



Minutes
Of the
Property and Planning Committee of Council
Held Tuesday, May 11, 2010
City Council Chambers
9:00 a.m.

Action

Present: Councillor W. Cuthbert, Chair
Mayor L. Compton
Councillor R. McMillan
Councillor J. Parson
Councillor D. McCann
Councillor C. Van Walleghem
Councillor C. Drinkwater (left after Open Meeting)
James Tkachyk, PAC Chair
Tara Rickaby, Planning Administrator
Bill Preisenzanz, CAO
Karen Brown, Finance & Administration Manager
Jennifer Findlay, EDO (left at 9:27 a.m.)
Lori Nelson, Museum (left after item 6 discussed)

Guests: LOWDC Board & Staff – Left at 9:27 a.m.

A. Public Information Notices:-

Take Notice that Council intends to approve the following by-law(s) at its May 17, 2010 Meeting:

- A By-law to adopt the City of Kenora Official Plan
- A By-law to enter into an agreement with Province of Ontario for funding for development of a Municipal Cultural Plan

B. Declaration Of Pecuniary Interest And The General Nature Thereof:

- a) On today's agenda
- b) From a meeting at which a Member was not in attendance

There were none declared.

C. Addition(s) to Agenda:

N/A

D. Confirmation of Minutes Resolution:

Moved by D. McCann, Seconded by Rory McMillan & Carried:

That the Minutes of the last open meeting April 13, 2010, be confirmed as written and ordered filed.

Councillor Cuthbert requested the Committee's agreement to move items 7 and 8 to the beginning of the meeting. The Committee concurred.

E. Standing Committee Deputations:

F. Reports:

1. LOWDC (Lake of the Woods Development Commission) - Education and Training Strategy

Geordie McEwen provided the background with respect to the development of this particular committee citing the availability of a perpetual workforce as an impediment to retention and attraction of business.

He outlined the strengths of Kenora as an education hub; the existing partnerships and opportunities for growth within them, and development of new partners. Mr. McEwen reviewed the Committee's strategy and indicated its key components, including further residential development, including residences for students, and the construction of high level technical training centres etc.

Dana McKie was introduced and a description of her position as Education and Training Intern was provided. Mr. McEwen acknowledged Dana's work on the project.

Recommendation:

That Council adopts the Lake of the Woods Development Commission's Education and Training Strategy.

Recommendation approved (Resolution)

2. LOWDC 2010 1st Quarter Report

Dennis Wallace provided the LOWDC 1st Report of 2010, acknowledging the importance of keeping Council, as the shareholder, current. He suggested that the reporting could increase in frequency. Mr. Wallace stated that LOWDC is still developing as entity of City, and in those terms, has revised its governance model and structure. Mr. Wallace went on to describe LOWDC's mandate in general terms. Mr. Wallace stressed the need to keep working with First Nations as the City's destiny is tied to that of the First Nations. He described the First Nations as the economic engines of future.

The value added forestry was discussed; the role of local First Nations and the development of medium sized enterprise such as Wincrief as being the likely way of future.

Mr. Wallace referred to the Northwest Business Centre and its critical role for small and medium enterprises. Mr. Wallace spoke to the benefit to LWODC and the City of leveraging its important volunteer base; the directors and Committee Chairs are essentially all volunteers; this is a huge strength and asset. The web portal is being updated to reflect its importance as the focal point for information.

The events planning/co-ordination functions are in transition, but the transition will be seamless. In closing, Mr. Wallace explained that LOWDC is in the process of developing good governance policies and procedures including a procedural by-law.

Randy Nickle, Chair of the Tourism Committee spoke to the strength of tourism as the #1 industry in years to come and the implementation of strategies which will see Kenora as tourist destination. He indicated that, through Ontario Tourism

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Marketing program, LOWDC has leveraged \$128,000, over and above the city investment. He referred to the 4 pillars of the tourism strategy and briefly described projects such as the Beaches / Parks/ Trails study, special events, and the 2011 winter carnival funding . Mr. Nickle described the LOW Discovery Centre and its importance as a new attraction to Kenora.

Wendy thanked and appreciated large contingent showing support. The LOWDC Board and Staff left the meeting at 9:27 a.m.

Recommendation:

That Council accept the January – April 2010 First Quarter Report from the Lake of the Woods Development Commission

Recommendation approved (Resolution)

3. Signage – Amendments to Sign By-law – Update

The By-law is still under staff review.

3a. Themed signage for municipal purposes

Wendy Cuthbert informed the Committee that brown and yellow trail signage has been erected throughout the City to indicate the trails in the network.

4. Rest Stop

This item remains on Hold – will be discussed in-camera.

5. Official Plan/Zoning By-law Review Process

Information only.

Wendy Cuthbert indicated that the Statutory public meeting was conducted by the Property & Planning Committee on Tuesday, May 4. Council will adopt the Official Plan at its next meeting. Staff is preparing the package for Municipal Affairs and Housing in order to have approved by early September, 2010.

There was also public consultation on May 4th to hear comments and answer questions with respect to the draft zoning by-law. The public will have until May 14 to submit comments with respect to the Zoning By-law. The statutory public meeting concerning the adoption of the Zoning By-law will be held in July.

Information only (Resolution and by-law)

6. Application for Zoning By-law Amendment (Z02/10 Degage)

Councillor Cuthbert summarized the recommendation to refuse this application and added that when re-zoning property it is for all permitted uses. She indicated the need for Council to be responsible in decision making; institutional uses are “people places”.

Councillor Cuthbert asked for comments from the Committee. Councillor McMillan asked about process and Councillor Cuthbert indicated that there is an appeal period.

Recommendation:

That, in order to ensure the orderly development of a safe community, the Council of the City of Kenora refuses the Application to Amend Zoning By-law 160-2004 Z02/10 DeGagne for property described PT CPR STATION GROUNDS & HUDSON BAY RESERVE DES RP 23R10 177 PARTS 6, 7 & 11, from HC – Highway Commercial to I - Institutional. The reasons for refusal are:

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1) that the application is not consistent with section 1.6. 3 of the Provincial Policy Statement, 2005:

1.6.3 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services.

Where feasible, public service facilities should be co-located to promote cost-effectiveness and facilitate service integration; and

That the rezoning of the property from a commercial designation to an I – Institutional designation, and permitting the development of a land ambulance base is not orderly development, providing adequate protection of public health and safety, or appropriate location for the development of such a use per the City of Kenora Official Plan and the opinion of Emergency Measures Ontario.

2) The Applicant has not provided adequate information and/or technical mitigation measures associated with section 3.9 of Kenora’s Official Plan:

Kenora Official Plan (2004):

Section 3.9 Development and Redevelopment Adjacent to Railway/Transportation Corridors requires that:

3.9.4 Where development is proposed within 75 metres of a rail yard or railway corridor, submission of a vibration study, prepared to the satisfaction of Council in consultation with the Railway, and addressing the potential impacts of vibration and recommended mitigation measures, may be required. Where potential adverse impacts are identified, appropriate mitigation measures shall be implemented at the time of development.

3.9.5 Appropriate safety measures, such as setbacks, berms and security fencing, shall be provided in association with all development proposals adjacent to rail yards or railway corridors, to the satisfaction of the City in consultation with the Railway.

Kenora Draft Official Plan (2010) Not yet approved by Minister of Municipal Affairs and Housing, but has been reviewed and comments provided back to the City

Section 1.1 Purpose

The City of Kenora, in fulfilling its responsibilities under the Ontario Planning Act, R.S.O. 1990, ch. 13, shall have regard to, among other matters, matters of provincial interest such as the:

- i) orderly development of safe and healthy communities
- q) protection of public health and safety;
- r) appropriate location of growth and development

3.11 Development and Redevelopment Adjacent to Railway/Transportation Corridors

For railway lines MOE’s, “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation” indicates that a noise feasibility study must be undertaken if sound levels resulting from surface transportation noise affecting the proposed lands exceed the noise criteria by more than 10 dBA, which roughly can be equated to a requirement for studies for development of lands within 100m of a principle mainline right of way, and 50m of a secondary main railway line right of way. The same document further stipulates that a detailed noise study is required when sound levels from surface transportation noise affecting the proposed lands exceed the noise criteria by more than 5 dBA. This can roughly be equated to a requirement for a detailed noise study where proposed lands are within 500m of a

principal main railway line, 250 m from a secondary railway line, and 100m from other railway lines.

3) The location of the proposed land ambulance base is not appropriate with respect to its proximity to the CP rail line, as a dangerous goods corridor as the corridor "poses hazards that could impact the viability of the ambulance base during an emergency. If an emergency were to originate from either CP or Superior Propane, or if they were to be impacted by a secondary emergency from another location, the ambulance base could be within an evacuation zone, rendering it non-operational in the short term and perhaps compromising EMS coverage" (from comments provided by D. Smyk, Emergency Management Ontario) ;

4) The location of the proposed land ambulance base, with respect to the proximity of an existing propane distribution facility, is not appropriate as it ""poses hazards that could impact the viability of the ambulance base during an emergency. If an emergency were to originate from either CP or Superior Propane, or if they were to be impacted by a secondary emergency from another location, the ambulance base could be within an evacuation zone, rendering it non-operational in the short term and perhaps compromising EMS coverage" (from comments provided by D. Smyk, Emergency Management Ontario).

Recommendation approved (resolution)

7. City of Kenora Public Library – Designation under Heritage Act

Hold

8. Municipal Cultural Planning - Agreement

Wendy Cuthbert explained that, in November of 2009 there was an application for funding made to the Community Prosperity Fund. The end product will be a planning document used to identify cultural resources which will be a tool used to help to attain goals of Economic Development/ Tourism strategies.

Councillor Cuthbert indicated that the Committee requires Council Representation and volunteered, unless others were interested. The Committee agreed that Councillor Cuthbert would be the member with Councillor Rory McMillan as Alternate.

Lori Nelson then explained the need for the plan and referred to other municipalities which already have them. She indicated that Kenora is already moving in same direction, but the development of the plan would formalize and provide opportunities for co-ordination of current and future projects and committees.

Recommendation:

That Council adopt a by-law authorizing the Mayor & Clerk to sign an Agreement with the Province of Ontario for funding for the development of a Municipal Cultural Plan: and further,

That Council appoints a Council representative to the project steering committee.

Recommendation approved (resolution and by-law).

Lori Nelson left the meeting.

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Other Business:

N/A

Charito Drinkwalter left the meeting.

Motion - Adjournment to Closed Meeting:

That this meeting be now declared closed at 9:44 a.m.; and further

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

- i) Proposed Acquisition of Land**
- ii) Security of Municipal Property**
- iii) A personal matter about an identifiable individual**

Committee reconvened at 11:03 a.m. with the following direction from its Closed Session:

• Recommendation:

That Council of the City of Kenora hereby give three readings to a bylaw to adopt an amended Memorandum of Understanding with the Lake of the Woods Development Commission by incorporating changes to the reporting relationships.

Moved by , Seconded by & Carried:

That this meeting be and is hereby closed at 11:04 a.m.