MANITOULIN
PLANNING BOARD
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705-282-2237 705-282-3142

October 27, 2021

MINUTES OF PLANNING BOARD MEETING - OCTOBER 26, 2021

During a meeting of the Manitoulin Planning Board on Tuesday, October 26th, 2021, held electronically, the following Members of Planning Board were present:

1. L. Hayden
2. K. Noland
3. E. Russell
4. R. Stephens
5. D. Head
6. R. Brown
7. T. Mackinlay
8. D. McDowell
9. D. Osborne

Regrets: I. Anderson

Also present during the teleconference were:

R. Halliday, agent and S. Doane, applicant, for Consent to Sever File No. B18-21;
J. Bailey, interested party, for Consent to Sever, File No. B24-21;
E. and L. Thiessen, applicants, for Consent to Sever File No. B25-21;
B. and A. Murphy, applicants, for Consent to Sever File No. B26-21;
D. Ellis, applicant, request for the consideration proposed Consent to Sever Application;
D. Watts, interested party; and
T. Sasvari, reporter, Manitoulin West Recorder.

There were no other interested parties or members of the general public or press that participated in the meeting.

The electronic Meeting was called to Order at 7:03 p.m. by Chair R. Stephens, who welcomed all present. Chair Stephens conducted a role call to confirm a quorum of the Board.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of September 28th, 2021.

T. Mackinlay declared a conflict with Consent to Sever, File No. B27-21.

There were no other conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

The following motion resulted:

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - September 28, 2021.

The Chair announced that the Minutes of the Board Meeting held on September 28th, 2021 had been circulated to all Board Members and requested that any errors or omissions be stated.

MOTION

A motion was moved by L. Hayden and seconded by R. Brown that the Minutes be adopted, as circulated,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- September 28th, 2021

There was none.

3. VARIABLE EXPENDITURES

Chair Stephens asked if the amount for the Validation of Title is an expense of the Planning Board or invoiced to the applicant for the application? The Secretary-Treasurer explained that this invoice is a Planning Board Expense to obtain a legal opinion. There were no other questions of the variable expenditures as circulated.

MOTION

It was moved by R. Brown and seconded by T. Mackinlay that the variable expenditures be accepted as presented,
- Carried.

4. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that the applications for consent to sever would now be heard.

The Secretary-Treasurer conducted a role call to confirm those in attendance for the electronic meeting.

Note: For the sake of continuity the details and decisions of the presentations will be so recorded in the usual fashion toward the end of the Minutes.

5. GENERAL, REGULAR AND NEW BUSINESS

i) 1. Request for Consideration - Proposed Consent to Sever
Location: Lot 29, Conc. VIII, Township of Billings

The Secretary-Treasurer reported that Mr. Ellis, applicant, was requesting the Board 's support for a proposal to create four (4) new lots together with right-of-way, and retain one (±28.6 Hec.) parcel which will include the right-of-way. If approved, the two existing dwellings would each be within a separate lot and not together on one (bigger) lot. The lots as proposed are large enough to split again (+46 M. Frontage & +0.4 Hec.). The Planning Board have in the past approved the creation of four (4) new lots and retained a larger parcel in the Township of Billings. A condition of the Consent to Sever approval was that there was an approved Amendment, restricting the frontage and size of the new lots to remain as surveyed (i.e. could not be severed again). The Municipality did not advise of any concerns and are in favour of the Amendment as a condition of the consent approval. The Public Health Unit have no concerns with the proposal.

During consideration of the development proposal, discussion included:

- if the right-of-way should have a cul-de-sac at the end for a turnaround if in the future the Township takes ownership; this could be a condition of consent approval; Township is not obligated to take ownership at this time; Part 11, Plan 31R-237 (at the north-west) is subject to access in favour of the subject land; if Lake Kagawong is at capacity; Lake Kagawong has not been designated as an "at capacity" lake; new lots may still be permitted; larger lots are good on the shoreline; concerns with the number of lots by the Consent process; concerns with the shoreline lots being split again; concerns with stretching the number to four lots on a right-of-way; Townships need to look at a 'Cash-in-Lieu' By-law, they are missing out on obtaining funds to support the Townships; in favour of an amendment that restricts the size of the lots as surveyed which would prohibit further lot creation; in favour of a note to be added that no further development by Consent process; this is just a preliminary review of the proposal; further consideration will be given at formal circulation stage.

Mr. Ellis, applicant, was present during consideration of his development proposal. He thanked the Board for considering his application and advised that he had nothing further to add.

The general consensus of the Board is that there is support 'in principle' for the application with an approved Zoning-By-law Amendment to restrict additional lot development and a note on the Decision of Planning Board that no additional severances would be considered by the Consent to Sever process and that the Board would consider the application further when the application is put into formal circulation.

5. GENERAL, REGULAR AND NEW BUSINESS - continued

i) 2. Request for Consideration - Proposed Consent to Sever
Location: Part Lot 20, Conc. V, Lot 17, Subdivision Plan M-173
Township of Carnarvon

The Secretary-Treasurer explained that Mr. Legge and Ms. Wilson, applicants, are requesting the Board 's support to create a new (±929 sq. m.) lot and retain a (±929 sq. m.) lot , each of which will contain half of the existing semi-detached dwelling. Municipal water and sewers are available for the subject land(s). Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin requires a minimum lot size in a Hamlet Residential Zone of 800 sq. m. and requires a minimum frontage (on Bay Street) of 20 metres and a minimum side yard setback requirement of 3 metres. A condition of the Consent to Sever approval would be that there is an approved Zoning By-law amendment permitting a reduced side yard setback from 3 metres to 0 metres which is a variance of 100% and a reduced frontage from 20 metres to 15.24 metres, which is a variance of almost 24%. The Municipality of Central Manitoulin have advised that they support the Consent to Sever proposal and the Amendment proposal.

During consideration of the development proposal, discussion included:

- not typical for Manitoulin Island; building is probably not in the middle of the lot; could have the 15.24 m. frontage with a crooked lot line to the building; could be overcome if building is not in the middle of the lot; existing building; could be problems with the middle of the studs; would like to have written reasons why the Municipality supports this; would a bank give a mortgage?; seen lots like this in the City; like a condo operation; see issues down the road with sharing; roof replacement; need to have a (landowners) agreement in place to avoid issues later; maybe the first application like this on Manitoulin Island but not unheard of; usually get a survey first and then build; did the applicants know they were going to sever the lot before the semi-detached was built?; could a property standard by-law address mutual agreements?; the buyer(s) of the lot(s) would be aware of the situation; the minimum lot frontage in a Hamlet residential Zone is 20 metres; Municipality of Central Manitoulin supports; a survey will need to be done as a condition of the Consent to Sever Application; get the survey done ahead of time; good idea to determine the location of the building before the application is received; no guessing later; support having a surveyor prepare the sketch for the application.

Ms. Wilson and Mr. Legge, applicants, were invited to attend the electronic meeting, however were not present.

The general consensus was that there is support 'in principle' of the application as proposed, conditional on an approved Zoning By-law Amendment permitting a reduced frontage and setback for the proposed severed and retained land. Also, a surveyor's sketch is to be prepared and submitted with the Consent to Sever Application to identify the location of the existing dwelling within the existing lot, and the Board would consider the application further when the sketch has been received and the application has been put into formal circulation

5. ii) Proposed 35 Lot Plan of Subdivision
Location: Lots 26 and 27, Conc. VII and Lots 24, 25 and 26, Conc. VIII
Township of Barrie Island
Municipality of Gordon/Barrie Island

The Secretary-Treasurer reported that an Application for Plan of Subdivision had been received from 1927402 Ontario Inc. There are a couple of items she was waiting on for a complete application and that it would be presented to the Board soon; likely at the January 2022 Board Meeting. There have been no appeals to the Official Plan Amendment or the Zoning By-law Amendment Application which were approved by the Municipality of Gordon/Barrie Island in September 2021, for the subject land. These applications were required to redesignate and rezone the property appropriately for seasonal residential uses. L. Hayden, Board Member and Reeve for the Municipality, advised that there have been some discussions with the applicants regarding the Plan of Subdivision application and some conversation regarding ownership of the lands that are zoned Conservation.

5. GENERAL, REGULAR AND NEW BUSINESS - continued

iii) Workplace and Public Meeting Vaccination Policy

The Secretary-Treasurer advised the Board that she would like to draft a Workplace Vaccination Policy for the Planning Board Office for consideration of the Board at the next Board Meeting. She felt that there should be an Office protocol in place to deal with the Public and Public Board Meetings, and staff members, if and when the meetings get back to in-person meetings. She is gathering information at this time, and she would welcome any comments from the Board Members or the Municipalities if they are considering a similar Office policy.

The Board did not have any objections to reviewing a draft policy at the next Board Meeting.

iv) November Board Meeting

The Secretary-Treasurer advised that there are five Tuesdays in November and generally the Board doesn't meet in December. She requested the Board's support to cancel the December Board Meeting and have the November Board Meeting on the 5th Tuesday, being November 30th, 2021 and that this meeting be an in-person meeting.

There was discussion of an in-person meeting vs an electronic meeting and the pros and cons of each and if an in-person meeting could accommodate the Public.

The following motion resulted,

MOTION

It was moved by L. Hayden and seconded by D. Osborne that the December 2021 Board Meeting be cancelled; that the next Board Meeting is to be held on Tuesday, November 30th, 2021; and that the November Board Meeting shall be an in-person Board Meeting,
- Carried.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

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

(a) to consider applications for consent under Section 52 of the Planning Act,

(b) to make decisions 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.

T. Mackinlay declared a conflict of interest for Consent to Sever File No. B27-21.

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

		Moved By	Seconded By
1.	B18-21	D. McDowell	D. Head
2.	B22-21	L. Hayden	E. Russell
3.	B24-21	K. Noland	L. Hayden
4.	B25-21	T. Mackinlay	R. Brown
5.	B26-21	E. Russell	K. Noland
6.	B27-21	K. Noland	L. Hayden

MOTION

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

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Application File No.: B18-21 No. of Members Present: 9
Date of Decision: [August 24, 2021 - deferred] [September 28, 2021- deferred] October 26, 2021
Location of Property: Part Lot 24, Conc. X. Surveyed as Parts 1 to 9, Plan 31R-3902 and Parts 3, 4, 5, 6, and 11, Plan 31R-1319, Township of Sandfield, Municipality of Central Manitoulin District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Barbara and Steve Doane is to provide for the creation of a new lot, located at #147 Dryden's Lane, (which includes Parts 4 & 5, Plan 31R-3902), having a frontage of ±64.6 M. on Lake Manitou and an average depth of ±202.9 M., thereby containing a minimum area of 0.4 Hec. This proposed new lot will be together with right-of-way over the retained land to Gibraltor Road, a maintained municipal road. The applicants' dwelling and accessory garage are located on this proposed new lot. The applicants propose to offer this land for sale for continued residential uses.

The land to be retained, located at #141 Dryden's Lane, and #4498 Hwy 542, has frontages of ±11.5 M. and 30.5 M. on Lake Manitou, ±720.4 M. on Gibraltor Road, a maintained municipal road, and ±939.8 M. on Highway No. 542, a provincially maintained Highway, and an average depth of ±585.6 M., thereby containing an area of ±50 Hec. This land is subject to right-of-way over Parts 2, 7, and 8, Plan 31R-3902 (see MD6312). The subject land abuts a private right-of-way along the easterly boundary, known as Cannard's Lane. There is an existing house trailer/mobile home and garage located within this land along Lake Manitou, and three barns located along the Hwy. According to the application the house trailer is to be removed.

The subject land, with various survey plans, was originally three (3) separate parcels of land. The parcels have merged together as one larger parcel of land under the Planning Act, when they were registered under the same (joint) ownership.

There has been a previous Consent File, No. File No. B23-12, that provided for a lot addition of Parts 1 to 9, Plan 31R-3902 added to Parts 3, 6, and 11, Plan 31R-1319, which is the land subject to the current application. A copy of land transfer MD 6312 and MD 11205 accompanied the application for the transfer and consolidation of Parts 1 to 9, Plan 31R-3902 and Parts 3, 6 & 11, Plan 31R-1319 to Mr. and Mrs. Doane in 2012.

There have also been four previous applications for Consent, File No's B17-79, B14-80, B98-81 and B30-83 that provided for lot additions to lots fronting on Lake Manitou, and rights-of-way, within Lots 23 and 24, Conc. IX, by a previous owner.

During the preliminary review of the application, Mr. Halliday, agent for the application, was advised that the proposed new lot, surveyed as Parts 4 and 5, 31R-1319 was only ±0.28 Hec. in size and would not conform to the minimum size requirement of 0.4 Hec. in a Shoreline Residential (SR) Zone. The applicants therefore submitted their application which included additional land of 0.12 Hec. to conform to the minimum lot size requirement.

This application was circulated on June 22nd, 2021 to the Wiikwemkoong Unceded Territory and to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement.

Saul Bomberry, UCCMM, advised via email on July 8th, 2021 that they have no comments or concerns.

The Wiikwemkoong Unceded Territory advised via email on June 22nd, 2021 that they have no concerns with the application.

According to the application, services consist of private individual septic systems and private well(s). No new services are proposed at this time.

The Public Health Sudbury & 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 for the severed land will be via private right-of-way over the retained land, surveyed as Parts 9, 10, & 11, Plan 31R-1319 and Part 7, Plan 31R-3902, known as Dryden's Lane, to Gibraltor Road, a maintained municipal road. Access for the retained land will also be over Dryden's Lane to Gibraltor Road, as well as via an existing entrance #4498 Hwy 542.

Application File No. B18-21 - continued
August 24, 2021

The subject land has been designated Shoreline Area and Rural Area and zoned Shoreline Residential (SR), Rural (R) and Agriculture (A). Residential uses are proposed to continue for the severed land and farm related residential uses are proposed to continue for the retained land. The proposed new lot is within a Shoreline Area and a Shoreline Residential Zone.

The Ministry of Natural Resources and Forestry (MNRF) have advised that Lake Manitou is a provincially significant lake trout lake and is sensitive to any shoreline development that would result in a net loss of fish habitat. Lake Manitou has been designated as an "At Capacity" Lake in the Official Plan for the District of Manitoulin.

Official Plan Policy under Section D.1.1 LAKE CAPACITY states:

' Development adjacent to a water body shall be defined as land within 300 linear metres from the high water mark of a lake or permanently in-flowing tributary.

The following policies apply to all in-land Lakes:

1. *Where lakes and other water resources are determined to be at capacity or a sensitive resource, the creation of new lots, through the consent process or by plan of subdivision, will only be permitted within adjacent to a water body under limited circumstances as outlined in D.1.1.2.*
2. *Where any development (including the creation of a new lot) is proposed adjacent to a water body where the Provincial Water Quality Objective for phosphorous or other standards set by the province for dissolved oxygen are exceeded, one of the following conditions must be satisfied:*

   a. the severance is to separate existing habitable dwellings, each of which would be on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;

   b. all new septic system tile fields are located such that they would drain into a drainage basin that contains lakes which are not at capacity;

   c. all new tile fields are set back at least 300 metres from the shoreline of the lake or permanently flowing tributary to the lake; or

   d. the effluent pathway from a tile field would flow in a manner for a distance of at least 300 metres to the lake. This must be supported by a report prepared by a qualified professional that is a licensed member of the Association of Professional Geoscientists of Ontario or a licensed member of the Professional Engineers of Ontario who is qualified to practice geoscience and is satisfactory to the municipality, Planning Board, and any applicable provincial agency. '

Official Plan Policy under Section F.4.4.2 - Consents - states, in part under 5.b) and c):

'b) Notwithstanding the foregoing policy, water-oriented development, which is lands within 300 metres of a water body, shall have a minimum lot frontage of 46 metres and a minimum lot area of 0.4 hectares. Where development is proposed that intends to create five or more lots, pursuant to the requirements of Section F.4.4.2.1, lot sizes should average approximately 1.0 hectare, with no lot below 0.8 hectares unless a hydrogeological study has been prepared that demonstrates the area is not hydrogeologically sensitive and there will be no threat to human health and safety.

c) The proposed lots will comply with the provisions of the local Zoning By-law. '

The proposed new lot and the proposed retained lot have existing dwelling and existing septic system. Therefore Official Plan Policy D.1.1.2 a) has been satisfied.

Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin under the Shoreline Residential (SR) Zone, requires a new lot to have a minimum frontage of 45.5 metres and an area of 0.4 Hec.

The proposed new lot and the proposed retained lot have the required frontage and area. Therefore Official Plan Policy F.4.4.2 b) and c) have been satisfied.

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

The application was circulated on August 5th, 2021 to the Municipality of Central Manitoulin, Bell Canada, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Application File No. B18-21 - continued
August 24, 2021

The Municipality has recommended that Consent be granted and advised by letter, dated August 10th, 2021:

'The Council for the Municipality of Central Manitoulin wishes to state that no renovations or alteration can occur on any buildings that are located on the Municipal Marine Allowance as outlined in the Municipality's Comprehensive Zoning By-law.'

The Secretary-Treasurer reported to the Board Members that she had received numerous e-mails that afternoon from the land owners, Mr. and Mrs. Doane, the authorized agent, Mr. Halliday and Mr. Talbot, Barrister and Solicitor. She read the following email which had been copied to the Board Members late in the day, prior to the Board Meeting:

' Good afternoon,

Mr. Doane, Mrs. Doane, Mr. Halliday and Mr. Kuchtaruk

REF: Application for Consent to Sever - File No. B18-21

If I understand the emails that I received this afternoon:

Mr. Doane would like the Board to consider a deferral of the application to allow him more time, to decide if he wants to create a new lot or not. He states that he wishes to withdraw the application as part owner of the subject land.

Mrs. Doane would like to move forward with a Board decision on the proposed severance to create a new lot, as part owner of the subject land.

Mr. and Mrs. Doane have both authorized Mr. Robert Halliday to act as agent for the application.

This is quite the dilemma. Mr. Halliday is not sure how to proceed. I also am not quite sure how to proceed either.

I will present the application as proposed. The Board Members will make a Decision to approve, refuse, or defer Decision for File No. B18-21.

Please note that if the Board should approve the application, as proposed, there will be conditions attached that are required to be fulfilled within one year. If the conditions are not fulfilled within the one year time period, the application will lapse and the property will remain as present.

Both Mr. and Mrs. Doane, the current landowners, will need to sign off on the transfer of the new lot; so each will have the option of moving forward or not in the completion for the creation of the new lot.

Standard conditions of the Consent to Sever approval are:

A survey; proof of taxes paid for the severed and the retained land; proof that access is travelable by emergency vehicles to a maintained township road; a certification fee (for the new deed) of $125.00.

Also please note that if the Planning Board gives conditional approval of the application, there is provision under the Planning Act for a 20 day appeal period to appeal the Decision of Planning Board to the Ontario Land Tribunal (OLT).

Our Board Meeting is at 7:00 p.m. tonight. This is an electronic meeting and it may be in your best interest to be present during consideration of the application. You will be muted during the Board Meeting and only be unmuted if asked to speak by the Chair.

I give below the information to connect to our electronic meeting.

Please note:

I will need to know who is participating in the meeting and if you are joining via internet or via phone and what that contact information is. This will assist me with preparing the Board Minutes.

Here is the info to join our Board Meeting this evening, Tuesday, August 24th, 2021 at 7:00 p.m.

Join Zoom Meeting

https://us02web.zoom.us/j/81033193542?pwd=T285R1NGaWt2L0NDclUwT0NlSHFXZz09

Meeting ID: 810 3319 3542 Passcode: 500703

OR Dial by your location +1 204 272 7920 Canada or +1 438 809 7799 Canada'

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

The Secretary-Treasurer reported that the emails received that afternoon had not been provided to the Board, due to the lateness of their receipt. Land owners, Mr. and Mrs. Doane, the authorized agent, Mr. Halliday, and Mr. Talbot, Barrister and Solicitor had advised that they wished to participate in the electronic Board Meeting.

Chair Stephens requested comments from Robert Halliday, authorized agent for the application. Mr. Halliday explained that the application was signed by both land owners authorizing him to act for the application but he was in a difficult situation as Mrs. Doane wished to proceed with the application while Mr. Doane had requested a deferral. He asked the Board to consider the comments from both land owners, Mr. and Mrs. Doane in order to consider a Decision on the application for the creation of a new lot.

Mrs. Doane, Mr. Doane and Mr. Talbot spoke to the application and provided their comments in support of moving forward with the application vs deferring the application.

The Board considered the Secretary-Treasurer's email, the comments received and whether to approve, refuse, or defer the application.

Monique Levesque, interested party, was in attendance during the electronic meeting.

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

Chair Stephens requested the Secretary-Treasurer to present the conditions of the Consent to Sever approval.

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), and the right-of-way for access, and the easement for Hydro One, 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), and right-of-way having a minimum width of 20 metres, to which the consent approval relates;

ii) a written confirmation from the municipality that the access from the proposed severed land to the maintained municipal road, known as Gibraltor Road, has been constructed to a standard for travel by emergency vehicles satisfactory to the Municipality;

iii) a fee of $125.00 for each Transfer of Land submitted for Certification; and

iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

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

In consideration of the information presented and after a lengthy discussion, a motion was made and duly seconded that the application be deferred until the next Planning Board Meeting to allow the land owners, their agent, and their Legal Council time to try and come to an amicable agreement regarding the application proposal.

Application File No. B18-21 - continued
September 28th, 2021

September 28, 2021

A request for a copy of the Decision of Planning Board was received from M. Seminiuk, acting lawyer for the potential buyer of the proposed new lot, on September 7th, 2021. It was explained to him that the Decision had been deferred until the September Board Meeting.

Chair Stephens asked Mr. Halliday if he was the agent for the application that was before the Board tonight for both Mr. and Mrs. Doane. He explained that it was debatable as he was the agent acting for Mrs. Doane, but that Mr. Doane had temporarily withdrew his consent for him to go forward with the application at tonight's meeting. Mr. Halliday requested the Board defer the application until the October Meeting so some things can be put in place properly. He stated that both Mrs. and Mr. Doane were in agreement with a deferral.

Mr. Doane was present during the meeting and spoke to the application and expressed that he did not believe that the application should be back before the Board at this (September) meeting; he believes it will be ready for next month; he explained his view on temporarily removing his consent for the application to proceed with tonight's meeting.

Mrs. Doane was not present.

Murray Arnold, interested party, was in attendance.

Board Member, T. Mackinlay, asked if there were any time limits to when the Planning Board needed to make a Decision. The Secretary-Treasurer explained that under the Planning Act, a Decision is to be made within 90 days or is open to an appeal. In this case, 90 days would be the first week of November.

The Secretary-Treasurer reported that at the last Board Meeting, held on August 24th, 2021, there had been a defeated motion that had been omitted in error from the Board Minutes. A motion was made and duly seconded to approve the application. That motion was defeated when 5 of the 9 Board Members did not agree with the motion to approve the application. Then a motion had been made to defer the application until the next Planning Board Meeting (see motion from August 24th, 2021 Board Meeting above).

Discussion resulted in the general consensus of the Board Members that they did not have any issues with another one month deferral.

It was moved and duly seconded that the application be deferred until the next Planning Board Meeting.

October 26, 2021

The Secretary-Treasurer reported that Mr. Halliday, agent for the application, had advised via email on October 14th, 2021 that Mr. Doane, applicant, was is agreement with bringing the application before the Board this month and that they both would like to have access to the electronic meeting.

Mrs. Doane advised via email on October 25th, 2021 that she would not be attending the Board Meeting.

The Secretary-Treasurer asked if the Board required her to present the application and/or the conditions of the consent to sever application again. She was asked to read the conditions of the consent to sever approval once again.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), and the right-of-way for access, and the easement for Hydro One, 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), and right-of-way having a minimum width of 20 metres, to which the consent approval relates;

ii) a written confirmation from the municipality that the access from the proposed severed land to the maintained municipal road, known as Gibraltor Road, has been constructed to a standard for travel by emergency vehicles satisfactory to the Municipality;

iii) a fee of $125.00 for each Transfer of Land submitted for Certification; and

iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

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

Chair Stephens requested comments from Mr. Halliday and from Mr. Doane and both stated they had no additional comments.

In consideration of the information provided and the discussion had, the Board considered they had the information necessary to make a Decision on the development proposal.

Board Minutes
October 26th, 2021

Application File No.: B22-21 No. of Members Present: 9
Date of Decision: [September 28, 2021-adjourned] October 26, 2021
Location of Property: Part Lot 8, Conc. XV, including Part 1, Plan 31R-3984 and Part 4, Plan 31R-1556, Township of Assiginack, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Elwood, Eddy and Merlin Sagle is to provide for right-of-way over Lonesome Pine Trail, an existing travelled private road, surveyed as Part 4, Plan 31R-1556, and Part 1, Plan 31R-3984 having a width of ±20 M. (except where it passes the existing structures), and a length of ±995 M., thereby containing an area of ±2.0 Hec. This right-of-way is proposed to be in favour of land surveyed as Parts 1 & 2, Plan 31R-524 (also described by PIN 47131-0233), owned by Mr. and Mrs. Butler.

The land to be retained, has frontages of ±405 M. on Slash Road, a maintained municipal road, and ±135 M. on South Bay of Lake Huron, and an irregular depth, thereby containing an area of ±40.4 Hec. According to the application there is a dwelling, a hunt camp, a sugar camp, an accessory shed and several barns located on this land.

There has been two previous applications for consent.

File No. B14-16, which provided for right-of-way in favour of land surveyed as Parts 1 & 2, Plan 31R-2240; and

File No. B21-14, which provided for right-of-way in favour of land surveyed as Part 3, Plan 31R-1556.

There have also been two (2) previous applications for consent involving the subject land, by Lealand Sagle, the previous owner.

File No. B76-85 provided for the creation of a new lot, surveyed as Parts 1 and 2, Plan 31R-1556; and

File No. B138-90 proposed the creation of a new lot, however due to discrepancies of the measurements and details of the subject land, this application was refused.

The other shoreline development was prior to subdivision control, including the lot subject to this application.

Access is via Slash Road, a maintained township road and private right-of-way known as Lonesome Pine Trail. The right-of-way has a minimum width of 20 metres excepting the north part of Part 4, Plan 31R-1556 which has a width of ±11.24 metres due to the location of the existing buildings.

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

The subject land has been designated Rural Area and Shoreline Area and zoned Agricultural (A), Rural (R), and Shoreline Residential (SR). The proposed application for right-of-way is considered to have little or no impact on existing agricultural uses.

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

This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2020.

This application was circulated on September 9th, 2021 to the Municipality of Assiginack, Bell Canada, and to all property owners within 60 metres. The posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as is required by Ontario Regulation 197/96.

The Municipality advised they have no concerns and recommend consent be given.

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

There was one inquiry from a circulated property owner, Mr. Purdy, requesting additional information. He advised he had no concerns.

Application File No.: B22-21- continued
October 26, 2021

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

The Secretary-Treasurer explained that Mr. Keatley, agent for the application, had not posted the signage on the property a minimum of 14 days prior to consideration of the application for the September 28th, 2021 Board Meeting, which is required by Ontario Regulation 197/96. The application had been adjourned at the September Meeting and was recirculated for the October Board meeting. The posting of the signage was confirmed by Gord Keatley, agent for the application.

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

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the right-of-way given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the right-of-way having a width of 20 metres, except the northerly portion due to building locations;

ii) a written confirmation from the municipality that access along Lonesome Pine Trail to Slash Road has been constructed to a standard for travel by emergency vehicles satisfactory to the municipality;

iii) a fee of $125.00 for each Transfer of Land submitted for Certification; and

iv) a written confirmation from the municipality that there are no outstanding municipal taxes 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.

Board Minutes
October 26th, 2021

Application File No. B24-21 No. of Members Present: 9
Date of Decision: October 26, 2021
Location of Property: Lot 18 and Lot 19, Conc. VIII, excepting Part 17, Highway Plan T-7798, 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 Ronald and Marjorie Bailey is to provide for the creation of a ±40 Hec. new lot, being Lot 18, Conc. VIII as originally surveyed, having a frontage of ±402 M. on Highway No. 540, a provincially maintained Highway, and a depth of ±1,005 M. This proposed new lot is to be offered for sale. There are no structures on this land.

The land to be retained, consisting of Lot 19, Conc. VIII, excepting Part 17, Highway Plan T-7798, has a frontage of ±402 M. on Hwy 540, a provincially maintained highway, and a depth of ±1,005 M., and containing an area of ±40 Hec. The applicants' seasonal dwelling and several accessory buildings are located within this land. According to the application, there is an old gravel pit located to the south west, which is not being used.
The applicants have owned the property, jointly, since January 2003.

There have been seven previous applications for consent involving the subject land.

File No. B53-89 provided for right-of-way over Lot 17, Conc. VIII and Lot 18, Conc. IX in favour of Lot 18, Conc. VIII and Lots 15 to 18, Conc. X;
File No. B54-89 provided for a right-of-way over Lot 18, Conc. VIII in favour of Lot 17, Conc. VIII, Lot 18, Conc. IX and Lots 16 to 18, Conc. X;
File No. B55-89 provided for right-of-way over Lot 18, Conc. X in favour of Lots 17 & 18, Conc. VIII, Lot 18, Conc. IX and Lots 15,16 & 17, Conc. X;
File No. B56-89 provided for right-of-way over Lots 15, 16 & 17, Conc. X, in favour of Lots 17 & 18, Conc. VIII, and Lot 18, Conc. IX and Lot 18, Conc. X;
File No. B54-02 provided for the technical severance of Lot 20, Conc. VIII;
File No. B55-02 provided for the technical severance of Lots 18 & 19, Conc. VIII, being the land subject to this (new) application;
File No. B18-08 proposed the creation of a new lot, being Part of Lot 20, Conc. VIII, however, this file was not completed.

The subject land has been designated Rural Area and zoned Rural (R) and Agriculture (A). Pasture and bush land uses are proposed to continue. There are no land use changes proposed at this time.

Services will consist of private individual septic systems and private wells when required.

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.

Lot 18, Conc. VIII is together with right-of-way over Lot 17, Conc. VIII, Lot 18, Conc. IX, Lot 18, Conc. X and Lot 17, Conc. X; and is subject to right-of-way in favour of Lot 17, Conc. VIII, Lot 18, Conc. IX and Lots 15, 16, 17 & 18, Conc. X. According to the application, Lot 19, Conc. VIII has a lease agreement granting access in favour of Lot 20, Conc. VIII. Both Lot 18 and Lot 19, Conc. VIII will have access via Hwy 540.

Access is from existing entrances (#17194 A, B, & C, and #17026 A, B, & C) from Highway No. 540, a provincially maintained highway. Following consultation with the Ministry of Transportation (MTO), as part of the preliminary review, the following comments were received from Laurel Muldoon on September 9th, 2021:

' The Ministry of Transportation of Ontario (MTO) has reviewed the Consent Application located on lots 18 and 19, Con 8, 16196 Highway 540, township of Burpee Mills, Municipality of Manitoulin.'

'Given the information provided, it is the understanding of the MTO that the intention is to sever one (1) lot from your property with the construction of a new access to the retained lot from Highway 540. Based on our review of the information provided, the MTO has no objection to the proposed severance. However, the entrance for the retained parcel would only be approved in a specific location and you will need to confirm that location with the MTO prior to any construction being initiated.

'Since the property in question is located within the MTO permit control area, you should be aware of the following:

1. Any buildings, structures, or site alterations proposed within 45 metres of the limit of Highway 540 or within 395 metres of any intersection with the highway, requires a Building and Land Use Permit from the Ministry of Transportation. Also, wells must maintain a minimum setback of 30 metres from the limit of the highway. MTO Sign permit(s) are required for the placement of any signs within 400 m of the limit of the highway.

2. MTO Entrance permits will be required for new, modified, or mutual entrance(s), and to reflect any changes in land ownership or land use. Any new access connections to the highway will be a minimum of 30 metres from each other. New access connections or changes in the use of an access connection that require a new culvert shall not impede the existing flow of water within the ditch or cause water to flow onto the highway or shoulder. Access connections should be constructed so they do not:

- *cause water to enter onto the highway or shoulder;*
- *interfere with the existing drainage system on the right-of-way or any municipal drainage system;*
- *cause flooding on adjacent lands.'*

'The highway drainage system is not designed to serve the drainage requirements of abutting or other properties beyond pre-development historical flow rates. Drainage onto the highway right-of-way shall not exceed the pre-development historical flow rates. At their own expense, stakeholders shall provide drainage culverts or structures for the access connection. The type, design, diameter, length, and condition of drainage culverts or structures shall conform to the Ministry drainage design standards.

3. Please contact Debra Burke, Corridor Management Officer, at debra.burke@ontario.ca or by calling (705) 491-1634 for further information with respect to MTO permit and setback requirements. Permits from the MTO can be obtained by applying online at https://www.hcms.mto.gov.on.ca/

All comments in this e-mail are valid for one year. Please let me know if there are any questions.'

The MTO comments were provided to the applicants, via email on October 5th, 2021.

There is a livestock facility located within Lots 19 & 20, Conc. VII. Any new building site within Lot 18, Conc. VIII would meet the requirements of the Minimum Distance Separation of the existing farm related structures, as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA). With the exception of the very south east corner of Lot 19, Conc. VIII, this lot also meets the requirements of the Minimum Distance Separation formulae.

A potential Wildland Fire Hazard was identified within the subject land.

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

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

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

The applicants were advised that when buildings are proposed on these lots that are in areas of high wildland fire risk, there may be a requirement to prepare a Wildland Fire mitigation plan in order to obtain a building permit. These plans involve showing the location of the buildings and identifying areas of clearing and thinning in order to reduce the risk of wildland fire near the structures. The Planning Board staff are able to assist with producing maps for this purpose, should they require assistance.

There is a Deer Wintering Area identified within the subject land. Due to the size of the proposed lots and building envelopes outside the identified habitat, the subject land does not appear to have any natural heritage features or species at risk concerns.

From information and satellite imagery available identifying areas of heavy tree cover there appears to be sufficient land to provide building envelopes, site alteration, and tree removal with appropriate separation distances outside the areas of influence that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2020.

This proposal is considered to be in conformity with the Provincial Policy Statement 2020.

A municipal drain catchment, known as the Burpee Drain No. 1, was identified at the southwestern portion of Lot 19, Conc. VII. The applicants consulted with the Municipality to check if any reassessment would be required and Mr. Linley, Civil Engineering Technologist, K. Smart Associates Limited, advised that Lot 18 is not in the watershed as indicated in the report and has no assessment into the drainage system.

This application was circulated on October 06, 2021 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.

Mary McCartney, Bell Canada, advised via email on October 13th, 2021 that Bell Canada has no comments or concerns regarding the Consent Application.

The Municipality have advised they have no objections or concerns and recommend consent be granted.

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.

During consideration of the application the Board discussed the requirement for proof of potable water for permanent residential uses for the new lot, that would meet the Provincial guidelines and the Official Plan Policy, which included;

- possible exception for 100 acre lots;
- smaller lots need proof of water; address the requirement sooner than later; could be a burden to drill a well before the lot is created;
- the requirement is 13.7 litres per minute; this is a provincial requirement; the D-5-5 provincial guidelines are confusing;
- seasonal residential uses would not require proof of potable water;
- could use existing well records in the area;
- accepting a professional well driller's opinion that there would be no problem achieving the required flow rate;
- leave this up to the building inspector/Building Code at the building permit stage;
- adding a note to the Decision of Planning Board rather than a condition.

Jody Bailey, (Mr. Bailey's cousin) was in attendance during consideration of the application. She advised the Board that at this time, there are no plans for any residential uses for the new ±40 Hec. Lot.

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

In consideration of the information provided and the discussion had, the Board make a decision on the application.

Application File No. B24-21 - continued
October 26, 2021

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties identified on the Transfer of Land form.

Accompanying the transfer documents shall be:

i) a reference plan of survey, which bears the Land Registry Office registration number 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(s) resulting from the severance(s);

ii) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the right-of-way within Lot 18, Conc. VIII, being a minimum width of 20 metres;
or
a written confirmation from the Land Registry Office (e.g. Land Registrar) confirming the description of the new lot, being Lot 18, Conc. VIII, is acceptable for registration by the Land Registry Office in Gore Bay;

iii) proof satisfactory to the Manitoulin Planning Board that if the use of the severed land is for a year round dwelling there is a minimum flow rate of 13.7 litres/per minute of potable water available as per the Provincial D-5-5 Guidelines but would not be required for a seasonal residential use, i.e. building permit;

iv) a written confirmation from the Ministry of Transportation (MTO) that a Permit Application for change of ownership for Lot 18, Conc. VIII, has been received and is satisfactory to the requirements of MTO;

v) a fee of $125.00 for each Transfer of Land submitted for Certification; and

vi) 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: It is recommended that the Building Official, when issuing any building permits for the subject lands, be satisfied that the building site(s) is outside the area of wildland fire hazard.

Application File No.: B25-21 No. of Members Present: 9
Date of Decision: October 26, 2021
Location of Property: Part Lot 19, Conc. VIII, Surveyed as Part 1, Plan 31R-3755, Township of Robinson, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Eric and Linda Thiessen is to provide for the creation of a new lot having a frontage of ±101.5 M. on Highway No. 540, a provincially maintained Highway, and an average depth of ±359 M., thereby containing an area of ±3.6 Hec. There are no structures on this proposed new lot.
The applicants are proposing to offer this lot for sale for residential uses.

The land to be retained has a frontage of ±225.8 M. on Highway No. 540, a provincially maintained Highway and an average depth of ±980 M., thereby containing an area of ±34.8 Hec. The applicants' dwelling and five accessory structures are located within this land.

The subject land has been designated Rural Area and Village Area and zoned Rural (R) and Hamlet (H). Residential uses are proposed for the new lot, which would be located within a Rural Area and a Rural Zone. There are no changes proposed for the retained land.

Services consist of a private individual septic system and private well. 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 for the retained land is via an existing entrance, #20472 Highway No. 540. A new entrance will be required for the proposed severed land.

Following consultation with the Ministry of Transportation, as part of the preliminary review, the following comments were received from Laurel Muldoon via email, on September 29th, 2021:

> *' The Ministry of Transportation of Ontario (MTO) has reviewed the proposed severance located at 20472 Highway 540. The MTO does not have any concerns with the new entrance proposed for the new lot and will support the severance application. Please have the applicant apply for an entrance permit online at:*
> *HCMS - Highway Corridor Management System (gov.on.ca)*
>
> *I should note that any development on the new lot will require review by the MTO and a building and land use permit since the subject lands are located within MTO's permit control area. For any questions about setback requirements, please contact Debra Burke, Corridor Management Officer at debra.burke@ontario.ca.*
>
> *Please let me know if you have any other questions,'*

Debra Burke, MTO, advised on September 29th, 2021:

> *' I would like to add the property owners need to print off their change of ownership for the land that they are retaining at #20472 Hwy 540 and keep it on file. A separate entrance will need to be applied for the severed property. No issues with site lines.'*

The comments received from MTO were copied to Mr. and Mrs. Thiessen.

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.

It was explained to the applicants that a condition of the consent approval would be that there is proof of potable (drinking/cooking) water for the proposed new lots that would conform to the Provincial requirements, if year round residential uses are proposed.

Application File No. B25-21 - continued
October 26, 2021

During the preliminary review of the application the Ministry of the Environment, Conservation and Parks (MECP) was contacted for their comments due to the past uses of a gas station west of the subject land, within Lot 20, Conc. VIII.

Sri Sangaraju, MECP, advised via email that:

> *' As per section 168.3.1 of the Environmental Protection Act, submitting a RSC for filing to the Environmental Site Registry is required when a property use is changing from less sensitive (Industrial, Commercial and Community) use to more sensitive (Residential, Institutional, Parkland and Agricultural or Other) use.*
>
> *Based on the information that you have provided, the property of interest appears to be always a Vacant land (Agricultural or Other use) and is going to be developed into a Residential use. As a result, submitting a RSC for filing may not be mandatory.'*
>
> *However, if the Manitoulin Planning Board or any financial institute who is funding the development wish to file a RSC, the owner of the property has to submit a RSC for filing.*
>
> *As indicated in your email, it is not possible to identify the ground water flow direction based on the ground slope. In addition, it is also difficult to conclude that whether the gas station (potentially contaminating activity) with underground storage tanks (USTs) located approximately 300 m upgradient from the property boundary of the property of interest with a few residential developments in between, has generated any areas of potential environmental concerns (APECs) at the property or not.'*

The email was forwarded to Mr. and Mrs. Thiessen.

A potential Wildland Fire Hazard was identified within the subject land.

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

> *'Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.'*
>
> *Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.'*

It is recommended that a mitigation plan to reduce the intensity of a forest fire by thinning or removing trees and allowing it to be extinguished more easily be submitted to the Planning Board Office at the time of any development/construction/zoning conformity permit applications. The applicants were advised that a mitigation plan may be required at the time of a Zoning Conformity Permit and that the Planning Board staff could assist them if needed.

There is a licenced Aggregate Site, No. 616881, located within Lots 17 & 18, Conc. IX, which is within 300 metres of the proposed retained land.

The Provincial Policy Statement 2020, Section 3.0 - Protecting Health and Safety states:

> *'Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.*

The Ministry of the Environment and Climate Change (MOECC) D-6 Series Guidelines, Under Section 1.2.4. - Other Facilities and Section 4.3 - Recommended Minimum Separation Distances: recommends that residential and institutional development within 300 metres of mineral aggregate resource areas and licenced pits will generally not be permitted. Proposed residential or institutional development within these areas will be supported by studies that demonstrate that any land use conflicts will be fully mitigated. i.e. feasability study.

The proposed severed land is not within the 300 metres buffer. The existing residential uses within the proposed retained land is outside the 300 metres buffer.

Application File No. B25-21 - continued
October 26, 2021

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

This application was circulated on October 7th, 2021 to Bell Canada, the Robinson Local Roads Board 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.

Mary McCartney, Bell Canada, advised via email on October 13th, 2021 that Bell Canada has no comments or concerns regarding the application.

The Secretary-Treasurer for the Robinson Local Roads Board advised on October 22nd, 2021:

> *' Please be advised that Robinson LRB has no concerns with this severance application. The proposed lot fronts on a Provincial Highway (Hwy. 540) and not a township road. Access to this proposed lot would be via private entrance off Hwy. 540 so the LRB hopes that the MPB has also contacted the MTO for comment as well. '*
>
> *' The LRB would also like to suggest that the new owner be advised to contact MTO representatives to discuss location of entrance and culvert (if required) prior to any work being undertaken.'*

There was an inquiry from an interested buyer, Mr. Adamson, requesting the uses that would be permitted for the proposed new lot. He was advised that the uses permitted in a Rural Zone, as per Zoning By-law No. 96-01 would apply; a year round dwelling is permitted and a seasonal residential use would be permitted for a lot created by consent.

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.

Mr. and Mrs. Thiessen, applicants, were in attendance during consideration of the application.

Board Member, T. Mackinlay asked the applicants if they had to drill a well to satisfy the potable water test if it would be a burden to them? Mr. Thiessen explained that the buyer would be responsible for that and has already agreed to take responsibility for all work that is to be done on the property. They advised they had no other comments regarding their application.

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

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) 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 to sever approval relates;

ii) a written confirmation from the Ontario Ministry of Transportation (MTO) that a Permit Application for a new entrance for the severed land has been received or an entrance permit can be issued, satisfactory to MTO;

Application File No. B25-21 - continued
October 26, 2021

iii) a written confirmation from the Ministry of Transportation (MTO) that a Permit Application for change of ownership for the new lot, has been received and is satisfactory to the requirements of MTO;

iv) proof satisfactory to the Manitoulin Planning Board that if the use of the severed land is for a year round dwelling there is a minimum flow rate of 13.7 litres/per minute of potable water available as per the Provincial D-5-5 Guidelines but would not be required for a seasonal residential use, i.e. zoning conformity permit;

v) a fee of $125.00 for each Transfer of Land submitted for Certification; and

vi) proof satisfactory to Planning Board that there are no outstanding taxes for the severed and the retained land.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Due to the potential Wildland Fire Hazard identified, building restrictions may apply.

Application File No.: B26-21 No. of Members Present: 9
Date of Decision: October 26, 2021
Location of Property: Lot 4 and Part Lot 5, Conc. VI, excepting Part 4, Highway Plan P2318-20 and Part 1, Highway Plan T2318-25, Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Brian and Annette Murphy is to provide for the creation of a new lot having a frontage of ±84.2 M. on Highway No. 542, a provincially maintained highway and a depth of ±95 M., thereby containing an area of ±0.8 Hec. The westerly lot line of the new lot is proposed to be ±6.1 M. west of the existing fence line and the easterly lot line is proposed to follow the existing fence line. The applicants' dwelling, garage, garden shed, and wood shed are located within this land. Residential uses are proposed to continue for this land.

The land to be retained has frontages of ±379.7 M. and ±138.4 M. on Highway No. 542, a provincially maintained highway, and a depth of ±1,000 M., thereby containing an area of ±59.2 Hec. According to the application, there are no structures on this land. According to the application they have a gravel pit within Lot 5, Conc. VI, which they use for personal uses. Farm related uses (pasture) are proposed to continue.

Services for the severed land consist of an existing private individual septic system and an existing private well. A copy of the Completion Notice, Permit No. 402-05-SP022, for the existing septic system accompanied the application. No new services are proposed for the retained (±59 Hec.) land at this time.

Access for the severed land is via an existing entrance, #7838 Hwy 542, a provincially maintained highway. Access for the retained land is via an existing field entrance.

Following consultation with the Ministry of Transportation, as part of the preliminary review, the following comments were received from Laurel Muldoon via email, on September 10th, 2021:

' The Ministry of Transportation of Ontario (MTO) has reviewed the Consent Application located on part of Lot 5 and all of Lot 4, Municipality of Central Manitoulin.

Given the information provided, it is the understanding of the MTO that the intention is to sever one (1) lot from your property with the construction of a new access to the retained lot from Highway 542. Based on our review of the information provided, the MTO has no objection to the proposed severance. However, the entrance for the retained parcel would only be approved in a specific location and you will need to confirm that location with the MTO prior to any construction being initiated

Since the property in question is located within the MTO permit control area, you should be aware of the following:

1. Any buildings, structures, or site alterations proposed within 45 metres of the limit of Highway 542 or within 395 metres of any intersection with the highway, requires a Building and Land Use Permit from the Ministry of Transportation. Also, wells must maintain a minimum setback of 30 metres from the limit of the highway. MTO Sign permit(s) are required for the placement of any signs within 400 m of the limit of the highway.

'2. MTO Entrance permits will be required for new, modified, or mutual entrance(s), and to reflect any changes in land ownership or land use. Any new access connections to the highway will be a minimum of 30 metres from each other.

'New access connections or changes in the use of an access connection that require a new culvert shall not impede the existing flow of water within the ditch or cause water to flow onto the highway or shoulder. Access connections should be constructed so they do not:

- cause water to enter onto the highway or shoulder;
- interfere with the existing drainage system on the right-of-way or any municipal drainage system;
-cause flooding on adjacent lands.

The highway drainage system is not designed to serve the drainage requirements of abutting or other properties beyond pre-development historical flow rates.'

' Drainage onto the highway right-of-way shall not exceed the pre-development historical flow rates. At their own expense, stakeholders shall provide drainage culverts or structures for the access connection. The type, design, diameter, length, and condition of drainage culverts or structures shall conform to the Ministry drainage design standards.

The applicant will be required to apply for a change of ownership for the house entrance at no cost and a new entrance permit for the field/residential entrance and that fee is $230.

3. Please contact Debra Burke, Corridor Management Officer, at debra.burke@ontario.ca or by calling (705) 491-1634 for further information with respect to MTO permit and setback requirements. Permits from the MTO can be obtained by applying online at https://www.hcms.mto.gov.on.ca/ All comments in this e-mail are valid for one year. Please let me know if there are any questions.'

The MTO comments were sent to the applicants, via email, on October 14th, 2021.

The subject land has been designated as Rural Area and Prime Agriculture Area and zoned Rural (R) and Agriculture (A). The proposed new lot is located within the Rural Area and Rural Zone. The northerly ±20 Hec. of Lot 4 and the southerly ±10 Hec. of Lot 5, being part of the retained land, are located within a Rural Area and Rural Zone, which are outside the Prime Agriculture Area and Agriculture Zone. A residential building site would be available within the retained land, outside the Prime Agriculture Area and Agriculture Zone, which would be permitted by Zoning By-law No. 2002-07, for the Municipality of Central Manitoulin. Due to the size of the proposed severed and retained land, this proposal appears to have no negative impacts on the agricultural viability.

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. The proposed severed lot has an existing private well. There are no land use changes proposed for the retained (±59 Hec.) land at this time.

There is a barn located within Lot 4, Conc. VII, to the south of the subject land. A new residential building site within the retained land, could meet the requirements of the Minimum Distance Separation of the existing farm related structures, as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA).

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

Accompanying the application was a drain agreement, registered as Instrument No. 61341, between the owners of the West Half and the East Half of Lot 5, Conc. VII, and the Municipality, dated March 20th, 1997.

The application was circulated on October 7th, 2021 to the Municipality of Central Manitoulin, Bell Canada, and to all property owners within 60 metres, and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Clerk for the Municipality of Central Manitoulin advised on October 26th, 2021:

' Having discussed this application for severance with the temporary municipal building inspector last week, we both agreed that there were no municipal concerns with the application.'

Application File No. B26-21 - continued
October 26, 2021

Mary McCartney, Bell Canada advised that Bell Canada has no comments or concerns regarding the application.

During consideration of the application it was asked why the field entrance was not satisfactory for the new ±59 Hec. lot? The Secretary-Treasurer explained that if a residential use is proposed the field entrance would need to be upgraded as per the MTO requirements, satisfactory to MTO .

Mr. and Mrs. Murphy, applicants, were present during consideration of the application. Mr. Murphy asked if an entrance permit would be required from MTO if he has no intention to build at this time? The Secretary-Treasurer explained that the MTO requirement may be satisfied to their satisfaction, with his explanation that he is not proposing any buildings at this time.

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

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties 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 written confirmation from the Ontario Ministry of Transportation (MTO) that an entrance permit from Hwy 540 for the retained lot, has been issued or can be issued, satisfactory to the MTO;

iii) a written confirmation from the Ministry of Transportation (MTO) that a Permit Application for change of ownership for the retained land has been received, satisfactory to the requirements of MTO;

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;

v) a fee of $125.00 for each Transfer of Land submitted for Certification; and

vi) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

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

Note: Owners of the subject land should be made aware that building permit restrictions may apply.

Board Minutes
October 26th, 2021

Application File No.: B27-21 No. of Members Present: 8
Date of Decision: October 26, 2021
Location of Property: Part Lot 11, Conc. IX, Surveyed as Part 3, Plan 31R-2594, Township of Robinson, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Tim Mackinlay and Beatrice Du Moulin is to provide for the creation of a new lot having a frontage of ±137.2 M. on Cooks Dock Road, a maintained municipal road, and a depth of ±395 M., thereby containing an area of ±5.4 Hec. There are no structures on this proposed new lot. The applicants are proposing to offer this lot for sale for residential uses.

The land to be retained has a frontage of ±365.2 M.on Cooks Dock Road, a maintained municipal road, and an average depth of 396 M., thereby containing an area of ±14.9 Hec. The applicants' dwelling, garage with breeze way, storage shed, wood shed, a wood drying rack and 16 solar panels are located within this land. Residential uses are propsoed to continue.

A previous Consent to Sever Application, File No. B69-93, created three new lots surveyed as Parts 1 and 2 and 3, Plan 31R-2594. The land subject to this (new) application is surveyed as Part 3, Plan 31R-2594

The subject land has been designated Rural Area and zoned Rural (R) and Agriculture (A). The proposed new lot is within a Rural Area and Rural Zone. Residential uses are proposed for the new lot. There are no land use changes proposed for the retained land.

Services consist of private individual septic system and private well. 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.

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.

It was explained to the applicants that a condition of the consent approval would be that there is proof of potable water for the proposed new lot that would conform to the Provincial requirements, if year round residential uses are proposed.

The following email was received on September 7th, 2021 from Mr. Mackinlay:

' Hi Theresa: Can you attach my remarks to the severance application?

Dear board: Regarding my severance application to sever 12 acres on the South end of 292 Cooks Dock Road, Silver Water.

'Drilling a well in this area has an excellent probability of potable water with 5 GPM flow rate. I have reviewed the well records on the Ontario government website, linked below, and found over 20 wells within a 3.5 km radius of the subject property with potable water flowing between 5 and 10 GPM.'

I reached out to Darren Carter of Edward Wright Well Drilling and his opinion is below. In addition, there are several great spots for a dug well at the West end of the property. Our dug well is 10 feet deep, never has gone dry in 18 years, and except for hard water, tests perfect every year. So in closing I am asking the board to consider granting the severance based on existing well data and my wife and I not having to spend 10 to 15k on a well.

In my opinion drilling a well in that area would be a successful endeavour. This property should have no problem achieving the minimum standards set out by the provincial government. Thanks

Darren Carter, O/O Edward Wright Well Drilling'

Application File No. B27-21 - continued
October 26, 2021

Access for the retained land is via an existing entrance, #292 Cooks Dock Road, a maintained municipal road. A new entrance will be required for the proposed severed land.

Part 4, Plan 31R-2594 was conveyed to the Crown, by Transfer No. 57327, for road widening of Cooks Dock Road, in 1994.

There is a barn located within Lot 12, Conc. IX, to the west of the subject land. A new residential building site within the severed land, and the existing residential use within the retained land, meet the requirements of the Minimum Distance Separation of the existing farm related structures, as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA).

There is a licenced Aggregate Site, No. 615201, located to the east of the subject land, within Lot 10, Conc. IX, which is within 300 metres of the subject land.

The Provincial Policy Statement 2020, Section 3.0 - Protecting Health and Safety states:

> *'Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.'*

The Ministry of the Environment and Climate Change (MOECC) D-6 Series Guidelines, Under Section 1.2.4. - Other Facilities and Section 4.3 - Recommended Minimum Separation Distances: recommends that residential and institutional development within 300 metres of mineral aggregate resource areas and licenced pits will generally not be permitted. Proposed residential or institutional development within these areas will be supported by studies that demonstrate that any land use conflicts will be fully mitigated. i.e. feasability study.

The eastern ±1/3 of the proposed severed land is within the 300 metres buffer. However, there would be a building site that would be outside the 300 metre buffer. The existing residential uses within the retained land are outside the 300 metres buffer.

Habitat for Brown Bobolink and Eastern Meadowlark was identified within 120 metres of the subject land, in the open field to the west within Lot 12, Conc. IX. The habitat is not located within the subject land.

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

This application was circulated on October 7th, 2021 to Bell Canada, the Robinson Local Roads Board (LRB) 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.

Mary McCartney, Bell Canada, advised via email on October 13th, 2021 that Bell Canada has no comments or concerns regarding the application.

The Secretary-Treasurer for the Robinson Local Roads Board (LRB) advised they have no concerns with the severance application as the proposed lots front on Cook's Dock Road, which is a maintained year-round road. The LRB ask that the new owner contact the LRB to discuss the proposed driveway entrance and positioning of a culvert (if required) prior to placement of such.

There was an email received Mr. Matthews, who was circulated the Notice of Application requesting further explanation of the application. He advised he had no concerns with the application as proposed.

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

During discussion of the application the Board considered that in this case with the submission of the well driller's comments and the surrounding well records, that the condition for proof of potable water for a permanent residential use for the proposed new lot are sufficient to fulfill the condition requiring proof of potable water.

Application File No. B27-21 - continued
October 26, 2021

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

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within one year from the date of the notice of decision for certification:

a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and

b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) 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 to sever approval relates;

ii) a written confirmation from the Robinson Local Roads Board (LRB) that a new entrance for the severed land can be or has been issued, satisfactory to the LRB;

iii) proof satisfactory to the Manitoulin Planning Board that there is a minimum flow rate of 13.7 litres/per minute of potable water available as per the Provincial D-5-5 Guidelines, for the severed lot, but would not be required for a seasonal residential use, i.e. zoning conformity permit;

iv) a fee of $125.00 for each Transfer of Land submitted for Certification; and

v) proof satisfactory to Planning Board that there are no outstanding taxes for the severed and the retained land.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Tim Mackinlay, applicant and Board Member, declared a conflict of interest with the application.

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The time now being 9:59 p.m. and the business before the Board having been dealt with the Meeting was adjourned on a motion moved by R. Brown.

R. Stephens, Chair

Theresa Carlisle
T.A. Carlisle, Secretary-Treasurer