



September 25, 2019

MINUTES OF PLANNING BOARD MEETING - September 24<sup>th</sup>, 2019

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on Tuesday, September 24<sup>th</sup>, 2019, the following Members of Planning Board were present:

- |    |            |    |             |
|----|------------|----|-------------|
| 1. | L. Hayden  | 5. | K. Noland   |
| 2. | D. Osborne | 6. | D. Head     |
| 3. | E. Russell | 7. | R. Stephens |
| 4. | R. Brown   |    |             |

Regrets: I. Anderson, D. Ham, L. Addison

Also in attendance was:

T. Sasvari, reporter, Manitoulin West Recorder.

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

The Meeting was called to Order at 7:10 P.M. after the Public Meeting, by Chair R. Stephens 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 July 30<sup>th</sup>, 2019. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - July 30<sup>th</sup>, 2019

The Chair announced that the Minutes of the Board Meeting held July 30<sup>th</sup>, 2019 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 R. Brown and seconded by D. Osborne that the Minutes be adopted as circulated. - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- July 30<sup>th</sup>, 2019

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated..

MOTION

It was moved by K. Noland 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.

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4.b) PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01

File No.: 96ZBL-19-001  
Owner: 1161953 Ontario Limited  
Agent: David Lloyd  
Location: Lot 9 and Part Lot 10, Conc. VIII  
(#24292 Hwy 540)  
Township of Dawson  
District of Manitoulin

A Zoning Amendment Application was received from David Lloyd on behalf of 1161953 Ontario Limited to permit two portable storage containers located without permit, within the subject land in an Agriculture (A) Zone.

Zoning By-law No. 96-01 does not have a definition for "*portable storage container*" and does not permit them anywhere in the Unincorporated Townships of Dawson or Robinson. Therefore, an amendment is required.

This ±78.6 Hec. lot, which fronts on Hwy No. 540, consists of Lot 9, Conc. VIII, an originally surveyed township lot and Lot 10, Conc. VIII excepting a ±1.4 Hec. existing residential lot of record located at the south west corner of Lot 10. The applicant has owned this land for five years and has advised that he has a tenant farmer that farms about 45 acres. There is a seasonal dwelling, a garage, a woodshed, a sugar shack and a storage shed located within this land. A Letter of Conformity Permit, No. LC07/15, was issued for the seasonal dwelling in 2015. The other structures existed within the property prior to 2015; prior to the owner obtaining the property. The two portable storage containers have been located on the property without permit. An Amendment application has been submitted to correct a violation to Zoning By-law No. 96-01, and if approved, will permit the two containers to be used for storage purposes, accessory to a dwelling.

The application was circulated on July 9<sup>th</sup>, 2019 to the United Chiefs and Councils of Mnidoo Mnising (UCCMM) and the Wiikwemkoong Unceded Territory as per Official Plan Policy F.5 - Consultation and Engagement.

The application was also circulated on August 28, 2019 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 no concerns or objections received from the property owners or agencies circulated.

Lee McDonald, Secretary-Treasurer for the Township of Dawson Local Roads Board advised via email on September 19<sup>th</sup>, 2019 that the LRB have no issues with the storage containers being used.

The subject land has an existing entrance from Hwy No. 540, #24292, a provincially maintained highway.

Services consist of private well and private individual septic system.

Fire Protection is not available as there is no Volunteer Fire Department.

Garbage disposal is available at the Dawson Dump Site.

The land subject to this proposal will remain designated as being within a Rural Area. All Official Plan Policies applicable thereto will continue to apply.

The subject land is within an Agriculture (A) Zone and Conservation (02) Zone. While the subject land is identified as having some Class 2 and 3 soils, it is not considered to be prime agriculture land and the location of the two containers appears to not have any impact on the limited agricultural use.

It is proposed that the following definition will be added to Zoning By-law No. 96-01:

***STORAGE CONTAINER, PORTABLE*** shall mean a container, also known as a shipping container used for transportation of goods by air, sea or land. For the purposes of this By-law a Portable Storage Container shall be considered to be a structure or building and are to be used for storage purposes only and not for human or animal habitation.

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4.b) PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01  
File No. 96ZBL-19-001 - continued

This amendment proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2014 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).'*

The required Public Meeting was held on Tuesday, September 24<sup>th</sup>, 2019 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.

The following By-law was also read:

**BY-LAW NO. 2019-002**

**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) Despite Section 5.(2) permits two portable storage containers (2.4 m. x 6.1 m. each) defined as:

**STORAGE CONTAINER, PORTABLE** shall mean a container, also known as a shipping container used for transportation of goods by air, sea or land. For the purposes of this By-law a Portable Storage Container shall be considered to be a structure or building and are to be used for storage purposes only and not for human or animal habitation;

to be located having a minimum front yard setback of 161.5 m. and a minimum easterly side yard setback of 358 m., accessory to the existing uses in an Agriculture (A) Zone within land 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 9 and Part Lot 10, Conc. VIII, located at #24292 Hwy 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.

Discussion regarding the proposed amendment resulted in the following motion:

**MOTION**

It was moved by L. Hayden and seconded by D. Osborne that By-law No. 2019-002 be approved.  
- Carried.

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5. GENERAL, REGULAR AND NEW BUSINESS

i) Proposed Validation of Title - Lot 1, Conc. V - Township of Billings

The Secretary-Treasurer informed the Board that she had received an application for Validation of Title, however additional information is pending from the applicant and at this time the application is not considered a complete application, ready for the Board's consideration.

ii) Request to be Heard - Part Lot 10, Conc. VII - Township of Dawson

The Secretary-Treasurer explained that Mr. and Mrs. Pichette had provided her with two letters, which were attached to the Board Agenda. An application for Amendment to Zoning By-law No. 96-01, Township of Dawson, had been received from Mr. and Mrs. Pichette, requesting support from the Board to permit their travel trailer to remain on the property as a temporary use for up to three years until they build a seasonal dwelling. Four options were discussed:

- A) permit the travel trailer to remain on the property for three years;
- B) permit the trailer to remain on the property for less than three years;
- C) permit the conversion of the travel trailer to a seasonal dwelling by having it placed on a permanent concrete foundation with running gear and towing mechanism removed, which has been supported in the past; or
- D) permit the travel trailer to be located on the property only while the seasonal dwelling is under construction, permitted by By-law No. 96-01, Section 20. *'Temporary Uses Permitted'*.

The Board Members expressed concern with the type of sewage system and water supply the travel trailer and/or seasonal dwelling may have; the enforcement of the location and/or removal of the travel trailer; the location and/or removal of the three sheds and the length of time the trailer has already been on the property.

Discussion resulted in the following motion:

MOTION

It was moved by R. Brown and seconded by E. Russell that the request for the Board's support for a Temporary Use By-law be supported to permit one travel trailer to be used and located within land described as the westerly part of Lot 10, Conc. VII (Loon Lake Road), Township of Dawson for a maximum of two (2) years and that a Letter of Conformity Permit Application be submitted by Mr. and Mrs. Pichette to the Planning Board with the Application Fee of \$100.00.

- Carried unanimously.

iii) Letter of Conformity - Lot 12, Conc. VIII, Township of Dawson

The Secretary-Treasurer informed the Board that she had conducted a site visit of the property and Mr. and Mrs. Conlon have moved the accessory structures to be located behind the seasonal dwelling which brought their property into conformity with Zoning By-law No. 96-01 and that she had issued a Letter of Conformity Permit, File No. LC09/19.

iv) Consent File No's. B06-16 and B07-16

The Secretary-Treasurer reported to the Board that she had received an email from Ms. Austin that the Boundaries Act Hearing started on September 19<sup>th</sup>, 2019 and that no Decision had been made as of yet. Ms. Austin will advise of the results when received, which is expected in the next three or four weeks.

v) Cockburn Island - Requested Report

Attached to the July 30<sup>th</sup>, 2019 Board Agenda was correspondence received from the Township of Cockburn Island. A request of the Planning Board (from that meeting) was that R. Brown, Board Member for Cockburn Island, express the Boards' comments to Cockburn Island Council regarding resolution No. 19-05-04 and report back to the Board at the next Board Meeting.

Mr. Brown reported to the Board that he had a discussion with Cockburn Island Council regarding their resolution and the Board's comments/concerns with the resolution. The concerns were raised on behalf of private landowner(s) and the Township, and that although no apology was forthcoming they did agree that it was important to work together with the Planning Board.

Board Member, K. Noland, asked the Secretary-Treasurer if anyone had reviewed the Cockburn Island Consent to Sever Application, File No. B16-18. She reported that no one had asked to review the file.

vi) Bill 108

Attached to the Board Agenda was a summary of the new changes to the Planning Act and Regulations to the More Homes, More Choice Act, previously known as Bill 139. Jake Diebolt, GIS reviewed the attached summary with the Board. The attachment will be tabled for future reference.

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5. vii) Natural Heritage System

The Secretary-Treasurer informed the Board that an Information Session had been held at the Mindemoya Community Centre on Wednesday, August 21<sup>st</sup>, 2019 from 7:00 p.m. until 9:00 p.m. regarding the preparation of a Natural Heritage System (NHS) for Manitoulin Island.

Notices had been placed in both local papers, posted on the Planning Board website and the office door. Emails had been sent to all Board Members, all Municipal Clerks, the UCCMM, The Wiikwemkoong Unceded Territory and to the MMAH requesting that the notice be forwarded on to others that may have an interest.

There were only seven people present at the information session, which included two staff members, three Board Members, one member from the Public and one newspaper reporter. Although the attendance was small, those in attendance expressed that the presentation and mapping was interesting.

viii) Lake Kagawong

Attached to the Board's Agenda was a copy of a DRAFT letter addressed to Kay Grant, Ministry of Municipal Affairs and Housing (MMAH) as requested by the Board at the July 30<sup>th</sup>, 2019 Board Meeting, Re: data and recommendation regarding Lakeshore Development Capacity and Lake Kagawong. The letter is to be reviewed and further discussion is to be had at the next Board Meeting.

ix) Ministry of Municipal Affairs and Housing (MMAH) Workshop - Sudbury, Ontario

The Secretary-Treasurer reported that she had attended a workshop in Sudbury on September 11<sup>th</sup>, 2019, hosted by the Ministry Municipal Affairs and Housing. The topics included lot mergers and how to avoid them, planning for RV/Trailers, tiny houses for affordable housing options, zoning considerations when updating zoning by-laws, short term rentals, and the PPS 2014 update. The workshop was very informative and she thanked the Board for the opportunity to attend.

She handed out a placemat received at the workshop with proposed policy changes to the Provincial Policy Statement (PPS) 2014 and explained that a website link was included for additional information and the consultation period for comments closes October 21, 2019.

The general consensus of the Board was that they would review the website and information provided, and will advise the Secretary-Treasurer of any comments or concerns they may have before October 21, 2019.

x) Planning Administration Funding Grant - Unincorporated Townships

The Secretary-Treasurer informed the Board that the allocation of \$16,073.00 for Planning Board Funding from the Ministry of Municipal Affairs (MMA), for the delivery of planning services in the unincorporated townships of Robinson and Dawson, requires Planning Board to execute a legal agreement with MMA which summarizes the terms, conditions, and reporting requirements in relation to the grant. MMA requires the Board to adopt a resolution authorizing the execution of the legal agreement.

The following motions resulted.

MOTION

It was moved by L. Hayden and seconded by R. Brown that the Manitoulin Planning Board authorizes Chair R. Stephens and Secretary-Treasurer T. Carlisle to execute the funding agreement for the allocation of \$16,073.00 to the Manitoulin Planning Board for the delivery of planning services in the unincorporated townships of Robinson and Dawson.  
- Carried Unanimously.

MOTION

It was moved by L. Hayden and seconded by R. Brown that BE IT RESOLVED the motion be adopted as read.  
- Carried Unanimously.

Discussion also resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by E. Russell that the Secretary-Treasurer requests an increase in the allocation amount for Planning Board Funding from the Ministry of Municipal Affairs (MMHA) for the delivery of planning services in the unincorporated townships of Robinson and Dawson, as the amount of \$16,073.00 has remained the same since 2009.  
- Carried Unanimously.

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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.	B11-19	L. Hayden	D. Head
2.	B12-19	D. Head	K. Noland
3.	B13-19	K. Noland	R. Brown
4.	B14-19	E. Russell	D. Head

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

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The time now being 9:27 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by D. Head.

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R. STEPHENS,  
CHAIR

  
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T. A. CARLISLE,  
SECRETARY-TREASURER