



THE TOWNSHIP OF TARBUTT
Council Meeting Agenda
Tuesday, December 17, 2024
Township Council Chambers, 27 Barr Road S.

1. **CALL TO ORDER**
2. **DISCLOSURES OF PECUNIARY INTEREST**
3. **PREVIOUS MINUTES** 1 - 7

Minutes of the regular Council meeting held Wednesday, November 20, 2024.
4. **DEPUTATIONS / PRESENTATIONS**
 - a. Application for Zoning By-law Amendment, 179 Brown's Island 8 - 9

Joseph Bisceglia, Certified Specialist Civil Litigation
John McDonald, Tulloch Engineering
5. **FINANCIAL STATEMENTS**
 - a. Payment Log for the month of November, 2024. 10 - 11
6. **STAFF AND COMMITTEE REPORTS**
 - a. Verbal report from the Road Superintendent
 - b. Application for Zoning By-law Amendment, 179 Brown's Island 12 - 29
 - c. Recommended addition to Prime Agricultural Lands 30 - 32
 - d. Assumption of a Portion of Barr Road North 33 - 36
 - e. Proposed General Zoning By-law Amendments 37 - 39
 - f. Quotation for 2025 Municipal Insurance Policy (to be tabled)
 - g. Report from the CAO/Clerk for December, 2024
7. **BY-LAWS** 40 - 46
 - a. A By-law to appoint a Treasurer
 - b. A By-law to appoint a Deputy Clerk/Planning Coordinator
 - c. A By-law authorizing the Mayor and the Clerk to enter into agreement with the Minister of the Solicitor General on behalf of the Ontario Provincial Police (OPP) for the provision of Primary Public Safety Answering Point (P-PSAP) Services for The Township of Tarbutt.



8. INFORMATION / CONSENT AGENDA

47

Correspondence and information items a through i listed on the consent agenda dated December 17, 2024.

9. OTHER BUSINESS

10. CLOSED SESSION

Council will move into closed session at _____ pm under Section 239 2. (b) of the Municipal Act in order to discuss personal matters about an identifiable individual, including municipal or local board employees.

- Integrity Commissioner Complaint

11. CONFIRMATION BY-LAW

A By-law to confirm the proceedings of the regular Council meeting held this Seventeenth day of December, 2024.

12. ADJOURNMENT

The regular Council meeting of December 17, 2024 will adjourn, to meet again on Wednesday, January 22, 2025 at 6:00 pm.



THE TOWNSHIP OF TARBUTT
Minutes of the Council Meeting
Wednesday, November 20, 2024 at 5:30 pm
Township Council Chambers, 27 Barr Road S.

PRESENT: Mayor Lennox Smith
Councillor David Farrar
Councillor Ursula Abbott
Councillor Darren McClelland
Councillor Jacqui Nagel

STAFF: Carol Trainor, CAO/Clerk/Deputy Treasurer
Mike Pigeon, Road Superintendent (left the meeting at 6:22)

1. CALL TO ORDER

Mayor Smith called the regular Council meeting to order at 5:30 pm.

2. DISCLOSURES OF PECUNIARY INTEREST

3. CLOSED SESSION

Resolution No: 2024 – 169

Moved by: D. McClelland

Seconded by: D. Farrar

Be it resolved that Council move into closed session at 5:35 pm under Section 239 2. (f) of the Municipal Act to receive advice that is subject to solicitor/client privilege, including communications necessary for that purpose.

Carried

- Ontario Land Tribunal Update

Resolution No: 2024 – 170

Moved by: U. Abbott

Seconded by: J. Nagel

Be it resolved that Council rise from closed session at 5:55 pm.

Carried

Resolution No: 2024 – 171

Moved by: D. McClelland

Seconded by: D. Farrar

Be it resolved that the information provided by Township's legal counsel be received, and staff and the solicitor be advised to negotiate the terms of an adjournment of the Ontario Land Tribunal (OLT) hearing regarding zoning.

Carried



4. PREVIOUS MINUTES

- a. Minutes of the regular Council meeting held Wednesday, October 16, 2024.

Resolution No: 2024 – 172

Moved by: J. Nagel

Seconded by: U. Abbott

Be it resolved that the minutes of the regular council meeting held October 16, 2024 be adopted as circulated.

Carried

5. DEPUTATIONS / PRESENTATIONS

6. FINANCIAL STATEMENTS

- a. Payment Logs for the months of September, 2024 and October, 2024.

Resolution No: 2024 – 173

Moved by: D. Farrar

Seconded by: D. McClelland

Be it resolved that the payment logs for the months of September and October, 2024 be approved as circulated.

Carried

- b. Adoption of 2023 Audited Financial Statements

Draft Audited statements were presented to Council in June. Minor amendments were made and are reflected in this final version.

Resolution No: 2024 – 174

Moved by: D. Farrar

Seconded by: D. McClelland

Be it resolved that the 2023 draft Audited Financial Statements be received and approved as amended.

Carried

7. STAFF AND COMMITTEE REPORTS

- a. Verbal report from the Road Superintendent

Resolution No: 2024 – 175

Moved by: J. Nagel

Seconded by: U. Abbott

Be it resolved that the verbal report from the Road Superintendent be received; and that Council give consideration to the establishment of a casual roads and/or maintenance position from May to October annually.

Carried



b. Report from the Roads Committee meeting of November 12, 2024

M. Pigeon advised that the award for site levelling had previously gone to a different contractor, who has recently advised that he is now unavailable for this work. The bid award will go to the next lowest bidder pending receipt of insurance.

Resolution No: 2024 – 176

Moved by: D. McClelland

Seconded by: D. Farrar

Be it resolved that the report from the Roads Committee meeting held November 12, 2024, and the recommendations regarding the old landfill site be received; and That Council approve the purchase and installation of a drop gate from Terry's Welding at a cost not to exceed \$2,500.00 to improve the security of the site; and That the site levelling project be awarded to Karhi Construction, pending receipt of a Certificate of Insurance.

Carried as amended

M. Pigeon left the meeting at 6:22 pm.

c. AMCTO Zone 7 Workshop

Resolution No: 2024 – 177

Moved by: U. Abbott

Seconded by: J. Nagel

That the report from the Deputy Clerk regarding the AMCTO Zone 7 Fall Workshop be received; and

That Council support continued attendance of relevant AMCTO workshops for staff to ensure ongoing professional development and improved municipal service delivery.

Carried

d. Take Root Program, Desbarats to Echo Bay

Resolution No: 2024 – 178

Moved by: D. Farrar

Seconded by: D. McClelland

Whereas the proposal, as presented by Paul and Tania Hazlett, outlines a strategic plan to expand tree and shrub distribution across multiple townships, including a native wildflower seed giveaway to promote local biodiversity; and

WHEREAS the project seeks to secure funding partnerships to offset costs, including a pending application to Tree Canada for financial support, and proposed in kind contributions from local stakeholders to ensure project feasibility; and

WHEREAS initial discussions with project partners indicate alignment with community goals and potential benefits for participating municipalities;

NOW THEREFORE be it resolved that Council supports the Echo Bay to Desbarats revegetation project proposal in principle, pending further details and confirmation from project partners; and



The Clerk noted that the section on drainage was removed from the Clean Yards By-law, and will be placed into the new Zoning By-law and/or the Building By-law, which will allow for greater enforcement.

Resolution No: 2024 – 182

Moved by: D. Farrar

Seconded by: D. McClelland

Be it resolved that leave be granted to introduce By-law 2024-24, being a By-law to amend By-law 2023-18, Clean Yards By-law to remove Section 7; and That said By-law be read a first, and taken as read a second and third time and finally passed this Twentieth day of November, 2024.

Carried

- b. A By-law to adopt the 2024 Emergency Management Plan for The Township of Tarbutt.

Resolution No: 2024 – 183

Moved by: U. Abbott

Seconded by: J. Nagel

Be it resolved that leave be granted to introduce By-law 2024 – 25, being By-law to Adopt the 2024 Emergency Management Plan, Parts A and B, as circulated; and

That said by-law be read a first, and taken as read a second and third time and finally passed this Twentieth day of November, 2024.

Carried

9. INFORMATION / CONSENT AGENDA

Resolution No: 2024 – 184

Moved by: D. McClelland

Seconded by: D. Farrar

Be it resolved that correspondence items a through j on the consent agenda dated November 20, 2024 be received; and

That The Township of Tarbutt support the resolution from the Township of Nairn and Hyman and the Township of Baldwin opposing the transportation and deposition of radioactive substances Niobium and uranium, containing heavy metals, and that the municipalities and First Nations receive advance notification of all forward movements of this project; and

That The Township of Tarbutt respond to the letter from Ontario Minister of Finance Peter Bethlenfalvy noting that the Ontario Municipal Partnership Fund is sorely inadequate to cover the surging costs of policing in rural and Northern Ontario, and that the province re-examine it's funding formula both for the OPP and the Ontario Municipal Partnership Fund; and

That The Township of Tarbutt supports the correspondence from the Ontario Forest Industries Association (OFIA) and urges the Ontario government to support all measures targeting the immediate challenges facing the Ontario forest sector; and



Resolution No: 2024 – 188

Moved by: J. Nagel

Seconded by: U. Abbott

Be it resolved that Council receive the information from the Road Superintendent regarding the establishment of an additional part time position within the Roads Department.

Carried as amended

Resolution No: 2024 – 189

Moved by: D. McClelland

Seconded by: D. Farrar

Be it resolved that the verbal report from the CAO/Clerk regarding enforcement of the Clean Yards By-law be received, and the actions taken be approved.

Carried

12. CONFIRMATION BY-LAW

Resolution No: 2024 – 190

Moved by: D. Farrar

Seconded by: D. McClelland

Be it resolved that leave be granted to introduce By-law 2024 – 26, being a By-law to confirm the proceedings of the regular council meeting held November 20, 2024; and

That said By-law be given a first, and taken as read a second and third time and finally passed this Twentieth day of November, 2024.

Carried

13. ADJOURNMENT

Resolution No: 2024 – 191

Moved by: J. Nagel

Seconded by: U. Abbott

Be it resolved that the regular council meeting of November 20, 2024 be adjourned at 7:55 pm, to meet again on Tuesday, December 17 at 6:00 pm.

Carried

Lennox Smith, Mayor

Carol O. Trainor, Clerk

Carol Trainor

From: Joseph Bisceglia <JosephBisceglia >
Sent: Wednesday, December 11, 2024 12:41 PM
To: Carol Trainor; Jared Brice
Cc:
Subject: Re: Council Meeting re Pietrzakowski Rezoning/ Minor Variance Application December 17,2024.

Good Morning Ms. Trainor

Thank you for the mail letting me know of the protocol with respect to appearing before Council.

I am legal counsel for Mr. and Mrs. Pietrzakowski in the Application seeking Zoning / Minor variances filed by them with the Township.

I am requesting that on the 17th of December at the Council meeting commencing at 6PM, when the Application of Mr. and Mrs. Pietrzakowski is called that I be permitted to speak to the matter.

I will outline background information of the property leading up to the building of the garage. I will refer to some of the communications and discussions on the issues if necessary, between Mr. Jared and me, and his assistance to me in his matter.

I will refer to the Township bylaws applicable to the issues.

I will outline the why the relief sought by my clients should be granted.

I will be addressing the legal issues as may arise.

I also request that John McDonald the engineer with Tulloch Engineering be permitted to make a presentation .

He prepared the report dated November 27, 2024 and produced to the Township in this matter.

In an effort to assist my client and the Township staff and Council my client on my recommendation retained John Mc Donald of Tulloch engineering. The Technical issues are best addressed by Mr. McDonald.

Mr. McDonald will explain and give a presentation on the meaning of the Flood Line, high water mark.

He will provide some information of projects he was and is involved in Sault Ste. Marie and Community's on the North Shore as examples.

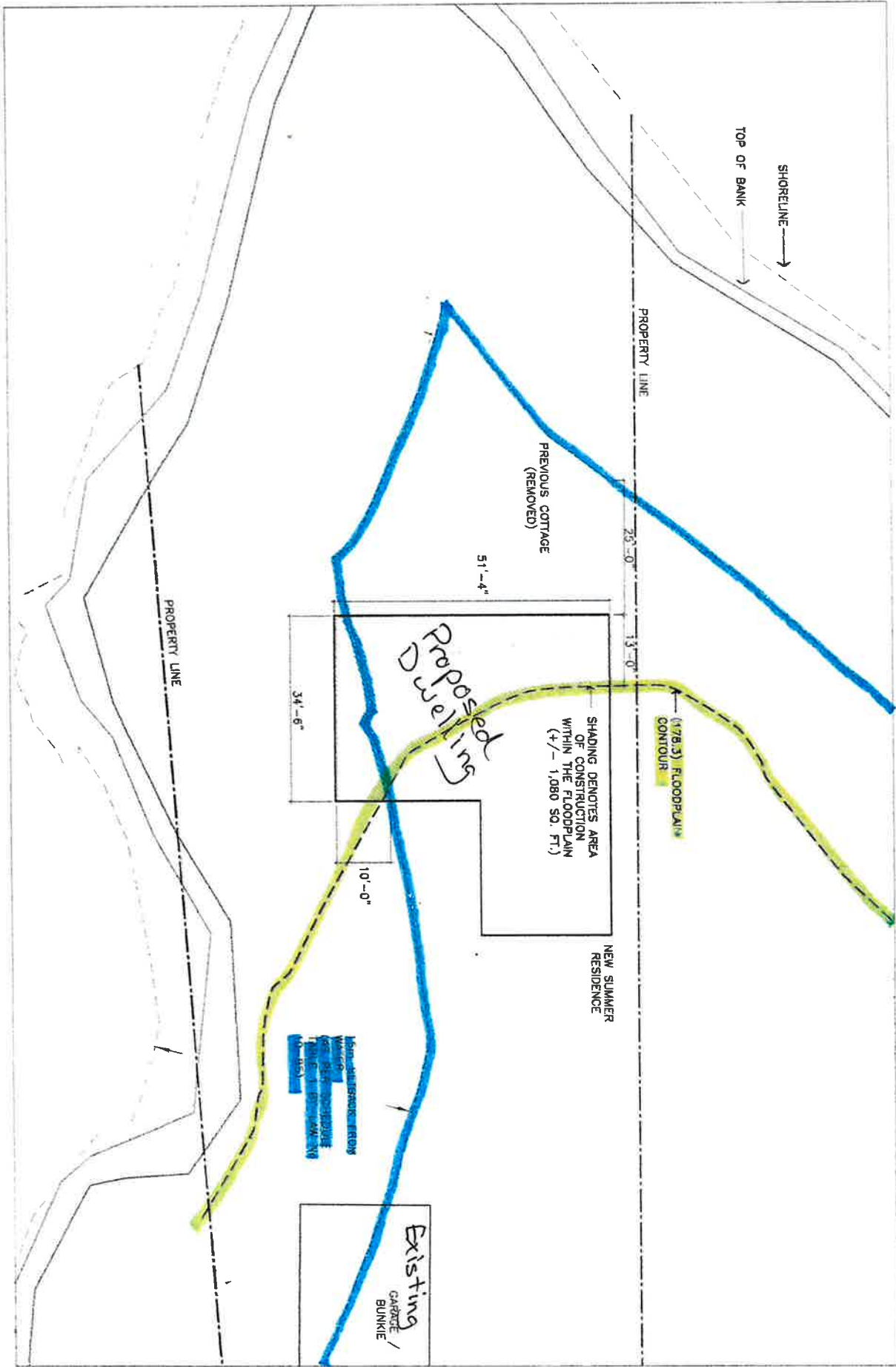
He will explain the safety factor in building at the 178.3 meters Geodetic Survey Datum referenced in bylaw 10-85 section 3.13.

He will answer questions if any, of the Mayor and or Councillors or Staff.

Regards

Joseph Bisceglia





Monthly Payables				
November, 2024				
Type	Cheque No.	Cheque Date	Payee	Amount
Cheque	5170	11/06/2024	Minister of Finance-Payment Processing Centre	7,442.00
Cheque	5171	11/06/2024	C Trainor mileage 2024	669.20
Cheque	5172	11/06/2024	Waugh fire training reimbursement	1,047.10
Cheque	5173	11/06/2024	Fire Marshal's Public Fire Safety Council	566.10
Cheque	5174	11/06/2024	Vulcan Fire & Safety Systems Ltd.	528.84
Cheque	5175	11/06/2024	17E Trading Post/Gas Bar	27.00
Cheque	5176	11/06/2024	Ackland expense reimbursement	11.21
Cheque	5177	11/06/2024	Heritage Home Hardware	11.29
Cheque	5178	11/06/2024	GFL Environmental Inc	18,587.10
Cheque	5179	11/06/2024	Algoma District Services Admin Brd	30,839.58
Cheque	5180	11/13/2024	OMERS - <i>chey - cancelled</i>	17,052.80
Cheque	5181	11/14/2024	Receiver General	8,359.41
Cheque	5182		void	
Cheque	5183	11/13/2024	Brice mileage reimbursement 2024	819.50
Cheque	5184	11/21/2024	Ironside Consulting Services Inc.	88.99
Cheque	5185	11/21/2024	Barriston Law	3,152.70
Cheque	5186	11/21/2024	Karhi Contracting	8,922.65
Cheque	5187	11/21/2024	Guardian Electric Inc.	960.50
Cheque	5188	11/21/2024	North Shore Sentinel	440.16
Cheque	5189	11/21/2024	Down The Line Electric	192.10
Cheque	5190	11/21/2024	Gilbertson Enterprises	4,741.08
Cheque	5191	11/21/2024	Tulloch Engineering Inc.	630.77
Cheque	5192	11/21/2024	Oliver Paipoonge Regional Training Centre	40.95
Cheque	5193	11/21/2024	Fisher's Regalia	212.06
Cheque	5194	11/21/2024	Traction Heavy Duty Parts	106.39
Cheque	5195	11/30/2024	Landfill Admin Expense	100.00
Cheque	5214	11/25/2024	Smith Building By-law expense	600.00
			Total	106,149.48
Payroll	Payroll	November	Staff (Council, Admin, Roads, Landfill & Caretaker)	\$ 17,918.24
Visa	VISA		Bell Canada	\$ 70.78
Visa	VISA		Bell Canada	\$ 335.60
Visa	VISA		Starlink	\$ 158.20
Visa	VISA		Bell Canada	\$ 77.00
Visa	VISA		Sootoday - Employment Ad	\$ 84.75
Visa	VISA		AGCO	\$ 50.00
Visa	VISA		Staples - Office Supplies	\$ 103.63
Visa	VISA		MTO TSD	\$ 51.00
Visa	VISA		Canada Post	\$ 335.61
Visa	VISA		Zoom Subscription	\$ 48.57
Visa	VISA		Adobe Subscription	\$ 105.06
Visa	VISA		Bell Mobility	\$ 252.56
Visa	VISA		Purolator	\$ 63.71
Visa	VISA		MTO TSD	\$ 1,956.50
			Total	\$ 3,692.97

Monthly Payables				
November, 2024				
PAP	DD		Equitable Life Insurance	\$ 2,795.63
PAP	DD		RCAP Copier Lease	\$ 93.33
PAP	DD		Esso Mobil	\$ 1,537.97
PAP	DD		CIBC Service Charge	\$ 44.00
PAP	DD		Algoma Power	\$ 36.20
PAP	DD		Algoma Power	\$ 252.52
PAP	DD		Algoma Power	\$ 114.59
PAP	DD		CIBC Admin Fee	\$ 25.00
PAP	DD		CIBC Monthly Fee	\$ 55.00
PAP	DD		Paper Statement Fee	\$ 5.00
PAP	DD		2020 Western Star Truck Loan Payment (paid twice annually)	\$ 26,164.92
			Total	\$ 31,124.16
				\$ 158,884.85
* Please note this is a summary of payments made in November and does not include all of November's expenditures as reflected in the monthly statement.				



Report to Council

TO: Mayor and Members of Council
FROM: Jared Brice, Deputy Clerk/Planning Coordinator
DATE: December 17th, 2024
SUBJECT: Zoning By-law Law Amendment Application –
 179 Brown’s Island Road

EXECUTIVE SUMMARY:

The Township of Tarbutt has received an updated zoning by-law amendment application for a proposed development of a dwelling at 179 Brown’s Island Road on December 6th, 2024.

ANALYSIS:

The current Zoning By-law (10-85) designation for the subject lands is Summer Cottage (S.C). One dwelling unit is permitted within the summer cottage designation, and the following setbacks apply:

ZONE	LOT FRONTAGE	LOT AREA	FRONT YARD	REAR YARD	SIDE YARD	MAX. HEIGHT	MAX. COVERAGE
S.C.	30m*	2,760m ²	15m*	4.5m	2.5m	2 storey or 6m	15%

*** Measured from the high water mark.**

The zoning by-law amendment application received on December 6, 2024 is seeking relief from the following items from the Zoning By-law (10-85):

- Front Yard setback: From 15 m to 12’ m from high water mark. – NOTE: this measurement does not accurately reflect Township Staff’s interpretation of the high water mark and its associated setbacks; and
- Building below the current 178.3 m Lake Huron Floodline; and
- Allowance of new fill within the 178.3 flood line (maximum +/- 2.4 m); and
- Side Yard setback: 1 m – seeking 1.5 m relief

Township Staff note that there has been a difference in the applicant/authorized agent interpretation(s) of where the high water mark is located/measured from.

For the purposes of zoning and construction, the Zoning By-law has one definition associated with the water mark:

3.3 “Lake Huron Floodline” – no habitable structure shall be permitted to be erected or placed on any part of a lot below the Lake Huron floodline established as elevation 178.3m Geodetic Survey Datum and for existing buildings or structures, no opening shall be permitted below 178.3, Geodetic Survey Datum. In addition, no fill or removal of fill shall be permitted on any lot along the Lake Huron shoreline that may have the effect of modifying the shoreline.

The submitted site plan “schedule C” shows a reference to a “shoreline” and the 15m “water edge setback” of which the applicant/authorised agent deem applies. There are no measurements associated with these contours and there is no definition or mention of such contained within the zoning by-law. It is staff’s interpretation that these measurements do not reflect the actual location of the high water mark and that this will need to be addressed before receiving an updated zoning by-law amendment.

As per the zoning by-law amendment application there are no proposed changes to the use of land and buildings. It is noted that a garage structure was permitted in 2018 on the subject lands as per building permit B2018-13. Despite providing assurances to the Township at that time, a septic hook up and fixtures were added to the garage without approval from APH. This is interpreted as an unpermitted dwelling unit and a change in use (back to a garage only) would be required should the applicant wish to develop a separate dwelling unit as is being requested. This is not shown in the zoning by-law amendment application. It is staff’s interpretation that this request shall be in the zoning by-law amendment as two dwelling units are not permitted in the summer cottage designation. Any change in use for the structure shall have consideration for the Ontario Building Code, Algoma Public Health Septic requirements, energy efficiency design, and legal and liability items.

STAFF RECOMENDATION

Be it resolved that the report from the Deputy Clerk/ Planning Coordinator regarding the application for zoning amendment at 179 Brown’s Island Road be received; and

That the Zoning By-law amendment application be updated to reflect the actual location of the high water mark and its associated 15 m setback; and

That the zoning by-law amendment application address the change in use of a garage to an unpermitted dwelling unit; and

That the authorized agent continue to work with Township staff to provide an updated zoning by-law amendment application.



Jared Brice
Deputy Clerk/ Planning Coordinator

THE TOWNSHIP OF TARBUTT


APPLICATION TO AMEND THE ZONING BY-LAW

This application is submitted to request a property specific change to the use of a parcel of land within The Township of Tarbutt, or for a change to the zone standards. I/WE certify that, to the best of my/our knowledge and belief, the particulars given in the following application and accompanying plans are correct. In accordance with the provisions of The *Planning Act*, I/We apply for the change of zoning described in this Application. In addition to the fee payable upon the filing of this Application, I/WE hereby undertake and agree to reimburse The Township of Tarbutt for all reasonable expenses, fees or charges incurred in the processing of this Application.

1. APPLICANT:

Henry Pietrzakowski	705.542.0574
Name	Phone No.
87 Parkview Court, Sault Ste. Marie	P6B 6K4
Mailing Address	Postal Code

Registered Owner's Authorization:
I/WE, the owner(s) of the subject property, hereby endorse the application.

OWNER(S) Henry & Diane Pietrzakowski	705.542.0574
Name	Phone No.
87 Parkview Court, Sault Ste. Marie	705.542.0574
Address	Postal Code
Henry@mgp-ae.ca	P6B 6K4
E-mail Address	
	2024-12-05
Owner's Signature	Date

2. AGENT (IF APPLICABLE)

Joseph Bisceglia	705 542-5296
name	Phone No.
Email josephbisceglia@msn.com	Postal Code
E-Mail address	
Legal Representative	
Title / Relationship to Property Owner	

3. LOCATION AND DESCRIPTION OF THE LAND

PCL 5007 SEC ACS PT ISLAND II IN BEAR LAKE

Lot and Concession No.

179 Brown's Island

Municipal or Civic Address

Part 15, PLAN AR-186 PIN 31466-0427

Registered Plan No.

Lot No.

4. REQUESTED CHANGE IN ZONING AND AMENDMENT TO THE OFFICIAL PLAN.

(a) Existing section of the Zoning By-laws affecting lands: 10-85: 3.13 10-85: 3.20 10-85: 7.3

(b) What is the change being sought and the reason? Explain in detail. _____

1. Construction within the 178.3m Flood line with conditions as per Tulloch's (John McDonald, P.Eng.) report and recommendations. **Refer to Schedule B.**

2. Allowance of new fill within the 178.3 Flood line (maximum +/- 2.4m) - if required. **Refer to Schedule C**

3. Setback relief for East side yard high water mark. (from 50'-0" to 40'-0") **Refer to Schedule D**

4. Setback relief for West side yard setback (from 10'-0" to 5'-0") **Refer to Schedule D**

(c) Is an amendment to the Official Plan required? Yes _____ No x

If "YES", describe fully the Section, the required change to the Official Plan, and the reason.

5. LAND USE

(a) Current use of the land SUMMER COTTAGE ZONE
(shoreline residential, vacant, farmland, commercial, etc.)

(b) Proposed change to use of the lands and/or buildings: NO CHANGE REQUESTED

6. REASONS FOR REQUESTING AMENDMENT (Complete as fully as possible.)

This application is for the proposed replacement of the previous cottage that was demolished 4 years ago, and based on the previous Township Clerk's understanding of my intent for new construction. This acceptance was substantiated by • 2018 - Permit provided by Township for Garage/ Bunkie.

7. SUPPORTING INFORMATION TO BE ATTACHED TO THIS APPLICATION 8 copies

- (a) Sketch, illustration or survey plan showing: **PREVIOUSLY PROVIDED.**
 - Applicant/Owner's total holding in the area (entire parcel)
 - Land(s) which are the subject of the proposed amendment
 - The location, size and use of all existing building or structures on the subject lands and on immediately adjacent properties
- (b) Site Plan Showing (see page 6 for sample site plan) **PREVIOUSLY PROVIDED.**
 - Proposed buildings or structures together with height, size, setbacks and exterior design
 - Ingress/egress, parking, unloading and driveway areas
 - Landscaping, including fencing and buffers.
- (c) The applicant is requested to submit any further information which they feel may affect the proposal or support this application.

8. If the application is approved by Council, and the Ontario Land Tribunal where applicable, by what date will the owner:

(a) Commence use of the lands and/or structures for the purpose outlined in the application?

EXISTING USE MAINTAINED.

(b) Complete construction (if a building is proposed)?

YES - UPON ISSUANCE OF PERMIT.

Information collected on this form is collected in accordance with the Municipal Freedom of Information and Protection of Privacy Act, and will be used only for the purposes for which it is intended, being any requirements under the Municipal Act or the Planning Act and its statutes.

FOR OFFICIAL USE ONLY

Date Received: _____

Application No: ZA - _____

Previous Application: _____

Checked by: _____



Planners | Surveyors | Biologists | Engineers

November 27, 2024
241389

Henry and Diane Pietrzakowski

Sent via email: henry@mgp-ae.ca

Re: 179 Brown's Island, Township of Tarbutt and Tarbutt Additional

Dear Mr. and Mrs. Pietrzakowski:

Enclosed please find our recommendations for development within the high water mark and flood fringe area for your lot located at 179 Browns Island Road, Township of Tarbutt and Tarbutt Additional. In our opinion the application of the Ministry of Natural Resources and Forestry Two-Zone Concept for development within flood fringe areas is appropriate for this development. Implementation of the following recommendations will ensure that risks to the public and property will be minimized.

To our understanding based on the information provided to us, it is your intention to develop a residential dwelling at 179 Browns Island Road within the high water mark, within the setback requirements in accordance with the local zoning by-law and within the 178.3 m flood contour area. This understanding is based on the Site Context Plan dated July 23 2024 as provided to us. An existing residential structure has been demolished and was generally located in the same location as that proposed, which has been confirmed by aerial imagery. An existing two story garage/bunkie is located to the north of the proposed structure.

In accordance with the Ministry of Natural Resources and Forestry's "Technical Guide, River & Stream Systems: Flooding Hazard Limit", development may be permitted within flood prone areas subject to conditions. The "two-zone concept" in the context of development within a flood area refers to a land-use planning approach that separates a floodplain or flood-prone area into two distinct zones based on flood risk. This concept is primarily used to guide development, mitigate flood damage, and promote safety in flood-prone areas. The two zones are generally categorized as:

1. **Floodway Zone:** This is the area within the floodplain that is most susceptible to the strongest floodwaters, often corresponding to the river or stream channel and its immediate surrounding area. The floodway zone is characterized by high flood risk, and development in this zone is typically restricted or prohibited. The goal is to keep the floodway clear of structures to allow for the free flow of water and prevent obstructions that could exacerbate flooding or cause further damage.
2. **Flood Fringe Zone:** This zone includes the area adjacent to the floodway, where floodwaters may still reach, but the risk is lower compared to the floodway. Development is generally restricted or controlled in the flood fringe. If development is permitted it must be carefully managed and include measures to protect structures and mitigate flood risks (such as raising buildings, providing flood barriers, or other floodproofing strategies).

Figure A depicts the Two-Zone Concept.

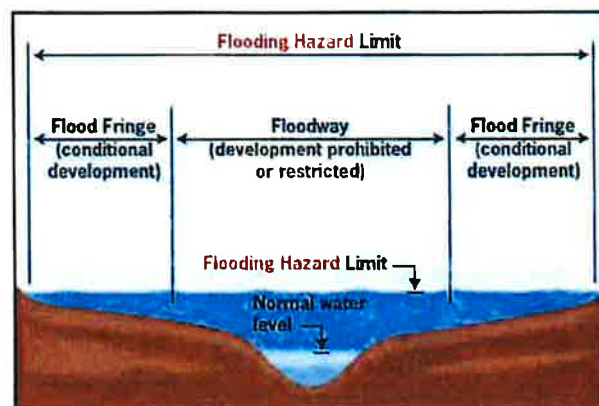


FIGURE A – THE TWO-ZONE CONCEPT

In practice, the two-zone concept is used to balance the need for development with flood risk management. It helps planners, builders, and local governments make informed decisions about where and how to permit development, ensuring that flood hazards are minimized while allowing for economic use of the land where it is safe to do so.

It is not mandatory that a municipal official plan contain floodway flood fringe policies prior to utilizing the two-zone concept.

Floodproofing is defined as a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding to reduce or eliminate flood damage. Floodproofing is generally most appropriate in situations where moderate flooding with low velocities and short durations are experienced and where traditional structural flood protection, such as dams and channels are not considered to be feasible. Since floodproofing is best incorporated into the initial planning and design stages, a new development has the greatest potential for permanent structural adjustment. In general, floodproofing can be applied most economically and effectively in the design of new

buildings in developing areas. It can also be applied to infilling situations and proposed additions in developed areas.

Floodproofing, whether wet or dry should be no lower than the 1:100 year flood level. The only exceptions are in cases where an addition is proposed to an existing structure or there is one remaining infilling lot in a neighbourhood. In these instances, the floodproofing level should be no lower than the first floor levels of the existing structure or the adjacent structures.

All floodproofing measures can be described as active or passive and providing wet or dry protection. Active floodproofing requires some action, i.e. closing watertight doors or sandbagging for the measure to be effective. Advance flood warning is almost always required in order to make the flood protection operational. Active floodproofing is not feasible as a means to mitigate risk in this instance.

Passive floodproofing measures are defined as those that are in place and do not require flood warning or any other action to put the flood protection into effect. These include construction or development at or above the flood standard, dry or wet floodproofing, or the use of continuous berms or floodwalls.

The object of dry floodproofing is to keep a development and its contents completely dry. Such can be carried out by elevating the development above the level of the flood standard or by designing walls to be watertight and installing watertight doors and seals to withstand the forces of flood waters. The benefit of elevated floodproofing is that it is passive and advance warning of an impending flood is not required.

Wet floodproofing is undertaken in expectation of possible flooding. Its use is generally limited to certain *specific non-residential/non-habitable structures* (e.g. barn, arena, green houses, auxiliary buildings), but many of the techniques of wet floodproofing can be used with certain dry floodproofing approaches. The intent of wet floodproofing is to maintain structural integrity by avoiding external unbalanced forces from acting on buildings during and after a flood, to reduce flood damage to contents, and to reduce the cost of post flood clean up. As such, wet floodproofing requires that the interior space below the level of the flood standard remain unfinished, be non-habitable, and be free of service units and panels, thereby ensuring minimal damage. Also, this space must not be used for storage of immovable or hazardous materials that are buoyant, flammable, explosive or toxic. Furthermore, access ways into and from a wet floodproofed building must allow for safe pedestrian movement.

For new developments, dry floodproofing above the level of the flood standard can generally be economically and easily achieved in the design and early construction phase. Dry floodproofing of structures which will have portions below the level of the flood standard will require additional special design attention so that the structure will resist all loads including hydrostatic pressures.

In consideration of the aforementioned, we recommend the following be implemented.

Recommendations;

1. Apply the two-zone concept for flood mitigation and apply the following;

2. No building openings shall be located below geodetic elevation 178.60 m;
3. Foundation walls to be constructed of cast in place concrete. Alternatively, should pier foundations be proposed, they should also be constructed of cast in place concrete with the residence open underneath to allow for the passage of flood waters. Masonry block as a foundation material is not recommended;
4. The structure is floodproofed using dry passive floodproofing to the applicable floodproofing standard plus a 0.3 metre freeboard allowance (i.e. 178.60 m);
5. No electrical or mechanical systems should be located below a geodetic elevation of 178.60 m;
6. Fill should be provided such that the maximum depth of flooding does not exceed 0.8 metres. (i.e. a minimum grade of 177.5m surrounding the residence);
7. Septic systems should not be located within the setback requirements of the high water mark. Should any part of the septic system be located below elevation 178.30m then the system should be floodproofed using a watertight cap to prevent ingress of flood waters to the main tank and appropriate valves to prevent back-up into a structure. Algoma Public Health should be consulted in this regard;
8. Septic systems shall be designed to withstand lateral and buoyant pressures associated with floodwaters; and
9. The construction of decks and porches may be permitted within the flood hazard limit provided that;
 - a. the deck or porch is not enclosed above;
 - b. the deck/porch is firmly anchored to a concrete pad or footings; and
 - c. the area beneath the deck and porch is not to be enclosed to allow the free flow of floodwaters.
10. Certification is provided from a registered professional engineer that the structure will be able to withstand the hydrostatic and lateral forces associated with flood waters;
11. The Municipality may grant permission for the construction of a fence, provided that:
 - i. the fence is constructed in such a manner that it does not impede conveyance of flow of a watercourse during a regulatory flood;
 - ii. the fence does not interfere with the watercourse; and
 - iii. the construction of the fence would not have an impact on the control of flooding, erosion, dynamic beaches or unstable soils.

We are therefore of the opinion, provided the aforementioned recommendations are implemented, the risks of development within the high-water mark and flood contour elevation of 178.3 m can be adequately mitigated.

We trust the information presented above will be found complete and comprehensive for your use. Should you have any questions, please feel free to contact the undersigned.

Sincerely yours,



John McDonald, P.Eng.
Project Manager



Planners | Surveyors | Biologists | Engineers

John McDONALD

Project Manager - Principal
BAsc., P. Eng.



PROFILE

John, a seasoned Project Manager at TULLOCH and Principal, leverages over two decades of expertise in consulting engineering, specializing in civil, municipal, land development, and materials testing (QA/QC). His core responsibilities involve overseeing project design, management, and delivery for a diverse clientele. With a successful track record, John has led various projects, collaborating closely with clients and coordinating with local industries, utilities, municipalities, and developers. His strengths encompass accurate data collection, client consultations, research, design, planning, approvals, reports, inspections, and contract administration, ensuring projects are completed on time and within budget.

CONTACT

 71 Black Rd., Unit 8
Sault Ste. Marie, ON
P6B 0A3

 tulloch.ca

 T: 705-949-1457
 TF: 1-800-797-2997

 john.mcdonald@tulloch.ca

EDUCATION

University of/D' Ottawa
BAsc, Civil Engineering (2003)

WORK HISTORY

TULLOCH

Project Manager/Principal (*January 2011 – present*)

Materials Testing Laboratory Supervising Engineer (*2012 – present*)

M.R. Wright and Associates Co. Ltd
Consulting Engineers
Manager Civil/Municipal Engineering
(*2005 – 2010*)

Kresin Engineering Corp.
Civil Designer (*2004 – 2005*)

Lafarge North America
Project Manager – Capital Works
Program (*2003 – 2004*)



PROFESSIONAL ASSOCIATIONS

Professional Engineers of Ontario (2008)

Engineers Geoscientists Manitoba (2020)

Canadian Council of Independent Laboratories (CCIL) Committee – Geotechnical and Construction Materials (2023 – Present)

SUMMARY OF RELEVANT PROJECTS

Project Name Wemyss Street Reconstruction

Client City of Sault Ste. Marie
Role Project Manager

Services and Scope

The reconstruction of Wemyss Street consisted of the complete replacement of the storm sewer system, sanitary sewer system, water distribution system, roadway subbase, asphalt road surface, and concrete curbs, gutters and sidewalks. The limits of construction spanned 600m in length. The redesign of Wemyss Street allowed for infrastructure deficiencies to be addressed and pedestrian safety to be improved.

Project Name MacDonald Avenue Drainage Improvements

Client City of Sault Ste. Marie
Role Project Manager

Services and Scope

Flooding in the MacDonald Avenue area was resolved through a successful stormwater management project. The storm sewer was replaced, redirecting flow into a newly created dry pond within a forested ravine. This naturalized pond, situated between MacDonald Avenue and Garrison Way, now controls runoff with the help of a berm and outflow structure, protecting the surrounding neighborhood and high-rise buildings. The pond effectively drains into the Pine Street sewer system, mitigating flooding while preserving the ravine's natural features.

Project Name Fort Creek Aqueduct Replacement

Client City of Sault Ste. Marie
Role Project Manager/Design Engineer

Services and Scope

The Fort Creek Aqueduct is an aging concrete box culvert/storm sewer that conveys the Fort Creek underground through urbanized areas. There were ongoing concerns with the hydraulic and structural capacity of the Aqueduct and its deteriorated condition. As a result, TULLOCH was retained to identify, evaluate, and design alternative ways to improve the Aqueduct. The preferred solution from the Class EA process was to replace the Aqueduct in the exact location but with the capacity to convey the regional storm.

Project Name Case Road Culvert Rehabilitation

Client City of Sault Ste. Marie
Role Project Manager/Design Engineer

Services and Scope

The City of Sault Ste. Marie engaged the services of TULLOCH to undertake a Class EA to determine the preferred method of replacement or rehabilitation of a failing culvert on Case Road. Case Road is a dead-end road with no available detour beyond the location of the existing culvert. After completing a Schedule EA, it was determined that lining the existing culvert was the preferred solution. TULLOCH performed a detailed 3D scan of the interior of the culvert and working with Armtech, the multi plate liner had to be custom designed to fit the unique shape of the existing culvert. The liner and host pipe were grouted with light weight cellular grouting. The project was successfully completed on-time and on budget with no interruption to residents or businesses.

Project Name Pim Street Stormwater Management

Client City of Sault Ste. Marie
Role Project Manager/Design Engineer

Services and Scope

TULLOCH was retained to provide design, contract administration, and inspection services for the replacement of approximately 760m of storm sewer from McNabb Street to Pim Street, including the roadway crossing. This section of sewer serves a critical role in the City's stormwater conveyance, as this project aimed to alleviate the ongoing stormwater management issues experienced in the area.

Project Name Reconstruction of Canal Drive

Client Parks Canada
Role Project Manager and Design Engineer

Services and Scope

Beginning the design process in 2014 with construction in 2015, TULLOCH completed the reconstruction of Canal Drive and the National Historic Sault Locks Site. Key goals of the project were to reconstruct its aging infrastructure (above and below ground), encourage leisure activities, and promote transportation and mobility throughout the site using innovative connection and streetscaping strategies.

Civil/Municipality Projects

- The design, preparation of construction specifications, applications for Ministry of the Environment Certificates of Approval, tendering, project management and construction inspection of municipal road reconstruction projects including sanitary sewers, storm sewers, new watermains and watermain replacement, road geometrics, electrical and natural gas placement and associated services attributed to multiple municipal road reconstruction projects.
- The complete civil design of a 40 MW solar power generating facility in Sault Ste. Marie including design, stormwater management, specifications and construction inspections.
- The completion of Schedule A, B and C Municipal Class Environmental Assessments in accordance with the Municipal Engineers Association Guidelines for Municipal Class Environmental Assessments
- The completion of Canadian Environmental Assessments, in accordance with the Canadian

Environmental Assessment Act and its Regulations.

- Applications for Navigable Waters Approvals under the Navigable Waters Act and its Regulations.
- Building and Development site designs including complete servicing (sanitary and storm sewers, watermain, gas, U/G electrical) and grading design, stormwater management, specifications and inspections. Typical projects include a new Grade 7-12 Algoma District School Board School in Sault Ste Marie, Northern Credit Union in Sault Ste. Marie, PUC Integrated Facility in Sault Ste Marie and Pim Street/McNabb Street Drainage Improvements.
- Stormwater Management studies, and design. Typical implementations including dry ponds, wet ponds, LID controls, stormceptors, lot grading and lot level conveyance controls, point source control.
- Preparation of Aggregate Pit Development Plans, Operation Control Guidelines and License Applications.
- The design, consultation with affected public stakeholders and government agencies for the application, re-zoning, design, specifications and approvals (i.e. Stormwater Management Plan) for various subdivisions.
- Numerous topographical surveys and incorporation into land development software for design purposes.
- Drainage Assessments and Reviews including Hydrologic and Hydraulic Analysis of both overland flow and piped networks.
- Water supply design, hydraulic analysis and watermain capacity testing.

Structural Projects

- Structural Condition Assessments and Inspection of bridges in accordance with the MTO Structural Inspection Manual and building codes for a multitude of municipalities and private sector clients.
- The design, tendering and project management, for the replacement and temporary repairs of municipal bridges.
- Complete design, preparation of specifications, tender and project management for the replacement of municipal bridges up to and including 34m single span structures.
- Condition assessments, design, preparation of specifications and project management for the rehabilitation of underground and above ground parking garages.
- Structural condition assessments of retaining walls.
- Design of roof anchors for fall restraint systems.
- Multiple building inspections to evaluate compliance with the Ontario Building Code.

Geotechnical Projects

- Caisson/bedrock verification
- Geotechnical for Subdivisions and Land Development Projects
- River Bank Erosion Studies
- Asphalt Condition Assessments
- Geotechnical Investigations for Municipal Infrastructure projects (i.e. roads, bridges and private developments.)

179 BROWN'S ISLAND



SCHEDULE 'E'



**THE TOWNSHIP OF TARBUTT
REPORT TO COUNCIL**

TO: Mayor and Members of Council
FROM: Jared Brice, Deputy Clerk/Planning Coordinator
DATE: December 17th, 2024
SUBJECT: Recommended Addition to Prime Agricultural Areas –
 J.L. Richards and Associates

EXECUTIVE SUMMARY:

The purpose of this report is to provide information to Council regarding the recommendation from J.L. Richards and Associates to add to the Prime Agricultural land(s) in the Township. Prime Agricultural Areas will be added to the Joint Official Plan for the Desbarats to Echo Bay Planning Board and will limit the feasibility of creating new lots and would aim to protect farmland from incompatible land-uses.

BACKGROUND:

The Desbarats to Echo Bay Planning Board passed the following electronic/phone poll on December 10th, 2024:

Moved by: R. Wigmore Seconded by: S. Bailey
THAT THE BOARD receives the recommended additions to the Prime Agricultural Areas from J.L. Richards and Associates and agrees to forward the proposed additional recommendations to each respective Municipality for consideration for the Joint Official Plan.
 Cd

The attached map(s) show the recommended addition of Prime Agricultural Area in the Township of Tarbutt. There is only one property that is recommended to change from the Rural to Prime Agricultural designation for the Joint Official Plan. The recommended 9.8 hectare addition to the 793 hectares of Prime Agricultural Areas does not constitute a significant addition (<1.5%).

FINANCIAL CONSIDERATION

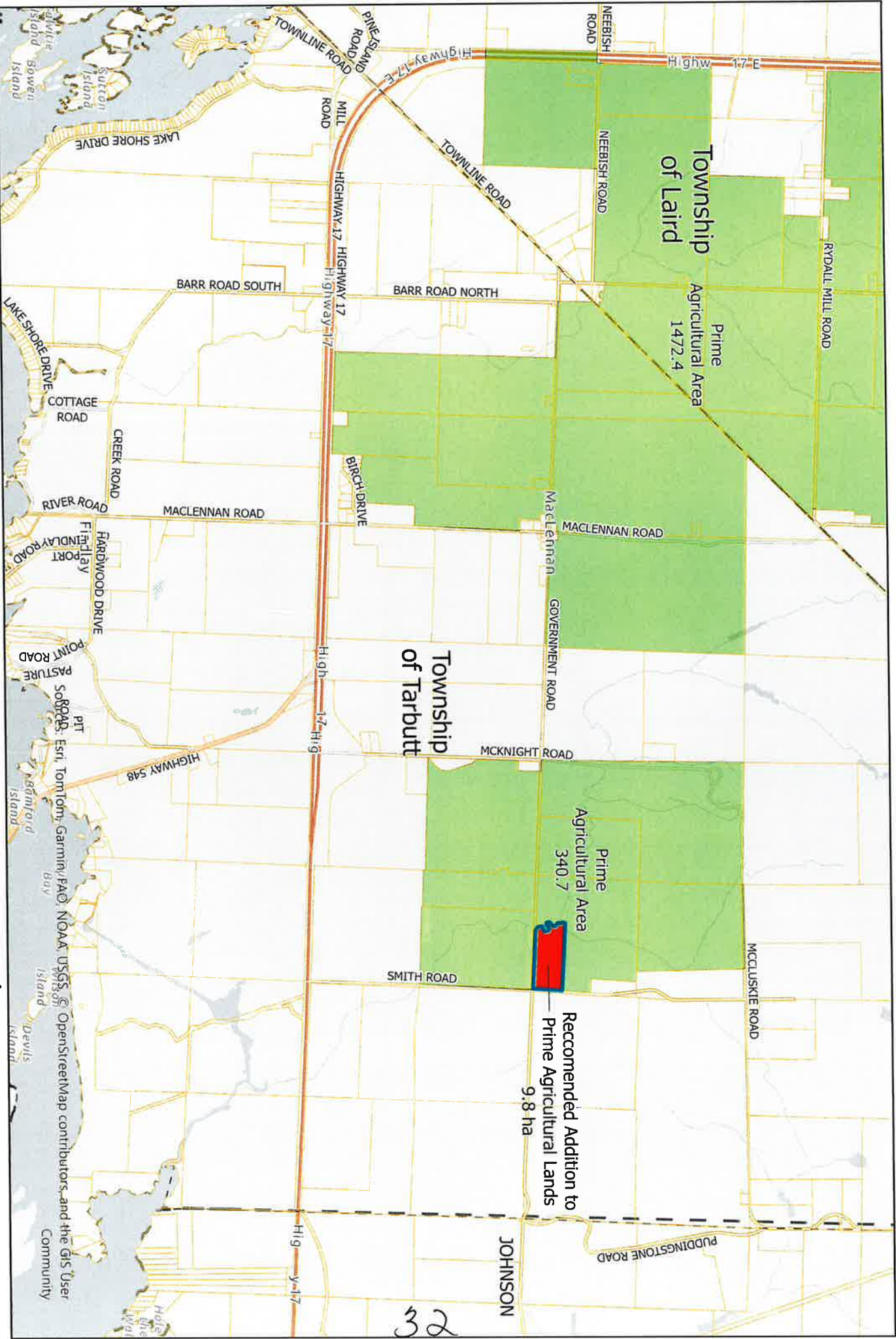
There are no foreseen financial impacts for the Township associated with the recommended additions.

STAFF RECOMENDATION

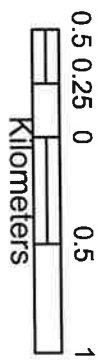
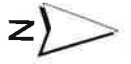
Be it resolved that the report from the Deputy Clerk/Planning Coordinator be received;
and
That Council supports the Planning Board resolution for the recommended Prime
Agricultural Land addition(s) within The Township of Tarbutt from J.L. Richards and
Associates, and
That Council accept the recommended Prime Agricultural Area for the Joint Official Plan
as presented.



Jared Brice
Deputy Clerk/ Planning
Coordinator



Recommended Addition(s) to the Prime Agricultural Areas in the Township of Tarbutt for the Joint Official Plan



- Legend**
- Recommended Addition(s) to Prime Agricultural Area(s)
 - Prime Agricultural Lands

6d



Report to Council

TO:	Mayor and Members of Council
FROM:	Jared Brice, Deputy Clerk/ Planning Coordinator
DATE:	December 17 th , 2024
SUBJECT:	Assumption of Portion of Barr Road North

EXECUTIVE SUMMARY:

The purpose of this report is to provide information to Council about the Township assuming a portion of Barr Road North associated with approval conditions for the Desbarats to Echo Bay Planning Board, file T2023-03 (MacMillan) under Section 53 of the *Planning Act, 2001*. This transfer would ensure the road allows for long-term public accessibility and service provision.

ANALYSIS:

Compliance with Conditions

The transfer of the 100 m portion of Barr Road N satisfies a key condition of the consent application, file T2023-03, MacMillan. The condition was imposed to ensure legal and physical access to the newly created lots, as mandated under the *Planning Act, 2001*.

Council received and approved the following excerpt included in resolution 2023-53 regarding the Planning Board consent application file T2023-03:

That any portion of the road known as Barr Road North that is located on the subject lands be transferred to the Township at the expense of the applicant.

Operational and Maintenance Implications

Upon assumption, the road will become a municipal asset and will allow infrastructure planning such as ditching, etc.

Legal and Administrative Requirements

A survey and legal description of the road parcel have been completed at the expense of the applicant. The Clerk and the Mayor can sign the Acknowledgement, Direction and Deed for the assumption to formally register the portion of road to the Township after receiving approval from Council. A by-law must be passed to formally assume the road into the municipal road network.

FINANCIAL CONSIDERATION

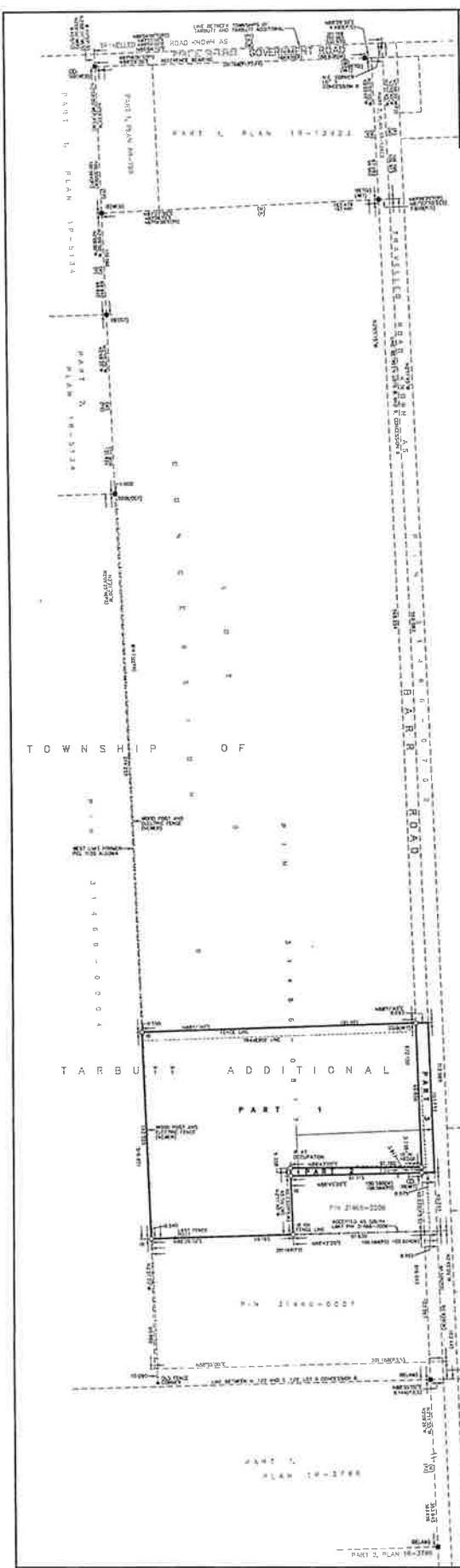
As the transfer is at the expense of the applicant, there are no financial impacts for the Township.

STAFF RECOMENDATION

Be it resolved that the report from the Deputy Clerk/ Planning Coordinator regarding the assumption of a portion of Barr Road North be received; and
That Council authorize the Mayor and the Clerk to sign the Acknowledgement and Direction to assume the portion of the Barr Road North known as Pt 3 of Plan 1R-14084.



Jared Brice
Deputy Clerk/ Planning
Coordinator



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

August 17, 2023

DATE

Aselme

D.S. URSO - ONTARIO LAND SURVEYOR

PLAN 1R-14084

RECEIVED AND DEPOSITED

August 21, 2023

DATE

Aselme

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ALGOMA (DA-1)

PART	LOT	CONCESSION	PIN	HECTARES
1			PART OF 31466-0817	2.324
2	PART OF 9	6	PART OF 31466-0817	0.042
3			PART OF 31466-0817	0.036

PARTS 1, 2 AND 3 COMPRISE PART OF PIN 31466-0817

PLAN OF SURVEY OF
PART OF LOT 9
CONCESSION 6
TOWNSHIP OF TARBUTT ADDITIONAL
DISTRICT OF ALGOMA
SCALE: 1 : 1500

30 0 45 75
METRES

Monument Urso Surveying Ltd.

METRIC NOTE
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

INTEGRATION COORDINATE TABLE

ADJUSTED REFERENCE POINTS (RFPs) DERIVED FROM REAL TIME KINETIC OBSERVATIONS USING MONUMENTS 'A' AND 'B' HAVING A BEARING OF 108°29'20" W. UTM ZONE 18 QAG 83 (COORDINATE SYSTEM) TO URBAN ACCURACY PER SEC. 1(FE2) OF O. REG. 216/10

POINT ID	MONUMENT	EXISTING
OMP A	3153745.269	727140.815
OMP B	5157345.333	727329.493
OMP C	3156345.227	727362.443

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SCALE FACTOR NOTE
DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 1.000273

ROTATION NOTE
FOR BEARINGS COMPARISONS, A ROTATION OF 208°00' COUNTER CLOCKWISE WAS APPLIED TO PLANS 'P' THROUGH 'P3' TO CONVERT TO GRID BEARINGS.

- LEGEND**
- B DENOTES BOUND EVIDENCE
 - ID DENOTES PLANNED MONUMENT
 - IB DENOTES IRON BAR
 - SB DENOTES STANDING IRON BAR
 - SSB DENOTES SHORT STANDARD IRON BAR
 - RB DENOTES ROUND IRON BAR
 - M DENOTES METAL
 - P DENOTES DEPOSITED PLAN 1R-12923
 - P1 DENOTES DEPOSITED PLAN 48-798
 - P2 DENOTES DEPOSITED PLAN 1R-5434
 - P3 DENOTES DEPOSITED PLAN 1R-3388
 - P4 DENOTES TRANSFER 1310
 - P5 DENOTES TRANSFER 50767
 - S DENOTES SET
 - W DENOTES WITNESS
 - WB DENOTES W.E. BERAN, D.L.S.
 - LM DENOTES L.A. MILLER, D.L.S.
 - CGI DENOTES C.G. TRIVERS, D.L.S.
 - TG DENOTES TULLOCH GEOMATICS INC.
 - PH DENOTES PROPERTY IDENTIFICATION NUMBER
 - N- DENOTES NOT TO SCALE

BEARING NOTE
BEARINGS ARE UTM GRID DERIVED FROM PROPOSED POINT ESTABLISHING (PPE) STATION 04M, FREQUENCY STAKE SPIR OBSERVATIONS ON MONUMENTS 'A' AND 'B', SHOWN HEREON, HAVING A BEARING OF 108°29'20" W. AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 18 QAG 83 (COORDINATE SYSTEM).

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM
- THE SURVEY WAS COMPLETED ON JUNE 7, 2023.

August 17, 2023

SAULT STE. MARIE, ONTARIO

Aselme

D.S. URSO
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADSL PLAN SUBMISSION FORM NUMBER V-54948

Monument Urso Surveying Ltd.
Ontario Land Surveyors & Canada Land Surveyors
Planning Consultants

100 ST. CHARLES AVE. SUITE 200 SAULT STE. MARIE, ONT. L6A 4K6 TEL: (709) 374-7800 FAX: (709) 374-4444

OWNER: 050 PLAN: 14084 DATE: 2023

25

ACKNOWLEDGEMENT AND DIRECTION

Re: Electronic Registration

TO: Mark A. Lepore and all Lawyers within the firm of Spadafora Johnson Lepore LLP
and any and all of their designees

RE: MacMillan transfer to The Corporation of the Township of Tarbutt

Part of Lot 9 Concession 6 designated as Part 3 according to Plan 1R14084; Tarbutt
and Tarbutt Additional

This will confirm that:

1. The undersigned has reviewed the information contained on the draft documents attached hereto and the information set out below, and confirms that this information is accurate.
2. You are authorized and directed to sign and register electronically on behalf of the undersigned the following documents which are attached hereto:

Transfer

3. You are authorized to insert any information that may be required in the documents described in this Acknowledgement and Direction that may not be available to you at the time of execution of this Acknowledgement and Direction.
4. The effect of the electronic documents described in this Acknowledgement and Direction has been fully explained to us and we understand that we are parties to and bound by the terms and provisions of these electronic documents to the same extent as if we had signed these documents.
5. We are in fact parties named in the electronic documents described in this Acknowledgement and Direction and we have not misrepresented our identities to you.
6. In the event of any investigation by the Director of Land Registration appointed under subsection 6(1) of the *Registry Act* or subsection 9(1) of the *Land Titles Act* (the "**Director**") regarding suspected fraudulent or unlawful activity or registration in connection with the document(s) attached to this Acknowledgement and Direction, the undersigned hereby consents to you releasing to the Director a true copy of this Acknowledgement and Direction, upon request by the Director.
7. This Acknowledgement and Direction may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which shall be deemed to constitute one and the same instrument.

Dated this ____ day of _____, 20__.

**THE CORPORATION OF THE TOWNSHIP
OF TARBUTT**

Per: _____
Name: Lennox Smith
Title: Mayor

Per: _____
Name: Carol Trainor
Title: Clerk-Treasurer

We have authority to bind the Corporation.



The Township of Tarbutt
27 Barr Road South
Desbarats, Ontario P0R 1E0
Ph: 705-782-6776 Fax: 705-782-4274

6e

REPORT TO COUNCIL

Date: December 17, 2024
From: Carol Trainor, CAO/Clerk
Re: Proposed General Zoning Amendments

BACKGROUND / OVERVIEW

Under the Ontario *Planning Act*, municipalities must pass a Zoning By-law to regulate the permitted uses of land and the types and extent of activities that may occur on a property, such as building features, lot dimensions, parking requirements and setbacks from abutting properties. All properties within a municipality are classified into Zones, which have distinct uses and regulations including but not limited to shoreline residential, rural, agricultural, industrial.

The Township of Tarbutt's Zoning By-law was last approved in 1985, and there have been numerous regulatory and provincial planning policy changes since then which have not been incorporated into the Township's current zoning standards. This creates challenges for staff advising property owners seeking to meet requirements under the Zoning By-law and the 2024 Provincial Planning Statement. Zoning By-laws must also conform with the municipality's Official Plan, which sets out general policies for land use.

Some of the most challenging aspects of the 1985 by-law that staff are required to deal with are:

- lot coverage, particularly in a residential zone where parcels are smaller;
- the over development of shoreline properties, which are sensitive and must consider the high water mark and potential for flooding; and
- inability to regulate items such as location of buildings, drainage and landscaping.

Maximum Lot Coverage

By-law 10-85 defines Lot Coverage as "*the percentage of the lot area covered by all building or structures situated on the lot, calculated using the ground floor area of such buildings or structures*".

The current zoning by-law requires lot coverage of no more than 15% for residential properties, and 5% for accessory structures. This variance is confusing for residents, and in some cases it has been difficult to determine when all manner of structures, whether accessory, temporary dwellings, trailers, tarp structures, or other permanent structures exceed the maximum permissible coverage of a lot.



By making the max lot coverage one consistent number, total lot coverage will be much easier to calculate, rather than the current system which leaves to question whether they are adding 5% on top of the 15% for total lot coverage, or including the 5% in the 15%. Lot coverage is lot coverage, regardless of the structure.

Shoreline Development

Overdevelopment of shoreline properties is also becoming more prevalent. Waterfront properties understandably become gathering places for large groups, some of which require additional accommodation. The desire for bunkies, trailers, and various accessory structures has led to additional and at times excessive numbers of structures on a small waterfront parcel. Governing documents set a clear shoreline setback below which no structure may be placed, measured from the High Water Mark (HWM).

Many people commonly believe that the current water's edge, or a previously placed, man made feature is the HWM. In Lake Huron, lake levels rise and fall several feet in a cyclical pattern. In some cases, the high water mark MAY appear as a natural shoreline feature (not man made), but the Zoning By-law provides a definition as *elevation 178.3m Geodetic Survey Datum* which is confusing to many people. In the absence of a firm marker, the most reliable source to determine the HWM is by a legal survey. It has become necessary to request a survey more frequently for waterfront properties, as owners and contractors are unaware of this actual delineation. Most owners want to build as close to the water as possible, but this practice puts structures at risk of wave rush and creates a situation of liability for the owner and the municipality, if it is permitted.

Section C2.1 of the Official Plan provides authority to seek verification that all proposed development is outside of a flooding hazard. As noted, this can best be achieved with a legal survey, which will also serve the property owner well for other purposes. The Township may require a survey to verify that proposed development will be outside of the floodline and above the high water mark. A survey would not be required in all cases; only those where development is proposed to be within a 100 ft shoreline setback.

Site Plan Control

One very effective method of controlling, regulating and ensuring properties are able to comply with legal requirements is Site Plan Control, which is permitted by the Province, and is encouraged to ensure that over development does not occur, risk of flooding is reduced, and abutting properties are protected. The Property owner would enter into an agreement with the municipality agreeing to comply with certain parameters for development. This by-law has been recommended by the Township planner.

FINANCIAL IMPACT

There is no direct financial impact as a result of this report; however, staff should work with the Planner to ensure that recommended changes comply with current legislation and provincial policies. There will be some minor costs involved in advertising the proposed amendment. If all recommendations are approved, savings of staff time and



resources with these amendments would be significant, and will provide residents and contractors with a consistent, easier to understand approach to development.

SUMMARY

As stewards of the land within their jurisdiction, municipal councils have an opportunity to use the tools available to ensure that lands, shorelines, islands and waterways are developed in a sustainable and responsible way, as opposed to ways that put immense pressure on limited and vulnerable natural resources. While Site Plan Control is not required in every instance, it is a valuable tool which can help ensure that the Township has an opportunity to prevent over development in an effort to retain the rural lifestyle and clean waterfront living that Tarbutt residents enjoy.

Varying maximum lot coverage between accessory structures and dwellings is confusing, and should be amended to be one consistent number rather than two separate calculations for dwellings and multiple accessory structures.

In order to avoid situations of liability for the municipality, and the potential flooding of homes and properties, washing out of structures and obstruction of views for neighbouring properties due to development too close to the shoreline, staff strongly encourage Council's consideration of these amendments. The Planning Act requires a public meeting with legislative notice provisions.

The 1985 Zoning By-law will eventually be repealed and replaced with an updated Zoning By-law once the Official Plan has been approved by the Planning Board and participating municipalities, projected for 2025.

RECOMMENDATION:

Be it resolved that the report from the CAO/Clerk regarding proposed general amendments to the Township's Zoning By-law 85-10; and

That staff be directed to prepare the Notice of Public Meeting as required under Section 34 of the *Planning Act* to amend By-law 85-10 to revise the maximum lot coverage for dwellings and accessory structures to one consistent amount of 15%, and to include a definition of High Water Mark for all parcels abutting a waterway; and

That staff be authorized to enlist the assistance of JL Richards to prepare a Site Plan Control By-law to make provision for requirements on any parcel of land which is located within 120 m of a wetland, lake or river, including creeks and streams, and which is located within 300 m of a railway line.

Carol O. Trainor, A.M.C.T.
CAO/Clerk/Deputy Treasurer

**THE TOWNSHIP OF TARBUTT
BY-LAW NO. 2024 – 27**

A By-Law to appoint a Treasurer, and to repeal By-law 2021 – 21.

WHEREAS Section 227 of the *Municipal Act*, S.O. 2001, c. 25 as amended, states that it is the role of the officers and employees of the municipality,

- (a) to implement council’s decisions and establish administrative practices and procedures to carry out council’s decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality; and

WHEREAS Section 286 (1) of the *Municipal Act* states that a municipality shall appoint a Treasurer who is responsible for handling all of the financial affairs of the municipality on behalf of and in the manner directed by the council of the municipality, including:

- (a) Collecting money payable to the municipality and issuing receipts for those payments;
- (b) Depositing all money received on behalf of the municipality in a financial institution designated by the municipality;
- (c) Paying all debts of the municipality and other expenditures authorized by the municipality;
- (d) Maintaining accurate records and accounts of the financial affairs of the municipality;
- (e) Providing the council with such information with respect to the financial affairs of the municipality as it requires or requests;
- (f) Ensuring investments of the municipality are made in compliance with the regulations made under Section 418, if applicable; and
- (g) Complying with any requirements applicable to the Treasurer under Section 418.1.

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of The Township of Tarbutt does hereby enact the following:

1. That Jillian Hayes be hereby appointed to the position of Treasurer, effective December 9, 2024.

2. That By-law 2021 – 21, or any other By-law or Resolution of Council, or clause thereof, previously approved appointing an individual to this position be hereby repealed.
3. “May” shall be construed as permissive, and “Shall” shall be construed as imperative.
4. That this appointment take effect as of the date of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this Seventeenth day of December, 2024.

Lennox Smith, Mayor

Carol O. Trainor, Clerk

**THE TOWNSHIP OF TARBUTT
BY-LAW 2024 – 28**

A By-Law to appoint a Deputy Clerk / Planning Coordinator.

WHEREAS Sec. 228 (1) of the *Municipal Act* S.O. 2001, c. 25 as amended, states that a municipality shall appoint a Clerk whose duty it is;

- a) To record, without note or comment, all resolutions, decisions and other proceedings of the council;
- b) If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- c) To keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- d) To perform the other duties required under this Act or under any other Act; and
- e) To perform such other duties as are assigned by the municipality; and

WHEREAS Sec. 228 (2) states that a municipality may appoint Deputy Clerks who have all the powers and duties of the Clerk under this and any other Act; and

WHEREAS the Municipal Act, 2001, as amended, provides municipalities with broad authority to delegate powers and duties subject to certain restrictions;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of The Township of Tarbutt does hereby enact the following:

- 1. That Jared Brice be appointed to the position of Deputy Clerk/Planning Coordinator.
- 2. In addition to the duties required to be performed under any statute, Jared Brice shall perform such duties as may, from time to time, be assigned by the CAO/Clerk/Deputy Treasurer.
- 3. Pursuant to Section 288(4)(5) of the *Municipal Act*, 2001, Chapter 25, the Clerk may delegate in writing to any person other than a member of council, any of the Clerk’s powers and duties under this or any other Act, and that in spite of this delegation, may continue to exercise the delegated powers and duties.
- 4. That any By-law or Resolution of Council, or clause thereof, previously approved appointing any other individual to this position be hereby repealed.
- 5. That this appointment take effect as of the date of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this Seventeenth day of December, 2024.

Lennox Smith, Mayor

Carol O. Trainor, Clerk

THE CORPORATION OF THE TOWNSHIP OF TARBUTT
BY-LAW 2024 - 29

A BY-LAW authorizing the CAO/Clerk to enter into an Agreement with the Minister of the Solicitor General on behalf of the Ontario Provincial Police (OPP) for the provision of Primary Public Safety Answering Point (P-PSAP) Services for The Township of Tarbutt.

WHEREAS pursuant to Section 2 (5), Sub (3) of the *Municipal Act*, S.O. 2001, c 25, as amended, the power of the Council of the Corporation of The Township of Tarbutt shall be exercised by By-Law; and

WHEREAS Section 9 of the *Municipal Act*, 2001, as amended, grants municipalities the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

WHEREAS the Council of The Township of Tarbutt deems it desirable and expedient to pass a by-law to enter into agreement with the Minister of the Solicitor General on behalf of the Ontario Provincial Police for provision of PSAP Services as a necessary requirement of providing 9-1-1 services to the public;

NOW THEREFORE BE IT RESOLVED that the Council of The Township of Tarbutt enacts as follows:

1. That the Mayor and Clerk be authorized to sign an agreement with the Minister of the Solicitor General on behalf of the Ontario Provincial Police (OPP) for the provision of P-PSAP services.
2. That the aforementioned agreement attached hereto as Schedule "A" forms part of this By-law.
3. That any previous by-law or resolution, or any section, clause or policy which conflicts with this by-law be and is hereby repealed.
4. That the Clerk shall have the authority and direction to execute the above noted Agreement, including any renewal agreements or administrative amendments.
5. That this By-law shall come into force and take effect on the date of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed this Seventeenth day of December, 2024.

Lennie Smith, Mayor

Carol O. Trainor, Clerk

7c

Ontario
Provincial
Police

Police
provinciale
de l'Ontario



Municipal Policing Bureau
Bureau des services policiers des municipalités

777 Memorial Ave.
Orillia ON L3V 7V3

777, avenue Memorial
Orillia ON L3V 7V3

Tel: 705 329-6200
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Tél. : 705 329-6200
Télééc.: 705 330-4191

File Reference:600

The Township of Laird
3 Pumpkin Point Road
RR#4
Echo Bay ON P0S 1C0

Received
DEC - 6 2024
Tarbutt Township

By Email: Clerk@lairdtownship.ca
December 6, 2024

Dear Sir / Madam

This letter is a follow up to our August 2023 correspondence sent to advise of upcoming changes to the Primary Public Safety Answering Point (P-PSAP) service agreement with the Ontario Provincial Police (OPP) to align with the requirements of Next Generation 9-1-1 (NG9-1-1) services. The P-PSAP service is a necessary requirement of providing 9-1-1 to the public as it is the first point of contact when dialing 9-1-1; operators determine whether the caller requires police, fire or ambulance service before routing to the call to the appropriate agency. The new OPP P-PSAP agreement has been developed and is attached to this letter.

At this time, the rate for this service will remain at \$0.561 / capita / annum. Accordingly, the annual cost of the service to:

1. THE TOWNSHIP OF MACDONALD, MEREDITH & ABERDEEN ADDITIONAL
2. THE TOWNSHIP OF LAIRD
3. THE TOWNSHIP OF TARBUTT
4. THE TOWNSHIP OF JOHNSON
5. THE TOWNSHIP OF ST. JOSEPH
6. THE TOWNSHIP OF JOCELYN, THE VILLAGE OF HILTON BEACH
7. THE TOWNSHIP OF HILTON
8. THE TOWN OF BRUCE MINES
9. THE TOWNSHIP OF PLUMMER ADDITIONAL

in 2025 will be \$4,272.02 based on a residential population served of 7,615.

While we encourage you to review the new agreement in its entirety, a summary of significant updates to the agreement include:

	Previous Agreement(s)	New Agreement
Terminology	Central Emergency Reporting Bureau (CERB) Public Emergency Reporting Service (PERS)	P-PSAP NG 9-1-1
Termination	90-day notice period	180-day notice period
Term length	2 (two) & 5 (five) year, renewable by written notice	Rolling term

To proceed with services under the new agreement, the OPP will require the attached agreement to be signed by the appropriate party, be accompanied by a by-law or band council resolution, and returned to the OPP by December 1, 2024.

Agreements will be effective as of January 1, 2025 and changes to billing based on population updates will be reflected in the annual billing issued in January 2025.

I have attached a P-PSAP information package for your reference. Please notify us at the soonest opportunity if you have any questions, or if you wish to discontinue the P-PASP service from the OPP. Note that the OPP is one of multiple providers of P-PSAP service to choose from, and that a P-PSAP service must be in place for members of your community to continue to be able to access 9-1-1. If you have any questions regarding the service, changes to the agreement, or billing please contact ppsap@opp.ca.

Kind Regards,



Superintendent Steve Ridout
Commander, Municipal Policing Bureau

Attachments P-PSAP Agreement
P-PSAP Information Package

**AGREEMENT FOR THE PROVISION OF PRIMARY PSAP SERVICES
EFFECTIVE AS OF JANUARY 1, 2025**

BETWEEN:

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the
MINISTER OF THE SOLICITOR GENERAL
on behalf of the ONTARIO PROVINCIAL POLICE**

("OPP")

OF THE FIRST PART

AND:

**THE CORPORATIONS OF THE TOWNSHIP OF MACDONALD, MEREDITH & ABERDEEN
ADDITIONAL, THE TOWNSHIP OF LAIRD, THE TOWNSHIP OF TARBUTT, THE TOWNSHIP
OF JOHNSON, THE TOWNSHIP OF ST. JOSEPH, THE TOWNSHIP OF JOCELYN, THE
VILLAGE OF HILTON BEACH, THE TOWNSHIP OF HILTON, THE TOWN OF BRUCE
MINES, AND THE TOWNSHIP OF PLUMMER ADDITIONAL**

(the "9-1-1 Authority")

OF THE SECOND PART

**THE TOWNSHIP OF TARBUTT
COUNCIL MEETING OF DECEMBER 17, 2024
CONSENT AGENDA**

- a. Resolution from King Township
Re: Distribution of Provincial Land Transfer Tax and GST 1 - 2
- b. Resolutions from the Township of Terrace Bay
Re: Ambulance Shortages and Healthcare System Issues 3 - 6
Letter of support for Billy Bishop Airport
- c. Letter from the Ministry of Municipal Affairs and Housing 7 - 8
Re: Planning Act changes to remove municipal zoning by-law barriers to ARU's
- d. Letter from the Township of Johnson 9
Re: Request for recreation funding for 2024
- e. Announcement from Algoma Power Inc. 10
Re: Line Clearing and Brush Control
- f. Letter from Algoma Public Health 11
Re: 9% Increase to the 2025 municipal levy
- g. Article from CBC Sudbury 12 - 17
Re: Horse and Buggy Travel and recent tragedies
(copied with the permission of CBC)
- h. Central Algoma Freshwater Coalition 18 - 24
Re: Winter 2025 Newsletter
- i. Letter from the Ministry of Municipal Affairs 25 - 26
Re: Proposed Municipal Accountability Act, 2024 introduced

Recommendation: Be it resolved that correspondence items a through i on the consent agenda dated December 17, 2024 be received; and
 That The Township of Tarbutt supports the resolution from the Township of King requesting the provincial and federal governments to redistribute revenue from Land Transfer Tax and GST collected on property transactions with municipalities, to provide a sustainable source of infrastructure funding; and
 That The Township of Tarbutt supports the resolutions from the Township of Terrace Bay asking the Ontario Minister of Health to address funding shortfalls and structural challenges in the delivery of Emergency Medical Services in Northern communities; and the resolution seeking urgent action to commence a process to conclude by the end of 2025 to modernize the current Tripartite Agreement and secure the future of Billy Bishop Airport, a critical access point for Northern communities; and
 That the letter from The Township of Johnson requesting a donation for 2024 recreation programming be approved in the amount of \$3,000.