MEETING: Committee of the Whole

DATE: Monday, March 18, 2019

Reference No. COW - 22/50

OPEN SESSION in S.H. Blake Memorial Auditorium at 6:30 p.m.

Committee of the Whole - Planning Session
Chair: Councillor Trevor Giertuga

DISCLOSURES OF INTEREST

CONFIRMATION OF AGENDA

Confirmation of Agenda - March 18, 2019 - Committee of the Whole

With respect to the March 18, 2019 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

REPORTS OF COMMITTEES

Committee of Adjustment Minutes

Committee of Adjustment Minutes for Meeting No. 12-18, held on December 12, 2018, for information.

Lakehead Regional Conservation Authority Minutes

Lakehead Regional Conservation Authority Minutes for Meeting No. 65, held on January 30, 2019, for information.

Heritage Advisory Committee Minutes

Minutes of Meeting No. 01-2019 of the Heritage Advisory Committee held on January 24, 2019, for information.

REPORTS OF MUNICIPAL OFFICERS

Ministry Approval of the New Official Plan

Report R 39/2019 (Development & Emergency Services – Planning Services) recommending that pursuant to Section 22(2.2) of the Planning Act, Thunder Bay City Council will consider requests to amend its new Official Plan.
The City of Thunder Bay adopted a new Official Plan on April 30, 2018 and in early March, 2019 the Province approved the Plan with a number of modifications. Modifications made to the Rural Settlement Area policies of the Plan will require larger lot sizes and a hydrogeological study to create lots less than 1 hectare. The Minister has also modified the boundary of the Rural Settlement Area. Other modifications include the redesignation of the LPH lands from Community to Residential. The modifications imposed by the Province cannot be appealed.

The Planning Act does not permit amendments to a new Official Plan for a period of two years following its approval unless the Council has declared by resolution that a request to amend the Plan is permitted. Administration is recommending that Council pass a resolution that would generally allow amendments to the new Official Plan to be considered.

With respect to Report R 39/2019 (Development & Emergency Services – Planning Services) we recommend that pursuant to Section 22(2.2) of the Planning Act, Thunder Bay City Council will consider requests to amend its new Official Plan;

AND THAT any necessary by-laws be presented to City Council for ratification

NEW BUSINESS

ADJOURNMENT
MEETING DATE  03/18/2019 (mm/dd/yyyy)

SUBJECT  Confirmation of Agenda

SUMMARY

Confirmation of Agenda - March 18, 2019 - Committee of the Whole

RECOMMENDATION

With respect to the March 18, 2019 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.
**MEETING DATE**  
03/18/2019 (mm/dd/yyyy)

**SUBJECT**  
Committee of Adjustment Minutes

**SUMMARY**

Committee of Adjustment Minutes for Meeting No. 12-18, held on December 12, 2018, for information.

**ATTACHMENTS**

1. COMMITTEE OF ADJUSTMENT MINUTES 12-12-2018
December 12, 2018.

CITY OF
ThunderBay
Superior by Design

COMMITTEE OF ADJUSTMENT

DATE December 12, 2018

MEETING NO. 12-18

TIME  4:00 p.m.

PLACE S.H. Blake Memorial Auditorium

CHAIRMAN: Mr. A. Petersen

Mr. M. McNabb
Mr. J. Talarico
Mr. M. Whybourne

Ms. L. Veal, Secretary-Treasurer
Ms. J. Fazio, Planner II
Mr. G. Mason, Planner II
Mr. A. Ward, Project Engineer

ABSENT: Mrs. D. Mahoney

Chairman Petersen outlined the procedure which the Committee would follow in dealing with an application.

DISCLOSURE OF INTEREST

APPLICATIONS

The Secretary-Treasurer read out the Notices of Hearing and submitted the list of relevant documents to the Committee for its consideration. She also filed, with the Committee, her affidavit pertaining to Notices of Hearing and the list of relevant persons to whom such notices were sent.

The Chairman outlined the procedure which the Committee would follow in dealing with an application.

1. Application A-70-2018, Applicant: Scott's Trustee Corp, Agent: Oz Kemal, MHBC Planning. 843 Red River Road, Lots 1 - 4 Registered Plan 792 Lots 3 & 4 Registered Plan 806

Mr. Oz Kemal appeared before the Committee to answer questions regarding this application. The Chairman asked if he had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Ministry of Transportation, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division.

Mr. G. Mason, Planner II, Planning Services Division supported the application, because the use "Variety Store" is defined in general terms, and the proposed use of an e-cigarette retailer, meets this definition.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT under the provisions of Sections 44 and 45 (2) b) of The Planning Act R.S.O. 1990, as amended, an application has been made for an interpretation of the definition of a "variety store" as defined in By-law 177-1983, as amended, as it applies to the property known as 843 Red River Road situated on Lots 1 - 4 Registered Plan 792 Lots 3 & 4 Registered Plan 806.

That for the purpose of this location, an e-cigarette shop is defined in general terms as a variety store, as defined in By-law 177-1983, as amended.

Be approved;"
The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee's Decision was not affected by comments received from the public.

2. Application A-66-2018, Owner: Marjo Potec, Applicant: Mike Goch, Agent: Daniel Matson [RJ Concrete & Construction Ltd], 135 Windemere Avenue, Lot 31, Block 4, Registered Plan 171

Mr. Daniel Matson, from RJ Concrete appeared before the Committee to answer questions regarding this application and the building of the garage. Mr. Mike Maher, from Buset and Partners was present to support his client Mr. Mike Goch, for possible defamation of character. The Chairman asked if they had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division.

Ms. J. Fazio, Planner II, Planning Services Division supported the application. The variance for an increase to maximum lot coverage to build an accessory garage passes the four tests of minor variance and does not conflict with the Provincial Policy Statement or the Growth Plan for Northern Ontario. The garage is to be used for personal storage only. An additional memo was provided in response to comments received from the public. It has been suggested in comments received from the neighbours that a Home Occupation use currently operates out of the subject property. The memo contained Section 5.8.3, Home Occupation, of By-law 100-2010, as amended, the City of Thunder Bay Zoning By-law.

Comments of opposition in the form of a petition were received from ten people, representing five households. The summary of the concerns were: overdevelopment of the area, increased traffic because of the business, decreased greenspace, concern for drainage for rain and snow, illegal grow op to move in to the garage, many complaints to the City departments (police, animal services, and garbage)

Comments of support were received from five people, in the form of letters. The summary of support, no objection because consultation was given, no disruption to the neighbourhood.

There were no residents of the neighbourhood present to speak to the correspondence received.

Mr. Daniel Matson, from RJ Concrete spoke on behalf of the applicant in regards to the building of the garage.

Correspondence was received and read from Marjo Potec, property manager and landlady. Ms. Potec supported the application as submitted.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT an application from Marja Patee for relief from the requirements of By-law 100.2010, as amended, as it applies to the property known as 135 S. Windemere Avenue situated on Lot 31, Block 4, Registered Plan 171 to allow for the construction of an accessory garage for personal storage, as set forth in the application.

Section 5.3.2 (a) Lot Coverage by Accessory Buildings or structures
| Increase the maximum lot coverage for an accessory building from 15% to 27% |
| Table 9.2.1 Increase the maximum lot coverage from 40% to 45% |

Be approved."

The majority of the members have supported the approval of this application, as set forth in its decision.

Public comment has been received and considered and had no effect on Committee's Decision as the application is consistent with all relevant planning legislation and represents good planning.
Ms. Kady Stachiw appeared before the Committee to answer questions regarding this application. The Chairman asked if she had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Ms. Stachiw gave a brief overview of the former use of the space.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Ministry of Transportation, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division, with condition.

Ms. J. Fazio, Planner I, Planning Services Division supported the application. Ms. Fazio noted that the land use is transitioning along North Cumberland Street. Therefore, proposed expansion of residential use within the existing building is consistent with the current Official Plan and the adopted Official Plan.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT an application has been made for permission (Section 45 (2) (a) (ii)) under the provisions of Sections 44 and 45 of The Planning Act R.S.O. 1990, as amended, from Joel Meyerson for relief from the requirements of By-law 100-2010, as amended, as it applies to the property known as 234/236/238 N. Cumberland Street situated on Lot 24 and Part of Lot 25, Block M, Registered Plan 579. The building has a legal non-conforming status for a six (6) unit apartment building with a retail store. The application is for the conversion of the retail store space to the 7th and 8th residential units, and recognize the existing five (5) parking spaces, as set forth in the application.

Be approved;"

The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee's Decision was not affected by comments received from the public.


Mr. Shane Bureau appeared before the Committee to answer questions regarding this application. The Chairman asked if he had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Ministry of Transportation, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division, with condition.

Ms. J. Fazio, Planner II, Planning Services Division supported the application, as it passed the four tests of minor variance.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT an application from Shane Bureau under the provisions of Sections 44 and 45 of The Planning Act R.S.O. 1990, as amended, an application has been made for relief from the requirements of By-law 100-2010, as amended, as it applies to the property known as 2231 E. Victoria Avenue situated on Lot 24 and Part of Lot 25, Block M, Registered Plan 579. The building has a legal non-conforming status for a six (6) unit apartment building with a retail store. The application is for the conversion of the retail store space to the 7th and 8th residential units, and recognize the existing five (5) parking spaces, as set forth in the application.

Be approved;"

The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee's Decision was not affected by comments received from the public.


Mr. Shane Bureau appeared before the Committee to answer questions regarding this application. The Chairman asked if he had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Ministry of Transportation, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division, with condition.

Ms. J. Fazio, Planner II, Planning Services Division supported the application, as it passed the four tests of minor variance.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT an application from Shane Bureau under the provisions of Sections 44 and 45 of The Planning Act R.S.O. 1990, as amended, an application has been made for relief from the requirements of By-law 100-2010, as amended, as it applies to the property known as 2231 E. Victoria Avenue situated on Lot 24 and Part of Lot 25, Block M, Registered Plan 579. The building has a legal non-conforming status for a six (6) unit apartment building with a retail store. The application is for the conversion of the retail store space to the 7th and 8th residential units, and recognize the existing five (5) parking spaces, as set forth in the application.

Be approved;"

The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee's Decision was not affected by comments received from the public.


Mr. Shane Bureau appeared before the Committee to answer questions regarding this application. The Chairman asked if he had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Ministry of Transportation, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division, with condition.

Ms. J. Fazio, Planner II, Planning Services Division supported the application, as it passed the four tests of minor variance.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT an application from Shane Bureau under the provisions of Sections 44 and 45 of The Planning Act R.S.O. 1990, as amended, an application has been made for relief from the requirements of By-law 100-2010, as amended, as it applies to the property known as 2231 E. Victoria Avenue situated on Lot 24 and Part of Lot 25, Block M, Registered Plan 579. The building has a legal non-conforming status for a six (6) unit apartment building with a retail store. The application is for the conversion of the retail store space to the 7th and 8th residential units, and recognize the existing five (5) parking spaces, as set forth in the application.

Be approved;"

The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee's Decision was not affected by comments received from the public.


Mr. Shane Bureau appeared before the Committee to answer questions regarding this application. The Chairman asked if he had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Ministry of Transportation, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division, with condition.

Ms. J. Fazio, Planner II, Planning Services Division supported the application, as it passed the four tests of minor variance.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT an application from Shane Bureau under the provisions of Sections 44 and 45 of The Planning Act R.S.O. 1990, as amended, an application has been made for relief from the requirements of By-law 100-2010, as amended, as it applies to the property known as 2231 E. Victoria Avenue situated on Lot 24 and Part of Lot 25, Block M, Registered Plan 579. The building has a legal non-conforming status for a six (6) unit apartment building with a retail store. The application is for the conversion of the retail store space to the 7th and 8th residential units, and recognize the existing five (5) parking spaces, as set forth in the application.

Be approved;"

The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee's Decision was not affected by comments received from the public.


Mr. Shane Bureau appeared before the Committee to answer questions regarding this application. The Chairman asked if he had complied with the posting of the required sign. It was confirmed that the sign has been posted.

Correspondence was received and read, indicating no objections, from Lakehead Region Conservation Authority, Thunder Bay Hydro, Ministry of Transportation, Fire Prevention, Realty Services, Parks and Open Spaces, Engineering & Operations Division, with condition.

Ms. J. Fazio, Planner II, Planning Services Division supported the application, as it passed the four tests of minor variance.

The Chairman asked the members for a vote as to the approval of this application.

"TAKE NOTICE THAT an application from Shane Bureau under the provisions of Sections 44 and 45 of The Planning Act R.S.O. 1990, as amended, an application has been made for relief from the requirements of By-law 100-2010, as amended, as it applies to the property known as 2231 E. Victoria Avenue situated on Lot 24 and Part of Lot 25, Block M, Registered Plan 579. The building has a legal non-conforming status for a six (6) unit apartment building with a retail store. The application is for the conversion of the retail store space to the 7th and 8th residential units, and recognize the existing five (5) parking spaces, as set forth in the application.

Be approved;"

The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee's Decision was not affected by comments received from the public.
December 12, 2018

Provided however that the applicant shall submit an application to the Environment Division, including a deposit, for the installation of new water service connections for the subject property, or shall provide satisfactory evidence to the Building Services Division that the existing ½” service is adequate for the proposed 2nd unit.

Be approved:"

The majority of the members have supported the approval of this application, as set forth in its decision.

As no public comment, written or oral, has been received, Committee’s Decision was not affected by comments received from the public.

Supplementary Agenda

1. Consent Applications – Conditions Fulfilled


2. Signing of November 21, 2018 meeting minutes

Moved by: Marvin McNabb
Seconded by: Murray Whybourne

“That the minutes of Meeting No. 11.18 of the Thunder Bay Committee of Adjustment, held November 21, 2018 be confirmed as presented.”

New Business

Adjournment

The meeting adjourned at 5:15

CARRIED

Chairman

Secretary-Treasurer
MEETING DATE 03/18/2019 (mm/dd/yyyy)

SUBJECT Lakehead Regional Conservation Authority Minutes

SUMMARY

Lakehead Regional Conservation Authority Minutes for Meeting No. 65, held on January 30, 2019, for information.

ATTACHMENTS

1. LRCA MINUTES DATED JAN 30 2019
Minutes of the 65th Annual Meeting of the Lakehead Region Conservation Authority held on Wednesday January 30, 2019, in the Authority Boardroom. The Chair called the Meeting to order at 4:30 p.m.

PRESENT:  
Donna Blunt, Chair  
Grant Arnold, Vice-Chair  
Rudy Buitenhuis  
Erwin Butikofer  
Ed Chambers  
Andrea Goold  
Umed Panu  
Jim Vezina  
Allan Vis  

REGRETS:  
Andrew Foulds  
Trevor Giertuga  

ALSO PRESENT:  
Tammy Cook, Chief Administrative Officer  
Mark Ambrose, Finance Manager  
Gail Willis, Watershed Manager  
Ryne Gilliam, Field Operations Supervisor  
Ryan Mackett, Community Stewardship/Public Relations Officer  
Melanie O’Riley Receptionist/Admin Clerk, recorder of Minutes  

1. ADOPTION OF AGENDA

Resolution #1/19

Moved by Grant Arnold, Seconded by Jim Vezina

"THAT: the Agenda is adopted as published." CARRIED.

2. DISCLOSURE OF INTEREST

None.
3. **MINUTES OF PREVIOUS MEETING**

Resolution #2/19

Moved by Ed Chambers, Seconded by Jim Vezina

"**THAT:** the Minutes of the Lakehead Region Conservation Authority Tenth Regular Meeting held on Wednesday, November 28, 2018, together with the In-Camera portion be adopted as published." **CARRIED.**

4. **ELECTION PROCEDURES**

Members were provided with the Election Procedures as outlined in the new Administrative By-Law, the CAO assumed the position of Chair for the purpose of the election of the Chair and Vice-Chair.

Per the Administrative By-law, the Chair, Vice-Chair and CAO are the signing officers and Conservation Ontario Council representatives until the 2020 Annual General Meeting.

5. **ELECTION OF AUTHORITY CHAIR**

The Election Chair, Tammy Cook, CAO, requested nominations for the position of Chair.

Jim Vezina nominated Donna Blunt for the position of Chair. Donna Blunt agreed to let her name stand.

Nominations for the position of Chair were called three times.

Resolution #3/19

Moved by Jim Vezina, Seconded by Erwin Butikofer

"**THAT:** the nominations for the position of Chair be closed." **CARRIED.**

Resolution #4/19

Moved by Grant Arnold, Seconded by Ed Chambers

"**THAT:** Donna Blunt is appointed as Chair of the Lakehead Region Conservation Authority until the Annual General Meeting of 2020." **CARRIED.**

6. **ELECTION OF AUTHORITY VICE-CHAIR**

The Election Chair, requested nominations for the position of the Vice-Chair.

Jim Vezina nominated Grant Arnold for the position of Chair. Grant Arnold agreed to let his name stand.
Nominations for the position of Vice-Chair were called three times.

Resolution #5/19

Moved by Rudy Buitenhuis, Seconded by Jim Vezina

"THAT: the nominations for the position of Vice-Chair be closed." CARRIED.

Resolution #6/19

Moved by Ed Chambers, Seconded by Grant Arnold

"THAT: Grant Arnold is appointed as Vice-Chair of the Lakehead Region Conservation Authority until the Annual General Meeting of 2020." CARRIED.

7. APPOINTMENT OF AUDITORS – 2019

Members reviewed and discussed Staff Report FIN-01-2019 related to the appointment of the Auditors for the year 2019.

Resolution #7/19

Moved by Grant Arnold, Seconded by Ed Chambers

"THAT: the audit firm of Grant Thornton Thunder Bay LLP is appointed as auditors of the Lakehead Region Conservation Authority for the year 2019." CARRIED.

8. APPOINTMENT OF SOLICITORS – 2019

Members reviewed and discussed Staff Report FIN-02-2019 related to the appointment of Authority Solicitor for the year 2019.

Resolution #8/19

Moved by Rudy Buitenhuis, Seconded by Jim Vezina

"THAT: the legal firm of McKitrick is appointed as solicitors of the Lakehead Region Conservation Authority for the year 2019." CARRIED.

9. APPOINTMENT OF AUTHORITY BANK – 2019

Members reviewed and discussed Staff Report FIN-03-2019 related to the appointment of the Authority Bank for the year 2019.
Resolution #9/19

Moved by Grant Arnold, Seconded by Jim Vezina

"THAT: the Royal Bank of Canada, Business Centre, is appointed as the bank with which the Lakehead Region Conservation Authority will conduct its financial business during 2019."

CARRIED.

10. BORROWING RESOLUTION

Resolution #10/19

Moved by Jim Vezina, Seconded by Grant Arnold

"THAT: Whereas it may be necessary for the Lakehead Region Conservation Authority (herein under referred to as the "Authority") to borrow a sum not to exceed in the aggregate, Four Hundred Thousand Dollars ($400,000) required for its purposes in the year 2019, until payment to the Authority of any grants and of sums to be paid to the Authority by the participating municipalities designated as such under the Conservation Authorities Act, 1990,

BE IT THEREFORE RESOLVED:

THAT: the Authority may borrow from a bank, the sum not to exceed in the aggregate Four Hundred Thousand Dollars ($400,000) necessary for its purposes in the year 2019, on the promissory note or notes of the Authority until payment to the Authority of any grants and of sums to be paid to the Authority by the participating municipalities.

THAT: the Chair or Vice-Chair together with the Chief Administrative Officer of the Authority be and are hereby authorized to execute for and on behalf of the Authority a promissory note or notes for the sum to be borrowed under paragraph numbered 1 hereof and to affix thereto the corporate seal of the Authority.

THAT: the amount borrowed pursuant to this resolution is a charge upon the whole of the moneys received or to be received by the Authority by way of grants and when such moneys are received.

THAT: the Chair or the Vice-Chair or the Chief Administrative Officer of the Authority be and is hereby authorized and directed to apply in payment of the moneys borrowed pursuant to this resolution, together with interest thereon, all of the moneys received by the Authority by way of grants or sums received by the Authority from the participating municipalities."

CARRIED.

11. IN-CAMERA AGENDA

Resolution #11/19

Moved by Jim Vezina, Seconded by Ed Chambers

"THAT: we now go into Committee of the Whole (In-Camera) at 4:42 p.m."

CARRIED.
Resolution #12/19
Moved by Grant Arnold, Seconded by Ed Chambers

"THAT: we go into Open Meeting at 4:54 p.m." CARRIED.

The purpose of the In-Camera Meeting pertained to property and litigation matters.

12. BUSINESS ARISING FROM PREVIOUS MINUTES

(a) File: Board Training

Members were provided with Board Reference Manuals. Members agreed that Board training sessions will occur during regular Board meetings.

(b) File: 2019 Budget and Levies

It was noted that the CAO and Finance Manager attended the City of Thunder Bay Council Meeting on January 17, 2019 to answer any questions relative to the 2019 Operating Budget and Levies.

It was noted that the 2019 Budget and Levies are to be considered for adoption at the February 27, 2019 Board Meeting. Once adopted, levy notices will be mailed out to the Member Municipalities, as outlined in the Conservation Authorities Act.

13. CORRESPONDENCE

(a) File: Printed Material

Printed material was circulated.

14. STAFF REPORTS

Members reviewed and discussed Staff Report FLFOR-01-2019, which summarized the 2018 Flood Forecasting and Warning Program.

Resolution #13/19
Moved by Erwin Butikofer, Seconded by Jim Vezina

"THAT: Staff Report No. FLFOR-01-2019 be received." CARRIED.

Members reviewed and discussed Staff Report PIR-01-2019, which summarized the 2018 Plan Input and Review Program.
Resolution #14/19

Moved by Erwin Butikofer, Seconded by Rudy Buitenhuis

"THAT: Staff Report No. PIR-01-2019 be received." **CARRIED**

Members reviewed and discussed Staff Report DEVREG-01-2019, which summarized the 2018 Development Regulations Program.

Resolution #15/19

Moved by Jim Vezina, Seconded by Erwin Butikofer

"THAT: Staff Report No. DEVREG-01-2019 be received." **CARRIED**.

Members reviewed and discussed Staff Report NMFC-01-2019, which summarized the Neebring-McIntyre Floodway in 2018.

Resolution #16/19

Moved by Rudy Buitenhuis, Seconded by Erwin Butikofer

"THAT: Staff Report No. NMFC-01-2019 be received." **CARRIED**.

Members reviewed and discussed Staff Report COMREL-01-2019, which provided updates on the LRCA’s website and social media accounts for 2018.

Resolution #17/19

Moved by Erwin Butikofer, Seconded by Rudy Buitenhuis

"THAT: Staff Report No. COMREL-01-2019 be received for information." **CARRIED**.

15. CHIEF ADMINISTRATIVE OFFICER REPORT

Members were provided with the monthly Treasurer’s Report for expenses and revenues for November and December plus totals to date for Administration, Capital and Vehicle and Equipment Program. It was noted that not all accounts receivable and payable information was noted in the Treasurer’s Report, as the information was not available at the time of agenda preparation. The final 2018 Treasurer’s Report will be presented at the February meeting.

It was noted that as per Board Policy BOD-06: Remuneration of Members, Board Member per diems have been increased according to the 2018 Consumer Price Index of 1.7%.

Members were advised that the CAO will be attending a Special General Manager’s Meeting on February 11, 2019 to discuss Conservation Ontario hiring a strategist to assist Conservation Authorities in strengthening their messaging to the government. It was noted that each Conservation Authority has committed to providing special levy to Conservation Ontario to fund the strategist. The LRCA has committed to providing $1,000.00. Discussion will also focus on potential transfer payment reductions.
Members reviewed and discussed Staff Report FIN-04-2019 summarizing the Authority’s 2018 investments.

Resolution #18/19

Moved by Rudy Buitenhuis, Seconded by Erwin Butikofer

"THAT: the Staff Report FIN-04-2019 be received." CARRIED.

It was noted that through Staff payroll donations a total of $1,170.00 was donated to the LRCA’s Environmental Education Programs Living Classroom Fund.

It was noted that in 2018, 172 Explore Card Passes were sold and 74 were given out as promotions. It was noted that a small fraction of Conservation Area Users pay the parking fee or purchase Explore Cards.

16. PASSING OF ACCOUNTS

Resolution #19/19

Moved by Rudy Buitenhuis, Seconded by Erwin Butikofer

"THAT: having examined the accounts for the period of November 1, 2018 to November 30, 2018 cheque #1481 to #1505 for $100,859.09 and preauthorized payments of $87,005.91 for a total of $187,865.00, we approve their payment." CARRIED.

Resolution #20/19

Moved by Rudy Buitenhuis, Seconded by Erwin Butikofer

"THAT: having examined the accounts for the period of December 1, 2018 to December 31, 2018 cheque #1506 to #1537 for $170,922.81 and preauthorized payments of $77,042.88 for a total of $247,965.69, we approve their payment." CARRIED.

17. REGULATORY ROLE – Circulation Binder

The Plan Input and Review for the period from November 29, 2018, to January 30, 2019, was circulated.

The Permits issued for the period from November 29, 2018, to January 30, 2019, were circulated.

18. PROJECTS UPDATE

Members were provided with the written updates of on-going projects/activities as detailed in the Agenda.

Members were provided with information related to the proposed Bill 66 ‘Restoring Ontario’s Competitiveness Act, 2018’.
Members were provided with information related to ‘A Made-in-Ontario Environmental Plan, Preserving and Protecting Our Environment for Future Generations.’

An update of the harvesting of the Wishart Forest Property was provided.

Members reviewed and discussed the Neebing-McIntyre Floodway 2018 Sediment Accumulation Monitoring Program.

Resolution #21/19

Moved by Jim Vezina, Seconded by Allan Vis

"THAT: the proposal submitted by Hatch Corporation for the 2019 sediment survey of the Neebing-McIntyre Floodway dated January 2, 2019 is approved." CARRIED.

19. NEW BUSINESS.

Members were provided with updated copies of Screening Maps related to Ont. Reg. 180/06 to take back to their respective Municipality.

20. NEXT MEETING.

The next meeting will be held on Wednesday, February 27, 2019, starting at 4:30 p.m.

21. AJOURNMENT.

Resolution #22/19

Moved by Allan Vis, Seconded by Jim Vezina

"THAT: the time being 5:30 p.m. AND FURTHER THAT there being no further business we adjourn." CARRIED.

Donna Blunt
Chair

Sammy Cook
Chief Administrative Officer
MEETING DATE 03/18/2019 (mm/dd/yyyy)

SUBJECT Heritage Advisory Committee Minutes

SUMMARY

Minutes of Meeting No. 01-2019 of the Heritage Advisory Committee held on January 24, 2019, for information.

ATTACHMENTS

1 HAC minutes Jan 24 2019
1.0 CHAIR & VICE CHAIR NOMINATIONS FOR 2019

Ms. L. Lavoie, Committee Coordinator – Office of the City Clerk, administered nominations for the position of Chair and Vice Chair.

MOVED BY:       Ms. D. Pallen
SECONDED BY:    Mr. L. Hebert

WITH respect to the position of Chair on the Heritage Advisory Committee, we recommend that Mr. A. Cotter be appointed Chair of the Committee for the remainder of the 2019 calendar year, and until such time a replacement has been appointed, as required annually.

CARRIED
MOVED BY: Mr. A. Cotter  
SECONDED BY: Ms. D. Pallen

WITH respect to the position of Vice-Chair on the Heritage Advisory Committee, we recommend that Ms. K. Costa be appointed Vice-Chair of the Committee for the remainder of the 2019 calendar year, and until such time a replacement has been appointed, as required annually.

CARRIED

2.0 DISCLOSURES OF INTEREST

None.

3.0 AGENDA APPROVAL

MOVED BY: Mr. L. Hebert  
SECONDED BY: Ms. S. Walker

With respect to the January 24, 2019 Heritage Advisory Committee meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

4.0 CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Heritage Advisory Committee Meeting No. 11-2018 held on December 13, 2018 to be confirmed.

MOVED BY: Ms. H. Strobl  
SECONDED BY: Ms. D. Pallen

THAT the Minutes of Meeting No. 11-2018 held on December 13, 2018 be confirmed.

CARRIED
5.0 PRESENTATIONS

5.1 Dease Pool

Ms. S. Clements, Ms. K. Banning and Mr. R. Smith provided a presentation relative to Dease Pool.

Additional information relative to the above-noted, received from Ms. S. Clements on Wednesday, January 23, 2019, was distributed with agenda, for information.

At the December 10, 2018 Committee of the Whole meeting, Report No. R 124/2018 entitled Enhanced Park Programming and Dease Pool was presented. A motion contained within the report recommended that Dease Pool be closed and the Dease Pool operating budget be used to enhance children and youth recreational programming at Dease Park and Minnesota Park. The motion was passed at the December 10th meeting and ratified at the City Council meeting on December 17, 2018.

Ms. K. Banning and Mr. R. Smith provided pre-budget deputations relative to Dease Pool at the January 10, 2019 Committee of the Whole meeting.

Ms. K. Banning met with Ms. K. Robertson, General Manager - Community Services, Ms. D. Sippala, Director - Recreation, Culture & Municipal Child Care and Mr. G. Broere, Director - Asset Management to discuss an option to reconstruct Dease Pool.

A copy of Ms. K. Banning’s Dease Pool Renewal proposal was circulated, for information.

Mr. R. Smith has been speaking to children in the neighbourhood and going door to door asking for support to save Dease Pool. A petition currently has 1541 signatures and an online petition has 1100 names, so far.

Ms. K. Banning, Mr. R. Smith and Ms. S. Clements, asked HAC if they would consider recommending Dease Pool for designation as a heritage property to protect it from demolition.

Members of the Committee explained that Dease Pool is currently on the Heritage Registry. Properties on the Heritage Registry, which have not undergone formal designation, are recognized to be of historical interest and cultural value. Properties on the Registry are provided with interim protection from demolition. Owners of these properties are required to give 60 days notice of their intention to demolish. This allows time for HAC to decide whether to begin the designation process, which provides properties with additional protections.
Mr. M. Szybalski, Corporate Records Manager & City Archivist pointed out that the Heritage Act states that City Council has the final decision on whether or not a property gets demolished.

It was the consensus of Committee to begin a cultural heritage property evaluation for Dease Pool. A subcommittee was formed to perform the evaluation. Subcommittee members will be Mr. A. Cotter, Ms. K. Costa and Ms. L. Abthorpe, Heritage Researcher.

6.0 ARLINGTON APARTMENTS 230 BRODIE STREET N.

At the December 13, 2018 meeting, Mr. M. Tempelman, MET Services provided a presentation and responded to questions relative to the addition of exterior stairs at Arlington Apartments, 230 Brodie Street North, a designated heritage property.

The committee requested a copy of the fire marshal’s order for review. Inspection order dated May 29, 2018, was distributed separately via email on December 14, 2018, for information. The committee discussed the fire marshal’s order and the proposed design of exterior stairs as presented on December 13th by Mr. M. Tempelman.

The following motion was moved by Mr. L. Hebert:

THAT the Heritage Advisory Committee approves the addition of exterior stairs at the front of the building at 230 Brodie Street North as presented by Mr. M. Tempelman, MET Services at the December 13, 2018 committee meeting;

AND THAT the exterior stairs will provide a second exit for the front six apartments as per the Thunder Bay Fire Service Inspection Order dated May 29, 2018;

AND THAT a copy of this resolution be forwarded to The City of Thunder Bay’s Building Division, if required.

The Chair advised that there was no seconder for the motion.

It was the consensus of committee to request that the property owner submit alternative plans for exterior stairs to the fire marshal, and that the alternative plans have less impact on the significant heritage features of the building, and that the owner or their representative return to a HAC meeting for approval of the plans.
7.0 CITY OF THUNDER BAY ARTS & HERITAGE AWARDS

Mr. A. Young, Cultural Development Supervisor - Community Services distributed a document entitled Arts & Heritage Awards Sponsorship Opportunities and responded to questions relative to the above-noted.

Decision about sponsorship was deferred to the February meeting.

Potential nominees were discussed and it was the consensus of committee to nominate the following:

- Doors Open Thunder Bay 2018 for Cultural Festival or Event of the Year
- Chippewa Park Carousel for Achievement – Build Heritage
- Bonnie McNulty for Lifetime or Professional Achievement
- A long time sponsor of Doors Open (to be determined) for Cultural Sponsor of the Year

Nominations are due by February 15, 2019. The event will take place on April 5, 2019 at Magnus Theatre. Copperfin Credit Union will be the presenting sponsor. There will be an after-party at Red Lion Smokehouse.

8.0 REVIEW OF COMMITTEE TERMS OF REFERENCE

Draft of updated Committee Terms of Reference were distributed with agenda.

Committee discussed updated Terms of Reference.

MOVED BY: Mr. L. Hebert
SECONDED BY: Ms. D. Pallen

That the Heritage Advisory Committee accepts the Terms of Reference, as amended.

CARRIED

Mr. M. Szybalski, Corporate Records Manager & City Archivist will prepare a report for council relative to the above-noted and include it in the March 25, 2019 Committee of the Whole agenda.

9.0 DEVELOPMENT SERVICES AND THE HERITAGE REGISTER

Mr. G. Mason, Planner II provided information relative to the procedures in the Development Services Department relative to properties on the Heritage Register.
10.0 HERITAGE RESEARCHER UPDATE

Ms. L. Abthorpe, Heritage Researcher provided an update relative to the above-noted.

- Ms. L. Abthorpe’s Walleye article for February will be McIntyre House.
- Walleye articles will be posted on the HAC and Doors Open Thunder Bay facebook pages
- HAC presentation for city council is complete.

11.0 PREVIEW OF HAC PRESENTATION

Ms. L. Abthorpe, Heritage Researcher and Mr. A. Cotter, Chair provided a preview of the HAC presentation scheduled for the January 28, 2019 Committee of the Whole meeting.

12.0 HERITAGE ADVISORY COMMITTEE 4 YEAR STRATEGIC PLAN UPDATES

The Chair asked committee members to consider two or three goals for 2019-2022 for discussion at the February meeting.

13.0 NEW BUSINESS

13.1 OHS Award

It was noted that Friends of the Grain Elevators have been nominated for an Ontario Historical Society Award. Mr. M. Szybalski, Corporate Records Manager & City Archivist provided a letter of support on behalf of HAC.

13.2 Vickers Park and Boulevard Playground Equipment

It was the consensus of committee to invite Administration to attend an upcoming meeting to present plans for proposed new playground equipment at Vickers Park and Boulevard Lake.

14.0 NEXT MEETING DATE

The next meeting is scheduled for Thursday, February 28, 2019 at 5:00 p.m. in the McNaughton Room.

15.0 ADJOURNMENT

The meeting was adjourned at 8:25 p.m.
RECOMMENDATION

With respect to Report R 39/2019 (Development & Emergency Services – Planning Services) we recommend that pursuant to Section 22(2.2) of the Planning Act, Thunder Bay City Council will consider requests to amend its new Official Plan;

AND THAT any necessary by-laws be presented to City Council for ratification

EXECUTIVE SUMMARY

The City of Thunder Bay adopted a new Official Plan on April 30, 2018 and in early March, 2019 the Province approved the Plan with a number of modifications. Modifications made to the Rural Settlement Area policies of the Plan will require larger lot sizes and a hydrogeological study to create lots less than 1 hectare. The Minister has also modified the boundary of the Rural Settlement Area. Other modifications include the redesignation of the LPH lands from Community to Residential. The modifications imposed by the Province cannot be appealed.

The Planning Act does not permit amendments to a new Official Plan for a period of two years following its approval unless Council has declared by resolution that a request to amend the Plan is permitted. The Planning Act outlines three different types of requests that municipal councils can consider provided that the appropriate resolution is passed.

Administration is recommending that Council pass a resolution that would generally allow amendments to the new Official Plan to be considered.

DISCUSSION

The purpose of this Report is to provide Council with an overview of the Minister's modifications to the City's new Official Plan, and to seek Council's support to consider requests to amend its new Official Plan.

On April 30, 2018 Council adopted a new Official Plan for the City of Thunder Bay. The preparation of the new Plan was a process that spanned several years and involved significant consultation with the public, stakeholders, and agencies. The adopted Plan was submitted to the
Ministry of Municipal Affairs and Housing for approval in May, 2018. On January 24, 2019 the Ministry provided a draft of its decision and gave the City just three weeks to review and consider the proposed modifications.

Given the short period of time the City was given to comment on the proposed modifications, Planning Services staff asked the Ministry to consider postponing its decision. The Ministry indicated that it intended to issue a decision on the Official Plan on or before March 11, 2019. To postpone the decision past March 11, 2019 would open the decision to appeal under subsection 17(40) of the Planning Act. The Ministry was not prepared to postpone its decision and provide an opportunity for appeal.

Given the timing, it was not possible to present the proposed modifications to Council prior to the Minister's approval. Administration did review the proposed modifications and met with Ministry staff to discuss areas of concern. Specifically, Administration expressed concern over the changes to the Rural Settlement Area, and to changes that are in conflict with direction that was specifically provided by Thunder Bay City Council.

Below is a summary of the various policy sections that have been modified by the Minister together with a brief description of the Minister's rationale and a brief commentary on the impact. The Ministry has only made edits to the Plan that it considers to be of provincial interest. The City is expected to make any 'housekeeping' edits by way of an Official Plan Amendment. Many of the modifications made represent minor edits that seek to add clarity to the intent of the policies. These minor edits are considered appropriate and align with the Provincial Policy Statement.

- **Significant Wildlife Habitat**

Modifications to the Significant Wildlife Habitat policies were made to maintain consistency with the Natural Heritage Reference Manual. In addition, the Figure showing areas where there are Species of Conservation Concern was removed as the Ministry felt it could be misleading to the reader and pose a risk of potential destruction of significant wildlife habitat where endangered or species at risk exist. Given that these modifications serve to standardize wording with provincial documents and protect wildlife habitat, they are considered appropriate and acceptable.

- **Heritage Resources**

Modifications were made to maintain consistency with the Provincial Policy Statement, which requires the City to conserve significant cultural heritage resources when undertaking municipal public works. These modifications are considered appropriate and acceptable.

- **Private Services**

Edits to the Private Services policies were made to clarify that development on rural lands can be serviced by a private well and a private sewage disposal system provided that site conditions are
suitable for the long-term provision with no net negative impacts. These modifications are considered appropriate and acceptable.

- **Rural Settlement Area**

The Rural Settlement Area identified in the new Plan reflects the area where suburban scale development has historically taken place. These areas are serviced by municipal piped water and private sewage disposal. The Provincial Policy Statement states that development on partial servicing must only occur to allow for infilling and minor rounding out of existing development provided conditions are suitable for the long term provision of such services with no net negative impacts. The Minister has modified the minimum lot size required in the Rural Settlement Area to 1 hectare, which is substantially larger than the minimum lot size of 2100m² identified in the Plan adopted by Council. Lots smaller than 1 hectare may be considered if they can be supported by a hydrogeological study.

The Rural Settlement Area boundary has been modified to remove an area of land west of 20th Side Road and north of Highway 61. These lands are owned by Silvio DiGregorio and were included within the Rural Settlement Area boundary at the direction of Council. The Minister has indicated that the inclusion of this area within the Rural Settlement Area boundary does not represent good planning and does not meet Provincial policy objectives which seek to discourage development on partial services.

- **Supply of Employment Land**

The City's adopted Plan identified employment land in three broad categories - institutional, commercial and industrial. To maintain consistency with the Provincial Policy Statement's definition of employment land, the Plan has been modified to acknowledge that up to a 20 year supply of land for industrial uses shall be designated and protected from conversion. This modification is considered appropriate and acceptable.

- **Heavy Industrial Development Standards**

When determining appropriate locations for heavy industrial uses, compatibility with sensitive uses, such as recreational and institutional uses, and residential areas must be considered. Modifications were made to clarify that industrial uses should be an appropriate distance from land already zoned to permit future incompatible uses to avoid impacting the ability to achieve the planned urban structure. These modifications are considered appropriate and acceptable.

- **Conditional Zoning**

The Planning Act provides for conditional zoning; however, there is currently no associated Ontario Regulation. The adopted policy has been modified to clarify that the City may develop criteria for the establishment and use of conditional zoning if prescribed by Ontario Regulation. This modification is considered appropriate and acceptable.
• **Lot Creation**

The lot creation policies of the adopted Plan indicate that a hydrogeological study may be required where consent activity is such that the cumulative impact is a concern. The policies were modified to clarify that the intent of the hydrogeological study is to demonstrate that the impacts on ground and surface water will be within acceptable limits. This modification is considered appropriate and acceptable.

The lot creation policies that apply to areas designated as Rural 1 limit the number of lots that can be created to two new lots. However, in response to a specific request from John Beals, Council directed that the Plan include a policy permitting an unlimited number of new lots from certain lands on Loch Lomond Road. The Minister modified the adopted Plan by removing this specific policy. The Ministry indicated that this site specific policy does not conform to the Rural policy objectives of the Plan and is not consistent with the Provincial Policy Statement. Further, the Province has suggested that including such a site specific policy could be seen as an example of favouritism.

• **Lakehead Psychiatric Hospital (LPH) Site Specific Policy Area**

The northern portion of the LPH lands described as Part 1, 55R-11877, Registered Plan 8181 were designated as Community on Schedule A of the adopted Plan. This designation reflected Council's desire to see this land preserved for recreational and open space uses in the long term. This land is currently owned by the Province and is expected to be offered for sale at fair market value. Infrastructure Ontario feels the Community designation could adversely impact the fair market value of the land and as such, impact the financial and economic well-being of the Province, which is a provincial interest defined by the Planning Act. The Province believes that the Community designation provides less certainly as it relates to future development potential, which could result in the site remaining unused for a much longer period of time. The Province notes that the subject land is surrounded by fully serviced urban residential neighbourhoods supported by public transit, a park and walking trails, which makes this area an appropriate and desirable location for future urban growth and development.

The Province has modified the land use designation that applies to this land removing it from the Community designation and instead designating it as Residential. The Province suggests that a Residential designation on this land does not preclude the establishment or protection of trails. It is noted that the Site Specific policies that apply to the LPH lands and area provide for the requirement of a Development Plan to be established in consultation with the public, and an integrated parks and open space system to serve the recreational needs of the community.

• **Natural Heritage System/Natural Corridor**

A modification was made to correct an error in mapping that designated the sewage treatment lagoons associated with the Thunder Bay Correctional Centre located north of Highway 61 as part of the Natural Heritage System on Schedule A and more specifically as Natural Corridor on Schedule B. The Schedules have been modified to designate this land as Institutional. The
sewage treatment lagoons do not meet the definition of natural heritage feature or system in either the Official Plan or the Provincial Policy Statement and should not be identified as part of the Natural Heritage system. This is an appropriate modification and is considered acceptable.

- **Amendments to the Plan**

Recognizing that an Official Plan is an important policy document designed to guide long-term growth and development in the community, the *Planning Act* does not permit amendments to the new Plan for a period of two years following the date of its approval. This two-year moratorium on amendments to a new Official Plan was introduced when the *Planning Act* was amended in 2015. This restriction on amendments acknowledges that the Plan is a document that the City's residents and the development community can rely upon to make development and investment decisions. The *Planning Act* also acknowledges that there may be instances where amendments to the Plan are necessary to support a development proposal that would be of benefit to the community. Section 22(2.2) of the *Planning Act* provides the opportunity for Council to pass a resolution that would allow amendments to be considered within the first two years of the Plan's approval.

Administration recommends that Council pass a Resolution that would permit the processing of Official Plan Amendment applications generally. In doing so, Council will have the opportunity to consider the merits of a proposed amendment to determine whether or not the new Plan should be amended. This process will give Applicants the opportunity to explain why Council should amend its new Plan so soon after its adoption, and will allow Council to carefully consider whether a specific amendment to its Plan is in the City's best interest.

**PREPARED BY:** **LESLIE McEACHERN, DIRECTOR OF PLANNING SERVICES**

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<th>THIS REPORT SIGNED AND VERIFIED BY:</th>
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<td>(NAME OF GENERAL MANAGER)</td>
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<td>Mr. M. Smith, General Manager – Development &amp; Emergency Services</td>
<td>March 8, 2019</td>
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