



January 31, 2024

MINUTES OF PLANNING BOARD MEETING - January 30, 2024

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on January 30<sup>th</sup>, 2024, the following Members of Planning Board were present:

- |    |             |    |              |
|----|-------------|----|--------------|
| 1. | K. Noland   | 5. | T. Mackinlay |
| 2. | D. Osborne  | 6. | R. Stephens  |
| 3. | B. Barker   | 7. | J. DeForge   |
| 4. | D. McDowell |    |              |

Regrets: L. Hayden, D. Head  
Absent: L. Chappell

Also in attendance for the meeting were:

T. Sasvari, reporter, Manitoulin Expositor;  
C. Seguin, applicant, and R. Sparling, interested party, for Amendment  
File No: 2022-05ZBL-23-002;  
J. Davie, applicant, and S. Davie, interested party, for 'Request to be Heard'  
regarding a proposed Zoning Conformity Permit, Township of Dawson;  
K. Lang, agent, and G. Keatley, appointed agent, for Subdivision File No: SUB2023-001;  
C. Beggs, 'Request to be Heard', Subdivision File No: SUB2023-001;  
K. Rautiainen, 'Request to be Heard', Subdivision File No: SUB2023-001;  
S. Drystek, 'Request to be Heard', Subdivision File No: SUB2023-001; and  
S. Elliott, S. Bond, B. Kankaapaa (Finnila), Erin-Blythe Reddie; J. Gardner, L. Peever,  
H. Tracy, B. Mitchell, J. Bisailon, G. Long, S. Long, T. Scott, M. Scott, Jim. Vardon, Janet. Vardon,  
K. Kusy, M. Morris, S. Rolston, Tina (Christine) Tolsma, R. Tolsma, P. Cacciotti, G. Treasure,  
S. Hill, interested parties, for Subdivision File No: SUB2023-001.

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

The Meeting was called to Order at 7:02 P.M. by Vice Chair K. Noland, who welcomed all present.

K. Noland, Vice 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 November 28<sup>th</sup>, 2023. There were no conflicts declared.

1. ORDER OF BUSINESS

The Vice Chair requested the adoption of the order of business.

The Secretary-Treasurer requested an addition to the agenda of Esri Canada Invoice under Item 10.

MOTION

It was moved by B. Barker and seconded by D. McDowell that the Order of Business be adopted, as amended, with an additional item added under 10. Esri Canada Invoice,  
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - November 28<sup>th</sup>, 2023.

The Vice Chair announced that the Minutes of the Board Meeting held on November 28<sup>th</sup>, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated.

The Secretary-Treasurer reported that two errors had been made; Item 4. - Request for Consideration - noted Township of Sandfield; this is incorrect and should be Township of Carnarvon. Also Item 7. b) Special Business Case Funding Motion - states that the funding was for three (3) projects; this is incorrect and should be for four (4) projects.

Board Minutes  
January 30, 2024

2. MINUTES OF PREVIOUS BOARD MEETING - November 28<sup>th</sup>, 2023 - continued

The following motions resulted:

MOTION

A motion was moved by D. Osborne and seconded by Tim Mackinlay that the motion under 7.b) Special Business Case Funding of the November 28<sup>th</sup>, 2023 Meeting Minutes be rescinded and that the corrected motion be:

*that the Manitoulin Planning Board apply for Special Business Case Funding for the Unincorporated Townships of Robinson and Dawson from the Ministry of Municipal Affairs and Housing (MMAH) for four projects; 1. to place an advertisement in the Manitoulin Expositor, the local paper, for 52 weeks advising landowners that if they wish to build or change the use of their property that it must conform to Zoning By-law No. 2022-05 and that they may require a permit from the Manitoulin Planning Board; 2. to conduct a massive mail-out to all property owners advising of requirements of building and conformity to Zoning By-law No. 2022-05, to assist with possible contraventions to the Zoning By-law and By-law Enforcement; 3. to cover the costs associated with purchasing a body-worn camera and a portable storage drive to store the video surveillance, to assist with any interactions during site inspections and By-law Enforcement; and 4. to cover the costs of preparing signs, drilling and placing steel poles in the rock and posting civic address numbers in the Little Lake Huron Area of Robinson Township, to assist with emergency services,  
- Carried Unanimously.*

MOTION

A motion was moved by R. Stephens and seconded by T. Mackinlay that the Minutes be adopted, as amended, with the two corrections as explained by the Secretary-Treasurer,  
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- November 28<sup>th</sup>, 2023

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

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

4. AMENDMENT FILE NO: 2022-05ZBL-23-002

Location: Part Lot 19, Conc. VII  
Surveyed as Part 1, Plan 31R-3754  
(#20473 Hwy 540)  
Township of Robinson  
District of Manitoulin

The Secretary-Treasurer informed the Board that the applicant, C. Seguin, had requested to wait outside the meeting room until his application was to be addressed by the Planning Board. She then directed Mr. Seguin, applicant, and R. Sparling, interested party, to the Board Room.

The Secretary-Treasurer reported that a Zoning Conformity Permit, No: LC21/22 had been issued by the Planning Board to the previous owners for a dwelling with a stone patio. Mr. Seguin had submitted an Amendment Application in March 2023 to permit a dwelling constructed of four (4) portable storage containers and this had been considered by the Board at the August 22<sup>nd</sup>, 2023, Board Meeting. Mr. Seguin was in agreement to submit engineered drawings to the Planning Board, confirming that the structural design would conform to the Building Code. He has provided stamped engineered design plans including engineered truss designs for the roof design of the structure and an engineered slab plan for the Board's consideration.

D. Osborne, Board Member (and Chief Building Official for other Municipalities in the District of Manitoulin) advised when asked, that he was of the opinion that in his review of the engineer's stamped plans dated November 27<sup>th</sup>, 2023, that the proposed portable storage containers as a modified/engineered single family (4 season) dwelling would conform to the Building Code.

The consensus of the Board was to support the Amendment.

Board Minutes  
January 30, 2024

4. AMENDMENT FILE NO: 2022-05ZBL-23-002 - Continued

The Secretary-Treasurer read a draft By-law for the Board's consideration.

**By-Law No: 2024-001**

Being a By-law of the Manitoulin Planning Board to amend Zoning By-law No. 2022-05 the comprehensive Zoning By-law for the Townships of Robinson and Dawson.

**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 Zoning By-law No. 2022-05 under Section 34 as set out by Section 39 of the Planning Act, Chapter p.13, R.S.O., as amended.

**Now Therefore**, the Manitoulin Planning Board enacts the following:

- (1) Section 14.0 - Rural ( R ) Zone - is hereby amended to add the following Sub Section R-20  
*Despite requirements of the Zoning By-law No. 2022-05 under Section 14.0, permits four (4) portable storage containers (62.5 Sq. M. in total size) to be located and used as an modified/engineered single family (4 season) dwelling in a Rural ( R ) Zone, having a front yard setback of 30.79 metres, as identified on the attached sketch (Schedule A) within land described under Subsection (2);*
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Robinson, described as Part of Lot 19, Conc. VII, surveyed as Part 1, Plan 31R-3754, located at #20473 Highway 540, in the District of Manitoulin, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) All other permitted uses and provisions of Zoning By-law No. 2022-05 which apply to the Rural ( R ) Zone, shall continue to apply to the lands as described previously under Subsection (2) of this By-law.
- (4) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (5) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (6) 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 Land Tribunal (OLT) where objections to this by-law are filed with the Secretary-Treasurer of the Manitoulin Planning Board.

Board Member, T. Mackinlay, asked the Secretary-Treasurer to read (1) of the By-law again.

Discussion resulted in the following motion:

**MOTION**

It was moved by T. Mackinlay and seconded by J. DeForge that By-Law No. 2024-001 be approved as read,  
- Carried Unanimously.

Mr. Seguin thanked the Planning Board and vacated the meeting.

5. REQUEST FOR PLAN OF SUBDIVISION EXTENSION - FILE NO: SUB2021-001

Location: Lot 22 and Pt. Lots 23 & 24 and  
Lot 25, Conc. VII and Lots 22 thru 26, Conc. VIII  
Township of Sheguiandah  
Municipality of Assiginack  
District of Manitoulin

The Secretary-Treasurer reported that Phase One of the Subdivision was completed on July 20<sup>th</sup>, 2022. As per the Draft approval (as amended on February 22, 2022), if the conditions of approval are not fulfilled before February 23<sup>rd</sup>, 2024 the Final approval for Phase Two will lapse.

Section 51(33) of the Planning Act allows for an extension.

Jordan Chandler, agent for the application, has requested a three year extension for the Plan of Subdivision (until February 23<sup>rd</sup>, 2027) to allow additional time to fulfill conditions of the draft approval and to allow additional time to prepare a final plan for Planning Board approval. His request is to be accompanied with a Resolution of Support from the Municipality.

Board Minutes  
January 30, 2024

5. REQUEST FOR SUBDIVISION EXTENSION - FILE NO: SUB2021-001 - Continued

A. Hobbs, CAO for the Municipality of Assiginack, advised via email on January 30<sup>th</sup>, 2024 that this request will be going to Municipal Council on February 6<sup>th</sup>, 2024 and that he anticipates that Council will support the request. Vice Chair, K. Noland, asked D. McDowell, Board Member representing the Township of Assiginack, if he had any questions or comments. He advised that Mr. Chandler and the Township are working on completing the Subdivision Agreement and he had no concerns with an extension.

Board Member, R. Stephens, stated that he would like to hear from the Municipality before making a Decision; he asked if the Board should consider waiting until a Resolution is passed in case of a stumbling block?

The Secretary-Treasurer explained that the approval will lapse on February 23<sup>rd</sup>, 2024 and that the next Planning Board Meeting was not scheduled until February 27<sup>th</sup>, 2024. A deferral of Decision would result in the lapse of the Plan of Subdivision approval for Phase Two, and the applicant would need to start the process over. She also advised that Planning Board could hold a Special Meeting before February 23<sup>rd</sup>, 2024 to review the Municipal Resolution before considering approval of an extension as requested by Mr. Chandler.

The following motion resulted:

MOTION

It was moved by R. Stephens and seconded by T. Mackinlay that as per Section 51(33) of the Planning Act, that Phase 2 for Subdivision File No: SUB2021-001 be given an extension of one year, to be completed by February 23, 2025,  
- Carried Unanimously.

6. REQUEST TO BE HEARD - PROPOSED ZONING CONFORMITY PERMIT

Location: Lot 29, Conc. XIV, excepting Parts 1, 2 & 3, Plan 31R-3949  
(#879 Water Street), Township of Dawson  
District of Manitoulin

Jordan Davie provided the following email, dated January 22<sup>nd</sup>, 2024, which was provided to the Board Members with their meeting agenda together with a chain of emails between Mr. Davie and Planning Board staff:

*' Dear Planning Board Members,*

*Please find attached information regarding Lot 29 Con XIV letter of conformity for new storage building. The attached emails show my attempt at bringing my property into conformity, and the communication surrounding this issue. The entire process has been inconsistent and confusing.*

*I will provide more information at the time of the meeting to outline the details and help you better understand my situation.*

*I look forward to meeting you all.*

*Thanks for your time*

*Sincerely, Jordan Davie'*

The Secretary-Treasurer reported that Jordan Davie had applied for a Zoning Conformity Permit for a dwelling and accessory structures in 2022 and a Permit was issued, No. LC22/22, on November 24<sup>th</sup>, 2022. There was no permit issued for a portable storage container.

On August 14<sup>th</sup>, 2023 a follow up site inspection was done to the property by Staff member, J. Diebolt. This is common practice to keep notes on the building process. It was discovered that Mr. Davie had placed a portable storage container on his property. He was advised by letter dated August 18<sup>th</sup>, 2023 that according to Section 4.1.6 of Zoning By-law No: 2022-05, for Robinson and Dawson Township, that Portable Storage Containers are only permitted in the General Industrial Zone for storage purposes and that there is no provision for them to be placed on property zoned Rural. In order to conform to the Zoning By-law, the Portable Storage Container would need to be removed and to contact the Manitoulin Planning Board Office.

There were several visits to the Planning Board Office and several telephone calls and several email exchanges considering options to bring Mr. Davie's property into conformity with the Zoning By-law, i.e. apply for a Temporary Use By-law Amendment to permit the container to remain on his property for a period of time (for one or two or three years); to permit the container to remain on the property on a permanent basis; to apply for an Amendment to construct a storage building using the container as part of the structure; or remove the container from the property and replace it with a traditional storage building.

Board Minutes  
January 30, 2024

6. REQUEST TO BE HEARD - PROPOSED ZONING CONFORMITY PERMIT - Continued

On December 4<sup>th</sup>, 2023 a Zoning Conformity Permit Application for a storage building and a wrap around deck onto the dwelling was completed and an application fee of \$130.00 was received. The proposal is to replace the portable storage container with a traditional storage building. Mr. Davie has advised that the portable storage container will be removed but not until the Spring of 2024. Currently the container is in violation to the Zoning By-law. The Planning Board have imposed a fee of \$525.00 for Zoning Conformity Applications if the land owner has constructed or placed a structure on their property without receiving permission before they do so.

Mr. Davie was encouraged to discuss the situation with the Board and he has submitted a 'Request to be Heard' to speak to the Planning Board regarding the application fee for the Zoning Conformity Permit; \$130.00 vs \$525.00.

Mr. Davie addressed the Board and provided comments in addition to his submission, which included:

- portable storage containers (PSC) are a permitted use in Southern Ontario; he was with the understanding that PSC meet the Building Code requirements; he is not familiar with the Zoning By-law Requirements for PSC; he was not aware that PSC are not a permitted use on a residential property in Dawson Township; he is a contractor and wants the PSC to store his expensive tools and secure them from theft; that there were inconsistencies with Planning Board Staff on what he needed to do to bring his property into conformity; he has been given different answers; he wants effective communication and wants everyone in the Township to be treated the same; he requested the Board's comments.

The Secretary-Treasurer was asked to clarify which Zoning By-law was in effect when the Zoning Conformity Permit was issued in 2022; 96-01 or 2022-05? She explained that Zoning By-law No: 2022-05 came into effect in September 2022 and the Zoning Conformity Permit (LC22/22) was issued in November 2022. The previous Zoning By-law No: 96-01 was not in effect.

Mr. Davie was asked what the time frame was for him to bring his property into conformity with the Zoning By-law; will he be removing the PSC or applying for an Amendment?

He advised that the time line is unknown at this time; that he will need to consider the three options:

1. remove the Portable Storage Container; or
2. apply for a Temporary Use By-law; or
3. apply for an Amendment to permit the PSC to remain on his property permanently.

Discussion of the Board resulted in the following motion:

MOTION

It was moved by D. McDowell and seconded by D. Osborne that the Planning Board will support one of the two Amendment Application options; that the Zoning Conformity Permit will only be issued once the property is in compliance with Zoning By-law No: 2022-05; and that forgiveness for the Zoning Conformity Permit Application fee from \$525.00 to \$130.00 will be given in this circumstance if the Portable Storage Container is to remain on the property by approved amendment,

- Carried Unanimously.

The Secretary-Treasurer requested that Mr. Davie contact the Planning Board Office to discuss the applications and requested that communication with the Planning Board Office be done via email to try and avoid any inconsistencies.

7. PRESENTATION OF APPLICATION FOR PLAN OF SUBDIVISION

File No.: SUB2023-001  
Owner: Split Crow Partners Ltd. C/O Lee Kieswetter  
Agent: Kristine Lang  
Location: Lots 7 and 8, Concession IV excepting Part 1, Plan 31R-2831  
(located at #18 Tracey Road), Township of Carnarvon  
Municipality of Central Manitoulin, District of Manitoulin

Vice Chair, K. Noland, adjourned the Meeting for a few minutes to allow time for those who wished to leave the Meeting to do so, and for the Secretary-Treasurer to direct other Members of the Public into the Planning Board meeting room who wished to be present for the application as there was standing room only.

The Vice Chair then called the meeting back to order and welcomed K. Lang, agent, G. Keatley, appointed agent, presenters C. Beggs, K. Rautiainen, and S. Drystek, and all those in attendance.

A large zoning map, a large imagery overlay, and a large 'Procedures for a Plan of Subdivision' board were present at the front of the Board Room.

Board Minutes  
January 30, 2024

7. APPLICATION FOR PLAN OF SUBDIVISION - File No.: SUB2023-001 - Continued

K. Noland, Vice Chair, informed those in attendance that the Application for Plan of Subdivision was in the early stages and that this was the first meeting of several and that there would be future opportunity for comments to be considered by the Manitoulin Planning Board and the Municipality of Central Manitoulin.

He asked the Secretary-Treasurer to present the application.

A draft application for Plan of Subdivision was received from Split Crow Partners Ltd. in January 2023. Corrections and additional information was requested as per Ontario Regulation 544/06. A revised application was received from Kristine Lang on behalf of Split Crow Partners Ltd. on May 30<sup>th</sup>, 2023. Accompanying the application was a Construction Mitigation Plan.

In November 2023, A Hydrogeological Assessment Report dated October 20, 2023, a Servicing Option Statement dated October 26, 2023, and a Stage 1 & 2 Archaeological Report dated September 13, 2023, were provided to the Planning Board Office.

The subject application proposes the development of a thirty-nine (39) lot Plan of Subdivision for seasonal residential uses, fronting on Lake Mindemoya. According to the application the ±25.3 Hec. parcel of land includes a subdivision access/road of ±3.3 Hec. The remainder ±54.7 Hec. parcel of land contains a dwelling, an accessory shed, and an abandoned barn that is to be removed. There is mention of a maple syrup building located within the retained land, within the Archaeological Report. The remainder land has some partially forested areas and some cleared areas that have been used for hay removal.

Lake Mindemoya is located to the North and to the East of the subject land. There is a ±300 trailer campground operation known as Stanley Park and a mixture of treed areas and residential uses within Lot 6, Conc. IV to the West of the subject land. To the South across the municipal road, within Lot 8, Conc. V, there are two lots and an existing 18 lot Plan of Subdivision, known as Deer Foot Trail Subdivision, Plan 31M-201, that was approved by the Ministry of Municipal Affairs by File No. 51T-90004 in 1992. The municipal road, known as Tracy Road, is located along the southerly boundary of the subject land.

Access is via an existing entrance, #18 Tracy Road, a maintained municipal road. A new road is proposed within the subject land to provide access for the proposed new 39 lots, which is to connect to Tracy Road.

According to the documentation that accompanied the application, the site slopes up gently from east to west from the shoreline of Lake Mindemoya with the exception of Lots #15 to #39 having more of a steeper slope. Drainage is proposed via culverts with the locations to be determined upon completion of a topographic survey. The road is to be elevated above the northerly and easterly lots and if any inside ditches are required, they will drain to the low points to match the uphill side of the road.

The Official Plan (OP) designation is Shoreline Area for the subdivision lots and Rural Area for the retained land. The subdivision land is within a Rural ( R) Zone and the remainder land is within a Rural ( R) Zone and Agriculture (A) Zone. The Shoreline Area and the Rural Zone allow for seasonal residential/recreational uses.

From information available habitat for Bobolink and Eastern Meadowlark were identified within the land proposed by the Plan of Subdivision. It is not determined if there are building sites outside the area of habitat. The applicant has been advised that an Ecological Site Assessment (ESA) may be required to address any mitigation possibilities, i.e. minimizing habitat loss during development and/or restricting the time of construction.

Fire Protection will be provided by the municipal volunteer fire department.

Garbage Collection/Disposal is provided by the Municipality.

According to the Servicing Options Statement, servicing is proposed via individual private septic systems and individual water supply from Lake Mindemoya. There are no municipal services available to the subject land.

The Hydrogeological Assessment Report prepared by Exp Services Inc., states in part under 8. - Conclusions and Recommendations:

*' Based on observations in the hydrogeological assessment and in consideration to D-5-4 procedures, the following conclusions were made:*

1. *Based on nitrate/nitrogen loading prediction calculations, the Site is capable of supporting individual on-site sewage systems such that predicted loading to groundwater at the Site Boundary will be below the ODWS (Ontario Drinking Water Standard) of 10 mg/L;'*

7. APPLICATION FOR PLAN OF SUBDIVISION - File No.: SUB2023-001 - Continued

2. *Based on the ammonia loading calculations, the Site is capable of supporting individual on-site sewage systems such that predicted loading to groundwater at the Site boundary will be below the PWQO (Provincial Water Quality Objectives) of 0.02 mg/L;*
3. *Collectively, attenuated sewage effluent from the combined lots could exceed the PWQO of 0.01 mg/L for total phosphorus at the property boundaries; however, as shown in mass loading calculations in Section 7.1.1, Lake Mindemoya should be able to assimilate the predicted mass loading without exceeding PWQO for Total Phosphorus;'*
4. *Several health-related exceedances were noted in surface water samples;*
5. *To ensure nitrate-nitrogen loading does not exceed 10 mg/L at the boundaries of a single property, lot sizes should not be smaller than 0.45 ha. Based on the current Site Plan, the minimum lot size is approximately 0.5 ha. and, as such, nitrate-nitrogen loadings exceeding 10 mg/L are not anticipated; and 6. Based on the available Site Plan, lots are situated cross-gradient from one another - that is, no lot is in the assumed down gradient groundwater from another.*

*As such, combined/additive mass loadings from on-site and (adjacent) off-site septic systems on a given property are not anticipated. Therefore, it can be assumed mass loading on a given property would be from the on-site septic system, while impacts from neighbouring septic systems would be limited.*

*Based on the above conclusions, the following recommendations are provided:*

1. *A minimum 15 m clearance distance should be maintained between all septic fields and the shoreline of Lake Mindemoya, and septic beds should be placed as far from adjacent property boundaries as planning will allow (minimum 3 m from property lines and 15 m from residential wells, if present);*
2. *Due to health-related exceedances noted in the surface water samples, treatment systems must be applied to filter suspended particles and treat microbiological contaminants to ensure treated water quality meets Ontario Drinking Water Standards;*
3. *Based on the current 39-lot proposal and predictive assessments, additional treatment systems on septic systems are not required to reduce contaminant loading to meet applicable PWQO standards; however, tertiary septic treatment systems are often useful for reducing effluent contaminant loads and increasing the quality of discharged water;*
4. *All new water supplies should be tested for water quality to determine required treatment systems (in general, this should include particle filters for turbidity, softeners and microbial treatment); and*
5. *Prior to use a residential water supply, all water supplies should be tested to ensure treated water does not exceed Ontario Drinking Water Standards and Objectives.*

*As noted in recommendation 3. Septic treatment systems are not required, but they can provide added protection to reduce the risk of groundwater and/or surface water contamination. There are a number of available nitrate treatment systems, including the POINTTM System, the Waterloo Biofilter and the Premier Tech Environmental Ecoflow Biofilter. Many of the readily available nitrate treatment systems are capable of consistently removing 40% of nitrate compounds from the effluent. Typically, these systems require small field bed areas compared to conventional systems.'*

According to the Stage 1 & 2 Archaeological Assessment Reports (September 13, 2023 and January 8, 2024) they were both submitted to the Minister of Heritage, Sport, Tourism and Culture Industries (MHSTCI) as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O., 1990, c0. 18. According to Section 8.0 - Stage Two Recommendations:

*'The prehistoric material and positive shovel test areas from BkHn-9 and BkHn-10 (as identified on attached mapping to the reports) contain further CVHI (cultural heritage value or interest) and will require Stage 3 investigations.'*

On November 9<sup>th</sup>, 2023 the application was circulated to the United Chiefs and Councils of Mnidoo Mnisig (UCCMM) and to the Wiikwemkoong Unceded Territory as Per Official Plan Policy F.5 - Consultation and Engagement, along with the Construction Mitigation Plan, the Hydrogeological Assessment Report, the Servicing Options Statement, and the Stage 1 and 2 Archaeological Assessment Report dated September 13<sup>th</sup>, 2023.

As part of the presonsultation process, the Subdivision Application was also circulated to the Municipality of Central Manitoulin with the four reports, on November 9<sup>th</sup>, 2023.

Board Minutes  
January 30, 2024

7. APPLICATION FOR PLAN OF SUBDIVISION - File No.: SUB2023-001 - Continued

Saul Bomberry, UCCMM, by email on November 24<sup>th</sup>, 2023 asked if the Plan was prepared and stamped by a Professional Engineer. The Secretary-Treasurer advised that the 'Draft' Plan of Subdivision has been prepared by Keatley Surveying Ltd. for the applicant and that the final version of the Subdivision Plan will be signed and stamped once/if approval is given.

An updated Archaeological Stage 1 & 2 Assessment Report, dated January 8, 2024, was received by the Manitoulin Planning Board Office on January 9<sup>th</sup>, 2024 and it was provided to the Municipality of Central Manitoulin, to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), and to the Wiikwemkoong Unceded Territory on January 16<sup>th</sup>, 2024.

The United Chiefs and Councils of Mnidoo Mnising (UCCMM) have not provided any additional comments or concerns regarding the application and/or attachments, or requested additional time to do so.

The Wiikwemkoong Unceded Territory have not provided any comments or concerns regarding the application and/or attachments, or requested additional time to do so.

To date, the Municipality of Central Manitoulin have not provided any comments or concerns regarding the application and/or attachments.

The application was circulated on December 27<sup>th</sup>, 2023 to the Applicant, the Municipality of Central Manitoulin, the Rainbow and District School Board, Ontario Power Generation, The Metis Nation of Ontario, Hydro One, Bell Canada, Xplornet, Rogers Communications Inc., and Eastlink, and to all property owners within 120 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 544/06.

In addition, the Notice was posted at the Municipal Office in Mindemoya, Ontario and was published in the January 10<sup>th</sup>, 2024 edition of the Manitoulin Expositor.

The application and the four reports were also sent to the Ontario Ministry of Municipal Affairs and Housing (MMAH) for their comments and/or comments from their partner ministries. The following email was received from Zeinab Seifpour, Planner, as follows:

*' Hi Theresa,  
Thank you for your email!*

*As you know, MMAH and partner ministries don't generally comment on land division files, but we appreciate you sharing the application and the date of your public meeting. If anyone calls our office about the application, we will redirect them to your office to ensure their comments can be considered by the board during the decision-making process.'*

The Rainbow District School Board, the Metis Nation of Ontario, Bell Canada, Xplornet, Rogers Communications Inc., and Eastlink, have not advised of any concerns or requested additional time to do so.

Hydro One replied on January 24<sup>th</sup>, 2024 as follows:

*'Hello,  
We are in receipt of your Plan of Subdivision application, SUB2023-001 dated December 27<sup>th</sup>, 2023.*

*We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.*

*For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.'*

The Ontario Ministry of Transportation (MTO) requested information regarding the proposed Plan of Subdivision and the Notice of Meeting and sketch were provided to Michelle Lavallee, MTO on January 25<sup>th</sup>, 2024.

Cameron Cole, Corridor Management Planner, MTO, provided the following comments, via email on January 26<sup>th</sup>, 2024:

*' Hi there Theresa,  
I have reviewed the attached subdivision application, I can confirm that the subject lot is outside the MTO's permit control area and therefore, we have no comments to provide at this time. The MTO recognizes that while we may not have the ability to exercise permit control or request the submission of technical studies, traffic generated by the development will flow from the highway network. Given the scale of this proposed subdivision, we would like to receive any traffic studies conducted for this proposed development for the purposes of our own records, however, this will not be a condition of consent.'*



7. APPLICATION FOR PLAN OF SUBDIVISION - File No.: SUB2023-001 - Continued

MTO comments - Continued

*'A friendly reminder that the MTO needs to be circulated on all incoming planning applications. It is the responsibility of the MTO to determine if a development is outside of the permit control area. Even if a development falls outside its permit control area, it is possible that traffic generated by a development may have impact to a provincial highway. It is also possible that MTO may have highway designations that require permit control in areas that the municipality is not aware of.*

*No big deal on this one, however, moving forward we ask that MTO is circulated on all incoming planning applications in order to best work together ensuring new development integrates as smoothly and safely into the highway network as possible.*

*Please don't hesitate to contact me if there are any questions, concerns, or would like to discuss. Thank you.'*

Following the formal circulation of the application on December 27<sup>th</sup>, 2023, there have been several telephone calls, several emails, and several letters received to the Planning Board Office. There have also been several requests to attend the Planning Board Meeting and three 'Requests to be Heard'.

The emails and the letters that were received prior to January 29<sup>th</sup>, 2024, were provided to Kristine Lang, agent for the application, to the Municipality of Central Manitoulin, and to all Planning Board Members.

The correspondence received after January 29<sup>th</sup>, 2024 was provided to the Planning Board Members at the Meeting, including documentation provided by three presenters.

Vice Chair, K. Noland, asked K. Lang and G. Keatley if they had any questions or comments. They advised that they did not at this time.

The Vice Chair then opened the floor for Curt Beggs to conduct his 'Request to be Heard' presentation, which he read out loud.

Next, Ken Rautiainen read his 'Request to be Heard' submission.

For clarification, the Vice Chair asked the Secretary-Treasurer if Notice had been given to all property owners within 120 metres and if the sign posting had been done as per Ontario Regulation 544/06? She replied yes; that signs had been posted on the property before the January 16<sup>th</sup>, 2024 requirement and that the Notice was mailed to all property owners within 120 metres as per the address information from the Municipal Property Assessment Corporation (MPAC) as per the regulations which was done prior to the January 16<sup>th</sup>, 2024 requirement.

Meredith Morris was present and stated that she had not received notice and she was within 120 metres. The Secretary-Treasurer explained that the MPAC address for Ms. Morris was incorrect and that and it had been recommended to her to correct her address with MPAC; that she had received the Notice via email on January 3<sup>rd</sup>, 2024 which was before the January 16<sup>th</sup>, 2024 requirement; and to date the letter having the incorrect address had not been returned to the Planning Board Office.

The Vice Chair asked if the First Nations had been given Notice as per Official Plan Policy F.5? She replied, yes on November 9<sup>th</sup>, 2023.

Next Stan Drystek, representing the Lake Mindemoya Stewardship Association (LMSA), conducted his 'Request to be Heard' presentation.

In consideration of the information provided and the discussion that was had, the following motion resulted:

**MOTION**

It was moved by R. Stephens and seconded by T. Mackinlay that decision for Subdivision File No: SUB2023-001 be deferred to provide additional time to receive and review comments from the Municipality of Central Manitoulin; to consider the information and correspondence received to date including the submissions of tonight's meeting; and to review the planning tools available to assist the Board with the Decision making process,

- Carried Unanimously.

**Note:** The letters/emails received and the submissions for the three 'Requests to be Heard' will be attached to the Planning Board Minutes as Appendix "A"  
Appendix "B" and  
Appendix "C"

*Board Minutes*  
*January 30, 2024*

8. BUDGET REVIEW

i) 2023 Budget Review

The Secretary-Treasurer reported that due to the circulation of Plan of Subdivision File No: SUB2023-001 (Township of Carnarvon) on December 27<sup>th</sup>, 2023, the Actual 2023 Budget, has a surplus not a deficit, as reported at the November 28<sup>th</sup>, 2023 Board Meeting.

ii) Tariff of Fees (2023)

The Secretary-Treasurer requested an additional fee be added to the Tariff of Fees, which had been last updated on February 1<sup>st</sup>, 2023. Changes to the Planning Act, effective January 2023, allow for a fee for a 'Cancellation Certificate' to nullify a previous Consent to Sever approval.

Discussion, resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by R. Stephens that the Tariff of Fees be updated to include one additional fee of \$130.00 for a 'Certificate of Cancellation' to nullify a previous Consent to Sever approval,

- Carried.

Further discussion among the Board was if there should be a preconsultation fee added to the Tariff of Fees to address Planning Applications; some applications are taking a lot of time to process with preconsultation with the Ministries and the Municipalities and the land owners; for some applications it is necessary for Planning Board Staff to spend considerable amount of time reviewing the application and preparing a circulation sketch(s) before the Planning Board Members to consider.

The consensus of the Board was to table this item for further discussion at Budget time and for J. Diebolt, staff member, to investigate if a 'preconsultation' fee can be added to the Tariff of Fees, as per the Planning Act.

9. ELECTION OF OFFICERS FOR 2024

a) Chair and Vice Chair

The Vice Chair, K. Noland, announced that the election of Chair and Vice Chair for the year 2024, as required annually by Section 11(2) of the Planning Act and in accordance with Section XII(3) of the Procedural By-law, will be held.

Following his announcement, Mr. Noland vacated the Chair and requested the Secretary-Treasurer to conduct the elections at hand.

The Secretary-Treasurer advised the Board Members that Procedural By-law, Section III(4) states that the maximum term to be served by any Chair is to be four consecutive years, which makes all Board Members eligible to be nominated.

The Secretary-Treasurer then called for nominations for Chair for 2024.

Following a request for nominations for Chair, D. Osborne nominated L. Hayden and R. Stephens seconded this nomination.

B. Barker nominated D. Osborne and T. Mackinlay seconded this nomination.

A call for further nominations was met with no response. At this time a Motion to close nominations was made by R. Stephens which was carried unanimously.

D. Osborne declined the nomination.

The Secretary-Treasurer reported that L. Hayden was not present for the Meeting but that he had advised her that he would stand as Chair if nominated.

Therefore L. Hayden is acclaimed as Chair for 2024.

Next, the Secretary-Treasurer called for nominations for Vice Chair for 2024.

In response, T. Mackinlay nominated K. Noland and B. Barker seconded this nomination.

A call for further nominations for Vice Chair was met with no response. At this time a Motion to close nominations was made by D. Osborne which was carried unanimously.

K. Noland accepted the nomination and was therefore acclaimed as Vice Chair for 2024.

b) Committee Appointments

i) Executive Committee

The Secretary-Treasurer advised that the Executive Committee, in accordance with the Procedural By-law, Section XII (11.), shall consist of the Chair, the Vice Chair, and the Past Chair, and the Board Member representing the largest contributing Municipality shall be one of the elected officers.

Therefore the Executive Committee for 2024 will consist of L. Hayden, Chair, K. Noland, Vice Chair, and R. Stephens, representative of the largest contributing municipality.

9. ii) Budget Committee

The Secretary-Treasurer advised that the Budget Committee for 2023 consisted of R. Stephens, B. Barker, and K. Noland. It was the general consensus of the Board that the Budget Committee remain the same as 2024.

D. Osborne made a motion that the Budget Committee for 2023 remain the same as 2024 and J. DeForge, seconded the motion.

A call for further nominations was met with no response. At this time a Motion to close nominations was made by J. DeForge, which was carried unanimously.

Following a request from the Secretary-Treasurer to R. Stephens, B. Barker and K. Noland if they would remain on the Budget Committee, all three Board Members accepted to remain on the Budget Committee for 2024.

Therefore the Budget Committee for 2024 will consist of, R. Stephens, B. Barker and K. Noland

c) Signing Authorities

The Secretary-Treasurer informed the Board that the current signing authorities for 2023 consisted of any two of K. Noland, D. Osborne, and L. Hayden, (Board Members) and T. Carlisle, Secretary-Treasurer and requested that they remain the same for 2024 as this was working very well.

A call for further nominations was met with no response. At this time a Motion to close nominations was made by B. Barker, which was carried unanimously.

Following a request from the Secretary-Treasurer to K. Noland, and D. Osborne if they would remain as signing authorities for 2024, both Board Members agreed to remain.

The Secretary-Treasurer advised that Board Member, L. Hayden had advised her that if nominated as a signing authority, that he would accept the nomination.

Therefore the Signing Authorities for 2024 will consist of any two of, D. Osborne, Board Member, L. Hayden, Board Member, K. Noland, Board Member, and T. Carlisle, Secretary-Treasurer.

With the completion of the Election of Officers for 2024, Vice Chair Noland continued with the agenda.

10. ESRI CANADA INVOICE

J. Diebolt reported that an invoice for the annual Maintenance Fee for the ArcMap ArcGIS software from ESRI Canada had been received on January 29<sup>th</sup>, 2024. There has been a +/-6% increase over the amount paid in 2023, going from \$4,500.00 + HST to \$4,770.00 + HST. The maintenance contract provides many benefits including regular updates and technical support for the software, free access to training materials and webinars, and access to the new ArcGIS Pro software and ArcGIS Online web mapping application. Access to ArcGIS Pro and ArcGIS online will allow staff to begin working on transitioning away from ArcMap. This will be very important as it will be necessary to move over to the new software or another alternative in 2025. Any work and training that can be done in advance will smooth the transition.

The Secretary-Treasurer requested a motion of the Board that J. Diebolt be allowed to sign the maintenance contract with Esri Canada, and approval to pay the invoice.

MOTION

It was moved by B. Barker and seconded by T. Mackinlay that J. Diebolt, staff member, be authorized to sign the maintenance contract with Esri Canada on behalf of the Manitoulin Planning Board, and that the invoice in the amount of \$5,390.10 (including HST) be paid,  
- Carried Unanimously.

Further discussion was had regarding the internet that the Planning Board Office has currently, and if an upgrade to the internet service would be required for the transition to the new software. The consensus of the Board was that J. Diebolt will investigate and report back at the next Board Meeting.

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The time now being 9:47 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by T. Mackinlay.

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K. NOLAND, VICE CHAIR

  
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T.A. CARLISLE, SECRETARY-TREASURER