

ST. JOSEPH ISLAND PLANNING BOARD MEETING

Monday, September 22nd, 2025

7:00 P.M.

Township of Jocelyn Municipal Office

3670 5th Side Road (Hwy. 548), Hilton Beach, Ontario

AGENDA

Declarations of Pecuniary Interest:

Minutes of Previous Meeting:

Agenda Review/Additions:

Consent Applications:

Consent Application # 4/25 by M. & J. Lund
re: Pt. Lot 9, Concession B, St. Joseph Twp.

Consent Application #5/25 by F. & T. Hachey
re: Lot 4, Concession L, Jocelyn Twp.

Delegations:

None

Correspondence:

Ministry of Municipal Affairs and Housing
re: New Official Plan Approval & Modifications

Hilton Township
re: Consent Application #6/24 – Pt. Lot 15, Con. 7

Discussion/Reports/New Business:

Non-Conforming Use of Existing Buildings Report

Review and Effect of Official Plan Modifications

Payment of Accounts:

Adjourn:

ST. JOSEPH ISLAND PLANNING BOARD

NOTICE OF APPLICATION FOR CONSENT TO SEVER LAND

TAKE NOTICE that the St. Joseph Island Planning Board has received a complete application for consent to sever land and will meet to consider this application on:

Monday, September 22nd 2025 at 7:00 p.m.

at the

Township of Jocelyn Municipal Office
3670 5th Side Road (Hwy. 548), St. Joseph Island, Ontario

The purpose and effect of the subject application for consent is to permit the severance of one shoreline residential parcel from part of Lot 9, Concession B, Township of St. Joseph. The subject lands are located in the Shoreline land use designation. The area proposed to be severed consists of 0.24 hectares (0.6 ac.) of vacant land with frontage of 30 metres (100 ft.) on B Line Road. The area proposed to be retained consists of about 0.45 hectares (1.10 ac.) with frontage of about 45 metres (150 ft.) and has a single residence and outbuildings located thereon.

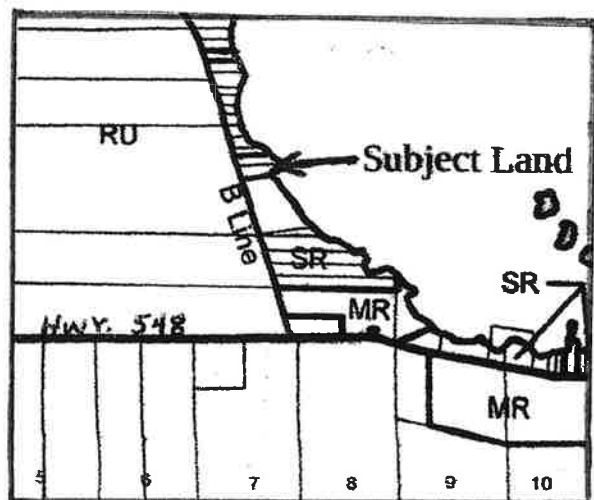
ADDITIONAL INFORMATION regarding the application is available for inspection by contacting the Secretary-Treasurer of the St. Joseph Island Planning Board at the address shown herein.

ANY PERSON may attend the meeting and/or make written or verbal representation either in support of or in opposition to the proposed consent. 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
P.O. Box 290
Richards Landing, Ontario P0R1J0

KEY MAP

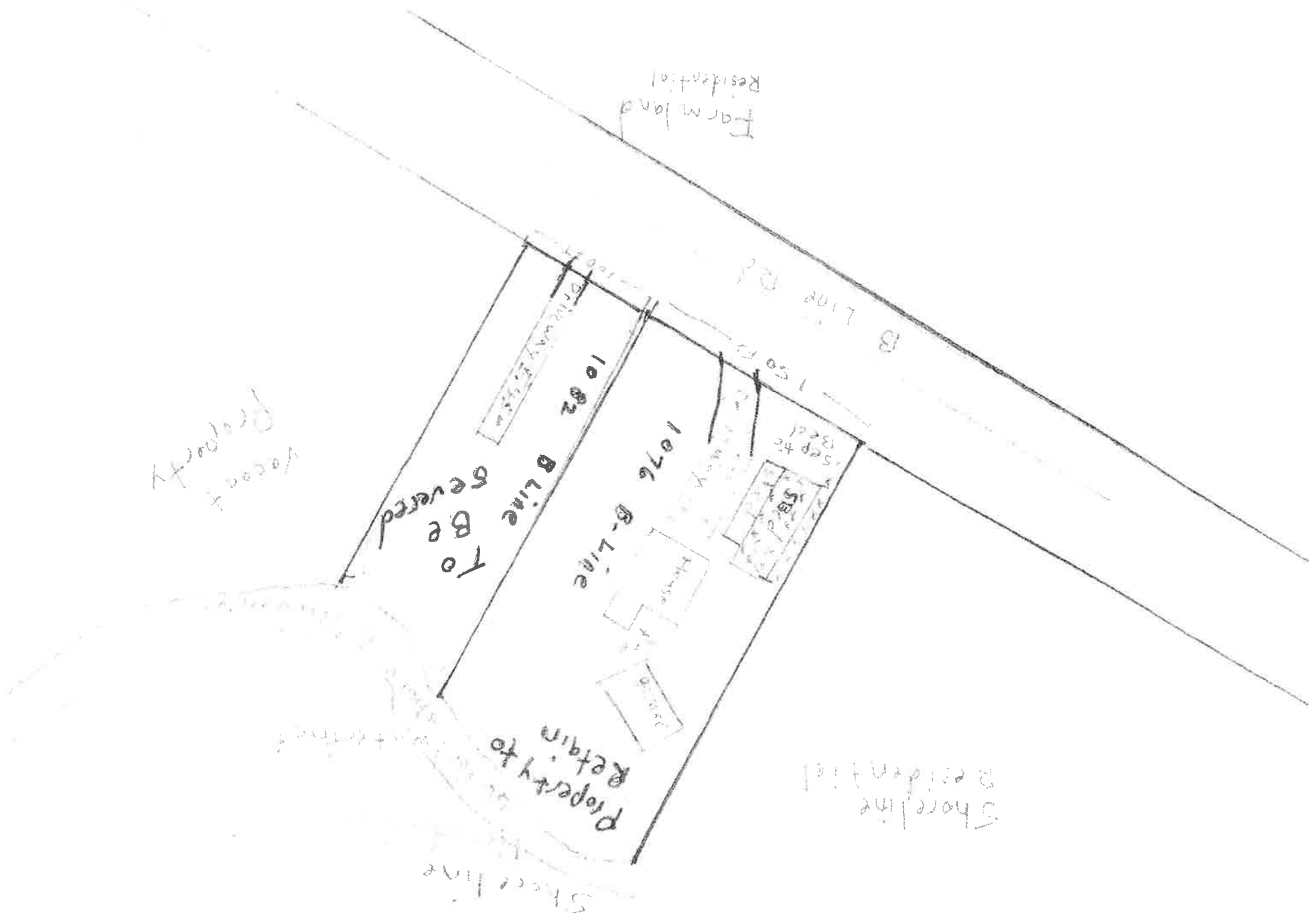


Dated at St. Joseph Island
this 25th day of August 2025

Michael Jagger, Secretary-Treasurer
St. Joseph Island Planning Board
Telephone: 705-542-4606
Email: sjiplanningboard@gmail.com

Applicant(s): Mark & Josephine Lund
Consent Application # 4/25

1076 B-Line
1082 B-Line



Farmland Residential

Planning Report

To: St. Joseph Island Planning Board

From: Amanda Richardson, Assistant to the Secretary-Treasurer

Date: September 22, 2025

Re: Consent Application #4/25 – M. Lund – Part Lot 9, Con. B, Township of St. Joseph

Background:

This application proposes to sever a parcel of shoreline residential land located at Concession B, Part Lot 9, in the Township of St. Joseph. The parcel proposed to be severed has an approximate area of 0.24 hectares (0.6 acres) with frontage of approximately 30 metres (100 feet) on B Line Road and is currently a vacant residential lot. The parcel to be retained has an approximate area of 0.45 hectares (1.10 acres), frontage of approximately 45 metres (150 feet) along B Line Road and contains a single residential dwelling and outbuildings. The proposed severed and retained portions were at one time individual lots with individual cottages thereon, but were combined in 2017 when the owner of one lot purchased the other and demolished the cottage thereon.

The subject lands are designated *Shoreline* under the Official Plan and zoned *Shoreline Residential (SR)* under the municipality's Zoning By-law. The parcel to be severed is proposed to be developed as a residential lot in the future.

Notice of this application has been circulated in accordance with the provisions of the *Planning Act*. To date, no objections have been received. The Township of St. Joseph has indicated that they have no objection to this application.

Planning Rationale:

Section B6 of the Official Plan encourages development within shoreline residential areas to remain consistent with the scale and character of surrounding development, while minimizing impacts on natural heritage features and groundwater resources. It also supports improvements to shoreline infrastructure. Permitted uses in the *Shoreline* designation include single detached dwellings, bed and breakfast establishments, home occupations, institutional uses, and public parks and beaches.

The municipality's Zoning By-law permits detached dwellings, bed and breakfast establishments, home occupations, and private home daycares within the *Shoreline Residential (SR)* zone. It establishes a minimum lot size of 1 ha with a minimum of 45 metres of road frontage. Prior to submitting this consent application, the applicant sought clarification regarding the applicability of these standards. Council for the Township of St. Joseph passed a resolution recognizing the proposed lot to be severed as a separate legal non-conforming lot, and therefore not requiring a zoning

by-law amendment to reduce the minimum lot size or frontage prior to Planning Board consideration.

Neither of the proposed parcels meets the current minimum lot area requirements of the Official Plan or Zoning By-law. The lot to be retained meets the required minimum frontage, while the proposed lot to be severed does not. However, both parcels existed as separate, pre-existing non-complying lots prior to being purchased by the same owner. The proposed lot sizes and frontages are consistent with the character of other shoreline lots in the immediate area. Approval of this application could therefore be considered on a pre-existing non-complying basis and would allow the applicant to sell the vacant lot proposed to be severed.

Section D13.2 of the Official Plan sets out the criteria for creating new lots by consent. To date, Algoma Public Health has not provided comments on the proposed severance or on the lot's capacity for water supply and sewage disposal. The proposed lot appears to meet all other requirements of Section D13.2.

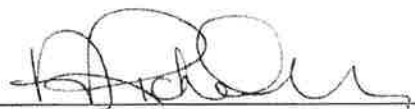
Options:

- Approve the application as submitted without conditions,
- Approve the application with conditions,
- Defer the application pending Algoma Public Health comments or other information requested by the Board, or
- Refuse the application.

Recommendation:

That Application No. 4/25 by Mark Lund be provisionally approved subject to the following conditions:

1. This approval shall apply to the severance of one new shoreline residential lot from Part Lot 9, Concession B, Township of St. Joseph, with an area of approximately 0.24 hectare (0.6 acres) and frontage of at least 30 metres (100 ft.) on B Line Road.
2. Prior to the deeds for this transaction being stamped:
 - i. A Reference Plan prepared by an Ontario Land Surveyor of the subject lands, shall have been delivered to the St. Joseph Island Planning Board;
 - ii. All property taxes levied against the subject properties shall be paid in full;
 - iii. The applicant shall convey 5% of the subject lands to the municipality, if requested, for park purposes. Alternatively, the municipality may require cash in lieu of all or a portion of such conveyance.
3. The subject transaction shall be completed within two years of the date of notice of this approval.



Amanda Richardson, Asst. Secretary-Treasurer

ST. JOSEPH ISLAND PLANNING BOARD

NOTICE OF APPLICATION FOR CONSENT TO SEVER LAND

TAKE NOTICE that the St. Joseph Island Planning Board has received a complete application for consent to sever land and will meet to consider this application on:

Monday, September 22, 2025 at 7:00 p.m.

at the

Township of Jocelyn Municipal Office
3670 5th Side Road (Hwy. 548), St. Joseph Island, Ontario

The purpose and effect of the subject application for consent is to permit the severance of Lot 4, Concession L, Township of Jocelyn into two 50 acre recreational parcels. Each of the parcels would have frontage of about 200 metres (660 ft.) on a seasonally maintained section of K Line Rd. The parcel proposed to be severed is currently vacant land and is intended for future seasonal residential use. The parcel proposed to be retained has an existing seasonal residence and outbuildings thereon. This a resubmission of a previous application (File # 1/16) which was provisionally approved but which was never completed and for which that approval has lapsed.

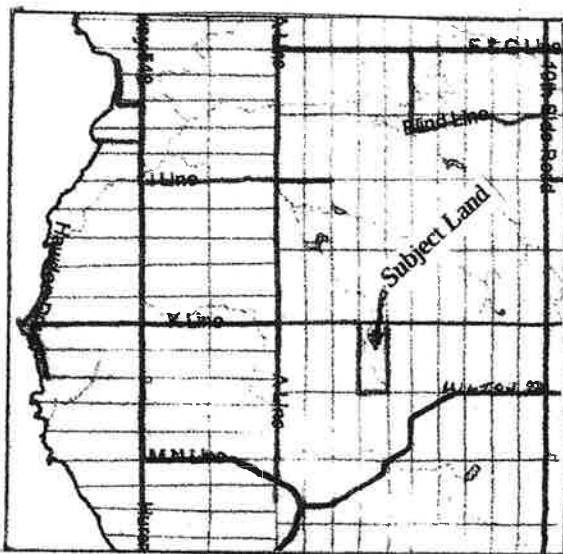
ADDITIONAL INFORMATION regarding the application is available for inspection by contacting the Secretary-Treasurer of the St. Joseph Island Planning Board at the address shown herein.

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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
P.O. Box 290
Richards Landing, Ontario P0R1J0

KEY MAP



Dated at St. Joseph Island
this 28th day of August, 2025


Michael Jagger, Secretary-Treasurer
St. Joseph Island Planning Board
Telephone: 705-542-4606
Email: sjiplanningboard@gmail.com

Applicant: Francois & Thomas Hachey
Consent Application # 5/25

Planning Report

To: St. Joseph Island Planning Board

From: Michael Jagger, Secretary-Treasurer

Date: September 17, 2025

Re: Consent Application # 5/25 - Francois & Thomas Hachey- Lot 1, Concession L, Jocelyn Twp.

Background:

This application proposes to sever Lot 1, Concession L, in the Township of Jocelyn, into two equal sized parcels. This application is a re-submission of an application which was provisionally approved in 2016 but was never completed. The provisional approval issued at that time included conditions regarding zoning and site plan control in accordance with the Private Roads policies of the Official Plan in effect at that time.

The proposed new parcels would consist of approximately 20 hectares (50 acres) each, with frontage of about 200 metres each on a seasonally maintained section of K Line Road. The parcel proposed to be severed is vacant land, partially wooded and partially wetlands. There is a season residence and out buildings on the parcel to be retained which is composed of cleared areas, wooded areas and wetlands.. Part of the subject lands are located in the Rural land use designation and part in the Environmental Protection designation Part of the subject lands is zoned LSR – Limited Service Residential and part is zoned EP – Environmental Protection.

Notice of this application has been circulated in accordance with the provisions of the Planning Act. The Township of Jocelyn has indicated that they have no objections or concerns with this application, subject to inclusion of standard conditions such as payment of taxes and parkland dedication.

Planning Rationale:

A new Official Plan for St. Joseph Island has been approved by Ontario Minister of Municipal Affairs and Housing and came into effect on September 5, 2025.

Section A2.3 of the Official Plan provides that it is the goal of this Plan maintain and enhance the open space character of the rural area, and a landscape dominated by agricultural fields and forests. Section B 6.4.1 provides that while the majority of new residential development is to be directed to the Townsites and existing vacant building lots, “a maximum of two new residential lots may be created from a lot in the Rural designation for residential purposes” subject to various criteria including:

- The severed lot will not remove good agricultural land from production;
- Both the severed and retained lots are no smaller than 2.0 hectares and have a minimum frontage of 150 metres on an improved year-round maintained public road, and
- The proposed lot complies with the criteria set out in Section D13 (General Consent Policies).

While this proposal does not involve agricultural lands and meets the minimum lot size requirements outlined in the Official Plan for development in the Rural area, section D13.2.1 provides that before considering a Consent application to create a new lot for any purpose, the Planning Board shall be satisfied that, among other requirements, the proposed lot(s):

- fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- can be serviced with an appropriate water supply and means of sewage disposal; and
- will not have a negative impact on the features, or their ecological functions, of any environmentally-sensitive feature in the area.

The road providing access to the proposed new lot is considered to be a “private road” in accordance with section D11.5.1 of the new Official Plan. That section defines Private Roads as “rights-of-way servicing more than one property, which are not maintained by a public authority” and that “The creation of a new lot on such a road is not permitted, unless the road is improved to municipal standards and assumed by the municipality on a year round basis”.

Under the former Official Plan provided conditions under which development could be permitted on private roads and included a requirement for a site plan control agreement addressing private road access and liability issues. The new Official Plan has been modified by the Province so that site plan control can no longer be required as a condition for development on private roads. Section D11.5.2 now provides only that “All lots fronting on a private road shall be placed in a Residential Limited Service Zone in the implementing by-law.” All reference to site plan control has been removed, in accordance with section 41 of the Planning Act and O. Reg 254/23 which now specifies that Site Plan control can only be used for individual residential units in certain exceptions, which do not include private roads.

To date, no comments have been received from Algoma Public Health and it is unknown whether the proposed lot can be serviced with an appropriate water supply and means of sewage disposal.

Substantial wetlands have been identified on the subject property and portions of both of the proposed parcels are designated as Environmental Protection in both the Official Plan and the municipality’s zoning by-law.

One of the primary purposes of the Environmental Protection designation (OP section B8.1) is to eliminate the potential for loss or fragmentation of Provincially Significant Wetlands, significant and non-significant coastal wetlands, wildlife habitat including habitats of endangered and threatened species, wildlife features, and areas of natural and scientific interest, and adjacent lands, and the habitats and ecological functions they provide. The wetlands on the subject property have not been identified as provincially significant, nor are they coastal wetlands: but the area is identified as a deer wintering areas (i.e. significant wildlife habitat).

Section B 8.3 (Permitted Uses in Environmental Protection Designation), reads: Development and site alteration shall not be permitted in the Environmental Protection designation, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Section B8.4.2 defines adjacent lands as lands within 120 metres of coastal wetlands or a Provincially Significant wetland, 50 metres from an identified Area of Natural and Scientific Interest

(ANSI) and 120 metres from a significant wildlife habitat. This section also provides that no development or site alteration shall be permitted on these adjacent lands 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 their ecological functions.

The municipality's zoning by-law presently requires that all buildings and structures on the subject lands must maintain a minimum 30 metre (100 ft) setback from the boundary of an area designated as a wetland.

Options:

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

Recommendation:

Considering the extent of recent changes to the Official Plan, it is recommended that Consent Application #5/25 be deferred pending detailed review of recent modifications to the Official Plan and potential alternatives respecting protection of environmentally sensitive areas and development on private roads. Alternatively, the application could be refused as a result of non-conformity with the Official Plan.



Michael Jagger, Secretary-Treasurer

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office
North (Sudbury)

159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
Tel.: 705 564-0120

**Ministère des
Affaires municipales
et du Logement**

Bureau des services aux
municipalités du Nord (Sudbury)

159, rue Cedar, bureau 401
Sudbury (Ontario) P3E 6A5
Tél. : 705 564-0120



September 08, 2025

via email only

St. Joseph Island Planning Board
P.O. Box 290
Richards Landing, ON, P0R 1J0

Subject: Approval of Official Plan for the St. Joseph Island Planning Board
MMAH File: 57-OP-219681

Dear Michael Jagger,

This letter is to advise you of the approval, with modifications, of the Official Plan for the St. Joseph Island Planning Board. Copies of the Decision and Notice of Decision are attached for your information and use.

Pursuant to subsections 17(36.5) and (38.1) of the *Planning Act*, this decision is final and not subject to appeal. Accordingly, the Official Plan, as approved with modifications by the minister, came into effect on September 5, 2025.

The enclosed decision with modifications is based on an analysis of the adopted official plan for consistency with the 2024 Provincial Policy Statement and conformity with the requirements of the *Planning Act*.

A rationale for each modification is included in Appendix 1 to this letter, with references to the relevant provincial policies or legislation. Please contact Ministry staff if you wish to arrange a virtual meeting to discuss the modifications. We are happy to answer any questions you may have.

For further information, please contact Anna Little, Manager, Community Planning & Development, Municipal Services Office North (Sudbury) at anna.little@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Schulte-Hostedde".

Bridget Schulte-Hostedde
Regional Director
Municipal Services Office - North

Enclosed: Notice of Decision
Decision

Appendix 1

Rationale for Modifications to the St Joseph Island Planning Board Official Plan

Modification 1: As adopted, the OP did not acknowledge that natural features and areas defined in the PPS are to be protected for the long term, regardless of whether they are identified as “significant.” The modification aligns the OP with Section 4.1 of the PPS, which requires the protection of all natural features and areas, ensuring long-term environmental sustainability.

Modification 2: As adopted, the OP did not fully reflect the updated flexibility introduced by the PPS 2024 regarding the establishment of new settlement areas and the expansion of existing ones. The modification updates Policy A3.1.2 to align with PPS 2.3.2, which outlines the criteria for considering new or expanded settlement areas, including outside a comprehensive official plan review. In addition, Policy A3.1.3 is proposed for removal, as the context it addressed—adjustments to settlement area boundaries outside a comprehensive review—has been superseded by the new policy framework.

Modification 3: As adopted, the OP incorrectly suggested that architectural, stylistic, or building material limitations can be imposed as conditions for planning approvals. The modification aligns with the Planning Act, which does not allow imposition of such conditions of approval. However, establishment of a Heritage Conservation District could incorporate some of these preferences, provided they are consistent with heritage preservation goals.

Modification 4: As adopted, the OP did not support the full range of rural economic opportunities outlined in PPS policies 2.6.1d) and 2.6.4, which emphasize the importance of agricultural uses and a diversified rural economy. The modification revises the OP to better align with these policies by allowing the entire spectrum of rural economic activities.

Modification 5: As adopted, the OP did not align with the exceptions outlined in PPS Policy 4.5.2.5, which governs development activities on lands with mineral aggregate resources. The modification ensures the OP includes provisions for adjacent land setbacks as specified in the MNR Non-Renewable Resources Training Manual. Additionally, the PPS 2024 definition of “deposits of mineral aggregate resources” emphasizes the requirement for sufficient quantity and quality to support extraction.

Modification 6: As adopted, the OP did not ensure that site conditions for individual on-site sewage and water services meet the necessary standards for long-term use. The modification aligns the OP with PPS policy 3.6.4 and the D-Series Land Use Compatibility Guidelines, ensuring that residential lots are developed with appropriate conditions for on-site septic and water systems. This change guarantees that the long-term viability of these services is considered and maintained, in compliance with

provincial policies designed to protect health and the environment in rural and low-density residential areas.

Modification 7: As adopted, the OP did not clearly establish the responsibility of the planning authority to ensure that planning decisions align with natural hazard policies outlined in Section 5.2 of the PPS, 2024. The modification clarifies that regardless of whether a specific natural hazard feature has been identified by the Ministry of Natural Resources (MNR), it is the responsibility of the planning authority to make decisions consistent with these policies.

Modification 8: As adopted, the OP failed to accurately reflect the full scope of natural heritage features as defined in Section 4.1 of the PPS, 2024. The adopted policy suggested that only certain features require protection, whereas all natural heritage features identified under the PPS must be afforded protection for the long term. The modification ensures consistency with PPS policies by aligning the scope of natural heritage features identified for protection in the OP with provincial guidelines.

Modification 9: As adopted, the OP did not fully align with the requirements set out in the PPS, 2024 regarding the protection of natural heritage features. Specifically, it failed to identify fish habitat as a natural heritage feature under PPS 4.1.6 and did not include Areas of Natural and Scientific Interest (ANSIs) as required by PPS 4.1.5e. Additionally, the OP did not account for the fact that not all wetlands have been evaluated under the Ontario Wetland Evaluation System, as per the latest guidelines. The modification ensures that the OP properly identifies and protects all relevant natural heritage features, including fish habitat and ANSIs, in line with PPS directives.

Modification 10: As adopted, the OP allowed for development and site alteration in areas designated as Environmental Protection, provided that an Environmental Impact Study (EIS) demonstrates no negative impact. However, PPS Policy 4.1.4 (2024) specifically prohibits site alteration and development in significant wetlands located in Ecoregions 5E, 6E, and 7E, as well as in significant coastal wetlands. The modification ensures consistency with the PPS by clarifying that development in these specific wetland areas is not permitted, even if an EIS shows no negative impact.

Modification 11: As adopted, the OP inaccurately limited the scope of adjacent lands for significant coastal wetlands and failed to consider non-coastal significant wetlands. The modification expands the adjacent lands definition to include both significant wetlands and non-significant coastal wetlands, ensuring a 120-meter adjacent lands distance in accordance with the Natural Heritage Reference Manual.

Additionally, the OP incorrectly suggested that all significant wetlands are evaluated by MNR, which is no longer the case. The modification further includes adjacent lands for life science ANSIs and significant wildlife habitats, ensuring consistency with MNR recommendations.

Finally, it clarifies that any reduction in adjacent lands width must be supported by comprehensive studies to demonstrate no negative impact, a requirement not currently addressed in the OP. This change aligns the OP with the PPS and MNR guidelines for natural heritage protection.

Modification 12: As adopted, the OP did not fully reflect the natural heritage system as outlined in PPS section 4.1, which includes various features requiring protection. The

modification ensures that the OP incorporates all components of the natural heritage system defined in the PPS, 2024.

Modification 13: As adopted, the OP's Schedule B (Environmental Features) did not accurately reflect the full range of natural heritage features, particularly wetland areas, which are critical for environmental protection. This modification ensures that the OP aligns with the PPS, 2024 by incorporating all wetland categories defined in the PPS and the Natural Heritage Reference Manual. This change ensures that required studies, setbacks, and protections are properly implemented for wetlands and adjacent areas, as per PPS sections 4.1.4, 4.1.5, and 4.1.8.

Modification 14: As adopted, the OP did not fully reflect the jurisdictional responsibilities related to the habitat of endangered species and threatened species as outlined in Policy 4.1.7 of the PPS, 2024. The modification moves two policies regarding wildlife habitat from section C to form policies B8.7.1 and B8.7.2, ensuring that significant wildlife habitat is identified and protected, consistent with policy 4.1.7d of the PPS, 2024. Additionally, the modification updates the definition of threatened and endangered species to align with the PPS, 2024 and the Endangered Species Act, 2007. It clarifies that development and site alteration shall not be permitted in the habitat of endangered and threatened species, except in accordance with provincial and federal requirements. Landowners and developers are advised to contact MECP when there is potential for Species at Risk (SAR) and/or their habitat to be impacted by development. This modification ensures compliance with the PPS, 2024 and protects natural heritage features from potential adverse impacts.

Modification 15: As adopted, the OP did not fully align with PPS requirements for development within the Environmental Protection designation. The PPS, 2024 prohibits development and site alteration in significant wetlands within Ecoregions 5E, 6E, and 7E, significant coastal wetlands, and habitats of endangered and threatened species unless in accordance with provincial and federal requirements. It also restricts development in wildlife habitats and areas of natural and scientific interest unless no negative impacts are demonstrated. Additionally, development on lands adjacent to these features is prohibited unless an evaluation shows no negative impacts on their ecological functions. This modification ensures the OP policy aligns with PPS, 2024 and MNR's natural heritage guidance, protecting natural heritage features from adverse impacts.

Modification 16: As adopted, the OP did not acknowledge the requirement that the official boundaries of a Provincially Significant Wetland (PSW) cannot be altered without the written concurrence of the MNR. This omission could result in planning decisions that are inconsistent with Section 4.1 of the PPS, 2024, which mandates the protection of significant natural heritage features. The modification ensures that this requirement is clearly noted in the OP policy to align with the PPS, 2024 and prevent any potential inconsistencies in planning decisions, and that any request for technical review related to significant wetlands is made directly to MNR, and not through a general notice of application for a zoning by-law amendment to MMAH.

Modification 17: As adopted, the OP incorrectly stated that the Major Open Space designation policies would prevail in cases of overlap with the Environmental Protection designation. To align with sections 4.1, 4.2, and 3.6 of the PPS, 2024, the modification

clarifies that the Environmental Protection designation policies, along with the General Environmental Policies in section C, must take precedence in such cases. This ensures consistency with the PPS, 2024 and provides clear guidance on policy hierarchy to protect environmental features effectively.

Modification 18: As adopted, the OP included an adjacent land width for fish habitat that does not align with MNR's technical guidance, which specifies a 120-meter adjacent land width for fish habitats. This inconsistency could result in planning decisions that do not comply with PPS, 2024, Policy 4.1.8, which requires that development and site alteration in or adjacent to natural heritage features be evaluated for potential negative impacts.

Modification 19: To ensure better consistency with policy 4.1.7 of PPS, 2024, OP policies C2.4.2 and C2.4.2 were moved to section B8 of the OP. Additionally, policies C2.4.3 and C2.4.4 were deleted entirely because they duplicate policies already covered in more detail and accuracy in section B8. This modification streamlines the plan, eliminating redundancy and aligning it more closely with PPS, 2024 requirements.

Modification 20: As adopted, the OP included contradictory policies regarding development within floodways, which could cause confusion and lead to decisions inconsistent with PPS Policy 5.2.3d). The modification removes references in OP Policy C5.2 and Policies C5.2.1 and C5.2.2 that allow development in floodways or flood-prone areas with technical studies, as the PPS explicitly prohibits such development. Furthermore, the definition in OP Policy C5.2.3 is inconsistent with the PPS definition and should be deleted to avoid confusion. This modification ensures the OP aligns with the PPS and removes policy contradictions.

Modification 21: As adopted, the OP did not address both open and closed sites consistently, despite the fact that the same environmental concerns apply in both situations. The modification revises policy C7 to ensure it reflects concerns for both site types, aligning with Section 3.7 of the PPS, 2024, and complying with the Environmental Protection Act (EPA), Section 46, and the MECP's D-4 Guideline.

Modification 22: As adopted, the OP did not provide specific studies and guidelines that would help applicants demonstrate consistency with PPS policy 5.3.2, which requires ensuring "no adverse impacts." The modification adds these details to the policy, ensuring applicants can follow clear, practical steps to comply with the PPS requirements and avoid any negative effects.

Modification 23: As adopted, the OP did not require a demonstration of no negative impact on water quality for second dwelling units located on individual on-site services, as required by PPS policy 3.6.4. The modification ensures that second dwelling units are only permitted where it can be shown that there will be no adverse effects on water quality, aligning the policy with the PPS guidelines.

Modification 24: As adopted, the OP may have inadvertently restricted the location of group homes and residential care facilities in a manner inconsistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, as outlined in Section 6.1.3 of the PPS. Zoning by-laws may restrict the use of land and the erection, location, or use of buildings. However, in the past, the Ontario Human Rights

Commission has taken issue with minimum separation distance requirements imposed on group homes as those can restrict residents to a small number of areas within the municipality. The modification ensures that group homes and residential care facilities, being residential land uses, are treated similarly to other residential land uses in terms of their location policies, ensuring compliance with human rights legislation and preventing unjustified limitations on these types of facilities.

Modification 25: As adopted, the OP did not fully align with PPS 2024 policy 3.6.4, which focuses on ensuring that the environmental and natural resources are protected, and that development does not cause negative impacts on the natural environment. The modification ensures that the OP reflects this policy by incorporating measures that prevent negative environmental consequences and maintaining consistency with the broader PPS.

Modification 26: As adopted, the OP did not reflect the limitations set by Section 41 of the Planning Act regarding the use of Site Plan Control for private roads. The modification aligns with the Planning Act and O.Reg 254/23, which specifies that Site Plan control can only be used for individual residential units in certain exceptions, not for private roads.

Modification 27: As adopted, the OP did not align with the language in PPS Section 4.6 or the Ontario Heritage Act (OHA), specifically in relation to development on adjacent lands to protected heritage properties. The modification ensures consistency with PPS policy 4.6.3, which mandates that development adjacent to heritage sites must demonstrate no negative impact on the heritage attributes. Additionally, it aligns with Part IV, Section 28 of the OHA, which grants municipalities the authority to establish a Municipal Heritage Committee.

Modification 28: As adopted, the OP Section D12.2.3 incorrectly used the term "inventory" to describe its register of heritage properties. The Ontario Heritage Act (OHA) requires that the clerk maintain a register of properties in the municipality that are of cultural heritage value or interest, accessible on the municipality's website (OHA, ss. 27(1)). The register must list all properties protected by the municipality or the province (OHA, ss. 27(2)).

Additionally, the Act allows municipalities to include properties that are of cultural heritage value or interest but have not been formally designated (OHA, ss. 27(3)). Municipal councils may also include properties subject to conservation easements, provincial or federal recognition, and UNESCO World Heritage Sites. This modification ensures that the OP aligns with the OHA's provisions and accurately reflects the inclusive nature of the municipal register.

Modification 29: As adopted, the OP did not align the terminology with the PPS, the OHA, or the Standards and Guidelines for Consultant Archaeologists (2011). The modification updates the OP language to ensure consistency with PPS section 4.6.2, which states that development should not proceed in areas of archaeological potential without proper conservation of archaeological resources. It also incorporates references to the Funeral, Burial and Cremation Services Act, which requires the cessation of construction activities if human remains are uncovered, to ensure alignment with relevant provincial legislation and guidelines.

Modification 30: As adopted, the OP did not reflect the required provisions regarding parkland dedication for affordable housing. The modification updates the OP to align with Sections 42 and 51 of the Planning Act, which set discounted rates for parkland or cash in lieu for affordable residential units and exempts non-profit housing units from parkland dedication or cash in lieu requirements.

Modification 31: As adopted, the OP did not reflect the requirement for municipalities to prepare a public parks plan before enacting a parkland dedication by-law, as outlined in Subsection 42(4.1). The modification adds this requirement to the OP to ensure compliance with the Planning Act and to address the lack of indication that municipalities have undertaken such plans.

Modification 32: As adopted, the OP did not reflect the requirements of Subsection 41 of the Planning Act regarding the use of site plans for developments with fewer than 10 dwelling units unless one of the situations outlined in O.Reg. 254/23 are present (shorelines, railways). The modification incorporates the exemptions outlined in O.Reg. 254/23 (shorelines) and clarifies that section 41(5) of the Act is not directly related to the language in this policy.

Modification 33: As adopted, the OP included the authority for council to mandate pre-consultation before submitting a planning application. The modification removes this provision to align the OP with the Act's requirements.

Modification 34: As adopted, the OP incorrectly identified the municipal council as the approval authority under section 45 of the Planning Act, which actually applies to committees of adjustment. The modification corrects this error to accurately reflect the provisions of the Act.

Modification 35: As adopted, Schedule A contained several issues that may have led to planning decisions inconsistent with the PPS, 2024. These issues include listing Environmental Protection (EP) designation in the legend, with a similar colour to the Major Open Space designation, and without identifying any lands as EP and the omission of active mineral aggregate operations. The modification removes the EP label from the legend and adds active mineral aggregate operations to Schedule A to protect them from incompatible development, aligning the OP with PPS requirements and promoting clarity and accuracy.

Modification 36: As adopted, Schedule B in the OP contained inaccuracies and omissions that could result in planning decisions inconsistent with the PPS 2024. The modification updates Schedule B to reflect the latest data from Land Information Ontario (Geohub), ensuring the inclusion of missing bird nesting sites with specified radii, and significant wildlife habitats. The modification also clarifies wetland categories (unevaluated, evaluated non-significant, provincially significant, and coastal wetlands) ensuring all are accurately identified. Additionally, the modification removes items such as "Fish Habitat" from the legend to avoid confusion and sensitive information about endangered species habitats to protect them from harm. These align Schedule B with the latest data from Land Information Ontario (Geohub), promoting more informed and consistent decision-making in line with PPS, 2024 requirements.



CORPORATION OF THE TOWNSHIP OF HILTON

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September 11, 2025

Delivered via: Email

Mr. Michael Jagger, Secretary-Treasurer
St. Joseph Island Planning Board
P.O. Box 290
Richards Landin, Ontario P0R 1J0

RE: Consent to Sever Application #6/24 - Part of Lot 15, Concession 7

Dear Mr. Jagger:

At the regular meeting held on September 10, 2025, the Council of the Township of Hilton reviewed the Consent to Sever Application #6/24, that was submitted by Mr. Michael Jagger and Ms. Andrea Jagger and considers this severance to be in contravention of the Township's Zoning By-Law #1025-11, Section 4.1, *Accessory Buildings, Structures and Uses*, and Section 4.16: *Non-Conforming Uses*. Please also refer to The Official Plan, Section E3, *Non-Conforming/Non-Complying Uses*, and Section E3.2: *Non-Complying Lots*.

According to the details listed on page two (2) of the Consent to Sever Application, after the severance occurs, a recreational dwelling will remain on the portion to be severed and a storage garage will remain on the portion to be retained. Prior to the severance, both of these structures meet the regulations of the Township's Zoning by-law. The severance creates a situation of non-conformity with the zoning by-law, by removing the portion of land that contains the cottage. That change alters the portion that will retain the accessory structure as it will now be located on an otherwise vacant lot with no primary use. This doesn't appear to meet the definition of legal non-conforming, since the lots would have had to exist in that form at the time the zoning by-law was passed in 2011. Instead, it creates a contravention of the by-law and does not appear to follow the original intent of the Official Plan.



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Although the deadline to appeal this severance with the Ontario Land Tribunal has passed, the severance has not been completed and the 5% cash in lieu of parkland purposes has not been paid. Therefore, The Council of the Township of Hilton is requesting that Mr. Michael Jagger and Ms. Andrea Jagger withdraw their Consent to Sever Application #6/24. The applicant may re-submit an application that follows the regulations of the Township's Zoning By-Law and remains consistent with the original intent of the St. Joseph Island Official Plan.

The Council of the Township of Hilton thanks you for your consideration in this matter and looks forward to your reply.

Thank you.

Sara Dinsdale
CAO/Clerk-Treasurer

Planning Report

To: St. Joseph Island Planning Board

From: Michael Jagger, Secretary-Treasurer

Date: September 15, 2025

Re: Consent Application # 6/24 – Pt. Lot 15, Conc. 7 – Non-Conforming Use of Existing Building

Background:

Consent Application #6/24 was provisionally approved by the Planning Board on August 19, 2024. That approval authorized the severance of one new waterfront lot with a recreational dwelling thereon with the remainder of the subject lands consisting of two parts, one of which has an existing private storage garage located thereon. The appeal period for that decision expired on September 11, 2024 without any appeals having been filed and is therefore now final and binding.

Correspondence has now been received from the Township of Hilton advising that they consider this severance to be a contravention of that Township's zoning by-law, specifically Sections 4.1 *Accessory Buildings, Structures and Uses* and Section 4.16 *Non-Conforming/Non Complying Uses*. The Township is of the opinion that this severance creates a situation of non-conformity in respect to the storage garage located on the otherwise vacant parcel of land being retained, and is suggesting that the original application be withdrawn and possibly be resubmit as an application that follows the regulations of the Township's zoning by-law.

Planning Rationale:

Section 4.1 of the Township's Zoning By-law provides that detached accessory buildings and accessory uses may be located on the same lot the primary use to which they are related. The subject storage garage therefore is a permitted use under the provisions of the Township's zoning by-law at the time of severance, however once the severance is completed the storage garage becomes a non-conforming use.

Section 4.16 of the Township's zoning by-law provides that no building shall be used except in conformity with the provisions of that by-law unless such use existed before that date of passing the by-law and that such use has continued and continues to be used for such purpose, and that such use was not contrary to a zoning by-law passed under the Planning Act and in force at that time. The subject storage garage and use thereof did exist before the date of passing of the Township's current zoning by-law and continues to be used for that purpose.

Similarly, Section 34 (9) (a) of the Planning Act provides that:

“ No by-law passed under this section applies to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose. “

Neither the Planning Act nor the Official Plan or zoning by-law address the reason(s) why a previously permitted use could become a non-conforming use, but rather they simply indicate that if a use was a legally pre-existing use then it may continue so long as that use does not change. There are however a number of situations that could result in a legally existing accessory use becoming a non-conforming use including a change in zoning or regulations under the zoning by-law, a change in the primary use of the property, property boundary adjustments, new lot development (i.e. subdivisions and severances), demolition of a primary use, a primary use having been raised by fire, etc.

To date, Planning Board has never considered the conversion of outbuildings from accessory use status to non-conforming use status to be an issue, as the use of such pre-existing buildings is permitted to continue as legal non-conforming uses despite any conflict with provisions of a municipal zoning.

Neither the Official Plan nor the Planning Act provide any provisions to allow for an application to be withdrawn nor for a provisional approval to be rescinded once the relevant appeal period has expired without an appeal having been filed. Section 53(21) of the Planning Act provides that "If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final."

Conclusion:

Consent Application # 6/24 was considered and approved in light of the Planning Act, zoning by-law and Official Plan provisions in effect at the time that decision was made. The use of the private storage garage on the retained portion of the lands granted provisional approval to sever under Consent Application #6/24 will upon completion of that severance become a legal pre-existing non-conforming use which may continue so long as that use does not change.


There is no means by which the Planning Board can rescind a provisionally consent approval, nor is there any process by which a consent application can be withdrawn, once the legislated appeal period has expired without an appeal having been filed in accordance with the provisions of the Planning Act.

Recommendation:

That the Township of Hilton be advised that it is the opinion of the St. Joseph Island Planning Board that the private storage garage located on the portion of Lot 15, Concession 7 to be retained under Consent Application #6/24 will upon completion of that severance become a legal non-conforming use which may continue so long as that use does not change, and

That the Township of Hilton be further advised that the Ontario Planning Act does not appear to provide any means by which a consent application may be withdrawn nor a provisional approval of such an application rescinded once the legislated appeal period has passed without an appeal having been filed.

Respectfully submitted,



Michael Jagger, Secretary-Treasurer

