



November 27, 2024

MINUTES OF A SPECIAL MEETING OF PLANNING BOARD
OF NOVEMBER 26TH, 2024

A Special Meeting of the Manitoulin Planning Board was held at the Planning Board Office, 40 Water Street, Gore Bay, Ontario on Tuesday, November 26th, 2024 from 5:00 p.m. until 6:00 p.m..

The following Members of the Planning Board were present:

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|----|------------|----|------------------------------------|
| 1. | L. Hayden | 5. | D. McDowell |
| 2. | K. Noland | 6. | B. Barker |
| 3. | D. Osborne | 7. | J. DeForge (arrived at 5:20 p.m.) |
| 4. | D. Head | 8. | R. Stephens (arrived at 5:20 p.m.) |

Regrets: L. Chappell

Also present during the meeting were:

L. Kieswetter, K. Lang and G. Keatley, proponents for the Subdivision Application File No. SUB2023-001;
K. Rautiainen, presenter for a 'Request to be Heard';
M. Mielonen, J. Gardner, ~~S. Bond~~, interested parties;
D. Scott, B. Mitchell, J. Bisailon, Municipal Councillors;
T. Sasvari, reporter, Manitoulin Expositor; and
T. Carlisle and J. Diebolt, staff members, Manitoulin Planning Board.

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

The Special Meeting was called to Order at 5:00 p.m. by Chair L. Hayden, 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 October 29th, 2024. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

MOTION

It was moved by D. Head and seconded by B. Barker that the Order of Business be adopted,
- Carried.

2. SUBDIVISION APPLICATION FILE NO. SUB2023-001

The Chair announced that the Statutory Public Meeting had been held on January 30th, 2024 to consider the proposal for a 39 lot Plan of Subdivision, made by Split Crow Partners Ltd., for lands described as being Lot 7, Conc. IV excepting Part 1, Plan 31R-2831 and Lot 8, Conc. IV (Located at #18 Tracy Road), Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin.

As per the Procedural By-law No. 2019-01, as amended, a Special Meeting has been called by the Secretary-Treasurer in consultation with Chair L. Hayden and Vice Chair K. Noland.

The Special Meeting is to consider the information received to date and any additional information from the current meeting in consideration of conditions for granting Draft approval for the Plan of Subdivision.

Chair, L. Hayden, then requested that Mr. Rautiainen make his presentation to the Board as per his 'Request to be Heard' on the matter.

Mr. Rautiainen had provided an updated report of the Water Test Results for Lake Mindemoya ending June 24th, 2024, which had been provided to the Board Members earlier in the week.

This report will be attached to these Minutes as '**Appendix A**'.

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K. Rautiainen read the following submission which had been provided to the Board Members prior to his presentation:

' Thank you for the opportunity to give you a quick comment regarding this project:

Zoning

Central Manitoulin directed planning on March 2023 that the lands in question be changed from AG to SLR. Site plan drawings were prepared on October 26/23 and the plan of subdivision was applied for on Dec 27/23. As we have shown on a number of occasions the land was and is active prime AG land. To much AG land is being consumed by residential sprawl in Ontario, the little we have should be salvaged.

Was the public properly notified of the major change?

Water Testing

Sampling has been carried out by LMSA and lab testing by a qualified test lab.

As you can see from 2021 to early 2024 the results have progressively gotten much worse.

The Ecoli and Coliform readings are all beyond acceptable limits as per Canadian Drinking water Quality Standards. Where noted NDOG test indicates a large number of bacteria and total coliform and Ecoli are visible and the exact number isn't indicated The LMSA was made aware later that the lab can indicate the number and this will happen in the 2024 results.

The LMSA is a dedicated group who provide results to Central Manitoulin.

Central Manitoulin Council has seen the impact over time and have concern as they have issued conditions one being that a Lake Quality and Lake Capacity Assessment be completed. This will determine the current and future development limitations. A remediation of lake quality would be the next issue once the lake quality density study is completed.

This condition should also be included in any new zoning bylaw on shore line development on Mindemoya Lake, don't add development until its known the lake can support it.

The partners on the lake IE Billings, M'Chigeeng First Nation, Central Manitoulin should all be included in all the discussions and decisions. The loan partner is the Lake itself with no voice, it is quietly being degraded, and is impacting the fishery, contaminated potable water, slime build up is excessive, zebra mussels (hence the water clarity), algae blooms etc. The lake is shouting out to us its in trouble

All inland lakes can have the similar issues, some don't have the makeup water to give a fresh flow for dilution, the effect on Lake Mindemoya on all of the above is very evident.

The current test results are not available to the public until Central Manitoulin Council receive the report, this should happen after December 5/24. We will circulated the results once they are released.

We must protect Lake Mindemoya for the future as the rate of contamination is increasing and recovery at this point is questionable. Its not a question of remediation in the future but a need to address the problem now.

Hydro logical Report

We understand a new (revised) report has been submitted, and have received a copy from the Town on Saturday, most will not have the time to review but we have the following comments:

- Central Manitoulin Council at a meeting on November 21/24 prepared a submission to the Planning Board on November 22/24 referencing the septic system and potable water. Not aware of the specifics but understand the idea that setbacks for septic systems follow the Ontario residential standards of 15 meters. The Exp report encouraged a maximum setback of 300 m from the lake to have zero load phosphorous loading, and that phosphorus mitigation is required IE: Waterloo Bio-filter EC-P system be used.

The note in EXP report "assume" the lake can tolerated inflow from the septic beds based on a few water samples. Those samples also indicated contamination as did the previous study.

They assumed the exchange of water was consistent and assume it could handle it, well that assumption is grossly understated. The exchange of water on the lake is near zero except for spring run off and when the dam is opened to provide for the fish spawn on the river, that influx from Mindemoya Lake is sending extremely contaminated water towards Providence Bay. Mind you it gives some temporary relief to the accumulated contamination at the dam area. Check the water test results and the final report after December 5/24.

Maja Mielonen commented " EXP own findings of leaching and potentially exceeding phosphorous levels that the setback should be setback min 100m from property line, that a municipal bylaw be created as recommended by Mitch Turnfrom Septic Masters LCC"

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K. Rautiainen's presentation - continued

'Reports like this only go as far as they are instructed by who is paying the bill. No reference of the LMSA extensive study was referred to as if they had a different report likely would have been presented. Owner driven reports must not be the end all, we must look further to determine the end result.

The sewage systems in the proposed subdivision across from the Red Lodge is going to have a 3-5 year trial were 3 systems will be monitored for efficiency prior to acceptance. Not a bad way to go, first hand research Manitoulin made.'

The thought that Central Manitoulin and the Board are not waiting until the Dec 5/24 results of the LMSA water testing report is presented to Council is strange. Why are we rushing this project through again, the public again isn't in the loop, as was evident at the Council meeting on Dec 21/24. As far as the statement to improve transparency and public information hasn't been evident.

The standard for water and sewage regulations for shore line development must be consistent, c/w monitoring of these new systems. A new bylaw that applies to shore line development standards needs to implemented.

Note:

A subdivision of this size should only be allowed if sewer and water services are available, if this development along with future proposals get approved without proper municipal service you can rest assured that Central Manitoulin will be expected to carry the burden to provide services at public expense. This scenario exists in a subdivision next to the golf course.

Again the rush is on to approve this development, much of the public is away for the winter and next to no notice was given the public of the Planning meeting and the ability to prepare presentations and be provided with new information from the developer.

I encourage the planning board consider today's presentation along with host of information provide previously, Lake Mindemoya needs a reprieve from more development and the contamination it is being fed. Uncontrolled expansion to tailor parks and a inspection and monitoring method to ensure the sewage is being controlled. There is a host of sources of contamination that I do not have the time to expand on but highly recommend the report on Dec 5/24 will explain clearly what we are dealing with.

Thank you for listening and I'd be happy to answer any question you may have. Please keep us informed.

Respectfully Submitted, Ken Rautiainen/Deer Foot Group'

Chair L. Hayden asked the proponents, L. Kieswetter, K. Lang and G. Keatley, if they wished to respond. The proponents responded:

- The Subdivision application has been under consideration since 2023 and it is nearly 2025, things are not being rushed;
- Water quality impacts were addressed under the hydrogeological study, and the aim is for the subdivision to be low/zero impact on the lake;
- existing septic systems on the lake are often near the water or on the shore allowance, the new septic for this development will be as far away as practical as per proposed conditions;
- no lake surface water on the Island would meet drinking water requirements, all surface water needs to be treated;

The following discussion resulted:

-Central Manitoulin should take the lead on measuring water quality, with cost recovery from lots sold; Provincial Ministries do little follow-up for lake capacity like on Lake Manitou; the Lake Capacity handbook is designed for lakes on the Canadian Shield, not Manitoulin; Compliance enforcement for older developments does not happen; Public Health Sudbury & District (PHSD) approves septic systems but the Municipality will have to have control at the building permit stage to ensure septic systems are farther back; specifics of septic installation could be covered in subdivision agreement with Municipality.

Chair L. Hayden asked the Secretary-Treasurer how best to proceed.

She suggested the Board review the Draft Conditions proposed by the proponents dated October 24, 2024, the three recommended revisions received from the Municipality of Central Manitoulin on November 25, 2024, the updated Hydrogeological Assessment Report dated October 24, 2024, the updated Servicing Options Statement Report dated October 24th, 2024 and those conditions relating to the Lake Capacity/Servicing, the Environmental Impact Study (EIS), and the Archaeological Impact Assessment Report(s).

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The following discussion resulted regarding the lake capacity/servicing:

- the proponents feel it is not practical to require septic system locations to be planned in advance of selling the lots, owners will be required to meet the municipality's standards when placing systems; all lots confirmed capable of supporting septic systems by soil testing from hydrogeological report; minimum setback of septic systems from front lot line is 15 metres, minimum setback from water including shoreline allowance would be 35 metres; language should read 'required' rather than 'encouraged' regarding keeping septic systems as far from water as possible; note should be included encouraging tertiary treatment systems for septic systems.

The following discussion resulted regarding the EIS:

-Should the EIS be a condition of Draft Approval or should it be required prior to decision; results of study may make some lots unbuildable; lots may need to be reconfigured; proponents open to merging lots together to give building envelopes outside natural heritage features if necessary; EIS is not complete yet but no concerns shown so far; EIS needs final visit to property in spring to complete;

The following discussion resulted regarding the Archaeological Assessment Study:

-Stage 3 of the Archaeological Assessment has been completed, as recommended by the Stage 2 assessment and sent to the First Nations (FN); the FN have not commented in 30 days; the report has been provided to the Ministry of Culture for review; Stage 4 Assessment is required buffer zone(s) will be needed from certain areas, but lots are still developable;

The following discussion resulted regarding the expiry of Draft Approval:

- the proponents would prefer to have 5 years rather than 3; most recent subdivisions have required extensions; unclear if the Planning Act or Official Plan policies permit longer time lines; the Secretary-Treasurer recommends three years as has been the Planning Board standard; the Municipality agrees with three years; the proponents advise if this is the only hang up, then they are agreeable to three years with possibility of extensions.

Chair L. Hayden asked if the Board Members needed additional time to consider the draft conditions and/or the information resulting from the meeting. The consensus was that they did not require any additional time.

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by B. Barker that the Subdivision Application File No. SUB2023-001 be granted draft approval, with amended conditions 22 and 23, and the expiry date of the approval being three years,

The Chair requested a recorded vote.

In Favour: B. Barker, J. Deforge, L. Hayden, K. Noland, R. Stephens, D. Osborne

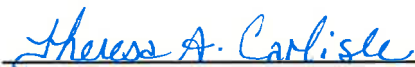
Opposed: D. Head, D. McDowell

The Motion was carried.

Note: The Notice of Decision together with the Conditions to the Final Plan approval are attached to the Special Meeting Minutes as 'Appendix B'.

The time now being 6:00 p.m. and all business before the Board having been dealt with, the Special Meeting of the Manitoulin Planning Board was adjourned by a motion moved by K. Noland.

L. HAYDEN, Chair


T.A. CARLISLE, Secretary-Treasurer