



October 23, 2019

MINUTES OF PLANNING BOARD MEETING - October 22, 2019

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on Tuesday, October 22nd, 2019, the following Members of Planning Board were present:

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|----|-------------|----|-------------|
| 1. | R. Stephens | 4. | K. Noland |
| 2. | D. Osborne | 5. | L. Addison |
| 3. | E. Russell | 6. | D. McDowell |

Regrets: I. Anderson, L. Hayden, R. Brown, and D. Head.

Also in attendance were:

Jean Guy Dion, applicant and agent for Consent File No's. B17-19 to B23-19; and
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 7:00 P.M. by Chair R. Stephens who welcomed all present.

New Board Member, Dave McDowell, appointed by the Municipality of Assiginack Council was in attendance replacing Board Member D. Ham.

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 24th, 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 E. Russell that the Order of Business be adopted
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - September 24th, 2019.

The Chair announced that the Minutes of the Board Meeting held September 24th, 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 D. Osborne and seconded by L. Addison that the Minutes be adopted as circulated.
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- September 24th, 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. 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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5. GENERAL, REGULAR AND NEW BUSINESS

i) Lake Kagawong

Attached to the Board's September 24th, 2019 Agenda was a copy of a DRAFT letter addressed to Kay Grant, Ministry of Municipal Affairs and Housing (MMAH), Re: data and recommendation regarding Lakeshore Development Capacity and Lake Kagawong. The following DRAFT letter was to be reviewed and further discussion was to be had at the October 22nd, 2019 Board Meeting:

'Dear Ms. Grant:

Subject: Data and recommendations regarding Lakeshore Development Capacity and Lake Kagawong

This letter is in response to your email on June 19, 2019, in which you attached a letter and documentation from Carrie Hutchison, MECP regarding the above.

The information and recommendations were reviewed by the Manitoulin Planning Board. The dissolved oxygen and temperature profiles reported from 2007, 2008 and 2014 do not provide a long enough trend. The report actually shows an improvement in 2014 over 2007/2008. We agree that there is limited water quality data available for Lake Kagawong. The situation may actually be improving.

As you are aware the Official Plan for the District of Manitoulin, Section D.1.1 - Lake Capacity provides policy when new development is proposed adjacent to a waterbody where the Provincial Water Quality Objective (PWQO) for phosphorus and other standards set by the province for dissolved oxygen are exceeded.

The management of development along the shorelines of our inland lakes is important. Monitoring the relationship between phosphorus, dissolved oxygen and water quality is an important task that should be ongoing. The Planning Board has questions. Have there been any additional reports since 2014? Were the samples taken from the same location(s); same time of year? Has any testing been done other than plotting dissolved oxygen and temperature that would assist in determining the health of Lake Kagawong? i.e. chemical analysis, water clarity, fish sampling?

To put the onus on a landowner to include new water quality data and total phosphorus levels over several years for a planning application to create a lot or two as recommended, may be a costly process and may be considered a hardship. It is felt that the Ministry should be doing the lake assessment and continuous monitoring. The planning process would benefit from continued assessments and this would greatly assist the Manitoulin Planning Board in making good planning decisions.

As you are also aware the Ministry has identified Lake Manitou as an "At Capacity" lake in our Official Plan. To our knowledge, no further monitoring/testing/reports are being done for this lake. It is unknown if perhaps the lake is actually getting better. We do not want this same situation for Lake Kagawong.

The following additional information is requested:

- full reports from 2007, 2008 and 2014;*
- the historical data from 1972;*
- any other completed sampling of Lake Kagawong if available;*
- any other reports related to the PWQO; and*
- any other comparable reports from other inland lakes in Ontario of similar size and depth if available.*

The Manitoulin Planning Board also requests a meeting with the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of the Environment, Conservation and Parks (MECP) to discuss the data and recommendations regarding Lakeshore Development Capacity and Lake Kagawong.

A timely response is anticipated by the Manitoulin Planning Board.'

Discussion resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by L. Addison that the letter be sent to Ms. Grant, MMAH, as presented with no additions or corrections.
- Carried unanimously.

ii) Planning Administration Funding Grant - Unincorporated Townships

The Secretary-Treasurer reported to the Board that a request had been made to the Ministry of Municipal Affairs and Housing (MMAH) for additional funding for the Unincorporated Townships, as per the Board's motion on September 24th, 2019 and that MMAH had informed her that:

'Planning Boards will be invited to submit a business case to support their request for increased funding for special projects to the Municipal Services Office - North in Sudbury by December 1st, 2019.'

She informed the Board that she will try and present a business case to the MMAH and if the Board has any thoughts or suggestions, she would appreciate their input.

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5. iii) Proposed Consent to Sever Application
Request to be Heard - Part Lot 27, Conc. VIII - Township of Robinson

The Secretary-Treasurer explained to the Board that a request had been made by the landowners, John and June Armstrong, for the Board's re-consideration for the creation of a ±0.8 Hec. new lot, containing their dwelling, garage and shed, located at #692 Silver Lake Road, in the Township of Robinson. Consent File No. B38-80 provided for the creation of three new lots. The land subject to the request is one of the lots created by that Consent Application, surveyed as Parts 2 and 5, Plan 31R-1062.

The following letter dated November 30th, 2012, from Planning Board to Mr. and Mrs. Armstrong informing them that further development by the consent procedure was considered to hinder the feasibility of a subdivision development was attached to the Boards' Agenda:

'Dear Mr. and Mrs. Armstrong:

This letter will confirm that your request for an additional severance within Lot 27, Conc. VIII was reviewed during the Board Meeting held on November 27, 2012.

After lengthly consideration, the general consensus of the Board was that they could not support an additional lot on this property. There have been three lots crated by consent and any additional development should proceed by a Plan of Subdivision. Further development by the consent procedure was considered to hinder the feasibility of a subdivision development.

It is also noted that the previous lots crated were to be accessed by right-of-way over parts 4 and 5, Plan 31R-1062 and this right-of-way is not being used. It was considered that it appeared, from information available, that a true effort to market the subject property ast a current market rate may not have been attempted.

In an efforet to be of assistance, the Board appeared to support accepting a complete application for subdivision and then, once it was in process, they would simultaneously support the severance of the lot containing the house to permit a quicker sale.

Do not hesitate to contact this office should you require any further explanation.'

The Secretary-Treasurer informed the Board that Mr. Armstrong had requested support for an additional severance several times since 2012 and was advised that the Board may not support the creation of an additional (4th) lot.

The proposed vacant ±7.9 Hec. retained land would consist of ±502 metres of frontage on Silver Lake Road, an average depth of ±153 metres. It was calculated that about eleven (11) new lots could be created from the retained land, if each had a minimum frontage of 46 m. frontage on Silver Lake Road and a minimum area of 0.4 Hec.

The Official Plan for the District of Manitoulin was approved by the Ministry of Municipal Affairs and Housing (MMAH) on October 29, 2018.

The Official Plan Policy, Section F.4.4.2 - Consents states, in part:

'The following policies apply to Consents:

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.*
4. *The following road access policies will be used to evaluate consent applications in all designations of this Official Plan, in addition to other provisions of this Plan, which may be applicable to a particular application*
 - a) *It is a preference of the Planning Board and municipality that the lot to be retained and the lot to be severed has frontage on and access to an open, improved public road which is maintained on a year-round basis. However, consents may be acceptable where access is gained via a private road provided, in accordance with the Private Road policies in Section E.1.1.4 or for water access lots provided that the Planning Board and/or municipality is satisfied that appropriate facilities for car parking and docking are available exclusively for the water access lot(s);*
 - b) *Lots will not be created which will create a traffic hazard due to limited sight lines on curves or grades.*
 - c) *Any required road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.'*

Board Member, L. Addison, spoke to the application and informed the Board that the Ministry of Transportation (MTO) had concerns with a safe entrance from Silver Lake Road, but may support a severance as there appears to be a possibility of having one safe entrance from Silver Lake Road for the proposed retained land. If additional lots or a Plan of Subdivision are proposed, the additional entrances would not be permitted from Silver Lake Road. Any new entrances would be via a shared entrance from Silver Lake Road, or via the right-of-way, surveyed as Parts 4 and 5, Plan 31R-1062 which would/could result in road building.

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- 5. iii) Proposed Consent to Sever Application
Request to be Heard - Part Lot 27, Conc. VIII - Township of Robinson
- continued

Discussion among the Board Members consisted of:

- is the Hydro Line, located to the east (rear) of the subject land, within Part 5, Plan 31R-1062, a private line?; If so, this would be a cost to the landowner(s) to be connected with additional Hydro Poles;
- could the shed be moved to accommodate an addition lot by Plan of Subdivision?; if so this should be asked for;
- previous approval was to have access via the right-of-way not Silver Lake Road;
- need to be assured that a safe entrance can be obtained from MTO from Silver Lake Road for the retained land;
- there is potential for an ±11 (eleven) lot Plan of Subdivision; is fragmenting the subject land, by creating one additional lot by consent considered a good planning decision?;
- does the proposal for a fourth lot, conform to the OP policies?;
- where do you draw the line on which applications receive approval for an additional lot?;
- each application is based on its own merits.

The Secretary-Treasurer addressed some of these comments and explained to the Board that during the preliminary review of Planning Applications, she does her best to inform the applicants of what concerns there may be or what conditions the Board may attach or have attached in the past to a Provisional Consent approval. As some time has passed (since 2012) she has brought Mr. and Mrs. Armstrongs' request for re-consideration to the Board.

The discussion and consideration of the information made available resulted in the general consensus of the Board that they would support in principle an application for severance by creating a 4th lot, containing the applicants' dwelling, garage and shed, providing the lot is kept as small as possible and if the small garden shed was moved north to accommodate an additional lot for a proposed Plan of Subdivision that the applicant be advised of this requirement and that a safe entrance for the proposed retained land has been confirmed by MTO.

In further discussion the Board agreed that the Consent Policies of the Official Plan will be reviewed again at a future Board Meeting, when additional Board Members are present.

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.	B15-19 and B16-19	K. Noland	D. Osborne
2.	B17-19	K. Noland	D. Osborne
3.	B18-19	L. Addison	E. Russell
4.	B19-19	D. McDowell	K. Noland
5.	B20-19	L. Addison	D. Osborne
6.	B21-19	E. Russell	L. Addison
7.	B22-19	D. Osborne	D. McDowell
8.	B23-19	K. Noland	D. Osborne

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 9:40 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by K. Noland.

R. STEPHENS,
CHAIR



T. A. CARLISLE,
SECRETARY-TREASURER