



MANITOULIN PLANNING BOARD

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October 25, 2023

MINUTES OF PLANNING BOARD MEETING - October 24th, 2023

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, October 24th, 2023, the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|--------------|
| 1. | L. Hayden | 5. | R. Stephens |
| 2. | K. Noland | 6. | T. Mackinlay |
| 3. | D. McDowell | 7. | D. Osborne |
| 4. | J. DeForge | 8. | B. Barker |

Regrets: D. Head, L. Chappell

Also in attendance for the meeting were:

Jean-Robert Paquette and Jack Paquette Consent to Sever File No's. B21-23 & B22-23;

Kirk Longmuir- Request for Consideration - Consent to Sever,
- Part Lot 22, Conc. IV, Part 2, Plan 31R-1843, Township of Gordon

There were no other 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 L. Hayden, 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 held on August 22nd, 2023.

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 D. Osborne that the Order of Business be adopted,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - August 22nd, 2023

The Chair announced that the Minutes of the Board Meeting held on August 22nd, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated.

There was none.

MOTION

It was moved by K. Noland and seconded by B. Barker that the Minutes be adopted,
- Carried.

BUSINESS ARISING FROM MINUTES OF THE PREVIOUS BOARD MEETING - August 22nd, 2023

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

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

Board Minutes
October 24th, 2023 - Continued

4. Request for Consideration - Consent to Sever
Location: Part Lot 22, Conc. IV, Surveyed as Part 2, Plan 31R-1843
Township of Gordon, Municipality of Gordon/Barrie Island

The Secretary-Treasurer explained that she had received a request for the creation of a new lot from K. Longmuir. Due to the past History of the subject land, and five (5) lots already created by the Consent to Sever process, and notes on the previous files that future development was to be considered by a Plan of Subdivision, she had advised him that approval of the application may not be successful and that future severances may be considered by the Plan of Subdivision process.

The Secretary-Treasurer read the following letter, received from land owner, K. Longmuir:

' Dear Distinguished Manitoulin Planning Board Members;

I have been the owner and resident of 90 Olde Hwy Road since 1999. It is known as part 2 of Lot 22 Concession 4 Township of Gordon and consists of 13.8 hectares of property. The reason for this application is my daughter "Jennifer" will be returning home after 17 years of Elementary school teaching in Ontario and abroad. Jennifer will require a place of her own to live in.

The future severance of my property was discussed with my neighbours in detail. Everyone assured me that they would be problem free with the creation of a new lot and construction of a single family residential building for my daughter Jennifer.

The Secretary-Treasurer made me aware of the divisions made by Bordie Noble a decade prior to my purchase of part 2. I was unaware of the previous history of Lot 22 until recently.

I respectfully request your approval of my application. It would mean a lot to my family and make a qualified Elementary school teacher available for work in the future. I appreciate your assistance.'

The Secretary-Treasurer clarified that the total area of Mr. Longmuir's property is 2.8 Hec. not 13.8 Hec. She provided the Planning History that created the previous five lots (File No's. B65-87, B30-90, & B54-98) and also the potential for thirteen additional lots along Old Hwy, including an additional 2nd lot from Mr. Longmuir's property.

Discussion among the Board consisted of:

- Plan of Subdivision vs Consent to Sever; would result in a sixth lot by Consent; Decision registered on Title (File B30-90) that further development be considered by a Plan of Subdivision; potential for 13 additional lot creation; could be consider as infilling; year round or seasonal use - conformity to Zoning By-law; no written submissions provided from neighbours showing support; road status - maintenance, ownership; would ditching or a culvert be required; site lines and safety; elevations - could be low lying; water supply; Public Health Unit and septic system approval,

L. Hayden, Board Member representing the Municipality of Gordon/Barrie Island spoke to the application and he informed the Board that the Municipality owns Old Hwy, which was conveyed in 2011; that the Township Road is surveyed sixty-six feet wide and is maintained year round; that the Municipality has a By-law in place that allows for a 5% cash-in-lieu based on assessed value of the land to be conveyed back to the municipality after approval of three lots; and that his municipality would be recommending an amendment to their Zoning By-law that restricts the lot dimensions and area to the proposed sizes that would prohibit further severances of the subject land.

The Board Members discussed possible conditions of a Consent to Sever approval:

- Cash-in-Lieu, a By-law that restricts the size of the severed and the retained lots; must be in conformity with Zoning By-law; confirmation of safe entrances; proof of potable water for year round use; elevation survey.

Mr. Longmuir was in attendance during consideration of the application and spoke to his request for support from the Planning Board for the creation of one new lot by the Consent to Sever process.

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by R. Stephens that the Manitoulin Planning Board supports in principle the creation of one new lot by the Consent to Sever process from Part 2, Plan 31R-1843,
- Carried.

Board Minutes
October 24th, 2023 - Continued

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

6. GENERAL, REGULAR AND NEW BUSINESS

a) Cockburn Island - New Appointment to the Manitoulin Planning Board

The Secretary-Treasurer reported to the Board that The Township of Cockburn Island has appointed by Resolution No. 23-09-09 a new Planning Board Member, to replace R. Brown. The new member is Lee Chappell who resides in Alberta but spends his summers on Cockburn Island.

b) OACA Conference
(Ontario Association of Committee of Adjustments & Consent Granting Authorities)
Toronto, Ontario - October 12th and 13th, 2023

The Secretary-Treasurer thanked the Board for supporting her attendance at the OACA Conference in Toronto in October 2023. There were eleven sessions in total and she was not able to attend them all. There was a session on proposed changes to the Provincial Policy Statement 2020 including development in the Prime Agriculture Areas. There were also two sessions, 'Ask a Lawyer' and 'Ask a Secretary-Treasurer' which provided discussion and information that may be helpful with some planning applications. There were great networking opportunities that have proven to be beneficial.

The Workshops are to be provided by OACA soon which will be available to the Planning Board staff and Board Members if interested.

The Secretary-Treasurer also reported that there is a webinar being offered by the Ontario Ministry of Agriculture, Forestry and Rural Affairs (OMAFRA) on November 2nd, 2023 which is to provide an overview of provincial policies and guidance on permitted uses in prime agricultural areas. If any Board Members are interested in participating she can provide the information for the webinar.

Board Minutes
October 24th, 2023 - Continued

Application File No.: B20-23 No. of Members Present: 8
Date of Decision: October 24, 2023
Location of Property: Part Park Lot 8, North Side Park Street, surveyed as Parts 1 and 2,
Plan 31R-4244, Town Plan 4 Gore Bay, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Linda Harper-Porter is to provide for a lot addition of Part 2, Plan 31R-4244 to neighbouring land to the east to correct an encroachment of the neighbour's garage. The lot addition has an average width of ± 2.6 M. and a length of ± 46 M. thereby containing an area of ± 115.5 Sq. M. which is to be added to land located at #6 Park Street East having a frontage of ± 37.76 M. on Park Street East, a maintained municipal street, and a depth of ± 46.0 M. and an area of $\pm 1,750$ Sq. M. The lot addition will result in a lot having a total area of $\pm 1,865.5$ Sq. M. containing a dwelling, a shed, and a garage.

The land to be retained, surveyed as Part 1, Plan 31R-4244, located at #8 Park Street has a frontage of ± 20.35 M. on Park Street East, a maintained municipal street, and a depth of ± 46.0 M., thereby containing an area of ± 925 Sq. M. The applicant's dwelling and garage are located within this land.

The subject land has been designated Residential Area and zoned Residential (R1). Residential uses are proposed to continue.

During the preliminary review of the application, Ms. Porter was advised that Section 7.3 of the Municipal Zoning By-law No. 2022-24 requires a minimum side yard setback for accessory structures of 2.0 metres and that an Amendment Application may be required to bring the garage having a side yard setback of ± 1.69 M. into conformity with the Municipal Zoning By-law.

Services consist of municipal water and sewer. There are no new services required as a result of the application for lot addition.

By land transfer No. MD4285 the Town of Gore Bay has a registered easement over the lot located at #6 Park Street East, surveyed as Part 1, Plan 31R-3840, for repair and maintenance of a drainage system that traverses the property.

Access is via existing entrances, #8 and #6 Park Street East, a maintained municipal street. No new entrances are proposed.

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

The proposal is considered to be consistent with the Provincial Policy Statement 2020.

The application was circulated on September 29th, 2023 to the Town of Gore Bay, 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 recommend Consent be granted and advised of Resolution No. 15640 as follows:

' WHEREAS a Notice of Application for Consent to Sever File No. B20-23 Part Park Lt 8 North Side Park Street was received for review by the Manitoulin Planning Board;

AND WHEREAS the lot addition from #8 Park Street to #6 Park Street to correct an encroachment of #6 Park Street's garage;

AND WHEREAS with the severance 8 Park Street will conform to the Town's 2 metre side yard setback, but will result in 6 Park Street having a setback of only approximately 1.69 metres depending on the survey result;

THEREFORE BE IT RESOLVED THAT Gore Bay Council states this is acceptable in this circumstance only and allow for the setback of less than 2 metres as stated in the Town's current zoning by-law, carried.'

Board Minutes
October 24th, 2023 - Continued

Application File No. B20-23 - continued
October 24, 2023

Mary McCartney, Bell Canada, advised via email on October 13th, 2023 that they have no comments or concerns regarding the application.

There was a telephone call to the Planning Board Office from a circulated landowner of #12C Gore Street that advised she recently sold her property. The Notice of Application was mailed to the new landowner on October 12th, 2023.

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

The Secretary-Treasurer advised the Board that the applicant has requested a 'Certificate of Official' for the retained land, surveyed as Part 1, Plan 31R-4244. Changes to the Planning Act (January 2023) allow for this type of transaction subject.

Discussion among the Board during consideration of the application included:

- *conformity to the Municipal Zoning By-law; conformity is at the discretion of the Municipality; the Municipality supports the application; the result of the application makes a bad situation better; approval could be considered good planning.*

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

Accompanying the transfer documents shall be:

- i) a reference plan of survey(s), 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) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands at the time of registration of the Transfer, and a copy of the resulting Transfer, and the new resulting Property Identification Numbers (PINs) for the severed and retained land will be provided to the Manitoulin Planning Board;
- iii) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: The applicant has requested a 'Certificate of Official' for the retained land, surveyed as Part 1, Plan 31R-4244. It would be considered appropriate to certify a land transfer/deed for the retained land.

Board Minutes
October 24th, 2023 - Continued

Application File No's.: B21-23 and B22-23 No. of Members Present: 8
Date of Decision: October 24, 2023
Location of Property: Part Lot 20, Conc. IV, Surveyed as Parts 1 and 4, Plan 31R-2567,
Township of Tehkummah, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Jean-Robert Paquette is to provide for the creation of two new lots for rural residential uses. The applicant proposes to convey the two lots to family members.

File No. B21-23 proposes the creation of a new lot having a frontage of ± 40 M. on Government Road, a maintained municipal road, and a depth of ± 100 M., thereby containing an area of ± 0.4 Hec. There are no structures within this bush covered land.

File No. B22-23 proposes the creation of a new lot having frontages of ± 40 M. on Government Road, a maintained municipal road, and ± 100 M. on Concession Road 4, a privately owned access surveyed as Part 1, Plan 31R-2567 which is maintained by the Municipality, and a depth of ± 100 M., thereby containing an area of ± 0.4 Hec. There are no structures within this bush covered land.

The retained land has frontages of ± 303.5 M. on Government Road, a maintained municipal road, and ± 413.3 M. on Concession Road 4, a privately owned access surveyed as Part 1, Plan 31R-2567 which is maintained by the Municipality, and a depth of ± 514.6 M., thereby containing an area of ± 20.0 Hec. According to the application, the applicant removes hay from this land and his storage shed is located within this land.

The application was circulated on May 25th, 2023 to the Township of Tehkummah as part of the preliminary review, due to the potential unsafe entrances from Government Road, ownership of Concession Road 4, and conformity to the Municipal Zoning By-law.

The Township of Tehkummah advised on October 5th, 2023 of Resolution No. 2023-275 as follows:

' WHEREAS an application for Consent has been submitted to the Manitoulin Planning Board by Jean Robert Paquette for Part Lot 20, Conc. IV, surveyed as Parts 1 and 4, Plan 31R-2567 (located at #836 Government Road);

AND WHEREAS this is to provide for the creation of two ± 0.4 Hec. lots having entrances from Government Road, to be used for Rural residential uses;

NOW THEREFORE Council supports Mr. Paquette's application, and responds to the questions as follows:

- 1. The Municipality requires that, due to the curve and incline of the road at that location, that the entrance to the easterly lot be accessed only from Conc. 4; the existing entrance to the westerly lot can remain as is;*
- 2. The property is currently zoned Rural and Mr. Paquette states in his application that the use of the property is for the production of hay for harvesting. Zoning By-law 80-02 Section 7.2.1.1 states - any other agriculture use or enterprise carried on in the field of general agriculture would be a permitted use. If Mr. Paquette is using the shed for agriculture use in connection with the hay removal from the property and will provide the Township with documentation to that effect, Council approves the shed remaining on the property;*
- 3. The subject land, which includes Part 1, Plan 31R-2567, which is the travelled access, be conveyed to the Township of Tehkummah.'*

A copy of the Municipal Resolution was provided to Mr. Paquette, the applicant.

Access for the lot proposed by File No. B21-23 will be via Government Road. Access for the lot proposed by File No. B22-23 will be via the Concession Road 4, surveyed as Part 1, Plan 31R-2567, which is owned by the applicant and is to be conveyed to the Municipality. Access for the retained land will be via an existing entrance along Government Road.

Services are proposed via private wells and private individual septic systems when required.

Board Minutes
October 24th, 2023 - Continued

Application File No's. B21-23 and B22-23
October 24, 2023 - continued

The Public Health Sudbury and District advised they have no concerns and it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

There is a Hydro line located along the north side of Government Road. Comments were requested from Hydro One as part of the preliminary review of the application.

Josh Waytowich, Hydro One, advised via email on August 21st, 2023 that Hydro One does not have any concerns; that they do not have any unregistered easements over the subject land; that Hydro One does not require an easement; and that Hydro One does not own the poles located on the Municipal ROW.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (R). Residential uses are proposed.

Official Plan Policy under C.5 - Rural Areas - under 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.

According to the application, residential uses are proposed for the two new lots..

There is a livestock facility located within Lot 18, Concession IV, to the east of the subject land. The farm related structure meets the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA).

A potential Wildland Fire Hazard was identified within the southerly part of the subject land. Aerial photography (2021) identifies the areas of tree cover within the subject land. It appears there would be building envelopes for the proposed two new lots that would be outside the area of influence and conform to the 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.

This application was circulated on October 6th, 2023 to the Township of Tehkummah, 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 recommends approval of the application with specific conditions as per their Resolution No. 2023-275.

Mary McCartney, Bell Canada, advised via email on October 13th, 2023 that they have no concerns or objections to the proposed application.

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

Jean-Robert Paquette, applicant and Jack Paquette, his nephew, were in attendance during consideration of the application.

Board Member, J. DeForge advised that the Municipality of Tehkummah supports the application.

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

Board Minutes
October 24th, 2023 - Continued

Application File No's. B21-23 and B22-23
October 24, 2023 - continued

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) 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 as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) an approved application for Amendment to the Municipal Zoning By-law or a written confirmation from the municipality that there is conformity to the Municipal Zoning By-law for the existing shed located within the retained land;
- iii) a written confirmation from the municipality that the conveyance of Part 1, Plan 31R-2567, known as Concession Road 4, has been done satisfactory to the municipality and a copy of the transfer has been provided to Planning Board;
- iv) a written confirmation from the municipality that entrance permits have been issued or can be issued for the proposed severed and retained land, satisfactory to the municipality;
- v) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the Municipality that all outstanding municipal taxes have been paid 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.

PRESENTATION OF 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.

There were none.

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

	<u>Moved By</u>	<u>Seconded By</u>
1. B20-23	K. Noland	D. Osbourne
2. B21-23 & B22-23	R. Stephens	T. Mackinlay

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 time now being 8:15 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by D. McDowell.

L. HAYDEN, CHAIR



T.A. CARLISLE,
SECRETARY-TREASURER