



MINUTES
of the
Property and Planning Committee
Of Council

Held June 10, 2008
City Council Chambers 9:00 a.m.

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PRESENT: Councillor W. Cuthbert, Chair
Bill Priesentanz, CAO
Mayor L. Compton
Councillor C. Van Wallegghem
Councillor D. McCann
Councillor R. McMillan
Councillor C. Drinkwater
Art Mior, PAC Chair
Jeff Port, City Planner
Tara Rickaby

PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 144-2007

Take Notice that Council intends to approve the following at its next Meeting:

- A by-law to enter into a development agreement with 1489752 Ontario Inc.
- A by-law to establish a snowmobile/atv committee and its terms of reference
- ~~A by-law to enter into a lease agreement with Jeff Gordon c.o.b. as Houseboat Adventures~~
- A by-law to amend Zoning By-law 160-2004 on a specific property

B. DECLARATION OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:

- a) On today's agenda - None declared
- b) From a meeting at which a Member was not in attendance - None declared

C. ADDITION TO AGENDA: Councillor Cuthbert reminded the Committee that there is a deputation before it today, and asked that item 8 (Town Island) be brought forward and dealt with first. She also requested the Committee's permission to open the floor up to discussion. There was no objection to either.

D. STANDING COMMITTEE DEPUTATIONS:- David Nelson, representing cottage owners in the Town Island area. Also in attendance were Mike Lee and Gordon Konantz.

Mr. Nelson read from a prepared statement, stating that although development of Town Island by subdivision would infringe on his privacy, the larger issues are ones which all residents of Kenora should be concerned with; the preservation of Town Island's natural beauty and values. Mr. Nelson asked why, if there is no intention to sell the property, Council is considering application for a plan of subdivision. He suggested that sale of the property is a one-time transaction and that the escalating values of property on Lake of the Woods would be a better investment than the return than any other form of investment. Mr. Nelson asked Council if there was a plan to deal with the island's future and indicated that the heritage of the island is culturally-based and it is up to the City to be good caretakers of it. He questioned the role of the City as a developer and stated that the subdivision of land is part of the problem and not the solution. Mr. Nelson closed by urging Council to reconsider their options as the autonomy of the City is also at risk. Mr. Nelson provided a copy of his submission.

Councillor Cuthbert asked if anyone else wished to speak.

Mr. Gordon Konantz introduced himself as resident of Allen Island who has enjoyed 75 years on the lake. Mr. Konantz spoke of Town Island's ongoing value which should be treasured for

future generations. He suggested that the lake [of the Woods] is the future of the City; that the tourism market has yet to be tapped. Town Island could be the City's centerpiece for tourism if thought was given to developing it as a wilderness camp for bird watching, hiking, etc. Mr. Konantz stated that the addition of 75 or more cottages would be adding to an already poorly governed situation regarding waste disposal and would be short sighted. Mr. Konantz provided a copy of his submission.

Mike Lee stated that he has been on the lake for 35 years and that he shares the views of the other two presenters. Mr. Lee strongly encouraged Council to research development alternatives which use the wilderness. He said that once this resource is gone, we cannot get it back.

D. CONFIRMATION OF MINUTES

Moved by: Chris Van Walleghem Seconded by: Rory McMillan & Carried:

THAT the Minutes from the last regular meeting of Committee held May 6, 2008 be confirmed as written and filed.

E. REPORTS:-

1) Town Island – Draft Report – Background Conditions

Councillor Cuthbert explained Council's reasoning for proceeding with the environmental inventory and impact assessment stating that this Council, and others in the past, has had inquiries about the sale of Town Island. She said that the City does not provide maintenance on the island. There is a current lease with B'nai Brith, which pays for the taxes the City is responsible for, but that Provincial Land Tax Reform could change that. Councillor Cuthbert suggested that the island could change from an asset to a liability. Further, a freeze on development could reduce its value. Councillor Cuthbert told those present that the worst case scenario would be to sell the island to a developer; Council wants to be responsible and is therefore proceeding with the inventory in order to develop a plan to protect the natural values. There is a public meeting scheduled for June 21st at 10:00 a.m. at which time the report will be presented and comments heard.

David Nelson expressed confusion at Council's intent to protect the island from irresponsible development; he stated that subdividing it does not address that intent. He suggested that in order to protect the island, it should not be sold.

Councillor Cuthbert indicated that the plan of subdivision is a tool for subsequent Councils to use for responsible development if they so wish.

Mr. Nelson disagreed stating that there are mechanisms available to protect the lands for public use. He spoke to the significant costs of an application for plan of subdivision and wondered if Council has budgeted for such things as OMB hearings. He said that developers typically pay these costs from the proceeds of the sale of lots.

Councillor Cuthbert stated that the City is not at that stage yet. She stated that the City may, or may not, apply for a plan of subdivision.

Councillor McCann suggested that City Council is not bound to satisfy the concerns of non-taxpayers; he stated that City taxpayers might wonder why Council wasn't planning for the future.

David Nelson clarified that he is a taxpayer in the City of Kenora and that it is important that the residents have a say. He acknowledged that he is not speaking for the totality of the residents, and that he does have his own self-interests to voice, but that he also raised other, larger issues. He asked that Council not discount his submission because he has property next to Town Island. Mr. Nelson reiterated that the larger issues of how to deal with public open space are a big concern, especially if Council, through its actions, becomes a developer.

Councillor Cuthbert suggested that this dialogue should continue at the public meeting on June 21st.

Councillor McCann asked Mr. Nelson whether he would have any arguments, besides not wanting development in his back yard, if the City was able to address any concerns of the Province.

Mr. Nelson replied that satisfying regulatory requirements does not mean sound strategies for economic development and tourism. He asked whether or not the subdivision of Town Island was a part of the City's strategy for either economic development or tourism.

Mayor Compton asked Mr. Nelson to clarify his remark respecting the increase of property values on the lake versus investing the proceeds of sale.

Mr. Nelson explained that his point was that the real value of land will increase more than an investment fund will earn for the City.

Mayor Compton asked if Mr. Nelson recommends holding the island and selling it later; if the island is never sold then the return on investment does not matter.

Mr. Nelson asked if the City is in position now that requires that there be a cash out?

Councillor Cuthbert stated that the issue is not about money but about being responsible. Council recognizes that Town Island is public space and that they are covering all the bases, getting all the information available. This document is the early stages of finding the natural values and protecting them.

Mayor Compton suggested that the residents of the area around Town Island get together, buy the island and then give it back to the City with a covenant on it to prevent development.

Mike Lee noted that he hasn't heard anything about any alternate approaches for the use of Town Island and wondered whether or not there has been any investment made into plans that might turn the island into a long term valuable asset.

Councillor Cuthbert indicated that any proposals would be welcome.

Mr. Lee stated that the lake community has a large number of intelligent individuals with a great deal of experience, in other areas of the world, with productive, natural attractions.

Mayor Compton explained to those present that the reason this report has been generated is that Council is considering how to deal with B'nai Brith's lease, and request for an extension of it. He stated that the lake which is within the state of Minnesota has been declared impaired. Mayor Compton stated that the designation is forewarning of what may happen here. He acknowledged that there had been some discussion of selling anything surplus to the B'nai Brith leased lands but that there is no intention of doing so.

Discussion took place with respect to whether or not B'nai Brith has expressed an interest in purchasing all or part of the island.

Councillor Cuthbert closed the floor to questions and comments at 9:35 a.m.

Jeff Port reported that The first phase of the Town Island Environmental Inventory and Impact Assessment Project has been completed, with the submission of the Draft Background Conditions Report to the City of Kenora on May 21, 2008. The purpose of this first phase was to gather all existing information on the historic and current uses of the island, as well as any natural (aquatic and terrestrial) values and to conduct field work to gather additional, more detailed information on the physical and biological components of the island's environment. Discussions were held with many members of the public to gather this information, resource agencies were visited to review files, maps, data, etc. and the island was visited to conduct the terrestrial and fisheries assessments.

The terrestrial work has identified three bald eagle nests on the island. Forest stands are representative of tree species found on Lake of the Woods, with bur oak stands at the southwest portion potentially indicating the presence of rare plant communities, though this has not yet been confirmed. The fish habitat assessment included documentation of aquatic habitat (underwater) and riparian habitat (20 m from water line) to identify potential spawning habitat for a variety of key species. Of the 55 sections assessed, 17 sections were found to have moderate to high potential for walleye, white sucker, and lake whitefish spawning and 1 section was found to have high potential for large aggregations of smallmouth bass spawning. All of these sites have been or will be confirmed according to species' spawning windows.

A public information session has been scheduled to garner additional, local information to

enhance the background conditions report. It is Saturday, June 21 at 10:00 am in the Oakwood Terrace, Best Western Lakeside Inn.

Discussion took place with respect to the status of bald eagles as a species of special concern. There will be more information provided at the public meeting on June 21st.

Councillor Cuthbert thanked everyone for their input at 9:45 a.m.

INFORMATION ONLY

2) Snowmobile/atv Committee Terms of Reference

Councillor Cuthbert reviewed the history of the former snowmobile advisory committee and explained that a mandate will now include issues surrounding all terrain vehicle use in the City. The inclusion of staff resources as scribes at meetings, in general, was discussed. The CAO will coordinate staffing for those committees which do not currently have minute-takers assigned to them.

RECOMMENDATION:

THAT the Council of the City of Kenora establishes, by- by-law, a snowmobile/atv advisory committee and adopts the term of reference document.

RECOMMENDATION TO COUNCIL

**Clerk/
Planning**

3) AMO Proposed Economic Development Task Force/N.O. Growth Plan

Councillor Cuthbert explained that the terms of reference for the AMO task force has been reviewed and that staff has recommended that the Northern Ontario Growth Plan review process is a better venue for the City to express its views.

Jeff Port told the Committee that the Growth Plan is a response to the fact that Northern Ontario does not need to control growth (as in southern Ontario with the Places to Grow Act) but encourage it. Both he and Mayor Compton will be attending public consultations on June 11th in Dryden.

Councillor Cuthbert added that the LOW Development Commission agrees that this is the avenue to pursue.

INFORMATION ONLY

4) Designation of Properties under the Heritage Act

On October 23, 2006 and May 14, 2007 Council passed a resolution to add the *Cameron House* (1 Seventh Street South) and 210 Second Street South (currently houses *Southview on Second*), respectively, to the municipal registry (of properties of cultural heritage significance or interest). This was done after the owners have approached City staff, and the Heritage Committee, to have the property designated, under section 29 of the *Ontario Heritage Act*.

On May 20, 2008, Heritage Kenora passed the following resolution:

Moved by: Tim Davidson

Seconded by: Keric Funk

THAT it is recommended that the statements of cultural and heritage value for the Cameron House and Southview on Second be forwarded to the Property and Planning Committee, and further

THAT these buildings are recommended for heritage designation.

CARRIED

Heritage designation of a property, under the *Ontario Heritage Act* is a multi-stepped process, beginning with the identification of the property and addition to the municipal register for properties of cultural heritage value or interest. Summary of all of the steps involved in designation process are as follows:

1. Identify the property as a candidate for designation.
2. Research and evaluate the property.
3. Serve the Notice to Intention to Designate.
4. Pass and register the designation by-law.
5. List the property on the municipal register for designation.
6. List the property on the Provincial register.

Step two, the research and evaluation of the property has been completed. This involves the completion of the "*Statement of Cultural Heritage Value*" and "*Description of Heritage*

Attributes". The City must now advertise a notice of intention to designate the property can be placed in the local newspaper. If no objections are filed with the City of Kenora within 30 days of the publication of the notice, then Council can proceed to pass a by-law designating the property under section 29 of the Heritage Act.

Councillor McCann asked whether or not property owners would be prevented from improving their properties, for accessibility reasons, if designated. The City Planner explained that, as long as the attributes mentioned in the statement of heritage value are maintained, designation does not preclude improvements of that sort.

RECOMMENDATION:

THAT WHEREAS the property at 210 Second Street South, known as *Southview on Second*, meets the criteria prescribed by the Province for designation under the *Ontario Heritage Act*; and

WHEREAS the property at 1 Seventh Street South, known as *Cameron House* meets the criteria prescribed by the Province for designation under the *Ontario Heritage Act*; and

WHEREAS Heritage Kenora considered a staff report recommending designation of this property at its meeting of March 29, 2007 and recommended that the property be designated under the Ontario Heritage Act; and

2006; and

WHEREAS these actions of the City of Kenora Council fulfill the requirement of the Ontario Heritage Act that Council consult with the Board before giving notice of its intention to designate a property; and

WHEREAS the staff report advises that the building meets the criteria for historical designation under the Act; and

WHEREAS extensive community consultation has made very clear the significance of the building as a historical, cultural and architectural anchor, helping to define the historical character of the neighbourhood; and

WHEREAS acting now to designate the property under the Ontario Heritage Act will protect the heritage of the downtown area and City of Kenora skyline;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Kenora gives notice of its intention to designate the property at 210 Second Street South, known as the *Southview on Second*, legally described as BLK 2 PT LOT 9, and 1 Seventh Street South, known as *Cameron House* and legally described as RP KR1025 PART 2 PART 6 PCL;25415 & PART 6 WATER L ,under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

AND THAT the Planning Department be authorized and directed to take the necessary action to give effect thereto.

RECOMMENDATION TO COUNCIL

Clerk/
Planning

5) Lakeshore Capacity Assessment Handbook – Environmental Registry

Jeff Port indicated that the City of Kenora has taken a proactive approach and has already performed a lake capacity and management plan for lower Black Sturgeon Lake. The City's Official Plan has some very good policies which will help with water quality. Several of the lakes located within City limits are "at capacity" which means there will be no further development of lands abutting them without the benefit of municipal sewer and water servicing. Mr. Port recommends that the City simply implements the strategies of the report on the Black Sturgeon Lake study.

INFORMATION ONLY

6) Dock Talk – Rabbit Lake Residents

Jeff Port reported that the Planning Department has received a verbal request, from a resident of Rabbit Lake, to purchase the 66 foot shoreline road allowance. He reminded the Committee that, historically, the allowance has not been sold. He said that because the City and Abitibi are major land owners on the lake, much of it is undeveloped, but it is a small lake.

In order to ensure water quality remains status quo, or is improved, it has been suggested that the City coordinates a "Dock Talk" presentation for the residents of the lake, including information such as how to get involved in understanding the health of the lake, how to promote fish and wildlife habitat on their property, how to lessen the pollutants entering the lake, and where to buy phosphate-free, lake-friendly products.

Recommendation:

THAT the Planning Department coordinates a "Dock Talk" presentation for the residents of Rabbit Lake to provide information which will help to maintain the health of the lake.

RECOMMENDATION TO COUNCIL

Planning

7) Development Agreement – 1489752 Ontario Inc.

Jeff Port explained that, as part of the development for a new Tim Horton's franchise, there are works which must be done by both the Developer and the City. The City was planning to upgrade a storm drainage system which runs from Street A, through the subject property, under Lakeview Drive and to Lake of the Woods, as well as some improvements to Street A. The Developer will be providing an easement for the storm system. The final site plan is not available. Discussion took place with respect to ensuring that there are time limits and security on completion of all works.

Direction:

This item is on hold until the final site plan is available, and the agreement has been reviewed and approved by the Municipal Solicitor. A special meeting of Council can be called to deal with this issue.

ON HOLD

**Planning/
Operations**

8) Application No. Z09/08 1703591 for Amendment to Zoning By-law

Jeff Port reported that Bill Scurfield, Agent for 1703591 Ontario Inc. made application for a nineteen (19) lot plan of subdivision on property located at the end of the Williams Road, in December of 2006. On December 5, 2007, the Kenora Planning Advisory Committee granted conditional approval. One of the conditions of approval was that the property be rezoned from RU – Rural to RR – Rural Residential.

The Planning Advisory Committee has recommended approval as the planning issues have been, or are being, dealt with through the conditions of approval for the plan of subdivision.

RECOMMENDATION:

THAT the Council of the Corporation of the City of Kenora approves application no. Z09/08 1703591 to rezone property described as CON 4M S PT LOT 8 RP KR1462 PARTS 1 2 3 & RP KR334 PARTS 2 3 PCL 26533, from RU – Rural to RR – Rural Residential.

RECOMMENDATION TO COUNCIL

**Planning/
Clerk**

9) File No. Z09/08 1703591 for Amendment to Zoning By-law

Councillor Cuthbert reviewed Council's actions, to date, with respect specifically to the Rescue North facility. She recommended that the City withdraws its proposal to amend the zoning by-law with respect to animal shelters and small animal breeding and boarding, but that the Keeping of Animals by-law will require a further amendment to add Highway Commercial to the areas in which shelters are permitted.

Mayor Compton asked about the status of the appeal made, to the OMB, on the Keeping of Animals By-law. Tara Rickaby explained that the OMB had indicated to the applicant that they do not have jurisdiction in the matter and read from the OMB's letter of response.

The Committee was reminded that the Ministry of Municipal Affairs staff was consulted, with respect to withdrawal of the intention to amend the Zoning By-law, and that the Ministry's advise is always to consult the Municipal Solicitor. Mayor Compton stated that it would not be required.

RECOMMENDATION:

That Council of the City of Kenora hereby withdraws its intention to amend Zoning By-law No. 160-2004 with respect to animal shelters and small animal breeding and boarding establishments and

THAT By-law No. 20-2001 being the Keeping of Animals By-law be amended to include HC-Highway Commercial as a zone in which animal shelters are permitted.

RECOMMENDATION TO COUNCIL

**Clerk/
Planning**

10) Rest Stop

Discussion took place with respect to the apparent change in direction by the Ministry of Transportation, after a letter was received stating there are some concerns with the City's proposal.

DIRECTION: The CAO will send a letter back to the Ministry of Transportation, with backup documents and photos. Councillor McMillan will attempt to meet with the Minister at the AMO conference to discuss the matter further.

INFORMATION ONLY

The CAO reminded Council of the meeting on Friday, June 13th at 2 pm in the Operations

Training Room with Dr. Bob Rosehart, to receive feedback on his report and recommendations. The CAO asked staff about the status of the proposed communications tower at 5 Bay Road. The City has not received any notice/application with respect to this matter.

Motion required adjourning to Closed Meeting:

Moved by: Chris Van Walleghem Seconded by: Dave McCann and Carried:-

THAT this meeting be now declared closed at 10:35 a.m.; and further

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

- Property Matters
- Matters of litigation or potential litigation

Reconvene to Open Session

REPORTS FROM CLOSED SESSION:

1. Application to purchase municipal property

THAT Council of the City of Kenora hereby declares the shore/road allowance abutting property described as Concession 3 of Jaffray, Part of Mining Location 285P, Parcel 16289 as surplus to the needs of the municipality; and

THAT once the appraisal, surveying and advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to SCHADEK-PARSON MICHAEL J and SCHADEK-PARSON PATTI L , at the appraised value as established by Century 21 – Reynard Real Estate, plus all associated costs.

RECOMMENDATION TO COUNCIL

Moved by: Charito Drinkwalter Seconded by: Rory McMillan

THAT the June 10, 2008 meeting of the Property and Planning Committee be adjourned at 10:48 a.m.

**Planning/
Clerk**