

ST. JOSEPH ISLAND PLANNING BOARD MEETING

Monday, January 22nd, 2024

7:00 P.M.

Hilton Beach Municipal Office

3100 Bowker Street, Hilton Beach, Ontario

AGENDA

Annual Election of Officers:

Declarations of Pecuniary Interest:

Minutes of Previous Meeting:

Agenda Review/Additions:

Consent Applications:

T. & L. MacDonald - #1/24

Re: Lot 69, Con. A (Validation of Title)

Delegations:

None

Correspondence:

Ministry of Municipal Affairs and Housing
re: Proposed New Official Plan

Discussion/Reports/New Business:

Short-term Residential Rental Accommodations
- Draft Sample By-law & Municipal Comments

2024 Budget

OLT Appeal Update

Payment of Accounts:

Adjourn:

ST. JOSEPH ISLAND PLANNING BOARD

NOTICE OF APPLICATION FOR CONSENT

TAKE NOTICE that the St. Joseph Island Planning Board has received a complete application for consent to sever land and will meet on Monday, January 22nd, 2024 at 7:00 p.m. at the Village of Hilton Beach Municipal Office, 3100 Bowker Street, Hilton Beach, Ontario, ON to consider that application.

The purpose and effect of the subject application for consent is to validate title for parts of Lot 69, Concession A, in the Township of Jocelyn. The subject property was transferred in 1996 in contravention of the Planning Act at that time, and consists of approximately 109 hectares (270 acres) with frontage on A Line Road. The abutting lands, which the owner at that time had acquired prior to the transfer of the subject lands, consist of part of Lot 67 and Lot 68, Concession A with an area of approximately 114.5 hectares (283 ac.) and frontage on A Line Road.

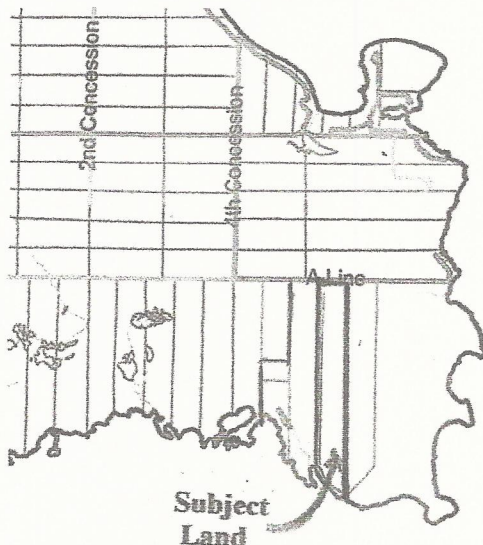
ADDITIONAL INFORMATION regarding the application is available for inspection by contacting the Secretary-Treasurer of the St. Joseph Island Planning Board at the address shown herein.

ANY PERSON may attend the meeting and/or make written or verbal representation either in support of or in opposition to the proposed consent. All persons wishing to attend and/or make verbal representation at the meeting are asked to contact the Secretary-Treasurer in advance of the meeting. If a person or public body that files an appeal of a decision of the St. Joseph Island Planning Board in respect of the proposed consent does not make written submission to the St. Joseph Island Planning Board before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

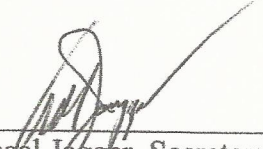
If you wish to be notified of the decision of the St. Joseph Island Planning Board in respect of the proposed consent, you must make a written request to:

St. Joseph Island Planning Board
c/o P.O. Box 290
Richards Landing, Ontario
P0R 1J0

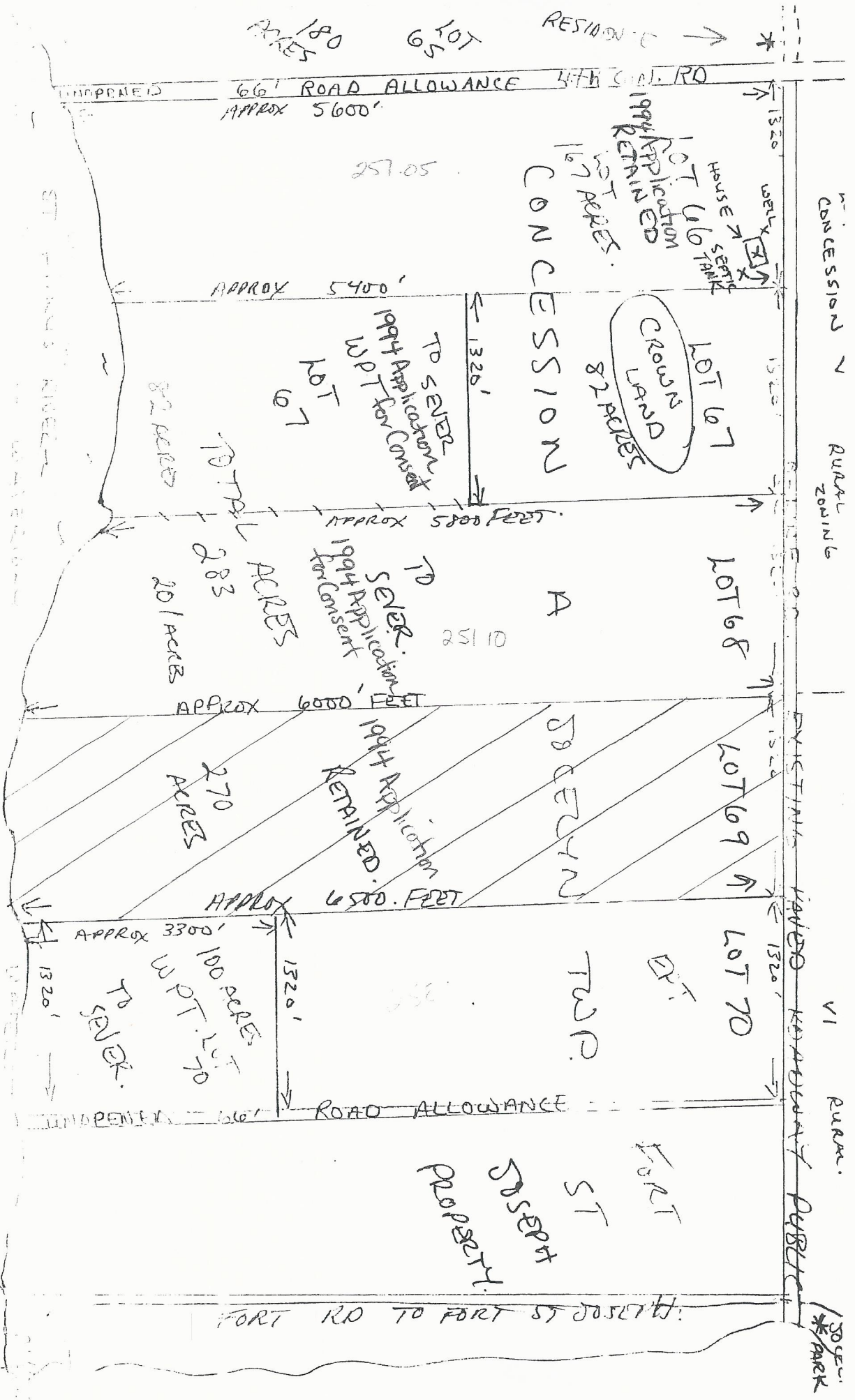
KEY MAP



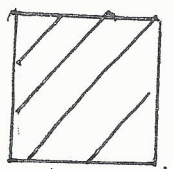
Dated at St. Joseph Island
this 5th day of January, 2024


Michael Jøgger, Secretary-Treasurer
St. Joseph Island Planning Board

Telephone: (705) 542-4606
Email: sjiplanningboard@gmail.com



Validation of Title Property



FORT RD TO FORT ST JOSEPH

SEWER TANK

Planning Report

To: St. Joseph Island Planning Board

From: Michael Jagger, Secretary-Treasurer

Date: January 15, 2024

Re: Consent Application # 1/24 – Terrance and Lynn MacDonald – Lot 69, Con. A, Jocelyn Twp.

Background:

This applications proposes a validation of title under Section 57 of the Planning Act for Lot 69, Concession A, in the Township of Jocelyn. The abutting lands, being Lot 68 and part of Lot 67, were granted consent to sever in 1994; however in 1996 the subject parcel (Lot 69) was conveyed to the applicants contrary to the provisions of the Planning Act. This contravention of the Act was a result of the order in which the transfers were registered, as at that time, the Transferor owned both the subject lands and the abutting lands which had previously been approved for consent to sever but were registered in the same ownership as the subject parcel.

The majority of the subject property is located in the Environmental Protection land use designation, with some higher ground pockets designated Rural. The property is zoned Resource Recreation Area in the municipality's zoning by-law.

The subject parcel consists of about 109 hectares (270 ac.) of bushland and wetland with road frontage of about 402 metres (1,320 ft.) on A Line Road and water frontage on the Hay Marsh Wetland which has been designated as a Provincially Significant Coastal Wetland. The abutting parcel, which was granted consent to sever in 1994, consists of about 114.5 hectares (283 ac.) which also has road frontage on A Line Road and water frontage on the Hay Marsh Wetland.

Notice of this application has been circulated in accordance with the provisions of the Planning Act. To date, no objections or other comments have been received.

Planning Rationale:

Section 57 of the Planning Act authorizes the Minister of Municipal Affairs to grant Certificates of Validation and the Minister delegated that authority to the Planning Board on December 18, 1998, along with subdivision, foreclosure and power of sale authority. Ontario Regulation 144/95 provides that no certificate of validation shall be issued unless the certificate conforms with the Official Plan and the zoning by-law of the municipality. The proposed certificate of validation is in conformity with both the Official Plan and municipal zoning by-law.

Section B9.3 of the Official Plan limits permitted uses on lands in the Environmental Protection designation to "conservation and passive recreational uses that do not require development or site alteration". No new development or site alteration is proposed. Rather, the intent of this application is to validate the title of an existing parcel which is made up of the whole of an original lot.

Had the adjacent lots, which had been granted consent approval in 1994, been transferred prior to the conveyance of Lot 69, then there would not have been an issue; but since they were not, the conveyance of Lot 69 contravened the Planning Act. Also, had that transfer occurred after January 1, 2022 it would not have contravened the Planning Act, as that Act has been amended to provide an exemption from the consent requirements of the Act for lands that are the identical parcel of land that was previously conveyed by way of deed or transfer with consent given under Section 53 of the Act.

Options:

Approve the application as submitted without conditions, approve the application with conditions, defer the application or refuse the application.

Recommendation:

That Application No. 1/24 by Terrance Peter MacDonald and Lynn David MacDonald be provisionally approved subject to the following conditions:

1. This approval shall apply to validation of title under section 57 of the Planning Act for Lot 69, Concession A, Township of Jocelyn, being the whole of PIN 31462-0335
2. Prior to issuing the certificate of validation, all property taxes levied against the subject property shall be paid in full;
3. The subject validation of title shall be completed within two years of the date of notice of this approval.

Respectfully submitted by:

Michael Jagger, Secretary-Treasurer

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office
North (Sudbury)
159 Cedar Street, 4th Floor
Sudbury ON P3E 6A5
Tel.: 705 564-0120
Toll-free: 1 800 461-1193

**Ministère des
Affaires municipales
et du Logement**

Bureau des services aux
municipalités du Nord (Sudbury)
159, rue Cedar, 4^e étage
Sudbury ON P3E 6A5
Tél.: 705 564-0120
Sans frais: 1 800 461-1193



January 2, 2024

via email only

Michael Jagger, Secretary-Treasurer
St. Joseph Island Planning Board
P.O. Box 290 Richards Landing, ON P0R 1J0
sjiplanningboard@gmail.com

Attention: Michael Jagger, Secretary-Treasurer

**Subject: Status of Review – Adopted Official Plan
St. Joseph Island Planning Area
MMAH File N° 57-OP-219681**

The purpose of this letter is to provide you with the status of the review of the official plan that was recently recommended by the planning board for adoption to member municipalities and adopted by the four member councils, as received by this office on October 10, 2023, with further documentation received on December 19 and December 21, 2023.

The prescribed materials were screened, all the applicable requirements under section 7 of Ontario Regulation 543/06 have been met, and your application was determined to be complete as of December 21, 2023. The time period referred to in subsection 17(40) of the *Planning Act* begins as of this date. Therefore, our target to make a decision on this official plan is April 19, 2024.

This adopted official plan will be posted as a proposal instrument on the Ministry of Environment, Conservation and Parks Environmental Registry under the Environmental Bill of Rights for a 30-day public review and comment period at <https://ero.ontario.ca/>. Partner ministries may be circulated for comment on this application.

If you have any questions or would like to discuss this file, please contact me at (249) 885-4353.

Yours truly,

Caitlin Carmichael

Caitlin Carmichael, Planner
Municipal Services Office – North (Sudbury)

c: Matt McElligott (mcelligott@fotenn.com)

THE CORPORATION OF THE TOWNSHIP OF XXXXXX

BY-LAW NO. 2024 – XX

BEING A BY-LAW TO AMEND BY-LAW NO. XXXX-XXX
OF THE TOWNSHIP OF XXXXXX

WHEREAS the Corporation of the Township of XXXXXX has enacted by-law No. XXXX-XXX, being the Comprehensive Zoning By-law for the Township of XXXXXX, which regulates the use of land, the erection, location and use of buildings and structures, and the provision and maintenance of loading and parking facilities within the Township of XXXXXX; and

WHEREAS the Council of the Township of XXXXXX deems it desirable and expedient to amend said by-law to provide for the regulation of short-term residential rental accommodation (STR) uses, and

WHEREAS a new Official Plan, dated July 2023, has been adopted by all of the municipalities within the St. Joseph Island Planning Area, including the Township of XXXXXX, to revise and replace the current Official Plan for St. Joseph Island, and

WHEREAS the newly adopted Official Plan has been submitted for approval by the Ministry of Municipal Affairs and Housing, and includes policies to provide for the regulation of short-term residential rental accommodations through zoning and other controls, and

WHEREAS notice of this proposed amendment was published in accordance with the provisions of Section 34 of the Planning Act, and a public meeting was held on XXXX XX, 2024 to consider the proposed amendment and provide an opportunity for public comment;

NOW THEREFORE the Council of the Corporation of the Township of XXXXXX enacts as follows:

1. By-law No. XXXX- XXX of the Township of XXXXXX is hereby amended as follows:

1. The definition of “Bed and Breakfast Establishment” included in section 3.0 Definitions, is deleted in its entirety and replaced by the following:

BED AND BREAKFAST ESTABLISHMENT

Means a part of a *dwelling unit* or an *accessory building* thereto, which is occupied by the owner thereof the majority of the time, and in which not more than three bedrooms are used or maintained for the accommodation of the traveling public, in which the owner of the *dwelling unit* supplies lodgings with or without meals for hire or pay, but does not include a *group home, tourist establishment, hotel, motel, inn, or short-term rental accommodation.*

2. Section 3.0 Definitions is amended by the addition of the following:

SHORT-TERM RESIDENTIAL RENTAL ACCOMMODATION

Means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy for hire or pay by way of concession, permit, lease, license, rental agreement or similar arrangement for any period of twenty eight (28) or less consecutive calendar days, throughout all or any part of

a calendar year. Short term residential rental accommodation uses shall not mean or include a *group home, bed and breakfast establishment, tourist establishment, hotel, motel, inn* or similar commercial or institutional use.

3. Table A1 – Residential Zones is amended by the addition of Short-term Residential Rental Accommodation to the Permitted Uses of the RU (Rural) Zone.
4. Table A2 – Commercial and Industrial Zones is amended by the addition of Short-term Residential Rental Accommodation to the Permitted Uses of the GC (General Commercial) and HC (Highway Commercial) Zones.
5. Table A3 – Rural and Recreational Zones is amended by the addition of Short-term Residential Rental Accommodation to the Permitted Uses of the RU (Rural) and MR (Major Recreation) Zones.
6. Section 4.12 Multiple Uses On One Lot is amended by the addition of the following new subsection:
 - 4.12.1 Short-Term Rental Accommodations in RU (Rural) ZoneWithin the RU (Rural) Zone, not more than one Short-term Residential Rental Accommodation shall be permitted on each lot.
7. Section 4.20 Special Setbacks is amended by the addition of the following new subsection:

4. 21.8 Setbacks for Short-term Residential Rental Accommodations

No Short-term Residential Rental Accommodation located in the RU (Rural) Zone shall be located any closer than 150 metres (500 ft.) to any other Short-term Residential Rental Accommodation.

2. This By-law shall come into force and effect on the date of final passing, subject to the provisions Subsection 24 (2.1) of the Planning Act, R.S.O., 1990, c. P. 13, as amended.

Read a first, second and third time and finally passed this xxth day of Xxxxxxx 2024.

Mayor/Reeve

CLERK



Michael Jagger <sjiplanningboard@gmail.com>

RE: Revised Sample STR Zoning By-law Amendment

1 message

Hilton Township Administration <admin@hiltontownship.ca>
To: Michael Jagger <sjiplanningboard@gmail.com>

Thu, Jan 11, 2024 at 10:54 AM

Hi Mike,

At last night's meeting, Council reviewed the draft by-law. They would like to see the definition of Bed and Breakfast Establishment amended to read:

Means a part of a dwelling unit or accessory building thereto, which is a primary residence occupied by the owner, and in which not more..... (take out thereof the majority of the time)

And they would like the setback remaining at 1000 ft for Rural zone.

Do you think I might have this before the next meeting on Feb. 7, 2024 as our interim by-law expires on the 22nd?

As well, please reaffirm that we have to wait for the OP to be approved before we implement licensing????

Thank you,

Mary Lynn Duguay

Clerk/Treasurer/Administrator

Township of Hilton

From: Michael Jagger <sjiplanningboard@gmail.com>
Sent: December 13, 2023 10:10 PM
To: Valerie Obarymskyj <admin@hiltontownship.ca>
Subject: Re: Revised Sample STR Zoning By-law Amendment
