



October 30, 2024

MINUTES OF PLANNING BOARD MEETING - October 29th, 2024

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, October 29th, 2024, the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|-----------|
| 1. | L. Hayden | 5. | K. Noland |
| 2. | D. McDowell | 6. | B. Barker |
| 3. | R. Stephens | 7. | D. Head |
| 4. | J. DeForge | | |

Regrets: L. Chappell, D. Osborne

Also in attendance for the meeting were:

T. Sasvari, reporter, Manitoulin Expositor;
D. Earl, Agent, and Jose Gonzales, interested party, for Consent to Sever,
File No's. B22-24, B23-24 and B24-24.

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

The Meeting was called to Order at 7:04 P.M. by Chair L. Hayden after two Public Meetings, 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 September 24th, 2024.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the Order of Business.

MOTION

It was moved by D. McDowell and seconded by K. Noland that the Order of Business be adopted,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - September 24th, 2024

The Chair announced that the Minutes of the Board Meeting held on September 24th, 2024 had been circulated to the Board Members and requested that any errors or omissions be stated.

There was none.

MOTION

It was moved by B. Barker and seconded by D. McDowell that the Minutes of September 24th, 2024 be adopted,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- September 24th, 2024

There was none.

3. VARIABLE EXPENDITURES

The Secretary-Treasurer explained that the invoice from innov8 Office Solutions is considerably more than the normal monthly invoice (\pm \$90.00 vs \pm \$423.00). Photocopies are now being made with the newer Canon machine at a cost. The copier supplies for the older Xerox machine have all been used (which were purchased before 2024), which resulted in no copy costs from using the Xerox machine with the exception of paper for 2024.

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by J. DeForge and seconded by B. Barker that the variable expenditures be accepted as presented,
- Carried.

4. PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

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 recorded in the usual fashion toward the end of the Minutes.

5. PRESENTATION OF APPLICATIONS FOR AMENDMENT

Following the Public Meeting which was closed by Chair, L. Hayden, the Secretary-Treasurer presented the following Amendment Application:

- i) File No.: 2022-05ZBL-24-005
Applicants/Owners: Arthur and Lucinda Madore
Agent: Arthur Madore
Property Description: Lot 3, Conc. 2
(Located at #490 Little Lake Huron Road)
Township of Robinson, District of Manitoulin

A Zoning Amendment Application has been received from Mr. and Mrs. Madore to:

- i) permit an existing portable storage container, (± 12.3 m. X ± 2.6 m.) and
- ii) permit an existing deer stand/blind in the front yard (in front of the seasonal dwelling),

placed on the property without permit, accessory to a seasonal dwelling in a Rural Zone, within the subject land.

Zoning By-law No. 2022-05, under Section 14.0 - Rural (R) Zone does not permit a portable storage container; under Section 4.1.6, portable storage containers are only permitted in the General Industrial (M) Zone; and under Section 4.1 d) - Accessory Uses - accessory structures shall have the same setbacks as the principle building (seasonal dwelling). Therefore an Amendment to the Zoning By-law is required.

The Secretary-Treasurer advised that the Planning Board had reviewed the applicant's request at the July 23rd, 2024 Board Meeting and the Board had been supportive in principle of the Amendment Application to permit the portable storage container and the deer blind/stand to remain within the property where they are currently located.

This ± 40 Hec. lot, was created by Consent to Sever File No. 04-51C-76-1387, by the Ministry of Housing in 1976. The lot has been in the owners' possession since April 2015 and contains their seasonal dwelling, gas/tool shed, battery storage shed, sauna, privy, deer stand/blind, and portable storage container.

Zoning Amendment By-Law No. 2003-01 permits a seasonal dwelling having a reduced ground floor area of 48 sq. m. (from 55 sq. m.). Zoning Conformity Permit No. LC05/03 permits the seasonal dwelling and a sauna. Zoning Conformity permit Application, File No. LC12/24, permits an addition (± 6.1 m. X ± 7.3 m.) onto the westerly side of the existing seasonal dwelling and the re-location of the sauna to the south side of the new addition once completed.

The application was circulated on August 16th, 2024 to the Wiikwemkoong Unceded Territory and to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement. No comments or concerns have been received or additional time requested to do so.

The application to amend Zoning By-law No. 2022-05 was circulated on October 1st, 2024 to the Township of Robinson Local Roads Board, Ontario Ministry of Transportation (MTO), Ontario Power Generation, Metis Nation of Ontario, the Rainbow and District School Board, Bell Canada, and to all property owners within 120 metres as required by Ontario Regulation 545/06.

The Robinson LRB advised via email on September 25th, 2024 that:

' Please be advised that the LRB has no objection to the location of the existing deer blind; however, the LRB continues to object to the permanent placement of portable storage containers anywhere in the township for reasons previously cited to MPB.

While the LRB appreciates the opportunity to comment on zoning amendment applications for PSC, it is becoming apparent that MPB is not looking out for our township's best interests.

MPAC has indicated that they do not provide assessments for PSCs. When approving the permanent placement of these PSCs, MPB has no guarantee that MPAC will ever assess these structures; therefore our township will never benefit in receiving additional tax dollars.'

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Amendment Application File No.: 2022-05ZBL-24-005 - Continued

RLRB - comments of September 25th, 2024 - continued

' Why does this matter? What if every landowner in future does not erect buildings but instead seeks approval for a PSC (or several PSCs as the case may be) on their property? These PSCs could be converted into tiny homes, cottages, guest cabins, bunkies, garages, workshops, etc. and never be appropriately assessed by MPAC. The township's total assessment value would never increase. This total assessment value is the vehicle used by the LRB to determine mill rate, taxes, and our annual budget. These tax dollars pay for services we provide (eg. building new roads, surface treatment on existing roads, snowplowing, brushing, ditching, roadside grass cutting, culverts, tree removal, signage, etc.). The demand for these services would still be there but only those ratepayers with MPAC assessments would carry the tax burden to pay for these services; and many of these ratepayers are seniors.

Again, thank you for the opportunity to provide comment. We hope that your board will re-consider the detrimental effect that your recent decisions, allowing "permanent" PSCs, are having on our board.'

The comments received from the Robinson Township Local Roads Board were provided to the applicants.

MTO advised that the subject land is not located within MTO's permit control area (PCA); therefore, they have no comments to provide at this time.

Hydro One advised that they do not have an unregistered easement; they do not require an easement; there are no hydro poles within the subject land; and that they have no concerns or any conditions to be considered by the Planning Board.

There were no comments received from Bell Canada, Ontario Power Generation, Metis Nation of Ontario, or the Rainbow and District School Board.

The applicants access their property via Little Lake Huron Road, a private right-of-way to Highway No. 540. The applicants have been advised that access to their property is via private right-of-way that may be in need of repair for emergency vehicles. The subject land is also subject to right-of-way.

Servicing consists of hauled water and a privy/out house.

Fire Protection is available by the Robinson Township Volunteers.

Garbage Collection is available through the Robinson Local Services Board.

The lands subject to this proposal will remain designated as being within a Rural Area and all Official Plan Policies applicable thereto will continue to apply.

The subject land is to remain as presently zoned as Rural (R) Zone. This proposal, if approved, will permit by Special Provision on a site specific basis the location and use of a portable storage container and deer stand/blind within the subject land.

There is Alvar identified within the southern portion of the property and a Deer Wintering Area identified to the south of the subject property within Lot 3, Conc. 1 .

The Provincial Policy Statement (PPS) 2020 under Section 2.1. - Natural Heritage states under 2.1.1, states:

' Natural features and areas shall be protected for the long term.'

Section 2.1.8 2.2 states:

' Development and site alternation shall not be permitted on adjacent lands to the natural heritage features or areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.'

There are no new buildings or structures or any new development proposed within the areas of influence.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement 2020. This proposal appears to be consistent with the Provincial Policy Statement 2020.

There have been no comments, concerns, or objections received from the property owners or the agencies circulated.

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The required Public Meeting was held by the Manitoulin Planning Board on Tuesday, October 29th, 2024 at 7:00 p.m., prior to the presentation of the application.

Discussion included:

-the portable storage container (PSC) was placed on their property prior to their purchase in 2015; they are trying to make things right; PSCs are not allowed in the Rural Zone; temporary use vs permanent use; the Robinson Local Roads Board (RLRB) have concerns; the Municipal Property Assessment Corporation (MPAC) have not been assessing PSCs; if no assessment then no taxes; concerns of the RLRB should be considered.

The general consensus of the Board was to allow the Portable Storage Container and the deer stand/blind on a temporary basis and wait and see if MPAC will assess the container in order to generate some taxes for the Robinson Township Local Roads Board.

The Secretary-Treasurer then read the following By-law for the Board's consideration.

BY-LAW NO. 2024- 007

TEMPORARY USE PROVISIONS FOR SPECIFIC LANDS

Being a By-law of the Manitoulin Planning Board to amend By-law 2022-05, the Comprehensive Zoning By-law for the Townships of Robinson and Dawson.

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. 2022-05 under the Temporary Use Provisions as set out by Section 39 of the Planning Act, Chapter p.13, R.S.O., as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Despite requirements of the Zoning By-law No. 2022-05 under Section 14.0 - Rural (R) Zone and under Section 4.1.6, - portable storage containers, permits one existing portable storage container (±12.3 M. X ±2.6 M.) to be used for storage of non-hazardous items/materials, and conforming to provisions of Section 4.1.6.2;

and

Despite requirements of the Zoning By-law No. 2022-05 under Section 14.0 - Rural (R) Zone and 4.1 d) - accessory uses - permits one existing deer stand/blind to be located in the front yard (in front of the seasonal dwelling),

placed on the property without permits, accessory to a seasonal dwelling, to remain as located on the attached Schedule 'A' (sketch), to be used as a temporary use until the 29th Day of October, 2027 in accordance with Section 39 of the Planning Act, on lands described in Subsection (2)

- (2) Subsection (1) applies to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Lot 3, Conc. 2, (#490 Little Lake Huron Road), as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) 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 Land Tribunal (OLT) where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

MOTION

It was moved by D. Head and seconded by R. Stephens that By-law No. 2024-007 be approved, as read,
- Carried.

5. PRESENTATION OF APPLICATIONS FOR AMENDMENT - Continued

Following the Public Meeting which was closed by Chair, L. Hayden, the Secretary-Treasurer presented the following Amendment Application:

- ii) File No.: 2022-05ZBL-24-006
Applicants/Owners: Jordan and Julie Davie
Property Description: Lot 29, Conc. XIV
Including Part 4, Plan 31R-3949 and excepting
Parts 1, 2, & 3, Plan 31R-3949
(Located at #879 Water Street)
Township of Dawson
District of Manitoulin

A Zoning Amendment Application has been received from Mr. and Mrs. Davie to permit an existing portable storage container, (± 6.09 m. X ± 2.43 m.), placed on the property without permit, accessory to a seasonal dwelling in a Rural Zone within the subject land.

Zoning By-law No. 2022-05, under Section 14.0 - Rural (R) Zone does not permit a portable storage container and under Section 4.1.6, portable storage containers are only permitted in the General Industrial (M) Zone. Therefore an Amendment to the Zoning By-law is required.

The Secretary-Treasurer advised that the Planning Board had reviewed the applicant's request at the January 30th, 2024 Board Meeting and the Board had been supportive in principle of either an Amendment to permit the Portable Storage Container to remain on the property permanently, or a Temporary Use By-law. The applicant's have made their application to permit the container to remain on a permanent basis.

This ± 46 Hec. lot, is the resulting retained land of Consent to Sever File No's B41-12, B42-12 and B43-12 approved by the Manitoulin Planning Board to create three new lots together with right-of-way, surveyed as Parts 1, 2 & 3, Plan 31R-3949. The subject land has been in the owners' possession since January 2023, and contains their seasonal dwelling and accessory structures including the portable storage container.

The application was circulated on August 23rd, 2024 to the Wiikwemkoong Unceded Territory and to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement. No comments or concerns have been received or additional time requested to do so.

The application to amend Zoning By-law No. 2022-05 was circulated on October 1st, 2024 to the Township of Dawson Local Roads Board (LRB), Ontario Ministry of Transportation (MTO), Ontario Power Generation, Metis Nation of Ontario, the Rainbow and District School Board, Bell Canada, and to all property owners within 120 metres as required by Ontario Regulation 545/06.

The Dawson Local Roads Board have not provided any comments or requested additional time to do so.

MTO advised that they reviewed the application and determined that the subject lands are not located within MTO's permit control area; therefore have no comments to provide at this time.

Hydro One advised that they do not have an unregistered easement; they do not require an easement; there are no hydro poles on site; and that they have no concerns or any conditions to be considered by the Planning Board.

There were no comments received from Bell Canada, Ontario Power Generation, Metis Nation of Ontario, or the Rainbow and District School Board.

The applicants access their property via Water Street, a maintained municipal road.

Servicing consists of private individual septic system and private well.

There is no Fire Protection in the Township of Dawson.

There is no garbage pick-up in Dawson Township. However, there is a transfer station that is open weekly.

The lands subject to this proposal will remain designated as being within a Rural Area and all Official Plan Policies applicable thereto will continue to apply.

The subject land is to remain as presently zoned as Rural (R) Zone. This proposal, if approved, will permit by Special Provision on a site specific basis, the location and use of a portable storage container within the subject land.

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There is a category 'High' for Wildland Fire identified within the Subject land. However the proposed structures are not within the category High risk area.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement 2020. This proposal appears to be consistent with the Provincial Policy Statement 2020.

There have been no comments, concerns, or objections, received from the property owners or the agencies circulated.

The required Public Meeting was held by the Manitoulin Planning Board on Tuesday, October 29th, 2024 at 7:02 p.m., prior to the presentation of the application.

The Board Members were in agreement to allow the portable storage container to remain on the property for three years.

The Secretary-Treasurer then read the following By-law for the Board's consideration.

BY-LAW NO. 2024- 008

TEMPORARY USE PROVISIONS FOR SPECIFIC LANDS

Being a By-law of the Manitoulin Planning Board to amend By-law 2022-05, the Comprehensive Zoning By-law for the Townships of Dawson and Robinson.

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 By-law No. 2022-05 under the Temporary Use Provisions as set out by Section 39 of the Planning Act, Chapter p.13, R.S.O., as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Despite requirements of the Zoning By-law No. 2022-05 under Sections 14.0 - Rural (R) Zone and 4.1.6, - portable storage containers - permits one existing portable storage container (± 2.43 M. X ± 6.09 M.), accessory to a seasonal dwelling, as identified on the attached sketch (Schedule A), to be used as a temporary use until the 29th Day of October, 2027 in accordance with Section 39 of the Planning Act, on lands described in Subsection (2);
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Dawson, in the District of Manitoulin, described as Lot 29, Conc. XIV, including Part 4, Plan 31R-3949 and excepting Parts 1, 2, & 3, Plan 31R-3949 (Located at #879 Water Street), as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) 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 Land Tribunal (OLT) where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

MOTION

It was moved by R. Stephens and seconded by J. DeForge that By-law No. 2024-008 be approved, as read,
- Carried Unanimously.

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6. MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH)

i) Provincial Appointments - Unincorporated Townships or Robinson & Dawson

The Secretary-Treasurer reported that there is no new information from MMAH regarding the two Planning Board provincial appointments for the Unincorporated Townships or Robinson and Dawson.

She also reported that MMAH is hoping to attend the November 26th, 2024 Board Meeting (as requested by Planning Board), however, the Minister must approve their attendance.

The Secretary-Treasurer informed the Board that, at the written request of the Manitoulin Planning Board, the Township of Cockburn Island advised by Resolution No. 24-10-11:

' That in response to a letter received from the Manitoulin Planning Board requesting the appointment of an alternate member representing Cockburn Island Township, Now therefore be it resolved that Council determines as follows;

- We appoint Ian Anderson as our alternate on the Manitoulin Planning Board (MPB) until such time as the MPB's internet service allows for on-line Zoom participation, CARRIED.'*

ii) Planning Administration Grant - 2024-2025 - Unincorporated Townships of Robinson & Dawson

The Secretary-Treasurer reported that MMAH has received the required documentation and will be releasing the funds for the Planning Administration Grant in the amount of \$16, 073.00 shortly.

iii) Special Business Case Funding -2024-2025 - Unincorporated Townships of Robinson & Dawson

The Secretary-Treasurer informed the Board that an invitation for Special Business Case Funding has been received from MMAH. Staff are looking into projects to submit to MMAH. One thought was to request funding to conduct another mass mail out for the Unincorporated Townships to provide awareness of Zoning By-law No. 2022-05 and permissions to build in the Unincorporated Area. The Manitoulin Planning Board had received funding from MMAH for 2023-2024 in the amount of ±\$975.00 and the project had proven to be successful.

7. PROVINCIAL PLANNING STATEMENT (PPS) 2024

The Secretary-Treasurer advised that a new Provincial Planning Policy (replacing the PPS 2020) had come into effect on October 20th, 2024. She had sent the information to all planning board members and to all municipal clerks regarding access to an on-line training resource.

<https://forms.office.com/r/tC4urWirV4>

8. MUNICIPAL PROPERTY ASSESSMENT CORPORATION (MPAC)

Following the September 24th, 2024 Board Meeting and motion of the Board, Planning Board Staff have updated the list/spread sheet for the Zoning Conformity Permits issued between 2019 and 2024 and have forward the information to MPAC, the Robinson Township Local Roads Board and the Dawson Township Local Roads Board to try and assist with missed assessments, including those for portable storage containers.

The Board Members were in agreement that follow-up will be between the Local Roads Boards and MPAC. Planning Board staff will assist in any way possible.

9. AERIAL PHOTOGRAPHY - New Government Funding for Ontario Imagery

The Secretary-Treasurer reported that The Ontario Ministry of Natural Resources advised on September 26th, 2024 that earlier this year, Land Information Ontario transitioned to Geospatial Ontario (GEO). As part of the transition, the Government of Ontario will now fully fund the collection of aerial imagery across the province. What this means is that neither the Manitoulin Planning Board nor the Municipalities will be required to contribute to the acquisition cost; the aerial imagery will become available at no cost with the exception of maybe a back-up drive or thumb drive for the imagery. This is very good news!

10. FINE FEE SCHEDULE

Due to the time, the Board Members were in agreement to defer discussion on the proposed Fine Fee Schedule, during this Board Meeting (October 29th, 2024)

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Application File No's.: B22-24, B23-24 and B24-24 No. of Members Present: 7
Date of Decision: October 29, 2024
Location of Property: Lot 26, Conc. XIII, Township of Campbell, Municipality of Central Manitoulin,
District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Dylan Earl on behalf of Maxima Holdings Corp. is to provide for the creation of three new lots for residential uses.

File No. B22-24 proposes a new lot having frontages of ± 190 M. on Dominion Bay of Lake Huron and ± 500 M. on the privately maintained 25th Side Road Allowance known as Earl's Road, and a depth of ± 190 M., thereby containing an area of ± 9.2 Hec. According to the application, the applicant's dwelling, garage, guest cabin, pump house and the foundation of an old campground building are located within this land. This lot will be subject to right-of-way in favour of the lot to the west, proposed by File No. B23-24.

File No. B23-24 proposes a new lot having a frontage of ± 594 M. on Dominion Bay of Lake Huron and an average depth of ± 421.5 M., thereby containing an area of ± 13.0 Hec. According to the application, there is an existing privy/out house located within this land. This lot will be together with a right-of-way over the lot to the east, proposed by File No. B22-24.

File No. B24-24 proposes a new lot having frontages of ± 190 M. on Whitechurch Road, a maintained municipal road and ± 740 M. on the privately maintained 25th Side Road Allowance known as Earl's Road, and a depth of ± 740 M., thereby containing an area of ± 14.1 Hec. According to the application, there is an existing two-storey dwelling and privy/out house located within this land.

The land to be retained has a frontage of ± 212 M. on Whitechurch Road, a maintained municipal road, and a depth of ± 740 M., thereby containing an area of ± 15.7 Hec. According to the application, there are no structures on this land.

Mr. Earl, agent for the application, was advised that any further development may be required to proceed via a Plan of Subdivision and was advised via email of Official Plan Policy F.4.4.2 and which states:

'A consent should only be considered where a plan of subdivision is deemed to be unnecessary, where the application conforms with the policies of this Plan, is consistent with the Provincial Policy Statement, and the consent will generally not result in the creation of more than three new lots on a lot that existed prior to the date of adoption of this Plan, unless it does not necessitate the creation of a new road, or the extension of municipal services.'

According to the land transfer/deed, the subject land is subject to instrument T17988. Instrument T17988 states that the land is subject to:

'a mutual right-of-way over and across the said lands as presently travelled, to be held in common with all others claiming right thereto.'

According to the application the right-of-way (Instrument T17988) is outdated and Mr. Earl and is working on getting this deregistered from title.

There has been an old Zoning Amendment Application, No. 1-1, submitted to the Ministry of Housing in 1974 by the previous land owners, E. & C. Gilmore, for a 50-site campground and three tourist cabins for the subject ± 52 Hec. land. The Ministry of Housing (MOH), the approval authority at that time, advised that an Amendment for the Tourist Establishment was not required because i) the application was received by the Ministry prior to the Manitoulin Zoning Order coming into effect and ii) that approval from the Ministry was pending when the Order came into force. No Amendment was approved by the MOH. It is unclear if the campground or the three cabins were ever constructed or if the business operated. No building permit information has been found. It appears that in 1978, there was a request made to the MOH to re-build their dwelling that was destroyed by fire. MOE advised that by regulation 153/74 Mr. and Mrs Gilmore could rebuild their dwelling without an amendment. There was no indication of any existing campground or the cottages at that time. No other information is available. Mr. Earl, agent for the application, was advised of this information.

The application was circulated on August 8th, 2024 to the Wiikwemkoong Unceded Territory and the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement.

J. Manitowabi, Wiikwemkoong Unceded Territory, advised via email on September 3rd, 2024 that they have no comments or concerns to the request to sever the property.

The UCCMM have not advised of any concerns or requested additional time to provide comments.

According to the application, services consist of a private individual septic system and private well for the lot proposed by File No. B22-24. Mr. Earl advised that he did not know if there was an existing septic system or well for the dwelling, located within the lot, proposed by File No. B24-24. Any new servicing for the proposed new lots will consist of private individual septic systems and private wells or water from Lake Huron, when required.

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Application File No's. B22-24, B23-24 and B24-24
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The Sudbury and District Public Health Unit advised they have no concerns and that it appears that the proposed severed and retained lots are capable of development for the installation of a septic tank and leaching bed system.

Access for the lot proposed by File No. B22-24 is via an existing entrance, #233 Earl's Road, the privately maintained 25th Side Road Allowance, known as Earl's Road to Whitechurch Road, a maintained municipal road. Access for the lot proposed by File No. B23-24 will be via a private right-of-way over the lot proposed by File No. B22-24 to Earl's Road, to Whitechurch Road. Access for the lot proposed by File No. B24-24 and for the retained land will be via Whitechurch Road, a maintained municipal road.

The Clerk for the Municipality of Central Manitoulin advised that:

'Earl's Road is built on a municipal road allowance. It was privately built and is privately maintained. I did a cursory electronic search through our records and could not find much history on the road nor an agreement. Since this is in Campbell Township if the construction is pre-amalgamation, then we may not have any records.'

Mr. Earl has been advised by the Municipality via email on April 2nd, 2024, of By-law No. 2002-05 - the 'road standards' and what would be required for the Municipality to take over the maintenance of Earl's Road.

As part of the preliminary review the application was sent to the Ontario Ministry of Transportation (MTO). C. Cole, Corridor Management Planner, MTO, advised via email on September 11th, 2024 that the subject lands are located outside MTO's permit control area (PCA); therefore they have no comments to provide at this time.

Mr. Earl advised that he has contacted surveyor, G. Keatley, to survey the eastern portion of Earl's Road to ensure that the road does not encroach onto the subject land.

There is a Hydro line identified along Whitechurch Road and along Earl's Road. As part of the preliminary review the application was sent to Hydro One. J. Waytowich advised via email that Hydro One has an unregistered easement over the subject lands; that they do not require an easement or occupational rights; that they own the poles and the underground primary cable that crosses the property; and that they have no concerns with the application.

The subject land has been designated Rural Area and Shoreline Area and zoned Rural (R) and Shoreline Residential (SR).

Official Plan Policy C.5 - Rural Areas - under Section C.5.2.2. states:

'Development in Rural Areas will be subject to policies of Section E.2.'

Official Plan Policy E.2.3. - PRIVATE WATER AND SEWAGE SERVICES - under 6. states:

'Potable water for new development will be provided in accordance with the Province's guidelines'

The Provincial D-5-5 Guidelines require a minimum flow rate of 13.7 litres/per minute of potable water to be available for a permanent (year round) residential use. Proof of potable water that would conform to the Provincial requirements, may be required at the building permit stage, when/if a dwelling is proposed for the subject land(s).

There is a Deer Wintering Area identified within the subject property.

The Provincial Policy Statement (PPS) 2020 under policy 2.1.5 states:

'Development and site alteration shall not be permitted in:

- d) *significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.'*

The Official Plan guidelines state that new lots having a minimum frontage and depth of 90 M. would be exempt from an Environmental Impact Study (EIS).

The lots as proposed have sufficient frontage and depth (greater than 90 metres) to meet the requirements of the Official Plan and the PPS 2020.

There is an endangered species habitat (dune/beach system) along the shoreline to the west of the subject land. From mapping available the dune system is +500 metres away and is outside of the adjacent land distance requirement. Future construction near the shoreline may require a review/evaluation of Endangered Species Habitat at the time of any construction.

There are categories of 'High' and 'Extreme' for Wildland Fire Hazards identified within the subject lands.

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The Provincial Policy Statement (PPS) 2020 states under Section 3.1.8:

'Development shall generally be directed to area outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.

Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.'

Due to the size of the proposed lots (+9.0 Hec.), all lots have substantial building sites outside the Wildland Fire risk areas. The current structures within the subject land are within the 'Moderate' risk area. From information and aerial photography (2021) available identifying areas of heavy tree cover, there appears to be sufficient land to provide building envelopes, site alteration, tree removal, and/or access routes, etc. with appropriate separation distances outside the area of influence that would conform to the Natural Heritage Policies of the Provincial Policy Statement (PPS) 2020.

From information available, the subject proposal does not appear to have any natural heritage features or species at risk concerns. This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2020.

The application was circulated on October 4th, 2024 to the Municipality of Central Manitoulin, Bell Canada, 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 Central Manitoulin recommend approval of the application and suggested that the amendment permitting a 50-site campground and tourist cabins be removed as there are more up to date regulations for campgrounds. This information was provided to Mr. Earl, agent.

Bell Canada advised they have no comments to provide.

There was one inquiry requesting additional information from N. Hill, abutting land owner of Lot 27, Conc. XIII. He advised he had no concerns with the proposal.

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.

The Secretary-Treasurer asked the Board if they wished to consider an amendment restricting the lot dimensions and area of the proposed lots, to be described via survey, that would prohibit additional severances, as this has been a condition on other consent to sever applications.

R. Stephens, Board Member representing the Municipality of Central Manitoulin, spoke to the application and reported that he had spoken to the previous land owner, C. Gilmore, regarding the History of the property. She had advised him that they were prepared to go forward with the trailer park & cottages in 1974 but when their dwelling was destroyed by fire, they did not proceed with that use; there were never any campsites or tourist cabins in operation, while they owned the property. Mr. Stephens noted that a lot has changed since 1974 and currently a campground and/or tourist cabins are only permitted in the Commercial Recreational (CR) Zone. If a proposal is brought forward, the uses would be reviewed with conformity to current policies and regulations.

The general consensus of the Board was the same; any proposed new uses would be reviewed with current policies at that time.

The Board Members were in agreement to attach a condition of the consent to sever approval to restrict the dimensions and area of the proposed new lots to be as surveyed to restrict further development by the Consent to Sever process; could proceed via a Plan of Subdivision. They felt that the Tourist Commercial use would be best addressed by the Municipality at the building permit stage.

Dylan Earl, agent for the application, was in attendance at the meeting.

Mr. Earl answered some questions and spoke to the application. He advised that if possible, he would like to see the Tourist Commercial use to be allowed to continue, if not on all four lots, perhaps on one. He informed the Board that the two-storey dwelling on the lot proposed by File No. B24-24 was in need of repair; that Earl's Road was privately maintained but not by a Road Association; and that he did not want to have to maintain Earl's Road to a municipal standard as per their road by-law No. 2002-05.

Draft conditions of the Consent to Sever approval were reviewed/discussed by the Board Members and Mr. Earl. Mr. Earl was in agreement with the draft conditions and did not want the Board to defer their Decision.

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Jose Gonzalez, interested party, was in attendance during consideration of the application. There was no one else in attendance who wished to speak in support or opposition to the application.

The Board Members considered they had sufficient information to make a Decision on the File.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two years 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 the right-of-way for access, given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel and right-of-way having a minimum width of 20.1 M., to which the consent approval relates;
- ii) a written confirmation from the municipality that access along the right-of-way to Earl's Road has been surveyed and constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iii) a written confirmation from the municipality that access along the privately maintained 25th Side Road Allowance, known as Earl's Road to Whitechurch Road, has been constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iv) a written confirmation from the municipality or from an Ontario Land Surveyor (OLS) that any portion of the travelled road (s) that encroaches onto the subject land(s), has been surveyed and conveyed to the municipality satisfactory to the municipality;
- v) a written confirmation from the municipality that any new entrance permits have been issued or can be issued, for the proposed severed and retained land, satisfactory to the municipality;
- vi) a written confirmation from the municipality that all structures conform to the Municipal Zoning By-law, satisfactory to the municipality,
- vii) a copy of an approved amendment to the Municipal Zoning By-law for the Municipality of Central Manitoulin, which will under Special Provisions, provide for the minimum lot dimensions and area to be established in accordance with the Part Numbers shown on the registered/deposited plan of survey, despite any other requirements set out in the Municipal Zoning By-law;
- viii) proof satisfactory to the Manitoulin Planning Board that the right-of-way (Instrument T17988) has been removed from title and a copy of the resulting Transfer confirming this, has been provided to the Manitoulin Planning Board;
- ix) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- x) a written confirmation from the Municipality that all outstanding municipal taxes have been paid for the subject land.

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 (MNR), the Department of Oceans and Fisheries of Canada, (DFO) and the Municipality.

Note: It is recommended that the Building Official, when issuing any building permits for the subject lands, be satisfied that the building site(s) is outside the area of influence, i.e. wildland fire hazard, endangered species habitat.

APPLICATIONS 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 53 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.

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

		<u>Moved By</u>	<u>Seconded By</u>
1.	B16-24	D. Head	R. Stephens
		<i>*That this application be deferred</i>	
2.	B22-24, B23-24 and B24-24	K. Noland	B. Barker

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 excepting File No. B16-24.

MOTION

The time now being 9:15 P.M. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by D. McDowall.

L. HAYDEN, CHAIR



T.A. CARLISLE,
SECRETARY-TREASURER