redesignation of subject lands is within the vicinity of traditional use assets and introduces extensive new development that is likely to have negative impacts on our credibly asserted Inherent and Treaty rights. Cultural and traditional assets identified include, but are not necessarily limited to medicine harvesting, camping, fishing, and culturally significant sites. The lack of consultation on this file before reaching this stage of approval within the City of Kenora is deeply concerning, considering the potential impacts.

We are objecting to the proposed activity because of the potential impacts the proposed activity presents to our Inherent and Treaty Rights, our ability to exercise our culture and way of life, and because of our growing concerns over the cumulative impacts of unfettered development in our Territory. As Treaty #3 Nations, we are guided and bound to our sacred law, the *Manito Aki Inakonigaawin*, which requires consultation with our Elders and Knowledge Keepers to assess potential impacts, identify mitigation requirements, and establish ceremonial protocols. Any decision to proceed with the proposed activity without our conditional consent will be considered a violation of our sacred laws.

It is our expectation that the Crown provides the necessary financial resources and time for consultation. We remind the Crown of its obligations under the S.35 of the *Constitution Act, 1982* to protect and respect our Inherent and Treaty rights, and the principles of free, prior, and informed consent outlined in the United Nations Declaration on the Rights of Indigenous Peoples.

Considering the magnitude of this project, and the extensive cumulative impacts it presents, we insist on a meeting with the City to discuss this project in more detail. Please contact Paul Bell by email at paul.bell@narrativesinc.com or by phone at (431) 631-5219, and myself at chief@niisaachewan.ca or by phone at (807) 548-5876 ext. 1002.

Miigwetch,

Chief Lorraine Cobiness, Niisaachewan Anishinaabe Nation



NIISAACHEWAN ANISHINAABE NATION

22 Band Office Road, Dalles, Ontario P9N 0J2

Phone: (807) 548-5876 | Fax: (807) 548-2337 | Toll Free: (888) 767-4960

Web: <https://www.niisaachewan.ca> | Email: info@niisaachewan.ca

CC:

Ogichidaa Francis Kavanaugh, GCT3
Lucas King, Director, Territorial Planning Unit, GCT3
Alberic Marginet, Associate Planner
Heather Pihulak, Clerk of the City of Kenora
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Ryan Amato, Chief of Staff, MMAH
Leanne Esarik, MMAH



Wauzhushk Onigum Nation

(Rat Portage NO.38 B)



PO Box 1850, Kenora, Ontario P9N 3X8 Phone (807) 548-5663 Fax (807) 548-4877

Kevan Sumner
City of Kenora
60 Fourteenth Street N., 2nd Fl.
Kenora, ON P9N 4M9
ksumner@kenora.ca

July 17th, 2023

Re: City of Kenora Official Plan and Zoning By-law Amendments D09-23-02 & D14-23-07

To Kevan Sumnar,

On behalf of Wauzhushk Onigum Nation, we are contacting you regarding Application for Official Amendment D09-23-02 and Application for Amendment to the Zoning By-law D14-23-07. Our initial review of the application has indicated that the proposed redesignation of subject lands is within the vicinity of traditional use assets and is likely to have negative impacts on our credibly asserted Inherent and Treaty rights. Cultural and traditional assets identified include, but are not necessarily limited to fishing, medicine harvesting, a former camp, and sacred sites. The lack of consultation on this file before reaching this stage of approval within the City of Kenora is deeply concerning, considering the potential impacts.

We are objecting to the proposed activity because of the potential impacts the proposed activity presents to our Inherent and Treaty Rights, our ability to exercise our culture and way of life, and because of our growing concerns over the cumulative impacts of unfettered development in our Territory. Negative impacts to these sites will have irreversible consequences for our customs, traditions, and way of life. As Treaty #3 Nations, we are guided and bound to our sacred law, the *Manito Aki Inakonigaawin*, which requires consultation with our Elders and Knowledge Keepers to assess potential impacts, identify any required mitigation efforts, and establish appropriate ceremonial protocols. Any decision to proceed with the proposed without our consent will be considered a violation of our sacred laws.

We remind the Crown of its obligations under the S.35 of the *Constitution Act, 1982* to protect and respect our Inherent and Treaty rights, and the principles of free, prior, and informed consent outlined in the United Nations Declaration on the Rights of Indigenous Peoples. It is our expectation that the Crown provides the resources necessary for consultation, which includes both financial resources, and the time necessary to complete this work.

Considering the magnitude of this project, and the extensive cumulative impacts it presents, we insist on a meeting with the City to discuss this project in more detail. Please contact Paul Bell by email at paul.bell@narrativesinc.com or by phone at (431) 631-5219.

Miigwetch,

Chief Chris Skead, Wauzhushk Onigum Nation



Centre of Tradition





Wauzhushk Onigum Nation

(Rat Portage NO.38 B)



PO Box 1850, Kenora, Ontario P9N 3X8 Phone (807) 548-5663 Fax (807) 548-4877

Cc: Ed Skeid, Councillor, Wauzhushk Onigum Nation
Ogichidaa Francis Kavanaugh, GCT3
Lucas King, Director, Territorial Planning Unit, GCT3
Honourable Greg Rickford, Minister of Indigenous Affairs
Ontario Emily Vassos, Chief of Staff, Minister's Office IAO
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Ryan Amato, Chief of Staff, MMAH



Centre of Tradition





**TO: Keith Merkel, President
EdgeCorp Group
Unit 1 – 1480 Plessis Road
Winnipeg, MB, R2C 5R5**

July 21, 2023

RE: Our Sacred Law the Manito Aki Inakonigaawin

To Keith Merkel,

We heard the comments that you and your lawyer made about our Sacred Law, the Manito Aki Inakonigaawin, at the Kenora Planning Advisory Committee this past Tuesday, July 19, 2023. What you have said is at best unacceptable and at worst, racist. These comments enable the ongoing colonial oppression that our people continue to resist. We are appalled that in 2023, while the rest of the country is waking up to a new era and making commitments to reconciliation, finding ways to progress, and surrounding themselves with professionals who advise them wisely, that you and your team walked backwards.

The Anishinaabeg in Treaty #3 Territory have always sought to build meaningful and respectful relationships with those that want to pass through and share our lands. We will not pursue relationships with people that go to public hearings and try to undermine and disrespect our Sacred Law, the Manito Aki Inakonigaawin. We have an obligation to protect our Sacred Law and we will exercise that duty.

Our people, the Anishinaabeg of Treaty #3 Territory have been part of the lands, waters, skies, and soils of this region since Time Immemorial. We have lived and thrived from these lands since before the City of Kenora was even established. Our borders are not limited by lines on a map. The Manito Aki Inakonigaawin has been our Sacred Law since Time Immemorial and supersedes any law of the Crown. We would encourage your counsel to seek further education with Anishinaabeg Law Keepers should your counsel recognize where the rest of the country is headed on the path of reconciliation.

Under the Manito Aki Inakonigaawin, we determine what engagement and consultation looks like for our people. We determine what will impact our interests and our rights. Not you. Here you have sought to only to satisfy check boxes and exercise the absolute lowest standards possible as laid out in *your* laws. It is evident you lack the capacity to respect ours. Worse yet, you have foregone basic civility outside of any law that is required of a neighbour.

You have come into our territory and shown disrespect and disdain for our people, our culture, and our Sacred Law. The rhetoric that you and lawyer have used is not the rhetoric of someone who wants to build a mutually respectful relationship aimed at collaboration. We were prepared to work with you and build a relationship of mutual benefit, trust, and prosperity. You have made that impossible.



The disrespect you have shown is unacceptable. We will be maintaining our strong objection to your proposal. We do not need developers like you on our land.

Chief Lorraine Cobiness,
Niisaachewan Anishinaabe Nation

Chief Chris Skead,
Wauzhushk Onigum Nation

CC:

Ogichidaa Francis Kavanaugh, GCT3
Lucas King, Director of Territorial Planning Unit, GCT3
Andrew Poirier, Mayor of City of Kenora
Kevan Sumner, City Planner, City of Kenora
Janis Pochailo, Director of Planning and Building
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Ryan Amato, Chief of Staff, MMAH
Hon. Greg Rickford, Minister of Indigenous Affairs Ontario, and Northern Development
Shawn Batise, Deputy Minister, Indigenous Affairs Ontario, and Northern Development
Ferg Devins, Special Advisor to the Minister
Susan Russel, Principal, McGowan Russel Group Inc.



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Tara Rickaby

SECONDED BY: Kerick Funk

DATE: July 18, 2023

RESOLVED 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. D09-23-02, and Zoning By-law Amendment, File No. D14-23-07, for subject property located at 43 Rabbit Lake Road, and legally identified as PIN# 42171-0132.

The purpose of the Official Plan Amendment is to change the Official Plan designation of this property from Industrial Development Area to Residential Development Area. The purpose of the Zoning By-law Amendment is to change the current zoning of the subject property designated as "HC" – Highway Commercial Zone, to "R3" – Residential Third Density Zone.

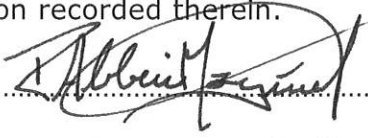
The effect of the Official Plan Amendment and the Zoning By-law Amendment is to permit a multiple unit residential development to occur on the subject property.

The Committee has made an evaluation of the application upon its merits against the Official Plan (2015), Zoning By-law (101-2015), and the Provincial Policy Statement, 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear internal department, stakeholder, or public comments in full.

DIVISION OF RECORDED VOTE				CARRIED	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Bulman, Robert	X			
	Funk, Kerik	X		CHAIR	
	Kitowski, Robert	X			
	Rickaby, Tara	X			
	Robert, Renée YM	X			
	Whetter, Jay	X			

CERTIFICATION

I, Alberic Marginet, certify that the information included herein is a true copy of the decision of the approval authority with respect to the application recorded therein.

Dated this 20th day of July, 2023 

Signature of Official

Schedule A

Subject lands, 43 Rabbit Lake Road, Kenora, ON





July 21, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Greg Breen, Director of Engineering and Infrastructure Services

Re: Budget Amendment – Portage Bay Bridge Assessment

Recommendation:

That Council hereby approves a budget amendment, in the amount of \$100,000.00, to facilitate advancing the detailed assessment of the required maintenance, repair and potential replacement of the Portage Bay Bridge, and further

That in accordance with Notice By-law Number 160-2022, public notice is hereby given that Council intends to amend its 2023 Operating & Capital Budget at its July 26, 2023 special meeting to reallocate funds in the amount of \$100,000.00 from newly generated recycling revenue currently being directed to the Operating Budget to the Capital Program Budget, which will offset the cost of this detailed bridge assessment; and further

That Council give three readings to a by-law to amend the 2023 budget for this purpose.

Background:

The Portage Bay Bridge was identified as nearing the end of its lifespan within the bi-annual bridge inspections completed in 2022. The structure will require significant rehabilitation work before due to the deteriorating concrete and steel condition. The current estimated cost of the rehabilitation is \$3.5 to \$10 million dollars.

In 2024, a detailed coating condition survey to assess the steel structure's level of corrosion and a concrete condition survey will be undertaken. These assessments will be the basis for a preliminary design assessment to develop potential bridge replacement options, rehabilitation programs or other alternative with a life cycle cost-benefit analysis of rehabilitation versus replacement. The report will provide Council and Administration with life cycle capital and operating costs of multiple options to determine the most effective route. In 2025 the design of the selected rehabilitation and/or replacement will occur pending the results of the 2024 assessment.

The 2023 Capital Budget includes a 2024-forecast amount of \$100,000.00 for the performance of an assessment of the required maintenance, repair and potential replacement of the Portage Bay Bridge based on the declining Bridge Condition Index from 71.35 in 2016 to 68.41 in 2020 and then to 67.87 in 2022. The ratings are provided through Engineering Consultant assessments, following the Ontario Structure Inspection Manual (OSIM).

The City's Strategic Plan, Goal 1.2 – *Ensure well maintained and sustainably financed City Infrastructure* outlines Council's priority to explore funding strategies that support the repair and maintenance of the City's bridges.

Council members recently attended the 2023 Good Roads conference, whereby a deputation was made to MPP Rickford seeking funding to support sustainable bridge

funding which would seek future funding to address this bridge work and others like it. The details of the project(s) requiring funding were requested by MPP Rickford who was seeking specifics to the required funding in advance to prepare for any funding opportunities that could exist from the Provincial Government to prepare for this work in 2026.

Administration has identified an opportunity to advance the performance of the assessment from 2024 to 2023, by funding the assessment through a reallocation from Recycling Revenue.

On July 11, 2023, the City executed a Subcontractor Services Agreement with GFL Environmental Inc. to provide Receiving Facility Services for the period of July 1, 2023 to June 30, 2024. The City's 2023 revenue from this agreement will total \$360,000.00.

Budget (incl. Contingency):

Requested Additional 2023 Capital Budget Amount: \$100,000.00

Existing 2023 Recycling Revenue (GFL): \$360,000.00

Risk Analysis:

By approving this amendment, Council will improve the timing to receive the assessment and project data to share with MPP Rickford, furthering the City's ability to apply for and receive provincial funding to support the Portage Bay rehabilitation work planned for 2025.

Approval of this budget amendment will reduce the recycling revenue generated by the Recycling Facility Services Agreement for allocation at the end of 2023 to \$260,000.00.

Communication Plan/Notice By-law Requirements: By-Law & Public notice

Strategic Plan or Other Guiding Document:

Strategic Plan Focus Area 1 – Infrastructure and Environment

Goal 1.2 Ensure Well Maintained and Sustainably Financed City Infrastructure