

Agenda

**Committee of Adjustment
Corporation of the Township of The North Shore
Wednesday February 1st 2023
6:00 PM**

Join Zoom Meeting

Here is the ZOOM info :

Join Zoom Meeting
<https://us02web.zoom.us/j/87117567477?pwd=MCtuY2s5dW1seCtSY3ZnV3NHcm5TUT09>

Meeting ID: 871 1756 7477
Passcode: 623836

- 1. CALL TO ORDER**
- 2. ADDITIONS TO THE AGENDA**
- 3. DISCLOSURES OF PECUNIARY INTEREST**
- 4. APPROVAL OF MINUTES**
 - a) Meeting held October 19th 2022 minutes.
- 5. NEW BUSINESS**
 - a) Official Plan amendment
- 6. NOTICES OF MOTION**
- 7. MOVED TO CLOSED SESSION** Nil
- 8. REPORT FROM CLOSED SESSION** Nil
- 9. ADJOURNMENT**



Minutes

Committee of Adjustment - Public Meeting for Official Plan amendment and
Zoning By-Law amendment

Township of the North Shore

Wednesday October 19th 2022

6:00 p.m.

Electronic Meeting

This meeting is being held by Zoom due to covid-19 as health and safety issues dictate that the public should not gather together in Council Chambers. Therefore public attendance is not permitted for this meeting. This notice is provided in accordance with the Municipal Procedural By-Law, as amended.

ATTENDANCE

Council: Tony Moor – Mayor - electronic
Brenda Green- Councillor At Large- electronic
Gary Gamble - Councillor Ward 1- electronic
Len Menard - Councillor Ward 2 – electronic
Melody Rose – Councillor Ward 3 - electronic

Staff: Rachel Schneider – Clerk – electronic
France Gagnon, Treasurer – electronic

Guest: Rian Allen – Planscape - electronic

CALL TO ORDER

Mayor Moor called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

RESOLUTION

Moved by: G. Gamble

Seconded by: L. Menard

RESOLVED THAT the Committee of Adjustment of the Township of The North Shore hereby approve the agenda as circulated.

"CARRIED"

DISCLOSURES OF PECUNIARY INTEREST

- NIL

APPROVAL OF MINUTES

RESOLUTION

Moved by: M. Rose

Seconded by: B. Green

RESOLVED THAT the Committee of Adjustment of the Township of the North Shore hereby approve the minutes of the meeting held on August 10th 2022

"CARRIED"

NEW BUSINESS

a) Official Plan amendment and Zoning By-Law amendment

RESOLUTION

Moved by: L. Menard

Seconded by: B. Green

RESOLVED THAT the Committee of Adjustment of the Township of The North Shore approve the presentation and report for the public comment period and approve the amendment to the Township of The North Shore Official Plan

“CARRIED”

RESOLUTION

Moved by: L. Menard

Seconded by: M. Rose

RESOLVED THAT the Committee of Adjustment of the Township of The North Shore approve the presentation and report for the public comment period and approve the amendment to the Township of The North Shore Zoning By-Law as amended

“CARRIED”

MOTIONS Nil

MOVE TO CLOSED SESSION Nil

REPORT FROM CLOSED SESSION Nil

ADJOURNMENT

RESOLUTION

Moved by: B. Green

Seconded by: L. Menard

RESOLVED that this meeting of the Committee of Adjustment for the Township of the North Shore be adjourned at 6:26pm.

“CARRIED”

Tony Moor, Mayor

Rachel Schneider, Clerk



NOTICE OF PUBLIC MEETING FOR OFFICIAL PLAN AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Township of the North Shore will hold a public comment period to consider comments regarding an amendment to the Township's Official Plan and Township's Zoning By-Law 17-07, as amended, pursuant to Sections 16, 17 and 21 of the Planning Act, R.S.O. c.P. 13.

Meeting Date: February 1st, 2023 at 6 p.m.

Virtual Meeting: **Zoom Meeting ID:**

<https://us02web.zoom.us/j/87117567477?pwd=MCTuY2s5dW1seCtSY3ZnV3NHcm5TUT09>

Meeting ID: 871 1756 7477

Passcode: 623836

The Township of the North Shore has initiated an amendment to the Township Official Plan.

THE PURPOSE AND EFFECT of the proposed Official Plan Amendment is to remove the 'at capacity' status of Lake Lauzon following the completion of a development capacity review by the Ministry of Natural Resources and Forestry.

DUE TO THE CURRENT COVID-19 PANDEMIC, ANY PERSON or public body may make written representation, either in support of or in opposition to the proposed amendment. Written submissions in respect of the proposed amendment are to be sent to the Interim Clerk of the Corporation of the Township of the North Shore at P.O. Box 108, Algoma Mills, Ontario P0R 1A0 or emailed to municipalclerk@townshipofthenorthshore.ca and will be accepted until **4:00 pm on January 25th, 2023.**

IF A PERSON or public body does not make written submissions to the Township of North Shore before the proposed By-law is passed, the person or public body is not entitled to appeal the decision of the Township of North Shore to the Ontario Land Tribunal.

If a person or public body does not make written submissions to the Township of North Shore before the proposed By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision by the Township of North Shore for the proposed Official Plan and Zoning By-law Amendments you must make a written request to the Township of the North Shore to the Clerk of the Corporation of the Township of the North Shore at P.O. Box 108, Algoma Mills, Ontario P0R 1A0 or emailed to municipalclerk@townshipofthenorthshore.ca

ADDITIONAL INFORMATION relating to the proposed Official Plan and Zoning By-law Amendments is available between 9:00 a.m. and 4:30 p.m. Monday to Friday (except holidays) by phoning 705-849-2213 ext. 25.

DATED AT Algoma Mills this 4th day of January 2023.

Rachel Schneider, Clerk

January 12, 2023

Planning Report – Lake Lauzon – ‘At-Capacity’ Status Update

Introduction

On September 30, 2022, Township of the North Shore Council received correspondence from the Ministry of Natural Resources and Forestry advising that the dissolved oxygen levels in Lake Lauzon exceed the 7 mg/L minimum and that the “at capacity” designation can be lifted without substantial risk to lake trout population.

An information report was received by Council for discussion at the December 14, 2022 Council meeting and Council direct staff and Planscape to prepare and circulate an Official Plan Amendment to remove the “at capacity” status of Lake Lauzon.

Background

The provincial government, through the Ministry of Natural Resources and Forestry is responsible for the classification of inland lakes designated for lake trout management. Each applicable lake is identified in a ministry publication - Inland Ontario Lakes Designated for Lake Trout Management, 2015. Lake Lauzon is identified as being a natural lake trout lake in northeast region. Lake trout lakes have special status due to the sensitivity of lake trout populations to development pressures related phosphorus inputs and dissolved oxygen levels.

The Ministry of Natural Resources and Forestry developed a Lakeshore Capacity Model that quantifies the linkages between the natural contributions of phosphorus to a lake, the contributions of phosphorus to a lake from shoreline development, the water balance of a watershed, the size and shape of a lake and the resultant phosphorus concentration. Through the model, a lake is considered to be “at capacity” for phosphorus (i.e., phosphorus concentrations exceed 'background' or 'undeveloped' concentrations by +50%), or have been modeled or measured with dissolved oxygen concentrations less than the 7 mg/L. The Lakeshore Capacity Model directs that new lot creation should be prohibited and other development restricted on lakes determined to be “at capacity”.

The Township Official Plan include policies that guide municipal growth and development, and implements provincial policy such as the classification of “at capacity” lakes. The Official Plan contains numerous policies related to Lake Lauzon being “at capacity”.

In comparison to other lakes, development located within 300m of Lake Lauzon or other lake designated “at capacity” is subject to additional requirements and restrictions. For example, development is only permitted on existing lots of records under strict conditions, and new lot creation is generally not permitted within 300m of the shoreline.

Ministry Comments

In addition to confirming that the “at capacity” status of Lake Lauzon can be lifted, Ministry has also provided several recommendations when considering future planning decisions on Lake. More specifically, the Ministry recommends:

- That adjacent lands width of 120 metres from fish habitat, measured from the normal high-water mark of the lake.
- A minimum of 30 metre setback or a 30 metre non-development zone from water bodies
- 30 metres of natural shoreline vegetation be maintained or rehabilitated adjacent to fish habitat for its protection

Official Plan Amendment

This proposed Official Plan Amendment is the second amendment of Township Official Plan. The amendment is proposed under Sections 16, 17 and 21 of the *Planning Act*. Notice of the proposed amendment was provided on January 4th, 2023, in accordance with the prescribed notification requirements of the *Planning Act*.

The proposed amendment is attached to this report. Amendments are not required to the Zoning By-law to implement the proposed Official Plan policy changes because the Zoning By-law does not contain any provisions related to “at capacity” waterbodies.

The existing “at capacity” policies will remain in the Official Plan, however the specific references to Lake Lauzon will be removed. The “at capacity” policies will continue to apply to any lakes that are identified and designated to be “at capacity” by the Ministry of Natural Resources and Forestry, and future amendments to the Official Plan will not be required when the “at capacity” designation of a lake changes.

Planning Analysis

Section 2.1.8 of the Provincial Policy Statement, 2020 (PPS) applies to adjacent lands and directs that development and site alteration shall not be permitted on lands adjacent to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. For the purposes of protecting fish habitat, the province recommends including adjacent lands within 120m of the normal high water mark. Where development or site alteration is proposed on these lands, there must be no negative impacts to the natural feature and its ecological functions.

Implementation of this recommendation by the Township is challenging. Policies could be added to the Official Plan, however the current PPS includes policies that require protection of lands adjacent to fish habitat from development and site alteration and PPS policies are considered for

and there is no need to include this wording in the Township Official Plan. All landowners are also required to comply with the requirements of the Federal *Fisheries Act*.

Section 4.17.5 of the Zoning By-law includes provisions related to a shoreline buffer zone on waterbodies. A minimum setback of 30m is required for a dwelling, accessory structure and septic system from the high water mark of all waterbodies. A requirement also applies to maintain a shoreline buffer zone between

the high water mark and any building or structure on Recreational Residential (R4) Restricted Open Space (ROS) and Residential (R) zone properties. Limited clearing is permitted within the shoreline buffer zone.

The Township's Zoning By-law also currently requires a minimum front yard setback of 30m in the Recreational Residential (R4) zone for all buildings and structures. The Ministry's recommended 30m minimum setback and non-development zone has been met.

The Township does not current have a tree or vegetation preservation by-law to protect the removal of shoreline vegetation. Council could consider implementing such as by-law if there is a need to provide greater protection of shoreline areas.

The proposed amendment to the Township Official Plan have been reviewed against the applicable policies and direction of the Provincial Policy Statement, 2020 and the Growth Plan for Northern Ontario, 2011 and is found to be consistent.

Recommendation

That the proposed Official Plan Amendment be approved.

Respectfully Submitted,

PLANSCAPE INC.



Rian Allen M.Sc., MCIP, RPP
Planning Consultant

References

1. Inland Ontario Lakes Designated for Lake Trout Management, July 2015
https://files.ontario.ca/inland-ontario-lakes-final-en_03122019.pdf

AMENDMENT NO. 4

**TO THE OFFICIAL PLAN OF THE
TOWNSHIP OF THE NORTH SHORE**



'Lake Lauzon At Capacity Status'

Date: February , 2023

BY-LAW NO. 23-

**A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF THE
NORTH SHORE TO AMEND THE OFFICIAL PLAN OF THE NORTH
SHORE**

The Council of the Corporation of the Township of the North Shore, in accordance with the provisions of Sections 16, 17 and 21 of the Planning Act, R.S.O., 1990 hereby enacts as follows:

1. That Amendment No. 4 to the Official Plan of the Township of the North Shore, consisting of the attached Part "B", is hereby approved.
2. That this By-law shall take effect on the date of passage by Council and shall come into force in accordance with Sections 16, 17, and 21 of the *Planning Act*, R.S.O., 1990.

READ a First and Second Time this day of February 2023.

Tony Moor, Mayor

Rachel Schneider, Clerk

READ a Third and Final Time and Adopted by Council this day of February 2023.

Tony Moor, Mayor

Rachel Schneider, Clerk

THE CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE, does not constitute part of this Amendment

PART B – THE AMENDMENT, consisting of the following text constitutes Amendment No. 4 to the Official Plan of the Township of the North Shore.

PART C – APPENDIX “A”, does not constitute part of this amendment.

PART A – THE PREAMBLE

PART A to this Official Plan Amendment is provided for information purposes only and does not constitute part of this Amendment.

1. Lands Affected by this Amendment

The lands affected by this amendment include all lands within the jurisdictional limits of the Township of the North Shore located on Lake Lauzon.

2. Purpose

The purpose of this amendment is for Council to update the Township of the North Shore Official Plan to remove the “at capacity” status of Lake Lauzon.

3. Background and Basis

- 3.1 The Official Plan for the Township of the North Shore was approved, with modifications, by the Ministry of Municipal Affairs on March 27, 2015, and came into effect on April 29, 2015.
- 3.2 On September 30, 2022, the Township of the North Shore received correspondence from the Ministry of Natural Resources and Forestry (MNRF) indicating that the “at capacity” designation of Lake Lauzon could be lifted without substantial risk to lake trout population.
- 3.3 A review of water temperature and dissolved oxygen data provided by the Ministry of the Environment, Conservation and Parks (MECP) from 2010 and 2016, as well as the previous data from 2006 to 2009 demonstrates that the dissolved oxygen levels in the south basin of Lake Lauzon are below the minimum criterion of 7mg/L adopted by MNRF to protect lake trout habitat from development.
- 3.4 A review of the existing policies in the Township of the North Shore Official Plan indicate that amendments are required to remove the “at capacity” designation of Lake Lauzon.
- 3.5 The existing Official Plan policies applicable to development adjacent to “at capacity” lakes will be unchanged.
- 3.6 The proposed amendments are consistent with the applicable policies and direction of the Provincial Policy Statement, 2020 and the Growth Plan for Northern Ontario, 2011.

PART B - THE AMENDMENT

1. Introductory Statement

All of this part of the document entitled PART B – THE AMENDMENT, consisting of the following text constitutes Amendment No. 4 to the Official Plan of the Township of the North Shore.

2. Details of the Amendment

- 2.1 Section **3.2.2.e) Policies (Residential)** is hereby amended by deleting the words “of Lake Lauzon or” and “other”
- 2.2 Section **4.13 (Waterfront Development)** is hereby amended by deleting the words “such as Lauzon Lake” from the last paragraph
- 2.3 Section **4.13.2.a) Policies for Development Adjacent to “At-Capacity” lakes (Waterfront Development)** is hereby amended by deleting the words “Lake Lauzon is an at-capacity lake trout lake, while” and replacing the word “three” with the word “two”
- 2.4 Section **3.7.2.o) Policies (Rural Area)** is hereby amended by replacing the words “Lake Lauzon” with the words “any ‘at capacity’ water body”

3. Implementation

This Amendment requires no provisions for implementation. The amended policies will be applied and considered through the lot creation process for Consent and Plan of Subdivision applications. Amendments are not required to the Comprehensive Zoning By-law.

4. Interpretation

The interpretation of the Official Plan for the Township of the North Shore, as amended, shall govern the interpretation of this Amendment.