



March 28, 2018

MINUTES OF PLANNING BOARD MEETING - March 27, 2018

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on Tuesday, March 27th, 2018 the following Members of Planning Board were present:

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

Absent: L. Addison
Regrets: R. Stephens

Also in attendance were:

Tom Sasvari, Western Manitoulin News Editor, Manitoulin West Recorder; and
Vivian Villeneuve, applicant, and Shawn Villeneuve, son of the applicant,
for Application for Consent, File No. B02-18

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

The Meeting was called to Order at 7:02 P.M. by Vice Chair L. Hayden, who welcomed all present.

The Vice 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 January 23rd, 2018. There were no conflicts declared.

1. ORDER OF BUSINESS

The Vice Chair requested the adoption of the order of business.

MOTION

It was moved by K. Noland and seconded by A. Hunt that the Order of Business be adopted.
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - January 23rd, 2018

The Vice Chair announced that the Minutes of the Board Meeting held January 23rd, 2018 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 I. Anderson and seconded by P. Moffatt that the Minutes be adopted as circulated.
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- January 23rd, 2018

There was none.

3. VARIABLE EXPENDITURES

The Secretary-Treasurer explained that the bank fees were for January and February 2018 not January and March 2018. There were no questions of the variable expenditures as circulated.

MOTION

It was moved by D. Osborne and seconded by E. Russell 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 APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01

Applicant/Owners: Perry and Tuija Conlon
Agent/Solicitor: Self
File No.: 96ZBL-18-001
Property Description: Lot 12, Conc. VIII
(#24520 Hwy 540)
Township of Dawson, District of Manitoulin

A Zoning Amendment Application has been received from Perry and Tuija Conlon to permit the location of a seasonal recreational (non-farm) related dwelling in an Agricultural (A) Zone.

The applicants propose to use the property for recreational/hunting uses and the seasonal dwelling will not be accessory to Agricultural uses. Zoning By-law No. 96-01, Part X-Agriculture Zone, for the Township of Dawson, does not permit a seasonal residential dwelling, therefore a zoning amendment is required.

This ±40 Hec. lot of record is an originally surveyed township lot. It fronts on Hwy 540, a provincially maintained highway, and has been in the applicants' ownership for two (2) years. As a result of circulation of the application, it was discovered that two structures may already be located on this land which would have been constructed without approval and are in contravention to Zoning By-law No. 96-01. The applicants were contacted and they confirmed that there is a seasonal dwelling (6.1 M. X 9.8 M.) and an accessory shed (3.7 M. X 3.7 M.) already located on this land. It has also been confirmed, by pictures taken by the applicants on March 19th, 2018 and provided to the Secretary-Treasurer, that the shed and a privy/out house are located within the front yard. The applicants advised that the structures will be relocated to conform to the Zoning By-law Section 5.(4)c).

This application to amend Zoning By-law No. 96-01 was circulated on March 05, 2018 to the Township of Dawson 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.

There have been two telephone inquiries, requesting clarification of the application. There were no concerns received.

The Dawson Local Roads Board did not advise of any concerns. There have been no concerns or objections received from the agencies circulated.

The subject land has an existing entrance from Hwy 540. A civic address of #24520 Hwy 540 has been assigned by Don Van Every, Local Roads Board for the Township of Dawson. According to Mr. VanEvery the applicants are responsible for having a sign made, at their expense, and posted on their property. The applicants have advised that they will obtain a civic address sign and will post it on their property.

As part of the preconsultation process, the Ministry of Transportation was contacted and Lise Taylor, Corridor Management Officer, MTO, advised via email as follows:

'As per our telephone conversation early today, I can't find an entrance permit as the original permit probably pre-dates our permit system. Entrance permits however are non-transferable therefore the owner needs to apply for a new entrance permit under a residential entrance change of ownership. There's no fee for the permit.'

With respect to the proposed building, a MTO building and land use permit is required for structures, wells, septic systems, etc. within 45m from the limit of the highway or within 180m from the centre point of an intersection. If the structure is beyond our limit, just the entrance permit is required. Attached is a diagram detailing the ministry's area of permit control.

We recommend the owner, or the Planning Board, submit a site plan detailing proposed structures including setback measurement and location of existing/proposed entrance. We will review and advise of permits required, if any.

Furthermore, permit applications are now made online at: <https://www.hcms.mto.gov.on.ca/>. If you have any further questions, please call me.'

This information was provided to Mr. and Mrs. Conlon and they have advised they will apply to MTO for an entrance permit.

There is no well or septic system proposed at this time. Bottled water is brought for drinking and there is a privy/out house on the property.

There is no Fire Protection available within the Township of Dawson.

Presently there is no garbage collection/disposal as the Dawson Landfill has been closed.

4.b) Application for Amendment, File No; 96ZBL-18-001 - continued

The land subject to this proposal is an existing lot of record and will remain designated as being within an Agricultural District. All Official Plan Policies applicable thereto will continue to apply.

Section 47.(1)(b)(l) of Zoning By-law No. 96-01 permits a single dwelling on lots that existed on the 28th day of November 1978.

Section 31. of Zoning By-law No. 96-01 states:

'a single dwelling means a building containing only one dwelling unit capable of being occupied as a permanent residence.'

The subject land is to remain as presently zoned. The amendment is to permit a seasonal recreational (non-farm) related dwelling and accessory structure within an Agriculture Zone on a "Site Specific" basis. The seasonal use of this land is not considered to have any significant impact on any agricultural uses.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement and appears to conform to policy 1.1.6.1., 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 uses (including recreational dwellings).'

This land has not been identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs and is therefore considered to be in conformity with the Provincial Policy Statement 2014.

The required Public Meeting was held on March 27, 2018 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.

This proposal does not appear to precipitate or cause any undesirable affects on the Planning Area. Therefore, based on the aforementioned analysis it is recommended the subject application be approved to permit a seasonal recreational (non-farm) related dwelling and accessory shed in an Agricultural (A) Zone, within Lot 12, Conc. VIII, Township of Dawson. All other requirements set out in By-law No. 96-01 will apply.

The following By-law was also read:

BY-LAW NO. 2018-001

Being a By-law of the Manitoulin Planning Board to amend Zoning 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 Zoning By-law No. 96-01, as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Despite Section 47(1)(b) a building designed for use as a seasonal non-farm related dwelling and structures accessory thereto are permitted in an Agriculture (A) Zone, within lands described in Subsection (2);
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Dawson, in the District of Manitoulin, described as Lot 12, Conc. VIII, located at #24520 Hwy No. 540, 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.

4.b) Application for Amendment, File No; 96ZBL-18-001 - continued

Discussion regarding the proposed amendment resulted in the following motion:

MOTION

It was moved by D. Head and seconded by D. Osborne that By-law No. 2018-001 be approved. And the Secretary-Treasurer is instructed to not issue a Letter of Conformity for the subject land until:

- i) the Ministry of Transportation has approved an entrance permit;*
 - ii) all structures conform to Zoning By-law No. 96-01;*
 - iii) a civic address sign, #24520 Hwy 540, has been posted on the property; and*
 - iv) a site inspection has been done, at a cost to the applicants at 0.55 cents/klm, to confirm.*
-Carried.'

5. GENERAL, REGULAR AND NEW BUSINESS

a) REVIEW ON CONSENT FILE NO'S: B07-16 AND B08-16

The Secretary-Treasurer reported to the Board that Jane Austin, applicant, advised her by email on March 15, 2018 that Robert Halliday has provided her with a date of mid April for the report to be done. Once completed the report will be reviewed by the lawyers. It is hopeful that the application to the Boundaries Act will go in by the end of April 2018 and then it will be up to the Boundaries Act people to deal with the application.

b) Bill 139

For information purposes, the Board were informed that both staff members had participated in a webinar on March 6th, 2018 regarding the '*Building Better Communities and Conserving Watersheds Act 2017*' (Bill 139), and changes to the Land Use Planning and Appeal System. A summary of this presentation/job aid was attached to the Board's Notice.

A webinar regarding the '*Local Planning Appeal Tribunal Act 2017*' (related to Bill 139), was available on March 21st, 2018. The staff members did not have a good connection, so did not participate. The information was available as a Power Point presentation on the website, which the two staff members have reviewed. This information is available at the Planning Board office.

c) Bank of Montreal

The Secretary-Treasurer informed the Board that there is not a significant saving to the Board to switch Financial Institutions and that the Bank of Montreal's monthly service charge of \$20.00 was comparable to the other Financial Institutions. The general consensus of the Board was to remain with the Bank of Montreal for now.

6. DRAFT ADOPTED OFFICIAL PLAN

The Secretary-Treasurer reported to the Board that the adopted Official Plan (MMA File Number 51-OP-161666) is still being reviewed by the Ministry. No new information has been provided to the Manitoulin Planning Board.

Discussion resulted in K. Noland, Board Member, suggesting he prepare a letter to the Minister, for the Board's review, addressing their concerns with the long delay in the approval of the Draft Adopted Official Plan.

7. BUDGET REVIEW

- a) The Secretary-Treasurer advised that she had delivered the books to KPMG, in Sudbury, on February 15th, 2018 and it is hopeful that the audit will be complete before the next Board Meeting.
- b) The Secretary-Treasurer reported to the Board that the Interim Requisitions had been sent out to the Partner Municipalities and all interim requisitions have been received.
- c) The Secretary-Treasurer informed the Board that the current Tariff of Fees, had been attached to their Board Agenda for review and discussion.

The fees had been reviewed in March 2015 and new fees had been added that included:

- request for extension of Subdivision Draft Approval of \$250.00
- Approval for Second and each subsequent Subdivision Phase \$500.00
- Document Publications for Official Plan text \$50.00
- copies of maps, i.e. Official Plan and Zoning By-law \$25.00

In February 2017 the fees had been updated and the Site Inspection mileage costs had been changed to

- 0.55 cents/klm (if required for Letters of Conformance); and
- 0.75 cents/klm for Staff mileage costs.

7. c) Tariff of Fees - continued

J. Diebolt, GIS Technician, provided the Board Members with a 'Tariff of Fees for Planning Applications of the Manitoulin Planning Board(MPB)-Comparison 1993 to 2018' and a 'Comparison of Planning Application Fees for Planning Boards' which included MPB fees vs Provincial Average and PB fees vs Median.

Discussion included:

- application fees were last updated in 2014,
- is the normal increase a percentage or a dollar amount?,
- appears from the information provided that the MPB fees are below average in most cases?,
- if the Consent fee was raised to \$725.00 the percentage be $\pm 12\%$.,
- why is it necessary to increase applications fees?,
- why is it necessary to increase the application fees for the Unincorporated Townships as no services or very little services are offered for the Unincorporated Townships?,
- should add an additional fee when construction has occurred prior to planning approval. Other Planning Boards do this. The other eight (8) Municipalities do this.
- need to get the word out that Zoning By-law No. 96-01 governs the Townships of Robinson & Dawson. Not everyone knows this.

With the proposed changes, the following is the proposed revised Tariff of Fees for 2018:

NOTICE OF TARIFF OF FEES

Applications for:

| | |
|---|---|
| Consent to Sever, per parcel/application | \$ 725.00 |
| Amendment to Conditions, per parcel/application | \$ 350.00 |
| Certification of Deeds | \$ 125.00 |
| Plan of Subdivision/Condominium | \$1,350.00 |
| Plus each lot/unit | \$ 725.00 |
| - Request to Extend Draft Approval | \$ 300.00 |
| -Approval for Second and each subsequent phase | \$ 575.00 |
| Amendment to the Official Plan | |
| - Municipalities | |
| - Residential, Rural, Open Space, etc. | \$1,350.00 |
| - Commercial, Industrial, Institutional, etc. | \$2,000.00 |
| - Unorganized Townships | |
| - Residential, Rural, Open Space, etc. | \$1,550.00 |
| - Commercial, Industrial, Institutional, etc. | \$ 2,250.00 |
| Amendment to the Zoning By-Laws | |
| - Residential, Rural, Open Space, etc. | \$ 725.00 |
| - Commercial, Industrial, Institutional, etc. | \$ 900.00 |
| Deeming By-Law | \$ 725.00 |
| Recirculation - per parcel/application | |
| - Consents, Subdivisions/Condominiums, Official Plan & Zoning Amendments | \$ 350.00 |
| Letters of Conformance | \$ 100.00 |
| Letters of Conformance - After Construction | \$ 500.00 |
| - Plus Site Inspection Costs (if required) | 0.55 cents/ km. |
| - Staff Site Inspections | 0.75 cents/ km. |
| Validation of Title | \$ 725.00 |
| Power of Sale | \$ 725.00 |
| Any Application Considered to Require Notice in Newspaper | } Cost as Invoiced in } Addition to Above Fees |
| Letters - Response to Planning Inquires i.e. Interpretation/Opinions, Official Plan & Zoning By-laws, Outstanding Work Orders, etc. | \$ 75.00 |
| NSF Cheques | \$ 50.00 |
| Geographic Information System Data (Minimum one hour) | \$ 62.50/hour |
| Document Publications | |
| - Official Plan Text | \$ 50.00 |
| - Copies of Maps, i.e. Official Plan and Zoning By-law | \$ 25.00 |

All fees are plus costs, expenses incurred from advertising, travel, etc., as required

MOTION

It was moved by P. Moffatt and seconded by E. Russell that the revised Tariff of Fees, be approved.
 - Carried.

As requested by Board Member, D. Head, member for the Unincorporated Townships of Robinson and Dawson, the Vice Chair called for a recorded vote.

| <u>Recorded Vote</u> | <u>In Favour</u> | <u>Opposed</u> |
|----------------------|------------------|----------------|
| 1. L. Hayden | X | |
| 2. D. Osborne | X | |
| 3. E. Russell | X | |
| 4. P. Moffatt | X | |
| 5. K. Noland | X | |
| 6. D. Head | | X |
| 7. I. Anderson | X | |
| 8. A. Hunt | X | |

Motion was carried.

7. d) Review of Draft Budget 2018

Jake Diebolt, GIS Technician explained to the Board that a '*Comparison of Revenue and Expenditures & 2018 Draft Budget*', with application fees of \$37,000.00, had been attached the their agenda, as prepared for the Budget Committee. The Budget Committee in accordance with committee appointments for 2018 consisted of A. Hunt, K. Noland, and R. Stephens. The draft budget had been discussed with the Budget Committee and the general consensus was that the application fees would be better set at \$33,000.00.

Mr. Diebolt provided the Board Members with a '*Comparison of Revenue and Expenditures & 2018 Draft Budget*', with application fees of \$33,000.00, and '*Funding Details for 2018*' with application fees at \$33,000.00 vs \$37,000.00 for comparison and discussion. He explained that and the only difference between the comparison was an increase of Requisitions to the Municipalities of $\pm 3.89\%$ or $\pm \$4,000.00$, and a proposed salary increase for staff members. He noted that there have been slight increases to C.P.P., E.I., E.H.T., and W.S.I.B.

Mr. Diebolt requested the Vice Chair have the Board go in camera to discuss matters about identifiable individuals.

The Vice Chair requested the Board to go In Camera to discuss matters about identifiable individuals.

MOTION

It was moved by I. Anderson and seconded by K. Noland that the Board go In Camera at 8:53 p.m. to discuss matters about identifiable individuals. - Carried.

There were no decisions or motions made In Camera.

MOTION

It was moved by A. Hunt and seconded by D. Osborne that the Board rise from the In Camera session at 9:00 p.m. - Carried.

It was the general consensus of the Board that no additional time was required to review the Draft Budget.

It was moved by K. Noland and seconded by I. Anderson that the Manitoulin Planning Board accept and approve the 2018 Budget in the amount of \$167,491.51 as prepared by J. Diebolt, staff member, with salaries as discussed in camera. - Carried.

PRESENTATION OF APPLICATION 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 52 of the Planning Act,
- (b) to make 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 none.

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

| | <u>Moved By</u> | <u>Seconded By</u> |
|-----------|-----------------|--------------------|
| 1. B02-18 | D. Osborne | I. Anderson |
| 2. B03-18 | P. Moffatt | K. Noland |

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

The time now being 9:01 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by A. Hunt.