



October 26, 2017

MINUTES OF PLANNING BOARD MEETING - OCTOBER 24, 2017

At a meeting of the Manitoulin Planning Board held in the Board Room at the Planning Board Office, Gore Bay, Ontario on Tuesday, October 24, 2017, the following Members of Planning Board were present:

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

Absent: D. Head

Also in attendance were:

Tom Sasvari, Western Manitoulin News Editor, Manitoulin West Recorder; and  
David Schinbeckler, Applicant for Consent File No. B16-17.

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

The Meeting was called to Order at 7:00 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 September 26, 2017. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business, with the addition of item 4.b) - Presentation of Applications for Amendment.

**MOTION**

It was moved by D. Osborne and seconded by R. Stephens that the Order of Business be adopted, as amended. - Carried

2. MINUTES OF PREVIOUS BOARD MEETING - September 26, 2017

The Chair announced that the Minutes of the Board Meeting held on September 26, 2017 had been circulated to all Board Members and requested that any errors or omissions be stated.

**MOTION**

There being no errors or omissions, a motion was moved by A. Hunt and seconded by E. Russell that the Minutes be adopted as circulated. - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- September 26, 2017.

There was none.

3. VARIABLE EXPENDITURES

K. Noland inquired why the Xerox charge was only \$11.90. It was explained that the cost for copies on the newer Xerox machine is low because the older Xerox machine, which does not have copy charges, is still in use until the toner is used up. There were no other questions arising from the variable expenditures as circulated.

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

4. a) 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.

4. b) PRESENTATION OF APPLICATIONS FOR AMENDMENT TO ZONING BY-LAW 96-01

- i) File No.: 96ZBL-17-003  
Owners: Marleen, Hubert and Mark Guttensohn  
Location: Part Lot 7, Conc. I  
Being Part 81, Plan R.R. 39  
(Little Lake Huron Estates)  
Township of Robinson, District of Manitoulin

A Zoning Amendment Application has been received from Marleen, Hubert and Mark Guttensohn to rezone land described as Part Lot 7, Conc. I, being Part 81, Plan R.R. 39 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, Section 50(1)(b). 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. If approved, this proposal will amend Zoning By-law No. 96-01 to rezone from Rural (R) Zone to Shoreline Residential (SR) Zone which will permit a seasonal dwelling and accessory structures thereto.

This ±0.3 Hec. shoreline lot, which was created by checkerboarding prior to subdivision control imposed in 1970, has been in the owners possession since September 1969.

The applicants access their property from Highway 540 over the Little Lake Huron Road/Pebble Road, 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; and Lots 6 and 7, Conc. I, surveyed as Part 89, Plan R.R.39 and Part 25, Plan R.R. 33. This right-of-way is not maintained by the Local Roads Board. This 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 Little Lake Huron and sewage disposal shall be by private individual septic system. The Sudbury and District Health Unit have advised they have no objections with the zoning amendment to permit the construction of a seasonal dwelling.

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. Seasonal dwellings are permitted by Section C-5.4.1.8. The subject land will remain designated as being within a Shoreline Development District and all Official Plan Policies applicable thereto will continue to apply.

The Provincial Policy Statement (PPS) 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).'*

The PPS 2014 under 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.'*

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.

During the preliminary review of the application, there was a Species at Risk identified within 120 metres of the subject land, within Lake Huron. As the subject land is located on Little Lake Huron, it is anticipated there would be no impacts.

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.

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 September 28, 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.

Application for Amendment File No: 96ZBL-17-003 - continued

4. b) i)

The Secretary-Treasurer, Robinson Township Local Roads Board, advised they have no concerns.

There was a telephone call from Mr. Fischer, owner of Part 77, Plan R.R. 39, requesting additional information. He advised he had no concerns with the application. There were no other inquiries, concerns or objections received from property owners or from the agencies.

The required Public Meeting was held on October 24, 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.

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.

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- 004**

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 7, Conc. I, being Part 81, Plan R.R. 39, 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. 2017-004 be approved.  
-Carried.

4. b)

- ii) File No.: 96ZBL-17-004  
Owner: John Lloyd  
Location: Lot 29, Conc. VIII (Silver Lake)  
Township of Robinson, District of Manitoulin

A Zoning Amendment Application has been received from John Lloyd to permit a seasonal dwelling in a Rural ( R) Zone having water access via Silver Lake. According to Mr. Lloyd the construction of the seasonal dwelling/log cabin is underway.

Amendment Application File No: 96ZBL-17-004 - continued  
4. b) ii)

A By-law Amendment is required as Zoning By-law No. 96-01, Section 50(1)(b), does not permit a seasonal dwelling in a Rural (R) Zone. The subject land does not appear to have deeded access. The access crosses three privately owned lots within Lot 28, Conc. VIII. According to the applicant a surveyor has advised him that the starting point for a survey of the access road would be approximately one klm east of Lot 28, Conc. VIII and would be expensive.

This ±48 Hec. shoreline lot, has a frontage of ±2,800 M. on Silver Lake, and a depth of 400 M. at the south part. It is an original surveyed township lot and has been in the owner's possession since April 1985.

There was a previous application for amendment, File No. 96ZBL-96-007, made by Mr. Lloyd for the subject land to permit a seasonal dwelling in a Rural (R) Zone. However this file was closed due to legal access clarification. The applicant now wishes to resubmit the application having water access to the subject land and his seasonal dwelling via Silver Lake from a public boat launch located within Lot 28, Conc. VIII.

Services will consist of water from Silver Lake and sewage disposal shall be by private individual septic system. The Sudbury and District Health Unit advised they have no concerns with the amendment and that it appears that the lot is 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 Services Board.

By-law No. 96-01 defines legal right-of-way as

*'meaning the right to pass over the land of another created either by express grant (contained in a deed) or by prescription under the Limitations Act confirmed by a Court or tribunal'.*

Access to the applicant's property is from a public maintained road, known as Silver Lake Road, and a private road, known as Valhalla Road, across three (3) private properties. By virtue of existing legislation, Mr. Lloyd appears to have the right of access under the Roads Access Act, for himself, as the land owner. Such access, however is not considered to be sufficient to permit new construction or to amend a zoning by-law. Mr. Lloyd has not provided evidence of legal right-of-way and does not wish to proceed with obtaining legal right-of-way at this time.

*The following letter accompanied the amendment application from Lyle Addison, Chair of the Robinson Township Local Roads Board, dated September 11, 2017:*

*'I am the Chair of the Robinson Township Local Roads Board. I am familiar with the lands owned by John Lloyd - the whole of Lot 29, Concession 8, Robinson Township. John is married to my niece, Sharon Addison.*

*I am able to confirm that the Boat Ramp located at the south end of Silver Lake on the north east corner of Lot 28, Conc. 8, Robinson Township was built in or about 1962 by the predecessor of Robinson Township Local Roads Board. The Boat Ramp has been continually maintained by the Robinson Township Local Roads Board (and its predecessor). Photographs of the Boat Ramp are also attached.'*

Zoning By-law No. 96-01, under Section 10(2)(c) states:

*'a seasonal dwelling unit may be erected on a lot having only water access provided there is a developed public access point.'*

Zoning By-law No. 96-01, under Section 1.23. - Interpretation states:

*'"public access point" means public land designated by the Crown and developed and maintained as a public access to a water body'*

The subject land is designated Rural District. The lands subject to this proposal will remain designated as being within a Rural District and all Official Plan Policies applicable thereto will continue to apply.

This proposal appears to be consistent with the Provincial Policy Statement in general and to Section 1.1.6.1 in particular, which states:

*'In rural areas located in a 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).'*

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.

Amendment Application File No: 96ZBL-17-004 - continued

4. b) ii)

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

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 October 03, 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 Secretary-Treasurer for the Township of Robinson Local Roads Board advised via email on October 16, 2017 that they have no concerns with the amendment application or the launching of a boat at the public boat launch, and that there is parking available at the launch.

There were two inquires to the office requesting additional information, but did not advise of any concerns. There were no other inquires, concerns or objections received from property owners or from the agencies.

The required Public Meeting was held on October 24, 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.

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 Amendment be approved, to permit the log cabin as a seasonal dwelling in a Rural Zone, having water access via Silver Lake from the public boat launch located within Lot 28, Conc. VIII..

The following By-law was read:

**BY-LAW NO. 2017-005**

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) Despite Section 50(1)(b) permits a seasonal dwelling and structures accessory thereto subject to Section 24(1) within land described in Subsection (2) provided requirements of Section 24(1) of By-law No. 96-01 are fulfilled;
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Lot 29, Conc. VIII, 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. Hayden and seconded by P. Moffatt that By-Law No. 2017-005 be approved.

-Carried.

5. GENERAL, REGULAR, AND NEW BUSINESS

a) Workplace, Violence, and Harassment Policies

The Board Members reviewed the draft document provided to them at the September 26, 2017 Board meeting to develop a policy for the Manitoulin Planning Board. A few changes were recommended and the following motion resulted:

**MOTION**

It was moved by P. Moffatt and seconded by A. Hunt that the Workplace, Violence, and Harassment Policies be adopted for the Manitoulin Planning Board, with a review at least once a year. - Carried.

b) Bill 139

A draft letter to the Minister of Municipal Affairs, addressing concerns with the proposed changes to Bill 139, was attached to the Notice.

Discussion resulted in a few changes and the Secretary-Treasurer read the following letter, as amended:

*'Dear Minister Mauro,  
I am writing to you on behalf of the Manitoulin Planning Board in regards to Bill 139 currently before the Legislature.*

*The Manitoulin Planning Board is very concerned with some elements of the proposed legislation in its current form. Section 36.5, as proposed, would not allow any appeals in respect of a decision by the Minister. This diminishes the accountability of the Provincial government in planning matters and removes the final recourse available to citizens, stakeholders and planning authorities when major issues are at stake. The right of final appeal cannot be removed without damaging our democratic process.*

*The amendments to Sections 1 and 3 of the Planning Act are also areas of concern for the Board. The designation of new Provincial Plans and Policy Statements without consultation or even notification will introduce significant uncertainty into the planning process, forcing planning authorities, proponents and citizens to navigate a constantly changing policy environment. It also removes important input from the people who will be working with new policies and living with the consequences.*

*We hope you will give consideration to these issues.'*

**MOTION**

It was moved by I. Anderson and seconded by R. Stephens that the letter, as amended, be signed by the Chair, and sent to the Minister.

c) Planning Administration Grant - MMA

The Secretary-Treasurer informed the Board that the Planning Administration Grant from the Ministry of Municipal Affairs in the amount of \$16,073.00, for the delivery of planning services in the unincorporated townships of Robinson and Dawson, has not been received, to date.

d) Draft Official Plan Update

The Secretary-Treasurer reported to the Board that there has been no additional information received from the Ministry of Municipal Affairs (MMA) regarding the Draft Official Plan.

e) Manitoulin Planning Board Reserves

The Secretary-Treasurer informed the Board that S. Watt, solicitor, advised that the Town of Northeastern Manitoulin and the Islands (NEMI) accepted the offer of \$20,000.00 from the Manitoulin Planning Board's reserve fund.

Discussion resulted in the following motion:

**MOTION**

It was moved by R. Stephens and seconded by A. Hunt that \$20,000.00 be transferred from the Manitoulin Planning Board Reserves Account to be paid to the Town of Northeastern Manitoulin and the Islands to resolve the issue of reimbursement of reserve funds. - Carried

The Chair asked the Board Members if anyone objected to an additional item being added to the agenda under 5. f) for information regarding the Planning Board's Lease Renewal. No objections were received.

5. f) Planning Board Lease Renewal

For information purposes the Secretary-Treasurer reported to the Board that the Town of Gore Bay approved a five (5) year renewal lease with a 2% rate increase per year over the term of the lease for the Manitoulin Planning Board office.

**MOTION**

It was moved by I. Anderson and seconded by L. Addison that the Board accept the lease renewal and that the Chair and Vice Chair sign to lease agreement.

6. CLOSED SESSION

- In Camera - Minutes of In Camera Session - September 26, 2017

The Chair requested the Board to go In Camera to review the In Camera Session of September 26, 2017.

**MOTION**

It was moved by D. Osborne and seconded by R. Stephens that the Board go In Camera at 8:20 p.m. to review the In Camera Session of September 26, 2017.

**MOTION**

It was moved by R. Stephens and seconded by D. Osborne that the Board rise from the In Camera session at 8:25 p.m.

**MOTION**

It was moved by I. Anderson and seconded by L. Hayden that the Minutes of the In Camera Session held on September 26, 2017 be adopted as circulated. - Carried.

It was reported by the Secretary-Treasurer that she inquired if a signed legal document that NEMI was in agreement was possible and S. Watt, solicitor, advised that a "*Full and Final Release*" could be signed and he would contact NEMI's solicitor, S. Ball.

**MOTION**

It was moved by R. Stephens and seconded by A. Hunt that a *Full and Final Release* be signed by the Town of Northeastern Manitoulin and the Islands and returned to the Manitoulin Planning Board, accepting \$20,000.00 from the Manitoulin Planning Board Reserve Account to resolve the issue of reimbursement of reserve funds. - Carried.

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.

	<u>Moved By:</u>	<u>Seconded By:</u>
1. B16-17	I. Anderson	E. Russell
2. B20-17	P. Moffatt	L. Hayden

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