

**PROPERTY & PLANNING
STANDING COMMITTEE
M I N U T E S**

**Held Wednesday, January 10, 2007
At 10:00 a.m. – City Council Chambers**

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PRESENT:	Councillor W. Cuthbert	Chair
	Councillor R. McMillan	Member
	Councillor C. Drinkwalter	Member
	Councillor D. McCann	Council
	Councillor C. Van Wallegghem	Council
	Art Mior	Member
	Bill Preisentanz	CAO
	Rick Perchuk	Operations Manager
	Jeff Port	City Planner
	Tara Rickaby	Planning Assistant
	Jennifer Rasmussen	EDO

A. PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 14-2003

Take Notice that as required under Notice By-law No. 14-2003, Council hereby advises the public of its intention to adopt the following by-law at its **Monday, January 15, 2007 Meeting:-**

A By-law to amend Zoning By-law No. 160-2004, specifically at property described as Parts of Lot 11, KR 734 Part 1, Concessions 3 and 4 of Melick Township, Bruckenberger Road from RU-Rural to RR-Rural Residential.

A By-law to amend Zoning By-law No. 160-2004, specifically at the Museum Annex from I-Institutional to GC-General Commercial.

A By-law to amend Zoning By-law No. 160-2004, specifically at 1987 Highway 17 West, Mining Location 280P, Part 1 of Reference Plan 23R-9024, Parcel 40281 by adding the use of a single family dwelling to the HC – Highway Commercial designation.

A By-law to amend Schedule “A” and the text of the Kenora Official Plan, specifically at 1987 Highway 17 West, Mining Location 280P, Part 1 of Reference Plan 23R-9024, Parcel 40281

A By-law to authorize the sale of property described as “Part of the Road Allowance in front of Mining Location K9, now Block H, plan M14, City of Kenora, in the District of Kenora, designated as Part 1, on Plan 23R – 11334

A By-law to authorize the entering into of an agreement between the City of Kenora for consulting services for the Performing Arts/Conference Centre Opportunity Assessment Proposal.

B. DECLARATION OF PECUNIARY INTEREST - None

C. CONFIRMATION OF MINUTES – 18 December 2006

Moved by: Chris Van Wallegghem Seconded by: Dave McCann

THAT the minutes of the regular meeting of Council, 18 December, 2006, be adopted as distributed.

D. ADDITION TO AGENDA

Councillor Cuthbert added “Height restriction/physical structures to be in harmony with existing heritage buildings as #11 in the open meeting agenda.

E. DEPUTATION - None

1) Economic Development Report

Jennifer Rasmussen reviewed a status report, which had been circulated previous to the meeting.

2007 Priorities as identified in the Economic Development Plan

I ECONOMIC DEVELOPMENT COMMISSION

On December 20, 2006, the Economic Development Committee met and discussed the development of an Economic Development Commission. At that meeting, Dennis Wallace suggested that he, Jeff Port and Jennifer Rasmussen prepare a background report on Economic Development Commissions including model(s) be brought forward for the next meeting. A sub-committee may be struck at that time. This preliminary report will be brought forward at the January 19 meeting of the Economic Development Committee. Subsequently, a final report on the establishment of a Commission will be brought forward to Council from the Economic Development Committee. Jeff Port added that he will be meeting with the Municipal Solicitor to discuss the implementation and the impact that the new Municipal Act changes may have.

Jennifer noted that the Economic Development Committee meeting will be rescheduled because the Chair is not available on the 19th of January. Draft recommendations and reports will be circulated to all of Council as well as the members of the Economic Development committee in order to keep all up to date.

J. Port

II VALUE ADDED FORESTRY: Kenora Forest Products Mill Expansion

Kenora Forest Products has now heard that the decision date for the fibre allocation from the Ministry of Natural Resources has been pushed back to March, 2007.

III DOWNTOWN REVITALIZATION

Phase I of the Downtown Revitalization project has been scaled back and revised proposals are being sent to both the Northern Ontario Heritage Fund and FedNor.

1. Performing Arts/Convention Centre

See report re: Performing Arts/Convention Centre Terms of Reference

2. Making Kenora Home

IV BUSINESS/INDUSTRY/GOVERNMENT ATTRACTION STRATEGY

At the December 20 meeting of the Economic Development Committee, an Investment & Prospecting Sub-committee was formed. The first meeting of the Investment & Prospecting Sub-Committee was held on January 3, 2007. The Sub-Committee is planning a trip to Winnipeg in February 2007 to approach Winnipeg business people who are summer residents here about their ideas for doing business in Kenora and for making Kenora more business and visitor friendly.

V ABITIBI-SPECIFIC OPPORTUNITIES

1. Adaptive Re-use of the Mill

In regular contact with Abitibi on potential buyers/users of the Abitibi mill site.

2. Retain & Support former Abitibi Workers in the community

We will continue to track former Abitibi workers on a 1/4ly basis

3. Tunnel Island/Common Ground

A Common Ground Working Group meeting is being convened before the end of the month. Councillor Rory McMillan will participate in the Common Ground Working Group on behalf of Council.

4. Other Abitibi Lands

City staff are identifying Abitibi land holdings of municipal interest. Abitibi remains the second

largest land owner in the City of Kenora. The City is identifying other land holdings of municipal interest and will work with Abitibi on transferring those lands to the City.

VI TOURISM DEVELOPMENT & MARKETING

1. Winter Product

The snow on December 30 gave Mt. Evergreen and Kenora Nordic Trails the boost they needed to open the facility for the final week of the school break. Mt. Evergreen reported over 400 skiers during the first three days of that week. Manitoba visitors and cottagers visiting the community at Christmas were out to ski as well. www.skikenora.com

Kenora Hospitality Alliance reports business levels slow as is the norm over Christmas and into mid-January. Fishing Derby and packaging promotion results are not visible for December and January. www.stayinkenora.com

Sunset Trail Riders report that many of their trails remain closed as they wait for better ice conditions and more snow. This weeks' cold weather is helping with ice conditions. Hits to their web site are very high at 10,000 hits for the month of December 2006. www.strkenora.com

Thistles 07 kick off their Thistles Week Jan 13 – 20 www.kenorathistles.com

VII Business & Industry Contacts December/January

Small Business Expansion/Start Up	5
Small Business Retention	1
Business/Industry Retention	4
Business/Industry External	2
Business Licenses	
Agency & Partner Organization Contacts	50

J.
Rasmussen

Ms. Rasmussen indicated that the contact report is new and requested input on its format. The Committee agreed that the format meets its needs.

Discussion took place with respect to terms of reference for various committees. In future, staff will be indicated to be a part of a committee as a “resource/non-voting member”.

1a) Membership – Economic Development Committee

The Terms of Reference for the Economic Development Committee membership include a mix of Council representatives, members of the business community, ex-officio members, City staff and appointees from municipal and other organizations. Council appointed part of the Economic Development Committee at their meeting on December 4, 2006.

RECOMMENDATION:

THAT the following members be appointed to the Economic Development Committee with a term to expire November 30, 2010:-

Council Representatives:

Wendy Cuthbert

Rory McMillan

Andrew Poirier

Business Community Representatives:

Dennis Wallace

Randy Nickle

Selen Alpay

Geordie McEwen

Keric Funk

Appointees:

Thelma Wilkins-Page - Chamber of Commerce Representative
Councillor Chan Motlong – Sioux Narrows-Nestor Falls Representative
Adolphus Cameron - Grand Treaty #3 Representative
Ryan Reynard - LOWBIC Representative
Glen Morrison - Kenora Labour Council Representative

Non-voting, City Staff Resource

Jennifer Rasmussen, Economic Development Officer
Jeff Port, City Planner
Bill Preisentanz, CAO ; and further

J. Rasmussen
J. McMillin

THAT Resolution Number 11 dated December 4, 2006 be and is hereby rescinded.

Recommendation to go to Council

1(b) Terms of Reference – Winter Tourism Committee

Ms. Rasmussen referred to the draft terms of reference presented and recommended that the committee be a sub-committee of the Economic Development Committee. Council would like time to consider the draft and it will come forward at the next meeting.

2) Application for Zoning By-law Amendment Z03/06 Moncrief

Jeff Port explained that this application for zoning by-law amendment is a technical application. It is a condition of approval for a 17 lot plan of subdivision which was approved by the Kenora Planning Advisory Committee in November of 2006. There was a great deal of public input into the subdivision process, as well as from the Ministry of Natural Resources and Department of Fisheries and Oceans. Discussion of the lake capacity study arose. Councillor Cuthbert reminded the Committee that water available in Black Sturgeon Lake is not a problem yet. A moratorium on development was proposed, however Mr. Port explained that there is nothing, under the Planning Act, which would permit the City to refuse an application. He indicated that a refusal to make a decision could result in an appeal to the Ontario Municipal Board which would have to use the planning legislation and documents of the day in order to make its decision. Further discussion arose with respect to who the decision making authority is, and its use of section 51(25) of the Planning Act which discusses conditions of approval.

T. Rickaby
J. McMillin

RECOMMENDATION:

That Application Z03/06 to rezone the subject property, described as Part of Lots II, Concessions 3 and 4, and Part 1 of KR Plan 453 from RU and RR to RR – Rural Residential be approved.

Recommendation to go to Council

3) Application for Zoning By-law Amendment Z10/06 Museum

Jeff Port reminded the Committee that this application is a result of a proposal, by the Museum, to generate revenue by leasing/renting the Annex; the former Land Titles building. Lori Nelson attended the public meeting in December and gave her report.

T. Rickaby
J. McMillin

RECOMMENDATION

That Application Z10/06 to rezone the subject property from I- Institutional to GC – General Commercial.

Recommendation to go to Council

4) Application for Zoning By-law Amendment Z05/06 Otis

5) Application for Official Plan Amendment 01/06 Otis

The Committee agreed to consider both #4 and #5 together. Jeff Port reviewed his planning report, indicating that the addition of a clause in the Official Plan, indicating that limited residential uses will be permitted in the Commercial Development areas and that a single family dwelling will be added to the permitted uses for this property, thus

adding flexibility for the owner. The commercial use of the property is more appropriate for the septic field on site as there will not be the large volume associated with a residential use. In addition, the property relies on water delivery for potable water. This is not appropriate for new residential uses.

RECOMMENDATION:

THAT the following section be added to the City of Kenora Official Plan Commercial Development Area land use policy:

“Effective the date of the amendment of the Official Plan, residential land uses will be permitted on a limited basis in existing buildings and structures suitable for residential use. New residential development in the Commercial Development Area shall not be permitted”.

and

THAT Zoning By-law No. 160-2004 be amended specifically at 1987 Highway 17 West, Mining Location 280P, Part 1 of Reference Plan 23R-9024, Parcel 40281 by adding a single family residence as a use for the subject property.

Recommendation to go to Council

6) Lake Capacity Study – Black Sturgeon Lake

Jeff Port presented the following report:

The City of Kenora is committed to sustainable development, and the land use policies designed for the protection of the natural environment are set out in the City of Kenora Official Plan. The policies apply across the City, and were developed in close consultation with the Ministry of Natural Resources, Ministry of the Environment and Department of Fisheries and Oceans. These land use policies were formally approved by the Council in 2004.

However, recent events in terms of the development of waterfront lots on Black Sturgeon Lake have triggered the need for a review of these policies in this watershed area. Over the past thirty years there have been a number of cottage lot subdivisions developed on the lake, including; Black Sturgeon Estates, James Road, Ritchie Road and Worona Road. As well, there have been numerous consents to sever one or two lots on an ongoing basis over that period of time.

The Ministry of the Environment has been monitoring the lake on a limited basis, and has no serious concerns at the present time. However, there is an inordinate amount of privately owned waterfront property on Black Sturgeon Lake, and there is potential for extensive cottage lot development in the near future.

It should be noted that the City recently approved a 17 lot waterfront subdivision on the Bruckenberger Road, and has received an application for a 19 lot waterfront subdivision at the end of the Williams Road. Concerns have been expressed by local residents, members of the City of Kenora Planning Advisory Committee and planning staff at the pace of development that is occurring on Black Sturgeon Lake.

In order that development can proceed in an orderly fashion, a lake capacity study should be undertaken. This will ensure that future development would not have a negative impact on water quality, fish & wildlife values and the amenity values associated with the lake. Key stakeholders in this process would include, but not be limited to; the local residents, the Planning Advisory Committee, City staff, the Ministry of Natural Resources, the Ministry of the Environment and Lake of the Woods Property Owners Association.

There is urgency in proceeding with this study as soon as possible. It is expected that there will be new development applications in the very near future. Land use policies to protect the lake need to be in place quickly, in order to deal effectively with future development proposals. The lake capacity study will provide the City with recommendations for amendments to the planning documents, as well as other related development tools, in order to protect the integrity of Black Sturgeon Lake.

**T. Rickaby
J.
McMillin**

The Committee further discussed the possibility of a moratorium on development on Black Sturgeon and a mechanism for cost recovery.

RECOMMENDATION:

That Council approve \$50,000, as part of the 2007 Capital Budget, to undertake a “Lake Capacity Study” for Black Sturgeon Lake and further that the costs be recovered through the development process.

J. Port

Recommendation to go to Council

10:55 a.m. Councillor Drinkwater left the meeting

7) Signage – Former Town of Keewatin

Jeff Port explained that there are several signs, in the western portion of the City, which indicate the “Town of Keewatin”. The Operations Department will be removing the signs and replacing them. The wooden sign, on the west end of the Keewatin bridge will be refurbished, with a recommendation to have the word “Town” removed if it is possible, without damaging the sign.

Operations
Parks

8) Performing Arts/Conference Centre Opportunity Assessment Proposal – Contract for Consulting Services

Councillor McMillan explained that the funding for this project was approved two years ago. Councillor McMillan said that once this assessment is completed it will provide an important tool to help with a business case and prospectus for private sector partnerships. The assessment will provide insight into preferred options for ownership and management of such a facility.

Three firms responded to the request for proposals for this study. They are:

- Navigator Limited - \$34,609
- Hilderman Thomas Frank and Cram - \$11,800
- Grant Thornton - \$35,000

(Note: all proposals do not include GST)

The *Navigator* proposal included the requirement to assess the potential for private sector investment for the performing arts & convention centre, however, it did not include the work required to assess the potential for related hotel, residential and commercial developments along the waterfront of Lake of the Woods, and in the downtown core. The *Hilderman Thomas et.al.* proposal included a “scoping charrette”, which is a very limited part of the work required for this study. The only proposal that met all of the requirements set out in the terms of reference was *Grant Thornton*.

J.
Rasmussen
n
J.
McMillan

As *Grant Thornton* is the only firm that met the minimum requirements of the consultant’s terms of reference, it is recommended that they be retained to undertake this work for the City. Their proposal is within the budget allocation for this project.

RECOMMENDATION:

That Grant Thornton Management Consultants be retained to undertake the Opportunity Assessment for Performing Arts/Convention Centre and Associated Hotel/Residential and Commercial Development for an upset limit of \$35,000.

Recommendation to go to Council

9) Sale of municipal property to Wetendorf – Road allowance

Tara Rickaby reported that the City of Kenora received an application from Jeff and Candace Wetendorf requesting to purchase a portion of city-owned property, abutting Laurenson Lake and his property at 1313 Rocky Heights Road.

The City of Kenora previously sold portions of the road allowance along Laurenson Lake and Rocky Heights Road. This application was approved for surplus and sale by former Council.

RECOMMENDATION:

THAT Council give three readings to a by-law to authorize the sale of land to Jeff and Candace Wetendorf, at the appraised of \$1,000.00, plus all associated costs;

THAT the Mayor and Clerk are authorized to enter into the agreement of purchase and sale of said property.

T.Rickaby
J.
McMillin

Recommendation to go to Council

10) Snowmobile corridor concerns

Councillor Cuthbert commented on the productive meeting of Council and staff, which brought new Council members up to date on the status of snowmobiling in the City. She indicated that, on the whole, Council supports snowmobiling in the City, but will have to address three areas of concern.

Councillor McCann thanked the Sunset Trail Riders for their quick efforts to move the trail on the east highway, and implement proper signage which provided a positive resolution to a concern of the residents of that area.

Jeff Port will draft a resolution indicating a generic statement supporting snowmobiling and offering solutions to three areas of concern.

Recommendation to Council

J.Port

11) Height restrictions and physical appearance of structures to be in harmony with existing heritage buildings'

Councillor Cuthbert commented that this item was brought forward at the Harbourtown Centre Committee meeting. Jeff Port explained the former provincial legislation and current legislation under the Heritage Act. There is some potential for both prescribing design and offering incentives to property owners to ensure compliance with any by-law or plan.

Jeff Port will provide a report, describing advantages and disadvantages to community improvement plans, the zoning by-law and other tools which would provide Council with authority to require certain standards for building.

The Committee discussed height restrictions for development on the waterfront.

Mr. Port explained that due to short time lines, the report will not be ready for the next meeting of this Committee.

J. Port

Motion required adjourning to Closed Meeting:

Moved by: Rory McMillan Seconded by: Chris Van Walleghem and Carried:-

THAT this meeting be now declared closed at 11:35 a.m.; and further

THAT Committee adjourns to a Closed Meeting to discuss the following:

- **Disposition of Land and an item of potential litigation**

The meeting adjourned at 12:07 p.m.