

Recommended revisions to Final Draft of City of Kenora Official Plan:

That the following revisions be made to the Final Draft Official Plan (March 31, 2010) in order to ensure that the City's Official Plan is consistent with provincial policies:

Section 3.3 Home Based Businesses

First paragraph, second sentence – add “impacts” after adverse, delete “or incompatible effects” and add “or otherwise change the character of the surrounding area” at the end of the sentence.

3.3.2 Home Industries

Second paragraph, first sentence – Change “reduce” to “prevent”.

3.7 Private Sewage Disposal and Water Systems

Last sentence – add “development or” before “re-development” served by private services....

Add to the paragraph – That, in order to assess the ability of an area to meet the requirements of individual servicing (i.e. supply of water and sewage system) within lot boundaries proponents shall follow the Ministry of Environment's “*Procedure D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*” (Procedure D-5-4) and “*Procedure D-5-5 Technical Guideline for Private Wells: Water Supply Assessment*” (Procedure D-5-5).

Section 3.10 Development on Private Roads

Second paragraph – change “shall” to “may” - The City may monitor the application of this policy and may, during the life of this plan, consider a comprehensive study of the planning, financial and legal implications of lot creation through severances and development on private roads.

Section 3.11 Development and Redevelopment Adjacent to Railway/Transportation Corridors

Second paragraph, last sentence – Delete “noise assessment” and replace with “*Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation*”
Last sentence – delete “shall” and replace with “may”.

Section 3.12 Development in vicinity of Kenora Airport

Add “Some commercial establishments (e.g. hotels, motels) are considered sensitive by MOE during application of regulations related to noise” to end of 3.12.1b)

Section 3.13 Drive Through Facility

First paragraph – delete retail store.

Section 3.20.2 Alternative and Renewable Energy Systems

Second paragraph, second sentence – add, under the *Environmental Protection Act* after Ontario Regulation 359/09.

Point a) delete “Province” and replace with proponent. Add new sentence, at the end of a) “The proponent must then supply the City's comments to the province with their Renewable Energy Approval (REA) Application.”

Insert new policy b): “Hydroelectric projects are a form or alternative/renewable energy generation that does not require REA approval, but must follow the appropriate environmental assessment process. For projects less than 200 MW, that process is outlined

in the Ontario Waterpower Association's Class Environmental Assessment for Waterpower Projects."

4.2.2 (a) Residential Development Area Policies

Insert "Residential Development must occur outside of the 25 NEF contour." at the end of a).

4.5.1 (d) Permitted Uses

Typographical errors will be corrected.

Delete second sentence and insert "Severances of the residential use shall not be permitted."

4.5.2 Industrial Development Area Policies

Typographical errors will be corrected.

c) Delete "the Firebase Road" and replace with "Airport Road"

d) The proponent shall follow the Ministry Of Environment's D-4 Land Use On or Near Landfills and Dumps, D-5 Planning for Sewage & Water Services, and D-6 Compatibility Between Industrial Facilities & Sensitive Land Uses guidelines.

Section 4.8.1g) Permitted Uses

Insert new second sentence "Appropriate setbacks will be required for these operations as outlined in the Ministry of Environment guidelines.

Section 4.8.5 Industrial Uses in the Rural Area

Delete g).

e) Beginning of first sentence delete existing sentence up to "uses," and insert "Dry industrial uses may be permitted in the Rural Area subject to an Official Plan amendment."

New second sentence – "Dry industrial uses are uses where..."

Section 4.9 f) Waste Disposal Site

Delete "may" and insert "must".

Section 5.3.2 c) Lot Sizes and Density on Black Sturgeon Lake

Insert new sentence "Developments of more than 5 lots should be consistent with MOE's Procedure D-5-4 *Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*".

Numbering will be changed.

Sections regarding Future Development Area and Aggregate and Mineral Resources will be renumbered.

Section 6.2 c) Private Services

First sentence – delete "shall generally be discouraged" and replaced with "will not be permitted". The remainder of point c) will be deleted, as well as d).

Generally:

- All references to Municipal Plan review will be deleted and reference to the appropriate provincial ministry will be inserted.
- Further edits, as noted in **bold**, in the planning report prepared by FoTenn Consultants Inc., April 22, 2010, will be made.

Delete 5.1.1 Endangered and Threatened Species

- a) Significant portions of the habitat of endangered and threatened species shall be identified through consultation with the Province.
- b) Development and site alteration shall not be permitted within these areas identified on Schedule "A" unless an EIS demonstrates that there will be no negative impact on the habitat of endangered and threatened species or its ecological function.
- c) Where developments or site alteration is proposed within 120 m of the boundary of the habitat of endangered and threatened species, the proponent shall provide the City with an Environmental Impact Statement (EIS), prepared in accordance with Section 8.8 of this Plan which demonstrates that there will be no negative impacts on the significant habitat or on its ecological function, The EIS must be completed by a qualified professional to address potential impacts on the habitat of endangered and threatened species. Where warranted by site and species-specific factors, development proposals further than 120 m from significant portions of the habitat of endangered and threatened species may also require an Environmental Impact Statement.

Replace with **5.1.1 Endangered and Threatened Species**

- a) The presence of Species at Risk (extirpated, endangered or threatened species) shall be identified through the use of the Natural Heritage Information Centre (NHIC) provincial database, and through consultation with Ministry of Natural Resources staff (See Appendix A – Species at Risk with the Kenora municipal boundary).
- b) The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture, or taking of a species at risk, and the damaging or destroying of their habitat. As a result, an ecological site assessment should be carried out during the planning of development and site alteration projects to determine whether a listed species or its habitat may be present before carrying out an activity that may contravene the ESA. Proponents should prepare an Environmental Impact Statement (EIS), in accordance with Section 8.8 of this Plan, which demonstrates that there will be no negative impacts on the habitat of endangered and threatened species or its ecological function. The EIS must be completed by a qualified professional to address potential impacts on the habitat of endangered and threatened species. To accommodate endangered and threatened species and their habitats, and to minimize any adverse effects on these species, some activities may need to be modified. Current best management practices may help to mitigate an activity's impacts. On a case-by-case basis, additional actions may be required to address specific impacts on a species at a particular site or location.
- c) Where developments or site alteration is proposed within 120 m of the boundary of the habitat of a species at risk, the proponent shall provide the City with an Environmental Impact Statement (EIS) that demonstrates that there will be no negative impacts on the significant habitat or on its ecological function. Where warranted by site and species-specific factors, development proposals further than 120 m from significant portions of the habitat of endangered and threatened species may also require an Environmental Impact Statement.
- d) If impacting an endangered or threatened species cannot be avoided, a permit or agreement under the act should be obtained before the activity proceeds. Municipal staff should work directly with MNR district staff to develop agreements or permits when required.

Section 8.9 Pre-application consultation and prescribed information for planning applications

Second paragraph – add, after “additional information” – Any such studies, or peer reviews thereof, shall be at the expense of the applicant/proponent.

Add a new Appendix A

Insert “Appendix A with text which indicates that it is for information purposes only and does not form Official Plan policy and can be updated without the need for an Official Plan amendment.”

Appendix A

Species protected under the ESA

	<u>Status</u>	
- Lake Sturgeon	Threatened	
- Showy Goldenrod	Endangered	Site - very important
- American White Pelican	Threatened	Feeding
- Golden Eagle	Endangered	Transient
- Whip-poor-will	Threatened	Breeding possible (sites unknown)

Potential

	<u>Status</u>
- Grey fox	Threatened
- Cougar	Endangered

Special Concern Species

	<u>Status</u>	
- Bald Eagle	Special Concern	Breeding
- Common Night Hawk	Special concern	Breeding possible
- Olive-sided flycatcher	Special Concern	Breeding possible (habitat dependent)
- Canada Warbler	Special Concern	Breeding possible
- Snapping Turtle	Special Concern	Breeding
- Eastern Wolf	Special concerns	Eastern /Grey wolf hybrids
	distribution an artefact of genetic work-	not a conservation risk here
- Monarch	Special Concern	?

Rare Species:

	<u>Status</u>
- Franklin's Ground Squirrel	S3
- Variable (Lineate) Darner	S2
- Vasey's Rush (Juncus vaseyi)	S3
- Hoary Puccoon (Lithospermum canescens)	S3

Schedule A edits:

- Find iLevel Weyerhaeuser and replace with Laminated Veneer Lumber mill.
- New linear feature – “Private Roads” to be added to legend. Private Roads will be illustrated on Schedule “A”.
- Revise waste disposal sites.
- Airport runways to be illustrated.
- Removal of duplicate road names.

Renumbering and Editorials