



MANITOULIN PLANNING BOARD

40 WATER STREET - UNIT 1 - P.O. BOX 240 - GORE BAY - ONTARIO - P0P 1H0

☎ 705-282-2237 ☒ 705-282-3142

July 26, 2023

MINUTES OF PLANNING BOARD MEETING - July 25, 2023

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, July 25th, 2023 the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|--------------|
| 1. | L. Hayden | 4. | B. Barker |
| 2. | D. Osborne | 5. | T. Mackinlay |
| 3. | D. McDowell | 6. | D. Head |

Regrets: R. Stephens, J. DeForge, K. Noland, R. Brown

Also in attendance for the meeting were:

- B. Hotte and F. Huckriede, for File No. B14-23; and
- A. Lane, for File No.'s. B16-23 & B17-23

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

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

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting held on June 27th, 2023.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

The Secretary-Treasurer requested an addition to the agenda, under 5. c) - Natural Heritage System Strategy (NHSS)

MOTION

It was moved by D. McDowell and seconded by D. Osborne that the Order of Business be adopted, as amended, with the addition under 5. c) - Natural Heritage System Strategy (NHSS)
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - June 27th, 2023

The Chair announced that the Minutes of the Board Meeting held on June 27th, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated.

Board Member, T. Mackinlay stated that he had called the Planning Board Office and spoke to J. Diebolt to clarify that the 2021 imagery was aerial photography not satellite imagery. There was an error in the Decision of Planning Board for Consent to Sever File No. B11-23

MOTION

It was moved by T. Mackinlay and seconded by D. Head that the Minutes be adopted, with acknowledgment of the error,
- Carried.

BUSINESS ARISING FROM MINUTES OF THE PREVIOUS BOARD MEETING - June 27, 2023

There was none.

Board Minutes
July 25, 2023 - Continued

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by B. Barker and seconded by D. McDowell 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 recorded in the usual fashion toward the end of the Minutes.

5. GENERAL, REGULAR AND NEW BUSINESS

a) Provincial Appointments to the Manitoulin Planning Board

The Secretary-Treasurer informed the Board that she had no new information to report. There has been no announcement of the (new) Planning Board representatives for Robinson and Dawson Townships from MMAH.

b) Cockburn Island Representative for the Planning Board

For Information, the Secretary-Treasurer advised that the Clerk for Cockburn Island, Brent St. Denis, informed her that Council will be appointing a new Planning Board Member, likely in September.

R. Brown will remain as the representative for Cockburn Island until a new Board Member has been appointed by their Council, as per Section 9 of the Planning Act.

c) Natural Heritage System Strategy (NHSS)

The Secretary-Treasurer reported that Arielle Zamdvaiz, Planner for the Ontario Ministry of Municipal Affairs and Housing (MMAH), had called the Planning Board Office on July 25th, 2023 with some recommendations for the (draft) NHSS. She advised that the recommendations would not be provided in writing (only verbal) as instructed by the Minister of MMAH.

Staff Members T. Carlisle and J. Diebolt will be discussing the recommendations and reviewing their notes from the telephone call and hope to provide a report to the Planning Board Members at the next Regular Board Meeting on Tuesday, August 22nd, 2023.

Further discussion will be had at that meeting to determine the 'next steps' that the Planning Board may consider.

Board Minutes
July 25, 2023 - Continued

Application File No's.: B12-23 and B13-23 No. of Members Present: 6
Date of Decision: [June 27, 2023 - Deferred] July 25, 2023
Location of Property: Part Lots 16 and 17, Conc. A, Being Lot 62, Subdivision Plan S-143,
Township of Allan, Municipality of Billings and Allan East,
District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Hugh McLaughlin on behalf of Barry and Mary Hunter is to provide for the creation of two (2) new lots for seasonal residential uses.

File No. B12-23 proposes to create a new lot, located at #451 Maple Point Road, having frontages of ± 62.2 M. on Maple Point Road and ± 98.9 M. on Dodge Road, both maintained municipal roads, and an average depth of ± 64.7 M., thereby containing an area of ± 0.7 Hec.

File No. B13-23 proposes to create a new lot having a frontage of ± 62.2 M. on Maple Point Road, a maintained municipal road, and an average depth of ± 64.7 M., thereby containing an area of ± 0.7 Hec.

The retained land has a frontage of ± 62.2 M. on Maple Point Road, a maintained municipal road, and an average depth of ± 64.7 M., thereby containing an area of ± 0.7 Hec.

There are no structures within the subject land. According to the application, seasonal residential uses are proposed.

The subject land, being Lot 62 on Subdivision Plan S-143, was approved by the Ontario Ministry of Housing in 1972, by File No. 51T-22279. By By-law No. 72-10 'cottage development' was approved for the subdivision lots. By Municipal Resolution in August 1980, Lot 62 was put into a Commercial Recreational (CR) Zone.

The Municipality of Billings and Allan East have recently passed a new Municipal Zoning By-law, No. 2022-57, on October 05, 2022, and have put Lot 62 into a Shoreline Residential (SR) Zone. Section 7.0 - Shoreline Residential Zone permits a seasonal dwelling if the lot fronts on a seasonally maintained road and a single family detached dwelling if the lot fronts on a maintained year round road.

The Official Plan designation is Shoreline Area.

Access is via Maple Point Road, a maintained municipal road.

Services will consist of private wells and private individual sewage disposal systems. The Public Health Sudbury and District have advised they have no concerns as it appears that the severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

There is a hydro line traversing the subject land and Hydro One was circulated as part of the preliminary review. Tyler King, Algoma Operations Centre, advised via email on April 14th, 2023 that they have no concerns and that:

- i) *Hydro One does not have an unregistered easement;*
- ii) *Hydro One does not require an easement;*
- iii) *Hydro One does not own the poles;*

There is an Aggregate Site, License No. 615901, within Lot 16, Conc. A, south west of the subject land. There is a small portion at the very south west corner of the proposed two new lots that falls within the 300 metre buffer of the aggregate site.

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

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

Board Minutes
July 25, 2023 - Continued

Application File No's. B12-23 and B13-23 - continued
June 27, 2023

The Official Plan under Policy D.8.2 MINERAL AGGREGATE RESOURCES states:

- ' 2. *Development proposals in close proximity to licenced aggregate extraction areas will be evaluated in terms of potential incompatibilities and addressed accordingly in consultation with the Province. Pertinent information regarding surface and groundwater, dust, vibration, noise, traffic routes in connection with the licenced aggregate extraction area, and buffering will be considered to ascertain the effect these existing factors will have on the proposed new development. Residential and institutional development within 300 metres of mineral aggregate resource areas and licenced pits will generally not be permitted. Proposed residential or institutional development within these areas will be supported by studies that demonstrate that any land use conflicts will be fully mitigated.'*

From information available there would appear to be building envelopes, to the east of the 300 metre buffer for the proposed two new lots, that would be outside the area of influence.

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

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

The application was circulated on June 9th, 2023 to the Municipality of Billings and Allan East, Bell Canada, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Mary McCartney, Bell Canada advised via email on June 23rd, 2023 that Bell Canada does not have any comments or concerns regarding the application.

The Clerk for the Municipality advised that the Municipal Council have not reviewed the application and do not meet until July 4th, 2023. A request was made for her to return the Application questionnaire for the Planning Board's consideration. The questionnaire was returned with a recommendation that an entrance permit be required at the time of development.

In response to a request for clarification, Emily Dance, Clerk for the Municipality of Billings and Allan East, advised via email on June 20th, 2023 that a By-law Amendment would be required to permit a seasonal dwelling on a year round maintained road.

Mr. McLaughlin, agent for the application, advised via email on June 27th, 2023 that the application is to be changed and the new lots will be created for year round residential uses.

There was a telephone inquiry received from the landowner to the south east, #440 Maple Point Road, requesting further explanation of the application. There were no written concerns or comments received.

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.

Bryan Barker, Board Member representing the Municipality of Billings and Allan East, spoke to the application. He confirmed that if seasonal residential uses are proposed on a (year round) maintained municipal road, that an amendment would be required and that the Municipal Council had not yet reviewed the application.

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

Board Minutes
July 25, 2023 - Continued

Application File No's. B12-23 and B13-23 - continued
June 27, 2023

During consideration of the application and the information presented and Mr. Barker's comments, a motion was moved, duly seconded and carried that this application be deferred in order to provide the Municipality of Billings and Allan East additional time to review the application and provided their comments.

July 25, 2023

The Municipality of Billings advised on July 5th, 2023, by Resolution No: 2023-329:

' THAT the Township of Billings Council hereby approves Report BP-2023-07-07 AND recommends approval to the Manitoulin Planning Board for consent to sever for B12-23 and B13-23 being Part Lot 16 and Part Lot 17, Concession A (451 Maple Point). '

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

During consideration of the application, proof of potable water was discussed. The Secretary-Treasurer advised that year round residential uses are proposed and proof of potable water could/would be addressed at the building permit stage. However seasonal residential uses would be permitted by approved amendment to the Municipal Zoning By-law.

Consent is tentatively granted subject to the following conditions:

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

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

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number of its deposit therein, which illustrates the parcel(s), to which the consent approval relates;
- ii) a written confirmation from the Municipality that entrance permits have been or can be issued for the severed and the retained land, satisfactory to the Municipality;
- iii) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- iv) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

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

Note: Owner(s) of the subject land should be made aware that building permit restrictions apply, i.e. Aggregate Site, single detached dwelling(s), proof of potable water

Board Minutes
July 25, 2023 - Continued

Application File No.: B14-23 No. of Members Present: 6
Date of Decision: [June 27, 2023 -Deferred] July 25, 2023
Location of Property: Lot 11, Conc. IV, Township of Allan, Municipality of Billings and Allan East, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Brenda Hotte is to provide for the creation of a new lot having frontages of ±230 M. on Lake Kagawong and ±156 M. on Foxtower Road, a partly maintained municipal road, and an irregular depth of ±147.0 M., thereby containing an area of ±1.1 Hec. There are no structures on this land. Residential uses are proposed.

The land to be retained, has frontages of ±563.3 M. on Lake Kagawong and ±477.0 M. on Foxtower Road, a maintained municipal road, and an average depth of ±258.5 M., thereby containing an area of ±15.6 Hec. The applicant's dwelling and storage building are located within this land. Residential uses are proposed to continue.

The application was circulated on April 25th, 2023 to the United Chiefs and Councils of Mniidoo Mnising (UCCMM) and to the Wiikwemkoong Unceded Territory as per Official Plan Policy F.5 - Consultation and Engagement.

Saul Bomberry, UCCMM, advised via email on May 25th, 2023 that the UCCMM have no comments to submit at this time.

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

Access is via an existing entrance, #69 Foxtower Road, a maintained municipal road. A new entrance will be required from Foxtower Road for the proposed severed land.

The subject land has been designated Rural Area and zoned Rural (RU). Residential uses are proposed to continue.

The Municipality of Billings and Allan East have recently passed a new Municipal Zoning By-law, No. 2022-57, on October 05, 2022. Section 14.0 - Rural (RU) Zone permits a seasonal dwelling and a single family detached dwelling.

There is a hydro line identified to the north of the subject land, along Foxtower Road. A request for comments was sent to Hydro One as part of the review to address any potential concerns with Hydro hook-up. Stephen Salt, Supervising Distribution Engineering Technician advised, via email on May 25th, 2023, that Hydro One has no concerns with Hydro connections.

Services consist of private individual septic system and private well for the retained land. According to the application services are proposed to be by private individual septic system and private well when required.

The Public Health Unit have advised 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.

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.

From information available there are two unevaluated wetlands identified within the proposed severed land.

Board Minutes
July 25, 2023 - Continued

Application File No. B14-23 - continued
June 27, 2023

Official Plan Policy under Section D.4.2 - Unevaluated Wetlands (UW) states:

- ‘ 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. For the purposes of this policy, the extent of adjacent land will be defined as 120 metres. An EIS may be required for all development proposals within 120 metres or abutting areas identified as being a UW. Prior to considering development and/or site alteration, the Planning Board, in consultation with the Province, will be satisfied that an EIS demonstrates that there will be no negative impacts on the UW and the sustaining ecological and/or hydrologic functions.*
4. *The Planning Board may request that a Wetland Evaluation be prepared for any development or site alteration adjacent to a UW in accordance with the Province’s Natural Heritage Reference Manual’.*

Due to the size of the proposed lot (±1.1 Hec.) and from aerial imagery available (from 2021) identifying areas of heavy tree cover and low lying area(s), there appears to be sufficient land to provide building envelopes, site alteration, tree removal, and/or access routes, etc. with appropriate separation distances outside the area of influence that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2020.

From information available there is a Species at Risk Habitat identified within the proposed severed land.

Official Plan Policy under Section D.4.3 - Habitat of Endangered or Threatened Species states:

3. *The Province is the responsible authority to approve the delineation of habitat of endangered and/or threatened species identified by an ecological site assessment or as part of an environmental impact study.*
4. *Development and site alteration will only be permitted in Habitat of Endangered or Threatened Species subject to the authorization under the Endangered Species Act.’*

The Provincial Policy Statement (PPS) 2020 states under Section 2.1.7:

‘Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.’

The Ministry of the Environment, Conservation and Parks (MECP) was contacted, as part of the preliminary review, for their comments on the development proposal. In summary, by email received on April 6th, 2023 they advised that the severance itself does not contravene the Endangered Species Act, 2007 (ESA) and there are no requirements under the ESA to undertake a Species at Risk (SAR) site assessment and any review of potential development for ESA compliance should be done before the time of any development, i.e. building permits.

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

This application was circulated on June 9th, 2023 to the Municipality of Billings and Allan East, Bell Canada, and to all property owners within 60 metres, and by the posting of a notice clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Board Minutes
July 25, 2023 - Continued

Application File No. B14-23 - continued
June 27, 2023

Bell Canada advised via email on June 20th, 2023 that they have no comments or concerns regarding the application.

There was a telephone inquiry received from Mr. and Mrs. Orford, surrounding landowners requesting further explanation of the application. There were no written concerns or comments received.

The Clerk for the Municipality advised that the Municipal Council have not reviewed the application and do not meet until July 4th, 2023. A request was made for her to return the Application questionnaire for the Planning Board's consideration. The questionnaire was returned supporting the application with a recommendation that an entrance permit is required prior to development.

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

Bryan Barker, Board Member representing the Municipality of Billings and Allan East, spoke to the application and confirmed that the Municipal Council had not yet reviewed the application.

During consideration of the application and the information presented and Mr. Barker's comments, a motion was moved, duly seconded and carried that this application be deferred in order to provide the Municipality of Billings and Allan East additional time to review the application and provide their comments.

July 25, 2023

The Municipality advised by Resolution No. 2023-330:

'THAT the Township of Billings Council hereby approves BP-2023-08 AND recommends approval to the Manitoulin Planning Board for consent to sever for B14-23 being Lot 11, Concession IV (69 Foxtower Road)..... Carried.'

During consideration of the application, the Board had questions regarding a building site outside the Endangered Species Habitat and the Unevaluated Wetland (UW); and if a driveway could be built within the areas of concern; if the barn located within Lot 12, Conc. V was a concern; if year round or seasonal residential uses are proposed; and if the applicant had decided on a building site (at the Lake or at the Road),.

The Secretary-Treasurer explained that a building envelope/site had been determined as shown on the application sketch that would be outside the area of the Endangered Species Habitat and the UW; that if a driveway was to be built in these areas that the Ministry of the Environment, Conservation & Parks (MECP) should be contacted as a permit would be required; that the barn located to the north was outside the minimum distance separation; and that Foxtower Road is a year round maintained municipal road and year round residential uses would be permitted but if seasonal residential uses are proposed an approved municipal By-law Amendment would be required.

Brenda Hotte, applicant, and her partner Frits Huckriede were in attendance during consideration of the application. Ms. Hotte advised that she is proposing to create a new lot to offer for sale and did not know where the proposed buyer may want to build a dwelling and that would be up to them.

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

Board Minutes
July 25, 2023 - Continued

Application File No. B14-23 - continued
July 25, 2023

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) written confirmation from the municipality that if any portion of the travelled road which is maintained by the municipality encroaches on the subject land, that that portion has been surveyed and conveyed to the municipality, satisfactory to the municipality;
- iii) a written confirmation from the Municipality that an entrance permit for the severed land can be or has been issued, 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 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: Owner(s) of the subject land should be made aware that building permit restrictions and authorizations under the Endangered Species Act may apply.

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

Board Minutes
July 25, 2023 - Continued

Application File No: B15-23 No. of Members Present: 6
Date of Decision: July 25, 2023
Location of Property: Lot 28, Conc. IX, Township of Dawson, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mark Wickett on behalf of his brother Michael Wickett is to provide for a lot addition having a frontage of ±100.6 M. on Mississauga Lighthouse Road, a maintained municipal road and a depth of ±1005 M., thereby containing an area of ±10.12 Hec, which contains a sugar shack. This addition is to be added to a parcel of land, owned by Mark Wickett, containing his dwelling and garage, consisting of Lot 29, Conc. VIII and Lot 29, Conc. IX, having frontages of ±256.3 M. and ±63.9 M. on the municipal road, (located at #471 Mississauga Lighthouse Road, and a depth of ±2,010 M., thereby having an total area of ±79.2 Hec. The resulting new ±89.3 Hec. lot will have frontages of ±256.3 M. and ±164.5 M. on Mississauga Lighthouse Road and a depth of ±2,010 M.

The land to be retained, consisting of Part of Lot 28, Conc. IX has a frontage of ±301.75 M. on Mississauga Lighthouse Road, a maintained municipal road, and an average depth of ±892.5 M. thereby containing an area of ±30.35 Hec. The applicant's dwelling and outhouse are located within this land.

There have been four (4) previous applications for Consent involving the subject lands.

File No. B21-85 created a new lot being Lot 30, Conc. IX and retained Lots 29 & 30, Conc. VIII and Lots 27 to 29, Conc. IX;

File No. B06-07 created a new lot being Lot 27, Conc. IX and retained Lots 29 & 30, Conc. VIII and Lots 28-30, Conc. IX;

File No. B07-07 created a new lot being Lot 28, Conc. IX (this is the land owned by Michael Wickett) and retained Lots 29 & 30, Conc. VIII and Lots 28-30, Conc. IX;

File No. B08-07 created a new lot being Lot 29, Conc. VIII and Lot 29, Conc. IX (this is the land owned by Mark Wickett) and retained Lot 30, Conc. VIII and Lots 27-30, Conc. IX.

Mark Wickett, the recipient of the lot addition was advised that the previous approval for Consent to Sever, File No. B08-07, would be required to be nullified in order for the lot addition land to merge/consolidate with his land, located at #471 Mississauga Lighthouse Road. He was also advised that a Zoning Conformity Permit Application is required to permit the existing structures to be located within his property, which were built without permit. Mark Wickett has submitted both of these applications.

Access is via existing driveways from Mississauga Lighthouse Road. Lot 29, Conc. IX is #471. A civic address/911 number has been requested for Lot 28, Conc. IX by Michael Wickett, which has not been assigned as of yet.

The subject land has been designated as Rural Area and zoned Rural (R) and Conservation (02). Rural residential uses are proposed to continue.

According to the Application there are no septic systems or wells within the subject lands. There are no new services required as a result of this application for lot addition.

There is an unevaluated wetland identified along the shore of Wickett Lake. No new development is proposed within 120 metres of the wetland. This proposal is considered to be in conformity with Policies of the Official Plan and the Provincial Policy Statement 2020.

The application was circulated on July 6th, 2023 to Bob Grover, Chair, Dawson Local Roads Board (LRB), 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.

Kiersten de Bokx, Bell Canada, advised via email on July 7th, 2023 that Bell Canada does not have any comments or concerns regarding this application.

The Dawson LRB recommend approval with no specific conditions.

P. McAlister, interested party, visited the Planning Board Office and requested 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 or the posting of the notice.

Board Minutes
July 25, 2023 - Continued

File No. B15-23
July 27, 2023 - Continued

During consideration of the application, the Board inquired who issues the 911/civic address number; if Zoning Conformity Permits have been issued for the two properties; if a boundary line survey would be sufficient if a full survey would be required; if Lot 28, Conc. IX had contained a school house at one time; and what the cancellation application process was.

The Secretary-Treasurer advised that it was either the Dawson LRB or MTO that would provide the 911 number; that there has been a Letter of Conformity issued for Lot 28, Conc IX and that an application has been received for Lot 29, Conc. IX; that the lot addition lands would be required to be surveyed; that it is her understanding that the old School House had been located within Lot 28, Conc. IX but had burnt down; and she explained the process for the cancellation application process.

D. McDowell, Board Member, asked if the 'Line Fence Act' was enforced in the Unincorporated Townships or Robinson and Dawson. This is unknown.

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

Consent is tentatively granted subject to the following conditions:

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

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form 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) to which the consent approval relates;
- ii) confirmation of cancellation for the previous Consent to Sever approval for File No. B08-07, satisfactory to the Manitoulin Planning Board, i.e. registered document;
- iii) 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;
- iv) a written confirmation that an entrance permit/civic address number for Lot 28, Conc. IX (Dawson Township) can be or has been issued, satisfactory to the Manitoulin Planning Board;
- v) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation that all outstanding municipal taxes have been paid, satisfactory to the Manitoulin Planning Board.

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.

Board Minutes
July 25, 2023 - Continued

Application File No's.: B16-23 and B17-23 No. of Members Present: 6

Date of Decision: July 25, 2023

Location of Property: Part Lot 7 and part Lot 8, Conc. III, Township of Barrie Island, Surveyed as Parts 1 & 2, Plan 31R-783 and Part 1, 31R-2844 and Part 4, Plan 3274, Excepting Parts 1 to 5, Plan 31R-3639, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Joe Ann Lewis is to provide for the creation of two new lots for rural residential uses. The proposal is to re-create the two lots that merged together when they both became registered in her name (the same ownership).

File No. B16-23 proposes the creation of a new lot being Part of Lot 8, Conc. III, surveyed as Parts 1 & 2, Plan 31R-783, having a frontage of ± 757.4 M. on Lake Huron and an average depth of ± 332.9 M., thereby containing an area of ± 16.9 Hec. This lot is together with a right-of-way over Parts 3 & 4, Plan 31R-783 to South Line Road, a maintained municipal road. According to the application, the applicant's travel trailer with a covered roof, a portable storage container (sea can), a privy and two storage sheds are located within the subject land. There is also a storage shed under construction. Seasonal residential uses are proposed to continue.

File No. B17-23 proposes the creation of a new lot, being Part of Lot 7, Conc. III, having frontages of ± 229 M. and ± 40.14 M. on Lake Huron and ± 339.7 M. on South Line Road, a maintained municipal road, and an average depth of ± 873.5 M., thereby containing an area of ± 38.9 Hec. This lot is subject to right-of-way over Part 4, Plan 31R-3274 to South Line Road. According to the application there are no structures on this proposed new lot. There are no land use changes proposed for this lot at this time.

There is no retained land. If approved, the two lots will be re-created as originally severed.

The application was circulated on June 9th, 2023 to the United Chiefs and Councils of Mnidoo Mnising (UCCMM) and to the Wiikwemkoong Unceded Territory as per Official Plan Policy F.5 - Consultation and Engagement.

Saul Bomberry, UCCMM, advised via email on July 7th, 2023 that the UCCMM have reviewed the material provided to them and that there are no comments.

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

There have been seven (7) previous applications for Consent involving the subject land.

File No. B36-81 provided for the creation of a new lot, surveyed as Part 5, Plan 31R-783;

File No. B37-81 provided for a lot addition of Part 2, Plan 31R-783 which was added to Part 1, Plan 31R-783 (this is the land subject to Consent to Sever File No. B16-23);

File No. B73-97 proposed a lot addition, but was not completed;

File No. B62-03 provided for a legal right-of-way over Parts 3 & 4, Plan 31R-3274 in favour of Parts 1 & 2, Plan 31R-3274; and

File No. B85-07 provided for the creation of a new lot surveyed as Part 1, Plan 3R-3639, together with a right-of-way over Part 4, Plan 31R-3274;

File No. B86-07 provided for the creation of a new lot, surveyed as Part 3, Plan 31R-3639 together with a right-of-way over Part 4, Plan 31R-3274 and

File No. B87-07 provided for the creation of a new lot, surveyed as Parts 3, 4 & 5, Plan 31R-3639 together with a right-of-way over Part 4, Plan 31R-3274 and subject to right-of-way over Part 4, Plan 31R-3639 (formerly Part 3, Plan 31R-3274).

Services consist of water supply from Lake Huron and a privy. No new services are proposed at this time.

Board Minutes
July 25, 2023 - Continued

Application File No's. B16-23 and B17-23
July 25, 2023 - continued

Access for the lot proposed by File No. B16-23 is via private right-of-way, surveyed as Parts 3 & 4, Plan 31R-783 to South Line Road, a maintained municipal road, and has a 911/civic address number of 215 South Line Road. Access for the lot proposed by File No. B17-23 is via South Line Road, a maintained municipal road, and has a 911/civic address number of 91 South Line Road.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin. The lot proposed by File No. B16-23 is zoned Rural (RU). The lot proposed by File No. B17-23 is zoned Rural (RU) and Agriculture (A). There are no land use changes proposed.

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.

There is a drain catchment area identified within Lot 8, Conc. III, known as the Runnalls-Lane Drain A. The applicant was advised that a reassessment under Section 65 of the Drainage Act may apply.

There is a livestock facility located within Lot 7, Conc. IV being the north side of South Line Road. The farm related structure meets the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA). Due to the size of the two proposed lots, there would be building sites that are outside the area of influence.

The existing structures within Lot 8, Conc. III appear to be below the 180 flood contour identified along Lake Huron.

Zoning By-law No. 2022-016 for the Municipality of Gordon/Barrie island, under Section 4.26.1. - Setbacks from Lake Huron states:

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

Schedule B1 identifies the 100 year flood elevation as being 177.8 metres. From information available, (elevation model), it appears that the existing structures are located above the 177.8 metre flood contour.

Zoning By-law No. 2022-016 under Section 4.1.6 - Recreational Vehicles states:

- ' 1. *Recreational trailers and vehicles must be stored and used in accordance with By-law 2010-22, or its successors.'*

A copy of a building Permit No. GA-15-13 was provided by the Municipality for a pole structure for storage for Agriculture purposes, for land located at #125 South Line Road. It appears that this permit was issued for the pole structure/roof cover for the trailer within Lot 8, Conc. III, identified by #215 South Line Road.

Board Minutes
July 25, 2023 - Continued

Application File No's. B16-23 and B17-23
July 25, 2023 - continued

Zoning By-law No. 2022-016 under Section 4.1.8 - Portable Storage Containers states:

1. *Portable Storage Containers are only permitted as accessory uses within the Agriculture (A) and Rural (RU) Zones with a minimum lot area of 10 Hec. and within the General Commercial (C1) Zone.*
2. *A maximum of three (3) portable storage containers are permitted on a lot.*
3. *Portable storage containers are not permitted within the front yard of any lot.*
4. *Shall require a building permit.'*

The Municipality advised that a building permit has not been issued for the portable storage container (sea can).

An unevaluated wetland is identified on the western part of Lot 8, Conc. III. A Species at Risk (SAR) was also identified associated with the wetland. According to the application, there are no site alteration or new structures proposed within the wetland or the area of the SAR. Due to the size of the proposed two lots it appears there would be building sites outside the area of influence.

From information available, the subject proposal 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 Policy Statement (PPS) 2020.

This application was circulated on July 10th, 2023 to the Municipality of Gordon/Barrie Island, Bell Canada, and to all property owners within 60 metres, and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality recommends approval of the application with specific conditions that a zoning amendment application may be required and that a building permit for the portable storage container is required.

The applicant was advised of the Municipal comments.

Kiersten de Bokx, Bell Canada, advised via email on July 17th, 2023 that they have no concerns or objections to the proposed application.

There was a visit to the Planning Board Office from A. and L. Calback, requesting further explanation of the application. There have been no written concerns received.

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

During consideration of the application the Board asked if the trailer is a permitted use; if it is taxed; if it conforms to the Building Code; if the portable storage container conforms the Zoning By-law; if the right-of-way is surveyed 20 metres wide; would a survey be required for the new lots; and how many severances have been granted.

D. Osborne, Board Member and Building Official for the Municipality, advised that the building permit for the trailer had been issued in 2013 and would have conformed the previous Zoning By-law No. 492 with the running gear removed and a storage building with roof for the trailer. It is understood that this conforms to the Building Code.

The Secretary-Treasurer explained that the right-of-ways are surveyed ten (10) metres in width but have existed with Planning Board Board approval; that the lot proposed by File No. B16-23 is already surveyed; that the lot proposed by File No. B17-23 is currently described by exception and that the Land Registry Office would likely accept that same legal description for registration; and that there have been three severances from Lot 7, Conc. III and one severance from Lot 8, Conc. III.

Board Minutes
July 25, 2023 - Continued

Application File No's. B16-23 and B17-23
July 25, 2023 - continued

She also explained that according to the Municipal Zoning By-law the portable storage container is permitted in the Rural (RU) Zone on a lot having a minimum size of ten (10) Hec. with an approved building permit and that the Municipal Trailer By-law, No. 2010-22, permits a trailer by permit and permit fee.

Anglela Lane, the applicant's daughter, was in attendance and spoke to the application. She advised that the trailer and portable storage container are temporary and will be removed once a seasonal dwelling has been constructed; currently the trailer is being taxed; that there is a new storage shed being built; she will contact the municipality for permits for the trailer and/or portable storage container.

The Board were in agreement to attach a note regarding further severances via a Plan of Subdivision.

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

Consent is tentatively granted subject to the following conditions:

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

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

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
OR
confirmation that the new lot can be registered by exception of the existing surveys;
- ii) an approved application for Amendment to the Municipal Zoning By-law or a written confirmation from the municipality that there is conformity to the Municipal Zoning By-law for the existing structures within the lot proposed by File No. B16-23, i.e. trailer, portable storage container, accessory structures,
- iii) a written confirmation from the municipality that a building permit application has been or can be issued for the portable storage container, located within Part 1, Plan 31R-783, satisfactory to the municipality;
- iv) a written confirmation from the municipality that the right-of-way is travellable by emergency vehicles to the maintained municipal road, satisfactory to the municipality;
- v) 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;
- vi) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vii) a written confirmation from the Municipality that all outstanding municipal taxes have been paid for the subject land.

Board Minutes
July 25, 2023 - Continued

Application File No's. B16-23 and B17-23
July 25, 2023 - continued

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: Owner(s) of the subject land should be made aware that building permit restrictions and authorizations under the Endangered Species Act may apply.

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, flood contour

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

Note: Further development may be supported by a Plan of Subdivision.

Board Minutes
July 25, 2023 - Continued

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

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

- (a) to consider applications for consent under Section 53 of the Planning Act,
- (b) to make decision in regard to the applications scheduled to be heard, and, explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting.

There were none.

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


	<u>Moved By</u>	<u>Seconded By</u>
1. B12-23 & B13-23	T. Mackinlay	D. Osborne
2. B14-23	B. Barker	T. Mackinlay
3. B15-23	T. Mackinlay	D. McDowell
4. B16-23 & B17-23	D. Head	B. Barker

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

- Carried Unanimously.

The time now being 8:24 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