



May 5, 2015

MINUTES OF PLANNING BOARD MEETING - April 28, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on April 28, 2015, the following Members of Planning Board were present:

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|----|-------------|-----|--------------|
| 1. | D. Osborne | 7. | B. St. Denis |
| 2. | M. Peters | 8. | L. Hayden |
| 3. | P. Moffatt | 9. | E. Russell |
| 4. | A. H. Hunt | 10. | L. Addison |
| 5. | K. Noland | 11. | D. Head |
| 6. | R. Stephens | | |

Also in attendance was:

T. Sasvari, reporter, Manitoulin West Recorder;
R. Gore, applicant, on behalf of Application for Consent File No. B13-15; and
G. Keatley, O.L.S, agent, on behalf of Application for Consent File No. 13-15.

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

The Meeting was called to Order at 7:01 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 March 24, 2015. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested that the agenda as circulated be adopted.

MOTION

It was moved by E. Russell and seconded by P. Moffatt that the Order of Business be adopted as circulated. - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - March 24, 2015

The Chair announced that the Minutes of the Board Meeting held March 24, 2015 had been circulated to all Board Members and requested that any errors or omissions be stated.

There being no errors or omissions, a motion was moved by A. H. Hunt and seconded by R. Stephens that the Minutes be adopted as circulated. - Carried -

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- March 24, 2015

i) Official Plan Amendment No. 91

The Secretary-Treasurer advised that the Ontario Municipal Board (OMB) held a settlement teleconference for case PL111287, an appeal in respect of Official Plan Amendment No. 91 on April 2, 2015.

The OMB gave an oral decision allowing the appeal and approving a draft revised OPA 91, subject to minor changes that arose from last-minute settlement discussions.

Therefore, Mr. McLay, the applicant, will now be proceeding with his development within provisions of the approved Official Plan Amendment.

ii) Planning Act Section 14(2)

During the March 24, 2015 Board Meeting, the Secretary-Treasurer advised she would request an interpretation of Planning Act Sec. 14(2) – which permits a Municipality to prepare their own Official Plan.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- March 24, 2015

ii) Planning Act Section 14(2) - Continued

Bridget Schulte-Hostedde, Manager, Community Planning and Development Municipal Services Office, Ministry of Municipal Affairs and Housing has advised that discussions in their offices conclude that any Municipality can prepare their own Official Plan. She also advised they could not find a precedent where a Municipality currently covered by a joint Official Plan have ever requested to have their own Official Plan.

The understanding is that a Municipality can prepare their own Official Plan and that it will require approval by the Minister. I suggested that it would seem unfair and costly for a Municipality to prepare their own Official Plan without some direction from the Minister if it is going to be supported.

Ms. Schulte-Hostedde was also advised that the Board would like to work with the Municipality in determining what changes would be required to the current draft Official Plan to fulfill their requirements.

There was no other business arising from the Minutes.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by L. Hayden and seconded by B. St. Denis that the variable expenditures be accepted as presented. - Carried.

4. PRESENTATION OF APPLICATION FOR CONSENT

The Chair announced that the applications 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.

5. GENERAL, REGULAR AND NEW BUSINESS

a) General Up-date by Secretary-Treasurer

i) Annual Deer Management Meeting - April 29, 2015

Following a brief discussion regarding the Annual Deer Management Meeting, it was the general consensus that L. Addison would continue to represent the Manitoulin Planning Board at this meeting.

ii) Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
- Draft Guidelines - Permitted Uses on Prime Agricultural Land

The Secretary-Treasurer advised the Board that OMAFRA have issued a draft 'Guideline on Permitted Uses in Ontario's Prime Agricultural Areas' which they are accepting comments on until May 13, 2015. The office staff have all participated in a WebEx on this guideline.

The draft guideline is available on the OMAFRA web site.

www.omafra.gov.on.ca/english/landuse/permitteduses.pdf

iii) Bill 73 - Smart Growth for our Communities Act, 2015

Bill 73, which is proposed to amend the Planning Act and the Development Charges Act, received first reading before the Legislative Assembly on March 5, 2015.

There are many changes to the Planning Act proposed, such as:

- Extending official plan reviews from five to ten years.
- Prohibit anyone other than the municipality itself, from amending official plans within the first two years.

5. GENERAL, REGULAR AND NEW BUSINESS
a) General Up-date by Secretary-Treasurer

iii) Bill 73 - Smart Growth for our Communities Act, 2015 - Continued

- Give the province the authority to clarify minor variances.
- Limit what decisions can be appealed to the OMB, and introduce a 90 day "pause" before decisions can be appealed.

There will be further discussions and consultation as Bill 73 moves forward.

The Board Members will be provided with a summary of the proposed changes to the Planning Act.

iv) Interim Requisitions

The Secretary-Treasurer reported that all Interim Requisitions, save one, have been received. The final requisitions will be sent out once the Financial Statements have been adopted.

b) Official Plan Review

- Right-of-way/Private Road Policies

The Board were advised that a copy of the 'Analysis of Lot Creation on Private Roads for 2009 to 2014' prepared by Jake Diebolt had been forwarded to the Ministry of Municipal Affairs and Housing (MMAH). The MMAH have advised that this documentation was very helpful and they are in the process of revising the draft policy for private roads.

6. PRESENTATION OF FINANCIAL STATEMENTS FOR 2014
AS PREPARED BY FREELANDT CALDWELL REILLY

The Financial Statements of the Manitoulin Planning Board for the year ended December 31, 2014, as prepared by Freelandt Caldwell Reilly, were circulated to all Board Members with the Notice of Meeting.

The Secretary-Treasurer briefly reviewed the remarks from the auditor as contained in a letter dated March 24, 2015. A copy of this letter will be provided to the Board Members.

There was some discussion regarding the amount of reserves held by the Board and it was generally agreed that once the Official Plan is completed that consideration be given to the amount of reserves required by the Planning Board.

All questions and resulting discussion having been dealt with, a request from the Chair for the adoption of the Financial Statement was made, which resulted in the following Motion:

MOTION

It was moved by A. H. Hunt and seconded by R. Stephens that the Manitoulin Planning Board accept, approve and adopt the Financial Statements for 2014 as prepared by the auditors. - Carried.

7. REQUEST FOR WEIGHTED VOTE

During the Board Meeting held on March 24, 2015 the following motion was made and a request for a weighted vote was made by M. Peters.

MOTION

It was moved by M. Peters and seconded by P. Moffatt that the Board provide for weighted voting based on the requisition amounts received from Municipalities.

The request for the weighted vote did not receive a majority vote, as required by Sec. VIII, 14 (b) of the Procedural By-law, therefore the motion was deferred to the April Board Meeting for a weighted vote.

The Chair provided each Board Member an opportunity to speak to the motion. Following discussion and input from each Board Member the Chair called for a weighted vote, in accordance with the Procedural By-law, as amended by By-law 2014-03, on the following motion:

7. REQUEST FOR WEIGHTED VOTE - Continued

MOTION

It was moved by M. Peters and seconded by P. Moffatt that the Board provide for weighted voting based on the requisition amounts received from Municipalities.

	<u>In Favour</u>	<u>Opposed</u>
1. D. Osborne		1
2. M. Peters	3	
3. P. Moffatt		1
4. A. H. Hunt		1
5. K. Noland		2
6. R. Stephens		3
7. B. St. Denis		1
8. L. Hayden		2
9. E. Russell	1	
10. L. Addison		1
11. D. Head		1

Motion Defeated.

8. IN CAMERA - MINUTES OF IN CAMERA SESSION HELD MARCH 24, 2015

The Chair requested the Board go In Camera to review the Minutes of the In Camera session held during the Board Meeting of March 24, 2015.

MOTION

It was moved by D. Osborne and seconded by B. St. Denis that the Board go In Camera at 8:57 p.m. to review Minutes of In Camera Session held on March 24, 2015 - Carried.

MOTION

It was moved by P. Moffatt and seconded by R. Stephens that the Board rise from the In Camera session at 9:02 p.m. - Carried.

MOTION

It was moved by E. Russell and seconded by D. Osborne that the Minutes of the In Camera Session held on March 24, 2015 be adopted as circulated. - Carried.

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. B13-15 R. J. Gore	P. Moffatt	R. Stephens
2. B15-15 Davis and McLay Dev. Ltd.	M. Peters	B. St. Denis
3. B16-15 & B17-15 Davis and McLay Dev. Ltd.	M. Peters	P. Moffatt
4. B18-15 S. Blair	P. Moffatt	R. Stephens

That this application be deferred for reasons stated within the Decision. - Carried.

It was moved and seconded that the above applications be conditionally approved, subject to all conditions being fulfilled as stated in the Decisions. - Carried.

The above motion applies to all applications except File No. B18-15.

Application File No.: B13-15 **No. of Members Present:** 11
Date of Decision: [March 24, 2015 - Deferred] April 28, 2015
Location of Property: Part Lot 11, Conc. XI, (#37 South Oakcliff Drive), Township of Sandfield, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Reginald Joseph Gore is to provide for an easement for parking purposes located along the west boundary, having a width of 9.5 M. and an average length of ± 80 M., thereby containing an area of ± 745 Sq. M., in favour of Klock's Island. According to the application, Mr. Gore also owns Klock's Island which he proposes to offer for sale together with the easement.

The land to be retained, has frontages of ± 50.3 M. on Lake Manitou and ± 51.8 M. on South Oakcliff Drive, a maintained municipal road, and an average depth of ± 186 M., thereby containing an area of ± 0.43 Hec. The applicant's cottage and three accessory structures are located on this land.

Access is from South Oakcliff Drive, a maintained municipal road.

Services consist of private well and private individual septic system. Their locations are unknown. No new services are required as a result of this easement for parking purposes.

The subject land has been designated Shoreline Development District and zoned Shoreline Residential (SR). Seasonal residential uses are proposed to continue.

The following e-mail was received from Eric Cobb, District Planner, Ministry of Natural Resources and Forestry (MNR):

'From the information provided, it looks like the applicant just wants to retain legitimate access to an existing parking area and dock in order to keep a means of reaching Klock's Island in the event they sell off the retained property (PIN47127-0134). As long as the easement is not a prelude to an activity that could impact fish habitat or the environmental capacity of lake manitou, Policies 2.1.6 and 2.1.8 (re: fish habitat and adjacent lands), and 2.2.1.g (environmental lake capacity) do not apply. Consideration should be given to the future owners of the retained land though. The applicant should clarify if the new owners will still have means to access lake manitou or if they need to construct their own dock, slip, boathouse, etc. In the latter situation, the 2014 PPS policies may apply.'

As the easement is across a municipal shoreline road allowance and there is no Crown land involved, MNR policy regarding the disposition of Crown land on lake trout lakes is not applicable.'

A copy of this email was forwarded to Gordon Keatley, agent for the application.

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

From information available the subject proposal does not appear to have any effect on natural heritage features or species at risk (SAR).

This application was circulated on March 09, 2015 to the Municipality of Central Manitoulin, 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.

A letter was received on March 17, 2015, from Pauline and Leeland Pinkos, owners of abutting property to the west, surveyed as Part 1, Plan 31R-993 and Part 1, Plan 31R-1092 as follows:

'Further to your correspondence dated March 09, 2015, please be advised that we oppose this proposal; for the following reasons:

- 1. This is a very quiet area; for the most part only local traffic, and we are concerned that having an easement to give parking access may attract unwanted visitors.'*
- 2. The land where they want to go with the easement has a very low lying area about 30 to 40 feet from the municipal roadway; and we are concerned if they fill this area, the water will pool on our side, which we do not want. Drainage on that side of our property is already a concern for us; and we do not want this decision to create a further problem.*
- 3. There is a public boat launch at the end of Johnston Road that can be used for this purpose; thus eliminating the extra traffic on private property*
- 4. There is an existing drive-way on the south side of the property that if, suitable to the owners would be more practical and aesthetically acceptable to all concerned.'*

Application File No.: B13-15 - continued
March 24, 2015

Letter received on March 17, 2015, from Pauline and Leeland Pinkos - Continued

'Kindly accept this letter as our request to be notified of the Decision of Planning Board. We wish to thank you in advance for your time and consideration regarding these concerns and look forward to hearing from you soon.'

This letter was forwarded to Mr. Keatley on March 17th, 2015.

A telephone call was received on March 20th, 2015 from Dennis H. Asher, Lawyer for Lonnie and Anne Gore, confirmed by the following letter by email:

'Further to the writer's telephone conversation with your office of this morning, the writer confirms he acts on behalf of Lonnie Gore and Ann Gore, the purchasers in possession of the subject property, pursuant to a Purchase and Sale Agreement.'

The writer is enclosing a copy of the Notice registered on title to the property which contains the above referenced purchase agreement.

My clients take the position that the Applicant, Reginald Joseph Gore has no right to proceed with the subject severance application in the face of their interest in the property.

An examination of the purchase agreement reflects that any easement/rights which the applicant may have in the property are with respect to a parcel located on the opposite side of the subject property.

A copy of this email and enclosure are being forwarded to Mr. Trevor Hinnegan, solicitor for Reginald Joseph Gore.

The writer has requested the applicant, through Mr. Hinnegan, to postpone the hearing to a future date.

The writer trusts that a copy of any decision of the committee will be forwarded to his office. Thank you for your co-operation herein.'

This letter was accompanied by a Notice, registered on title March 20th, 2015 and a handwritten Agreement of Purchase and Sale, dated 2001.

Mr. Keatley was forwarded this letter on March 23rd, 2015.

The Municipality of Central Manitoulin advised they have no concerns. The Clerk for the Municipality of Central Manitoulin, also advised by email on March 19th, 2015 that:

'The Municipality does not have a designated public boat launch at the end of Johnston Road. It is at the end of a road allowance (open to the public as a road) and the public can put a boat in there if they like, but I haven't been down there for years and I don't know if the shoreline is suitable for that.'

Gordon Keatley, agent for the application, provided the following three letters on March 24th, 2015:

1) Letter to Trevor Hinnegan, solicitor, from Dennis Asher, solicitor, dated March 20th, 2015:

'Further to our telephone conversation of this date, as discussed, the writer has forwarded a copy of the objection filed with respect to the proposed severance, to your office for discussion with your client. The writer repeats his request that your client postpone the hearing to a later date.'

With respect to the September 25, 2014 "settlement proposal" the writer wishes to advise without prejudice to my clients rights herein and solely for the purpose of a settlement discussion of the issues outstanding in this matter as follows.

As my clients have been advised by Mrs. Linda Gore, the daughter-in-law of your client, that any further funds to be paid in accordance with the terms of the Agreement of Purchase and Sale are to be paid to her.'

'Apparently, Mrs. Gore funded a significant amount of the original acquisition of the property and she was to receive her funds out of the proceeds being paid by my clients.'

Accordingly, the completion of the payments and registration of the title to my clients will be subject to an agreement and directions from both your client and Mrs. Gore. You no doubt realize, that should those individuals not agree as to the payee of the funds, that my clients will be required to proceed with an interpleader application to complete the acquisition.'

Application File No.: B13-15 - continued
March 24, 2015

Letter from Dennis Asher, solicitor- continued

'With respect to the claim for property tax reimbursement, it will obviously be necessary to proceed with an accounting as to the actual taxes relating to the subject property which are outstanding by my client. Your client can confirm that only one tax bill issued for both the subject property and the island owned by your client.

Any payment of taxes will of course, be subject to directions from your client and Mrs. Gore.

The writer notes that the Agreement of Purchase and Sale does not provide any particulars of payment of the principal amount and historically, my clients have remitted lump sum cheques without a definite pattern.

In addition, my clients received advice that the balance of the payment could be made at their discretion. Accordingly, there is no basis for a claim for interest on the outstanding amount.

With respect to your correspondence of November 26, 2014, my clients have registered a Notice of their interest in the subject property and do not intend to vacate by April 01, 2015.

As the writer advised you, my clients have expended in excess of \$100,000.00 for improvements to the property since the date of the purchase agreement and do not intend to enrich your client with respect to those improvements.

Accordingly, the writer is prepared to recommend the payment of the balance of the purchase price in the amount of \$40,000.00, together with calculated tax indebtedness to the payee or payees, directed by your client and Mrs. Gore.

As the writer will be absent from his office during the next week of March 23rd, perhaps you can obtain instructions from your client as to whether he wishes to proceed with a settlement of the matter.'

2) Letter from Trevor Hinnegan, solicitor to Lonnie Gore, dated September 23rd, 2014:

'I act for Reginald Gore, who is the registered owner of the above noted property. I have been provided with an Agreement of Purchase and Sale related to this property from 2001. The said document is executed by you, Ann Gore, Reginald Gore and Alma Gore. I am enclosing a copy for your ease of reference.

My client wishes to finalize matters related to this property once and for all and his offer is as follows:

1. *You will pay to my client the sum of \$40,000.00, being the balance of the \$110,000.00 that remains outstanding.*
2. *You will pay to my client the sum of \$19,089.00 being interest on the above noted \$40,000.00 at 5.0%.*
3. *You will pay to my client the sum of \$20,071.53 being the amount of property taxes, interest and arrears my client has paid in relation to the property.*
4. *The total of the above amounts is \$79,160.53 and would need to be paid within 60 days of the date of this letter.*

Please advise within 14 days of the date of this letter whether you are prepared to accept this offer, failing which my client will instruct me to bring a court action for the unpaid balance (together with legal costs and interest) and/or possession of the property.'

3) Letter from Trevor Hinnegan, solicitor to Lonnie Gore, dated November 26, 2014:

'Further to my letter dated September 25, 2014, to which you have not responded, my client hereby offers the following final resolution offer:

- 1) *You will vacate the property and provide vacant possession thereof to my client by April 1, 2015.*
- 2) *All monies paid by you to my client to date in connection with the subject property would be credited toward occupation rent for the period that you have occupied the property.*
- 3) *No further monies would be owed by you to my client in relation to the subject property or your occupation thereof if you provide vacant possession of the property by April 1, 2015.*

In the event that you do not provide written confirmation of your acceptance of the above set out offer within 30 days of the date of this letter, my client will be commencing an action in the Superior Court of Justice for various heads of relief including but not limited to monetary damages, interest, possession of the property and all his legal costs. I look forward to hearing from you.'

There were no other inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of notice.

Mr. Keatley, agent for the application, was in attendance during discussion of this application.

Application File No.: B13-15 - continued
March 24, 2015

Following discussion regarding the family issues which may effect the ownership of the property and the location of the easement, a motion was moved duly seconded and carried that this application be deferred in order to provide an opportunity for issues, as stated, to be resolved, prior to further consideration of this application.

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Mr. Keatley, agent for the application, provided Planning Board with a revised proposal.

The revised proposal is to provide for a right-of-way over the existing driveway to the east of the cottage, having a width of 7.6 M. (± 25 ft.) fronting on South Oakcliff Drive, and ± 7.6 M. (± 25 ft.) on Green Bay of Lake Manitou, and a width of ± 15 M. near the centre of the subject land to accommodate the parking of vehicles, and a length of ± 95 M., thereby containing an area of ± 725 Sq. M., in favour of Klock's Island.

The following letter was received via email, on April 28th, 2015, from Dennis Asher, Lawyer for Lonnie and Anne Gore, on April 28th, 2015:

'Further to the writer's correspondence of March 20, 2015 and the deferral of the application, the writer wishes to advise as follows:

The application has been amended by Reginald Gore.

The writer's clients, Lonnie and Ann Gore, are agreeable to the creation of the proposed 25 foot easement to follow the line of the existing driveway, together with a proposed parking area at the present location of the parking area used by Reginald Gore to access Klock's Island.

The parties are all in agreement as to the proposed siting of the easement in the final application as proposed.

Accordingly, the writer's clients have instructed the writer to withdraw their objection to the application as amended.

Should you require anything further in this application please contact the writer's office.'

Mr. Keatley, agent for the application, and Reginald Gore, land owner, were in attendance during discussion of this application.

The Secretary-Treasurer advised as a result of her site visit on April 27th, 2015 that the new proposal did not appear to interfere with use or enjoyment of neighbouring lands.

The Board were satisfied that approval of the right-of-way, as revised, would not require recirculation.

Consent is tentatively granted as amended 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 right-of-way 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 right-of-way having a minimum width of 7.6 M., to which the consent approval relates;
- ii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iii) proof satisfactory to Planning Board, that any 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: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNRF) and the Municipality.

Application File No.: B15-15 **No. of Members Present:** 11

Date of Decision: April 28, 2015

Location of Property: Part Lot 14, Conc's. VII and VIII, surveyed as Parts 1 and 2, Plan 31R-3552, Township of Bidwell, Town of Northeastern Manitoulin and the Islands, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Douglas McLay on behalf of Davis and McLay Developments Inc. is to provide for a lot addition, surveyed as Pt. Part 1 and Part 2, Plan 31R-3552, having a frontage of ± 20 M. on Red Lodge Road, a maintained municipal road, and a length of ± 922 M., thereby containing an area of ± 1.8 Hec., which is to be added to land also owned by Davis and McLay Developments Inc., surveyed as Part 3, Plan 31R-3552, having frontages of ± 60 M. on Red Lodge Road, and ± 462 M. on Green Bay of Lake Manitou, and an average depth of ± 144 M., thereby containing an area of ± 11.5 Hec. This lot addition will nullify previous Consent, File No. B15-07, and result in a lot having frontages of ± 81 M. on Red Lodge Road and ± 462 M. on Green Bay of Lake Manitou, and an average depth of ± 144 M., thereby containing a total area of ± 13 Hec. There are no structures on this land.

The land to be retained, being the remainder of Part 1, Plan 31R-3552, has a frontage of ± 503 M. on Green Bay of Lake Manitou and an irregular depth, thereby containing an area of ± 10 Hec. There are no structures on this land.

There are two simultaneous applications for Consent, File No's. B16-15 and B17-15, which propose the creation of two new lots, being Pt. Part 3, Plan 31R-3552 within Lot 15, Conc. VII, together with right-of-way to Red Lodge Road. These applications will nullify previous consent approval under File No. B16-07.

The applicant proposes future development by Plan of Subdivision within Lots 14 and 15, Conc's. VII and VIII.

Access is from Red Lodge Road, a maintained municipal road.

There are no new services required as a result of this application for a lot addition.

A Fish Habitat is identified along the shoreline of Lot 15, Conc. VII. The result of the proposed lot addition to an existing lot, appears to have no significant impact on the fish habitat.

From information available there are no natural heritage features or species at risk (SAR) identified that require further consideration.

The subject land has been designated Shoreline Development District by Official Plan Amendment No. 91, with specific conditions for future development, and zoned Rural (R) and Agriculture (A).

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

This application was circulated on April 9th, 2015 to the Town of Northeastern Manitoulin and the Islands 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.

The Municipality have not provided any comments or concerns.

There was a telephone inquiry from Keith Harfield, a property owner on Red Lodge Road, who stated he had concerns with the quality of the township road to sustain additional development. He was advised that this current application would not result in additional development.

The following letter was received, by email, on April 23rd, 2015, from Joyce O'Connor and Theresa McDowell, Red Lodge Resort, Lot 15, Conc. VI:

'This letter is in response to Davis and Mclay's Notice of Applications for consent for file B15-15, and B16-15 & B17-15.

We are happy to see the Island grow and progress and have no issues with this development itself. Our concern lies in the air and noise pollution that may arise. As of right now, our road is wonderful and packed enough that our guests do not incur dust and can safely traverse on motorbikes, antique cars etc. If the road becomes used for construction purposes, the road will deteriorate. This will cause mud, dust and become an inconvenience for ALL our guests, both local and tourists.'

Application File No: B15-15 - continued
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Letter received from Joyce O'Connor and Theresa McDowell - Continued

'As with many subdivisions in any other area, the protocol would be to have the first layer of blacktop laid to prevent dust and unsafe roads for other residents. After construction the road is then completed. In this instance if the road was tarred and chipped, it would solve the dust and mud issues that will occur otherwise from heavy equipment.

We are aware that there will also be noise pollution, but hope that the builders will take into account this is a serene environment. Our local economy thrives on tourism and if this is not a tranquil quiet place to visit, we will all lost revenue from them and they will in turn tell others. We would ask that builders keep in mind day hours and cease noise pollution in the evening.

Again, we welcome more residents to the area, however as a business we are also considering our guests comfort, safety and RETURN business above all else. If they are inconvenienced our Island may not have the opportunity to see them again. Thank you.'

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

During discussion of this application, Melissa Peters on behalf of the Town of Northeastern Manitoulin and the Islands stated that the Municipality have no concerns with this application, based on their previous support of Official Plan Amendment No. 91.

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). This Schedule must also:
 - i) contain the names of the parties indicated on the Transfer of Land form; and
 - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) confirmed by a copy of the Parcel Register.

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) given conditional approval, to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that all lands identified as Parts 1, 2 and 3, Plan 31R-3552, excepting the two lots to be granted by consent under File No's. B16-15 and B17-15, will be consolidated on title and a copy of the resulting Transfer(s) will be provided to the Manitoulin Planning Board;
- 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 apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNRF) and the Municipality.

Application File No's.: B16-15 and B17-15 **No. of Members Present:** 11

Date of Decision: April 28, 2015

Location of Property: Part Lot 15, Conc. VII, Surveyed as Parts 1 to 3, Plan 31R-3552,
Township of Bidwell, Town of Northeastern Manitoulin and the Islands

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Douglas McLay on behalf of Davis and McLay Developments Inc. is to provide for the creation of two new lots for seasonal residential use, together with right-of-way to Red Lodge Road, a maintained municipal road. The proposal is a realignment of two lots previously approved under File No's B15-07 and B16-07, and will nullify the previous Consent, File No. B16-07.

File No. B16-15 proposes a new lot, having a frontage of ± 49.8 M. on Green Bay of Lake Manitou, and an average depth of ± 237 M., thereby containing an area of ± 1.29 Hec. There are no structures on this land.

File No. B17-15 proposes a new lot, having a frontage of ± 45.8 M. on Green Bay of Lake Manitou, and an average depth of ± 188 M., thereby containing an area of ± 0.78 Hec. There are no structures on this land.

The land to be retained has frontages of ± 870 M. on Green Bay of Lake Manitou and ± 81 M. on Red Lodge Road, a maintained municipal road, and an average depth of ± 150 M., thereby containing an area of ± 18 Hec. This land will be subject to right-of way in favour of the two proposed realigned lots. There are no structures on this land.

The applicant proposes future development by Plan of Subdivision within Lots 14 and 15, Conc's. VII and VIII.

There have been two lots created prior to subdivision control, being Part of Lot 15, Conc. VII, surveyed as Part 1, Plan 31R-243, and Part 1, RR84 & Part 1, RR31.

There have also been four (4) previous applications for consent involving the subject land.

File No. B26-87 created a new lot, surveyed as Part 1, Plan 31R-1655;

File No. B55-92 created a new lot, surveyed as Part 1, Plan 31R-2406;

File No. B15-07 created a new lot, surveyed as Parts 1 and 2, Plan 31R-3552; and

File No. B16-07 created a new lot surveyed as Parts 1, Plan 31R-3552.

A simultaneous application for Consent, File No. B15-15, proposes a lot addition of Pt. Part 1 and Part 2, Plan 31R-3552 to Part 3, Plan 31R-3552 which will nullify previous consent, File No. B15-07, and merges Parts 1, 2 & 3, Plan 31R-3552 as one parcel, excepting the lots proposed by this application.

Access is proposed by right-of-way to Red Lodge Road, a maintained township road.

There is a Fish Habitat identified along the shoreline of Lot 15, Conc. VII, in front of the two lots proposed. There has been a *Water Quality and Fish Habitat Assessment* prepared by Michalski Nielsen Associates Ltd.

Services will consist of private individual sewage disposal systems and private water supply, in accordance with the *Water Quality and Fish Habitat Assessment* prepared by Michalski Nielsen Associates Ltd., which states in part:

' the proposed lots have more than adequate locations for conventional tile fields; all are well back (i.e. 45 m to 52.2 m) from the shoreline of Lake Manitou. As well, no imported soils will be needed because deep "B" Horizon soils prevail on each lot, in some circumstances to depths greater than 3.0 m.'

From information available there are no natural heritage features or species at risk (SAR) identified that require further consideration.

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

The subject land has been designated as Shoreline Development District by Official Plan Amendment No. 91, approved by the Ontario Municipal Board with specific conditions. The subject land is zoned Rural (R) and Agriculture (A). The proposed two lots will be required to be rezoned to Shoreline Residential (SR) Zone, to conform to the Official Plan and permit seasonal residential uses.

Application File No's. B16-15 and B17-15 - continued
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This application was circulated on April 9th, 2015 to the Town of Northeastern Manitoulin and the Islands 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.

The Municipality have not provided any comments or concerns.

The following letter was received, by email, on April 23rd, 2015, from Joyce O'Connor and Theresa McDowell, Red Lodge Resort, Lot 15, Conc. VI:

'This letter is in response to Davis and Mclay's Notice of Applications for consent for file B15-15, and B16-15 & B17-15.

We are happy to see the Island grow and progress and have no issues with this development itself. Our concern lies in the air and noise pollution that may arise. As of right now, our road is wonderful and packed enough that our guests do not incur dust and can safely traverse on motorbikes, antique cars etc. If the road becomes used for construction purposes, the road will deteriorate. This will cause mud, dust and become an inconvenience for ALL our guests, both local and tourists.

As with many subdivisions in any other area, the protocol would be to have the first layer of blacktop laid to prevent dust and unsafe roads for other residents. After construction the road is then completed. In this instance if the road was tarred and chipped, it would solve the dust and mud issues that will occur otherwise from heavy equipment.

We are aware that there will also be noise pollution, but hope that the builders will take into account this is a serene environment. Our local economy thrives on tourism and if this is not a tranquil quiet place to visit, we will all lost revenue from them and they will in turn tell others. We would ask that builders keep in mind day hours and cease noise pollution in the evening.

Again, we welcome more residents to the area, however as a business we are also considering our guests comfort, safety and RETURN business above all else. If they are inconvenienced our Island may not have the opportunity to see them again. Thank you.'

There was a telephone inquiry from Keith Harfield, a property owner on Red Lodge Road, who stated he had concerns with the quality of the township road to sustain additional development. He was advised that this current application would not result in additional development.

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

During consideration of this application, Paul Moffatt, Board Member for The Municipality of Assiginack, stated that the Municipality of Assiginack and The Town of Northeastern Manitoulin and the Islands (NEMI) share maintenance of Red Lodge Road. The Municipality of Assiginack are in favour of upgrading Red Lodge Road, however, NEMI was not in favour of doing so at this time.

During discussion of this application, Melissa Peters on behalf of the Town of Northeastern Manitoulin and the Islands stated that the Municipality have no concerns with this application, based on their previous support of Official Plan Amendment No. 91.

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 right-of-way, having a width of 20 metres, 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 the right-of-way having a width of 20 metres, to which the consent approval relates;

Application File No's. B16-15 and B17-15 - continued
April 28, 2015

- ii) confirmation that the right-of-way from the severed lots to Red Lodge Road has been constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iii) confirmation that any portion of a travelled road, which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the municipality satisfactory to the municipality;
- iv) a copy of an approved amendment to Comprehensive Zoning By-law 2002-32 to rezone the two proposed lots, from Rural (R) and Agriculture (A) Zones to Shoreline Residential (SR) Zone;
- v) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- vi) proof satisfactory to Planning Board, from the municipality, that any 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: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNRF) and the Municipality.

