

MANITOULIN PLANNING BOARD

40 WATER STREET - UNIT 1 - P.O. BOX 240 - GORE BAY - ONTARIO - P0P 1H0

☎ 705-282-2237 ☎ 705-282-3142

December 10, 2020

MINUTES OF PLANNING BOARD MEETING - December 09, 2020

At a Meeting of the Manitoulin Planning Board, held by teleconference on Wednesday, December 9th, 2020, the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|-------------|
| 1. | L. Hayden | 5. | D. Head |
| 2. | K. Noland | 6. | I. Anderson |
| 3. | E. Russell | 7. | D. Osborne |
| 4. | R. Stephens | 8. | R. Brown |

Regrets: D. McDowell
Absent: L. Addison

Also present during the teleconference was:

M. Gray, agent for File No. B13-20;
B. and B. Woostenenk, interested parties for File No. B15-20; and
T. Sasvari, reporter, Manitoulin West Recorder.

There were no other interested parties or members of the general public or press that participated in the electronic meeting.

The Meeting was called to Order at 7:01 p.m. by Chair R. Stephens, who welcomed all those participating in the electronic meeting.

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 29th, 2020. There were no conflicts declared.

1. ORDER OF BUSINESS

Board Member, K. Noland, requested an addition to the agenda regarding 'trailers'.

The Chair, R. Stephens, requested the adoption of the order of business with the additional item of 'trailers' to be added under 5.k)

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - September 29, 2020

The Chair announced that the Minutes of the Board Meeting held on September 29th, 2020 had been circulated to the Board Members and requested that any errors or omissions be stated.

A MOTION was moved by L. Hayden and seconded by K. Noland that the Minutes be adopted, as circulated - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING - September 29, 2020.

There was none.

3. VARIABLE EXPENDITURES

The Secretary-Treasurer reported a mathematical error to the total of the variable expenditures. There were no questions of the variable expenditures as circulated.

MOTION

It was moved by E. Russell and seconded by I. Anderson that the variable expenditures be accepted as corrected - Carried Unanimously.

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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. GENERAL, REGULAR AND NEW BUSINESS

a) Official Plan Policy F.4.4.2 - Consents and Planning Scenarios

The Secretary-Treasurer explained that since the approval on October 29th, 2018 of the Official Plan for the District of Manitoulin, the Manitoulin Planning Board have had a few discussions regarding the interpretation of Policy F.4.4.2 - Consents, which states under 1.

' A consent should only be considered where a plan of subdivision is deemed to be unnecessary, where the application conforms with the policies of this Plan, is consistent with the Provincial Policy Statement, and the consent will generally not result in the creation of more than three new lots on a lot that existed prior to the date of adoption of this Plan, unless it does not necessitate the creation of a new road, or the extension of municipal services.'

And

Section 53 (1) of the Planning Act which states:

'An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50(1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.'

The above two policies were attached to the Board Agenda. The Secretary-Treasurer explained that in order to assist the Planning Board staff in accepting and processing Applications for Consent to Sever and Applications for Plan of Subdivisions, the following motion was proposed:

Draft Motion

'The Manitoulin Planning Board will develop policies on land use planning that reflect the interests of the entire planning area, and coordinate over-all future growth and It shall be the interpretation of the Board of Official Plan Policy F.4.4.2 that when the Board has previously approved three lots by the Consent to Sever process and/or when there is a note on the Decision of Planning Board that further severances by the Consent process may not be supported, it shall be a policy of Planning Board that:

when the remaining property can support a viable Plan of Subdivision, further development via the Consent to Sever process will not be considered.'

She then presented five planning scenarios to spark a Board discussion. During consideration of the planning scenarios, the two policies, the draft motion and the discussion that resulted, it was the general consensus of the Board that this topic be tabled and revisited at the next regular meeting of Planning Board which would allow the Board Members additional time to consider the information.

b) Special Business Case Funding

The Secretary-Treasurer requested the Boards' support to apply for funding from the Ministry of Municipal Affairs (MMAH) for four (4) projects for the Unincorporated Townships of Robinson and Dawson. The funding, if approved, would provide for:

Project 1 - \$2,540.00 - to obtain Aerial Imagery, (COOP 2021) which would assist in enforcing Zoning By-law No. 96-01 and Letter of Conformity Permits;

Project 2 - \$826.00 - two information sessions, including hall rentals, copies of Zoning By-law 96-01 and other information, mileage, and the purchase of a digital projector. The information sessions would be open to the Public and provide information about Zoning By-law No. 96-01, Zoning Amendment Applications, Letter of Conformity Permit Applications, and Consent to Sever Applications;

Project 3 - \$1,830.00 - the purchase of a Drone and a Smart Phone, obtain training and certification, and mileage costs which would assist the Planning Board Staff with Site Inspections of potential contraventions to Zoning By-law No. 96-01; and

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5. b) Special Business Case Funding - continued

Project 4 - \$1,300.00 - the purchase of a desktop computer and accessory equipment to store and catalogue information and photos gathered, Planning Applications information and GIS information.

The Secretary-Treasurer explained that the funding available is approved based on the number of applications received, the number and type of projects submitted, and the amount of funding previously received. A funding application had been made to the MMAH for 2019/2020 for Projects 2, 3 & 4. However, there was no funding available to the Planning Board last year.

Discussion resulted in the following motion:

MOTION

It was moved by L. Hayden and seconded by R. Brown that the Manitoulin Planning Board apply for Special Business Case Funding from the Ministry of Municipal Affairs and Housing (MMAH) for the four (4) projects, as explained by the Secretary-Treasurer, in the total amount of \$6,496.00 to assist in development 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.

c) COOP 2021 Project

The Secretary-Treasurer informed the Board that Jake Diebolt, staff member, has taken the lead on this project and has sent out information and costs involved to the municipalities. The Ontario Ministry of Natural Resources and Forestry (MNR) has brought forward a request for a Letter of Intent to Commit to Funding through the Central Ontario Orthophotography (COOP) 2021 Project to be undertaken in the spring of 2021 and that a motion was required from the Board for Mr. Diebolt to sign it.

MOTION

It was moved by I. Anderson and seconded by R. Brown that The Manitoulin Planning Board authorizes Jake Diebolt, GIS Technician, to sign a 'Letter of Intent' to Commit to Funding as required by the Ontario Ministry of Natural Resources and Forestry (MNR) for the first component of a commitment to the Central Ontario Orthophotography (COOP) 2021 Project
- Carried Unanimously.

MOTION

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

d) Procedural By-law - Electronic Meetings

The Secretary-Treasurer informed the Board that a change is required to the Manitoulin Planning Board's Procedural ByLaw No. 2019-01 as amended by Bylaw No. 2020-02, to implement amendments to the Municipal Act concerning electronic meetings. It is at the discretion of the Board if they wish to conduct the Board Meetings via electronic participation or not.

The following Draft By-Law was attached to the Board Agenda and read by the Secretary-Treasurer:

DRAFT BYLAW NO: 2020-03

WHEREAS the Municipal Act, 2001, as amended, provides in Section 238(3.1) that a procedure by-law may provide that a member of council, or a local board, or a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law;

AND WHEREAS the Municipal Act, 2001, as amended, provides in Section 238(3.3) that a procedure by-law may provide that a member of council, or a local board, or a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time;

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5. d) Procedural By-law - Electronic Meetings - continued

DRAFT BYLAW NO: 2020-03 - continued

AND WHEREAS members of the Manitoulin Planning Board are meeting electronically to amend Procedural By-law No. 2019-01 for the purposes of the *Municipal Act, 2001* Section 238(3.3);

NOW THEREFORE the Manitoulin Planning Board repeals By-law No. 2020-02, and replaces Section XVIII – EMERGENCY PROTOCOL with Section XVIII - ELECTRONIC MEETINGS as follows:

Section XVIII – ELECTRONIC MEETINGS

- (1) During such times as when the Secretary-Treasurer, in consultation with the Chair and/or the Vice Chair of the Board, determines that it is not necessary or appropriate to conduct a meeting of the board in-person:
 - a) a regular or special meeting of the Manitoulin Planning Board may be conducted by electronic participation; and
 - b) despite any requirement for quorum under this by-law, during any regular or special meeting of the Manitoulin Planning Board being conducted by electronic participation, any member of the Manitoulin Planning Board who participates electronically may be counted in determining whether or not a quorum of members is present at any point in time; and
 - c) electronic meetings shall be open public meetings only. Closed and/or In Camera meetings shall not be conducted electronically.

The Chair asked for Board comments and discussion resulted in the following motion:

MOTION

It was moved by R. Brown and seconded by K. Noland that Procedural By-Law No. 2019-01 as amended by By-Law 2020-02, be further amended by By-law No. 2020-03 and that By-law No. 2020-02 be repealed and that Section XVIII - Emergency Protocol be replaced with Section XVIII - Electronic Meetings as read
- Carried Unanimously.

e) December Office Hours

A request was made to the Board from the Secretary-Treasurer that the Planning Board office be permitted to be closed for additional time over the December Holidays, being December 29th, 30th, and 31st, 2020 and that the two staff members would use this time as Holidays. She explained that it was common practice for the office to be closed at noon on both Christmas Eve, December 24th, and New Year's Eve, December 31st.

Discussion resulted in the following motion:

MOTION

It was moved by K. Noland and seconded by I. Anderson that the Planning Board office be closed on Tuesday, December 29th, Wednesday, December 30th, and Thursday, December 31st, 2020 and that the two staff members shall use two and a half (2½) days of their 2020 holidays
- Carried Unanimously.

The Secretary-Treasurer requested support from the Board for the two staff members to carry over their unused 2020 Holidays to 2021.

Discussion resulted in the following motion:

MOTION

It was moved by I. Anderson and seconded by D. Osborne that the Manitoulin Planning Board does allow the Secretary-Treasurer and the GIS Technician to carry over their unused 2020 holidays to 2021
- Carried Unanimously.

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5. f) Internship Request

The Secretary-Treasurer informed the Board that an email request had been received for an internship position from January to April 2021 from a third-year planning student at the University of Waterloo.

Although this could be beneficial to the Planning Board and Planning Board Staff and to the Municipalities, she was unsure if this was a good idea at this time with the Pandemic still in effect. She requested comments from the Board if this should be pursued at this time.

Discussion with the Board Members resulted in the consensus of the Board that this topic be tabled and revisited at the next Regular Meeting of the Planning Board.

g) Office Rent

The Secretary-Treasurer reported to the Board that the merchants of the Harbour Centre were going to or have already submitted a request to the Town of Gore Bay that their 2021 rent not have any increase. The question had been asked if the Manitoulin Planning Board would like to also submit a request.

She explained that the office rent is from August to July and increases about 2% a year. (\pm \$210.00 per year plus HST) and that the last lease agreement had been renewed for 5 years, until 2023.

Discussion resulted in the consensus of the Board to not pursue a decrease in rent for 2021.

h) Provincial Appointments - Unincorporated Townships

The secretary-Treasurer reported to the Board that the Ministry of Municipal Affairs and Housing (MMAH) have put advertisements in the two local papers advertising for Provincial Appointments to the Manitoulin Planning Board. The last day to receive applications is December 16th, 2020.

Mr. Head applied for appointment in February 2019 and was re-appointed in May 2020 until November 30, 2022, as a Provincial candidate for the Manitoulin Planning Board.

Mr. Addison had also applied in February 2019 for appointment. The Minister of MMAH has not yet made a decision on the 2nd provincial appointment to the MPB. However he remains appointed until there is a new Provincial appointee.

i) Proposed Plan of Subdivision - Township of Sheguiandah

Attached to the Board Agenda was a sketch for a proposed 48 lot Plan of Subdivision, in the Township of Sheguiandah, Municipality of Assiginack. The Secretary-Treasurer informed the Board that it is anticipated this application will be ready for formal circulation for the Boards' consideration at the next Regular Planning Board Meeting.

j) Appeal to Local Planning Appeal Tribunal (LPAT) Consent File B07-16

The Secretary-Treasurer reported to the Board that an electronic meeting is scheduled for Wednesday, January 20th, 2021 at 10:00 a.m. to hear the appeal for Consent File No. B07-16 by the Local Planning Appeal Tribunal (LPAT).

k) Trailers

K. Noland, Board Member, explained that his Township of Burpee-Mills is obtaining legal advice from their lawyer regarding the enforcement of trailers in their Township. It is hopeful that if a trailer is in violation under the Municipal Act that a fine can be administered to the landowner and if the fine is not paid, it could be added to the landowner's tax bill. If the regulations allow it, and this is something that could be implemented under the Planning Act that this tool would permit the enforcement of the contravention without going to court. Trailers are a big concern in his Township and all over the Island. He asked if this would be something the other municipalities might consider and if they would be agreeable to sharing the legal fees involved to implement this tool into their new updated Bylaws.

During discussion it was the general consensus that the legal costs may be added to the Planning Board Budget in the new year. The Board Members were in favour of discussing this topic with their municipal council and report back at the next regular meeting of Planning Board.

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6. BUDGET REVIEW

Attached to the Board Agenda was a draft Comparison of Actual Revenue and Expenditures as of December 1st, 2020 prepared by the GIS Technician, Mr. Diebolt. The Secretary-Treasurer gave a brief summary of the 2020 budget compared to the 2020 actual budget to date and explained that due to COVID 19, applications and application fees are down resulting in decreases to postage costs, staff mileage costs, staff site visits costs, and Conference costs. Also due to electronic meetings there are decreases to honorariums and board mileage costs. The result is a deficit of +/- \$1,250.00. She informed the Board that It is hopeful that there will be a couple of planning applications ready for circulation before year end that would balance the budget.

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 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 no conflicts declared.

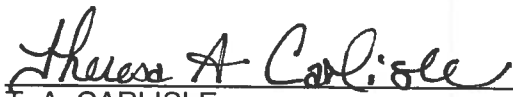
Following is the list of Applications for Consent considered at this meeting.

		<u>Moved By</u>	<u>Seconded By</u>
1.	B13-20	I. Anderson	D. Osborne
2.	B14-20	R. Brown	E. Russell
3.	B15-20	L. Hayden	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 Unanimously.

The time now being 9:44 p.m. and all business before the Board having been dealt with, the electronic Meeting was adjourned on a motion moved by K. Noland.

R. STEPHENS
CHAIR



T. A. CARLISLE,
SECRETARY-TREASURER