



April 27, 2017

MINUTES OF PLANNING BOARD MEETING - April 25, 2017

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on April 25, 2017, the following Members of Planning Board were present:

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|----|------------|----|-------------|
| 1. | K. Noland | 6. | L. Hayden |
| 2. | A. Hunt | 7. | D. Head |
| 3. | P. Moffatt | 8. | I. Anderson |
| 4. | E. Russell | 9. | R. Stephens |
| 5. | D. Osborne | | |

Regrets: Lyle Addison

Also in attendance were:

T. Sasvari, reporter, Manitoulin West Recorder;
R. Gagnon, agent, & G. Gagnon, interested party, Consent File No's. B07-17 and B08-17;
S. Harrison and S. Hurcomb, agents, for File No. B10-17; and
P.L. Couillard and D. Hurcomb, interested parties, for Consent File No. B10-17.

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

The Meeting was called to Order at 7:00 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 28, 2017. D. Osborne declared a conflict of interest for Consent File No's. B07-17 and B08-17. There were no other conflicts declared.

1. ORDER OF BUSINESS

MOTION

The Chair requested the adoption of the order of business with the addition of Item 5. b) ii)
- Town of Northeastern Manitoulin and the Islands - Reserves - Draft Motion

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

2. MINUTES OF PREVIOUS BOARD MEETING - March 28, 2017

The Chair announced that the Minutes of the Board Meeting held March 28, 2017 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 L. Hayden I. and seconded by P. Moffatt that the Minutes be adopted as circulated. - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- March 28, 2017

The Chair, requested the Board Members thoughts on attaching a copy of the March 28, 2017 minutes to the previous Board Minutes of November 29, 2016 to reference the discussion of non-vote and the resulting motion. The general consensus of the Board was that this was a good housekeeping idea.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

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

4. 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. GENERAL, REGULAR AND NEW BUSINESS

a) General Up-date by Secretary-Treasurer

i) Central Ontario Orthophotography Project (COOP) 2016

The Secretary-Treasurer informed the Board that thumb drives had been purchased and J. Diebolt, GIS Technician, is downloading the imagery data onto the thumb drives for each of the Municipalities.

ii) Special Case Funding

The Secretary-Treasurer informed the Board that the request to use the reallocation of funds for a By-law Enforcement Course, submitted to the Ministry of Municipal Affairs (MMA), has been approved.

iii) Business Credit Card

The Secretary-Treasurer explained to the Board that the Bank of Montreal requires a '*Borrowing Resolution*' for a Business Credit Card, and the following motion resulted.

MOTION

It was moved by R. Stephens and seconded by D. Osborne that the Manitoulin Planning Board agrees to pay in full any funds incurred by the Board with the Board's Bank of Montreal Credit Card.
- Carried

iv) Annual Deer Management Meeting

The Secretary-Treasurer informed the Board that the annual Meeting is to be held at the Kagawong Park Centre on Wednesday, April 26, 2017 at 7:00 p.m. and that L. Addison, Board Member, will attend to represent the Planning Board. L. Hayden and I. Anderson, Board Members, stated they also plan to attend.

b) Town of Northeastern Manitoulin and the Islands (NEMI) - Reserves

i) The Secretary-Treasurer informed the Board there has been no additional correspondence received from NEMI.

ii) The Chair, read a Draft Motion that had been prepared and the following motion resulted.

MOTION

It was moved by R. Stephens and seconded by I. Anderson that the following motion be considered:

'WHEREAS the Town of Northeastern Manitoulin has withdrawn its participation in the Manitoulin Planning Board and has been granted it's own planning authority by the Ministry of Municipal Affairs and,

WHEREAS the Town of Northeastern Manitoulin has requested funding from the Manitoulin Planning Board to assist in the set up and operation of it's own planning area.

BE IT RESOLVED that in the interests of preserving the cooperative relationship with our sister municipality, the Manitoulin Planning Board agrees to forward a donation of \$15,000.00 to the Town of Northeastern Manitoulin as a contribution towards the costs of its new planing and development procedures.'

The Chair, asked the Board Members for their comments on the Motion prior to the vote.

MOTION WAS DEFEATED

6. Procedural By-law No. 2017-01

The Board Members were provided with a copy of the Procedural By-law No. 2017-01 with their Notice, which had been approved at the previous Board meeting held on March 28, 2017.

The Chair asked the Board Members if they had any comments.

There were none.

7. Official Plan - Modifications

The Secretary-Treasurer informed the Board that Kay Grant, Planner for the Ministry of Municipal Affairs (MMA), had been in contact with her to discuss the comments submitted to MMA on April 4th, 2017 for the Draft Official Plan (OP). Although no formal comments have been received from MMA, the Secretary-Treasurer gave an update on Modifications as follows:

- Modification 19 - Sensitive or At Capacity Lakes - No new information/data has been provided to the Manitoulin Planning Board, regarding Lake Kagawong being listed within the OP Policy.

- Modifications 6., 18., 29., and 34.

The Planning Board had requested advice from MMA on what the province envisioned and questions were asked for guidance, with respect to engaging with the First Nations on Planning Applications. Ms. Grant had provided a couple of possible suggestions however it was not clear if they may contravene the Planning Act and if the suggestions would be agreeable to the First Nations. Ms. Grant was to provide additional input.

Discussion among the Board Members was that no additional (engagement) policies need to be implemented into the text of the Draft OP regarding Modifications 6., 18., 29, and 34 and that the same policies that the Town of Northeastern Manitoulin and the Islands have in their OP, should be in the Manitoulin Planning Board's Draft OP, which states:

'Public consultation regarding proposed official plan amendments, proposed zoning by-law amendments, proposed plans of subdivision and proposed consents will be undertaken as directed by the Planning Act and all relevant regulations.'

The Secretary-Treasurer informed the Board that the Ministry of Municipal Affairs have received an extension until May 26, 2017 to provide comments and modifications to the Draft Official Plan and that any appeal must be done within 20 days from the date of their official notice.

MOTION

It was moved by D. Osborne and seconded by P. Moffatt that the next Regular Meeting of Planning Board be moved from May 23rd, 2017 to the 5th Tuesday of May, which is Tuesday, May 30th, 2017.
- Carried

8. Budget Review - Financial Statements 2016

Copies of the 2016 Financial Statement were provided to each of the Board Members at the previous Planning Board Meeting held on March 28, 2017.

MOTION

It was moved by E. Russell and seconded by A. Hunt that the Manitoulin Planning Board accept, approve and adopt the Financial Statements for 2016 as prepared by Freelandt, Caldwell, Reilly Charter Accountants. - Carried

MOTION

It was moved by I. Anderson and seconded by L. Hayden that J. Diebolt be authorized to sign the 2016 Financial Statements on behalf of the Manitoulin Planning Board. - Carried

PRESENTATION OF APPLICATION FOR CONSENT TO SEVER

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

- (a) to consider 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. D. Osborne declared a conflict of interest with Application for Consent, File No's. B07-17 and B08-17 and vacated the meeting room during the consideration and decision.

Following is the list of Applications for Consent considered at this meeting.

	<u>Moved By</u>	<u>Seconded By</u>
1. B07-17 & B08-17	L. Hayden	E. Russell
2. B09-17	I. Anderson	P. Moffatt
3. B10-17	L. Hayden	E. Russell

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.: B07-17 and B08-17 No. of Members Present: 9
Date of Decision: April 25, 2017
Location of Property: Part Lots 18 and 19, Conc. IX, Surveyed as Parts 1 & 2, Plan 31R-416, and Parts 1 & 2, Plan 31R-3241, excepting Parts 1 & 2, Plan 31R-2020, Township of Gordon, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Andreas and Sabine Rentrop is to provide for a lot addition/lot line adjustment and to provide for the creation of a new lot, which will result in correcting a contravention to the Planning Act.

File No. B07-17 proposes to provide for a lot addition, located along the westerly boundary of Lot 18, Conc. IX, having a width of ± 1.0 M. and a length of ± 41.2 M., thereby containing an area of ± 41.2 Sq. M., which is to be added to land, having a frontage of ± 316.7 M. on Highway 540, a provincially maintained highway, and an average depth of ± 524.3 M., thereby containing an area of ± 25 Hec. This lot addition will nullify Consent Approval for File No. B131-89, resulting in all abutting land owned by Mr. and Mrs. Rentrop merging together into one parcel of land, under the Planning Act, having frontages of ± 316.7 M. on Highway 540, and ± 566 M. on Lake Huron, and an average depth of $\pm 1,179$ M., thereby containing a total area of ± 55 Hec.

File No. B08-17 proposes to create a new lot, located south of the ridge, having a frontage of ± 316.7 M. on Highway 540, a provincially maintained highway, and an average depth of ± 544.9 M., thereby containing an area of ± 25.004 Hec. This land has right-of-way over Part 2, Plan 31R-2764 and contains a ± 5.5 M. wide right-of-way, surveyed as Part 4, Plan 31R-2020, which is subject to access in favour of the retained land. According to the application this vacant lot is to be conveyed to Georgia Gagnon and a farm related residential use is proposed.

The land to be retained, located north of the ridge, has a frontage of ± 566 M. on Lake Huron and an average depth of ± 556.9 M., thereby containing an area of ± 30 Hec. This land has right-of-way for access over Part 4, Plan 31R-2020, and is subject to right-of-way over Part 3, Plan 31R-2020. The applicants' dwelling, garage and sleep camp are located on this land.

If both applications are approved, Mrs. Gagnon will have clear title/ownership of land she thought she owned since 2003 and will correct a contravention to the Planning Act.

There have been three (3) previous applications for consent.

File No. B131-89 provided for the creation of a new lot, surveyed as Parts 1 & 2, Plan 31R-416, and Part 3, Plan 31R-2020, excepting Parts 1 & 2, Plan 31R-2020;

File No. B40-96 provided for the creation of a new lot, surveyed as Parts 1, 2 & 3, Plan 31R-2764; and

File No. B24-03 provided for a lot addition of Parts 1 & 2, Plan 31R-3241 to the lot previously created by consent File No. B131-89.

During the regular Board Meeting of Planning Board, held on February 28, 2017, the following letter was reviewed by the Board at the request of Rick and Georgia Gagnon:

'We are requesting a waiver of fees for these two applications as we have already paid the planning board for consent on this property and received approval sixteen years ago.

We were in the middle of selling this property when we were made aware by our lawyer that technically the property is not ours that we do not have clear title. As you can understand this was a shock to us as we have been paying property tax and even have a pin number for this property.

We have been informed because of new rules and regulations that have been implemented after the fact the only way we can correct this is to make new applications to the planning board at our cost. Considering that we paid already to have this done and assumed that it was done correctly since we did receive approval we find this unacceptable that we should have to pay again...please consider that we also have to pay the surveyor again to create this new lot on the most southern part which we thought was done as it was previously approved and an additional survey of a small parcel of Mr. Rentrop's northerly parcel in order to destroy original consent as instructed by Theresa at the Manitoulin Planning Board office. Then of course there are the extra legal expenses. Our lawyer is questioning how this was approved as it never gave us clear title of ownership for this parcel.

Originally we planned to put a single family dwelling on this property (as per original application), what would have happened has we gone ahead?! We have been advised by our lawyer that this could create a tax implication for capital gains to Mr. Rentrop.

As far as the new rules and regulations, that is an internal issue. If you are going to make new rules then you had better have a solution that helps/protects land owners like ourselves that doesn't require them to pay again...pretty sure we are not the only ones this is happening to.

So please take all the above into serious consideration. This has costs us thousands through no fault of ours.'

Application File No's: B07-17 and B08-17 - continued
April 25, 2017

The following letter, dated March 01, 2017, was sent to Mr. and Mrs. Gagnon:

'Dear Mr. and Mrs. Gagnon:

This letter will advise you that, as requested, your letter requesting a waiver of fees for two consent applications, was previewed with the Board during a meeting held on February 28, 2017.

During discussion of your request, although sympathetic, it was the general consensus of the Board that the Planning Board did not create the contravention to the Planning Act. The contravention occurred when Mr. and Mrs. Rentrop conveyed land (retained land/no consent stamp) to Mrs. Gagnon while having an interest in/ owning abutting land (having a consent stamp).

The following motion regularly moved, duly seconded, and passed resulted:

'That the Manitoulin Planning Board inform Rick and Georgia Gagnon that the application fees for the two new proposed consent applications be paid for by the applicants. However as an act of good faith the two certification fees will be waived by the Planning Board.'

Access is via private right-of-way from an existing entrance from Highway No. 540, a provincially maintained highway. Following consultation with the Ministry of Transportation, as part of the preliminary review, the following comments were received via email, from Christine Tudhope, Corridor Management Planner, on March 13, 2017:

'MTO does not object to the proposed correction of title. Once the corrections are done, they will need to reapply to MTO to convert the entrance permit to a mutual entrance. If the property is sold they can apply for a change of ownership.'

The properties are located within MTO's Permit Control Area. Any buildings, structures, site alterations, or wells proposed within 180 metres of the centre point of any intersection of Highway 542 or within 45 metres of the highway right-of-way limit, requires a Building and Land Use Permit from the Ministry of Transportation. The applicant should contact Lise Taylor, Corridor Management Officer, at the Sudbury Area Office at (705) 564-7707 or by email at Lise.taylor@ontario.ca for further information with respect to MTO permit requirements.

The proposed new lot will be serviced by private individual septic system and private well. Services consist of private individual septic system and a shore well for the retained land.

An unevaluated wetland is identified within the retained land. 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 Agriculture and Rural Districts and zoned Agriculture (A) and Rural (R). This land is not identified as Prime Agricultural Land by the Ministry of Agriculture, Food and Rural Affairs. Farm related residential uses are proposed for the new lot.

From information available it appears there is a drain catchment area within the subject land and Section 65 of the Drainage Act may apply.

This application was circulated on March 15, 2017 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.

There was a visit to the office from Stacey Torkopoulos-Young, abutting land owner, requesting further explanation of the application. She had no concerns. 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.

The Clerk for the Municipality of Gordon/Barrie Island recommends approval of the application and provided the following comments via email:

'Section 65 does apply, and no reassessment has been done but it is in the works due to another issue going on with the Best Drain. There will be some drainage costs against the property.'

The Secretary-Treasurer explained that the newly created lot, by File No. B08-17, was the retained land from a previous consent File, No. B40-96, and could be considered an existing lot and though it is zoned Agriculture a zoning amendment for a non-farm rural residential lot may be considered unnecessary. The general consensus of the Board Members was that this would be at the discretion of the Municipality and the Building Inspector.

Application File No's: B07-17 and B08-17 - continued
April 25, 2017

Rick Gagnon, agent for the application, and Georgia Gagnon were in attendance during discussion of the application. Mr. Gagnon explained that there had once been a barn on the proposed new lot which blew down and that the drain was located on MTO property.

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(s). This Schedule must also:
 - i) contain the names of the parties indicated on the Transfer of Land form; and
 - ii) for Consent File No. B07-17 state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and 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) and right-of-way(s), given conditional approval, to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that all abutting lands owned by Andreas and Sabine Rentrop, including Parts 1 & 2, Plan 31R-416, Parts 1 & 2, Plan 31R-3241, Parts 3 & 4, Plan 31R-2020, excepting Parts 1 & 2, Plan 31R-2020, will be consolidated on title under the same ownership, thereby nullifying the previous consent approval, File No. B131-89 and resulting in one lot under the Planning Act and a copy of the parcel register, and resulting PIN page(s) provided to the Manitoulin Planning Board;
- iii) written confirmation from the Municipality that any reassessment required for the subject lands as required by Section 65 of the Drainage Act have been completed, satisfactory to the Municipality;
- 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, File No. B07-17.

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, File No. B08-17.

Note: Consent File No. B07-17 must be completed prior to Consent File No. B08-17.

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

Note: Owners of the subject lands should be aware that the cost of maintenance of municipal drains is prorated to landowners.

Note: Dan Osborne, Board Member, declared a conflict of interest with this application.

Application File No.: B09-17 No. of Members Present: 9
Date of Decision: April 25, 2017
Location of Property: Lots 1 & 2 and Part of Lot 3, Conc. VI, Township of Gordon, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by William and Bonnie Fogal is to provide for the creation of a new lot, having a frontage of ±96.3 M. on Highway 542, a provincially maintained highway, and a depth of ±170 M., thereby containing an area of ±1.6 Hec. There is a dwelling and two accessory structures located within this land.

The land to be retained has frontages of ±530.2 M. and ±717.4 M. on Highway 542, a provincially maintained highway, and ±981.6 on Emery Road, a maintained municipal road, and an average depth of ±623.6 M., thereby containing an area of ±70 Hec. There are no structures located on this land.

File No. 04-51C-77-990, approved by the Ministry of Housing, created a new ±1.5 Hec. lot, surveyed as Part 1, Plan 31R-709, located to the west of the subject land.

Services for the severed land consist of a private well and private individual septic system. There are no new services proposed for the retained land at this time.

Access is via existing entrances from Highway No. 542, a provincially maintained highway. Following consultation with the Ministry of Transportation, as part of the preliminary review, the following comments were received from Christine Tudhope, Corridor Management Planner, on March 21, 2017:

'This is in response to the Manitoulin Planning Board's request for comments on a proposed consent Application under Section 53 of the Planning Act with respect to the subject lands for the creation of a new ±1.6 Hec. lot along Hwy 542, containing a dwelling and two accessory structures. The retained land would consist of ±70 Hec. of vacant land.

The Ministry of Transportation (MTO) is prepared to support the application to permit the creation of a new lot. It is noted that there are no entrance permits on record for the existing entrances. The following notes are requested to be included in the Decision:

- Upon registration of the transfer documents creating the new lot, application must be made to the MTO for entrance permits to Highway 542 to reflect the registered owners of the severed and retained lots;*
- The properties are located within MTO's Permit Control Area. Any buildings, structures, site alterations, or wells proposed within 180 metres of the centre point of any intersection of Highway 542 or within 45 metres of the highway right-of-way limit, requires a Building and Land Use Permit from the Ministry of Transportation; and*
- the applicant should contact Lise Taylor, Corridor Management Officer, at our Sudbury Area Office at (705) 564-7707 or by email at Lise.taylor@ontario.ca for further information with respect to MTO permit requirements.*

The Ministry requests to be notified of the Decision and any changes to any conditions.'

A copy of comments received from MTO were sent to the applicants on March 21, 2017.

The severed land has been designated Rural District and zoned Rural (R). The retained land has been designated Rural and Agricultural Districts and zoned Rural (R) and Agricultural (A). Rural 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 (PPS) 2014.

This application was circulated on March 23, 2017 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.

The Municipality have advised they have no objections or concerns.

There has been a visit to the office from Joan Channon, owner of Part 1, Plan 31R-709, requesting further explanation of the application. She had no concerns. There have been no other inquiries or comments received as a result of circulation to property owners within 60 metres and the posting of the Notice.

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

Application File No. B09-17 - continued
April 25, 2017

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 identified 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) to which the consent approval relates;
- ii) proof satisfactory to Planning Board that the minimum yard requirements resulting from the new lot lines conform to Zoning By-law No. 492 i.e. written verification from the Ontario Land Surveyor;
- iii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- iv) 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: Entrance permits from Highway 542 are required from the Ministry of Transportation to reflect the registered owners of the proposed severed and retained land.

Application File No.: B10-17 No. of Members Present: 9
Date of Decision: April 25, 2017
Location of Property: Part Lot 28, Conc. XV, surveyed as Part 3, Plan 31R-3579 and Pt. Part 1, Plan 31R-1746, 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 Kristene and Denis LeBlanc is to provide for the creation of a new lot, surveyed as Part 3, Plan 31R-3579, having a frontage of ±118.8 M. (389.8 ft.) on Highway No. 540/Young Street, a provincially maintained highway, and an irregular depth, thereby containing an area of ±1.4 Hec. (3.5 Acres). There is a mini-golf course, known as 'Rock Island Mini-Golf' and an eatery located on this land. The applicants propose to offer this land for sale.

The land to be retained, being Pt. Part 1, Plan 31R-1746 has a frontage of ±57.5 M. (±285 ft.) on Carter Crescent, a maintained township road, and an irregular depth, thereby containing an area of ±2.0 Hec. (±5 Acres). There is a dwelling is located on this land.

There have been four (4) previous applications for Consent, File No. B43-88 created four (4) new lots, surveyed as Parts 1 to 4, Plan 31R-1789. These severances were conditional on the relocation of the township road, now known as Carter Crescent, which provided access to those lots created as well as Rainbow Heights Subdivision.

File No. B36-93 created three (3) new lots, being Part of Lot 28, Conc. XVI, surveyed as Parts 2, 3 and 4, Plan 31R-2560.

File No. B37-06 created a new lot, surveyed as Parts 1 & 2, Plan 31R-3579;

File No. B14-15 proposed to create a new lot, surveyed as Part 3, Plan 31R-3579 which lapsed when the conditions were not completed within the one year requirement. The applicants now wish to resubmit the application for consent, that lapsed.

According to the application, the applicants may submit an additional application for consent, at a later time, for a right-of-way over the retained land.

As part of the preliminary review it was explained to Susie Harrison and Sandi Hurcomb, agents for the application, that the Municipality has previously requested that as a condition of consent approval that the water capital charges be paid in full for the severed and retained land prior to the certification of the new transfer. A copy of the Planning Board Decision for File No. B14-15 and uses permitted within the Hamlet Zone, Zoning By-law No. 80-11 for the Township of Billings, were provided to the agents.

According to the application, services for the severed and retained lands consist municipal water and privy.

The Sudbury and District Health Unit advised on September 2nd, 2014 of no concerns and that it appears the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

Access is via an existing entrance previously approved from Highway No. 540/Young Street for the severed land, and via Carter Crescent, a maintained municipal road, for the retained land.

The severed land has been designated Hamlet District and zoned Hamlet (H). The retained land has been designated Hamlet District and zoned Hamlet Residential (RH). According to the application Retail uses are proposed for the severed land.

A Zoning By-law Amendment, by By-law No. 2005-06, permits by Special Provision No. 8.16, a mini-put/miniature golf in the Hamlet (H) Zone, within the proposed severed land and a guest cabin accessory to a dwelling unit in the Hamlet Residential (RH) Zone, within the proposed retained land.

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).

The application was circulated on March 09, 2017 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.

The Municipality of Billings and Allan East have advised of Resolution No. 2017-117 as follows:

'BE IT RESOLVED THAT Council has reviewed Planning Board Application for Consent, File No. B10-17 and has the following comments:

Section 5.3 of the application was not filled out; missing information includes being within 500 metres of agriculture property and industrial/commercial use property and the proximity to the unevaluated wetland. Council approves the application provided that all outstanding taxes, water levy and water capital are paid at time of transfer and pending receipt of Offer to Purchase confirming township will receive outstanding owed funds.....Carried.'

Application File No. B10-17 - continued
April 25, 2017

The Clerk for the Municipality also provided the Secretary-Treasurer with a copy of an Undertaking from the agents, dated April 24, 2017 as follows:

'Further to the terms of the March 3, 2017 Agreement of Purchase and Sale between the undersigned and the Owners, and provided that the Manitoulin Planning Board approves Application Number B10-17 with respect to the above-noted properties, we the undersigned jointly UNDERTAKE to pay within a reasonable time after the scheduled June 02, 2017 closing of the sale of the subject property, up to a maximum of FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00 CDN) to the Corporation of the Township of Billings, for amounts presently owned to the Town by Kristene LeBlanc and Denis LeBlanc for the Location re: realty taxes, water levy charge(s) and water capital charge(s) plus interest and penalties.'

The following email was sent to the Clerk of the Municipality and copied to S. Harrison, agent for the application, on April 25, 2017:

'Planning Board is in receipt of the Municipality's Resolution No. 2017-117 and a copy of an Undertaking signed by Susan Harrison and Sandra Hurcomb regarding the water levy charge(s) and water capital charge(s) and municipal taxes. These two items conflict.

Standard conditions of consent approval are:

- a) *a written confirmation from the Municipality that all outstanding municipal taxes have been paid; and*
- b) *a written confirmation from the Municipality that satisfactory arrangements for municipal water connection have been made, satisfactory to the Municipality; and*
- c) *a written confirmation from the Municipality that there are no outstanding water capital charges, for the severed and retained lands.*

My recommendation to the Board Members will be that the wording of these conditions are:

- a) *a written confirmation from the Municipality that all outstanding municipal taxes have been paid; and*
- b) *a written confirmation from the Municipality that satisfactory arrangements for municipal water connection have been made, satisfactory to the Municipality; and*
- c) *a written confirmation from the Municipality that satisfactory arrangements for water capital charges, for the severed and retained lands, have been made, satisfactory to the Municipality.*

Please advise me if you feel these conditions meet your expectations or if you would like to recommend different wording of the standard conditions, before 4:00 p.m. today as this Consent Application is on the agenda for tonight's Board Meeting. Thank you.'

The Clerk for the Municipality advised, via email, that the wording of the recommended conditions were satisfactory.

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

Susie Harrison, Sandi Hurcomb, agents for the application, and P.L. Couillard and D. Hurcomb, interested parties, were in attendance during consideration of the application. Ms. Hurcomb and Ms. Harrison were in agreement with the recommended conditions of the consent approval.

A. Hunt, Board Member and Mayor for the Municipality of Billings and Allan East stated that the recommended conditions were satisfactory.

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, illustrating the parcel(s) to which the consent approval relates;
- ii) a written confirmation from the municipality that satisfactory arrangements for municipal water connection have been made, satisfactory to the municipality;

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- iii) written confirmation from the municipality that satisfactory arrangements for water capital charges, for the severed and retained lands have been made, satisfactory to the municipality;
- iv) should any portion of a travelled road, which is maintained by the township, encroach on the subject land, that portion shall be 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.

Note: The consent application is a resubmission of previous Consent File No. B14-15.

Note: Further development by the consent procedure for the subject lands may not be considered.

The time now being 8:51 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by P. Moffatt.

K.E. NOLAND, CHAIR

T.A. CARLISLE,
SECRETARY-TREASURER