

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

**Held Wednesday, March 7, 2007  
At 10:00 a.m. – City Council Chambers**

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<b>PRESENT:</b>	<b>Councillor W. Cuthbert</b>	<b>Chair</b>
	<b>Councillor C. Drinkwalter</b>	<b>Council</b>
	<b>Councillor D. McCann</b>	<b>Council</b>
	<b>Bill Preisentanz</b>	<b>CAO</b>
	<b>Jeff Port</b>	<b>City Planner</b>
	<b>Councillor R. McMillan</b>	<b>Council</b>
	<b>Councillor Chris Van Walleghem</b>	<b>Council</b>
	<b>Jennifer Rasmussen</b>	<b>EDO</b>
	<b>James Tkachyk</b>	<b>PAC Chair</b>
	<b>Len Compton</b>	<b>Mayor</b>

**Regrets: None**  
**Guests: None**

**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, March 12, 2007 Meeting:-**  
None

**B. DECLARATION OF PECUNIARY INTEREST - None**

**C. CONFIRMATION OF MINUTES – 7 February, 2007**

**Moved by: Rory McMillan    Seconded by: Chris Van Walleghem**

THAT the minutes of the regular meeting of Council, February 7, 2007, be adopted as distributed. **CARRIED**

**D. ADDITION TO AGENDA**

None

**E. DEPUTATION** – Barb Pearson, Mascott Avenue – Ms. Pearson explained that access to her driveway is often obstructed due to the parking of vehicles on the roadway. Mayor Compton suggested this might be a trespass issue.

1) **Economic Development Report** – Jennifer Rasmussen reported on:

**I ECONOMIC DEVELOPMENT COMMISSION**

City Solicitor is working on the Commission.

**II VALUE ADDED FORESTRY: Kenora Forest Products Mill Expansion**

Kenora Forest Products is expecting a decision from Ministry of Natural Resources within a few weeks.

**III DOWNTOWN REVITALIZATION**

Staff met with MNM staff to review revised proposal for Phase I Downtown Revitalization. Letters of support for the project are being gathered from private and public sector partners to enhance the proposal.

**1. Performing Arts/Convention Centre**

The Performing Arts & Convention Centre committee will have its first meeting this month. Work on the Opportunity Assessment will begin this month.

**2. Making Kenora Home**

Making Kenora Home awaits their incorporation. They are meeting with local community organizations involved in feeding the homeless to discuss those organizations' needs.

**IV BUSINESS/INDUSTRY/GOVERNMENT ATTRACTION STRATEGY**

Ten Winnipeg business leaders and ten Kenora area representatives from the City of Kenora including

Mayor and most Council members, two members of Sioux Narrows Nestor Falls Council, Economic Development Chair, Dennis Wallace, local business representatives and staff attended the February 19 Investment Partnerships luncheon in Winnipeg. Individual follow up visits will be scheduled over the next month with luncheon attendees as well as those business leaders who could not attend, but were very interested in providing their input.

One Winnipeg business leader congratulated the Kenora area team on their unique approach and particularly congratulated members of Council for approaching business leaders for business advice.

**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**

Common Ground Working Group meetings are now occurring on a bi-weekly basis.

**4. Other Abitibi Lands**

The City has developed a listing of Abitibi land holdings of municipal interest and will work with Abitibi on transferring those lands to the City.

**VI Business & Industry Contacts**

	Dec/Jan	Jan/Feb	Feb/Mar
Small Business Expansion/Start Up	5	2	2
Small Business Retention	1	4	3
Business/Industry Retention	4	3	3
Business/Industry External	2	1	12
Business Licenses		1	
Agency & Partner Organization Contacts	50	38	77

**Information Only**

**2) Application for Zoning By-law Amendment Z09/06 Beaucage – Update**

Ongoing. Chief of Emergency Services is coordinating electrical safety inspection with realtor. Once reports are complete they will be forwarded to Kenora Planning Advisory Committee for review and recommendation. Letter to go to agent giving deadline for reply.

**3) By-law Enforcement**

Bill P. reported that the Chief Building Official, City Clerk and two police forces will review by-law enforcement issue. Zoning by-law enforcement has been identified. Item will remain on the agenda for tracking purposes.

**4) Mrs. D's Chips – Lease Renewal – Report and recommendation**

Lease has expired. City Planner to contact owner to determine intention/wishes. Item to come forward for disposition at next meeting.

**5) Snowmobile Trail System**

Councillor Cuthbert brought forward a report and recommendation.

**That the City of Kenora promotes snowmobiling for all Residents of the and Visitors to our community without the need for a trail permit or designated corridor within the City limits and that by-laws be enforced where problems occur.**

Council agrees, in principle to having an open snowmobiling within City limits, and having the OFSC affiliate being responsible for the trails to the City limits. In addition, a report shall come forward a report outlining advantages and disadvantages (including City

liability) of doing so. The situation should remain status quo for the balance of this season.

**6) Application for Zoning by-law Amendment Z02/07 Victory Baptist Church**

Jeff Port reviewed the application to rezone the subject property from RR – Rural Residential to I – Institutional in order to construct a place of worship. Mr. Port has met with both the applicant and some of the area neighbours.

The following issues have been identified: Environmental – W1 (waterfowl staging area) and F2 (Northern Pike Spawning) and the possible effect of stormwater runoff; the drainage along Gould Road; parking – Gould Road is very narrow; and the legal description for the property includes part of a parcel located on the water.

The planning review establishes that 25 parking spaces are required at one space for each 6 people. The recommendation would be to pass a site specific zoning by-law amendment or site plan control by-law, limiting the size of the building and addressing storm water management. In addition Gould Road should be posted as a “no parking” zone

Discussion took place with respect to the Ontario Municipal Board as the mechanism for appeal of either approval or refusal, of the application, by Council.

**7) Lake Capacity Study – Update/recommendation**

Recent events in terms of the development of waterfront lots on Black Sturgeon Lake have triggered the need for a review of these land use 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. There has been concern expressed by the Planning & Development Department, Planning Advisory Committee and local residents with respect to the capacity of Black Sturgeon Lake to absorb new development pressure.

To this end, The City of Kenora has approved a terms of reference and associated funding for a Lake Capacity Study on Black Sturgeon Lake. Four qualified consulting firms were invited to complete this work for the City. All four submitted proposals. They are:

- DST Consulting Engineers
- Sucliffe, Rody, Quesnel Inc. (SRQ)
- Hilderman Thomas Frank and Cram
- Kelli Saunders/Gartner Lee

All of the proposals were reviewed and evaluated according to the following criteria; (i) qualifications of key personnel, (ii) professional experience, (iii) workplan/methodology, (iv) related work experience, and (v) cost.

All proposals were within the budget limit of \$50,000 approved by Council.

A matrix based on the above noted criteria was utilized to evaluate the proposals. Each of the criteria were given a potential score of ten points, with the exception of “related work experience” which was given potential score of 20. The total potential score was 60 points.

The results of the evaluation process is as follows; (i) Kelli Saunders/Gartner Lee – 58 points or 97%, (ii) Hilderman Thomas Frank Cram – 51 points or 85%, SRQ – 41 points or 68% and DST – 36 points or 60%. The scoring matrix is included at the end of this report.

**RECOMMENDATION:**

That Council retain the professional consulting services of Kelli Saunders/Gartner Lee, per the proposal dated February 2007, to undertake the Black Sturgeon Lake Capacity Study to a maximum upset limit not to exceed \$45,557 plus GST, and;

Further that the Mayor and Clerk be authorized to enter into a contract with said firm for the completion of the work.

**RECOMMENDATION TO COUNCIL**

**8) Bill 51 Training Report**

**T.Rickaby**

**Bill P.**

**J. Port**

**Bill P.**

Jeff Port explained that he and Tara Rickaby attended training in Dryden respecting amendments to the Planning Act which were effective January 1, 2007. The following is a summary of key points covered in the training session.

### **MANDATORY MATTERS RE: BILL 51**

- Planning applications received after Jan 1/07 must conform to provincial policies in place at time a decision is made
- Council must update its Official Plan as required every 5 years. In doing this Council must:
  - consult with the Ministry of Municipal Affairs and any prescribed bodies;
  - Make the plan conform with provincial plans and policies and confirm this by Council resolution.
- Council must update its Zoning By-law to reflect any changes to the Official Plan within 3 years
- An open house is now required in addition to a public meeting for:
  - A 5 year Official Plan update and any implementing zoning by-law;
  - An Official Plan Amendment or by-law to establish a development permit system.
- The public now must be given notice of a Community Improvement Plan which contains bonusing
- Ministry approval is no longer required for any Community Improvement Plan (CIP) even if it has bonusing provisions (Change made in Bill 130 – Municipal Act Amendments)
- however; the Ministry is still the approval authority for CIPs so prescribed bodies and Municipal Affairs must be consulted on the plan and be given notice of the public meeting and adoption by Council
- The municipality has 30 days from payment of the application fee to determine the completeness of an application for a zoning amendment and must give notice of the application to the public within 15 days of a complete application.
- A portable classroom is not subject to a site plan control by-law if the school exists on January 1, 2007
- A copy of any deeming by-law passed under Section 50 (4) of the Act is now sent to the approval authority not the Minister
- The approval authority has 30 days from payment of the application fee to determine the completeness of an application for a subdivision and must give notice of the application to the public within 15 days of a complete application.
- Council must give notice of a zoning amendment refusal within 15 days of the decision
- Municipality must permit an applicant to preconsult on an application
- Municipality should review the Regulations to determine if other mandatory changes are required that are not directly outlined in the Act. e.g. there is now a requirement to hold a public meeting for a vacant land or common elements condominium

### **DISCRETIONARY MATTERS**

- A local appeal body may be set up to hear appeals of:
  - Certain Minor Variances,
  - Extensions of non-conforming uses;
  - Permission of a similar or more compatible use;
  - Interpretation of a generally defined land use in a zoning by-law.
- If policies are outlined in the local official plan Council may require presubmission consultation and submission of additional application materials for:
  - Official Plan Amendment applications;
  - Zoning By-law amendment applications;
  - Consent applications.
- A Zoning By-law may now:
  - restrict the use of an area identified as a vulnerable area in a source water protection plan under the *Clean Water Act*;
  - regulate minimum height and density;
  - be made subject to conditions outlined in the regulations to the Act and agreements may be registered on title. (But a zoning with conditions can't be changed by minor variance).

- The approval authority can now ask the applicant for dedication of pedestrian and bicycle pathways and public transit rights of way as part of a subdivision approval.

**OTHER SIGNIFICANT CHANGES**

- If a matter has been appealed to the OMB, and additional information is presented that Council did not have, the additional information may be referred back to Council for a report
- An appeal of a zoning amendment refusal can only be made within 20 days of the date Council provides notice of its decision

A consent is no longer required for an easement or covenant under the *Conservation Land Act*.

**J. Port/J. McMillin**

**9) PACC Recommendation/Report**

On January 12, 2007, resolution no. 27 was passed as follows:

***Opportunity Assessment – Performing Arts/Conference Centre***

***27. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-***

*THAT the following proposals for Consulting Services for the Performing Arts/Conference Centre Opportunity Assessment be received:*

- *Navigator Limited - \$34,609 (plus GST)*
- *Hilderman Thomas Frank and Cram - \$11,800 (plus GST)*
- *Grant Thornton - \$35,000 (plus GST)*

*AND FURTHER THAT the proposal of Grant Thornton Management Consultants be hereby accepted to undertake the Opportunity Assessment for Performing Arts/Conference Centre and Associated Hotel/Residential and Commercial Development at a cost not to exceed \$35,000 (plus GST).*

The purpose of this study is to conduct an Opportunity Assessment for a new Performing Arts & Convention Centre in the City of Kenora. In addition, the successful consulting firm will assess the potential for related hotel, residential and commercial developments along the waterfront of Lake of the Woods, and in the downtown core. The budget for the study is \$35,000.

**RECOMMENDATION:**

**WHEREAS** the Council of the Corporation of the City of Kenora accepted the proposal of Grant Thornton to provide consultant services for *the Performing Arts/Conference Centre Opportunity Assessment*;

**NOW THEREFORE** the Council of the Corporation of the City of Kenora enacts as follows:

**THAT** the Mayor and Clerk of the Corporation of the City of Kenora are hereby authorized to execute a Contract between The Corporation of the City of Kenora and Grant Thornton, in accordance with the terms and conditions therein and affix the Seal of the Corporation thereto.

**RECOMMENDATION TO COUNCIL**

**J. Port/J. McMillin**

**10) Survey re. Parking in the Downtown**

Discussion took place with respect to the survey and its support from the Harbourtown Centre Committee. Survey question to be reworked.

Councillor Drinkwalter left during the above noted discussion at approximately 10:55 a.m.

**R. McMillan**

**11) Parking Issues – Mascott Avenue**

Bill P. will check with KPS with respect to Barb Pearson’s concerns.

**Bill P.**

**12) Downtown Revitalization – Public update/status report**

Discussion of requirements for public information update. A meeting will be scheduled sometime in mid-April or May.

**13) Path of the Voyageur**

Atikokan is proposing an initiative to mark the progress of the voyageurs through NW Ontario. Mayor Compton will discuss with Dennis Brown, of Atikokan.

**J. Port**

**14) Bert Alcock – Downtown Revitalization** – Mr. Alcock asked for information with respect to the project; staff invited him to review the plans in the planning offices.

**Mayor**

15) Closed meeting adjourned at 12:00 p.m.

**Motion required adjourning to Closed Meeting:**

Moved by: Chris Van Walleghem      Seconded by: Rory McMillan      and Carried:-  
THAT this meeting be now declared closed at 12:00 p.m.; and further  
THAT Committee adjourns to a Closed Meeting to discuss the following:  
    Disposition of Land and an item of potential litigation

Moved by: Dave McCann      Seconded by: Rory McMillan  
THAT the closed meeting be adjourned at 12:40 p.m.  
Meeting adjourned at 12:41 p.m.