



January 29, 2025

MINUTES OF PLANNING BOARD MEETING - January 28<sup>th</sup>, 2025

A Meeting of the Manitoulin Planning Board was held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, January 28<sup>th</sup>, 2025 after the Public Meeting.

The following Members of the Planning Board were present:

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

Regrets: L. Chappell, D. Head, D. McDowell

Also present during the meeting were:

T. Sasvari, Reporter for the Manitoulin Expositor; and  
J. Chandler, agent for Consent to Sever File No. B01-25.

A. Ariganello, agent and Vanessa Smith, interested party,  
for Consent to Sever File No. B27-24 - arrived at 7:45 p.m.

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

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

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of November 26<sup>th</sup>, 2024.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the Order of Business.

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - November 26, 2024

The Chair announced that the Minutes of the Board Meeting held on November 26, 2024 had been circulated to the Board Members and requested that any errors or omissions be stated.

The Secretary-Treasurer advised of two error as follows:

1. Regular Meeting of Planning Board, item 11. - December Office Hours - should have read Thursday, January 2<sup>nd</sup>, 2025 not Tuesday, January 2<sup>nd</sup>, 2025.
2. Special Meeting of Planning Board, - Minutes state that S. Bond was present at the meeting; this is incorrect.

There were no other errors or omissions stated.

MOTION

It was moved by B. Barker and seconded by R. Stephens that the Minutes of November 26<sup>th</sup>, 2024 be adopted as edited/corrected,  
- Carried.

**BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING**  
- November 26<sup>th</sup>, 2024

There was none.

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3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by K. Noland and seconded by J. DeForge 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. CHANGE TO CONDITIONS REQUEST - TOWNSHIP OF CAMPBELL

The Secretary-Treasurer explained that D. Earl, agent for Consent to Sever File No's. B22-24, B23-24 and B24-24, had submitted the required fee and wished to proceed with a 'change' to condition vii) of the Decision of Planning Board.

He proposes a change to condition vii) from:

*' a copy of an approved amendment to the Municipal Zoning By-law for the Municipality of Central Manitoulin, which will under Special Provisions, provide for the minimum lot dimensions and area to be established in accordance with the Part Numbers shown on the registered/deposited plan of survey, despite any other requirements set out in the Municipal Zoning By-law;'*

To

*' a copy of acknowledgment that proposed consents meet the required zoning lot minimums and that zoning by-law amendment is not required to conform with the Municipal Zoning By-law.'*

Mr. Earl provided email comments for the Board's consideration:

*' The condition vii) is not justified as we already meet the zoning minimum requirements so we should not be required to change the size and dimensions of the lots based on the approved sizes. '*

*' Since the purpose of this condition is not to conform to the zoning bylaw, rather an attempt to inhibit future severances as you've explained, that is in contravention of the Provincial Planning Statement in my opinion and therefore will be easily overturned by the OLT. I think it would be best for all parties if we change the condition as per my wording in the request. '*

*' May I ask that you please let the board know that rather than incurring costs for all of us to proceed at the OLT hearing, currently scheduled for February 24th, we hope the planning board will agree to modify the condition (vii) on File no's B22-24, B23-24 and B24-24 or even remove it completely. '*

Discussion among the Board Members included:

- The Planning Board agrees that the approved new lots meet the minimum requirements of the Zoning By-law; the changed condition as proposed is not required to be a condition; the proposed change to condition vii) does not meet the intent of why the Amendment is a condition; the intent of condition vii) for an Amendment is to provide notice that further severances would/should be considered by a Plan of Subdivision; the Official Plan allows for conditions that are reasonable; there is ±784 M. of shoreline for potential future development; Earl's Road is a privately maintained access; the Municipality is not interested in taking over Earl's Road (±1110 M. long) at this time as it is not up to municipal standards; the Board believes the approval given promotes four new residences and conforms to the PPS 2024 and the OP.

Richard Stephens, Board Member for the Municipality of Central Manitoulin, stated that his understanding was that the approval was given with the understanding that any further development would/should proceed via a Plan of Subdivision.

MOTION

It was moved by K. Noland and seconded by B. Barker that the Manitoulin Planning Board stands by their Decision for Consent to Sever Application File No's. B22-24, B23-24 and B24-24, including Condition vii); therefore the requested change to condition vii) is refused,

- Carried unanimously.

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6. APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT)  
Township of Campbell - Consent to Sever File No's. B22-24 to B24-24

The Secretary-Treasurer provided the Board Members with information regarding an appeal to the Ontario Land Tribunal (OLT) which had been submitted by D. Earl, agent for Consent to Sever File No's. B22-24, B23-24 and B24-24. An electronic Meeting/Hearing is scheduled for Monday, February 24<sup>th</sup>, 2025 at 10:00 a.m. to consider the appeal.

7. NATURAL HERITAGE SYSTEM STRATEGY (NHSS)

A Draft By-law for an Official Plan Amendment (OPA No. A-3), together with a red-line version of a NHSS, as amended by the Ministry of Municipal Affairs and Housing (MMAH) on November 19<sup>th</sup>, 2024, was attached to the Board's Agenda. A By-law, No. 2023-003, was approved by motion of the Board on January 31<sup>st</sup>, 2023. However, MMAH advised that they had not been given 90 days to provide their comments under the Planning Act. Therefore, the amended version is being brought back to the Planning Board for consideration. A request has been sent to all member municipalities for a motion of support or non-support. No motions/resolutions have been received to date.

An advertisement had been placed in the January 8<sup>th</sup>, 2025 edition of the Manitoulin Expositor and was posted at the Planning Board Office as well as made available on the Manitoulin Planning Board website. No written concerns have been received.

Discussion among the Board Members resulted in the following motion:

MOTION

It was moved by J. DeForge and seconded by R. Stephens that the Manitoulin Planning Board defer any decision making on the Official Plan Amendment/Natural Heritage System Strategy until comments have been received from all member municipalities,  
- Carried Unanimously.

NOTE:        *The Chair asked if the Board had any concerns with moving item,  
No. 8. - Tariff of Fees to be discussed after item No. 13. - Budget.*

*There were no concerns voiced.*

8. LAKE MINDEMOYA

The Secretary-Treasurer reported that K. Rautiainen had provided a Water Testing Report (2024) for Lake Mindemoya (10 pages) prepared by the Lake Mindemoya Stewardship Association (LMSA), in regards to Subdivision File No. SUB2023-001, via email on December 10<sup>th</sup>, 2024. This report had been sent to all Board Members on December 11<sup>th</sup>, 2024.

MOTION

It was moved by K. Noland and seconded by D. Osborne that the ten page (LMSA) submission is accepted as information and will be kept on file with Subdivision File No. SUB2023-001,  
- Carried unanimously.

9. STARLINK INTERNET

The Secretary-Treasurer advised that the Manitoulin Planning Board Office has changed over to StarLink Internet with the exception of the Secretary-Treasurer due to notifications required to be given to those in her contact list, i.e. OLT, NHSS, Townships, lawyers, applicants, etc. Internet service for both StarLink and Bell Canada have been paid for the month of January 2025.

10. PROVINCIAL APPOINTMENTS FOR TOWNSHIPS OF ROBINSON & DAWSON

The Secretary-Treasurer informed the Board members that there has been no new information received regarding the Provincial Appointments for Townships of Robinson & Dawson from the Ontario Ministry of Municipal Affairs and Housing (MMAH)

## 11. FINE FEE SCHEDULE

The Secretary-Treasurer advised that a draft Fine Fee Schedule had been provided to the Board Members at the July 23<sup>rd</sup>, 2024 Board Meeting for their review. She was bringing it forward again for the Board's consideration.

Discussion resulted in the following motion:

### MOTION

It was moved by K. Noland and seconded by J. DeForge that the Secretary-Treasurer is directed to prepare the Fine Fee Schedule for Ministry approval with a minimum fine of \$500.00 for each violation,

- Carried Unanimously.

## 12. BUDGET - DRAFT 2025

Staff member, J. Diebolt, presented the draft 2025 budget. He explained that the draft budget included substantial increases in some expenditures; increased audit fees, postage costs, copier costs, increased staff salaries/wages & payroll burden and included a new item for Cyber Security Insurance. Every effort was made to eliminate unnecessary expenditures. However, the increases in the expenditures and a decrease in planning applications & fees for the prior year, resulted in no surplus to carry forward to 2025 as has been the case in prior years. Therefore, with an estimated \$80,000.00 in application fees for 2025, there is a projected increase to municipal requisitions from \$120,101.00 to \$142,146.00 (about 16 percent).

The following discussion resulted:

- Is cyber security insurance necessary for the office with our remoteness?;
- Cyber threats are often random through scam emails and location does not matter;
- We can mitigate possible damage with backup procedures and good cyber awareness practices;
- Could the audit fees be reduced?;
- Could a new auditor be considered?;
- Planning Act requires us to use the same auditor as the largest contributing municipality;
- A 16 percent increase to municipal requisitions is too high;
- Planning Board has some monetary reserves that could be used;
- if municipal requisitions are to increase, application fees should increase proportionately;
- it should be 'user pays' model;
- Outside funding should be sought for salaries if possible (Northern Ontario Heritage Fund Corporation - intern program.

He was directed to adjust the budget to reflect the new calculations based on the increase fees to the 'Tariff of Fees'.

## 13. TARIFF OF FEES

J. Diebolt, staff member, presented the current Tariff of Fees to the Board for review in consideration of the (Draft) Budget for 2025.

Most of the other Planning Boards in Northern Ontario have higher applications fees for Consent to Sever, Plans of Subdivisions, Municipal Zoning Amendment and Official Plan Amendment Applications.

Discussion among the Board regarding the increase to the municipal requisitions and the rising costs of the operation of the Planning Board, resulted in the following motion:

### MOTION

It was moved by K. Noland and seconded by J. DeForge that the Planning Board will implement a sixteen percent (16%) increase to the Tariff of Fees to be rounded off to the nearest \$10.00, to off-set the required increase to municipal requisitions and to assist with the rising costs of the operation of the Manitoulin Planning Board,

- Carried unanimously.

14. ELECTION OF OFFICERS FOR 2025

a) Chair and Vice Chair

The Chair, L. Hayden announced that the election of Chair and Vice Chair for the year 2025, as required annually by Section 11(2) of the Planning Act and in accordance with Section XII(3) of the Procedural By-law, will be held.

Following his announcement, Mr. Hayden vacated the Chair and requested the Secretary-Treasurer to conduct the elections at hand.

The Secretary-Treasurer advised the Board Members that Procedural By-law, Section III(4) states that the maximum term to be served by any Chair is to be four consecutive years, which makes all Board Members eligible to be nominated.

The Secretary-Treasurer then called for nominations for Chair for 2025.

Following a request for nominations for Chair, K. Noland nominated L. Hayden and D. Osborne seconded this nomination.

A call for further nominations was met with no response. At this time a Motion to close nominations was made by B. Barker which was carried unanimously.

L. Hayden accepted the nomination.

Therefore L. Hayden is acclaimed as Chair for 2025.

Next, the Secretary-Treasurer called for nominations for Vice Chair for 2025.

In response, L. Hayden nominated K. Noland and D. Osborne seconded this nomination.

A call for further nominations for Vice Chair was met with no response. At this time a Motion to close nominations was made by J. DeForge which was carried unanimously.

K. Noland accepted the nomination and was therefore acclaimed as Vice Chair for 2025.

b) Committee Appointments

i) Executive Committee

The Secretary-Treasurer advised that the Executive Committee, in accordance with the Procedural By-law, Section XII (11.), shall consist of the Chair, the Vice Chair, and the Past Chair, and the Board Member representing the largest contributing Municipality shall be one of the elected officers.

Therefore the Executive Committee for 2025 will consist of L. Hayden, Chair, K. Noland, Vice Chair, and R. Stephens, representative of the largest contributing municipality.

ii) Budget Committee

The Secretary-Treasurer advised that the Budget Committee for 2024 consisted of R. Stephens, B. Barker, and K. Noland. It was the general consensus of the Board that the Budget Committee remain the same as 2024.

D. Osborne made a motion that the Budget Committee for 2025 remain the same as 2024 and J. DeForge seconded the motion.

A call for further nominations was met with no response. At this time a Motion to close nominations was made by L. Hayden which was carried unanimously.

Following a request from the Secretary-Treasurer to R. Stephens, B. Barker and K. Noland if they would remain on the Budget Committee, all three Board Members accepted to remain on the Budget Committee for 2025.

Therefore the Budget Committee for 2025 will consist of, R. Stephens, B. Barker and K. Noland.

c) Signing Authorities

The Secretary-Treasurer informed the Board that the current signing authorities for 2024 consisted of any two of K. Noland, D. Osborne, and L. Hayden, (Board Members) and T. Carlisle, Secretary-Treasurer and she requested that they remain the same for 2025 as this was working very well.

A call for further nominations was met with no response. At this time a Motion to close nominations was made by R. Stephens which was carried unanimously.

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Following a request from the Secretary-Treasurer to L. Hayden, K. Noland, and D. Osborne if they would remain as signing authorities for 2025, all three Board Members agreed to remain.

Therefore the Signing Authorities for 2025 will consist of any two of, D. Osborne, Board Member, L. Hayden, Board Member, K. Noland, Board Member, and T. Carlisle, Secretary-Treasurer.

With the completion of the Election of Officers for 2025, Chair Hayden continued with the agenda.

15. CLOSED IN CAMERA SESSION

Chair Hayden requested the Board to go In Camera to review the In Camera Minutes of September 24<sup>th</sup>, 2024 and to discuss matters about identifiable individuals.

MOTION

It was moved by B. Barker and seconded by R. Stephens that the Board go In Camera at 9:14 p.m to review the In Camera Minutes of September 24<sup>th</sup>, 2024 and to discuss matters about identifiable individuals,

- Carried Unanimously.

It was reported that items were discussed during the In Camera session component of the Board Meeting. There were no Decisions or Motions made in Camera.

MOTION

It was moved by D. Osborne and seconded by K. Noland that the In Camera Minutes of September 24<sup>th</sup>, 2024 be adopted,

- Carried Unanimously.

MOTION

It was moved by R. Stephens and seconded by J. DeForge that J. Diebolt, staff member, submit a funding application to the Northern Ontario Heritage Fund Corporation (NOHFC) for the Intern program and go forward with advertising for a one year internship student with background in Land Use Planning and Geographic Information Systems (GIS), and that the 2025 budget include salary increases to staff members in the amount as discussed in during the In-Camera session.

- Carried Unanimously.

MOTION

It was moved by J. DeForge and seconded by R. Stephens that the Board rise from the In Camera session at 9:53 p.m.,

- Carried Unanimously.

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Application File No.: B26-24 No. of Members Present: 6  
Date of Decision: [November 26, 2024 -Deferred] January 28, 2025  
Location of Property: Part Lot 20, Conc. IV, including Part of Part 1, Plan 31R-4211 and  
excepting Parts 2, 3, 4, 5 & 6, Plan 31R-4211, and Part 1, Plan 4247 and Part 1,  
Highway Plan P-2460-43, Township of Sheguiandah, Municipality of Assiginack,  
District of Manitoulin

### **DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Ryan Yiu is to provide for the creation of a new lot having a frontage of  $\pm 44.0$  M. on High Falls Road, a maintained municipal road, and an average depth of  $\pm 106.0$  M., thereby containing an area of  $\pm 0.4$  Hec. There are no structures on this land.

The retained land, located at #193 High Falls Road, has frontages of  $\pm 246.8$  M. on High Falls Road, a maintained municipal road, and  $\pm 17.9$  M. on Hwy No. 6, a provincially maintained highway, and an irregular depth, thereby containing an area of  $\pm 1.7$  Hec. The applicant's dwelling, garage, and four (4) wood sheds are located within this land.

There have been two (2) previous applications for Consent to Sever, involving the subject land.

File No. B29-21, provided for the creation of a new lot, surveyed as Parts 2 to 6, Plan 31R-4211 and retained Part 1, Plan 31R-4211; and

File No. B30-22 created a new lot from Part 1, Plan 31R-4211, surveyed as Part 1, Plan 31R-4247. The resulting retained land is the land subject to the current application.

There was also an Amendment for the subject land, approved by the Municipality of Assiginack, File No. 8020ZBL-22-001, that by By-law No.2022-16:

- a) rezoned Parts 1 to 6, Plan 31R-4211 from Agriculture (A) Zone to Rural ( R) Zone; and
- b) permits seasonal residential uses; and
- c) permits the four (4) accessory wood shed(s) to be located in the front yard/ in front of the dwelling within Part 1, Plan 31R-4211.

During consideration of Consent to Sever File No. B30-22, in 2022, the Planning Board were in agreement to note that any further severances be by way of a Plan of Subdivision, as requested by the Municipality.

However, the Municipality of Assiginack had considered the proposal for an additional lot at their Committee Meeting held on September 3<sup>rd</sup>, 2024.

The Minutes of the Meeting included item 2.a) as follows:

*' High Falls Road Discussion*

*Staff shared that there are two issues we are looking for Mayor and Council's input on. One of the unintended consequences of having High Falls Bridge and High Falls Road is that people do not always see the park before the road which is leading to increased traffic and foot traffic. We have received complaints from both seasonal and permanent residents regarding the increase in traffic, especially on the private roads and those private roads that are named trails, as there is some confusion by visitors. Staff are bringing forward a request to consider a name changing the name of the road to help with this.*

*The second issue is that a property owner on High Falls Road would like another severance of their property, which would be the third and final severance they could have. The previous council would not grant this request due to the road not being up to standard. While it is still not up to standard, it has been pointed out that it is a year-round maintained road that Council agreed to take responsibility for.*

*Discussion took place and Members of the Committee wanted more time to consider renaming the road. Members of the Committee discussed the potential severance of a third and final lot and the committee agreed that they did not want to slow down development. Staff advised that we would communicate this to the property owner.*

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Application File No. B26-24  
November 26, 2024 - Continued

In review of the Township Meeting Minutes, it appears that the Committee were supportive of the new lot on a year round maintained road, even though High Falls Road was not up to Municipal Standards.

The application was circulated on October 01, 2024 to the United Chiefs and Councils of Mniidoo Mnising (UCCMM) and the Wiikwemkoong Unceded Territory, as per Official Plan Policy F.5 - Consultation and Engagement.

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

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

The subject land has been designated Rural Area and zoned Rural (RU) and Conservation (CO). Zoning By-law Amendment No. 2022-16 applies to the subject land. The Conservation (CO) Zone is identified at the north west corner of the retained land.

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.

Mr. Yiu was advised that proof of potable water may be required at the building permit stage.

Services for the retained land, consist of a private individual sewage disposal system and a cistern for water supply. Services for the proposed severed land, will consist of a private individual sewage disposal system and a cistern for a private water supply when required.

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

Access is from an existing entrance, #193 High Falls Road, for the retained land. Access for the severed land will also be from High Falls Road, a maintained municipal road.

Following consultation with the Ontario Ministry of Transportation (MTO), as part of the preliminary review, the following comments were received from C. Cole via email, on October 01, 2024:

*' MTO has reviewed the attached consent application. 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. MTO supports the proposed severance in principle, with the following comments to consider:*

**Retained Lot:**

- All access must remain from High Falls Rd. No direct Access to Hwy 6 will be permitted
  - MTO policy to not allow direct highway access to a lot where access from a public/private road is available.
- Placement of any buildings or structures within 45 meters of the Hwy 6 property line will require an MTO building/land use permit.
- Any future proposed development or change in land use must be subject to MOT review.

**Severed Lot:**

- Severed lot is located outside the MTO's permit control area; therefore, we have no comments to provide at this time.

All permit applications can be made online at the following link:  
<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](mailto:michelle.lavallee@ontario.ca) If there are any additional questions or concerns, don't hesitate to contact me.*

The comments received from MTO were provided to the applicant on October 23<sup>rd</sup>, 2024.



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Application File No. B26-24  
November 26, 2024 - Continued

There is a Hydro line located along the westerly boundary of the subject land, east of Highway 6. The proposed retained land is subject to a Hydro Easement over Parts 3 and 5, Plan 31R-4211. Hydro One was circulated as part of the preliminary review of the application. Hydro One advised they have no issues or concerns with the proposed severance and that Hydro is available for hook-up on the backside of the lot.

As part of the preliminary review of the application, a snapping turtle occurrence was identified as a Species of Special Concern, likely associated with the falls and river located to the north of the proposed retained land near the Highway.

The Ministry of the Environment, Conservation and Parks (MECP) was consulted for technical advice, and they advised that:

*' Lot severances (and zoning changes) by themselves and in the absence of any additional development proposals are administrative; these activities on their own do not contravene the ESA. Specifically, to contravene the ESA, an activity must have the effect of killing, harming or harassing individuals of a species at risk listed as extirpated, threatened, or endangered, or damaging or destroying their habitat. Therefore, the snapping turtle listed as Special Concern would not be protected under the ESA.*

*However, if after doing a preliminary screening (document attached here), you suspect that other species protected by the ESA would be affected by the proposed development, then an authorization may be required. The next steps to obtain an authorization would be to fill out an Information Gathering Form which considers all aspects of a proposed project and the potential adverse effects to Species at Risk. Please visit "How to avoid authorization" and "Permit types" (<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>) for more information.*

*Please let us know if you have any questions, and we hope you have a great rest of your day. Thank you, Species at Risk Branch.'*

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

This proposal is considered to be in conformity with the Provincial Planning Statement (PPS) 2024.

The application was circulated on November 6<sup>th</sup>, 2024 to the Township of Assiginack, Bell Canada, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality of Assiginack did not advise of any concerns. However, the CAO advised that Municipal comments will not be available until December 3<sup>rd</sup>, 2024.

Ryan Yiu was advised that Decision of Planning Board may be deferred pending Municipal comments.

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

There was a telephone call to the Office from J. Rutledge, abutting land owner of Part 1, Plan 31R-4247, requesting additional information. No written concerns have been received.

There have been no other inquiries or concerns received as a result of circulation of the Public Notice and/or the posting of signage.

Ryan Yiu and his spouse Jessann Harrold were in attendance during consideration of the application.

Mr. Yiu advised that the proposed use was to be year round residential not seasonal residential.

Zoning By-law No. 2024-10 for the Municipality of Assiginack permits a seasonal and a year round residential use, in the Rural (RU) Zone.

Discussion among the Board Members was to defer decision until municipal comments have been received.

*a motion was made and duly seconded and carried that Decision for the application be deferred to allow additional time for the Municipality of Assiginack to provide Council's comments.*

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Application File No. B26-24 - Continued

**January 28, 2025**

The Municipality of Assiginack advised by letter dated December 4<sup>th</sup>, 2024 of the following Resolution, No. 258-17-2024, which was adopted at their December 3<sup>rd</sup>, 2024 Council Meeting:

*' BE IT RESOLVED THAT we inform the Manitoulin Planning Board that we have no objections to the following Consent Application Files: B26-24, B27-24 and B28-24, subject to the applications submitted.....Carried.'*

There was no one in attendance during consideration of the application.

**Consent is tentatively granted subject to the following conditions:**

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

- a) the Transfer of Land form, 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, which illustrates the parcel(s), to which the consent approval relates;
- ii) a written confirmation from the municipality that an entrance permit from High Falls Road for the severed land has been issued or can be issued, satisfactory to the municipality;
- iii) a written confirmation from the municipality that access over High Falls Road is constructed to a standard for travel by emergency vehicles, satisfactory to the Municipality;
- iv) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- v) 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 further development may be required by a Plan of Subdivision.

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Application File No.: B27-24 No. of Members Present: 6  
Date of Decision: [November 26, 2024 - Adjourned] January 28, 2025  
Location of Property: Part of Lots 21, 22 and 23, Conc. V, Surveyed as Parts 16, 17  
and 18, Plan 31R-1247, Township of Sheguiandah, Municipality of  
Assiginack, District of Manitoulin

### **DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Aaron Ariganello on behalf of Lesya V. and Ashley D. Chapman is to provide for the creation of a new lot having frontages of  $\pm 179.46$  M. on Lake Huron and  $\pm 46$  M. on Highway No. 6, and  $\pm 748.5$  M. on the non-maintained unopened municipal road allowance, and an average depth of  $\pm 779.7$  M., thereby containing an area of  $\pm 11.8$  Hec. This lot will be together with a right-of-way over the retained land as well as a right-of-way over Parts 9, 10 and 11, Plan 31R-1247 known as Eagle M. Trail. According to the application, there are no structures on this land.

The land to be retained has frontages of  $\pm 104$  M. on Lake Huron and  $\pm 104.5$  M. on Highway No. 6, and an average depth of  $\pm 833.2$  M., thereby containing an area of  $\pm 8.7$  Hec. This land is together with a right-of-way over Parts 9, 10 and 11, Plan 31R-1247 and will be subject to right-of-way in favour of the proposed severed land. According to the application, there are no structures on this land.

There have been two previous applications for Consent to Sever, involving the subject land.

File No. B52-81 provided for the creation of three new lots, surveyed as Parts 1 thru 15, Plan 31R-1247; and

File No. B49-82 provided for a legal right-of-way in favour of the lots created by File No. B52-81.

The retained land of File No. B52-81, being Parts 16, 17 and 18, Plan 31R-1247 is the land subject to the current application (File No. B27-24).

Mr. Ariganello, agent for the application, was advised that there was a note on the previous application, File No. B52-81, as follows:

*'That further severances or development along the lakeshore or Highway No. 6, by consent will be discouraged. Any further requests for severance by consent relating to the subject lots, by the present owners or others, will be interpreted as contrary to the intent and policies of the Official Plan.'*

He was also advised of Official Plan (OP) Policy F.4.4.2 and which states:

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

Mr. Ariganello acknowledged the previous note and the Official Plan Policy and advised that he wished to proceed with the formal circulation of the application.

The application was circulated on January 10<sup>th</sup>, 2024 to the Wiikwemkoong Unceded Territory and the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement.

J. Manitowabi, Wiikwemkoong Unceded Territory, advised via email that they have no comments or concerns with the proposed severance request/application.

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

According to the application, services will consist of a private individual septic system and a private well when required.

There is a Hydro Line identified along Highway No. 6. Hydro One was circulated as part of the preliminary review. Hydro One advised that they do not have any concerns with the application; they do not have an easement; that they do not require an easement; and that they own the poles along Hwy 6.

There is a livestock facility located to the west within Lot 20, Conc. V. The severed land is outside the area of influence. There is a small area of influence within the retained land along Highway No. 6. The farm related structures meet the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA).

Access for the proposed new lot will be via private right-of-way, surveyed as Parts 9, 10 and 11, Plan 31R-1247, known as Eagle M. Trail and a private right-of-way over the proposed retained land, to Highway No. 6.

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As part of the preliminary review the application was sent to the Ontario Ministry of Transportation (MTO). C. Cole, Corridor Management Planner, MTO, provided comments on January 11<sup>th</sup>, 2024, April 16<sup>th</sup>, 2024, and April 29<sup>th</sup>, 2024.

The following email from A. Ariganello, agent for the application, on June 19<sup>th</sup>, 2024 provided the following details/summary:

*' Hi Theresa,*

*Thank you again for the meeting last week. As discussed, please see below the most recent MTO comments for the subject application, and a summary of all their comments to date.*

- MTO initially provided comments on January 11, 2024. These comments required Eagle M Trail to be upgraded to a municipal standard to support the proposed severance;*
- A meeting was scheduled between TULLOCH and MTO staff to discuss the January 11<sup>th</sup> comments further. These discussions were largely related to MTO's concerns that the proposed application would result in additional waterfront development, resulting in additional traffic at Eagle M Trail beyond it's capacity (hence the initial requirement to upgrade Eagle M Trail);*
  - A site-specific rezoning application (limiting the proposed severed lot to only one seasonal dwelling) was then discussed to address MTO's concerns;*
- MTO staff provided revised comments on April 16, 2024. These comments required no additional access through Eagle M Trail (in it's current state) beyond what would be introduced through the proposed severance. They also required a rezoning application that would limit lot creation over the subject property in order to restrict development outside MTO's permit control area;*
- MTO staff then amended these new comments on April 29, 2024. They were amended to require a rezoning application that would limit building construction to only a seasonal dwelling and related accessory uses in order to restrict development outside MTO's permit control area;*
- TULLOCH reached out to MTO to discuss the scope of the rezoning application, and MTO staff confirmed that our proposed scope would satisfy their requirements – the scope being a rezoning application that would rezone the proposed severed lot on a site- specific basis, keeping the current zoning, but containing the following wording: The only permitted uses shall be one seasonal dwelling, along with related accessory uses. There are no longer requirements to upgrade Eagle M Trail under the current applications – this was confirmed via MTO's email on April 16, 2024.*

*Cameron – the purpose of this email is to update the planning board on MTO's most recent comments and their intent. Please let us know if there is any missing information and/or you would like to add anything. If not, please confirm the above understanding is accurate.*

*Thank you,'*

C. Cole, MTO, also advised via two emails, on June 25<sup>th</sup>, 2024 that:

*' Hi there Everyone,*

*Apologies for my delayed response.*

*I can confirm that the rezoning only needs to be applied to the severed lot as the effects of the severance would not allow for additional development on the retained lot with the current permissions.*

*In regards to entrance upgrades, the conditions we currently have in place would satisfy the MTO's concerns such that we would not require the entrance to be upgraded. However, if the municipality deems that it is necessary to upgrade the entrance, that will supersede the MTO's concerns. Discussions on potential upgrades can remain between the municipality and Tulloch; however, the MTO should be made aware of the final result of these discussions so that we can properly represent it in the entrance permit.*

*Don't hesitate to contact me if there are any questions or concerns. '*

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C. Cole, MTO, advised via email on June 25<sup>th</sup>, 2024 that:

*Hi there Theresa,*

*I apologize if there has been confusion. MTO's intentions in this matter are to facilitate the proposed severance, but in a way that does not contribute to additional development beyond our permit control jurisdiction that may result in more traffic at the Highway entrance at Eagle M Trail, than it is intended to accommodate. In MTO's view, all that is changing from the existing situation is one more lot, and as a means of addressing our concerns for highway access, we requested that this new lot be rezoned for a single seasonal residential use only.*

*Municipal requirements for how Eagle M Trail may need to be upgraded are beyond MTO's purview.*

*We would advise however, that if additional development is contemplated beyond the existing situation plus the one additional lot to be severed, even if beyond MTO's permit control jurisdiction, the Ministry will be looking to the municipality for support in how to address the resultant traffic and the highway entrance. I hope this helps! Don't hesitate to contact me if there are any additional questions or concerns.*

The Secretary-Treasurer advised Mr. Ariganello that a standard condition of a Consent to Sever approval is:

*'a written confirmation from the Municipality that access to the severed and retained land has been constructed to a standard travelable by emergency vehicles, satisfactory to the municipality.'*

Mr. Ariganello advised on September 16<sup>th</sup>, 2024 that he had corresponded with A. Hobbs, Township of Assiginack, regarding the standard condition for consent applications when a private right-of-way is considered. The municipality advised him that they do not foresee problems in this area with the proposed application, but would conduct a site visit to confirm, just prior to the planning board 'stamping' the consent.

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

Zoning By-law No. 2024-10, for the Municipality of Assiginack permits a seasonal dwelling and a single detached dwelling in the Shoreline Residential (SR) Zone and in the Rural (RU) Zone.

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

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

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

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

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

From information available it appears that there may be an unevaluated wetland within the westerly portion of the property that could be associated with the stream that runs southerly within the property.

The majority of the property is above the 177.8 flood contour. The most easterly portion of the land, near the shoreline allowance, appears to be below the 180 flood contour.

Zoning By-law No. 2024-10, under Section 5.39.2 - Lake Huron Shoreline states:

*'No person shall erect any habitable building or structure in any zone abutting Lake Huron less than 15 metres measured horizontally from the 100 year flood elevation identified on Schedules A1 and A2 of this By-law unless:*

- a) *The building or structure is located at least 61 metres from the high water mark; and*
- b) *the building or structure is flood-proofed to 179.6 m. Canadian Geodetic Vertical Datum (CGVD 1928).*

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There is a fish habitat identified along the shore to the south east of the property. From mapping available the habitat is  $\pm 130$  metres from the subject land and is outside of the adjacent land distance requirement. Future construction near the shoreline may require a review/evaluation of Endangered Species Habitat at the time of any construction.

Due to the size of the proposed lots, and building sites outside the areas of influence, the subject land does not appear to have any natural heritage features or species at risk concerns. This proposal is considered to be in conformity with the Provincial Planning Statement (PPS) 2024.

The application was circulated on November 6<sup>th</sup>, 2024 to the Municipality of Assiginack, 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.

Bell Canada advised they have no comments to provide.

There was one inquiry from abutting land owner of Lot 21, Conc. IV, P. Rolston, requesting additional information about the application and thought the sign was posted on his property. No written concerns have been received.

There was also a request for a copy of the Decision of Planning Board from G. Honeyford, owner of Parts 11 thru 15, Plan 31R-1247, to the north.

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

The Municipality of Assiginack did not advise of any concerns. However, the CAO advised that Municipal comments will not be available until December 3<sup>rd</sup>, 2024.

Aaron Ariganello, agent for the application, was advised that Decision of Planning Board may be deferred pending Municipal comments.

Mr. Ariganello called the Planning Board Office requesting an adjournment of the application until the Municipality had provided their comments on the application. As a result, he provided the following two emails, received on November 26<sup>th</sup>, 2024:

*' Hi Theresa,*

*Thank you again for the call this morning.*

*Further to our chat, just reaching out to confirm that we will be deferring the planning board meeting tonight until the next one in January once the town has had a chance to meet and provide comments on the subject application.'*

*' Hi Theresa*

*In the interest of clarity, we just wanted to specify that this deferral came as a result of our call this morning and the discussion around a deferral being mutually beneficial to our clients and the planning board being able to make an informed decision on the subject application.'*

The Municipality of Assiginack advised by letter dated December 4<sup>th</sup>, 2024 of the following Resolution, No. 258-17-2024, which was adopted at their December 3<sup>rd</sup>, 2024 Council Meeting:

*' BE IT RESOLVED THAT we inform the Manitoulin Planning Board that we have no objections to the following Consent Application Files: B26-24, B27-24 and B28-24, subject to the applications submitted.....Carried.'*

Discussion of the Board included:

- the current access is a private, seasonally maintained right-of-way; the new right-of-way will also be private seasonally maintained; approval would result in four lots being created by the Consent to Sever process; MTO has requested to provide comments on all planning applications as the subject lands may be within their permit control area - within 45 metres of the Highway; MTO entrance permits and/or land use permits may be required; how large are the lots to the north -  $\pm 20$  Hec.?

A. Ariganello, agent for the application, and V. Smith, interested party, were in attendance and spoke to the application and answered some questions.

Board Member, K. Noland commented that contrary to Mr. Ariganello's comments there is new road construction and an extension of municipal services, i.e. garbage disposal, emergency services.

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January 28, 2025

**Consent is tentatively granted subject to the following conditions:**

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

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s), and the right-of-way for access, given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel and right-of-way having a minimum width of 20.1 M., to which the consent approval relates;
- ii) a written confirmation from the municipality that access along the right-of-way and Eagle M. Trail to Highway No. 6 has been surveyed and constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iii) a copy of an approved amendment to the Municipal Zoning By-law for the Municipality of Assiginack which will under Special Provisions, permit one seasonal dwelling within the proposed severed land, which is identified as a Part Number(s) on a registered Plan of Survey;
- iv) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the Municipality that all outstanding municipal taxes have been paid for the subject land.

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

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

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

Note: Any further development may be required to be via a Plan of Subdivision.

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Application File No.:	B28-24	No. of Members Present:	6
Date of Decision:	[November 26, 2024 -Deferred]	January 28, 2025	
Location of Property:	Lot 10, Conc. III, Township of Bidwell, Municipality of Assiginack, District of Manitoulin		

**DECISION**

The purpose of this application made under Section 53(1) of the Planning Act by Ian Sinclair and Macgregor Sinclair on behalf of Susan J. Weeden and James D. Hinds, is to provide for the creation of a new lot having a frontage of ±91.44 M. on Irish Line Road, a maintained municipal road, and a depth of ±121.9 M., thereby containing an area of ±1.1 Hec. The applicants' dwelling, four sheds and a barn are located within this land. According to the applicants the round metal storage shed (identified as item F on the attached sketch), is to be moved onto the retained land. The existing barn (identified as item C on the attached sketch), is to be converted to a storage building. The applicants propose to offer this lot for sale for farm related residential uses.

The land to be retained has frontages of ±265.6 M. and ±45.0 M. on Irish Line Road, a maintained municipal road, and a depth of ±1,005 M., thereby containing an area of ±38.9 Hec. The applicants' barn (as identified as item G on the attached sketch) is to be converted to a storage building. The applicants refer to this as 'building 7'. Farm related uses are proposed to continue.

Accompanying the application was a letter to Mr. Hinds from the Municipality's Chief Building Inspector, dated September 5<sup>th</sup>, 2024:

*'Dear Mr. Hinds,  
Having reviewed your application I wish to inform you that no building permit is required for the scope of work intended on the building in question. You will not require anything further from this department in the municipality.'*

The applicants were advised that a condition of the Consent to Sever approval, may be that there is written confirmation from the Municipality or the Chief Building Official that the two barns have been converted to storage buildings and that the metal shed has been removed from the property.

There has been a previous application for Consent to Sever, File No. B32-80, that created the subject lot, being Lot 10, Conc. III and retained Part of Lot 9, Conc. III.

The applicants also own abutting property, being Lot 9, Conc. III, Lot 8, Conc. III, Lot 8, Conc. IV and the north half of Lot 7, Conc. IV. The applicants were advised that when the land transfer/deed for the proposed new lot is registered, this will nullify the previous approval (File B32-80) and the abutting property(s) may merge with the remainder of Lot 10, Conc. III, if the abutting property is in the same ownership.

Services for the severed land consist of private individual septic system and private well.

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

There is a Hydro Line located along Irish Line Road. Hydro One advised that they have no concerns with the application; that they do not have a registered easement; they do not require an easement; and they own the poles along the road.

Access for the severed land is via an existing entrance, #354 Irish Line Road, a maintained municipal road. The access proposed for the retained land is from Irish Line Road to the east of the proposed new lot.

The Ontario Ministry of Transportation (MTO) advised that the subject land is located outside of MTO's permit control areas (PCA); therefore have no comments to provide at this time.

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

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'*



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November 26, 2024

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 at the time of the issuance of any building permits for a residential building.

Zoning By-law No. 2024-10 for the Municipality of Assiginack under Section 6.2 - Rural (RU) Zone permits 'Agriculture Uses'.

Section 4 - Definitions states:

*'Agriculture Use shall mean the use of land, buildings or structures for:*

- a) The growing of crops, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the accessory storage and sale of crops;*
- b) The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of poultry and fish;*
- c) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage, and sale of the products;*
- d) A greenhouse or nursery garden, including storage and sale of the products;*
- e) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities; and*
- f) Includes a farm dwelling and farm accessory buildings;'*

The existing structure within the proposed retained land will appear to conform to the Municipal Zoning By-law.

From information available, including aerial photography (2021) it appears that portions of the property may be low lying with an existing water course and areas of standing water in the hayfield. The applicants were advised that no new buildings are allowed within the Conservation Zone.

There is a municipal drain traversing the property, known as the Bass Creek Drain. The applicants were advised that Section 65 of the Drainage Act may apply.

A Deer Wintering Area is identified within the subject land.

The Official Plan guidelines state that new lots having a minimum frontage and depth of 90 M. would be exempt from an Environmental Impact Study (EIS). The new lot as proposed meets this criteria for exemption.

Due to the size of the proposed lots, the location of the existing structures, and building sites outside the areas of influence, the subject land does not appear to have any natural heritage features or species at risk concerns.

This proposal is considered to be in conformity with the Provincial Planning Statement (PPS) 2024.

The application was circulated on November 6<sup>th</sup>, 2024 to the Municipality of Assiginack, Bell Canada, and to all property owners within 60 metres, and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality of Assiginack did not advise of any concerns. However, the CAO advised that Municipal comments will not be available until December 3<sup>rd</sup>, 2024.

Mr. Hinds was advised that Decision of Planning Board may be deferred pending Municipal comments.

Bell Canada, advised they have no concerns or comments.

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Application File No. B28-24 - continued  
November 26, 2024

There have been three letters received in support of the application.

1. *'As a neighbouring landowner, Donna Gammie and I, Murray Gammie, are 100 percent in favour of this new lot for continued non-farm residential use be approved. We live at 243 Irish Line and would like to see the residence be occupied rather than sit empty. Thank you for your time.'*

2. *Dear Ms. Carlisle and to the members of the Manitoulin Planning Board (MPB),*

*Kristi and I are the owners of 74 Cemetery Lane, immediately south of the proposed creation of the new ~1.1 Ha lot for non-farm related residential uses at 354 Irish Line. We have owned our property, approximately 10 Ha, since 2012, and I have known the Hinds family over 40 years.*

*We are HIGHLY supportive of this application. It provides a new residential opportunity for a young family on the Manitoulin Island, who will contribute to the local economy and social fabric of the Assiginack community.*

*We welcome the proactive efforts of Susan and Jim in undertaking this action, and encourage the MPB to approve this application in the best interests of the Assiginack community.*

*Thank you for your time and consideration. If you have any concerns, or require anything further from us, please feel free to reply via email, or contact me, Mark, on my mobile phone: +1 (416) 666-7025.*

3. *'Thank you for your letter dated November 6, 2024 in relation to the Application. I am the President of Bass Creek Ventures Ltd. ("BCVL") and am authorized to respond on behalf of BCVL. I am also the joint-owner of the property located at 467 Irish Line, which is about 200 metres to the west of the property that is the subject of the Application.*

*BCVL has no concerns with the Application. In fact, BCVL and I are both in support of the Application because I believe it is in the best interests of local landowners to have year-round residents living along Irish Line, and the Application is likely to result in the residence located at 354 Irish Line being occupied.*

*If you have any questions or would like any further information, please feel free to contact me by email at [basscreek@shaw.ca](mailto:basscreek@shaw.ca) or by cell at 587-435-3412.'*

There have been no other inquiries or concerns received as a result of circulation of the Public Notice and/or the posting of signage.

Mr. Hinds and the proposed purchasers of the new lot, C. Byers and S. Taylor were present during consideration of the application.

Mr. Hinds confirmed that the access for the retained land is proposed to be on the east side of the new lot.

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

Discussion among the Board Members was to defer their decision until municipal comments have been received.

*a motion was made and duly seconded and carried that Decision for the application be deferred to allow additional time for the Municipality of Assiginack to provided Council's comments,*

*- Carried Unanimously.*

### **January 28, 2025**

The Municipality of Assiginack advised by letter dated December 4<sup>th</sup>, 2024 of the following Resolution, No. 258-17-2024, which was adopted at their December 3<sup>rd</sup>, 2024 Council Meeting:

*'BE IT RESOLVED THAT we inform the Manitoulin Planning Board that we have no objections to the following Consent Application Files: B26-24, B27-24 and B28-24, subject to the applications submitted.....Carried.'*

Mr. Hinds advised via email on January 21<sup>st</sup>, 2025 that both Ian Sinclair and MacGregor Sinclair are acting as agents for his application.

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Application File No. B28-24 - continued  
January 28, 2025

Discussion included:

- the minimum distance separation requirement between barns and dwellings needs to be enforced; need confirmation that the two barns will be converted to storage buildings; the decision is to approve the new lot for residential uses without livestock use; need to be sure the barns are used for storage not for housing livestock; who will monitor if the barns are used for livestock in the future; placing a site specific amendment on the property restricting the use of the barns for livestock might accomplish this.

There was no one in attendance during consideration of the application.

**Consent is tentatively granted subject to the following conditions:**

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

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties 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 municipality that an entrance permit from Irish Line Road has been issued or could be issued for the proposed retained land, satisfactory to the municipality;
- iii) 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;
- iv) a copy of an approved amendment to the Municipal Zoning By-law for the Municipality of Assiginack which will under Special Provisions, prohibit any existing buildings on the proposed severed and retained lands that do not meet the Minimum distance separation (MDS) formulae to be used for the housing of livestock;
- v) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes for the subject land, have been paid.

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

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

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Application File No.: B01-25 No. of Members Present: 6  
Date of Decision: January 28, 2025  
Location of Property: Lots 22 to 26, Conc. VIII including the 25<sup>th</sup> side road allowance between Lots 25 & 26, Conc. VIII and Lots 22 to 25, Conc. VII including Part 1, Plan 31R-4278 & excepting Part 1, Plan 31R-4205 (Lots 1-10 and Block 11 on Subdivision Plan 31M-210) and excepting Block H on Subdivision Plan S-152, Township of Sheguiandah, Municipality of Assiginack, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Jordan Chandler on behalf of 5026911 Ontario Limited is to provide for a right-of-way having a minimum width of  $\pm 20.1$  M. and an average length of  $\pm 56$  M., thereby containing an area of  $\pm 1125$  Sq. M. ( $\pm 0.11$  Hec.). This right-of-way is to be in favour of a lot to the north, surveyed as Part 2, Plan 31R-4311 within the Town of Northeastern Manitoulin and the Islands.

The land to be retained has frontages of  $\pm 580$  M. on Sunsite Estates Road and  $\pm 907.3$  M. on Sandy Point Road, both maintained municipal roads,  $\pm 1,748$  M. on Lake Huron, and  $1,860.9$  M. on the unopened 8<sup>th</sup> concession allowance between the Municipality of Assiginack and the Town of Northeastern Manitoulin and the Islands, an irregular average depth of  $\pm 2332.7$  M., thereby containing an area of  $\pm 292$  Hec. There is a dwelling and a gazebo located within this land.

The applicants have completed Phase One of a Plan of Subdivision, File No. SUB2023-001, for Lots 1 to 10 and Block 11 on Plan 31M-210. The land subject to the current application for right-of-way, is the land proposed by Phase Two of the Plan of Subdivision.

Accompanying the application was a letter from the Municipality of Assiginack, dated June 21, 2023, addressed to Mr. and Mrs. Fields, the landowners benefitting from the right-of-way, as follows:

*'The Assiginack Committee of the Whole met on the 16<sup>th</sup> of this month and one of the items addressed was your request. It was approved. The Committee of the Whole Minutes from that meeting were approved at last night's Council meeting:*

From Meeting Minutes

- 1c) *The Committee reviewed a request to allow an applicant to cross an unopened road allowance to access property located in NEMI as part of a severance application, stating that such requests have been made and approved in the past.'*

The Manitoulin Planning Board approved a 17 Lot Plan of Subdivision, File No. SUB2002-001 in 2004. The Town of Northeastern Manitoulin and the Islands (NEMI) approved the creation of two new lots from the retained land resulting from the Plan of Subdivision, surveyed as Parts 1 and 2, Plan 31R-4311, within their Planning District, by their File No. Con2023-14. According to the current application, a right-of-way will also be required from NEMI in favour of Part 2, Plan 31R-4311 and this is to be considered when/if approval of the current application is given.

The application was circulated on November 15<sup>th</sup>, 2024 to the Wiikwemkoong Unceded Territory and the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement.

J. Manitowabi, Wiikwemkoong Unceded Territory, advised via email that they have no comments or concerns with the proposed severance request/application.

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

The subject land has been designated Rural Area and Shoreline Area in the Official Plan for the District of Manitoulin.

The subject land is zoned Shoreline Residential (SR) and Rural (RU). The proposed right-of-way appears to be within the Shoreline Residential (SR) Zone.

From information and aerial photography (2021) available the location of the right-of-way would have appropriate separation distances outside the area of influences that would conform to the Natural Heritage Policies of the Provincial Planning Statement 2024.

This proposal is considered to be in conformity with the Provincial Planning Statement 2024.

Hydro One has an easement over the westerly side of Sandy Point Road, surveyed as Part 1, Plan 31R-4278, for pole anchors. Hydro One was circulated as part of the preliminary review of the application and they advised that they have no concerns as it does not impact their plant and that the private line is the responsibility of the owner of the line.

According to the application, services consist of a private septic system and water from Lake Huron for the existing dwelling.

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The current access is via Sunsite Estates Road and Sandy Point Road, both maintained municipal roads. Currently, Sandy Point Road extends northerly via a private right-of-way. This northerly portion of the access is proposed to be conveyed to the Municipality of Assiginack, when Phase Two of the Subdivision is completed.

The Ontario Ministry of Transportation (MTO) was circulated for comments, as per their request. C. Cole, MTO, advised on November 7<sup>th</sup>, 2024:

*' I can confirm that the subject lands are located outside the MTO's permit control area; therefore, no MTO permits or approval is required. Since traffic associated with this multi-lot severance will feed back into the provincial highway network, the MTO requests to be circulated on any traffic studies conducted for the development for our records and to determine if any highway improvements are warranted.'*

Mr. Chandler, agent for the application, was advised of the MTO's comments.

The application was circulated on January 13<sup>th</sup>, 2025 to the Municipality of Assiginack, the abutting Town of Northeastern Manitoulin and the Islands, Bell Canada, the Ontario Ministry of Transportation (MTO) and to all property owners within 60 metres as required by Ontario Regulation 197/96.

Ontario Regulation 197/96 also requires a posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, a minimum of 14 days prior to the Meeting date.

The Secretary-Treasurer advised that Mr. Chandler, agent for the application, had picked up his package including the signs for posting on Wednesday, January 15<sup>th</sup>, 2025 and had posted the signs that day. The requirement under the Planning Act was not met, as the signs were posted one day late.

The Municipality of Assiginack recommends Consent be granted and advised by Resolution No. 07-01-2025 on January 22<sup>nd</sup>, 2025 as follows:

*' BE IT RESOLVED THAT we advise the Manitoulin Planning Board that we have no objection to Consent Application B01-25, pursuant to the application submitted.*

*AND THAT we confirm that this subdivision road has yet to be completely assumed by the municipality and at this point is in part a private road.'*

The Town of Northeastern Manitoulin and the Islands advised via email on January 24<sup>th</sup>, 2025 of Resolution No: 15-01-2025 as follows:

*' RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands has no comments or concerns with the easement application submitted by 5026911 Ontario Inc. through the Manitoulin Planning Board.'*

Bell Canada advised that they have no comments or concerns.

There were two telephone calls received by the Planning Board Office, requesting further explanation of the application. No written concerns have been received.

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

Discussion included:

- if the existing buildings on the retained land conform to the municipal zoning by-law; if the cottage and the gazebo would be on different subdivision lots when Phase Two is completed; if the Township should confirm this now or during completion of the Phase Two subdivision; with winter weather an inspection could hold things up; if the posting of the signs as required under the Planning Act, one day late is of concern; the right-of-way is to provide a private access not Public access;

Jordan Chandler, agent for the application, was in attendance and spoke to the application and answered some questions.

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**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 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 minimum width of 20.1 M., to which the consent approval relates;
- ii) a written confirmation from the Municipality of Assiginack that access along the right-of-way to the 8<sup>th</sup> concession road allowance has been surveyed and constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iii) a written confirmation from the Municipality of Assiginack that access along their portion of the non-maintained 8<sup>th</sup> concession road allowance in favour of Part 2, Plan 31R-4311, has been constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iv) a written confirmation from the Town of Northeastern Manitoulin and the Islands that access along their portion of the non-maintained 8<sup>th</sup> concession road allowance in favour of Part 2, Plan 31R-4311, has been constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- v) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the Municipality of Assiginack that all outstanding municipal taxes have been paid for the subject land.

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

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

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

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PRESENTATION OF APPLICATION 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 52 of the Planning Act,
- (b) to make decision in regard to the applications scheduled to be heard, and, explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting. There were none.

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

	<u>Moved By</u>	<u>Seconded By</u>
1. B26-24	K. Noland	J. DeForge
2. B27-24	B. Barker	J. DeForge
3. B28-24	R. Stephens	D. Osborne
4. B01-25	D. Osborne	B. Barker

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

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The time now being 9:55 P.M. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by B. Barker and seconded by R. Stephens.

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L. HAYDEN, CHAIR

  
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T.A. CARLISLE, SECRETARY-TREASURER