



July 27, 2017

MINUTES OF PLANNING BOARD MEETING - JULY 25, 2017

At a meeting of the Manitoulin Planning Board held in the Board Room at the Planning Board Office, Gore Bay, Ontario on July 25, 2017, the following Members of Planning Board were present:

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|----|------------|-----|-------------|
| 1. | K. Noland | 6. | L. Hayden |
| 2. | A. Hunt | 7. | L. Addison |
| 3. | P. Moffatt | 8. | D. Head |
| 4. | E. Russell | 9. | I. Anderson |
| 5. | D. Osborne | 10. | R. Stephens |

Also in attendance were:

Tom Sasvari, Western Manitoulin News Editor, Manitoulin West Recorder;
Vince Deschamps, interested party for Consent File No's. B14-17 & B15-17;
Brad Allison, Dale Scott and Holly Scott, 'Request to be Heard' submission;
Elva Carter, interested party for the Draft Official Plan;
Greg Bender, consultant from WSP Canada Group Limited (former MMM Group Limited), for the Draft Official Plan; and
Wendy Kauffman and Kay Grant, Ministry of Municipal Affairs, presentation and review of modifications to the Draft Official Plan.

There were no other interested parties or members of the general public or press in attendance.

The Meeting was called to Order at 7:04 p.m. by Chair K. Noland, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of April 25, 2017. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair asked if the Board Members would be in agreement to hear item 7.-Ministry of Municipal Affairs after item 3.-Variable Expenditures.

MOTION

It was moved by R. Stephens and seconded by I. Anderson that the Order of Business be adopted, as amended, with item 7. to be heard after item 3. - Carried

2. MINUTES OF PREVIOUS BOARD MEETING - April 25, 2017

The Chair announced that the Minutes of the Board Meeting held on April 25, 2017 had been circulated to all Board Members and requested that any errors or omissions be stated.

There being no errors or omissions, a motion was moved by L. Hayden and seconded by D. Head that the Minutes be adopted as circulated. - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING - April 25, 2017

There was none.

3. VARIABLE EXPENDITURES

R. Stephens asked if the Auditor's fee was in line with previous years. The Secretary-Treasurer stated that it was. There was no other business arising from of the variable expenditures as circulated.

MOTION

It was moved by P. Moffatt and seconded by D. Head that the variable expenditures be accepted as presented. - Carried.

The Chair asked if the Board Members would be in agreement to have item 6.f) 'Request to be Heard' after item 7. Ministry of Municipal Affairs as previously amended.

MOTION

It was moved by P. Moffatt and seconded by I. Anderson that the Order of Business be adopted as amended with item 6.f) to be heard after item 7. - Carried

4. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that the applications for consent to sever would now be heard.

NOTE: For the Sake of continuity the details and decisions of the presentations will be so recorded in the usual fashion toward the end of the Minutes.

5. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01

- a) File No.: 96ZBL-17-001
Owner: Imrich Cabajsky
Location: Part Lots 4 and 5, Conc. I
Being Parts 18 and 19, Plan R.R. 38
(Little Lake Huron Estates)
Township of Robinson, District of Manitoulin
Proposal: To rezone from Rural Zone to Shoreline Residential Zone to permit seasonal residential uses.

A Zoning Amendment Application has been received from Imrich Cabajsky to rezone land described as Part Lots 4 and 5, Conc. I, being Parts 18 and 19, Plan R.R. 38 from Rural (R) Zone to Shoreline Residential (SR) Zone to permit seasonal residential uses.

Seasonal residential uses are not a permitted use in the Rural (R) Zone by Zoning By-law No. 96-01, Part XI. Therefore, Zoning By-law No. 96-01 must be amended to permit seasonal residential uses.

This shoreline lot which was created by checkerboarding prior to subdivision control has been purchased in 1973 by the applicant. There has been an application for consent to sever submitted to the Manitoulin Planning Board, File No. B105-90, to sever Part 18 from Part 19, Plan R.R. 38, which was not completed.

This area was zoned Rural to control development in an area where lots were created prior to subdivision control. The proposal is a continuation of the established precedents common to this area.

The applicants access their property from Highway 540 over the Little Lake Huron Road/Pebble Road/Cedar Trail, crossing Lot 2, Conc. IV; Lots 1 and 2, Conc. III; Lots 2 and 3, Conc. II; and Lots 2, 3, 4 and 5, Conc. I, surveyed as Part 1, Plan R.R. 47; This right-of-way is not maintained by the Local Roads Board. It has been confirmed by a site visit and pictures taken on September 22nd, 2015 that the existing right-of-way is travelable by emergency vehicles and any upgrade to the access will be a minimum due to the seasonal residential use.

Servicing will consist of water from Lake Huron and sewage disposal shall consist of grey water pit and privy. The Sudbury and District Health Unit have advised they have no objections as the property appears to be capable of development for a septic tank and leaching bed system.

Fire Protection is provided by the Robinson Township volunteer fire fighters.

Garbage Collection is provided by the Robinson Township Local Services Board.

The subject land is designated Shoreline Development District. The subject land will remain designated as being within a Shoreline Development District and all Official Plan Policies applicable thereto will continue to apply.

Amendment File No.: 96ZBL-17-001 - continued

The Provincial Policy Statement (2014) under Section 1.1.6.1 states:

'On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational activities (including recreational dwellings).'

There is a deer wintering area identified within the subject land. It is recommended that the loss of deer feeding opportunities and shelter habitat can be mitigated by minimizing the amount of conifer cover removed during the construction of the proposed dwelling.

Section 2.1.7 states:

'Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.'

During the preliminary review of the application, there was a Species at Risk identified within 120 metres of the subject land. A survey for At-Risk Plant Presence and Alvar Habitat was submitted with the application, prepared by Judith Jones, dated June 01, 2017. The conclusions of this report states:

'no species at risk were observed and no suitable habitat was found in the smaller, lake-ward parcels of 18A and 19A or in the cedar forest on the south-west parts of the parcels 18B and 19B. All of the cedar forest areas on all four lots would be suitable for construction of a cottage if space constraints on these narrow lots can be met.

The openings of tread patches between the openings at the back part of parcels 18B and 19B would likely not be approved by the Planning Board or the OMNRF for the construction of buildings or any other modifications of the land. However, this would not appear to be a prime area for placement of any type of residence, being away from the lake and the access road, and being all flat bedrock. The area of the openings should be considered sensitive habitat.'

This application to amend Zoning By-law No. 96-01 was circulated on June 26, 2017 to the Township of Robinson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario and the Rainbow and District School Board and to all property owners within 120 metres as required by Ontario Regulation 545/06.

The Robinson Local Roads Board advised that the Chair and Secretary-Treasurer of Robinson Township LRB have reviewed the zoning amendment application 96ZBL-17-001 and confirm that Robinson LRB has no concerns.

There were no concerns or objections received from the agencies or property owners.

The required Public Meeting was held on July 25, 2017 at 7:00 p.m. in the Board Room of the Manitoulin Planning Board. There was no one in attendance at the Public Meeting to speak on behalf of or opposition to the application. There were no written submissions received.

Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS. As previously stated this area has been developed by checkerboarding prior to subdivision control and the subject lot is an existing lot of record.

The subject land is one of the many lots in private ownership within Lots 2 to 8, Conc. 1. Development on these lots has been non intrusive type development with minimal tree removal. There is no hydro service available to this area therefore septic systems are limited to compost/Class 2 systems.

This proposal does not appear to precipitate or cause any undesirable affects on the Planning Area.

Providing there are no extenuating circumstances or additional information to be considered, there would appear to be no expected adverse effects according to information available.

Amendment File No.: 96ZBL-17-001 - continued

Therefore, based on the aforementioned analysis it is recommended the subject Application for Zoning By-law Amendment be approved to rezone from Rural (R) Zone to Shoreline Residential (SR) Zone.

The following By-law was read:

BY-LAW NO. 2017- 002

Being a By-law of the Manitoulin Planning Board to amend By-law 96-01, the comprehensive Zoning By-law for the Townships of Dawson, Robinson, and Mills.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend By-law No. 96-01 as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) To rezone from Rural (R) Zone to Shoreline Residential (SR) Zone the land described in Subsection (2);
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Part Lots 4 and 5, Conc. I, being Parts 18 and 19, Plan R.R. 38, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the Manitoulin Planning Area.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Municipal Board where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

MOTION

It was moved by L. Addison and seconded by I. Anderson that By-law No. 2017-002 be approved. -Carried

- b) File No.: 96ZBL-17-002
Owner: Charles Harrington
Location: Part Lot 3, Conc. I
Being Part 14, Plan R.R. 23
(Little Lake Huron Estates)
Township of Robinson, District of Manitoulin
Proposal: To rezone from Rural Zone to Shoreline Residential Zone to permit seasonal residential uses.

A Zoning Amendment Application has been received from Charles Harrington to rezone land described as Part Lot 3, Conc. I, Being Part 14, Plan R.R. 23, from Rural (R) Zone to Shoreline Residential (SR) Zone to permit seasonal residential uses. Seasonal residential uses are not a permitted use in the Rural (R) Zone by Zoning By-law No. 96-01, Part XI. Therefore, Zoning By-law No. 96-01 must be amended to permit the proposed seasonal uses.

This shoreline lot which was created by checkerboarding prior to subdivision control has been owned by the applicant since 1995.

Amendment File No.: 96ZBL-17-002 - continued

The applicants access their property from Highway 540 over the Little Lake Huron Road/Pebble Road/Cedar Trail, crossing Lot 2, Conc. IV; Lots 1 and 2, Conc. III; Lots 2 and 3, Conc. II; and Lots 2, 3, 4 and 5, Conc. I, surveyed as Part 1, Plan R.R. 47; This right-of-way is not maintained by the Local Roads Board. It has been confirmed by a site visit and pictures taken on September 22nd, 2015 that the existing right-of-way is travelable by emergency vehicles

Services will consist of water supply obtained from Lake Huron and sewage disposal shall be by grey water pit and privy. The Sudbury and District Health Unit have advised they have no objections as the property appears to be capable of development for installation of a septic tank and leaching bed system.

Fire Protection is provided by the Robinson Township volunteer fire fighters.

Garbage Collection is provided by the Robinson Township Local Roads Board.

The subject land will remain designated as being within a Shoreline Development District and all Official Plan Policies applicable thereto will continue to apply. Seasonal dwellings are permitted by Section C-5.4.1.8. The lot subject to this application was created prior to Subdivision Control imposed in 1970.

The Provincial Policy Statement 2014 states under Section 1.1.6.1:

'On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational activities (including recreational dwellings).'

There is a deer wintering area identified within the subject land. It is recommended that the loss of deer feeding opportunities and shelter habitat can be mitigated by minimizing the amount of conifer cover removed during the construction of the proposed dwelling.

From information available, the subject land does not appear to have any Natural Heritage Features or Species at Risk Concerns.

Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the Provincial Policy Statement (PPS) 2014.

With approval of this proposed amendment, there does not appear to be any conflict or adverse impacts to policies expressed by the PPS 2014 due to the seasonal residential uses proposed.

This application to amend Zoning By-law No. 96-01 was circulated on June 29, 2017 to the Township of Robinson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario and the Rainbow and District School Board and to all property owners within 120 metres as required by Ontario Regulation 545/06.

The Robinson Local Roads Board advised that the Chair and Secretary-Treasurer of Robinson Township LRB have reviewed the zoning amendment application 96ZBL-17-002 and confirm that Robinson LRB has no concerns.

There were no concerns or objections received from the agencies or property owners.

The required Public Meeting was held on July 25, 2017 at 7:00 p.m. in the Board Room of the Manitoulin Planning Board. There was no one in attendance at the Public Meeting to speak on behalf of or opposition to the application. There were no written submissions received.

As previously stated this area has been developed by checkerboarding prior to subdivision control and the subject lot is an existing lot of record.

The subject land is one of the many lots in private ownership within Lots 2 to 8, Conc. I. Development on these lots has been non intrusive type development with minimal tree removal. There is no hydro service available to this area therefore septic systems are limited to compost/Class 2 systems.

This proposal does not appear to precipitate or cause any undesirable affects on the Planning Area.

Amendment File No.: 96ZBL-17-002 - continued

Providing there are no extenuating circumstances or additional information to be considered, there would appear to be no expected adverse effects according to information available.

Therefore, based on the aforementioned analysis it is recommended the subject Application for Zoning By-law Amendment be approved to rezone from Rural (R) Zone to Shoreline Residential (SR) Zone.

The following By-law was read:

BY-LAW NO. 2017-003

Being a By-law of the Manitoulin Planning Board to amend By-law 96-01, the comprehensive Zoning By-law for the Townships of Dawson, Robinson, and Mills.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend By-law No. 96-01 as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) To rezone from Rural (R) Zone to Shoreline Residential (SR) Zone the land described in Subsection (2);
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Part Lot 3, Conc. I, being Part 14, Plan R.R. 23, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the Manitoulin Planning Area.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Municipal Board where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

MOTION

It was moved by I. Anderson and seconded by P. Moffatt that that By-Lw No. 2017-003 be approved. -Carried.

6. a) Request for Extension
File No: SUB2014-01
Owners: Robert W. and Maria G. Bell
Location: Part Lots 26, 27 & Lot 28, Conc. XIV
Township of Dawson
District of Manitoulin
Proposal: To develop a 15 lot subdivision for rural residential uses.

The Secretary-Treasurer explained that Draft approval had been given by the Manitoulin Planning Board for Subdivision File No. SUB2014-01 which is to be completed by August 27, 2017. Mr. Davie, agent for the application, has requested a one year extension to complete the conditions of Draft approval and under Section 51(33) of the Planning Act the Board could permit an extension.

Discussion resulted in the following motion.

MOTION

it was moved by L. Hayden and seconded by A. Hunt that File No. SUB2014-01 be given an extension of one year, until August 27, 2018 to be completed. - Carried.

6. b) Deer Management Meeting - April 26th, 2017

Board Member L. Addison, the representative for the Planning Board, attended the annual Deer Management Meeting which was held at the Kagawong Park Centre on Wednesday, April 26th, 2017 and reported to the Board that it was a positive meeting and was well attended. He explained that the number of deer tags has been increased and that those in attendance were pleased with that. Board Members, L. Hayden and I. Anderson stated that they had also attended the meeting and agreed it was a good meeting.

c) By-Law Enforcement Officer Course - 2017

Jake Diebolt, GIS Technician, reported to the Board that he has completed the online course and was waiting for a date to write the required exam.

d) Ministry of Natural Resources & Forestry - Freedom of Information

The Secretary-Treasurer explained that the Ministry of Natural Resources and Forestry (MNRF) had requested disclosure of records under the Freedom of Information and Protection and Privacy Act regarding the aggregate licence within Lot 25, Conc. I, Township of Carnarvon, and it was attached to the Notice for information purposes.

The time now being 10:01 p.m. the Chair asked for a Motion to extend the Planning Board Meeting for an extra one half hour, in accordance with Section IV, 13., of Procedural By-law No. 2017-01.

MOTION

It was moved by D. Head and seconded by D. Osborne that the Manitoulin Planning Board extend the Board Meeting for an extra one half hour. - Carried

e) Big Lake Property Owners' Association

The Secretary-Treasurer explained to the Board that during circulation of Consent File No. B11-17 a request had been made by Sue Rumble on behalf of the Big Lake Property Owners' Association for the Board to support an Environmental Study be done on Big Lake by a Provincial Ministry.

During discussion of this topic the following motion resulted.

MOTION

It was moved by R. Stephens and seconded by D. Osborne that the Manitoulin Planning Board would welcome any scientific studies on all lakes on Manitoulin Island and all data be provided to the Manitoulin Planning Board. - Carried

- f) Request to be Heard - Consent Proposal
Owners: Dale and Holly Scott
Location: Part Lot 25, Conc. I
Being Part 1, Plan 31R-1831 and Part 1, Plan 31R-1216
Township of Carnarvon, Municipality of Central Manitoulin

Mr. Brad Allison provided a summary to the Board regarding Consent File No's. B22-82 and B27-88 and explained that Mr. & Mrs. Scott own both Part 1, Plan 31R-1216 and Part 1, Plan 31R-1831 and that they propose to construct a dwelling on Part 1, Plan 31R-1831. He also explained a Stipulated Consent Vs an Unstipulated Consent.

Holly Scott reviewed the information submitted to the Board with their Notice, regarding her 'Request to be Heard'. She spoke about the mitigating factors in support of building a residence within 300 m of licenced aggregate site, No. 616381, which has been grandfathered in 2007 when the Manitoulin District was designated under the Aggregate Resources Act in 2006. She spoke about the DST Engineer's Report, the Ministry of the Environment and Climate Change D-series (MOECC) guidelines, the Provincial Policy Statement (PPS) 2014, and the Ministry of Natural Resources and Forestry (MNRF) mitigation measures regarding a sensitive new use (building a residence) within 300 metres of an active licenced aggregate source. Mrs. Scott also spoke about the Aggregate Resources Act.

The Chair thanked Mrs. Scott for providing the information and the Board would review the information submitted and keep it on file for future development applications regarding Lots 23, 24, and 25, Conc. I, Township of Carnarvon.

7. DRAFT OFFICIAL PLAN - MINISTRY FILE NO 51-OP-161666

Presentations were made by Wendy Kauffman and Kay Grant regarding the Draft Official Plan Modifications submitted to the Manitoulin Planning Board on July 24, 2017.

The presentations included:

- the events from 2012 when the Official Plan update was first started, to present;
- policies that were implemented into the document due to a newer version of the Provincial Policy Statement from 2005 to 2014;
- the newest modifications submitted to the Planning Board on July 24, 2017;
- the "At Capacity Lake": policies and the Ministry of the Environment and Climate Change (MOECC) Water Quality Policies;
- suggestions for a middle ground to engage with the Indigenous communities in the planning process, including a suggested 30 day early consultation and an engagement protocol with the United Chiefs and Councils of Mniidoo Mnising (UCCMM) and Wiikwemkoong Unceded Territory implemented due to extensive concerns raised by the UCCMM.

Greg Bender and Jake Diebolt expressed preliminary concerns regarding the scope of the Modifications.

Elva Carter expressed concerns with the delay of the Official Plan approval, which was adopted by the Planning Board in August 2016, and felt that many of the proposed modification go beyond the policies of the PPS 2014, and other provincial mandates.

During discussion of the information presented and the Draft Modifications, it was the general consensus of the Board Members that some policies were not clear to them and due to just receiving the information on July 24, 2017, they required additional time to review and comment on the proposed modifications.

The Chair thanked Ms. Kauffman and Ms. Grant for their attendance and presentation and explained that once the Staff, Board Members, and Mr. Bender have had a chance to review the new information the Planning Board would be contacting them.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

The Chair announced that the purpose of this phase of the meeting is:

- a) to consider applications for consent under Section 53 of the Planning Act, and
- b) to make a decision in regard to the applications scheduled to be heard, and explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting. There were no conflicts of interest declared.

Following is the list of Applications for Consent considered at this meeting.

| | | | |
|----|--------|--------------------------------|------------------------------------|
| 1. | B11-17 | <u>Moved By:</u> L. Addison | <u>Seconded By:</u> R. Stephens |
| 2. | B12-17 | L. Hayden | P. Moffatt |
| 3. | B13-17 | R. Stephens | D. Osborne |
| 4. | B14-17 | I. Anderson | A. Hunt |
| 5. | B15-17 | L. Hayden | D. Head |

It was moved and seconded that the above application be conditionally approved, subject to all conditions being fulfilled as stated in the Decisions. - Carried.