



# MANITOULIN PLANNING BOARD

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

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June 28, 2023

## MINUTES OF PLANNING BOARD MEETING - June 27<sup>th</sup>, 2023

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, June 27<sup>th</sup>, 2023, the following Members of Planning Board were present:

- |    |            |    |              |
|----|------------|----|--------------|
| 1. | L. Hayden  | 5. | B. Barker    |
| 2. | D. Osborne | 6. | T. Mackinlay |
| 3. | J. DeForge | 7. | R. Brown     |
| 4. | D. Head    | 8. | K. Noland    |

Regrets: D. McDowell, R. Stephens

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 May 30<sup>th</sup>, 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. e) - Natural Heritage System Strategy (NHSS)

#### MOTION

It was moved by D. Osborne and seconded by T. Mackinley that the Order of Business be adopted, as amended with the addition under 5. e) - NHSS  
- Carried.

### 2. MINUTES OF PREVIOUS BOARD MEETING - May 30<sup>th</sup>, 2023

The Chair announced that the Minutes of the Board Meeting held on May 30<sup>th</sup>, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated.

A motion was moved by D. B. Barker and seconded by K. Noland that the Minutes be adopted,  
- Carried.

### BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING

- May 30<sup>th</sup>, 2023

There was none.

### 3. VARIABLE EXPENDITURES

Board Member, K. Noland asked for an explanation of the coverage that the insurance policy provided.

The Secretary-Treasurer explained that the Insurance Company has changed over the years, but the Policy has remained much the same since 2000 and covers the usual items, like fire, theft, liability. She added that the Insurance Policy is available for the Board should they wish to review the Policy.

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

#### MOTION

It was moved by R. Brown and seconded by T. Mackinlay 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) REF: Consent to Sever File No. B24-19  
Part of Park Lots 15 and 16, North Side Hall Street and  
Part of Park Lot 16, South Side East Street,  
Townplot of Gore Bay, (#3 Water Street)  
Surveyed as Parts 1 and 2, Plan 31R-3931  
Town of Gore Bay, District of Manitoulin

The Secretary-Treasurer explained that an application for Validation of Title had been received on behalf of the Ontario Aboriginal Housing Support Services Corporation (OAHSSC), to validate (correct) a land transfer from the Manitoulin-Sudbury District Services Board (MSDSB) to the OAHSSC, registered as MD21737 on October 30<sup>th</sup>, 2020. The transfer contravenes the Planning Act, because the Consent to Sever application was not completed and the parcel of land, surveyed as Part 2, Plan 31R-3931 did not become a stand-alone parcel of land; the transfer is not valid.

She explained that the Planning Board had given conditional approval for the creation of a new lot, surveyed as Part 2, Plan 31R-3931 on November 26, 2019 and a Notice letter was sent to MSDSB on November 27, 2019 that the conditions were required to be completed before November 27, 2020. An Agreement of Purchase and Sale between MSDSB and OAHSSC dated July 9<sup>th</sup>, 2020 and the land transfer (deed) for Part 2, Plan 31R-3931, dated October 30<sup>th</sup>, 2020, were provided. A reminder letter had been sent to MSDSB on August 24, 2020 that the file needed to be completed before November 27, 2020 and that if the conditions of the Consent to Sever approval were not completed and the file lapsed.

The Secretary-Treasurer advised the agent for the Validation Application that she would review the application with the Planning Board and the Town of Gore Bay and advise if the application would be supported or not. The Clerk for the Town of Gore Bay advised by email on June 27, 2023 that they would not support the Validation Application.

She requested a motion of the Planning Board in support of or opposed to the Application for Validation of Title, as the Planning Board is the approval authority for this type of Application.

Discussion among the Board included:

- the Board supports a Consent to Sever Application whenever possible; the Board have approved a Validation of Title when the landowner is not available to sign a Consent to Sever Application; there is no circulation for a Validation Application; Public input is important; the Town of Gore Bay has a new Zoning By-law since 2019; there is a new Municipal Council now; there may be new information to consider;

Board Member, D. Osborne, representative for the Town of Gore Bay reported that the Governance Committee had met on June 26<sup>th</sup>, 2023 and the Committee is not in favour of supporting the Validation of Title Application.

Mr. Osborne put the following motion forward, which was seconded by D. Head

MOTION

THAT the Manitoulin Planning Board does not support the Application for Validation of Title, received from the Ontario Aboriginal Housing Support Services Corporation (OAHSSC), for #3 Water Street, Gore Bay, Ontario,

Board Member K. Noland, asked for a recorded vote.	<u>IN FAVOUR</u>	<u>OPPOSED</u>
D. Osborne	X	
B. Barker	X	
J. DeForge	X	
R. Brown	X	
D. Head	X	
T. Mackinlay	X	
K. Noland	X	
L. Hayden	X	

By Recorded Vote, the motion was carried Unanimously.

Board Minutes  
June 27<sup>th</sup>, 2023 - Continued

5. b) By-law No. 2023-001 - Township of Robinson  
Zoning By-law Amendment File No. 96ZBL-22-004

The Secretary-Treasurer explained to the Board that the property description within By-law No. 2023-001 is 'including Part 1, on Survey Plan 31R-4249' which is incorrect; it should be 'excepting Part 1, on Survey Plan 31R-4249'. The 'Temporary Use' By-law was passed by motion of the Board at the January 31<sup>st</sup>, 2023 Board Meeting to permit a travel trailer with platform and a privy until November 30<sup>th</sup>, 2025.

The general consensus of the Board was that this correction is considered to be a minor legal description correction and does not effect the intent of the 'Temporary Use' By-law Amendment.

The following motion resulted:

MOTION

It was moved by T. Mackinlay and seconded by D. Head that By-law No. 2023-001 being a 'Temporary Use' By-law be amended with the correct legal description of the property excepting Part 1, on Survey Plan 31R-4249,  
- Carried Unanimously.

c) Provincial Appointments to the Manitoulin Planning Board

The Secretary-Treasurer reported that she has not received any notification as of yet, as to the Provincial Appointments to the Manitoulin Planning Board.

Board Member, D. Head, representative for the Unincorporated Townships of Robinson and Dawson, informed the Board that he has not heard anything recently from MMAH.

d) Municipal (Final) Requisitions

The Secretary-Treasurer informed the Board that all final requisitions have been received with the exception of the Town of Gore Bay and the Municipality of Billings and Allan East. She has been advised from the Municipal Clerks, that the cheques will be sent soon.

e) Official Plan Amendment No. A-3 for Area Wide Natural Heritage System Strategy (NHSS) - File No. 51-OP-230693-003

The Secretary-Treasurer informed the Board that the 90 days that the Ontario Ministry of Municipal Affairs and Housing (MMAH) has to review the NHSS would be up on June 29<sup>th</sup>, 2023. She had discussed the progress with Arielle Zamdvaiz, Planner for MMAH, and she advised her that the Ministry hopes to provide their comments soon.

The Secretary-Treasurer asked if the Board wished to proceed with advertising for a Public Meeting which could be held at the next Board Meeting, Tuesday, July 25<sup>th</sup>, 2023 and if so, the advertisement would need to go in the local paper a minimum of 20 days prior to the Planning Board Meeting.

Discussion resulted in the general consensus that the Board would wait and see what comments are received, before the next Planning Board Meeting and consideration of 'Next Steps'.

Board Minutes  
June 27<sup>th</sup>, 2023 - Continued

Application File No.: B11-23 No. of Members Present: 8  
Date of Decision: June 27, 2023  
Location of Property: Lots 6 and 7, Conc. 2, Township of Assiginack, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Brent Quackenbush is to provide for the technical severance of Lot 6, Conc. 2, having frontages of ±61 m. on Highway No. 6, a provincially maintained Highway, ±644.8 m. on the non-maintained/unopened municipal allowance between Concessions 1 and 2, and ±468.5 m. on the non-maintained/unopened municipal allowance between Concessions 2 and 9, and an irregular depth of ±1,178.3 m. thereby containing an area of ±43.0 Hec. There are no structures on this land. According to the application this lot is to be offered for sale.

The retained land, being Lot 7, Conc. 2, located at #18261 Highway 6, has frontages ±446.3 m. on Highway 6, a provincially maintained highway and ±468.5 m. on the non-maintained/unopened municipal allowance between Concessions 2 and 9, and a depth of ±1178.3 m. thereby containing an area of ±49.0 Hec. The subject land contains a dwelling, a garage and a shed. According to the application the shed is to be removed.

There has been a previous application for Consent to Sever, File No. B21-22, that severed Part of Lot 5, Conc. 2 as a lot addition to be consolidated with lands owned by Thomas Quackenbush, resulting in a new lot surveyed as Parts 1 and 2, Plan 31R-2197 and Part 1, Plan 31R-4215, being Part of Lot 5, Conc. 1 and Part of Lot 5, Conc. 2.

Access will be via Highway No. 6, a provincially maintained Highway for both the severed and the retained land. A copy of an entrance permit for Lot 6, Conc. 2, No. EN-2020-54S-00000035 V2, accompanied the application.

D. Burke, the Ontario Ministry of Transportation (MTO), advised by email on May 29<sup>th</sup>, 2023 as part of the preliminary review of the application:

*'As long as the entrance is constructed within six months of issuing of permit, there will be no issue, Lot 6, Conc. 2. So, if the entrance is not built by November 23, 2023 the permit is no longer. It must be placed at the location listed on the permit.'*

*Lot 7, Conc. 2 will need a change of ownership entrance to be completed. Not applied for yet.*

*Each of the accesses will be the only entrances permitted onto the property. Any severances moving forward it would be a mutually shared entrance.'*

The following email was sent to Brent Quackenbush. He advised he had no concerns with the MTO comments.

Services consist of private individual sewage disposal system and private well for the retained land. Services will consist of private individual sewage disposal system and private well for the severed land, when required.

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

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

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 appears to be two horse barns associated with 'Kicking Mule Ranch' within Lot 5, Conc. 1, on the south side of Highway No. 6, at #101 Gauthier Road. 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) for new residential uses.

A potential Wildland Fire Hazard was identified within the northerly ±2/3 of the subject land.

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

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

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

Board Minutes  
June 27<sup>th</sup>, 2023 - Continued

Application File No.: B11-23 - continued  
June 27, 2023

Satellite imagery (2021) identifies the areas of tree cover within the subject land. It appears there would be building envelopes outside the area of influence, for the proposed new lot that would conform to the Policies of the Provincial Policy Statement (PPS) 2020.

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

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

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

The Municipality of Assiginack recommends that Consent to be granted with no specific conditions.

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

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

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

During consideration of the application the Board were satisfied that approval of the application, as presented, is supported.

Consent is tentatively granted subject to the following conditions:

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

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

Accompanying the transfer documents shall be:

- i) a reference plan of survey(s), which bears the Land Registry Office registration number as evidence of its deposit therein, which illustrates the parcel(s), to which the consent approval relates;  
or  
a boundary line survey identifying the new lot line(s) resulting from the severance(s);
- ii) a written confirmation from the Ministry of Transportation (MTO) that a Permit Application for change of ownership for the retained land, being Lot 7, Conc. 2, has been received, satisfactory to the requirements of MTO;
- iii) a written confirmation from the Ministry of Transportation (MTO) that an entrance from Highway No. 6 to Lot 6, Conc. 2 has been constructed, satisfactory to the requirements of MTO;
- iv) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the Municipality, that all outstanding municipal taxes have been paid.

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

Note: Owner(s) of the subject land should be made aware that building permit restrictions may apply, i.e. wildland fire

Board Minutes  
June 27<sup>th</sup>, 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. B11-23	R. Brown	T. Mackinlay
2. B12-23 & B13-23	K. Noland	D. Head
	*That this application be deferred	
3. B14-23	D. Osborne	T. Mackinlay
	*That this application be deferred	

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 above motion applies to all applications excepting File No's. B12-23, B13-23 and B14-23.

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The time now being 8:01 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by D. Head.

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L. HAYDEN, CHAIR

  
T.A. CARLISLE,  
SECRETARY-TREASURER