

MANITOULIN PLANNING BOARD

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March 01, 2023

MINUTES OF PLANNING BOARD MEETING - February 28, 2023

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, February 28th, 2023, the following Members of Planning Board were present:

- | | | | |
|----|-----------|----|-------------|
| 1. | L. Hayden | 4. | B. Barker |
| 2. | K. Noland | 5. | R. Stephens |
| 3. | R. Brown | 6. | D. McDowell |

Regrets: T. Mackinlay, D. Osborne, and J. Deforge
Absent: D. Head

Also in attendance for the meeting were:

- C. Stere, applicant for Consent to Sever File No's. B04-23 and B05-23;
- B. Fraser, interested party for Consent File No. B04-23;
- P. Chatwell, Road Superintendent, Township of Tehkummah; and
- T. Sasvari, reporter, Manitoulin West Recorder.

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

The Meeting was called to Order at 7:01 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 January 31st, 2023.

There were no conflicts declared.

1. ORDER OF BUSINESS

Chair Hayden asked if the Board Members had any objections to changing the order of the agenda with Item 6. - In Camera - to be heard after Item 7. Budget (2022-2023) Review. There were no objections.

The Chair requested the adoption of the order of business.

The Secretary-Treasurer advised that Board Member, R. Stephens, had requested an additional item to be added to the Agenda and she requested that the additional item - Electronic Meetings - be added as Item 8.

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - January 31st, 2023

The Chair announced that the Minutes of the Board Meeting held on January 31st, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated. There being no errors or omissions the following motion resulted:

MOTION

A motion was moved by K. Noland and seconded by R. Brown that the Minutes of January 31st, 2023 be adopted,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING

January 31st, 2023

There was none.

Board Minutes
February 28, 2023 - Continued

3. VARIABLE EXPENDITURES

Board Member, R. Stephens, asked if the invoiced amount from Esri Canada included HST. The Secretary-Treasurer reported that it does.

There were no other questions of the variable expenditures as circulated.

MOTION

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

4. PRESENTATION OF APPLICATIONS FOR CONSENT

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

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

5. GENERAL, REGULAR AND NEW BUSINESS

a) Area Wide Natural Heritage System Strategy - Official Plan Amendment No. A-3

The Secretary-Treasurer reported that a copy of Official Plan Amendment No. A-3 for the draft NHSS, which had been adopted by the Manitoulin Planning Board at the last Board Meeting held on January 31st, 2023, has been sent to the Municipalities requesting support and an adopting By-law.

She also reported that the Planning Board staff had two electronic meetings (February 15th, 2023 and February 21st, 2023) with the Ontario Ministry of Municipal Affairs and Housing (MMAH) to discuss the chain of events for the Draft NHSS since 2019. The MMAH is to provide 'next steps' and what they require from the Manitoulin Planning Board for further consideration and preconsultation with partner Ministries.

b) Ontario Land Tribunal (OLT) - Consent to Sever File No. B12-22

The Secretary-Treasurer reported that an electronic hearing had been held with the Ontario Land Tribunal on Thursday, February 23rd, 2023, regarding an appeal to the Decision of Planning Board for Consent to Sever File No. B12-22. She had participated as representative for the Manitoulin Planning Board and the Municipality of Assiginack. The OLT is to provide a Decision in 'due course'.

R. Brown, Board Member, had participated in the Hearing and stated that in his opinion the gentleman conducting the Hearing did a great job and that the OLT will need to review the Aggregate Resources Act before providing their Decision.

c) New Photocopier Price Quotes

In accordance with the Tender/Quotation requirements of the Procurement By-law, the Board were provided with a cost comparison of four Companies (Xerox, Canon, Sharpe and Konica) for a new photocopier over a five year term. In consideration of the comparison and not much difference between them and the resulting discussion, the following motion resulted:

MOTION

It was moved by R. Stephens and seconded by R. Brown that the Manitoulin Planning Board proceed with purchasing a new photocopier from Canon at the cost of \$5447.63 plus the HST.
- Carried Unanimously.

d) Municipal (Interim) Requisitions 2023

The Secretary-Treasurer informed the Board that all interim municipal requisitions have been received with the exception of Central Manitoulin and Cockburn Island.

e) Ontario Association of Committee of Adjustments Conference - Niagara Falls, Ontario - June 4 to 8, 2023

f) Ontario Association of Committee of Adjustments Conference - Toronto, Ontario - October 10 to 13, 2023

The Secretary Treasurer informed the Board that there are two Conferences by the Ontario Association of Committee of Adjustments and Consent Granting Authorities (OACA) coming up in 2023. One in Niagara Falls from June 4 to 8, 2023 and the 2nd one in Toronto, from October 10 to 13, 2023. She also informed the Board that the Ontario Ministry of Municipal Affairs and Housing (MMAH) is discussing having a Workshop in Sudbury in September 2023. She requested support from the Board for the costs to be included in the 2023 Budget for her to attend both Conferences and the Workshop.

Board Minutes
February 28, 2023 - Continued

5. GENERAL, REGULAR AND NEW BUSINESS - f) and g) - Continued

Discussion resulted in the following motion:

MOTION

It was moved by R. Brown and seconded by B. Barker that the costs for the Secretary-Treasurer to attend two OACA Conferences as well as the costs for two staff members to attend the MMAH Workshop in Sudbury in September 2023 if there is one, be included in the 2023 Budget.

- Carried Unanimously.

g) Provincial Appointments to the Manitoulin Planning Board

The Secretary-Treasurer advised the Board that the Ontario Ministry of Municipal Affairs and Housing (MMAH) had advertised for two Provincial Appointments to the Manitoulin Planning Board and had extended the registration deadline until February 24th, 2023. MMAH is reviewing a few submissions and will advise if/when new members, for the Unincorporated Townships of Robinson and Dawson, will be appointed.

6. BUDGET (2022-2023) REVIEW

The Secretary-Treasurer reported that the Budget Committee, consisting of K. Noland, B. Barker, and R. Stephens, met electronically on Friday, February 24th, 2023 to discuss the Draft Comparison of Revenue and Expenditures 2019 to 2022 and the Draft 2023 Budget including payroll burden, during a Special Meeting. They also discussed the Disposition of Surplus Revenue from 2022.

The Draft Comparison of Revenue and Expenditures 2019 to 2022 and the Draft 2023 Budget were provided to all Board Members, with their Board Agenda.

The Board Members were also provided with the Minutes of the electronic Budget Committee Special Meeting of February 24th, 2023 and the Committee's recommendations, prior to the Regular Meeting of the Planning Board.

J. Diebolt, staff member, presented the Draft 2023 budget to the Board.

All questions and resulting discussion having been dealt with, the following motions resulted:

MOTION

It was moved by B. Barker and seconded by R. Brown that the Minutes of the Budget Committee Special Meeting held on February 24th, 2023 be adopted as presented,

- Carried Unanimously.

MOTION

It was moved by R. Stephens and seconded by K. Noland that in consideration of the recommendation from the Budget Committee that a portion of the surplus be used to limit the increase for 2023 Municipal requisitions to two percent (2%) and to purchase a new photocopier and to obtain an investment for the remaining 2022 surplus amount,

- Carried Unanimously.

MOTION

It was moved by R. Stephens and seconded by B. Barker that the Manitoulin Planning Board approve the Budget for 2023 in the amount of \$220,246.00, as presented by J. Diebolt ,

- Carried Unanimously.

Mr. Diebolt, advised that the Draft Financial Statements prepared by KPMG had been received on February 28th, 2023.

MOTION

It was moved by R. Stephens and seconded by K. Noland that the Draft 2023 Financial Statements, prepared by KPMG, be considered at the next Regular Meeting of Planning Board.

Board Minutes
February 28, 2023 - Continued

7. CLOSED SESSION - to review In Camera Minutes of January 31st, 2023

The Chair requested the Board to go In Camera to review the Minutes of the In Camera Session held on January 31st, 2023.

MOTION

It was moved by R. Stephens and seconded by R. Brown that the Board go In Camera at 8:42 p.m. to review the Minutes of the In Camera Session held on January 31st, 2023,
- Carried Unanimously.

The Board Members were provided with a copy of the Minutes from the Closed in Camera Session, held on January 31st, 2023.

A motion resulted during the In-Camera session.

MOTION

It was moved by D. McDowell and seconded by R. Stephens that the Board rise from the In Camera session at 8:49 p.m.,
- Carried Unanimously.

8. ELECTRONIC MEETINGS

Richard Stephens, Board Member, explained that the Municipality of Central Manitoulin has been conducting all their Meetings electronically rather than in-person, and that it is working well. He asked the Board to consider having the Planning Board Meetings electronically rather than in-person.

Discussion among the Board Members included Pros and Cons which included:

- electronic meetings could be time saving and cost saving;
- convenient; less traveling time;
- Personal preferences;
- audience is generally larger at electronic meetings;
- discussion during electronic meeting are not the same as an in-person meetings;
- don't seem to get the same reaction from the Board Members at an electronic meeting;
- connections can be problematic resulting in losing Board Members and members of the public;
- some times there are back ground interruptions;
- face to face is better;
- some members do not have or cannot have video capability;
- some members do not have a good internet connection.

The consensus of the Board was to table this topic until the next Board Meeting is allow input from the other four (4) Board Members that were not present.

Board Minutes
February 28, 2023 - Continued

Application File No: B04-23 No. of Members Present: 6
Date of Decision: February 28, 2023
Location of Property: Part Lot 52, Conc. 2 Surveyed as Part 1, Plan 31R-4030 and Part Lot 53, Conc. 2, Surveyed as Parts 6, 7 and 10, Plan 31R-2223, Township of Assiginack, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mac Sinclair on behalf of Clayton Stere is to provide for a lot addition having an irregular width of ± 167.8 M. and an average length of ± 215.7 M. and an area of ± 2.8 Hec. This addition consists of Part 6 and Pt. of Parts 7 and 10, Plan 31R-2223. This addition is to be added to a ± 0.4 Hec. shoreline lot located at #148 Heron Trail, containing a seasonal dwelling, having a frontage on Lake Manitou of ± 103.5 M. and an average depth of ± 56.3 M. This lot addition will result in a new lot containing the seasonal dwelling, having a frontage of ± 103.5 M. on Lake Manitou and an irregular depth of ± 302 M., thereby having an total area of ± 3.2 Hec. This new lot will be subject to right-of-way over Part 10, Plan 31R-2223 and together with right-of-way over Part 8, Plan 31R-2223 to Holiday Haven, a maintained municipal road.

There is a simultaneous application for Consent to Sever, File No. B05-23, that proposes a 2nd lot addition of ± 1.6 Hec. which is to be added to an abutting ± 39 Hec. lot.

The land to be retained, surveyed as Part 1, Plan 31R-4030 will have frontages of ± 54.8 M. on Lake Manitou and ± 167.3 M. on the unopened road allowance between Concessions 2 and 3, and an irregular depth, thereby containing ± 2.1 Hec. This land will be together with right-of-way over Parts 8 and Part 10, on Plan 31R-2223 to Holiday Haven Road, a maintained municipal road. There are no structures on this land.

There have been 8 previous applications for Consent involving Lots 52 and 53, Conc. 2.

File No. B41-83 created a new lot surveyed as Part 1, Plan 31R-1339 together with (T/W) Right-of-Way (ROW) over Part 1, Plan 31R-258;

File No. B22-88 provided for a lot addition of Part 2, Plan 31R-1770 which was added to Part 1, Plan 31R-1770;

File No. B42-88 provided for a lot addition of Part 1, Plan 31R-1821 which was added to Part 1, Plan 31R-1770;

File No. B144-90 created a new lot surveyed as Parts 2, 3, 4, 5 and 8, Plan 31R-2223; the retained land of that application consists of Parts 1, 6, 7, and 10, Plan 31R-2223 T/W ROW over Part 1, Plan 31R-2223;

File No. B35-05 provided for a lot addition of Part 1, Plan 31R-3336 which was added to Part 1, Plan 31R-1339;

File No. B42-04 provided for a lot addition of Part 5, Plan 3R-2223 which was added to Parts 1, 2, 3, & 4, Plan 31R-194;

File No. B11-10 provided for a lot addition of Part 1, Plan 31R-3281 which was added to Parts 1 & 2, Plan 31R-1770 and Part 1, Plan 31R-1821; and

File No. B40-15 provided for a lot addition of Part 1, Plan 31R-4030 to Parts 6, 7, & 10, Plan 31R-2223.

The land resulting from File No. B40-15 is the land subject to the current application File No. B04-23 and the simultaneous application File No. B05-23.

There is a hydro line traversing the subject land. A request for comments was sent to Hydro One as part of the review and they provided the following comments, via email:

1. *Hydro does have an unregistered easement;*
2. *No new easement is required;*
3. *Hydro One owns the poles;*
4. *Hydro One has no concerns or any conditions.'*

Access is via an existing private right-of-way, surveyed as Parts 8 and 10, Plan 31R-2223, known as Heron Trail. The applicant owns the ± 6.0 metre (10 ft.) wide right-of-way, surveyed as Part 10, Plan 31R-2223. During discussion with the applicant, Mr. Stere, it was explained that in good planning, the right-of-way may be required to be surveyed to be 20 metres in width. Mr. Stere was in agreement to the increased width of the right-of-way, if required.

Board Minutes
February 28, 2023 - Continued

Application File No. B04-23 - continued
February 28, 2023

The subject land has been designated as Shoreline Area and Rural Area and zoned Shoreline Residential (SR) and Rural (R). According to the application seasonal residential uses are proposed to continue.

The Public Health Sudbury and District advised they have no concerns and that it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system. There are no new services required as a result of this application for lot addition.

There is an unevaluated wetland identified along the easterly boundary of the lot addition lands.

Official Plan Policy D.4.2 UNEVALUATED WETLANDS (Uws) states in part:

' The following policies apply to Unevaluated Wetlands:

2. *The boundaries of UWs will be defined based on information from the Province, which may be amended from time to time. Where new information becomes available, the Planning Board will review and update the policies related to unidentified wetlands as part of any subsequent review to this Official Plan.*
3. *Development and site alteration will not be permitted within a UW. Development or site alteration may be permitted on land adjacent to a UW, provided the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological and/or hydrologic functions that cannot be adequately mitigated. '*

Due to the size of the resulting lot, the location of the existing seasonal dwelling, and building sites outside the areas of influence should the land owners wish to proceed with a building permit, the subject land does not appear to have any natural heritage features or species at risk concerns.

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

Official Plan Policy D.9.3 WILDLAND FIRE HAZARDS states in part:

' There are lands that may be subject to wildland fire hazards due to proximity to hazardous forest types. Development of such areas may be considered provided that the existing or potential risks are mitigated in accordance with the Wildland Fire Guidelines.

The following policies apply to lands that may be susceptible to Wildland Fire Hazards:

1. *Development will generally be directed to areas outside of lands that may be susceptible to wildland fire hazards, as identified by the Province, due to the presence of hazardous forest types. However, development may be permitted where the risk is mitigated in accordance with wildland fire assessment and mitigation standards as identified by the Province.'*

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.'

Satellite imagery (2021) identifies the areas of tree cover within the retained land. The forest type appears to be deciduous not dense conifer. It appears there would be building envelopes outside the area of influence for the subject land that would conform to the Official Plan and the Natural Heritage Policies of the Provincial Policy Statement (PPS) 2020.

Mr. Stere, land owner, advised that he does not wish to do any construction at this time. He was advised 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 may be required to be submitted to the Municipality at the time of any construction/building permits.

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

Board Minutes
February 28, 2023 - Continued

Application File No. B04-23 - continued
February 28, 2023

The application was circulated on February 13th, 2023 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.

Application File No. B04-23 - continued
February 28, 2023

The Municipality recommend Consent to Sever be granted with no specific conditions and advised by Resolution No; 039-04-2023:

' BE IT RESOLVED THAT we inform the Manitoulin Planning Board that we have no objection to Consent to Sever Applications B04 and B05-23, as they are lot additions and not creating new lots.'

Mary McCartney, Bell Canada, advised via email on November 7th, 2022 that Bell Canada does not have any comments or concerns regarding this application.

A written request for a copy of the Decision of Planning Board, was received on February 24th, 2023 from J. Clark, landowner of Lot 19, Conc. III. There were no other inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

K. Noland, Board Member, asked how the Municipality and the Building Official are made aware of the potential building restrictions and how they can be satisfied that any construction is outside the potential wetland and the wildland fire hazard.

The Secretary-treasure reported that a copy of the Decision of Planning Board is sent to the Municipality and to the land owner and that this information should be made available to the Building Official.

Discussion of the Board resulted in the agreement that in good planning the right-of-way should be surveyed to be 20.1 metres (66 feet) in width.

Mr. Stere, land owner, and Mr. Fraser, the recipient of the lot addition, were both in attendance during consideration of the application. There was no one else in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

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

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) and right-of-way, given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form and state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) and the right-of-way (currently Part 10, Plan 31R-2223) having a minimum width of 20.1 metres, to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands at the time of registration of the Transfer, and a copy of the resulting Transfer, and the new resulting Property Identification Number (PIN) will be provided to the Manitoulin Planning Board;
- iii) a written confirmation from the municipality that the access/right-of-way is travelable by emergency vehicles to the maintained municipal road, 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.

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Application File No. B04-23 - continued
February 28, 2023

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

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (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 is outside the area of influence, i.e. wetland, wildland fire hazard

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Application File No: B05-23 No. of Members Present: 6
Date of Decision: February 28, 2023
Location of Property: Part Lot 52, Conc. 2 Surveyed as Part 1, Plan 31R-4030 and Part Lot 53, Conc. 2, Surveyed as Parts 6, 7 and 10, Plan 31R-2223, Township of Assiginack, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Clayton Stere is to provide for a vacant lot addition having an irregular width of ± 273.1 M. and an irregular length of ± 194.4 M. and an area of ± 1.6 Hec. This addition consists of Pt. of Parts 7 and 10, Plan 31R-2223. This addition is to be added to an abutting vacant lot, being Lot 52, Conc. 2, excepting Part 1, Plan 31R-4030 and including the road allowance between Lots 51 and 52, Conc. 2, having frontages of ± 416 M. on Holiday Haven Road, a maintained municipal road, and ± 251.0 M. on the unopened road allowance between Concessions 2 and 3, and an average depth of $\pm 1,012$ M., thereby containing an area of ± 39 Hec. This lot addition will result in a new vacant lot having a frontage of ± 416 M. on Holiday Haven Road, and an average width of ± 431 M., and containing a total area of ± 40.6 Hec. The resulting new lot will be subject to right-of-way over Part 10, Plan 31R-2223 and together with right-of-way over Part 10 and Part 8, Plan 31R-2223 to Holiday Haven, a maintained municipal road.

There is a simultaneous application for Consent to Sever, File No. B04-23, that proposes a 2nd lot addition of ± 2.8 Hec. which is to be added to an abutting ± 0.4 Hec. Shoreline lot, located at #148 Heron Trail.

The land to be retained, surveyed as Part 1, Plan 31R-4030 will have frontages of ± 54.8 M. on Lake Manitou and ± 167.3 M. on the unopened road allowance between Concessions 2 and 3, and an irregular depth, thereby containing ± 2.1 Hec. This land will be together with right-of-way over Parts 8 and Part 10, on Plan 31R-2223 to Holiday Haven Road, a maintained municipal road. There are no structures on this land.

There have been 8 previous applications for Consent involving Lots 52 and 53, Conc. 2.

File No. B41-83 created and new lot surveyed as Part 1, Plan 31R-1339 together with (T/W) Right-of-Way (ROW) over Part 1, Plan 31R-258;
File No. B22-88 provided for a lot addition of Part 2, Plan 31R-1770 which was added to Part 1, Plan 31R-1770;
File No. B42-88 provided for a lot addition of Part 1, Plan 31R-1821 which was added to Part 1, Plan 31R-1770;
File No. B144-90 created a new lot surveyed as Parts 2, 3, 4, 5 and 8, Plan 31R-2223; the retained land of that application consists of Parts 1, 6, 7, and 10, Plan 31R-2223 T/W ROW over Part 1, Plan 31R-2223;
File No. B35-05 provided for a lot addition of Part 1, Plan 31R-3336 which was added to Part 1, Plan 31R-1339;
File No. B42-04 provided for a lot addition of Part 5, Plan 3R-2223 which was added to Parts 1, 2, 3, & 4, Plan 31R-194;
File No. B11-10 provided for a lot addition of Part 1, Plan 31R-3281 which was added to Parts 1 & 2, Plan 31R-1770 and Part 1, Plan 31R-1821; and
File No. B40-15 provided for a lot addition of Part 1, Plan 31R-4030 to Parts 6, 7, & 10, Plan 31R-2223.

The land resulting from File No. B40-15 is the land subject to the current application File No. B05-23 and the simultaneous application File No. B04-23. The retained land of File No. B40-15 is the land benefiting from the lot addition.

According to information the Planning Board has Mr. and Mrs. Hellyer, the recipients of the lot addition, also own a shoreline lot, located at #168 Heron Trail and that abutting properties will merge together into one larger parcel of land under the Planning Act. Mr. Sinclair, agent for the application, was advised that the shoreline lot may merge with the lot addition lands.

There is a hydro line traversing the subject land. A request for comments was sent to Hydro One as part of the review and they provided the following comments, via email:

1. *Hydro does have an unregistered easement;*
2. *No new easement is required;*
3. *Hydro One owns the poles;*
4. *Hydro One has no concerns or any conditions.'*

Access is via an existing private right-of-way, surveyed as Parts 8 and 10, Plan 31R-2223, known as Heron Trail. The applicant owns the ± 6.0 metre (10 ft.) wide right-of-way, surveyed as Part 10, Plan 31R-2223. During discussion with the applicant, Mr. Stere, it was explained that in good planning, the right-of-way may be required to be surveyed to be 20.1 metres (66 feet) in width. Mr. Stere was in agreement to the increased width of the right-of-way, if required.

Board Minutes
February 28, 2023 - Continued

Application File No. B05-23 - continued
February 28, 2023

The subject land has been designated as Shoreline Area and Rural Area and zoned Shoreline Residential (SR) and Rural (R). According to the application no building permits will be required at this time.

The Public Health Sudbury and District advised they have no concerns and that it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system. There are no new services required as a result of this application for lot addition.

There is an unevaluated wetland identified along the easterly boundary of the lot addition lands.

Official Plan Policy D.4.2 UNEVALUATED WETLANDS (Uws) states in part:

' The following policies apply to Unevaluated Wetlands:

2. *The boundaries of UWs will be defined based on information from the Province, which may be amended from time to time. Where new information becomes available, the Planning Board will review and update the policies related to unidentified wetlands as part of any subsequent review to this Official Plan.*
3. *Development and site alteration will not be permitted within a UW. Development or site alteration may be permitted on land adjacent to a UW, provided the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological and/or hydrologic functions that cannot be adequately mitigated. '*

Due to the size of the resulting lot and building sites outside the area of influence should the land owners wish to proceed with a building permit, the subject land does not appear to have any natural heritage features or species at risk concerns.

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

Official Plan Policy D.9.3 WILDLAND FIRE HAZARDS states in part:

' There are lands that may be subject to wildland fire hazards due to proximity to hazardous forest types. Development of such areas may be considered provided that the existing or potential risks are mitigated in accordance with the Wildland Fire Guidelines.

The following policies apply to lands that may be susceptible to Wildland Fire Hazards:

1. *Development will generally be directed to areas outside of lands that may be susceptible to wildland fire hazards, as identified by the Province, due to the presence of hazardous forest types. However, development may be permitted where the risk is mitigated in accordance with wildland fire assessment and mitigation standards as identified by the Province.'*

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.'

Satellite imagery (2021) identifies the areas of tree cover within the retained land. The forest type appears to be deciduous not dense conifer. It appears there would be building envelopes outside the area of influence for the subject land that would conform to the Official Plan and the Natural Heritage Policies of the Provincial Policy Statement 2020.

Mr. Stere, the land owner has advised that he does not wish to do any construction at this time. He was advised 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 may be required to be submitted to the Municipality at the time of any construction/building permits.

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

A copy of land transfer/deed No. MD26871, registered on December 15th, 2022 was provided to the Planning Board. The (±39 Hec.) parcel of land receiving the lot addition has changed ownership from Mr. and Mrs. Hellyer to Mr. Hellyer.

Board Minutes
February 28, 2023 - Continued

Application File No. B05-23 - continued
February 28, 2023

The application was circulated on February 13th, 2023 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 recommend Consent to Sever be granted with no specific conditions and advised by Resolution No; 039-04-2023:

' BE IT RESOLVED THAT we inform the Manitoulin Planning Board that we have no objection to Consent to Sever Applications B04 and B05-23, as they are lot additions and not creating new lots.'

Mary McCartney, Bell Canada, advised via email on November 7th, 2022 that Bell Canada does not have any comments or concerns regarding this application.

A written request for a copy of the Decision of Planning Board, was received on February 24th, 2023 from J. Clark, landowner of Lot 19, Conc. III. There were no other inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

K. Noland, Board Member, asked how the Municipality and the Building Official are made aware of the potential building restrictions and how they can be satisfied that any construction is outside the potential wetland and the wildland fire hazard.

The Secretary-Treasurer reported that a copy of the Decision of Planning Board is sent to the Municipality and to the land owner and that this information should be made available to the Building Official.

Discussion of the Board resulted in the agreement that in good planning the right-of-way should be surveyed to be 20.1 metres (66 feet) in width.

Mr. Stere, land owner, was in attendance during consideration of the application. There was no one else in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

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

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) and right-of-way, given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form and state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) and the right-of-way (Part 10, Plan 31R-2223) having a minimum width of 20.1 metres (66 feet), to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands at the time of registration of the Transfer, and a copy of the resulting Transfer, and the new resulting Property Identification Number (PIN) will be provided to the Manitoulin Planning Board;
- iii) a written confirmation from the municipality, that the right-of-way is travelable to the maintained municipal road 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.

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Application File No. B05-23 - continued
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Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (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 is outside the area of influence, i.e. wetland, wildland fire hazard

Note: File No. B04-23 is required to be completed before File No. B05-23 to avoid a non-consolidation of an abutting parcel of land.

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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. B01-23 | K. Noland | R. Brown |
| | * That this application be deferred - Carried. | |
| 2. B04-23 | R. Stephens | K. Noland |
| 3. B05-23 | D. McDowell | R. Stephens |

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

*The above motion applies to all applications excepting B01-23.

The time now being 8:50 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by D. McDowell.

L. HAYDEN, CHAIR



T.A. CARLISLE,
SECRETARY-TREASURER