



February 2, 2015

MINUTES OF PLANNING BOARD MEETING - January 27, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on January 27, 2015, the following Members of Planning Board were present:

- |    |            |     |              |
|----|------------|-----|--------------|
| 1. | D. Osborne | 6.  | B. St. Denis |
| 2. | M. Peters  | 7.  | L. Hayden    |
| 3. | P. Moffatt | 8.  | E. Russell   |
| 4. | A. H. Hunt | 9.  | L. Addison   |
| 5. | K. Noland  | 10. | D. Head      |

Regrets: R. Stephens

Also in attendance was:

T. Sasvari, reporter, Manitoulin West Recorder;  
Bridget Schulte-Hostedde, MCIP, RPP, Manager, Community Planning and Development, Municipal Services Office- North. Ministry of Municipal Affairs and Housing; and  
Kasper Koblauch, Planner(A), Municipal Services Office - North, Ministry of Municipal Affairs and Housing

There were no other interested parties or members of the general public or press in attendance.

The Meeting was called to Order at 7:30 P.M., by Chair K. Noland, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of October 28, 2014. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested that the agenda as circulated be amended by adding:

- |    |     |   |
|----|-----|---|
| 5. | ii) | Request for Change of Conditions - File B33-13; |
| 6. | a)  | iii) Next Regular Board Meeting and Time;       |
|    |     | iv) Official Plan Amendment No. 91 - McLay; and |
|    | b)  | ii) Plotter Maintenance Contract                |

MOTION

It was moved by P. Moffatt and seconded by L. Hayden that the Order of Business be adopted as amended. - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - October 28, 2014

The Chair announced that the Minutes of the Board Meeting held October 28, 2014 had been circulated to all Board Members and requested that any errors or omissions be stated.

The Notice of Meeting listed the following corrections to the Minutes:

Under Item 4 - Application for Plan of Subdivision - File No. SUB2014-02, the applicant Mr. Van Wagner has requested the following corrections to the Minutes.

- Page 5, last bullet of the page, should be revised from 'a second lagoon was installed to prevent any possibility' to 'we supplied plans for a second lagoon which have been approved by Sudbury MOE and not installed as we decided to not run the lodge and to subdivide if possible'.

- Page 6, Bullet 13 - correct 38 acres to read 138 acres;

- Page 6, delete first bullet, replace with 'the liquor license has not been renewed due to a change in liquor laws since 2009'.

- Page 6, second last paragraph, 'deposit for 16 parking and dock slips' should read 'deposit for 22 parking and dock slips'

2. MINUTES OF PREVIOUS BOARD MEETING - October 28, 2014 - Continued

The Secretary-Treasurer advised that she was in agreement and recommended these corrections as requested.

There being no other errors or omissions, a motion was moved by P. Moffatt and seconded by Brent St. Denis that the Minutes be adopted as circulated and corrected. - Carried -

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- October 28, 2014

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by A. H. Hunt and seconded by L. Addison that the variable expenditures be accepted as presented. - Carried.

4. OFFICIAL PLAN REVIEW

- Deer Yards

The Secretary-Treasurer advised that following consultation with the Ministry of Natural Resources that there was agreement to modify some deer yard boundaries in proximity to the Hamlets of Kagawong and South Baymouth where they encroached on existing developments.

- Right-of-way/Private Road Policies

The Chair invited Bridget Schulte-Hostedde, MCIP, RPP, Manager, Community Planning and Development, and Kasper Koblauch, Planner(A), Municipal Services Office - North, Ministry of Municipal Affairs and Housing (MMAH) to speak to the Board about these policies.

Following the general discussion about these policies between the Board Members and the MMAH staff, it was generally agreed that the Board do not support the restrictions on development by right-of-way/private roads and MMAH will revisit their policy direction.

5. i) PRESENTATION OF APPLICATION FOR CONSENT

The Chair announced that the application for consent to sever would now be heard.

Note: For the sake of continuity the details and decisions of the presentations will be so recorded in the usual fashion toward the end of the Minutes.

ii) Request for Change of Conditions

Application No.:	B33-13
Provisional Consent Given:	January 28, 2014
Notice of Provisional Consent Given:	January 30, 2014
Owner:	Richard Piche
Location of Property:	Pt. Lot 9, Conc. IV Township of Campbell Municipality of Central Manitoulin

The Board were advised that a request for change of conditions along with the required fee had been received from Terence Land, Solicitor for the applicant.

Mr. Land has advised that the deed which forms the basis of the Piche title is T198. The description is quite poor and has now been surveyed as reference plan 31R-3987. This deed provides a right of way which was registered in the Registry System and which is now likely described as Part of Part 6, Plan 31R-1978 as illustrated on Plan 31R-3987.

Unfortunately, because the right of way was over 40 years old and no Notice of Claim was filed under the terms of the Registry Act to have it continued, it was not carried forward under the Land Titles PIN.

Therefore, since legal access is required to create the proposed new lot, Mr. Land has requested that the condition require legal access over what is known as Fred's Camp Road, or alternatively, access to be constructed along a right of way along the west limit of the severed portion to the south limit of the retained land.

Therefore, it is requested that the following conditions:

- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents or deeds shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s), the right-of-way, and the hydro easement, to which the consent approval relates;
- ii) confirmation satisfactory to Planning Board, that the access, over Fred's Camp Road, has been constructed to a standard for travel by emergency vehicles, to the maintained township road, satisfactory to the municipality;

are hereby deleted and replaced with:

- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) and easements for access, given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents or deeds shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s), the right-of-way for access, and the hydro easement, to which the consent approval relates;
- ii) confirmation satisfactory to Planning Board, that the access over Fred's Camp Road or alternatively to be constructed along a right of way along the west limit of the severed portion to the south limit of the retained land having a minimum width of 20 metres and constructed to a standard for travel by emergency vehicles to the maintained township road, satisfactory to the municipality;

#### MOTION

It was moved by A. H. Hunt and seconded by P. Moffatt that the conditions for Application for Consent File No. B33-13 be revised as presented and that this change be considered major. - Carried

- 6. General, Regular and New Business
  - a) General Up-date by Secretary-Treasurer
    - i) Workplace Safety Insurance Board (WSIB)

The Board were informed that there is a substantial increase to the rate for the WSIB premiums for 2015. The rate will be increased from \$2.13/100 to \$2.74/hundred which would amount to an increase of approximately \$860.00 for 2015.

Planning Board is currently rated under Rate Group 845, General Municipal/Regional Operations and a letter was sent on December 17, 2014 to the WSIB requesting a review of that rate and consideration that Planning Board is in the wrong classification. A reply was received stating that in their opinion we are in the correct classification but a right to appeal this decision has been granted. The Secretary-Treasurer will appeal this decision.

School Boards for example pay a premium of .81/100 which, if the Board were to receive a similar rate would see a savings of +\$2,000.00.

- ii) Boundary Line Surveys

Further to the presentation made by Gord Keatley during the September 2014 Board Meeting regarding Boundary Line Surveys, the Secretary-Treasurer provided an example of an application proposed and requested direction on what the decision of the Board would be in the case of boundary line surveys. Discussion resulted in the following motion:

#### MOTION

It was moved by L. Hayden and seconded by D. Head that all property severances will require a description based on either a boundary line survey or a complete registered plan of survey. -Carried.

6. General, Regular and New Business
  - a) General Up-date by Secretary-Treasurer - Continued
    - iii) Next Regular Board Meeting and Time

The Board were advised that, at this time, it appeared there may not be enough business to require a Board Meeting in February. The cost of a full Board Meeting is approximately \$1,300.00, therefore, consultation with the Chair will be had to determine the need for a February Meeting at a later date.

The Board were also requested to consider changing the start time for Board Meetings from 7:30 pm to 7:00 pm. Discussion of this resulted in the following Motion:

#### MOTION

It was moved by P. Moffatt and seconded by E. Russell that the start time for the regular Board Meetings be changed from 7:30 pm to 7:00 pm. - Carried.

It is noted that the Procedural By-law, Section IV 2, will need to be amended but this new time will be given a trial time period.

- iv) Official Plan Amendment No. 91  
- Appeal to the Ontario Municipal Board

The Secretary-Treasurer advised that Rick Hunter, Planner, on behalf of Doug McLay, had provided a copy of the Minutes of Settlement executed between Davis and McLay and the Ministry of Municipal Affairs and Housing.

Mr. Hunter within his email advised that the Ministry is going to be in contact with the Lake Manitou Association to advise them of the settlement, and they will be working with the Ministry to bring the matter before the Board for a decision at an early opportunity.

The minutes of settlement contemplate development on the property, with a six lot "pilot project" to cover the first six lots in the proposed subdivision, re-alignment of the two existing lots of record as two shoreline lots (by consent), and a future phase (contingent on the successful outcome of the pilot project) for the balance of the property. The minutes of settlement provide details on how matters may proceed, once the Board approves the settlement. There are also requirements for zoning provisions to regulate the phasing of the development.

- b) Preliminary Budget Review

The Board Members were provided with a brief review and advised that the Budget for 2014 appears to be a balanced budget without the transfer from reserves. It is anticipated that the books will be delivered to the Auditor early in February and following completion of the audit the 2015 Budget will be ready for consideration during the March Board Meeting.

Prior to the 2015 Budget being finalized the Secretary-Treasurer presented the following items for consideration.

- i) ESRI Canada - ArcGIS Maintenance Contract

It was explained to the Board that this contract had been part of our original purchase of the ArcGIS software in January 2011, which included the maintenance contract to the end of 2014. Staff member Jake Diebolt, GIS Technician, was in attendance to explain the benefits of maintaining the contract with ESRI Canada. This software maintenance contract provides access to the latest ESRI technology and support, which ensures the highest levels of productivity, and all upgrades can be conveniently downloaded from ESRI. The cost of this contract is \$3,780.00 plus tax.

#### MOTION

It was moved by B. St. Denis and seconded by P. Moffatt that the ESRI Canada Maintenance contract be purchased for the year 2015. - Carried.

- ii) Plotter Maintenance Contract

The Secretary-Treasurer also requested the Board to approve the maintenance contract for the plotter DesignJet T770.

#### MOTION

It was moved by P. Moffatt and seconded by B. St. Denis the maintenance contract for the plotter be renewed for 2015. - Carried.

## 7. ELECTION OF OFFICERS FOR 2015

The Chair, K. Noland, announced that the election of Chair and Vice Chair for the year 2015, as required annually by Sec. 11(2) of the Planning Act and Sec. XII(2) of the Procedural By-law, will be held.

Following his announcement, Mr. Noland vacated the Chair and requested the Secretary-Treasurer to conduct the elections at hand.

The Secretary-Treasurer, for information, advised the Board Members that Procedural By-law, Sec. III(4), states the maximum term to be served by any Chair is to be four consecutive years, which makes all Board Members eligible to be nominated.

The Secretary-Treasurer then called for nominations for Chair for 2015.

D. Osborne nominated K. Noland and this was duly seconded by A. H. Hunt.

A call for further nominations was met with no response.

B. St. Denis moved that nominations be closed.

K. Noland accepted the nomination and was therefore acclaimed as Chair for 2015.

The Secretary-Treasurer advised the current Vice Chair is A. H. Hunt and then called for nominations for Vice Chair for 2015.

D. Head nominated A. H. Hunt and this was duly seconded by D. Osborne.

A call for further nominations for Vice Chair was made by the Secretary-Treasurer. There was no response to this request.

B. St. Denis moved that nominations be closed.

A. H. Hunt accepted the nomination and was therefore acclaimed.

With the completion of the election of officers for 2015, K. Noland assumed the Chair and continued with the agenda.

## COMMITTEE APPOINTMENTS

The Secretary-Treasurer, with permission from the Chair, proceeded with the Committee Appointments with the first committee to be appointed to be the Executive Committee.

### i) Executive Committee

The Executive Committee in accordance with the Procedural By-law, Sec. XII(10) states the Executive Committee shall consist of the Past Chair, the Chair and the Vice Chair. It was noted that the immediate Past Chair is no longer a member of Planning Board and in 2014 the Executive Committee consisted of G. Brown, Past Chair, K. Noland, Chair and A. H. Hunt, Vice Chair.

## MOTION

It was moved by P. Moffatt and seconded by L. Addison that E. Russell take the position of the Past Chair. - Carried.

Therefore, as a result of the foregoing Motion and Election of Officers for 2015 the Executive Committee will consist of E. Russell, in the capacity of Past Chair, K. Noland, Chair and A. H. Hunt, Vice Chair for 2015.

### ii) Budget Committee

The Board were advised that the Budget Committee since 2010 had been P. Skippen, G. Brown, K. Noland and A. H. Hunt, with P. Skippen being replaced by B. Wood in 2014. They were also advised that it had been a trend of the Board to appoint the Member representing the largest Municipality, i.e. the Town of Northeastern Manitoulin and the Islands, to this Committee.

## MOTION

It was moved by P. Moffatt and seconded by E. Russell that the Budget Committee consist of M. Peters, R. Stephens, A. H. Hunt and K. Noland. - Carried.

7. ELECTION OF OFFICERS FOR 2015  
- COMMITTEE APPOINTMENTS - Continued

iii) Signing Authorities

The current signing authorities, appointed in 2014, are any two of K. Noland, Chair, D. Osborne, Board Member, L. Hayden, Board Member and E. Carter, Secretary-Treasurer.

MOTION

It was moved by L. Addison and seconded by B. St. Denis that the signing authorities for 2015 will be any two of K. Noland, Chair, D. Osborne, Board Member, L. Hayden, Board Member and E. Carter, Secretary-Treasurer. - Carried.

iv) Official Plan Steering Committee

The Official Plan Steering Committee, as appointed in 2014, consists of B. St. Denis, G. Brown, B. Wood, A. H. Hunt, B. Ham, K. Noland and L. Addison. - Carried.

The Secretary-Treasurer recommended the Board consider that in consideration of the status of the draft Official Plan that this Committee consist of the full Board as a whole.

It was the general consensus that a Steering Committee for the Official Plan would not be appointed.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

The Chair announced that the purpose of this phase of the meeting is:

- (a) to consider a applications for consent under Section 52 of the Planning Act,
- (b) to make decision in regard to the applications scheduled to be heard, and, explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting. There were no conflicts declared.

Following is the application for Consent considered at this meeting.

	<u>Moved By</u>	<u>Seconded By</u>
1. B01-15 W. & J. Campbell	D. Head	D. Osborne
	that this application be conditionally approved, subject to all conditions being fulfilled as stated in the Decision. - Carried.	

Application File No.: B01-15 No. of Members Present: 10

Date of Decision: January 27, 2015

Location of Property: Part Lots 8 and 9, East Range, Part 4, Plan 31R-3482, Township of Gordon, Municipality of Gordon/Barrie Island, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Willis and Jane Campbell is to provide for the creation of a new lot, having a frontage of  $\pm 218$  M. on Hwy No. 542 and an average depth of  $\pm 109$  M., thereby containing an area of  $\pm 3.0$  Hec., together with an easement over Part 3, Plan 31R-3482 to use and maintain a municipal water line. The applicant's dwelling and accessory shed are located on this land.

The land to be retained has a frontage of  $\pm 198$  M. on Hwy No. 542 and an average depth of  $\pm 551$  M., thereby containing an area of  $\pm 18.5$  Hec. There is a sugar shack and a sugar bush area within this land which, according to the application, has been used to make maple syrup for over 50 years.

Both the severed and retained lands have existing separate entrances from Hwy No. 542.

There have been two (2) previous applications for consent.

File No. B84-05 provided for the creation of a new lot surveyed as Part 1, Plan 31R-3446; and

File No. B17-06 provided for the creation of a new lot surveyed as Parts 1 to 3, Plan 31R-3482 subject to easements over Parts 2 and 3, Plan 31R-3482.

There has also been one lot created by the Ministry of Housing, File No. 04-51C-79-093, surveyed as Part 3, Plan 31R-179. All other development was done prior to subdivision control.

Paul Marleau, Corridor Management Planner, Ministry of Transportation, advised by e-mail on December 22, 2014, as follows:

*'This is in response to your December 11, 2014 circulation.*

*I have reviewed the information provided and would advise that the MTO has no concerns.*

*Since the subject property has frontage along Highway 542, I would ask that the following be noted in your Decision.*

#### **REQUESTED NOTES**

- *A Ministry of Transportation of Ontario (MTO) building/land use permit for any proposed buildings, septic systems, wells etc. located within 46m of the MTO right-of-way (ROW) limits or within a 183 metre radius of intersections. New buildings, septic systems etc. must be setback a minimum of 8 metres from the limits of the MTO ROW. New wells must be setback a minimum of 30 metres from the limits of the MTO ROW.*
- *An MTO Entrance permit will be required prior to the construction of any new entrances or to reflect any changes in land ownership.*

*Further information with respect to MTO permit and setback requirements can be obtained by contacting Ms. Lise Taylor at our Sudbury Area office at (705) 564-7707 (Toll free: 1-800-222-1047 ext 7707).*

*Should you wish to discuss the contents of this letter, please call.'*

Services for the severed land consists of municipal water and private individual septic system. Private services are proposed for the retained land.

The subject land has been designated Rural District as amended by Official Plan Amendment No. 85 and zoned Rural (R) by By-law Amendment No. 2002-19. The existing uses are proposed to continue.

There is an unevaluated wetland identified on the retained land. It appears there would be a building envelope on the retained land that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2014.

This proposal is considered to be in conformity with the Provincial Policy Statement 2014.

This application was circulated on January 06, 2015 to the Municipality of Gordon/Barrie Island and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Application File No. B01-15 - Continued  
January 27, 2015

The Municipality have no concerns and by Resolution No. 2015-009 advised as follows:

*' THEREFORE BE IT RESOLVED THAT after review of application, Council has no problem with application for consent to sever from W & J Campbell. Manitoulin Planning Board will be notified that the Municipality will receive 5% cash in lieu as per By-law No. 2009-06.'*

The Municipality of Gordon/Barrie Island by By-law No. 2009-06 provides for the Municipality to have land set aside or cash in lieu of conveyance applications which are beyond two (2) severances on any lot of record.

There is a licensed aggregate resource property and a sewage lagoon, located within Lot 7, East Range, to the south west of the proposed retained land. The land being severed is beyond 500 M., and there is a building envelope on the retained land that would have a setback of +500 M.

There is a closed landfill site located within Lot 8, East Range. This landfill site has been closed since 1998 and is being monitored on a regular basis in accordance with the Ministry of the Environment (MOE) guidelines. A report prepared by M.K. Ince & Associates Ltd., in 2005, for Consent File No. B84-05, and annual ground water monitoring between 1999 and 2006, has determined a southerly groundwater flow; thus the landfill leachate will not impact the quality of the groundwater at the subject property. The proposed severed lot is serviced by municipal water and is located at a greater distance than the lots created by File No's. B17-06 and B84-05. There is no land use change proposed for the retained land. Should a more sensitive use be proposed for this land the Municipality should be satisfied there is conformity to MOE guidelines.

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres.

There was no one in attendance who wished to speak in support or opposition to the application.

**Consent is tentatively granted subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) and easement given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) and easement, to which the consent approval relates;
- ii) written verification from the Municipality advising that the lot levy as per By-law No. 2009-06 has been received or that the Municipality has deemed the levy to not be applicable;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

**Note:** Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

**Note:** Further development by Consent may not be considered.

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The time now being 9:53 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by P. Moffatt.