



MANITOULIN PLANNING BOARD

40 WATER STREET - UNIT 1 - P.O. BOX 240 - GORE BAY - ONTARIO - P0P 1H0
☎ 705-282-2237 ☎ 705-282-3142

July 24, 2024

MINUTES OF PLANNING BOARD MEETING - July 23rd, 2024

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, July 23rd, 2024 the following Members of Planning Board were present:

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

Regrets: B. Barker, D. McDowell, D. Head, and L. Chappell

Also in attendance for the meeting were:

- T. Sasvari, reporter, Manitoulin Expositor;
- A. Madore, Request to Be Heard - Township of Robinson;
- J. Longmuir and W. Powers, interested parties.

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

The Meeting was called to Order at 7:00 P.M. by Chair L. Hayden who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of June 25th, 2024.

There were no other conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the Order of Business.

MOTION

It was moved by D. Osborne and seconded by R. Stephens that the Order of Business be adopted,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - June 25th, 2024

The Chair announced that the Minutes of the Board Meeting held on June 25th, 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 K. Noland and seconded by J. DeForge that the Minutes of June 25th, 2024 be adopted,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING - June 25th, 2024

Chair, L. Hayden asked the Secretary-Treasurer for an update on Subdivision File No. SUB2023-001, as it was not on the Meeting agenda.

The Secretary-Treasurer reported that she had participated in an electronic meeting, held on July 16th, 2024, with the Municipality, the applicant and others. Discussion was had on what could/would be done to ensure there were no negative impacts on Lake Mindemoya. The applicant's legal advisor is to provide additional information to the Municipality and to the Planning Board supporting the development of the thirty-nine (39 lots) with the possibility of not having to complete a Lake Capacity Study. The stage three Archaeological Report has been done with input from the First Nations and the report from Exp Services Inc. was to be updated supporting the development of the proposed 39 lots from seasonal to year round residential uses. The Environmental Impact Assessment was to have been completed in May 2024. When the additional information becomes available the application will be brought back to a Planning Board Meeting, which will assist the Board with the conditional Subdivision approval.

R. Stephens, Board Member, reported that to date, no new information has been received. However the Municipality will be following up with the applicant.

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3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

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

4. PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

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

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

5. REQUEST TO BE HEARD - PROPOSED ZONING CONFORMITY PERMIT - Lot 3, Conc. 2, Township of Robinson, District of Manitoulin

The Secretary-Treasurer reported that the land owner, A. Madore, has requested a Zoning Conformity Permit for an addition (6.1 m. X 7.3 m.) to the existing seasonal dwelling and to relocate the sauna from the westerly side yard to be attached to the addition when completed.

By approved Consent to Sever File No. 04-51C-76-1387, two lots were created being Lot 2, Conc. 2 and the subject land being Lot 3, Conc. 2. By Amendment Application File No: 96ZBL-03-001 a seasonal dwelling having a reduced ground floor area of 48 sq. m. (from 55 sq. m.) and a sauna to be located in the westerly side yard were supported. By Zoning Conformity Permit, No. LC05/03, the seasonal dwelling and the sauna are permitted within Lot 3, Conc. 2, Township of Robinson.

The applicant and his wife purchased the property in April 2015. Mr. Madore advised that there were several other structures located within the property prior to their purchase. These structures include a storage shed, a truck body/portable storage container, and a deer blind/stand located in the front yard. No permits have been issued for these structures. The applicant was advised that the property is in violation to Zoning By-law No. 2022-05, Sections 4.1.5 - Truck, Bus, Coach Bodies, 4.16 - Portable Storage Containers, and Section 4.1 - Accessory uses - because truck bodies and portable storage containers are permitted in the Rural (R) Zone and accessory structures are not permitted in the front yard/in front of the dwelling.

Staff Member, J. Diebolt, conducted a Site Visit to the property on July 23rd, 2024 and discovered that there were two additional structures located on the property that were not mentioned on the Zoning Conformity Permit Application, being a privy/outhouse and a 2nd storage building beside the tool shed. The applicant was contacted and he visited the Planning Board Office to verify the structures.

The applicant is requesting permission to allow all structures to remain on their property and that a Zoning Conformity permit be issued for the addition to the dwelling and the relocation of the sauna as requested. He was present during consideration of his request and explained that the deer blind/stand could be removed but that he preferred it and the portable storage container to stay on his property, and that he would like to begin construction of the addition to his camp as soon as possible.

Discussion resulted in the following motion:

MOTION

It was moved by K. Noland and seconded by R. Stephens that the Manitoulin Planning Board will support an Amendment Application in principle, to permit the portable storage container and the deer blind/stand to remain where they are currently located and once a completed Amendment Application and Application fee have been received by the Planning Board Office a Zoning Conformity Permit be issued for the other structures accessory to the seasonal dwelling if they currently conform to Zoning By-law No. 2022-05,
- Carried unanimously.

The Board were in agreement that any other properties that have possible planning contraventions to Zoning By-law No. 2022-05, would be addressed on an individual basis to determine options to bring the properties into conformity prior to any Zoning Conformity Permits being issued by the Planning Board Staff.

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6. TOWN OF GORE BAY - TASKFORCE

The Secretary-Treasurer reported that Harry Schlange, Gore Bay Town Manger, had approached her a month or so ago and asked if she would be interested in being on a 'Taskforce' and hosting meetings at the Planning Board Office. The Taskforce was to meet every couple of months or so and be an advisory body on planning and development matters for the Town of Gore Bay. The first meeting is scheduled for Wednesday, September 11th, 2024 from 4:00 p.m. until 5:30 p.m.

She had advised Mr. Schlange that the Manitoulin Planning Board offers planning advice to all the Member Municipalities on an ongoing basis during regular Office hours. However, she would be interested in attending the first meeting and see how things went. Although it sounded like an interesting endeavor, she had not committed long term and could not accommodate meetings at the Planning Board Office due to potential confidentiality issues. She would need to bring this to the Planning Board for discussion and support as the meetings may be held during Planning Board hours and some may be held after work hours, and it could be conceived as a conflict as she is not part of a Taskforce or Committee with the other member Municipalities and could be asked to be part of other Municipal Committees.

Discussion among the Board Members included:

- not in favour of meetings being held at the Planning Board Office;
- not in favour of the Secretary-Treasurer accumulating more lieu time;
- concerns about her busy work load already and time to be away from the Office;
- she could share her (MPB)expertise without being on the Taskforce or attending meetings;
- decision could be left up to the Secretary-Treasurer

Board Member, D. Osborne has committed to being on the Taskforce and explained that the idea of the Taskforce is to have informal discussions about improvements and development plans for the Town. Planning Board staff has the knowledge and would be a good advisory commenting Office. This could be done without the Secretary-Treasurer's presence on the Taskforce.

The following motion resulted:

MOTION

It was moved by K. Noland and seconded by R. Stephens that the Secretary-Treasurer attend the first meeting of the Taskforce on September 11th, 2024 and report back to the Planning Board and a Decision to participate in future meetings will be discussed if she wishes to continue or not at that meeting.

- Carried unanimously.

7. ZONING BY-LAW NO. 2022-05 - FINE FEE SCHEDULE

The Secretary-Treasurer reported that Planning Board Staff are putting together a Fine Fee Schedule for the Unincorporated Townships of Robinson and Dawson. A draft fine schedule has been prepared and recommendations and comments are being requested from the Board Members.

The Board were in agreement to consider a Fine Fee Schedule and the item will be tabled to be discussed at a future Board Meeting.

The Board discussed that when properties change ownership due to land sales or land conveyances, often the properties are not in compliance with the Zoning By-laws. The lawyers are not always contacting the Manitoulin Planning Board and properties are being conveyed to new owners that are not in compliance with the Zoning By-laws. The Board Members were in agreement that a letter be sent to the Law Society of Ontario advising lawyers to contact the Manitoulin Planning Board for information.

The following motion resulted:

MOTION

It was moved by K. Noland and seconded by D. Osborne that the Secretary-Treasurer write a letter on behalf of the Manitoulin Planning Board to the Law Society of Ontario informing them that there is a Zoning By-law, No. 2022-05, in place for the Unincorporated Townships of Robinson and Dawson for the District of Manitoulin and to contact the Manitoulin Planning Board Office regarding compliance to the By-law prior to property sales/conveyances and be made aware that permits may be required from the Manitoulin Planning Board office,

- Carried Unanimously.

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Chair, L. Hayden requested adjournment of the meeting.

However, J. Longmuir, interested party, requested to ask a question of the Manitoulin Planning Board.

The Planning Board Members had no concerns with the request. Ms. Longmuir asked if the Planning Board could move along her father's amendment application so she could post signs on the property without waiting for the First Nations (FN) to comment on the application. She would like to get a building permit and start construction of the dwelling right away and they require the amendment approval as soon as possible.

The Amendment Application had not been on the agenda, nor had Ms. Longmuir made a Request to be Heard. Chair Hayden asked the Secretary-Treasurer to explain the application.

She advised that a Consent to Sever Application, File No. B09-24, for the Municipality of Gordon/Barrie Island had been approved by the Manitoulin Planning Board on March 26th, 2024 conditional on an approved amendment from the Municipality permitting a year round residential use in the Shoreline Residential (SR) Zone for the new lot, which is to be conveyed to Ms. Longmuir. The amendment application was completed on July 19th, 2024 and the application had been sent to the Municipality and commenting agencies including the First Nations (FN). A request has been made to the FN for their comments at their earliest convenience. It had been explained to Mr. Longmuir (her father) that as per Official Plan Policy F.5 Consultation and Engagement - the First Nations (FN) are to be circulated planning applications and have 30 days to provide comments. If they provide comments earlier than 30 days, the application can be processed earlier.

She explained that the formal circulation and sign posting and a Public Meeting date cannot be considered until the 30 days has passed or until the FN have provided their comments. Therefore unless comments are received from the FN by end of day, July 24th, 2024, a Public Meeting date of August 13th, 2024 is not possible and a September Public Meeting date may be a possibility.

Ms. Longmuir asked Board Member and Chief Building Official for the Municipality, D. Osborne, if he would issue a building permit prior to the Amendment Application approval. He explained this could not be done until the Consent to Sever Application has been completed and the proposed new lot is a separate conveyable lot.

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Application File No.: B15-24 No. of Members Present: 6
Date of Decision: July 23, 2024
Location of Property: Lot 25, Conc. XIII and Lot 25, Conc. XII excepting Instrument
No T-23260 and Parts 3, 4, 5, 6 & 7, Hwy Plan 31R-173, Township of
Robinson, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Irene Duncanson is to provide for the creation of a new ± 40 Hec. lot (a technical severance) being Lot 25, Conc. XIII having frontages of $\pm 1,005$ M on the seasonally maintained 25th Side Road Allowance, known as Duncanson Road, and ± 402 M. on the non-maintained 14th Concession Allowance, and a depth of $\pm 1,005$ M. There are no structures within this land.

The land to be retained, being Lot 25, Conc. XII, has frontages of ± 287.4 M. and ± 70.4 M. on Highway No. 540, a provincially maintained highway and ± 1005 M. on the seasonally maintained 25th Side Road Allowance, known as Duncanson Road, and a depth of $\pm 1,005$ M., thereby containing an area of ± 39.5 Hec. There are no structures on this land. There is a small existing lot of record, described by Instrument No. T-23260, located along the southerly part of this lot. Parts 3 to 7 on Hwy Plan 31R-173 are part of the Highway No. 540.

According to the application, there are no land use changes proposed at this time.

There has been a previous application for Consent to Sever involving the subject land, File No. B22-12, that created a new ± 40 Hec. lot being Lot 24, Conc. XIII. The ± 79.5 Hec. resulting retained parcel of land of this application, is the land subject to the current application.

According to the application, access is via the 25th Side Road Allowance, known as Duncanson Road. This access appears to deviate from the road allowance partly onto Lot 26, Conc. XII and partly onto Lot 25, Conc. XII. The applicant was advised that the new lot would need to be together with a legal right-of-way over the existing travelled access or that access be wholly within the road allowance and that a standard condition of the Consent to Sever approval is that the access is made travelable by emergency vehicles, satisfactory to the Robinson Local Roads Board. She advised that the access would be within the road allowance not via private right-of-way and acknowledged that some road work may need to be done.

The application was circulated to MTO, as part of the preliminary review for comments. Cameron Cole, Ontario Ministry of Transportation (MTO) provided the following comments, via email, on July 16th, 2024:

'I can confirm 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 and will require permits with the MTO. The MTO supports the proposed severance in principle, with the following comments to consider:

- An MTO Residential Entrance Permit will be required. Because the municipality is the owner of the unopened road allowance, the permit will be issued to the municipality, with the subject lot owners named as the tenants/primary users of the entrance.

- The MTO will not support any additional traffic to access the subject lots, or severances beyond what is proposed in the attached application. Any additional traffic or severances proposed to access the existing entrance will require upgrades to the existing entrance and will be subject to MTO review.

It is against MTO policy to allow backlot severances outside our permit control area that access the highway due to concerns of additional severances and development that may have a negative impact to the travelled portion of the highway. A condition will be included in the entrance permit issued that will restrict any additional tenants/primary users to be named to the entrance permit.

Should the municipality wish to open this allowance as a new road, consultation with the MTO will be required.

Placement of any buildings or structures within 45 metres of the Hwy 540 right-of-way will require an MTO building/land use permit.

All permit applications can be made online: <https://www.hcms.mto.gov.on.ca/>

Any questions regarding permitting or setbacks can be directed to Michelle Lavallee, corridor management officer at michelle.lavallee@ontario.ca

If there are any additional questions or concerns, don't hesitate to contact me.

Thank you.'

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- Continued

The MTO comments were provided to Ms. Duncanson and to the Robinson Local Roads Board.

There is a Hydro line identified at the southerly boundary of the proposed retained land, along Hwy 540. Hydro One was circulated for comments as part of the preliminary review of the application and Stephen Salt advised via email on July 4th, 2024 that Hydro One has no concerns with the severance at this location.

Services will consist of private wells and private individual septic systems when required. No new services are proposed at this time.

There is a livestock facility located to the west within Lot 26, Conc. XII. The farm related structures meet the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for both the severed and retained lots. There are building sites that are outside the area of influence.

The subject land has been designated as a Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (R).

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 applicant was advised that proof of potable water may be required if a year round home is proposed.

There is a category 'High' for Wildland Fire Hazards identified within the subject lands.

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

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

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

Due to the location and size of the proposed lots (± 40 Hec.) and from information and aerial photography (2021) available identifying areas of heavy tree cover, there appears to be sufficient land to provide building envelopes, site alteration, tree removal, and/or access routes, etc. with appropriate separation distances outside the area of influence that would conform to the Natural Heritage Policies of the Provincial Policy Statement (PPS) 2020.

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 at the time of any proposed dwelling.

There is an unevaluated wetland identified within the south east corner of the proposed retained land due to a stream running under the Highway. It appears that there are building sites available that would be outside the low lying area.

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement (PPS) 2020. This proposal is considered to be in conformity with the PPS 2020.

This application was circulated on July 2nd, 2024 to Bell Canada, the Robinson Local Roads Board (RLRB), the Ontario Ministry of Transportation (MTO), the Sheshegwaning First Nation, the Zhiibaahaasing First Nation, 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.

Laurie-Ann Lee, Bell Canada, advised vis email on July 18th, 2024 that Bell Canada has no concerns.

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- Continued

The Robinson Local Roads Board (RLRB) advised via email on July 21st, 2024:

' The Robinson Township LRB has no concern with the proposed severance. As with many other properties within township, the proposed lot does not front on a township maintained road, however there is legal access to the property via the unopened 14th concession allowance (off of township maintained Culgan and Sheshegwaning Roads) OR via the unopened 25th side road allowance off of Hwy. 540. The application sketch indicates there is an existing trail on the 25th sideroad allowance that currently provides access to the proposed lot.

The LRB does not intend to open the road allowance or expand the concession allowance, so any future road development is expected to be at the owner's expense.'

The RLRB also advised that:

' Culgan Road is off of the Sheshegwaning Road, close to where the reserve/township lot line is. Culgan Road is seasonally maintained by the LRB - gravel, grading, culverts, brushing etc. for about 1 to 1.5 kms from the intersection of the Sheshegwaning Road. Then via the snowmobile trail which runs east and west on the concession allowance.

The Secretary-Treasurer confirmed with the RLRB that Duncanson Road is seasonally maintained by the RLRB.

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

The Sheshegwaning First Nation and the Zhiibaahaasing First Nation, (located within one klm of the subject land), have not provided any comments are requested additional time to do so.

There were two email requests for a copy of the Decision of Planning Board, from abutting landowners, J. Dey and J. Addison. No written concerns have been received.

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

Discussion among the Board Members included:

- MTO says that the Robinson Township owns Duncanson Road;
- does MTO have jurisdiction to issue the entrance permits if they do not own the road allowance?;
- the Robinson Local Roads Board (RLRB) should have the authority to issue the entrance permits if they own Duncanson Road;
- does the Crown/Ministry of Natural Resources and Forestry own the road allowances in the Unincorporated Townships;
- the application is made using access via the 25th Side Road Allowance/Duncanson Road not the 14th concession allowance;
- MTO provided comments *'to consider'*;

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

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

Consent is tentatively granted subject to the following conditions:

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

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) 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;

OR

- a boundary line survey identifying the new lot line(s) resulting from the severance(s);
- ii) a written confirmation from the Township of Robinson Local Roads Board (RLRB) that access is contained wholly within the 25th Side Road Allowance to Highway No. 540 as identified by a boundary line survey along the east side of the road allowance (Duncanson Road) for the proposed severed and retained land, and Duncanson Road has been constructed to a standard for travel by emergency vehicles, satisfactory to the RLRB;

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- Continued

- iii) a written confirmation from the Township of Robinson Local Roads Board (RLRB) that an entrance permit has been issued or can be issued for the proposed severed and retained land, satisfactory to the RLRB;
- iv) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation that any 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: Due to the potential Wildland Fire Hazard identified, building restrictions may apply.

Note: Further development by the Consent to Sever process may not be supported by the Ontario Ministry of Transportation (MTO) or the Manitoulin Planning Board.

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:

	Moved By	Seconded By
1. B15-24	K. Noland	T. Mackinlay

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

- Carried.

The time now being 8:46 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by T. Mackinlay

L. HAYDEN, CHAIR



T.A. CARLISLE,
SECRETARY-TREASURER