



December 14, 2015

MINUTES OF PLANNING BOARD MEETING - December 8, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on December 8, 2015, the following Members of Planning Board were present:

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|----|-------------|----|-------------|
| 1. | M. Peters | 5. | I. Anderson |
| 2. | A. H. Hunt | 6. | L. Hayden |
| 3. | K. Noland | 7. | E. Russell |
| 4. | R. Stephens | | |

Regrets: D. Osborne, P. Moffatt and L. Addison
Absent: D. Head

Also in attendance was:

T. Sasvari, reporter, Manitoulin West Recorder;

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

The Meeting was called to Order at 7:02 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 27, 2015. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested that the agenda be amended to include the following two additions:

- 6 a) v) Update Re: Bill 73 - Amendments to the Planning Act and
vi) Proposed Consent Application

MOTION

It was moved by I. Anderson and seconded by R. Stephens that the Order of Business be adopted as amended. - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - October 27, 2015

The Chair announced that the Minutes of the Board Meeting held October 27, 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 L. Hayden that the Minutes be adopted as circulated. - Carried -

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- October 27, 2015

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by E. Russell and seconded by R. Stephens that the variable expenditures be accepted as presented. - Carried.

4. a) PRESENTATION OF APPLICATIONS 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. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01

File No.: 96ZBL-15-002
Owner: Snell and Drummond
Location: Pt. Lot 7, Conc. I
Part 51, Plan R.R. 33
Township of Robinson
Proposal: To rezone from Rural Zone to Shoreline Residential Zone to permit seasonal residential uses

The lands subject to this application have a frontage of ± 60.6 m. on Little Lake Huron and ± 4.6 m. on Lake Huron, an average depth of ± 73 m., thereby containing $\pm .48$ hec. This lot which was created by checkerboarding prior to subdivision control, has been recently purchased by the applicants.

Access is from Highway No. 540, a provincially maintained highway over the Little Lake Huron Road/Pebble Road, crossing Lot 2, Conc. IV; Lots 1 and 2, Conc. III; Lot 2, Conc. II; and Lots 2, 3, 4 and 5, Conc. I, surveyed as Part 1, Plan R.R. 47; and over Lots 5, 6 and 7, surveyed as Part 25, R.R. 33. This private right-of-way is not maintained by the Local Roads Board, however is known to be travelable by emergency vehicles.

Services will consist of a water from Lake Huron with sewage disposal by grey water pit and composting toilet. The Sudbury and District Health Unit have advised they have no objections as the property appears to be capable of development for installation of a septic tank and leaching bed system.

Fire protection is provided by the Robinson Township volunteer fire fighters.

Garbage Collection is provided by the Robinson Township Local Services Board.

The subject land has been designated Shoreline Development and zoned Rural. This area was zoned Rural to control development in an area where lots were created prior to subdivision control without regard for planning related criteria. Therefore each lot is reviewed for its capability of supporting residential uses. This proposal is a continuation of the established precedents common to this area. This proposal to amend Zoning By-law No. 96-01, if approved, will rezone from Rural (R) Zone to Shoreline Residential (SR) Zone to permit seasonal residential uses.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement 2014. This proposal appears to be consistent with the Provincial Policy Statement in general and to Section 1.1.6.1 in particular, which states:

'On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).'

Due to the identification of a Fish Habitat, there was preconsultation with the Ministry of Natural Resources and Forestry (MNR). The MNR did identify possible threatened habitat and possible other rare and sensitive plant species in the area.

Eric Cobb, District Planner with the MNR advised as follows:

'I am not concerned about the fish habitat matter given scope of development. An EIS (Environmental Impact Statement) would be appropriate if we were talking about lot creation but not warranted in my opinion for building on this one existing lot given 60 m. give or take from the shore and an existing road between the proposed buildings and shore. The ESA (Endangered Species Act) concern is a different matter and I agree due diligence is advised for any development in this area given location relative to occurrence of Lakeside Daisy and Hill's Thistle in the immediate area.'

Additional information was provided to the MNR, including satellite imagery and photos taken during the site visit, which resulted in the following comment from Mr. Cobb:

'Wayne Selinger has reviewed the new information. We believe that there is very little risk of an ESA contravention and therefore, have no concerns with the proposal.'

5. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01

File No.: 96ZBL-15-002 - Continued

This application to amend zoning By-Law 96-01 was circulated on November 5, 2015 to the Township of Robinson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario and the Rainbow District School Board and to all property owners within 120 metres as required by Ontario Regulation 545/06.

Robinson Local Roads Board has advised as follows:

'Please be advised that the Trustees of the Robinson Local Roads Board have reviewed the zoning amendment application, File 96ZBL-15-002, and have no concerns with the application as presented.'

There were no concerns or objections received from the agencies or property owners.

The required public meeting was held on December 8, 2015 at 7:00 p.m. in the Board Room of the Manitoulin Planning Board. There was no one in attendance at the Public Meeting to speak on behalf of or in opposition to the application. There were no written submissions received.

Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS. As previously stated, this area has been developed by checkerboarding prior to subdivision control and the subject lot is an existing lot of record.

The subject land, being an existing lot of record, is one of many lots in private ownership within Lots 2 to 8, Conc. I. Development on these lots has been non intrusive type development with minimal tree removal. There is no hydro service available to this area therefore septic systems are limited to compost/Class 2 systems.

This proposal does not appear to precipitate or cause any undesirable affects on the Planning Area.

Providing there are no extenuating circumstances or additional information to be considered there would appear to be no expected adverse effects according to information available. Therefore, based on the aforementioned analysis it is recommended the subject Application for Zoning By-law Amendment be approved to rezone from Rural (R) Zone to Shoreline Residential (SR) Zone.

The following By-law was read:

BY-LAW NO. 2015-02

Being a By-law of the Manitoulin Planning Board to amend By-law No. 96-01, the comprehensive Zoning By-law for the Townships of Robinson, Dawson and Mills.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend Zoning By-law No. 96-01 under Section 34 as set out by Sec. 39 of the Planning Act, Chapter p.13, R.S.O., as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) To rezone from Rural (R) Zone to Shoreline Residential (SR) Zone the land described in Subsection (2);
- (2) Subsections (1) applies to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Part Lot 7, Conc. I, being Part 51, Plan R.R. 33, (Little Lake Huron Estates), registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (4) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the Manitoulin Planning Area.
- (5) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (6) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Municipal Board where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

5. PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW 96-01

File No.: 96ZBL-15-002 - Continued

MOTION

It was moved by E. Russell and seconded by R. Stephens that this by-law be approved.
- Carried.

6. GENERAL, REGULAR AND NEW BUSINESS

a) General Up-date by Secretary-Treasurer

i) Conveyance of Land or Cash-in-lieu - Condition of Development

Board Member L. Hayden gave an update and a copy of the draft By-law proposed was provided to the Board Members. The Municipality has given this draft by-law much consideration and it is expected this by-law, with minor changes, will be passed by the Council in January.

ii) Land Information Ontario - New Imagery Project - Spring 2016

The Secretary-Treasurer gave a brief update of the status of this project and a brief report on the projected costs. Mike Robertson, Ministry of Natural Resources and Forestry, has advised as follows:

'I'm going to be very conservative here because nothing has been finalized at this point in time. We are just gathering up the letters of interest and shapefiles so it is difficult for me to come up with a "firm" estimate. Based on the shapefile you provided, you have a tile selection of 3,714 tiles (sq km). Using a range of predictable price estimates (\$5.00 to \$8.00 per sq km) Manitoulin could be looking at anything from \$18,570 to \$29,712. With any luck the final price will be lower but, for planning purposes I would say around \$25k would be fairly reasonable.

The total project cost to acquire your area of interest (based on the acquisition rate per sq km from our vendor = \$27.96) will be \$103,843.44 – something you might use in your Board discussions.'

In reply to a question regarding the benefits of this imagery acquisition, the Board were advised that this will be leaf off imagery and will provide much more detail of land uses, roads, etc., for planning related applications and for Building Officials. The Secretary-Treasurer advised that copies of additional information would be sent to all Board Members. It was the general consensus that the Board Members should review this project with their Municipalities.

iii) Renewal of Teranet Ownership Mapping and Title Data

The Board were advised that when the Geographic Information System (GIS) was being implemented a contract was required with Teranet to access Ownership Mapping and Title Data that provided the base parcel mapping. At that time it was a 5 year contract at a total cost of +\$44,000.00 to provide the base mapping and updates. This contract will expire at the end of this year.

Teranet has advised that this contract can be extended for an additional 5 years at a cost of \$6,619.00 plus tax per year.

Also being offered to assist in relating the MPAC Assessment Roll data of the missing Assessment Mapping with the Teranet Ownership Mapping, is a PIN-ARN Cross Reference Report combined with the Basic Property Report.

The PIN-ARN Cross Reference Report represents a correlation between Property Identification Number (PIN) and Assessment Roll Number (ARN). The Report is produced through a matching process between Land Titles property ownership records and MPAC's Assessment property records. The Report identifies the one-one, one-many and many-one relationships between PINs and ARNs, but more importantly, identifies the relationships for non-spatial properties such as Condominiums and disjointed parcels. For the majority of municipalities, the PIN-ARN Cross Reference Report supports a number of municipal applications requiring a tabular relationship between PINs and ARNs - including tax assessment, building permits, planning applications, notification and property standards orders. Based on a 5 year contract, the fee for bi-annual deliveries would be \$4,710.00 plus applicable taxes per year. To provide the most accurate results, a list of ARNs is required from the municipality prior to each delivery.

6. GENERAL, REGULAR AND NEW BUSINESS

iii) Renewal of Teranet Ownership Mapping and Title Data - Continued

The Secretary-Treasurer advised that the renewal of this contract was not considered to be necessary. It is considered that all information required is provided by applications approved by the Board and any updates of parcel creation can be done in house.

It was the general consensus of the Board that the contract with Teranet will not be renewed.

iv) ESRI Canada - ArcGIS Maintenance Contract

It was explained to the Board that this contract had been part of the original purchase of the ArcGIS software in January 2011, which included the maintenance contract to the end of 2014. 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. This contract was renewed in 2014 at a cost of \$3,780.00 plus tax. The renewal for 2015 is \$3,975.00 plus tax.

MOTION

It was moved by A. H. Hunt and seconded by I. Anderson that the ESRI Canada Maintenance contract be purchased for the year 2016. - Carried.

b) Town of Northeastern Manitoulin and the Islands' Request for Planning Authority - To date, no further information has been received from MMAH

The Board Members were advised that there has been no further communications in regard to this topic.

6. OFFICIAL PLAN REVIEW

The Secretary-Treasurer advised that there had been a teleconference with Chris Tyrell, Manager, and Gregory Bender, Senior Planner, MMM Goup Ltd., the consultants for the Official Plan Review on October 28, 2015 to confirm the next steps.

The Consultants have been provided with the list of minor revisions, prepared by the Secretary-Treasurer and provided to the Board Members during the last Board Meeting, to be made to the Official Plan, including the proposed right-of-way and deer yard policies and changes that are required to provide conformity to the Provincial Policy Statement 2014.

It has been agreed with the consultants that the Final Draft will be prepared for early January 2016 and posted on the Manitoulin Planning Board website and presented to the Board during the January Board Meeting.

Discussion will be had with the Citizen's Advisory Committee regarding their participation.

The final draft will then be sent to the Ministry of Municipal Affairs and Housing in early February for final consultations and the Statutory Public Meeting will be scheduled for mid June 2016.

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 list of Applications for Consent considered at this meeting.

		<u>Moved By</u>	<u>Seconded By</u>
1.	B42-15, B43-15 and B44-15 1927402 Ontario Ltd.	L. Hayden	E. Russell
2.	B47-15 K. Farwell	M. Peters	R. Stephens
3.	B48-15 W. H. Case	I. Anderson	L. Hayden
4.	B49-15 Rozon & Volpel	A. H. Hunt	L. Hayden

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

Application File No's.: B42-15, B43-15 and B44-15 **No. of Members Present:** 7

Date of Decision: [October 27, 2015-Deferred] December 08, 2015

Location of Property: Lots 24 and 25, Conc's. VI and VII, (PIN 4714-60173), Township of
Barrie Island, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act, by 1927402 Ontario Inc. is to provide for the creation of three (3) new lots for hunting/recreational uses.

File No. B42-15 proposes a new lot, having a frontage of ± 350 M. on East Line Road, a maintained municipal road, and a depth of 1,005 M., thereby containing an area of ± 34.7 Hec. This lot will be subject to right-of-way, having a width of 20 M., along the west boundary, in favour of the two lots proposed by Simultaneous Consent File No's. B43-15 and B44-15.

File No. B43-15 proposes a new lot, having a frontage of ± 503 M. on the non-maintained 25th side road allowance, and a depth of ± 806 M., thereby containing an area of ± 40 Hec. This lot will be subject to right-of-way, along the south boundary, in favour of the lot proposed by Consent File No. B44-15, and together with right-of-way over the lot proposed by Consent File No. B42-15.

File No. B44-15 proposes a new lot, having a frontage of ± 503 M. on the non-maintained 25th side road allowance, and a depth of ± 806 M., thereby containing an area of ± 40 Hec. This lot will be together with right-of-way over the lots proposed by Consent File No's. B42-15 and B43-15. Access is also proposed via the non-maintained 25th side road allowance.

The land to be retained has a frontage of ± 456 M. on the non-maintained 6th concession road allowance, and a depth of $\pm 1,005$ M., thereby containing an area of ± 46 Hec.

There are no structures on the subject lands.

The applicant proposes future development by Plan of Subdivision within Lots 26 and 27, Conc. VII and Lot 26, Conc. VIII. There has been a preliminary report received from Judith Jones, Biologist, regarding environmental issues for this land.

Services will consist of private wells and private individual septic systems when required. No new services are required at this time.

Access is proposed via the 25th side road allowance and right-of-way to East Line Road, a maintained municipal road.

A portion of the proposed right-of-way is along an existing trail which may cross an area that would probably be considered alvars. The existing trail appears to be approximately eleven metres in width. Continued access over this trail within Lot 24, Conc. VI is unlikely to have further impacts on what may be alvar and the remainder of the trail, north of Lot 25, Conc. VI and along the 25th side road allowance between Lots 25 and 26, Conc. VII, does not appear to cross alvars or other sensitive sites.

There is an unevaluated wetland at the north west corner of Lot 25, Conc. VII, but there is sufficient land to provide a building envelope with appropriate separation distances. The proposed access route does not cross the wetland.

There is a deer wintering habitat located within the subject land. The ± 30 Hec. severances are considered to have little or no impact.

From information available the subject proposal does not appear to have any species at risk (SAR) concerns.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement (PPS) 2014.

The subject land has been designated Rural District and zoned Rural (R). Hunting/recreational uses are proposed.

This application was circulated on October 9th, 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's. B42-15, B43-15 and B44-15 - continued
October 27, 2015

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

The Municipality have not provided comments to date.

Board Member, L. Hayden advised that Council had not commented regarding the access via the un-opened road allowance(s) and asked for deferral of the application.

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

Following discussion of this application a motion was moved, duly seconded, and carried that this application be deferred in order to provide an opportunity for the Municipality of Gordon/Barrie Island to discuss the access issue, and provide their comments prior to further consideration of this application.

December 08, 2015

The Municipality of Gordon/Barrie Island advised they have no concerns with the application. However, 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.

The following email was forwarded to Robert Halliday, agent for the application, and copied to Sandra Hollingsworth, land owner on November 4th, 2015:

'The Municipality of Gordon/Barrie Island, in accordance with their By-law No. 2009-06 (attached) will be requesting as a condition of consent approval that 5% in lieu will be applied, as the proposal is for the creation of three new lots, i.e. none of them are the original surveyed lots.

If Lots 24 and 25, Conc. VII were proposed to be severed as the originally surveyed 40 Hec. lots, provisions of By-law No. 2009- 06 would not be applied to those lots.

Please advise if you wish to reconsider your proposal.'

Sandra Hollingsworth, on behalf of 192702 Ontario Inc., requested by email that all future correspondence be directed to her.

The following email was also received from Ms. Hollingsworth on December 7th, 2015 as follows:

'Thank you for meeting with me last week to discuss the revision of our hunting lot applications for Barrie Island. The information that you shared is very helpful.

Therefore, at this time we would like to revise our application for the hunting lots as follows:

We would like to revise our application to go back to the original technical severance of original township lots for lots 24 and 25, concession 7.

It is my understanding that your board will be meeting on Tuesday, December 8th, so if you require anything else, please let me know.'

This revision will amend the lots proposed by File No's. B43-15 and B44-15.

File No. B43-15 proposes a new lot having a frontage of ± 402 M. on the non-maintained 8th concession road allowance and a depth of $\pm 1,005$ M., thereby containing an area of ± 40 Hec. This lot will be subject to right-of-way, along the south boundary, in favour of the lot proposed by Consent File No. B44-15, and together with right-of-way over the lot proposed by Consent File No. B42-15.

File No. B44-15 proposes a new lot having frontages of ± 402 M. on the non-maintained 8th concession road allowance, and $\pm 1,005$ M. on the non-maintained 25th side road allowance, and a depth of $\pm 1,005$ M., thereby containing an area of ± 40 Hec. This lot will be together with right-of-way over the lots proposed by Consent File No's. B42-15 and B43-15.

Application File No's. B42-15, B43-15 and B44-15 - continued
December 8th, 2015

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

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 parcel(s) and 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 parcel(s) which may be by exception, and right-of-way having a width of 20 metres, to which the consent approval relates;
- ii) Lots 24 and 25, Conc. VII, being original 40 Hec. township lots, will require boundary line surveys identifying the new lot lines resulting from the severance(s);
- iii) confirmation that the access from the proposed severed and retained land to East Line Road has been constructed to a standard for travel by emergency vehicles satisfactory to the Municipality;
- iv) 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;
- v) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- vi) 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.

Application File No.: B47-15 **No. of Members Present:** 7

Date of Decision: December 08, 2015

Location of Property: Part Lots 34 and 35, Conc. III, Being Parts 1 through 6, Plan
31R-3514, Township of Howland, 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 Kendal Farwell is to provide for right-of-way over an existing access, surveyed as Parts 3 and 5, Plan 31R-3514, having a width of ± 20 M. and a length of ± 350 M., thereby containing an area of $\pm 7,000$ Sq. M., in favour of the abutting property, containing a seasonal dwelling, surveyed as Parts 1 & 2, Plan 31R-2993 and Parts 1 & 2, Plan 31R-2522 owned by Shelley Machum. Ms. Machum, agent for the application, would like to formalize an existing registered right-of-way agreement which will expire on December 14th, 2015.

The land to be retained has frontages of ± 80 M. on Lake Huron and ± 173 M. on Highway No. 540, a provincially maintained highway, and an average depth of ± 232 M., thereby containing an area of ± 4.7 Hec. The applicant's cottage and accessory garage are located on this land.

There has been eleven (11) previous applications for consent, involving Lots 34 and 35, Conc. III, north side of Hwy 540, which have created new lots, lot additions and easements resulting in a total of five lots as follows:

- File No. B31-93 created three new lots, surveyed as Parts 2, 4 & 5, Plan 31R-2522;
- File No. B32-94 created a new lot, surveyed as Part 3, Plan 31R-2522;
- File No. B48-99 provided for a lot addition of Parts 1 & 2, Plan 31R-2993 and Part 1, Plan 31R-2522 to Part 2, Plan 31R-2522;
- File No. B18-06 provided for a lot addition to nullify the approval of Part 3, Plan 31R-2522 (B32-94);
- File No. B19-06 provided for a lot addition to nullify the approval of Part 4, Plan 31R-2522 (B31-93);
- File No. B20-06, provided for a lot addition to nullify the approval of Part 5, Plan 31R-2522 (B31-93);
- File No. B21-06 provided for a lot addition to Part 3, Plan 31R-2522;
- File No. B22-06 provided for a lot addition to Parts 4 & 5, Plan 31R-2522;
- File No. B23-06 created a new lot surveyed as Parts 14 & 15, Plan 31R-3514;
- File No. B24-06 created a new lot surveyed as Parts 16 & 17, Plan 31R-3514; and
- File No. B25-06 provided for an easement for a water line in favour of Part Lots 34 and 35, Conc. III, located on the south side of Highway No. 540, owned by Michael Machum

There was also an application for a Plan of Subdivision, File No. 51T-90001, which was given draft approval in 1992 for 18 lots. This proposal was abandoned.

Access is via right-of-way over Parts 3 & 5, Plan 31R-3514 to Highway No. 540, a provincially maintained highway.

Services consist of private individual septic system and water from Lake Huron. No new services are required as a result of this application for right-of-way.

The subject land has been designated Agriculture and Shoreline Development Districts and zoned Agriculture (A) and Rural (R). Seasonal residential uses are proposed to continue.

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

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

This application was circulated on November 3rd, 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.

Application File No.: B47-15 - continued
December 8th, 2015

The Municipality advised by Resolution No. 278-11-15 as follows:

'RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has '*No Comment or Concern*' with the application for consent as applied for by Kendal Farwell, File No. B47-15.....carried.'

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

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 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 20 M., to which the consent approval relates;
- ii) written verification from the municipality that access over Parts 3 & 5, Plan 31R-3514 to Highway No. 540 has been constructed to a standard for travel by emergency vehicles satisfactory to the Municipality;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) 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.: B48-15 No. of Members Present: 7

Date of Decision: December 08, 2015

Location of Property: Part Lots 12 & 13, Conc. III and Lots 11, 12 & Part Lot 13, Conc. IV,
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 William H. Case is to provide for the creation of a (±119 Hec.) new lot, consisting of Lots 11, 12 and 13, Conc. IV, excepting Part 1, Plan 31R-2033, and parts 20, 22, 23 & 26, Plan 31R-852 (Highway widening) having frontages of ±1,206 M. on Highway No. 542 and ±869 M. & 76 M. on Trails End Road, a maintained municipal road, and a depth of ±1,005 M. There is an old farm house located on this land that is to be demolished. Mr. Case proposes to convey this new lot to family members for continued agricultural uses.

The land to be retained, consists of Part of Lot 12 north of the Manitou River and Lot 13, Conc. III, excepting Part 1, Plan 31R-2588, having frontages of ±500 M. on Case Road, and ±853 M. on Trails End Road, both maintained township roads, and an average depth of ±890 M., thereby containing ±79 Hec. The applicant's dwelling, two barns, and two farm related structures are located on this land.

Mr. Case also owns the property at the south east corner of Lot 12, Conc. III south of the Manitou River, which provides a natural severance, and is not part of this application for consent.

There have been two previous applications for Consent.

File No. B90-89, provided for the creation of a new lot, surveyed as Part 1, Plan 31R-2033; and
File No. B25-94 provided for the creation of a new lot, surveyed as Part 1, Plan 31R-2588.

By-law No. 90-02 permits a non-farm related residential dwelling unit, within Part 1, 31R-2033.

Access is via Hwy No. 542, a provincially maintained highway, and Trail's End Road & Case Road, both maintained township roads.

Christine Tudhope, Corridor Management Planner, Ministry of Transportation (MTO), advised by e-mail on November 13th, 2015, as follows:

'MTO generally has no objection to the proposed new lot.

The main access to both the retained and severed must be from Trails End Road.

Normally the two existing farm entrances on the proposed severed lot with access to Highway 542 would be required to be removed, however for now the ministry is prepared to allow them to remain as farm entrances on the understanding that they cannot be converted to residential entrances in the future.

There is another field entrance located approximately 1240 metres east of Trails End Road. If it belongs to the proposed severed lot it will have to be removed. This can be ascertained when the survey is undertaken.

Entrance permits should be obtained for the existing field entrances as there is no record on file of any permits.

The proponent should be advised to contact Lise Taylor, Corridor Management Officer in the MTO Sudbury Area office for information regarding setbacks for buildings and structures from the highway right-of-way limits and permit requirement information. Her contact information is: Phone (705) 564-7707 (Toll free: 1-800-222-1047 ext 7707) Email: Lise.Taylor@ontario.ca

A copy of the email received from MTO, was sent to Mr. Case on November 14th, 2015.

Lise Taylor, Corridor Management Officer, Ministry of Transportation advised by e-mail on November 30th, 2015, that according to their records Parts 24 & 25, Plan 31R-852, located within Lot 12, Conc. IV, was a gravel pit that was transferred to Mr. Case from MTO in 1980.

Application File No. B48-15- continued
December 8th, 2015

Services consist of private well and private individual septic system for the retained land. No new services are proposed.

The subject land has been designated Agricultural and Rural Districts and zoned Agricultural (A), Rural (R), and Conservation (02). This land is not identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs. The existing agricultural and residential uses are proposed to continue.

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

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

The application was circulated on November 17th, 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.

The Municipality advised on November 24th, 2015 they have no concerns.

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

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), 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, which may illustrate the parcel(s) by exception, to which the consent approval relates;
- ii) a boundary line survey identifying the new lot lines, not identified by a registered Plan of Survey, resulting from the severance(s);
- ii) proof that any portion of a travelled road, which is maintained by the Ministry of Transportation (MTO) or the Municipality of Central Manitoulin, encroaching on the subject land, has been surveyed and conveyed to MTO and/or the Municipality;
- 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: The Ministry of Transportation (MTO) has advised there will be no new entrances from Highway No. 542.

Note: Entrance permits should be obtained for the existing field entrances as there is no record on file of any permits and, if there is a third field entrance, it must be removed.

Application File No.: B49-15 **No. of Members Present:** 7

Date of Decision: December 08, 2015

Location of Property: Lot 29, Conc. VIII, Township of Billings, Municipality of Billings
and Allan East, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by John Rozon and Carolyn Volpel is to provide for the creation of a new lot having a frontage of ± 396 M. on the 8th Concession Road, a maintained municipal road, and an irregular depth of ± 711 M., thereby containing an area of ± 26.7 Hec. This proposed new lot will be together with right-of-way via an existing access over the retained land and will be subject to easement for the Hydro line in favour of the retained land. This new lot will also have right-of-way over Lot 30, Conc. VIII, surveyed as Part 11, Plan 31R-237, to the township road. There is a farm dwelling, accessory shed and a quonset hut located within this land. According to the applicants and the sketch submitted with the application the hut may encroach on the proposed right-of-way along the westerly boundary of Lot 29, Conc. VIII.

The land to be retained has frontages of ± 487 M. on Lake Kagawong and ± 20.1 M. on the 8th concession road, a maintained municipal road, and an irregular depth, thereby containing an area of ± 4.8 Hec. This land will be subject to right-of-way in favour of the proposed severed land. The applicants' permanent dwelling is located within this land which operates as a seasonal Bed and Breakfast Establishment known as 'Solitudes'.

During discussion of the application, it was explained to the applicants that the accessory quonset hut, if found to encroach into the 3 metre required side yard setback, would not conform to zoning by-law No. 80-11. Mr. Rozen stated that it may be possible to remove part or all of the structure if necessary. They were also provided with a copy of the uses permitted in the Rural (R) Zone - Section 7.2 - for Zoning By-law No. 80-11. A Bed and Breakfast Establishment is not a listed permitted use in the Rural (R) Zone.

According to documentation submitted with the application, the Hydro line traversing the subject land is a private primary line owned by the applicants.

Access is from the 8th concession road, a maintained municipal road, and via right-of-way. From information available, it appears a right-of-way over Part 11, Plan 31R-237, being the north east corner of Lot 30, Conc. VIII, was retained by the owner of Lot 29, Conc. VIII when Lot 30, Conc. VIII was sold in 1973 (prior to Planning Board).

Services consist of private wells and private individual septic systems. Accompanying the application is a Certificate of Inspection- Readiness to Use Permit, No. 402-09-SP021, dated April 12, 2011, by the Sudbury and District Health Unit, for the septic system located on the proposed retained land. There are no new services required at this time.

The subject land has been designated Rural District and zoned Rural (R). Rural residential/farmland uses are proposed to continue.

From information available, habitat for Bobolink and Eastern Meadowlark was identified on the north side of the concession road, within 120 metres of the subject land. The consent proposal was forwarded to the Ministry of Natural Resources and Forestry (MNR) as part of the consultation process.

Eric Cobb, District Planner, MNR, advised by email on November 18th, 2015:

'The delineated habitat is indeed for Bobolink and Eastern Meadowlark. However, it is not located on the same property as the proposed severance, and there is no PPS (Provincial Policy Statement) requirement for studies on lands adjacent to E/T habitat. New development or alteration is not proposed, so no ESA (Endangered Species Act) authorizations will be required. However, based on the aerial photos, the habitat may be potentially suitable for grassland SAR (Species at Risk) birds so we still recommend SAR surveys if future development or change in land use on the severed or retained lands is ever proposed.'

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

This application was circulated on November 19th, 2015 to the Municipality of Billings and Allan East 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. B49-15 - continued
December 8th, 2015

The Municipality advised by Resolution No. 2015-435 as follows:

'RESOLVED THAT Council and staff have reviewed the Notice of Application for Consent File No. B49-15 from the Manitoulin Planning Board and have the following comments;

After reviewing the application it was determined that a Bed and Breakfast exists on the property which does not conform to the Rural Zoning use. The applicant will need to apply for a zoning amendment for the proposed retained portion of property. The application document does not contain any information regarding an agriculture operation being on the property but a portion of the property is assessed and taxed as farmland, indicating agriculture use. This should be amended on the application. Public Works has reviewed the application and confirms that there are locations on the property being severed that would allow for the installation of a driveway.....carried'

A copy of this resolution was forwarded to the applicants on December 3rd, 2015.

There was an inquiry from Mr. Seeling, owner of Lot 28, Conc. VIII, however he had no concerns relative to the application for the creation of a new lot.

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

During a site visit to the property, pictures were taken which may identify an encroachment of the quonset hut.

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, and hydro 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, which may illustrate the parcel(s) which may be by exception, and right-of-way having a minimum width of 20 M., and hydro easement having a minimum width of 3 M., to which the consent approval relates;
- ii) proof 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;
- iii) proof satisfactory to Planning Board that the minimum yard requirements resulting from the new lot lines conform to Zoning By-law No. 80-11 i.e. written verification from the Ontario Land Surveyor;
- iv) a copy of an approved amendment to Zoning By-law No. 80-11, permitting a Bed and Breakfast Establishment in a Rural (R) Zone, within the retained land, identified on a Plan of Survey;
- v) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Application File No. B49-15 - continued
December 8th, 2015

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 approval of The Ministry of Natural Resources and Forestry (MNR) and the Municipality.

The time now being 9:07 p.m. and all business before the Board having been dealt with the Meeting was adjourned on a motion moved by R. Stephens.

K. E. NOLAND, CHAIR

E. L. CARTER, SECRETARY-TREASURER