



MANITOULIN PLANNING BOARD

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April 26, 2023

MINUTES OF PLANNING BOARD MEETING - April 25, 2023

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, April 25th, 2023, the following Members of Planning Board were present:

- | | | | |
|----|------------|----|--------------|
| 1. | L. Hayden | 5. | B. Barker |
| 2. | K. Noland | 6. | T. Mackinlay |
| 3. | R. Brown | 7. | D. McDowell |
| 4. | J. Deforge | 8. | D. Osborne |

Regrets: D. Head and R. Stephens

Also in attendance for the meeting 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 7:00 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 February 28th, 2023.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

MOTION

It was moved by T. Mackinlay and seconded by R. Brown that the Order of Business be adopted,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - February 28th, 2023

The Chair announced that the Minutes of the Board Meeting held on February 28th, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated. There being no errors or omissions the following motion resulted:

MOTION

A motion was moved by B. Baker and seconded by K. Noland that the Minutes of February 28th, 2023 be adopted,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING February 28th, 2023

There was none.

3. VARIABLE EXPENDITURES

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

MOTION

It was moved by K. Noland and seconded by D. McDowell that the variable expenditures be accepted as presented,
- Carried.

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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) Area Wide Natural Heritage System Strategy - Official Plan Amendment No. A-3

The Secretary-Treasurer provided an update.

- Official Plan Amendment (OPA) No. A-3 for the Area Wide Natural Heritage System Strategy (NHSS) and the Notice of Adoption of the OPA were sent to the Ontario Ministry of Municipal Affairs and Housing MMAH on February 8th, 2023;

- MMAH have acknowledged receipt of the OPA, and have assigned a file Number 51-OP-230693-003;

- an email request was sent to the eight member municipalities for a resolution and an adopting By-law supporting the OPA;

- once receipt of all certified true copies of the Municipal Resolution are received, they will be forwarded to MMAH together with additional documentation as required under the Planning Act;

- Planning Board staff had an electronic meeting with MMAH on March 30th, 2023 and MMAH advised that the OPA No. A-3 is required to be sent to MMAH by each of the member municipalities; the Manitoulin Planning Board has done this on behalf of the municipalities on March 30th, 2023;

- MMAH have advised that for MMAH OPA approvals, the OPA is required to be sent to MMAH a minimum of 90 days prior to the Public Meeting and that the eight member municipalities are to hold their own Public Meetings;

- MMAH are to provide their comments and/or any comments from the commenting agencies within 90 days of receipt of all the documentation required under the Planning Act,

Discussion among the Board Members included:

- why are nine (9) separate Public Meetings required?; the Planning Board is made up of ten (10) members from each of the ten (10) municipalities; there is a Board Member representing each of the ten (10) municipalities; the Board Members report back to their municipality; the Board Members have reported back and provided updates to their municipalities regarding the OPA; the Board Members represent their municipality and adopted the OPA as part of the Manitoulin Planning Board; the advertisements for the Notice of the Open Houses and the Notice of the Public Meeting had been advertised as one meeting on behalf of all member municipalities,

The following motions resulted:

MOTION

It was moved by R. Brown and seconded by K. Noland that as mandated by Modification No. 21 to the Official Plan for the District of Manitoulin, the Manitoulin Planning Board has prepared an Area-Wide Natural Heritage System Strategy (NHSS) on behalf of all member municipalities including the Unincorporated Townships of Robinson and Dawson; that By-law No. 2023-002 was adopted by the Planning Board Members on behalf of all member municipalities; that it is considered the Public Meeting for the OPA held on November 22nd, 2023 was advertised and held on behalf of all member municipalities; and that having the Public Meeting on behalf of all the member municipalities is considered to be an acceptable process of the Manitoulin Planning Board,

- Carried Unanimously.

MOTION

It was moved by D. Osborne and seconded by B. Barker that BE IT RESOLVED that the motion be adopted as read,

- Carried Unanimously.

b) Ontario Land Tribunal (OLT) - Consent to Sever File No. B12-22

The Secretary-Treasurer informed the Board that the Decision of the Ontario Land Tribunal (OLT) for Consent to Sever File No. B12-22 was received, via email, on March 18th, 2023. The OLT, in summary, ordered that the appeal that had been made is dismissed and the provisional consent is not to be given. The Decision had been forwarded to the Planning Board Members.

c) New Photocopier

The Secretary-Treasurer reported that the new Canon photocopier is to be delivered on April 26th, 2023.

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5. d) Municipal (Interim) Requisitions 2023

The Secretary-Treasurer informed the Board that all interim requisitions have been received.

e) Municipal Property Assessment Corporation (MPAC)
webinar - March 9th, 2023 and webinar - March 23rd, 2023

The Secretary-Treasurer informed the Board that the staff members had participated in two webinars presented by the Municipal Property Assessment Corporation (MPAC). The webinars had also been made available to municipal staff. The March 9th, 2023 presentation was on 'Farm Property Class Tax Rate Program' and the March 23rd, 2023 presentation was on their role in the 'Property Tax and Assessment System'. Both slide decks from the webinars were attached to the Board Agenda. This information is encouraged to be shared with the municipalities. Although the webinars were designed more for the Municipalities and their process for municipal taxes, they were interesting and helpful to the Planning Board staff in understanding the process.

f) Ministry of Agriculture and Rural Affairs (OMAFRA) webinar - April 13th, 2023

The Secretary-Treasurer advised that staff members had participated in a two-part webinar on the 'Minimum Distance Separation Formula' (MDS I and MDS II) presented by the Ontario Ministry of Agriculture and Rural Affairs (OMAFRA) on April 13th, 2023. The MDS formulae was established to determine the minimum separation distances between proposed new development and existing livestock facilities and/or permanent manure storage. The objective of the MDS formulae is to minimize nuisance complaints due to odour and thereby reduce potential land use conflicts. It is used as part of the screening process for planning applications to determine a minimum distance between a new residential use (dwelling) and a farm operation (barn) or between a new barn and a residential uses. She clarified that policies of the Official Plan exempt 'lots of record' from the MDS 1 and MDS II. The website link to the MDS Guideline document was made available to the Board with their meeting agenda and a hard copy is available at the Planning Board Office.

g) Provincial Appointments to the Manitoulin Planning Board

The Ontario Ministry of Municipal Affairs and Housing (MMAH) advised on April 14th, 2023 that the Ministers Office has not made any decisions on the provincial appointments to the Manitoulin Planning Board yet.

h) Draft (unofficial comparison) Provincial Policy Statement 2023

The Secretary-Treasurer advised that a DRAFT 2023 Provincial Policy Statement is available and that a 'red-line version' was attached to the Board agenda for their information. The major differences (if approved) would: permit up to three severances from a lot located within a 'Prime Agriculture Area' subject to certain conditions; and the section on the Natural Heritage is still being considered and is currently left blank in the Draft copy. Written comments can be submitted on the draft PPS 2023 until June 6th, 2023.

i) Ministry of Municipal Affairs and Housing (MMAH) - Special Business Case Funding for Zoning By-law No. 2022-05 for the Townships of Robinson and Dawson

The Secretary-Treasurer announced that the Ontario Ministry of Municipal Affairs and Housing (MMAH) have approved Special Business Case Funding in the amount of \$11,036.54 for costs associated with the updating of the new Zoning By-law, No. 2022-05, for the Unincorporated Townships of Robinson and Dawson. A request had been made to MMAH in December 2022 and approval had been granted and a cheque has been received. A Resolution of the Board is required to accept the Special Business Case Funding in the amount of \$11,036.00.

The following motions resulted:

MOTION

It was moved by T. Mackinlay and seconded by R. Brown that the Manitoulin Planning Board accepts \$11,036.00 from the Ontario Ministry of Municipal Affairs and Housing for the Business Case Funding component of the Assistance to Planning Boards Funding Program 2022-2023 to be used towards the updating of the Zoning By-law, No. 2022-05, for the Unincorporated Townships of Robinson and Dawson,
- Carried Unanimously.

MOTION

It was moved by K. Noland and seconded by B. Barker that BE IT RESOLVED the motion be adopted as read,
- Carried Unanimously.

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5. j) Electronic Meetings vs In-Person Meetings

This item was discussed at the February 28th, 2023 Board Meeting and was to be tabled and discussed again at the next Board Meeting as some of the Board Members were not present at that meeting.

Discussion among the Board Members resulted in the general consensus that In-Person Board Meetings were preferred. However, electronic meeting will be considered from time to time depending on the Planning Board Business.

k) May 2023 Board Meeting

The Secretary-Treasurer informed the Board that there are five Tuesdays in May and in some instances the Board prefers to hold the Regular Board Meeting on the 5th Tuesday rather than the 4th Tuesday of the Month.

The following motion resulted:

MOTION

It was moved by R. Brown and seconded by D. Osborne that the next Regular Meeting of the Manitoulin Planning Board is to be held on Tuesday, May 30th, 2023 at 7:00 p.m.

- Carried Unanimously.

6. FINANCIAL STATEMENTS 2022 REVIEW

The Secretary-Treasurer reported that the updated DRAFT (2022) Financial Statements (FS) for the Manitoulin Planning Board, were received on April 24th, 2023 and were provided to the Board Members prior to the Meeting, via email. The invoiced amount was considerably higher this year due to some unforeseen costs which included an increased annual inflation of 5-7% from the previous year; a one time revised auditing standard fee of \$530.00; and extra billable hours to make various posting adjustments/corrections in the amount of \$2400.00. This resulted in an increase of about \$4227.00 from the previous year. Planning Board staff had an electronic meeting with KPMG on April 18th, 2023 to discuss ways for Planning Board to keep the billable hours and audit costs down in 2023, by making and posting additional adjustments (in house), and if assistance is required it would be provided at a lower hourly rate by the bookkeeping staff at KPMG, prior to having the audit completed.

She explained that the Manitoulin Planning Board is required under the Municipal Act, to use the same auditor that is used by the largest contributing municipality, (municipal requisition) which is KPMG.

MOTION

It was moved by R. Brown and seconded by T. Mackinlay that the invoice for the Manitoulin Planning Board (2022) audit, although considerably higher this year, be paid to KPMG in the amount of \$9,299.90

Jake Diebolt, GIS Technician, presented the Draft Financial Statements (FS) for the year 2022. There were some changes to the FS since the first draft which was received in February 2023. The updated Draft FS, were received on April 24th, 2023 and provided to the Board Members, via email that day, prior to the Board Meeting.

Significant points discussed from the Draft FS included:

-Municipal costs for the Central Ontario Orthophotography Project (COOP) 2021/aerial photo acquisition project (\$9908.00) are now shown separately from the Municipal Requisitions (\$114,439.00), as requested; previously they were shown together as a single amount;

-A deficit of \$12,972.00 shown on the 2022 budget under the Statement of Operations and Accumulated Surplus; this is the amount the Board used from the surplus from 2021 for the project to update of the Zoning By-law for the Unincorporated Townships and the project for a Natural Heritage System Strategy (NHSS). Note 8 on the FS recognizes this as contributions from reserves;

-The Ministry of Municipal Affairs and Housing provided the Planing Board with \$11036.00 for Special Business Case Funding as reimbursement for expenditures for the Zoning By-law No. 2022-05 update. Because this was for work done in 2022, it is shown as a receivable amount in the 2022 FS, resulting in increases to the annual surplus, accounts receivable, net financial assets, and accumulated surplus.

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6. FINANCIAL STATEMENTS 2022 REVIEW - continued

All questions and resulting discussion having been dealt with, the following motions resulted:

MOTION

It was moved by T. Mackinlay and seconded by J. DeForge that the Manitoulin Planning Board accept, approve, and adopt the Financial Statements for 2022 as prepared by KPMG Chartered Accounts and as presented by J. Diebolt,
- Carried Unanimously.

MOTION

It was moved by B. Barker and seconded by D. McDowell that J. Diebolt on behalf of the Manitoulin Planning Board be authorized to sign the Management Letter for the 2022 Financial Statements, as required by KPMG Chartered Accounts,
- Carried Unanimously.

7. CLOSED IN CAMERA SESSION

Chair Hayden requested the Board to go In Camera to discuss the Procedures for In-Camera Meetings.

MOTION

It was moved by D. Osborne and seconded by D. McDowell that the Board go In Camera at 8:12 p.m to discuss the Procedures for In-Camera Meetings.
- Carried Unanimously.

There were no Decisions or Motions made In-Camera resulting from the discussion had.

MOTION

It was moved by T. Mackinlay and seconded by R. Brown that the Board rise from the In Camera session at 8:16 p.m.,
- Carried Unanimously.

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Application File No.: B06-23 No. of Members Present: 8
Date of Decision: April 25, 2023
Location of Property: Part Lot 2, Conc. V, Surveyed as Parts 9 and 11, Plan 31R-1009, Township of Robinson, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Lauren MacDonald and Valerie Duhaime is to provide for a right-of-way over an existing access at the north west corner of their lot (#191 Beach Road South) in favour of the neighbouring property to the north (#187 Beach Road South). The right-of-way is triangular in shape, having a width of ± 7.4 M. on Beach Road South, a maintained road, and a length of ± 30 M., thereby containing an area of ± 220 Sq. M. The land benefiting from the right-of-way contains a dwelling and accessory shed and greenhouse.

The land to be retained has a frontage of ± 53.8 M. on Beach Road South and a depth of ± 91.4 M., thereby containing an area of ± 0.61 Hec. The applicants' dwelling, guest cabin and shed are located within this land.

The subject land, surveyed as Parts 9 and 11, Plan 31R-1009, was created by a previous application for Consent to Sever, File No.'s: 04-51C-79-127, 128 and 129, approved by the Ontario Ministry of Housing in 1979.

Access is via Beach Road South, (#191), which is maintained by the Robinson Local Roads Board.

No new services are required as a result of this application for right-of-way.

The subject land has been designated Shoreline Area and zoned Shoreline Residential (SR).

There is a Hydro pole located within the proposed right-of-way that does not appear to have any wires visible. Hydro One was circulated for comments.

Josh Waytowich, Hydro One Networks, advised via email on April 4th, 2023:

- Hydro One does not have an unregistered easement over the subject land;
- Hydro One does not require an easement for occupational rights;
- Hydro One does own the poles; and
- Hydro One does not have any concerns or any conditions to be considered for the planning application.'

This application was circulated on April 6th, 2023 to the Robinson Local Roads Board (RLRB), Bell Canada, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Clerk for the Robinson Local Roads Board (LRB) advised, via email on April 14th, 2023 that:

'The Robinson Local Roads Board has no concern with B06-23, being an application for consent to provide for a legal right-of-way of an existing driveway for the adjacent landowner.

Should the owner determine that a culvert is required for the existing driveway, he is advised to contact the Chair of the LRB prior to any work commencing.'

Mary McCartney, Bell Canada advised via email on April 19th, 2023 that Bell Canada does not have any comments or concerns regarding the application.

During discussion of the application, the Secretary-Treasurer answered that

- the property owner benefiting from the right-of-way does will own the right-of-way, but will have permission the use it; and
- during a site visit to the property in August 2021, it was noted that there was an existing culvert installed at the entrance from Beach Road South,

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of notice.

There was no one present who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two years from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

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Application File No.: B06-23 - continued
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- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the right-of-way and parcel(s) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the right-of-way having a minimum width of 7.4 M. along the maintained road, known as Beach Road South;
- ii) a written confirmation from the Robinson Local Roads Board that access along the right-of-way to Beach Road South has been constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iii) a written confirmation from the Robinson Local Roads Board that if a culvert is required for the existing driveway, that it has been or can be installed, satisfactory to the Robinson Local Roads Board;
- iv) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation and/or proof satisfactory to the Manitoulin Planning Board that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

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 none.

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

	<u>Moved By</u>	<u>Seconded By</u>
1. B01-23	D. McDowell	D. Osborne
	* That this application be deferred - Carried.	
2. B06-23	K. Noland	T. Mackinlay

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

*The above motion applies to all applications excepting B01-23.

The time now being 8:18 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by R. Brown.

L. HAYDEN, CHAIR



T.A. CARLISLE,
SECRETARY-TREASURER