



November 27, 2024

MINUTES OF PLANNING BOARD MEETING - November 26th, 2024

A Meeting of the Manitoulin Planning Board was held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, November 26th, 2024, after the Public Meeting.

The following Members of the Planning Board were present:

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

Regrets: L. Chappell, B. Barker

Also present during the meeting were:

R. Yiu, applicant, and J. Harrold interested party, Consent to Sever File No. B26-24;
J. Hinds, applicant, and C. Byers & S. Taylor, interested parties, Consent to Sever File No. B28-24; and
S. Lane, agent, and J. Cordeiro, J. Lane, C. Lane, C. Jollineau, and M. Bouchard, interested parties, Consent to Sever File No. B29-24.

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

The Meeting was called to Order at 7:03 P.M. by Chair L. Hayden after a Public Meeting, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of October 29th, 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. Head and seconded by K. Noland that the Order of Business be adopted,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - October 29th, 2024

The Chair announced that the Minutes of the Board Meeting held on October 29th, 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 D. McDowell and seconded by J. DeForge that the Minutes of October 29th, 2024 be adopted,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- October 29th, 2024

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by D. Osborne and seconded by D. Head that the variable expenditures be accepted as presented,
- Carried.

Board Minutes
November 26th, 2024

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 APPLICATION FOR AMENDMENT

Following the Public Meeting the Secretary-Treasurer presented the following Amendment Application:

File No.:	2022-05ZBL-24-007
Applicant/Owners:	Joseph and Clara Ebersol
Property Description:	Part of Lot 1, Conc. IV (Lying South of Hwy 540) Township of Robinson, District of Manitoulin

A Zoning Amendment Application has been received from Mr. and Mrs. Ebersol to permit an existing building (±6.1 m. X ±6.1 m.) used for horses and wood management storage (placed on the property without permit) that is not accessory to a dwelling, to remain within the subject ±21.8 Hec. lot which is located in a Rural Zone.

Zoning By-law No. 2022-05 under Section 14.0 - Rural Zone permits 'Agriculture Uses' and 'Agricultural Related Uses' for a lot having a minimum area of 40 Hec. Section 4.0 c) - Accessory Uses does not allow an accessory building on a lot that does not have a dwelling. Therefore, an amendment is required.

This ±21.8 Hec. lot of record has a frontage of ±280 M. on Hwy No. 540 and has been owned by the applicants since February 2021. According to the application there are no other structures on this lot.

The Amendment Application, if approved, will permit the existing building to remain within the ±21.8 Hec. parcel of land that is not accessory to a dwelling in a Rural Zone.

The applicants access their property via an existing trail from Highway No. 540, a provincially maintained Highway. The lot is subject to right-of-way over the Little Lake Huron Road, that traverses the south west corner of the lot. As part of the preliminary review the application was sent to the Ontario Ministry of Transportation (MTO).

C. Cole, MTO, advised that:

' I can confirm that the subject lot is located within the MTO's permit control area (PCA); and therefore, is subject to review under the Public Transportation and Highway Improvement Act R.S.O. 1990. I can confirm that MTO has no concerns regarding the proposed rezoning to permit the horse/woodland shelter and can offer the following comments:

- An MTO building/land use permit will not be required for the existing building as it is located outside of the PCA.*
- The MTO does not recognize the existing trail as a vehicle entrance; therefore, an MTO entrance permit will not be required.*
- Any proposed upgrades to the trail entrance will not be supported by the MTO and vehicular access must come from Little Lake Huron Road as there is an existing easement.*
- Any future development or change in land use must be subject to MTO review.'*

There is a Hydro Line located along the Highway to the north of the property. Hydro One advised that they have no concerns with the application.

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

The Robinson Local Roads Board (RLRB) advised via email that they have no concerns with the amendment application to permit the horse shelter/woodland storage building that exists on the property.

The Municipality of Burpee-Mills advised by Resolution No. 2024-178:

' THAT AS AN ABUTTING Municipality the Township of Burpee and Mills has no comments or concerns regarding the Amendment Application from Manitoulin Planning Board File No. 2022-05ZBL-24-007. The purpose of the amendment is to permit a storage building within a Rural Zone on Part Lot 1, Conc. IV Robinson Township..... Carried'

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

Fire Protection is available by the Robinson Township Volunteer Fire Department.

Board Minutes
November 26th, 2024

Amendment Application File No: 2022-05ZBL-24-007 - Continued

Garbage Collection is available through the Robinson Local Services Board. There is also a Recycle Station within the Township.

There is no septic system or well located within the property. Services will consist of private well and private individual septic system when required.

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 to amend Zoning By-law No. 2022-05, if approved, will permit an existing building (± 6.1 m. X ± 6.1 m.) used for horses and wood management storage (placed on the property without permit), that is not accessory to a dwelling to remain within the subject ± 21.8 Hec. lot in the Rural Zone on a site specific basis.

There does not appear to be any adverse impacts to policies expressed by the Provincial Planning Statement 2024 and appears to conform to policy 2.7.1 -Territory without Municipal Organization, which states:

' On rural lands located in a territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings not intended as permanent residences).

The required Public Meeting was held by the Manitoulin Planning Board on Tuesday, November 26th, 2024 at 7:00 p.m. prior to the presentation of the application.

Discussion included:

- The applicants built without permission; they came forward when they received the mass mail-out notice about building in the Unincorporated Townships; there should be a penalty/fine for building without permissions; the applicants will need to pay the increased fee of \$525.00 (not \$130.00 for their Zoning Conformity Permit; this is similar to a fine,

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

BY-LAW NO. 2024-009

Being a By-law of the Manitoulin Planning Board to amend Zoning By-law No. 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, as amended.

Now Therefore, the Manitoulin Planning Board enacts the following Special Provision No. R-25:

- (1) Despite Section 14.0. - Rural Zone and Section 4.0 c) - Accessory Uses, permits the existing building (± 6.1 m. X ± 6.1 m.) that was placed on the property without permit to be used for horses and wood management storage that is not accessory to a dwelling, within the subject ± 21.8 Hec. lot as shown/located on the attached Schedule 'A' to this By-law,
- (2) Subsection (1) applies to that parcel of land described as being Part of Lot 1, Conc. IV, (Lying South of Highway No. 540), Township of Robinson, District of Manitoulin, as deposited/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 Municipal Board 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 D. Head that By-law No. 2024-009 be approved as read,

- Carried Unanimously

Board Minutes
November 26th, 2024

6. MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH)

i) Provincial Appointments - Unincorporated Townships or Robinson & Dawson

The Secretary-Treasurer reported that the Ministry of Municipal Affairs and Housing (MMAH) had advised that they would not be attending the Planning Board Meeting. They responded to the request of Planning Board to provide an update regarding the Provincial Appointments to the Board and to the request for increased funding from \$16,073.00.

She read the following email received from A. White, MMAH on November 21st, 2024.

'Hi Theresa,

Kindly find below the information we have prepared in response to the board's discussion item topics. Thanks!

Planning Board Appointments Process

- *The Planning Act provides the Minister with several authorities related to planning boards including:*
 - *Creating boards and defining their composition and geography*
 - *Appointing provincial representatives to sit on boards, where the board includes unincorporated areas.*
- *To be eligible to become a new provincial representative to a planning board, candidates must be a Canadian citizen and be eligible to vote in an Ontario election. Depending on the recruitment method determined by the Minister, the candidate may be expected to complete an interview and should be familiar with the unincorporated areas of the planning board. Knowledge of Ontario's land use planning system is an asset.*
- *Potential applicants are required to submit applications electronically on the Public Service Secretariat (PAS) website. Successful candidates must also then submit additional documentation via the PAS website, e.g., criminal records check and confirming no conflicts of interest.*
- *The 11 planning boards that deliver planning services in unincorporated areas receive funding from the ministry and there are 23 members that are appointed by the Minister of Municipal Affairs and Housing. Appointments are for a period of four years, corresponding to the municipal election cycle.*
- *The appointments process began in September 2022 and remains underway. Further to the Planning Act, a member appointed by the Minister will hold office until their successor is appointed.*

Planning Board Funding / Administration of Planning Services in the Unincorporated Territories

- *The Ministry of Municipal Affairs and Housing provides annual funding allocations to 11 northern planning boards that administer land use planning services to unincorporated territories on behalf of the province. These services include official plan and zoning by-law administration and decision making on land division applications.*
- *The Manitoulin Planning Board receives a total of \$16,073 every year from that program.*
- *Planning Boards can charge fees for applications pertaining to land use planning matters for which they are empowered to make decisions.*
- *There is also an opportunity for planning boards to apply for additional funding through a special business case funding stream for specific projects and costs. In the last 20 years, the Manitoulin Planning Board has received a total of just under \$70,000 through the business case funding stream.'*

Discussion among the Board Members included:

- *Why have there not been new Provincial appointments yet; why is it taking so long; the term for the appointments may nearly be over by the time someone is appointed; the letter received does not say anything the Board does not already know; If provincial funding is not to be increased, why is the Board doing planning and enforcement; the Board spends a lot of time on issues related to unincorporated Townships; the Board should appoint members instead if MMAH is unwilling or unable to do so; there have been several applicants from the area advising of interest and waiting to be appointed;*

The following Motion resulted:

MOTION

It was moved by K. Noland and seconded by D. Osborne that the Manitoulin Planning Board directs the Secretary-Treasurer to draft a letter to the Ministry of Municipal Affairs and Housing (MMAH) stating that the Board will appoint representatives from the Unincorporated Townships of Robinson and Dawson, as Planning Board representatives, if the Ministry is unable or unwilling to do so,

- Carried Unanimously.

Board Minutes
November 26th, 2024

6. MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH)
 - ii) Special Business Case Funding -2024-2025
- Unincorporated Townships of Robinson & Dawson

The Secretary-Treasurer informed the Board that she had submitted a request to the Ministry of Municipal Affairs and Housing (MMAH) as part of an invitation for Special Business Case Funding for the Unincorporated Townships of Robinson and Dawson, for two project as follows:

1. Associated costs to run an Advertisement in the Manitoulin Expositor for 52 weeks @ \$186.68 per week (including HST) in the amount of **\$9,707.15**
2. To conduct another mass mail-out to everyone that owns property in the Unincorporated Townships of Robinson and Dawson. This is to maximize awareness of the need for zoning conformity permits and the requirements of the zoning by-law. She requested a top-up to offset the additional costs from 2023-2024 that was not covered in the amount of \$79.14 and the funding costs of \$974.70 for a new mail-out in the amount of **\$1,053.84**.

A Resolution of the Board is required with the request.

MOTION

It was moved by K. Noland and seconded by D. Osborne that the Manitoulin Planning Board applies for Special Business Case Funding from the Ministry of Municipal Affairs and Housing (MMAH) for the two (2) projects, as explained by the Secretary-Treasurer, in the amounts of \$9,707.15 and \$1,053.84, to assist with development in the Unincorporated Townships of Robinson and Dawson
- Carried Unanimously.

MOTION

It was moved by D. Head and seconded by J. DeForge that BE IT RESOLVED the motion be adopted as read
- Carried Unanimously.

- iii) Natural Heritage System Strategy (NHSS)

The Secretary-Treasurer provided the following update on the Natural Heritage System Strategy (NHSS, tht had been sent to the Ministry of Municipal Affairs and Housing on July 11th, 2024:

Z. Seifpour, Planner for the Ministry of Municipal Affairs and Housing (MMAH), had provided the Ministry's 'One Window' comments on October 29th, 2024 and had requested some minor updates/corrections to align with the Ministry of Natural Resources guidance.

The amended version of the NHSS had been returned to her on November 19th, 2024. A request for 'Next Steps' accompanied the submission. Planning Board Staff are waiting one a reply from MMAH to determine what is required to move the project along and if another Public Meeting is required under the Planning Act.

7. REQUEST FOR VALIDATION OF TITLE
- Part of Lot 1, Conc. XI, being Lots 3, 4 and 5, Plot Plan 6 (Providence Bay),
Township of Carnarvon, Municipality of Central Manitoulin

The Secretary Treasurer advised that a request for a Validation of Title had been received, however there are corrections required due to some existing buildings/structures that were not included in the application. Preliminary comments have not been received from the Municipality, the Ontario Ministry of Transportation or Hydro One. Therefore the application is not ready for the Planning Board's consideration.

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by D. Head that Decision for the Validation of Title request be deferred until the application has been corrected and comments have been received from the Municipality of Central Manitoulin and the commenting agencies,
- Carried Unanimously.

8. REQUEST FOR CHANGE TO CONDITIONS

– Consent to Sever File No.'s B22-24 to B24-24 – Township of Campbell

The Secretary Treasurer advised that Consent to Sever Application File No's, B22-24, B23-24 and B24-24 had received conditional approval on October 29th, 2024. A Request for Change of Conditions had been received via email, but to date no fee had been received.

Discussion resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by K. Noland that the request for a change to conditions not be considered as the required fee, as per the Planning Board's Tariff of Fees, has not been received deeming the request incomplete,

- Carried Unanimously.

9. APPLICATION FEE CONSIDERATION

- Part Lot 11, Conc. XI, surveyed as Part 2, Plan 31R-4209, Township of Robinson

The Secretary Treasurer informed the Board that a request to waive the Application Fee for a proposed zoning amendment to permit a Recreational Vehicle (trailer) and Portable Storage Container (PSC) to remain on the subject property as a temporary use for up to 3 years had been received. The request was related to a contravention/violation to Zoning By-law No. 2022-05 for the subject land, with a Recreational Vehicle being discovered on the property in June of 2022, and a Portable Storage Container being discovered on the property in June of 2023.

She read the following letter, provided by the landowner on September 20th, 2024:

' Manitoulin Planning Board,

Over the course of several months, sadly my wife passed away and has been difficult. I spend my savings burying my wife and has put me in a Hardship situation. If I had a way to pay I would but just making ends meet is difficult.

Thank you for your consideration.

Sincerely, Russ Hulcoop'

The Secretary-Treasurer advised that Planning Board staff have been trying to assist the land owner with the application process and have been attempting to confirm a time line for payment of the fee and/or bringing the property into conformity with the By-law without success. Staff are requesting the Board's direction on how to proceed, and whether the Board would entertain a temporary use amendment.

Discussion included:

- Does the Board have the authority to remove structures and charge landowners?; It does not appear to be the case; if a fine is laid and not paid, what are the consequences?; Provincial Offences Act fines may impact ability to obtain/renew licenses, i.e driver's licenses, hunting licences, etc.; may be other penalties; the Board may entertain a temporary use amendment for up to 2 years; Planning Board would prefer to avoid laying fines but only have a few options,

The following motion resulted:

MOTION

It was moved by K. Noland and seconded by D. Osborne that staff member, J. Diebolt, is directed to send a letter to land owner advising him to provide the required fee for the zoning amendment application within 90 days, or a fine will be laid, and to advise him that failure to pay the fine may result in additional penalties under the Provincial Offences Act,

- Carried Unanimously.

Board Minutes
November 26th, 2024

10. DRAFT BUDGET TO DATE

The Secretary-Treasurer reported that a draft Budget and Comparison of Revenue and Expenditures, to date, had been provided with their Agenda. The draft Comparison shows an anticipated deficit of ±\$10,680.00 due largely to lower than anticipated application fees received during the year. There may be an opportunity to process some planning applications before year end, which will offset some of the deficit. However, it was anticipated that this draft estimate would be fairly close at year end.

Discussion resulted in the consensus of the Board that Planning Board staff will prepare the 2025 budget as early as possible in 2025, for consideration by the Board in order to give the member municipalities time to consider it when finalizing their own budgets.

11. DECEMBER OFFICE HOURS

The Secretary-Treasurer requested the Board's support to have the Planning Board Office closed between Christmas and New Years as has been common practice the past few years and staff members would use their Holidays for the days closed. She requested the Office be closed from Monday, December 23rd, 2024 until Thursday, January 2nd, 2025 and staff would use 5 of their Holidays.

The following motion resulted:

MOTION

It was moved by R. Stephens and seconded by L. Hayden supports the request of the Secretary-Treasurer and the Planning Board Office will be closed on Monday, December 23rd, 2024 and will re-open on **Tuesday**, Thursday, January 2nd, 2025 and that the staff members will use five (5) of their Holidays,

- Carried Unanimously.

Board Minutes
November 26th, 2024

Application File No.: B16-24 No. of Members Present: 7
Date of Decision: [August 27, 2024 - Deferred] [September 24, 2024 - Deferred]
[October 29, 2024 - Deferred] November 26, 2024
Location of Property: Lot 16, Conc. VII, Township of Mills, Municipality of Burpee-
Mills, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Aaron Kuepfer on behalf of Manuel and Pauline Kuepfer is to provide for the creation of a new lot having a frontage of ±66 M. on Union Road, a maintained municipal road and a depth of ±66 M., thereby containing an area of ±0.44 Hec. (±1.0 Acre). There are no structures on this land. According to the application a private Amish Cemetery and storage shed are proposed for the new lot. Mr. Kuepfer advised that about 90 burial plots are proposed.

The land to be retained has frontages of ±336 M. on Union Road, a maintained municipal road and ±1,005 M. on the non-maintained 15th Side Road, thereby containing an area of ±39.5 Hec. The applicants' dwelling, two barns, a machinery shed, and a hunt camp that has been converted to a storage building are located within this land. Farm related residential uses are proposed to continue.

Aaron Kuepfer, agent for the application, was advised that an Amendment to the Zoning By-law No. 96-01 for the Township of Mills would be required to permit a private cemetery and a storage shed that is not accessory to a dwelling, on the proposed new lot. An application for Amendment, File No. 96-01ZBL-24-001, has been put into circulation and a Public Meeting date is scheduled with the Municipality for September 4th, 2024.

The Municipality of Burpee-Mills was sent a copy of the consent to sever application and the amendment application, for a preliminary review prior to formal circulation and the municipality advised by Resolution No. 2024-113 as follows:

' WHEREAS Council has reviewed the proposal to create a new lot (±0.4 Hec.) and permit a private cemetery on Lot 16, Conc. VII, Township of Mills as well as the zoning amendment application; Council has no concerns regarding the proposal or the zoning amendment as described.'

Services for the retained land consists of an existing private individual septic system and an existing private well. There are no services required for the severed land at this time.

The Public Health Sudbury and District (PHSD) have advised that they have no concerns as the proposed use of the severed lot is a cemetery with no proposal for a sewage system or water supply to service the cemetery and therefore are not commenting on the suitability of installing these services.

There is a Hydro line identified on the north side of Union Road and a hydro pole near the entrance off Union Road for the subject land. Hydro One advised that they have no issues or concerns with the application.

Access for the retained land is via an existing entrance, #1625 Union Road, a maintained municipal road. Access for the severed land will also be via Union Road. Olivia McCauley, Ministry of Transportation (MTO), advised via email on July 12th, 2024 that MTO has reviewed the application and have determined that the subject lands are not located within MTO's permit control area; therefore, have no comments to provide at this time.

The subject land has been designated as Rural Area and zoned Rural (R) and Agriculture (A). The proposed new lot is within a Rural Area and a Rural (R) Zone.

There is a drain identified to the west within Lot 17, Conc. VII, known as the Marty-Wilcox Drain. The Municipality have advised that there is no catchment area identified and they do not have information of this being a municipal drain.

Mr. Kuepfer was advised that a reassessment under Section 65 of the Drainage Act may not apply.

There is a livestock facility located within the retained land and others located within abutting property to the north/west and to the east. A cemetery is considered a Class A type use. The farm related structures meet the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA). The severed land is outside the area of influence.

A Deer Wintering Area is identified within the proposed new lot. The area is open field and would not require any vegetation removal; no significant impact is expected on the Deer Wintering Area with the new lot as proposed.

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 new lot as proposed does not meet this criteria for exemption.

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.'*

From information available, the current proposal, for a 0.44 Hec. sized lot does not conform to policies of the Official Plan (OP) or the Provincial Policy Statement (PPS) 2024.

Board Minutes
November 26th, 2024

Application File No. B16-24- Continued

Mr. Kuepfer was advised of this information and he will contact the landowners to see if they will support a larger lot for the cemetery.

The application was circulated on August 9th, 2024 to the Municipality of Burpee-Mills, Ministry of Transportation, 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 consent to be granted with no specific conditions.

Bell Canada have not provided any comments or concerns or requested additional time to do so.

No additional comments were received from the Ontario Ministry of Transportation.

The following letter of concern was received from the landowner of Lot 17, Conc. VI, S. Dearing, on August 23rd, 2024:

' To Whom it May Concern:

I, Sean Dearing, am opposed to a 'Private Cemetery' being constructed directly south of my properties located at 1670 A & B, Union Road, Evansville, ON POP 1EO.

My concerns are as follows:

- 1. Water Table Contamination - leaching into my artesian wells which supply my residence, as well as my guest home.*
- 2. Decrease in Property Values - as a 'Private Cemetery' being in such close proximity to my properties, may be less appealing to a prospective buyer.*
- 3. Safety Concerns - during burial ceremonies the horse and buggy traffic will be increased.*

Thanking you in advance for your consideration regarding my above noted concerns.'

The letter was copied to the Municipality of Burpee-Mills.

Mr. Kuepfer, agent for the application was advised, via telephone, of the Letter of Concern. A copy of the letter was also mailed to Mr. Kuepfer. Mr. Kuepfer advised that their drainage consultant had recommended that drainage tile be installed that would assist with the wet area and drainage.

There were 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 informed the Board that she had spoken with Ms. Gil Glover, Bereavement Authority of Ontario (BAO) for a previous application, File No. B01-23 (Township of Tehkummah), and she informed her that the Cemeteries Act and the Cremation Act have been replaced and the Authority is now under the BAO. Under the Funeral, Burial and Cremations Services Act (FBCSA) 2002, a Cemetery Operator Licence is required to operate a cemetery. An application form is to be completed and sent to the BAO for approval. However, it cannot formally begin without the severance and the rezoning in place as these are a critical part of the application.

Mr. Kuepfer, agent for the application and Mr. Dearing, abutting land owner were present during consideration of the application.

Discussion among the Board included:

- may be well water concerns; would a larger lot help; how far are the wells from the proposed new lot; would the BAO have concerns with drainage or proximity of the burial plots to the wells; what are the setback requirements for a cemetery to a well; is the Township responsible for a private cemetery; what happens if the applicant walks away from the cemetery;

Mr. Dearing spoke to the application and advised that:

- his artesian wells are south of his dwellings; about 150-200 feet from the proposed new lot; Marty's drain does nothing to help with the drainage concerns; the ditch holds water.

Mr. Kuepfer spoke to the application and advised that:

- he needed additional time to speak to the land owners to see if a larger lot is a possibility; their drainage consultant had advised him that by putting in drainage tile it would help with the drainage and wet area.

Ken Noland, Board Member representing the Municipality of Burpee-Mills spoke to the application and advised that:

- the BAO regulates the care of private cemeteries not the Township; a certain dollar amount is set aside for each burial; water flows south in this area; water pools generally in the Spring; the Amish are up and down Union Road on a regular basis (Wednesdays and Sundays) and there have been no safety concerns; there are clear site lines; horse and buggies will be parked off Union Road within the proposed new lot; he does not have any concern with traffic; he could not comment on Property Values.

Board Minutes
November 26th, 2024

Application File No. B16-24- Continued

Mr. Dearing advised that he would measure the distance from his wells to the edge of the road and provide this information before the next Planning Board Meeting.

The Board were in agreement that additional information was required to further consider the application and that the application be deferred.

The following motion resulted:

MOTION

a motion was made and duly seconded and carried that Decision for the application be deferred to allow additional time for the applicant to consider a larger 90 m. X 90 m. sized lot; for Mr. Dearing to provide measurements from his artisan wells to the proposed new lot; and for the secretary-treasurer to investigate any regulations for minimum distances between wells and cemeteries,

- Carried Unanimously.

September 24, 2024

The Secretary-Treasurer reported that A. Kuepfer, agent for the application, has requested a deferral of the application to allow additional time for consideration of a larger sized lot.

MOTION

a motion was made and duly seconded and carried that Decision for the application be deferred as requested by A. Kuepfer, agent for the application, to allow additional time to consider a larger 90 m. X 90 m. sized lot;

- Carried Unanimously.

October 29th, 2024

The Secretary-Treasurer reported that A. Kuepfer, agent for the application, has requested another deferral of the application to allow additional time for discussion between himself and the land owners regarding creating a larger (90.0 m. X 90.0 m.) sized lot.

MOTION

a motion was made and duly seconded and carried that Decision for the application be deferred again as requested by A. Kuepfer, agent for the application, to allow additional time for him to discuss creating a larger lot with the land owners and that the application will be on the Board Agenda for the next regular meeting of the Planning Board, scheduled for Tuesday, November 26th, 2024,

- Carried Unanimously.

November 26, 2024

The Secretary-Treasurer reported that A. Kuepfer, agent for the application, advised by letter received on November 22nd, 2024, that:

' Manuel Kuepfer the owner of 1625 Union Road gave consent to Aaron Kuepfer and Stephen Albrecht to sever the lot 90 M. X 90 M. On Tuesday, November 19, 2024. the landowners are in support of a larger (90 m. X 90 m.) sized lot to accommodate the private cemetery and that he wished to amend the application to create the larger lot.'

The larger lot will conform to Policies of the Official Plan and the Provincial Planning Statement 2024.

The Secretary-Treasurer informed the Board of additional information received since the August 27th, 2024 Board Meeting.

S. Dearing had attended the Planning Board Office on September 11th, 2024 and delivered a sketch indicating that the distance from his two wells to the proposed cemetery are ±142 metres and ±170 metres.

The Public Health Sudbury and District office was contacted and they advised that they have no requirements for distance separate between wells and private cemeteries. They suggested contacting the Ministry of Environment, Conservation and Parks (MECP).

K. Kaurin, Ministry of the Environment, Conservation and Parks (MECP) provided references regarding separation distances between existing wells and cemeteries. as follows:

Regulation 903 of the Revised Regulations of Ontario, 1990 (Wells) made under the Ontario Water Resources Act R.R.O. 1990 (The Wells Regulation) governs well construction, maintenance, abandonment, and licencing. The Wells Regulation has a section (Section 12) that discusses the location of wells. For the purposes of this discussion, I would suggest that subsections 12(2) and 12(3) are applicable.

Subsections 12(2) and 12(3) state:

"(2) The site of a new drilled well that has a casing that extends to a depth of more than six metres below ground level shall be at least 15 metres from a source of contaminants other than one mentioned in subsection (1). O. Reg. 372/07, s. 11 (3).

Board Minutes
November 26th, 2024

Application File No. B16-24- Continued

MECP comments - continued

(3) The site of,

(a) a new drilled well that does not have a casing that extends to a depth of more than six metres below ground level; or

(b) a new well that is not a drilled well,

shall be at least 30 metres from a source of contaminants other than one mentioned in subsection (1)."

There is also the 1992 MOE document, MOE - Cemeteries and groundwater : an examination of the potential contamination of groundwater by preservatives containing formaldehyde, 1992) found here, Cemeteries and groundwater : an examination of the potential contamination of groundwater by preservatives containing formaldehyde : report (archive.org).

Page 1 of this document under the heading "Burial Practices survey" quotes the Guideline as follows:

"MOE guidelines also recommend that graves be a minimum of 30 metres from a well or surface water source being used for drinking purposes."

and

From MECP's Regulatory Requirements, <https://www.ontario.ca/document/water-supply-wells-requirements-and-best-practices/siting-well>

Regulatory Requirements - Well Siting

Relevant Sections - The Wells Regulations

- Location of Wells - Section 12(1) - (6)

- Records - Single Well Record - Section 16.3

The Requirements - Plainly Stated

The Wells Regulation requires the person constructing the well to meet the following when siting a well:

Anyone constructing a new well, other than a test hole or dewatering well, must follow all requirements for siting a well in the Wells Regulation.

The site of a new well must meet the minimum horizontal separation distances from contaminant sources that are provided in Table 4-1 and Table 4-2; and

Once a well has been constructed, the well location must be determined and indicated on the well record using a global positioning system (GPS) receiver, according to the instructions on the well record.

Table 4-2: Minimum Horizontal Separation Distances between Wells and Sources of Contaminants Other Than Those Mentioned in Table 4-1

Drilled Well with watertight casing that extends to a depth of more than 6 m (19.7ft)	Any other well ^{footnote 1(1)}
--	---

source of contaminant: 15 m (50ft)

30 m (100ft)

In short, if something is deemed to be a "source of contaminants" the Wells Regulation requires a 15 metre setback if the well is a drilled well that has casing to a depth of at least 6 metres. If the well does not meet either of those conditions, then the setback requirement is 30 metres.

If you have any other questions or need clarification, please let me know. Thank You.'

Mr. Dearing advised during an Office visit on November 21st, 2024, that he has no concerns with a larger lot.

Mr. Dearing called the Planning Board Office on November 26th, 2024 and advised that he still had objections with the location of the proposed cemetery and a decrease in property values to his properties. He currently did not have any supporting documentation and was unable to attend the Planning Board Meeting that evening.

Discussion included:

-understanding Mr. Dearing's concerns; no supporting documentation; no presentation regarding the decreased property values;

The Board also discussed 'Care and Maintenance' of cemeteries and how they felt this works in their municipalities.

The Secretary-Treasurer noted that The Bereavement Authority of Ontario (BAO) has the legislative authority for the licensing of new cemeteries in Ontario. The BAO would need to be satisfied that the land is suitable for the use as a cemetery.

Board Minutes
November 26th, 2024

Application File No. B16-24- Continued

Board Member, K. Noland, representative for the municipality of Burpee-Mills advised no reassessment under Section 65 of the drainage Act would be required.

The Board felt they had enough information to make a Decision on the application.

AS AMENDED

As amended, the new lot shall be increased with dimensions of 90.0 metres X 90.0 metres and increased in area from ± 0.44 Hec. to ± 0.81 Hec.; and the retained land is to be reduced in size from ± 39.56 Hec. to ± 39.19 Hec., as shown on the amended sketch, dated November 18th, 2024.

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) a copy of an approved amendment to Zoning By-law No. 96-01, for the Township of Mills, Municipality of Burpee-Mills, permitting a private cemetery in the Rural (R) Zone, for the proposed severed land which is identified as a Part Number(s) on a Plan of Survey;
- iii) a written confirmation from the municipality that an entrance permit from Union Road has been issued or could be issued for the proposed severed land, satisfactory to the municipality;
- iv) a written confirmation from the municipality that the existing hunt camp has been converted to storage and any required building permits have been issued, satisfactory to the municipality;
- v) a written confirmation from the Bereavement Authority of Ontario (BAO) that an application for the private cemetery has been received, satisfactory to the requirements of the BAO;
- vi) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vii) a written confirmation from the municipality that all outstanding municipal taxes for the subject land, 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: Owners of the subject lands should be aware that the cost of maintenance of municipal drains is prorated to landowners.

Application File No.: B25-24 **No. of Members Present:** 7
Date of Decision: November 26, 2024
Location of Property: Part Lots 35 and 36, Conc. VI, Surveyed as Parts 3, 6, and 7,
Plan 31R-1808, Township of Burpee, Municipality of Burpee-Mills, District of
Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Rodger and Donna Pearson is to provide for the creation of new lot having a minimum frontage of 30.5 M. on Union Road, a maintained municipal road, and an average depth of ± 300 M., thereby containing an area of ± 7.1 Hec. According to the application this new lot is located north of the existing fence and above the bluff and is not used as part of the farm operation. The applicants' dwelling and out house/privy are located within this land. The non-farm residential use is proposed to continue.

The land to be retained has a frontage of ± 600.6 M. on Union Road, a maintained municipal road, and an average depth of ± 545.6 M., thereby containing an area of ± 20.9 Hec. There are no structures located within this land. Agriculture uses are proposed to continue.

According to the applicants the existing dwelling was built prior to their purchase of the property in 2007. There does not appear to be any building permit information for the existing dwelling.

A previous Application for Consent to Sever, File No. B36-88, provided for the creation of a new lot, being Part of Lot 36 and 37, Conc. VI, surveyed as Parts 1 and 2, Plan 31R-1808. The resulting retained land is the land subject to the current application, (File No. B25-24).

The subject land has been designated Agriculture Area, Rural Area and Village Area and zoned Agriculture (A) and Settlement (S). The proposed severed land is located within an Settlement (S) Zone. The retained land is located within the Agriculture (A) Zone.

There is an area of steep elevation identified in the north west corner of the proposed new lot ranging from ± 185 metres to ± 210 metres according to the digital elevation model. It is not identified as Escarpment Lands. Due to the existing dwelling on the proposed new lot, there does not appear to be any concerns regarding the identified steep elevations.

Services consist of private well and an outhouse/privy.

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

Access is via Union Road for the severed land, a maintained municipal road.

From information available, including the Parcel Register for the subject land, Part 6, Plan 31R-1808 is part of the road allowance between Lots 35 and 36, Conc. VI that traverses the subject land, which was 'stop-up and closed' by municipality Bylaw No. 27.

The Ontario Ministry of Transportation (MTO) advised that MTO has reviewed the proposed severance at 3396 Union Road and confirm that the subject land is located outside the MTO's permit control Area (PCA); therefore have no comments to provide at this time.

There is a Hydro line that services the existing dwelling from Highway No. 540 to the north, that traverses the lot located at #15703 Hwy 540, surveyed as Parts 1 & 2, Plan 31R-2705. There is also a Hydro line along Union Road, to the south of the property.

Hydro One advised they have no issues or concerns with the severance application

There is a drain catchment area identified at the extreme south of the property, known as the Noland Drain catchment area. The applicants were advised that a reassessment under Section 65 of the Drainage Act may apply.

From information available, the subject land 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 Planning Statement 2024.

This application was circulated on November 5th, 2024 to the Municipality of Burpee-Mills, 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.

Board Minutes
November 26th, 2024

Application File No. B25-24
November 26, 2024 - continued

The Municipality of Burpee-Mills recommends consent be granted and noted that Section 65 of the Drainage Act may apply.

Bell Canada advised they have no concerns or comments.

There was an inquiry to the Planning Board Office from an abutting land owner (#15703 Highway No. 540), K. Graham-Lalonde, regarding the property boundaries and if a survey would be required for the new lot. She was advised that a new survey would be required for the new lot as a condition of the Consent to Sever approval and that the boundary line between her lot and the proposed new lot are identified on her survey Plan 31R-2702. No written concerns have been received.

There was also a conversation from abutting land owner (#15693 Highway No, 540) requesting further explanation of the application. He advised he had no concerns.

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.

K. Noland, Board Member representing the Municipality of Burpee-Mills advised that he will discuss the drain with the drainage engineer.

The sketch attached to the application shows the existing driveway traversing the proposed retained land and the Board asked if the proposed severed lot needed a right-of-way over the retained land?

The Secretary-Treasurer advised that the applicants do not require a right-of-way and advised they will access the severed lot along the westerly boundary, along the fence line.

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), 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(s) to which the consent approval relates;
- ii) a written confirmation from the Municipality that an entrance permit from Union Road for the severed land and retained land have been or can be issued, satisfactory to the Municipality;
- iii) a written confirmation from the Municipality that the structures located within the proposed severed land are in conformity to the By-law, satisfactory to the municipality, i.e. building permit(s);
- iv) a written confirmation from the municipality that any reassessment required for the subject lands as required by Section 65 of the Drainage Act has been addressed, 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.

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.

Board Minutes
November 26th, 2024

Application File No.: B29-24 No. of Members Present: 7
Date of Decision: November 26, 2024
Location of Property: Lots 16, 17 and 18, Conc. III, Township of Barrie Island,
Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Stephanie Lane on behalf of Rodger F. Greenman is to provide for the creation of a new lot, being Lot 18, Conc. III as originally surveyed, having frontages of ±603 M. on Lake Huron and ±402 M. on the travellable non-maintained 4th Concession Allowance, and an average depth of ±2,007 M., thereby containing an area of ±78.0 Hec. The applicants propose to convey this land to a family member, Julie Greenman, for estate planning purposes. According to the application there is portable storage container, a privy/outhouse, a guest cabin, two storage sheds, and a mobile home located within this land. Accompanying the application is a trailer permit, No. 1060, issued to J. Lane.

The retained land being Lots 16 and 17, Conc. III, as originally surveyed, has frontages of ±1,005 M. on Greenman Road, a maintained township road, and ±804 M. on the travellable non-maintained 4th Concession Allowance, and a depth of ±804 M. thereby containing an area of ±80 Hec. The applicant's dwelling, barn and shed are located on Lot 16, Conc. III.

According to the Application and the Land Title's Office for the District of Manitoulin, Lot 16, Conc. III, identified by Personal Identification Number (PIN) 47146-0362 (LT), is subject to right-of-way in favour of others as described in Instrument No's. T27864.

According to the Application and the Land Title's Office for the District of Manitoulin, Lots 17 and 18, Conc. III, identified by Personal Identification Number (PIN) 47146-0408 (LT), is subject to right-of-way in favour of others as described in Instrument No's. T27862.

There have been three previous applications for Consent:

File No. B07-10 created a ±80 Hec. new lot, being Lots 16 and 17, Conc. II.

File No. B03-16 provided for the creation of a new lot, being Lot 18, Conc. III, which lapsed when the conditions of the consent were not fulfilled within one year.

File No. B12-17 (a resubmission of File B03-16) provided for the creation of a new lot, being Lot 18, Conc. III, which lapsed when the conditions of the consent were not fulfilled within one year.

The current application (File B29-24) is a resubmission of File No's. B03-16 & B12-17.

Access is via the travellable non-maintained 4th concession allowance for the proposed severed land and Greenman Road, a maintained township road for the retained land. The severed land has a civic address of #477 Greenman Road and the retained land has a civic address number of #179 Greenman Road.

Services consist of private well and private individual septic system for the retained land. Services will consist of private wells and private individual septic systems for the severed lands when required.

From information available a municipal drain, known as the Long-Greenman Drain, is within Lots 16, 17 and 18, Conc. III. S. Lane, agent for the application was advised that a reapportionment/reassessment may be required under Section 65 of the Drainage Act.

The application was circulated on September 20th, 2024 to the United Chiefs and Councils of Mnidoo Mnising (UCCMM) and the Wiikwemkoong Unceded Territory, as per Official Plan Policy F.5 - Consultation and Engagement.

The UCCMM have not provided any comments or concerns regarding the application, or requested additional time to do so.

The Wiikwemkoong Unceded Territory UCCMM have not provided any comments or concerns regarding the application, or requested additional time to do so.

Board Minutes
November 26th, 2024

Application File No. B29-24- continued
November 26, 2024

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

During the preliminary review of the application, a Deer Wintering Area was identified within the subject land. There was also a 'High' category Wildland Fire Hazard identified within the subject land.

Official Plan policy D.4.5.1.5 - Deer Wintering Areas states:

- ' 5. *In areas identified as Core Deer Yard or adjacent lands, shown on the land use schedules to this Official Plan, and outside of the identified urban areas and village areas, new development or site alteration may be permitted without an Environmental Impact Study provided:*
- a) *The proposed new lots have a minimum of 90 metre frontage and 90 metre depth, and vegetation retention is maximized through the use of tools such as a development agreement or a subdivision agreement, miscellaneous notification agreement (and subject to other policies of this plan).'*

Official Plan Policy D.9.3 - Wildland Fire Hazards states:

- ' 2. *If development is proceeding where high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated, which will be implemented through Site Plan Control.*
4. *Wildland fire mitigation measures shall not be permitted in significant wildlife habitat, coastal wetlands, or significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.'*

The size of the proposed severed and retained lots conform to the minimum lot size requirements; exceed the minimum size requirements of 90.0 M. X 90.0 M. and conform to Official Plan Policy No. D.4.5.1. for Deer Wintering Areas.

It appears that there are building envelopes within the proposed severed and retained lands that would be outside the category "High" for Wildland Fire concerns that would conform to the recommendations of the Official Plan.

There does not appear to be any adverse impacts to policies expressed by the Provincial Planning Statement (PPS) 2024.

During the preliminary review of the application, comments were requested from the Municipality regarding conformity to their Zoning By-law and the existing structures located within Lot 18, Conc. III.

The By-law Enforcement Officer provided a drawing identifying the existing structures within Lot 18, Conc. III and advised that some of the structures do not conform to the Municipal Zoning By-law and are currently non-complying structures.

The Chief Building Officer (CBO) advised Jeff Cordeiro (S. Lane's partner), by email on October 17th, 2024 as follows:

' I have spoken to the Theresa at the Planning Board and Carrie/Chris from the Gordon Barrie Island office. The property as it currently is has a residence on it. The zoning bylaw allows 1 residence/seasonal residence on a property. I cannot issue a permit for a residence/seasonal residence before the land is severed. Also I cannot issue a permit for any structures/sea can/shed etc. for the structures that are shown on the sketch on lot 18. because the zoning bylaw does not allow accessory structures in front of the main structure (which would be considered the house on lot 16) and if permits were issued when the property does get split it would not conform to the zoning bylaw because there would be accessory buildings before the seasonal/residence. Unless there is a zoning amendment to allow them or when the land is being severed there may be a condition that a permit for a seasonal/residence be applied for and constructed in a defined Time period. Another may be that all other existing structures meet the requirements of the zoning bylaw or be allowed with a zoning amendment. If all of the structures on lot 18 were not there this would be a very simple process.'

Board Minutes
November 26th, 2024

Application File No. B29-24- continued
November 26, 2024

From information available a portion of Lot 18, Conc. III is below the 180 metre flood elevation contour and within the 177.8 100 year flood risk. It appears that the existing trailer and one of the sheds may be located within the flood risk area.

Zoning By-law No. 2022-016 under Section 4.26 - Waterfront Setbacks and Vegetation Buffer - states:

1. *Setbacks from Lake Huron*
 - a) *No person shall erect any habitable building or structure in any zone abutting Lake Huron less than 15 metres measured horizontally from the 100 year flood elevation contour identified on Schedules B1 to B2 of this By-law unless:*
 - i) *The building or structure is located at least 61 metres from the shoreline; and*
 - ii) *the building or structure is flood-proofed to 179.6 metres Canadian Geodetic Vertical Datum (CGVD1928).'*

Construction within the property near the shoreline, may require the identification of the flood risk contour.

There is a Hydro line located along Greenman Road and Hydro One was circulated as part of the preliminary review. The Hydro line services the proposed retained land. There does not appear to be a Hydro line servicing Lots 17 or 18, Conc. III. Hydro One advised they have no concerns with the application.

The application was circulated on November 7th, 2024 to the Municipality of Gordon/Barrie Island, Bell Canada, the Ontario Ministry of Transportation, 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 Gordon/Barrie Island advised by Resolution No. 2024-159 as follows:

*' WHEREAS an application for consent to sever was presented for comment;
THEREFORE BE IT RESOLVED THAT Council will approve the application with the conditions met for the removal of non-conforming buildings and trailers and the application for a building permit in place..... Carried.'*

S. Lane, agent for the application, was provided a copy of the Resolution.

C. Meloche, , Municipal By-law Officer, advised via email on November 26th, 2024 that he had spoken to Julie Greenman-Lane on November 5th, 2024 and she had advised him that the trailer and the storage shed located in front of the trailer would be removed from the property by the end of November.

Bell Canada advised they have no comments or concerns with the application.

The Ontario Ministry of Transportation (MTO) advised that the subject lands are not within the MTO's permit control area and therefore have no comments to provide at this time.

There was an email inquiry followed by a telephone call from C. Jollineau, abutting land owner of Lot 15, Conc. III, requesting additional information and what uses would be permitted on the new lot. He advised that he and one other person would be attending the Planning Board Meeting on November 26th, 2024. He provided the following email:

' In reference to your file B29-24 - Consent to Sever File No's B07-10, B03-16 and B12-17, please note our objection to this item as an adjacent property owner to the subject properties in question (Woody Creek Farm Ltd owner of Lot 15, Con 3).

We would appreciate it if you could contact the undersigned with more information and provide greater detail. We only recently became aware of this item, and would appreciate receiving further background as to the motion to the planning board that is currently being considered.

Looking forward to discussing this further. My contact information is noted below. Thank you.'

The email was provided to S. Lane, agent for the application.

Board Minutes
November 26th, 2024

Application File No. B29-24- continued
November 26, 2024

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

Stephanie Lane, agent for the application, and Julie Lane, Chrystal Lane, Jeff Cordeiro, Chris Jollineau and Mathieu Bouchard were present during consideration of the application.

Mr. Jollineau asked some questions and requested additional information. It was explained that Lot 18, Conc. III is zoned Rural; Lots 16 & 17, Conc. III are zoned Agriculture; there are no changes to the current zoning proposed; the Municipal Zoning By-law stipulates the uses permitted in the Rural Zone and Agriculture Zone, which allows farm related uses and permits only one dwelling per lot; year round and seasonal residential uses are permitted in the Rural Zone; however, a year round home may not be permitted for the proposed severed lot as the 4th Concession Allowance is travelable but non-maintained/snow ploughed by the Municipality.

Julie Lane spoke to the application and advised that she had spoken to the By-law Enforcement Officer; her trailer and shed were placed on the property professionally; they are not easily removed and will need to be removed professionally; she is trying her best to get this done; she explained that she was of the understanding the Lot 18, Conc. III was already in her ownership and so did the Municipality; and that the access she uses is from Greenman Road and her civic address number is 477 Greenman Road.

The Secretary-Treasurer explained that if the new lot is approved, this would correct the ownership issue for Lot 18, Conc. III, and although access may be via Greenman Road and traverse over Lots 16 & 17 to get to Lot 18, according to the land transfer/deed Lot 18, Conc. III is subject to right-of-way in favour of others but not together with a right-of-way.

The legal access would be from the 4th concession road allowance. The lot is zoned Rural and a year round home may not be permitted on an access that is not maintained year round (snow ploughed) by the municipality; this would be up to the building inspector.

There was no one else 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) and the rights-of-way as described in Instrument No's. T27862 and T27864, 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;
or
a boundary line survey identifying the new lot line, not identified by a registered Plan of Survey, resulting from the severance;
- ii) a written confirmation from the municipality that any portion of a travelled road which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) a written confirmation from the municipality that access over the 4th concession allowance to South Line Road, has been constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iv) a written confirmation from the municipality that any reassessment required for the subject lands as required by Section 65 of the Drainage Act has been completed by the landowner, satisfactory to the municipality;

*Board Minutes
November 26th, 2024*

Application File No. B29-24- continued
November 26, 2024

- v) a written confirmation from the municipality that as per Resolution No. 2024-159, the removal of non-conforming buildings and trailers and the application for a building permit have been done, satisfactory to the municipality.
- vi) a written confirmation from the municipality that an entrance permit for the proposed new lot has been issued or can be issued, satisfactory to the municipality;
- vii) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- viii) 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: Owners of the subject lands should be aware that the cost of maintenance of municipal drains is prorated to land owners.

Note: Owner(s) of the subject land should be made aware that building permit restrictions may apply, i.e. wildland fire, elevation contour, compliance to Zoning By-law No. 2022-016.

Note: Any shoreline improvements shall be done only with the approval of The Ministry of Natural Resources (MNR), the Department of Fisheries and Oceans (DFO), and the Municipality.

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	D. Osborne
2.	B25-24	R. Stephens	K. Noland
3.	B26-24	R. Stephens <i>*That this application be deferred</i>	K. Noland
4.	B27-24	D. Head <i>*That this application be adjourned</i>	K. Noland
5.	B28-24	R. Stephens <i>*That this application be deferred</i>	D. Head
6.	B29-24	K. Noland	D. McDowell

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

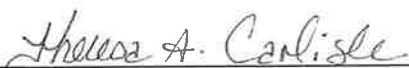
- Carried.

* The above motion applies to all applications excepting File No's. B26-24, B27-24 and B28-24.

MOTION

The time now being 9:45 P.M. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by D. Head.

L. HAYDEN, CHAIR



T.A. CARLISLE,
SECRETARY-TREASURER