



November 29, 2023

MINUTES OF PLANNING BOARD MEETING - November 28th, 2023

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

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

Regrets: D. Head, J. DeForge, B. Barker,

Absent: L. Chappell

Also in attendance for the meeting were:

Harold (Hal) Love and Edward Love, landowners, for Request for Consideration
- Application for Consent to Sever, Township of Sandfield; and
Edward Legge, agent for Consent to Sever File No. B23-23.

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

The meeting was called to order at 7:07 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 October 24th, 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, as item 7. L)
- Bill 97 - Changes to the Building Code Act involving the Unincorporated Territories.

MOTION

It was moved by D. McDowell and seconded by K. Noland that the Order of Business be adopted, as amended with the addition of item 7. L),
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - October 24th, 2023

The Chair announced that the Minutes of the Board Meeting held on October 24th, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated.

There was none.

MOTION

It was moved by T. Mackinlay and seconded by D. McDowell that the Minutes be adopted,
- Carried.

BUSINESS ARISING FROM MINUTES OF THE PREVIOUS BOARD MEETING
- October 24th, 2023

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 D. Osborne and seconded by D. McDowell that the variable expenditures be accepted as presented,
- Carried.

4. REQUEST FOR CONSIDERATION - CONSENT TO SEVER

Location: Lots 28, 29 & 30, Conc. I
Township of Sandfield,
Municipality of Central Manitoulin, District of Manitoulin

The Secretary-Treasurer reported that an application had been received from Harold Love for the creation of four (4) new lots and one retained parcel and that he is seeking support from the Manitoulin Planning Board.

He has been advised that there has been one lot created by the Ministry of Housing, being part of Lot 28, Conc. I. and of the Official Plan Policy F.4.4.2 for Consents, that generally supports no more than the creation of three (3) new lots.

Harold Love and Edward Love, landowners, were present during consideration of the proposal. Harold Love spoke to the application and answered some questions. He explained that the parcel of land is owned by five family members; if approved this would allow for Estate planning; that it is mostly bush covered and is used for deer hunting with about 20 acres used for pasture; there are no buildings within the parcel; that the new lots would have access via a maintained municipal road; that there is Hydro to the lots; that there are no known drainage concerns; that the proposal (if approved) would be to create four larger Estate type lots (±20 Hec.) to offer for sale.

Discussion among the Board included:

- Consent to Sever process vs Plan of Subdivision process; proposal would result in a total of 6 lots; Lot 30, Conc. I is considered to be a technical severance; the proposed lots are on a year round maintained road; no new roads would be required; would provided for five (5) building lots; any future development will be considered by a Plan of Subdivision.

The following motion resulted:

MOTION

It was moved by R. Stephens and seconded by D. Osborne that the Manitoulin Planning Board supports in principle the proposal to create one technical severance of Lot 30, Conc. I, and the creation of three (3) new lots and one retained parcel from Lots 28 and 29, Conc. I, Township of Sandfield, by the Consent to Sever process,
- Carried.

5. AMENDMENT FILE NO: 2022-05ZBL-23-002

Location: Part Lot 19, Conc. VII,
Surveyed as Part 1, Plan 31R-3754,
(#20473 Hwy 540),
Township of Robinson
District of Manitoulin

The Secretary-Treasurer reported that the applicant had advised her that he has received some information from his Engineer and will be providing it to the Planning Board after his review.

The following motion resulted:

MOTION

It was moved by D. McDowell and seconded by K. Noland that Decision for Amendment File No. 2022-05ZBL-23-002 be adjourned as no new information has been received to be reviewed by the Manitoulin Planning Board,
- Carried.

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6. 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.

7. GENERAL, REGULAR AND NEW BUSINESS

a) Planning Administration Grant - 2023-2024 - Unincorporated Area

The Secretary-Treasurer informed the Board that she had received a letter from the Ontario Minister of Municipal Affairs and Housing (MMAH) allotting \$16,073.00 to the Manitoulin Planning Board (MPB) for the delivery of planning services for the Unincorporated Townships of Robinson and Dawson. She noted that the amount of the funding has remained the same since 2009. MMAH requires a Resolution and a signed Transfer of Payment Agreement to release the funds. She requires a Resolution from the Board in order for the funds to be released by MMAH.

The following motions resulted:

MOTION

It was moved by T. Mackinlay and seconded by D. McDowell that the Manitoulin Planning Board authorizes Chair L. Hayden and Secretary-Treasurer T. Carlisle to execute the funding agreement for the delivery of planning services in the Unincorporated Townships of Robinson and Dawson for the allocation of \$16,073.00 to the Manitoulin Planning Board for 2023-2024,
- Carried Unanimously.

MOTION

It was moved by D. Osborne and seconded by K. Noland that BE IT RESOLVED the motion be adopted as read,
- Carried Unanimously.

Discussion among the Board resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by K. Noland that the Secretary-Treasurer is instructed to send a letter to the Ontario Ministry of Municipal Affairs and Housing (MMAH) requesting an increase in the Planning Administration Grant 2023/2024, which has remained the same since 2009, and that the dollar amount requested at the minimum, to be equivalent to the rate of inflation since 2009.
- Carried Unanimously.

b) Special Business Case Funding

The Secretary-Treasurer informed the Board that she had received a letter from the Ontario Minister of Municipal Affairs and Housing (MMAH) inviting the submission of Special Business Case Funding for projects related to planning services for the Unincorporated Townships of Robinson and Dawson. MMAH requires a Resolution from the Board in order to submit a funding request.

She explained that there are three projects that could be submitted.

- | | | | |
|----|--------------|----|--------------|
| 1. | ±\$ 9,516.96 | 2. | ±\$ 900.00 |
| 3. | ±\$ 305.00 | 4. | ±\$30,000.00 |

MOTION

It was moved by R. Stephens and seconded by T. Mackinlay that the Manitoulin Planning Board apply for Special Business Case Funding for the Unincorporated Townships of Robinson and Dawson from the Ministry of Municipal Affairs and Housing (MMAH) for three projects; 1. to place an advertisement in the Manitoulin Expositor, the local paper, for 52 weeks advising landowners that if they wish to build or change the use of their property that it must conform to Zoning By-law No. 2022-05 and that they may require a permit from the Manitoulin Planning Board; 2. to conduct a massive mail-out to all property owners advising of requirements of building and conformity to Zoning By-law No. 2022-05, to assist with possible contraventions to the Zoning By-law and By-law Enforcement; 3. to cover the costs associated with purchasing a body-worn camera and a portable storage drive to store the video surveillance, to assist with any interactions during site inspections and By-law Enforcement; and 4. to cover the costs of preparing signs, drilling and placing steel poles in the rock and posting civic address numbers in the Little Lake Huron Area of Robinson Township, to assist with emergency services,
- Carried Unanimously.

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7. GENERAL, REGULAR AND NEW BUSINESS - Continued

- b) Special Business Case Funding - continued

MOTION

It was moved by D. Osborne and seconded by D. McDowell that BE IT RESOLVED the motion be adopted as read
- Carried Unanimously.

- c) Official Plan Policy F.4.2.1.1. - Holding Zones

The Secretary-Treasurer reviewed Official Plan Policy F.4.2.1.1. - Holding Zones - with the Board Members, which had been attached to their Agenda. She explained that the Municipality of Gordon/Barrie Island has received a request for a Holding Zone. Holding By-laws are becoming more popular which basically allows for 'approval in principle' and 'conditional approval' to a Municipal By-law Amendment. The subject property would be put into a 'Holding Zone' to prevent development from occurring until the municipality is satisfied that certain conditions have been met, i.e. road infrastructure, adequate servicing, supporting studies/reports. Once the required conditions (as stated in the By-law Amendment) are met, satisfactory to the Municipality, a by-law removing the holding symbol could be requested.

- d) Assessment Parcel Mapping

The Secretary-Treasurer reported that there is an opportunity to have access to the Assessment Parcel Mapping for the District of Manitoulin with the Property Assessment Corporation (MPAC), which would improve our parcel mapping with access to assessment roll numbers.

Staff Member, J. Diebolt, answered questions and explained that he has been gathering information and that it was unclear if a signed agreement would be required between MPAC and the Planning Board and if this would be at a cost. He is still gathering information and will provide an update at the next Board Meeting.

Discussion resulted in the following motion:

MOTION

It was moved by K. Noland and seconded by T. Mackinlay that should an Agreement be required to obtain this information that staff member, J. Diebolt, is authorized to sign the Agreement on behalf of the Manitoulin Planning Board,
- Carried.

- e) ArcReader vs ArcGIS Pro

The Secretary-Treasurer informed the Board that the mapping program currently used for viewing Geographic Information System (GIS) data (mapping) is called ArcReader. By the end of 2024 the Planning Board will need to upgrade/transition to ArcGIS Pro. This will result in an on-line version of the map view and an additional cost to the Planning Board for 2025 of ±\$2,000.00. Some training will be required which may also result in extra costs.

Staff Member, J. Diebolt, answered questions and explained that the mapping would be uploaded to an on-line site to be viewed live by the member municipalities. Also that it may be necessary to upgrade the Planning Board internet services, which may result in additional costs. He will provide an update at the next Planning Board Meeting.

- f) Fine Fee Schedule for Zoning By-law No. 2022-05

The Secretary-Treasurer reported that she is currently working on completing a Fine Fee Schedule for the Unincorporated Townships of Robinson and Dawson to establish fines for contraventions to Zoning By-Law No. 2022-05 for the Unincorporated Townships of Robinson and Dawson. A DRAFT is to be submitted to the Attorney General by the end of the year for a preliminary review. This will be discussed further in the New Year during Budget review.

- g) Municipal By-law Enforcement

The Secretary-Treasurer explained that there have been four By-law Enforcement/site visits to the Unincorporated Townships of Robinson and Dawson; one in May, two in August and one in November. The mileage costs for the site visits were ±\$420.00. Some contraventions have been complied with and there are approximately five that will be followed up by the end of the year by staff member, J. Diebolt.

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7. GENERAL, REGULAR AND NEW BUSINESS - Continued

h) Workplace Violence & Harassment Policy

A copy of the Workplace Violence & Harassment Policy for the Manitoulin Planning Board was provided to the Board Members with their Agenda, for their review. Discussion resulted in no changes being recommended.

l) Draft 2023 Budget Report

The Secretary-Treasurer reported that a DRAFT Budget Report (to date) had been attached to the Board Agenda for discussion purposes. Although the year is not over yet, the application fees are down considerably by ±\$34,000.00 and the overall budget sees a deficit of ±\$18,500.00. There may be an opportunity to process some planning applications before year end, which will offset some of the deficit.

j) December Board Meeting

The Secretary-Treasurer requested a motion of the Board, to cancel the December Board Meeting, as was common practice, as it would fall on December 26th, 2023.

She also requested a motion from the Board of the January Board Meeting date, which could be held on the 4th Tuesday, being January 23rd, 2024 or the 5th Tuesday, being January 30th, 2024.

MOTION

It was moved by T. Mackinlay and seconded by D. Osborne that the December 2023 Board Meeting be cancelled, and that the January Board Meeting is to be held on Tuesday, January 30th, 2024.

- Carried Unanimously.

k) December Office Hours

The Secretary-Treasurer requested the Board's support to have the Planning Board Office closed between Christmas and New Years as has been common practice the past few years and staff members will use three (3) of their 2023 holidays for Wednesday, December 27th, Thursday, December 28th, and Friday, December 29th, 2023.

Discussion resulted in the following motion:

MOTION

It was moved by R. Stephens and seconded by D. McDowell that the Planning Board Office will be closed from Monday, December 25th, 2023 until Tuesday, January 2nd, 2024 and that the staff members will use three (3) of their 2023 Holidays,

- Carried Unanimously.

l) Bill 97 - Changes to the Building Code

The Secretary-Treasurer reported that she became aware of Bill 97 and changes to the Building Code Act on the Environmental Registry for Ontario that had received Royal Assent on June 8th, 2023.

The change provides for the Ontario Ministry of Municipal Affairs and Housing (MMAH) to enforce the Act and the Code in its area of jurisdiction, which would include the District of Manitoulin. MMAH can appoint a person or an entity like a municipal services association to be responsible for building inspections for unorganized territories.

She will follow up with MMAH to determine what this means for the District of Manitoulin and if MMAH will be appointing a person or an entity to enforce the Building Code Act in the Townships of Robinson and Dawson, and how soon this could take place.

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Application File No.: B23-23 No. of Members Present: 6
Date of Decision: November 28, 2023
Location of Property: Lot 29, Conc. VII excepting Parts 1, 2 & 3, Hwy Plan P-2418-0013 and Part 11, Hwy Plan P2418-0002 and Lot 30, Conc. VII excepting Part 6, Hwy Plan P-2418-0013, Township of Sandfield, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Jackie Wilson and Edward Legge on behalf of Wesley and Cory Rydall is to provide for the creation of a new ±39.1 Hec. lot (part of Lot 30, Conc. VII), having frontages of ±499.5 M. on Highway No. 542, a provincially maintained highway, and ±795.6 M. on the non-maintained municipal allowance between the Townships of Sandfield and Carnarvon, and a depth of ±999.8 M. According to the application there are no structures within this land and non-farm related residential uses are proposed.

The land to be retained, (part of Lot 29, Conc. VII) has a frontage of ±415.2 M. on Highway No. 542, a provincially maintained highway, and an average depth of ±977.8 M., thereby containing an area of ±39.5 Hec. The applicants' dwelling, barn, and four accessory sheds are located within this land. Farm related residential uses are proposed to continue.

The subject land has been designated as a Rural Area and zoned Agriculture (A). Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin under Section 7.1 permits a single family detached dwelling in the Agriculture (A) Zone.

Access for the severed land is proposed to be from Highway No. 542, at a location approved by the Ontario Ministry of Transportation (MTO) by Permit No. EN-2023-54S-0000028-VI, which accompanied the application. Access for the retained land is via two existing entrances from Highway No. 542, one which is identified as #5204 Highway No. 542.

As part of the preliminary review the application was sent to the Ontario Ministry of Transportation (MTO) and Cameron Cole, Corridor Management Planner, MTO, provided the following comments on August 23rd, 2023:

'I can confirm that there are MTO entrance permits in place for both severed and retained lots and therefore, MTO has no concerns with the proposed access.'

*Retained Lot: #EN-2023-54S-00000027
Severed Lot: #EN-2023-54S-00000028*

The subject lands are located within MTO's permit control area and is subject for review under the Public Transportation and Highway Improvement Act R.S.O 1990. At this time, the MTO has the following comments to provide:

- a. *An MTO building/land use permit will be required for the placement of any buildings or structures within 45 meters of the Hwy 542 right-of-way or within 180 meters of the centre-point of the intersection of Hwy 542 and Cooper Road.*

*All questions regarding permitting can be directed to Michelle Lavallee, Corridor Management Officer at michelle.lavallee@ontario.ca
If there are any other questions or concerns, don't hesitate to contact me.'*

Mr. Cole also provided additional comments on August 30th, 2023 as follows:

'MTO notes that we issued a residential entrance permit for the retained lands earlier this year and provided comments on the severance on August 23, 2023. Generally speaking, it is MTO policy to only allow one (1) access connection per lot of record and the MTO would request that one of the entrances be closed/removed. However, this should have been laid out in both entrance permit and severance comments. Given the long standing existing nature of this access connection, we feel that it would be unfair to go back on our comments and say that the client must now remove the unpermitted driveway in addition to other conditions imposed.'

With that said, the MTO is prepared to allow the additional entrance to remain. We will monitor the access situation and if it is determined that the entrance results in a negative impact to the highway, the MTO reserves the right to request alterations to the existing access configuration. If you would like to discuss this earlier, don't hesitate to give me a call. Thank you.'

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Application File No. B23-23
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There is a Hydro Line traversing the southerly portion of Lots 29 and 30, Conc. VII and traversing the westerly portion of Lot 30, Conc. VII, along Highway No. 542. Comments were requested from Hydro One as part of the preliminary review of the application. Josh Waytowich, Hydro One, advised via email on September 28th, 2023 that Hydro One does not have any concerns; that they have an unregistered easement over the subject land; that Hydro One does not require occupational rights; and that Hydro One owns the poles located within the subject land.

The comments received from MTO and Hydro One were provided to Ms. Wilson, agent for the application.

Services for the proposed severed land will consist of private well and private individual septic system when required. No new services are required for 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. Ms. Wilson, agent for the application, was advised that proof of potable water may be required at the building permit stage, if a year-round home is proposed.

There is a livestock facility located within the retained land and one within Lot 30, Conc. V and one within Lot 29, Conc. IV. 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). There are building sites within the proposed severed land that would be outside the area of influence.

There is a licenced Aggregate Site, No. 614061, identified within Lots 27, 28, 29 and 30, Conc. VIII, to the north of the subject land. The northerly ±half of Lot 29, and Lot 30, Conc. VII falls within the recommended 300 metres buffer from the aggregate/quarry site of the Ministry of the Environment and Climate Change (MOECC) D-6 Series Guidelines.

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

'Mineral aggregate resources will be protected for long-term use. As much of the mineral aggregate resources as is realistically possible will be made available as close to markets as possible.'

The following policies apply to Mineral Aggregate Resources:

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.'*

The Official Plan under Policy C.6.2.2 states:

'Other land use activities, particularly sensitive uses such as residential uses, proposed to be developed within land use designations abutting Aggregate Resources Areas, must provide an adequate separation distance by the following distances:

- a) *150 metres for a pit operation above the water table;*
- b) *300 metres for a pit operation below the water table; and*
- c) *500 metres from a quarry operation.'*

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Application File No. B23-23

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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.'

With the existing dwelling located within Lot 29, Conc. VII and a building site within Lot 30, Conc. VII outside the 500 metre buffer requirement of the official Plan, this proposal is considered to be in conformity with the OP and the PPS 2020.

Ms. Wilson, agent for the application, was provided with a sketch and the information regarding the restriction of the Official Plan Policy for a new residential use within 500 metres from the licensed Quarry.

The application was circulated on October 27th, 2023 to the Township of Central Manitoulin, Bell Canada, and to all property owners within 60 metres, and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Township of Central Manitoulin recommend approval of the application with no specific requirements.

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

The Secretary-Treasurer conducted a site visit to the property on November 25th, 2023 and noticed that only one of the three signs was posted; two had come down. Ms. Wilson, agent for the application, was contacted on November 27th, 2023. She advised that two of the signs had come down and they could not be found in the ditch or in the surrounding area.

There was a telephone call followed by an email, from Chris Lea, owner of the Quarry located to the North of the subject land, on November 10th, 2023, requesting additional information. A written reply was provided to Mr. Lea on November 10th, 2023. Mr. Lea advised on November 21st, 2023 that their main concern was that the 500 metres requirement was not enough and they would like to request that a 750 metre buffer be required.

It was explained to Mr. Lea that the Manitoulin Planning Board has no mandate to restrict a new residential use within 750 metres of the licenced Quarry and if he wished to pursue this further an Amendment to the Official Plan would be required. Mr. Lea did not provide any additional correspondence.

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.

Edward Legge, agent for the application, was in attendance and advised that he had no concerns with the proposed new dwelling being 500 metres from the quarry land; that he planned on having a full survey done for the new lot; and that he understood that building permits and any land use changes would need approval from the Municipality of Central Manitoulin.

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

Discussion resulted in conditional approval 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.

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Application File No. B23-23
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Accompanying the transfer documents shall be:

- i) a reference plan of survey which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
or
a boundary line survey identifying the new lot line(s) resulting from the severance(s), satisfactory for registration by the Land Registry Office for Manitoulin (31);
- ii) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- iii) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

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

Note: Owners of the subject land should be made aware that building permit restrictions may apply due to the vicinity of the licenced Aggregate Quarry and the livestock facilities.

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Application File No.: B24-23 No. of Members Present: 6
Date of Decision: November 28, 2023
Location of Property: Lot 20, Conc. VIII, Excepting Part 15, Hwy Plan P-2292-003,
Township of Burpee, Municipality of Burpee-Mills, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Ronald Bailey on behalf of Wayne and Seija Bailey is to provide for a right-of-way over Lot 20, Conc. VIII in favour of Lot 19, Conc. VIII having a minimum width of ± 20.1 M., and a length of ± 208 M., thereby containing an area of ± 0.42 Hec. (± 4180 Sq. M.) This right-of-way is an existing private access that traverses north/south along the westerly boundary of Lot 20, Conc. VIII from Highway No. 540, to an existing seasonal dwelling/hunt camp owned by Ronald Bailey. This proposed right-of-way is to replace a easement lease that has expired.

The land to be retained has a frontage of ± 403.7 M. on Highway No. 540 and a depth of ± 999 M., thereby containing an area of ± 39.4 Hec. According to the application the applicants' dwelling, sauna, gazebo, well shed, garage, and a portable storage container on a cement foundation, are located within this land.

There have been four previous applications for consent to sever involving the subject lands.

File No. B54-02 provided for the creation of a new ± 40 Hec. lot, being Lot 20, Conc. VIII, which is the land subject to the current application;

File No. B55-02 provided for the creation of a new ± 80 Hec. lot, being Lots 18 & 19, Conc. VIII;

File No. B18-08 proposed the creation of a new ± 1.8 Hec. lot within Lot 20, Conc. VIII, but this file was not completed; and

File No. B24-21 provided for the creation of a new ± 39 Hec. lot being Lot 18, Conc. VIII; the resulting retained land being Lot 19, Conc. VIII is the land benefiting for the proposed right-of-way.

Access for the subject lands is via an existing entrances, #17026 and #16952B Hwy 540.

The Ontario Ministry of Transportation owns Part 15, and Part 17 on Hwy Plan P-2292-003, a ± 5.2 metre wide strip of land north of Hwy 540 and south of Lot 19, Conc. VIII and Lot 20, Conc. VIII.

As part of the preliminary review the application was sent to the Ontario Ministry of Transportation (MTO) and Cameron Cole, Corridor Management Planner, MTO, provided the following comments on November 6th, 2023:

'The MTO has reviewed the consent application at 17026 Hwy 540. I can confirm that The subject lands are located within MTO's permit control area and is subject for review under the Public Transportation and Highway Improvement Act R.S.O 1990. I can also confirm that there are no existing MTO entrance permits in place for the existing entrance. The MTO supports the proposed in principle, with the following comments to consider:

2. *Both lots must be accessed via a mutual/shared entrance with the easement shown on the deeds of both lots (more information below).*
3. *An MTO entrance permit will be required in order to permit access to the retained and benefitting lands.*
4. *Placement of any building or structures within 45 meters of the Hwy 540 right-of-way or within 180 meters of the centre-point of the intersection of Hwy 540 and Bell Road will require an MTO building/land use permit.*

Mutual Access:

When common access arrangements are required, a surveyed right-of-way must be established and an easement granted by each lot in favour of the other lot sharing the entrance. This ensures continuous access to both lots served by the mutual entrance. The easements must be shown on the reference plan and the easement rights incorporated into the deeds of both lots involved.

a. *MTO will require that the draft reference plan be submitted to MTO for review and approval prior to registration – The drawings provided are sufficient for this.*

b. *MTO will require that the draft deeds of all lots be submitted to MTO for review prior to registration to ensure the legal mutual access rights have been incorporated into the deeds of all involved properties.*

c. *The applicant will be required to obtain an entrance permit, which can be done online at:*

<https://www.hcms.mto.gov.on.ca/>

All permit applications can be acquired online at the following link: <https://www.hcms.mto.gov.on.ca/>

All questions regarding permitting or setbacks can be directed to Michelle Lavallee, Corridor Management Officer at PERLINK"mailto:michelle.lavallee@ontario.ca" michelle.lavallee@ontario.ca.

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

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Application File No.: B24-23 - continued
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A copy of the MTO comments were provided to Ronald Bailey, agent for the application.

The subject land has been designated Agriculture Area and Rural Area and zoned Agriculture (A) and Rural (R).

Services consist of private well and private individual septic system for Lot 20, Conc. VIII. Services consist of a privy and hauled water for Lot 19, Conc. VIII. No new services are required as a result of this application for right-of-way.

From information available, there appears to be an overhead Hydro Line along the easterly boundary of Lot 20, Conc. VIII, abutting the non-maintained road allowance. Comments were requested from Hydro One as part of the preliminary review of the application.

Josh Waytowich, Hydro One, advised via email on November 8th, 2023 that Hydro One does not have any concerns; that they have an unregistered easement over the subject land; that Hydro One does not require occupational rights over the easement; and that Hydro One does not own the poles located on the Municipal ROW.

A municipal drain catchment, known as the Burpee Drain No. 1, was identified at the southeastern portion of Lot 20, Conc. VIII. The current application does not propose the creation of a new lot or lot boundary adjustment. Therefore, it appears that no drainage reassessment would be required.

There is a Deer Wintering Area identified within Lot 19 and Lot 20, Conc. VIII. As no new lots are being proposed and there are existing buildings and driveways, the application for right-of-way over the existing access would appear to have no negative impacts.

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 November 10th, 2023 to the Municipality of Burpee-Mills, Bell Canada, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality advised they have no concerns, that Section 65 of the Drainage Act does not apply, and recommends that Consent be granted with no specific conditions.

The Municipality provided building permit information for Lot 20, Conc. VIII. No building permit information was provided for Lot 19, Conc. VIII.

Bell Canada have not provided any comments or requested additional time to do so.

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

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 right-of-way and parcel(s) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Board Minutes
November 28th, 2023 - Continued

Application File No.: B24-23 - continued
November 28, 2023

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;
- ii) a written confirmation from the municipality that access along the right-of-way to Highway No. 540 has been constructed to a standard for travel by emergency vehicles, satisfactory to the municipality;
- iii) a written confirmation from the Ontario Ministry of Transportation (MTO) that an entrance permit application has been received and can be issued, satisfactory to the requirements of MTO;
- iv) a written confirmation from the Ontario Ministry of Transportation (MTO) that as requested, a survey plan and draft land transfer(s) have been reviewed and accepted, satisfactory to the requirements of MTO;
- v) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vi) written confirmation from the municipality that any outstanding municipal taxes for the subject land, have been paid.

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

Note: It would be appropriate to certify the land transfer for the retained land, if required.

Board Minutes
November 28th, 2023 - Continued

Application File No.: B25-23 No. of Members Present: 6
Date of Decision: November 28, 2023
Location of Property: Part Lot 8, West Side Water Street, Surveyed as Parts 2 and 3,
Plan 31R-1713, Town of Gore Bay, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Heather Patterson is to provide for an easement for a storm sewer which will connect into the municipal catch basin located in the municipal parking lot south of the subject land. The easement will be in favour of a commercial building (under construction) located at #60 Meredith Street, owned by Martian Properties Inc. (formerly known as Robinson's Auto Supply). The easement traverses Ms. Patterson's land having a minimum width of ± 3.0 M. and a length of ± 19.5 M., thereby containing an area of ± 58.5 Sq. M.

The land to be retained has a frontage of ± 18.34 M. on Water Street, a maintained municipal street and a depth of ± 37.4 M., thereby containing an area of ± 745 Sq. M. The applicant's dwelling with attached garage and accessory shed are located within this land.

This land is subject to a right-of-way for access over Part 3, Plan 31R-1713, in favour of property to the west, surveyed as Part 1, Plan 31R-1713.

There has been a previous application for Consent to Sever, made by a previous owner. File No. B52-87 provided for the creation of a new ± 775 Sq. M. lot, surveyed as Part 1, Plan 31R-1708 together with a right-of-way over Part 3, Plan 31R-1708. The resulting retained land of that application, surveyed as Parts 2 and 3, Plan 31R-1713, is the land subject to the current application.

The following letter, dated October 05, 2023, from Roger Chenard, Manager of Public Works, Town of Gore Bay, accompanied the application:

' Dear Miss Patterson:

Following many consultations with various parties looking at many options the Town of Gore Bay has agreed to provide access to Manitoulin Transport to be able to drain their water from their lot and roof into the Town Office centre catch basin drain.

To that account, this has been decided based on the fall and most effective and shortest drainage route available and it was suggested that they obtain an easement in order to be able to effectively divert their water from their lot.

We also know that this centre drain is large enough and has the capacity to afford the water that will be diverted from their lot across from your property into this specific town office centre drain.

Hopefully, this letter will put your mind at ease respecting your agreement to allow for this connection to be made by crossing your property. In doing so, they are also assuming all risk from their property to the specific catch basin areas.

If you have any further questions, feel free to contact me directly.'

Services consist of municipal water and municipal sewer. No new services are required as a result of this application for a storm sewer easement.

Access is via an existing entrance, #15-A Water Street, a maintained municipal street.

The subject land has been designated Core Commercial Area and is zoned Residential (R1). The existing residential uses are proposed to continue.

There is an overhead Hydro Line identified near the subject land but the electrical service to the existing dwelling is underground.

Mr. Gilmore, Property Maintenance Manager, Manitoulin Transport, advised on November 14th, 2023 that the sewer line has been put in place; that the line is above the underground Hydro Line and below the underground telephone line; and that the original Hydro locate was done on June 30th and then a re-locate was done on October 20th, 2023.

Stephen Salt, Hydro One advised that Hydro One has no concerns with the easement for storm sewer.

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

Board Minutes
November 28th, 2023 - Continued

Application File No.: B25-23 - continued
November 28th, 2023

This proposal for a storm sewer water line easement is considered to be in conformity with the Provincial Policy Statement 2020.

The application was circulated on November 10th, 2023 to the Town of Gore Bay, 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 Town of Gore Bay advised they have no concerns and recommend consent to be granted with no specific conditions.

Bell Canada has not provided any comments or requested additional time to do so.

There was a telephone call to the Office on November 16th, 2023 from G. Purvis, a land owner to the north east of the subject land, requesting additional information and if the drainage to Lake Huron was in a northerly or southerly direction.

Roger Chenard, Manager of Public Works, Town of Gore Bay advised on November 16th, 2023 that the drain is composed of an 8 inch line and runs by the Municipal Office collecting from that area drain, then across Water Street, then southerly towards the Mill Site Apartments, then on to the small creek and then drains to Lake Huron.

This information was provided to Mr. Purvis. He advised he had no concerns as the water was draining southerly away from his property.

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

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) and the storm sewer easement given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the storm sewer easement having a minimum width of 3.0 M.;
- ii) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- iii) proof satisfactory to Planning Board, that any 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.

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. B23-23	K. Noland	R. Stephens
2. B24-23	K. Noland	D. Osbourne
3. B25-23	D. Osbourne	R. Stephens

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

The time now being 9:15 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