



MINUTES
Thursday 16 April 2020

1. CALL TO ORDER

Chairperson Dean Gates assumed Chairmanship and called this meeting to order at approximately 5:35pm on the dedicated Agilis “Meet Me” Teleconference Line.

2. ROLL CALL OF MEMBERS

MEMBERS PRESENT:

SECRETARY-TREASURER	Dave Britton	(Councillor Powassan)
VICE-SECRETARY-TREASURER	Randy Hall	(Councillor Powassan) (arrived 5:52pm during Item 9.1)
CHAIRPERSON	Dean Gates	(Unincorporated Townships, Ministry Appointee)
	Tom Marchant	(Councillor Nipissing)
	Paul Lafrance	(Nipissing Appointee) (arrived 5:47pm during Item 9.1)
	Penelope Wallace	(Nipissing Appointee)

OTHERS PRESENT:

Item 9.2 (B15 and B16/HARDY/2019 Revision to Condition of Approval)
Ed Veldboom, Barrister & Solicitor with Russell Christie LLP

Karin Ann Brent – NAPBoard Administrator

3. ADOPTION OF AGENDA

A verbal motion to adopt the agenda and additional agenda to adopt as presented, was carried.

4. DISCLOSURE OF DIRECT OR INDIRECT PECUNIARY INTEREST AND GENERAL NATURE THEREOF- Nil

5. ADOPTION OF MINUTES

a) 23 January 2020 (Regular Meeting)

RESOLUTION 11-2020 Moved by Dave Britton Seconded by Tom Marchant

THAT the following Minutes of the following meeting(s) of the North Almaguin Planning Board meeting, be adopted as circulated:

a) 23 January 2020

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	Absent	Absent
LAFRANCE	Absent	Absent
MARCHANT	X	
WALLACE	X	
Vacancy	Vacancy	Vacancy



MINUTES
Thursday 16 April 2020

-2-

6. PRESENTATIONS / DELEGATIONS

(a) Edward Veldboom, Barrister & Solicitor

Re: Item 9.2 re: Request for Revision to Conditions of Approval B15/HARDY/2019 and B16/HARDY/2019

Those present concurred to hear this deputation at the time of dealing with Item 9.2.

7. CORRESPONDENCE

1. January 2020 Scotia Bank Business Bulletin regarding Changes to its Business Banking Payment Fees.

A verbal motion by Penelope Wallace, seconded by Dave Britton to receive the listed correspondence for information, was voted on and carried.

8. BUSINESS ARISING FROM PREVIOUS MINUTES- Nil

9. NEW BUSINESS

1. Amendment to the NAPBoard Procedure By-law (Meetings during Declared Emergencies)

Report to special teleconference meeting 16 April 2020 proposing amendments to the NAPBoard Procedure By-law related to meetings during declared emergency. The special meeting is called through permission set out in new provisions applied to the *Municipal Act*, 2001. Likewise, Notice of the proposed amendment to the Procedure By-law 1-2019 is offset. A copy of the MMAH bulletin is attached for information.

REPORT RECOMMENDATION

1. That the amendments to the Procedure Bylaw 1-2019 set out in the Appendix A of the Report to the special meeting 5:30pm on Thursday 16 April 2020, be approved.

2. That a by-law receive its first, second and third reading and be enacted to apply the amendments to Procedure By-law 1-2019 as set out in Schedule A to this Report.

Discussion was held regarding the ability to maintain public access to virtual meetings. It was noted that at this time, the business that may be considered at virtual meetings is limited to business items and that statutory public meetings would be required to hear Consent applications. The Bulletin issued in March 2020 by the Ministry of Municipal Affairs and Housing (MMAH) was referenced. The recent legislation passed by the Provincial legislation that suspends time lines for certain planning processes prescribed in the Planning Act was referenced and information that the MMAH an Ontario Regulation would be required to allow hearing Consent applications by virtual meetings.



MINUTES
Thursday 16 April 2020

-3-

RESOLUTION 12-2020 Moved by Paul Lafrance Seconded by Dave Britton

1. That the amendments to the Procedure Bylaw 1-2019 set out in the Appendix A of the Report to the special meeting at 5:30pm on Thursday 16 April 2020, be approved.
2. That the by-law presented at the special meeting at 5:30pm on Thursday 16 April 2020 receive its first, second and third reading and be enacted to implement the amendments to Procedure By-law 1-2019 according to Schedule A to the Report dated 16 April 2020.
3. That a consolidated version of Procedure By-law 1-2019 as amended, be prepared and distributed to the Members of the North Almaguin Planning Board.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>

BY-LAW 1-2020 was given First, Second and Third Readings and enacted.

2. Request for Revision to Conditions of Approval in B15/HARDY/2019 and B16/HARDY/2019

Report dated 19 March 2020 in response to a letter dated 19 February 2020 from Edward B. Veldboom Barrister and Solicitor, requesting revision to the condition approval that requested approval for the private sanitary sewage system on both the retained and severed parcels in the respective Consent applications B15/HARDY/2019 and B16/HARDY/2019

REPORT RECOMMENDATION

That the respective condition of approval for each of the Consent files B15/HARDY/2019 and B16/HARDY/2019 be revised as follows:

“That the applicant provide written confirmation from a qualified professional confirming that there is sufficient area and setback from the abutting waterbody on both the retained and severed lands to provide for the construction of a sanitary sewage disposal system(s) in accordance with Part 8 of the Ontario Building Code. For the purposes of this condition a qualified professional may include: 1) the North Bay Mattawa Conservation Authority; 2) a person who is qualified to design sewage systems under Part 8 of the Ontario Building Code and who holds a current/valid Building Code identification Number (BCIN); or 3) an engineer.”

Ed Veldboom attended via teleconference and explained the request for amendment to condition of approval 3.2 and the need to provide applicants with the opportunity to meet the condition within the statutory time line.



MINUTES
Thursday 16 April 2020

-4-

Chairman Dean Gates advised that the NAPBoard staff and he have been working with the North Bay Mattawa Conservation Authority (NBMCA) to determine how similar conditions of approval can be worded for future applications, explaining the NBMCA has a defined review and approval process that might be precluded by winter weather.

RESOLUTION 13-2020 Moved by Tom Marchant Seconded by Randy Hall

1. THAT the deputation to the North Almaguin Planning Board at its meeting on 16 April 2020 by Edward Veldboom, Barrister & Solicitor regarding his request for revision of certain conditions of approval for Consents B15/HARDY/2019 and B16/HARDY/2019 be received for the record.
2. That the respective condition of approval for each of the Consent files B15/HARDY/2019 and B16/HARDY/2019 be revised as follows:

“That the applicant provide written confirmation from a qualified professional confirming that there is sufficient area and setback from the abutting waterbody on both the retained and severed lands to provide for the construction of a sanitary sewage disposal system(s) in accordance with Part 8 of the Ontario Building Code. For the purposes of this condition a qualified professional may include: 1) the North Bay Mattawa Conservation Authority; 2) a person who is qualified to design sewage systems under Part 8 of the Ontario Building Code and who holds a current/valid Building Code identification Number (BCIN); or 3) an engineer.”

3. THAT revised Notices of Decision be issued to reflect the revisions cited in paragraph 2. above.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>

3. Revisions to Policy: Guiding Principles for Considering Consent Applications in Unincorporated Townships

Report dated 19 March 2020 presenting revisions to the document titled “Guiding Principles for Considering Consent Applications in Unincorporated Townships”.

REPORT RECOMMENDATION

That the revised document titled “Policy: Guiding Principles for Considering Consent Applications in Unincorporated Townships” attached as Schedule A to the Report dated 19 March 2020 to the North Almaguin Planning Board, be approved.

Discussion was held to clarify the intent of the guideline dealing with frontage for new lots on private roads in the Unincorporated Townships. As well, the Land Side Parking guideline for Consents creating new lots with



MINUTES
Thursday 16 April 2020

water access was discussed in regard to ensuring future owners of the new lot would benefit from the lease or other parking arrangement and the ability to register and easement on title or a long-term lease. Subsequently it was suggested that the subject guideline be amended to recommend that the on-shore parking should be provided in a manner that runs with the subject land, to allow the NAPBoard to consider each situation on a case by case basis.

RESOLUTION 14-2020 Moved by Randy Hall Seconded by Paul Lafrance

That the revised document titled “Policy: Guiding Principles for Considering Consent Applications in Unincorporated Townships” attached as Schedule A to the Report dated 19 March 2020 to the North Almaguin Planning Board, be approved, as amended to insert the words “It is recommended that” at the beginning of the last sentence in the Land Side Parking section of the Shore Line Property / Island Development information on page 4 of the subject document.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>

4. Financial By-law / Review of Fees and Honorariums

Report dated 19 March 2020 presenting a comprehensive Financial By-law as a result of a review of the fees and honorariums for the administrative operation of the North Almaguin Planning Board.

REPORT RECOMMENDATION

THAT the respective schedules for fees and honorariums attached to the Report to the North Almaguin Planning Board its meeting dated 19 March 2020, be approved; and

THAT a by-law be enacted to enact the respective fees, honorariums and re-imburement rates, effective January 1, 2020.

Discussion was held to confirm the intent of the mileage reimbursement amounts related to the rough terrain and use of off-road vehicles to do site inspections in certain locations in the Unincorporated Townships. Further discussion was held regarding the draft meeting attendance honorarium in relation to per meeting rates, and also certain Members expressing their objection to receiving an amount that would require issuance of a T4. Subsequently, amendments to the draft Schedule B were discussed to allow each Member to attend 6 meetings per annum at a rate that would keep the Attendance Honorarium less than \$500.00. The Administrator reviewed the quorum requirements for holding a meeting of the NAPBoard.



MINUTES
Thursday 16 April 2020

-6-

RESOLUTION 15-2020 Moved by Tom Marchant Seconded by Penelope Wallace

THAT the respective schedules for fees and honorariums attached to the Report to the North Almaguin Planning Board its meeting dated 16 April 2020, be approved as amended in Schedule B as follows:

Schedule B - NAPBoard Member Honorarium (Meeting Attendance)

Task	Honorarium Rate
Item 1 Review of Consent Applications and Attendance at Meetings for Hearing Consent Applications and/or Board business items)	\$500.00* per annum to each NAPB Member in payment for attendance at 6 meetings of which some may be special meetings. [*\$83.00 per meeting attended or missed for unforeseen circumstance. Non-attendance by choice (e.g. vacation) precludes the per meeting rate.]
Item 2 Attendance at a Special Meeting (Requested by the Applicant(s) and/or Agent to hear a Consent Application(s))	\$83.00 per meeting attended provided this attendance is in addition to the 6 meetings remunerated per item 1 of this Schedule.
Item 3 Attendance at a Special Meeting (Called for NAPBoard Business)	\$83.00 per meeting attended provided this attendance is in addition to the 6 meetings remunerated per item 1 of this Schedule.
Item 4 Attendance at Pre-Consultation Meeting (Requested by the Applicant(s) and/or Agent)	\$30.00 per pre-consultation meeting attended

AND THAT a by-law be enacted to enact the respective fees, honorariums and re-imburement rates, effective January 1, 2020.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>

5. Condition of Approval in B24/PATTERSON/2019

Letters respectively dated 31 March 2020, 2 April 2020 and 3 April 2020 from Jeffrey L. Froud Lawyer with Valin Partners LLP were presented for the NAPBoard’s decision to accept his comments contained in those letters as satisfactory compliance with condition of approval 3.2 in the Notice of Decision issued on 19 September 2019.



MINUTES
Thursday 16 April 2020

-7-

The following is the subject condition of approval. It was applied in response to a letter from MTO dated 27 August 2019, advising they have no objection to the subject Consent for a lot addition, provided all access to the subject properties continue at the existing location on Creekside Road, and advising the proponent about MTO setback requirements from the intersection of Creekside Road and Highway 534.

“3.2 That all driveway access to each of the subject properties continue to be obtained via the existing entrances on Creekside Road.”

RESOLUTION 16-2020 Moved by Paul Lafrance Seconded by Dave Britton

WHEREAS Consent B24/PATTERSON/2019 to the create a 0.302 ha (0.75 acre) parcel on lands described as Part Lot 30 Concession 1 further described as Part 2 on Reference Plan 42R-4247 REM PARCEL 12507 N/S, to be conveyed as a lot addition to the abutting property known as 34 Creekside Drive, Township of Patterson, was given conditional approval by the North Almaguin Planning Board on 19 September 2019.

AND WHEREAS the following condition of approval was applied in response to a letter from MTO dated 27 August 2019, advising they have no objection to the subject Consent for a lot addition, provided access to the subject properties continues at the existing locations on Creekside Road, and advising the proponent about MTO setback requirements from the intersection of Creekside Road and Highway 534.

“3.2 That all driveway access to each of the subject properties continue to be obtained via the existing entrances on Creekside Road.”

NOW THEREFORE BE IT RESOLVED THAT the letters respectively dated 31 March 2020, 2 April 2020 and 3 April 2020 from Jeffrey L. Froud Lawyer with Valin Partners LLP be accepted as satisfactory compliance with condition of approval 3.2 in the Notice of Decision issued on 19 September 2019.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>



MINUTES
Thursday 16 April 2020

6. Authorization to Obtain a Legal Opinion for Hearing Consents by Virtual Meetings

The Sudbury Office of the Ministry of Municipal Affairs and Housing was contacted with the following questions:

- 1) Are the *Planning Act* provisions and regulations setting time lines for processes (Consent applications) suspended during a declared emergency (COVID19) via the *Emergency Management and Civic Protection Act*?
- 2) Do the provisions in the *Emergency Managements and Civic Protection Act* and related amendments to the *Municipal Act* that allow virtual meetings during a declared emergency, include the hearing of Consent applications?

An email was received on 7 April 2020 from the NAPBoard’s MMAH advisor referencing the Bulletin dated March 2020 (sent with the main Agenda re: Item 9.2) suggesting that the NAPBoard seek a legal opinion on those questions to ensure any emergency measures utilized meet with public meeting requirement, including an interpretation of the application of O. Reg. 73/20 to particular circumstances, and that consideration should be given to the particular wording of O. Reg. 73/20, such as the use of “limitation period” and “proceeding”. Further information was provided for clarification purposes: O. Reg. 73/20 does not suspend all statutory timelines. It suspends limitation periods and time periods for taking steps in proceedings.

Subsequently, a letter from the Honourable Steve Clark, Minister of Municipal Affairs and Housing was received by email on 9 April 2020 after distribution of the agenda for this meeting and emailed to the Members.

Discussion resulted in concurrence that the legal opinion described in Item 9.6 would not be required at this time as the Provincial legislature has issued an O. Regulation that suspends certain statutory time lines set out in the Planning Act that would suspend processing Consent applications during the current pandemic emergency. It was clarified that a further O. Regulation would be required to allow hearing Consents at a meeting done by electronic means.

Ed Veldboom offered to forward information on the O. Regulation that has been enacted.

RESOLUTION 17-2020 Moved by Randy Hall Seconded by Tom Marchant

THAT the letter [234-2020-902] from the Honourable Steve Clark, Minister of Municipal Affairs and Housing (MMAH) sent by email on 9 April 2020 advising that legislation is being contemplated to provide municipalities and planning boards the ability to make decisions on land use planning matters during the COVID 19 declared emergency period, be received for information.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
Vacancy	Vacancy	Vacancy



MINUTES
Thursday 16 April 2020

-9-

10. REVIEW OF ENQUIRIES FOR POSSIBLE APPLICATIONS- Nil

11. FINANCIAL REPORT

1. Current Financial Status ‘

A chart of the NAPBoard’s financial status as of 6 April 2020 was emailed to the Members prior to the meeting.

RESOLUTION 18-2020 Moved by Randy Hall Seconded by Dave Britton

THAT the chart reporting the North Almaguin Planning Board’s financial status to April 6, 2020 be received for information.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>

2. Rebate of Application Fee for Withdrawn Application B12/POWASSAN/2020

Pending enactment of the new Financial By-law that will set out allowable refund amounts for withdrawn applications, direction is required on the question of the non-refundable fee for an application that was withdrawn. While the application was active certain administrative tasks were performed in receiving and commencing its processing, as well as numerous communications seeking legal advice about an alternative method to achieve merging the applicants abutting lots that were both created by prior Consent.

RECOMMENDATION

THAT refund of a portion of the Consent application fee be made to the applicants of B12/POWASSAN/2020.

RESOLUTION 19-2020 Moved by Dave Britton Seconded by Randy Hall

WHEREAS Application B12/POWASSAN/2020 was withdrawn by the applicants on 13 February 2020;
AND WHEREAS certain administrative tasks were performed on 11 February 2020 after receipt of that application and prior to the time it was withdrawn;

AND WHEREAS Schedule A for a new Financial By-law gives direction and sets out allowable refunds for withdrawn Consent applications was approved on 16 April 2020 and the by-law will be presented to a future meeting for its first, second and third readings and enactment;



MINUTES
Thursday 16 April 2020

-10-

NOW THEREFORE BE IT RESOLVED THAT notwithstanding the refund directives in Schedule A to the pending Financial By-law, the applicant's cheque #041 dated 6 February 2020 in the amount of \$1200.00 for Consent application B12/POWASSAN/2020 be returned to the applicants (Paul and Suzanne Oshell).

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	Abstained	Abstained
WALLACE	Abstained	Abstained
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>

3. Cabinet for Topographic Maps

To provide access to the topographic maps purchased as approved in Resolution 24-2019, a wall hung cabinet has been made of a size that can be accommodated in the limited space of the NAPBoard office, by a local craftsman.

RECOMMENDATION

That a hand-crafted wooden wall-hung map case be purchased at a price of \$200.00.

RESOLUTION 20-2020 Moved by Tom Marchant Seconded by Randy Hall

WHEREAS to provide access to the topographic maps purchased as approved in Resolution 24-2019, a wall hung cabinet has been made of a size that can be accommodated in the limited space of the NAPBoard office, by a local craftsman;

NOW THEREFORE BE IT RESOLVED THAT the wall-hung map case be purchased at a price of \$200.00.

CARRIED

RECORDED VOTE:

MEMBER NAME	YEA	NAY
BRITTON	X	
GATES	X	
HALL	X	
LAFRANCE	X	
MARCHANT	X	
WALLACE	X	
<i>Vacancy</i>	<i>Vacancy</i>	<i>Vacancy</i>



MINUTES
Thursday 16 April 2020

-11-

12. CLOSED SESSION - Nil

13. NEXT MEETING

The next regular meeting is scheduled for 21 May 2020 subject to retraction of the COVID 19 containment regulations by the Federal and Provincial governments to allow a public meeting to be held for the purpose of hearing Consents.

OR

Direction from the MMAH about the *Emergency Management and Civil Protection Act* allowing Consent to be heard via teleconference.

Discussion indicated that meeting on 21 May 2020 would be for business items only unless O. Regulation is enacted to allow Consents to be heard in a virtual (electronic) meeting.

14. ADJOURNMENT – 7:43pm

Chairperson Dean Gates

Secretary-Treasurer Dave Britton

These Minutes were adopted 21 May 2020