



March 27, 2024

MINUTES OF PLANNING BOARD MEETING - March 26, 2024

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, March 26th, 2024, the following Members of Planning Board were present:

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

Regrets: D. Head, L. Chappell

Also in attendance for the meeting were:

T. Sasvari, reporter, Manitoulin Expositor;
K. Longmuir, applicant and L. Pearson, Consent to Sever File No. B09-24; and
B. Mitchell, J. Bisailon, K. Rautiainen, Judy Gardner, L. Peever, and B. Kankaanpaa,
interested parties for Subdivision File SUB2023-001.

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 of February 27th, 2024. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - February 27th, 2024

The Chair announced that the Minutes of the Board Meeting held on February 27th, 2024 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. Osborne that the Minutes of February 27th, 2024 be adopted,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- February 27th, 2024

Board Member, T. Mackinlay, asked if all reports moving forward could be changed from *'fire protection is provided by the Robinson Township Volunteers'* to *'Robinson Township Fire Department.'* The Secretary-Treasurer advised that she does not see any concerns with the request.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by K. Noland and seconded by R. Stephens that the variable expenditures be accepted as presented,
- Carried.

Board Minutes
March 27th, 2024

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. PLAN OF SUBDIVISION - FILE NO. SUB2023-001

Location: Lot 7, Conc. IV excepting Part 1, Plan 31R-2831 and Lot 8, Conc. IV
(Located at #18 Tracy Road), Township of Carnarvon
Municipality of Central Manitoulin, District of Manitoulin

The Secretary-Treasurer explained that the application had been put into circulation on December 27th, 2023 and under the Planning Act, a Decision of Planning Board is to be made within 120 days. Draft subdivision conditions had been prepared for discussion purposes for the Board Meeting. However the agent for the application, K. Lang, had sent an email requesting a deferral of discussion.

The Secretary-Treasurer read the following email received from K. Lang, agent for the application, on March 25th, 2024:

'Hi Theresa,

Further to our discussion, we would like the review of the potential draft conditions taken off the agenda for the March 26, 2024 Planning Board meeting. Our team has had a very short window (4 business days) to review the draft conditions provided and we would like to have time to discuss our feedback with you and the township before they are presented to the planning board.

We understand that this will impact a decision being made within the 120 days required by the Planning Act and will not appeal based on missing this time frame. We agree, in good faith, to a 60-day extension which should provide adequate time to work through revisions together and come to an agreement. Thanks very much.'

She further explained that when the draft conditions are considered/discussed by the Board, that they would be part of the Planning Board Minutes and will become Public Information.

The general consensus of the Board was that if the applicant is not going to appeal for non-decision, that the Board would consider the request to defer discussion on the draft conditions at this time.

MOTION

It was moved by K. Noland and seconded by T. Mackinlay that the Planning Board agrees to defer discussion of the Draft conditions prepared by the Secretary-Treasurer for Subdivision Application File No. SUB2023-001, as requested by K. Lang, until a future Planning Board Meeting.

- Carried Unanimously.

The Secretary-Treasurer asked if the Board wished to have a discussion about the application and/or correspondence received to date, while the application is on the Agenda.

Board Member, R. Stephens, commented that the Municipality of Central Manitoulin had held an information session with the proponents and the public, the night before in Mindemoya.

Chair L. Hayden asked the Secretary-Treasurer to address the comments received including the recent comments from the M'Chigeeng First Nation, regarding proper notification.

She explained that proper Notice was given as per the Planning Act which included all property owners within 120 metres of the subject land; additional notification was given by placing an advertisement in the Manitoulin Expositor and a Notice was posted at the Municipal Office; Notice was also given to the Ontario Ministry of Municipal Affairs and Housing (MMAH) to be shared with partner Ministries; as per the Official Plan policies, comments were requested from the United Chiefs and Councils of Midoo Mnising (UCCMM) and the Wiikemkoong Unceded Territory. Chief Hare, M'Chigeeng First Nation, was not provided written notification directly. However, the contact at the UCCMM may have passed along the notice information. Although written notification had not been directly sent to the Municipality of Billings, there is a representative for the Municipality on the Planning Board to report the information.

Board Member, T. Mackinlay asked if the First Nations had provided a reply to the request for comments.

The Secretary-Treasurer advised that her presentation to the Board on January 30th, 2024 would have stated this information and is included in the Planning board Minutes of that meeting.

Board Minutes
March 27th, 2024

5. PLAN OF SUBDIVISION - FILE NO. SUB2023-001 - continued

Board Member, K. Noland, stated that Lake Mindemoya has not been designated as an 'at Capacity Lake' and is not listed in the Official Plan and asked the Secretary-Treasurer to verify this. She stated that was correct. It is not known if Lake Mindemoya is at capacity for new development or not. Although there have been studies done on the Lake, no notification has been received from the Ministry that development is to 'freeze' and no notification has been received that Lake Mindemoya is to be listed as an 'At Capacity' Lake.

The Planning Board had received notification from the Ministry in around 2009 that no further development could occur on Lake Manitou and the Ministry listed the lake as an 'At Capacity' Lake in our Official Plan in 2018, with a few exceptions. This has not been done for Lake Mindemoya.

The general consensus of the Board was that further discussion will be had at a future Planning Board Meeting.

Note:

Appendix 'A' is attached to the Board Minutes which includes correspondence received (4 letters/emails) since the January 30th, 2024 Board Meeting.

6. MUNICIPAL INTERIM REQUISITIONS

The Secretary-Treasurer reported that all Municipal Interim Requisitions (2024) have been received to date.

7. TOWNSHIP OF ASSIGINACK - BY-LAW UPDATE
- Public Open House - March 27th, 2024

The Secretary-Treasurer informed the Board that the Township of Assiginack will be hosting a Public Open House regarding their draft proposed new Zoning By-law, at the Municipal Office in Manitowaning, on Wednesday, March 27th, 2024 from 6:00 p.m. until 8:00 p.m. and that she is planning on attending and delivering the new updated large plotter size zoning maps.

8. OFFICE INTERNET REVIEW

The Secretary-Treasurer advised that internet service providers had been discussed at the February 27th, 2024 Board Meeting and the Board were provided with a few options. She reported that the Town of Gore Bay is looking into providing internet service to the Harbour Centre Building in the next few weeks, with 'StarLink'. Planning Board has been invited to share the internet service once it has been installed, at an increased cost from ± \$85.00 per month (currently with Bell Canada) to approximately \$185.00 per month (with Starlink), as well as added security/fire wall costs to protect the Planning Board. There is no obligation to do this immediately, as the Planning Board needs to update the office internet service before 2025. Once the internet is up and running for the Harbour Centre, further investigation can be done to determine all costs and if the service meets the needs of the Planning Board.

Board Member, L. Hayden had asked Staff Member, J. Diebolt to research another internet provided called "LEAP FROG". Mr. Diebolt reported that he had not completed this yet and needed to investigate it further.

Discussion included:

- residential internet service is less expensive than the commercial type service; commercial service may be required; it is not clear if the Planning Board would qualify for Commercial Service; the Town of Gore Bay is paying for the initial installation; an additional dish would be required for the Planning Board; there will be additional installation costs; there is some money in the budget for upgrading the internet service for the Planning board; this will need to be done before 2025 to upgrade the ArcGis Program to the ArcGisPro Program.

The general consensus of the Board was that no Decision will be made at this time and that this item will be tabled and discussed at a future Board Meeting when additional information is available.

9. ONTARIO ASSOCIATION OF COMMITTEES OF ADJUSTMENT & CONSENT
AUTHORITIES (OACA) - 2 Conferences

- i) Conference - Windsor, Ontario - June 02 to 06, 2024
- ii) Conference - Barrie, Ontario - September 25 to 27, 2024

The Secretary-Treasurer informed the Board that there are two OACA Conferences scheduled for 2024 and she requested support from the Board to put the Conference costs in the 2024 Budget, to allow her to attend. The Conferences provide an opportunity to make contacts with other members in the land use planning work force, Ministry Staff, and Legal representatives, and to keep informed of new policies and regulations, which has proven helpful over the years, as with so many changes coming into play, it is difficult to keep up to date.

MOTION

It was moved by B. Barker and seconded by T. Mackinlay that the 2024 Budget cover the costs for the Secretary-Treasurer to attend the OACA Conference in Windsor, Ontario in June 2024 and the OACA Conference in Barrie, Ontario in September 2024,
- Carried Unanimously.

10. MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH)
- possible workshops September/October 2024

The Secretary-Treasurer informed the Board that the Ontario Ministry of Municipal Affairs and Housing is considering starting up their workshops again which ceased with Covid 19. They are considering a Workshop in Sudbury in September or October 2024.

The General consensus of the Board was to discuss this item further once more details become available.

11. MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH)
- Special Business Case Funding 2023-2024

The Secretary-Treasurer informed the Board that Funding for four (4) projects had been submitted to the Ministry of Municipal Affairs and Housing (MMAH) on December 12, 2023, in the amount of \$16,757.87, to deliver planning services to the unincorporated Townships of Robinson and Dawson.

MMAH have approved Special Business Case Funding in the amount of \$1198.00; Project #2 of \$895.56 for a mass mail out to all land owners advising of requirements of building and conformity to Zoning By-law No. 2022-05, to assist with possible contraventions and By-law Enforcement; and Project #3 of \$302.82 for costs associated with the purchasing of a body worn camera and a portable storage drive to store the video surveillance to assist with any interactions during site visits and By-law Enforcement for the Unincorporated Townships of Robinson and Dawson.

The Chair, L. Hayden and the Secretary-Treasurer, T. Carlisle have signed the Ontario Transfer Payment Agreement (TPA) on March 19th, 2024 and it has been sent to the Ministry.

A Resolution of the Board is required to accept the Special Business Case Funding in the amount of \$1198.00.

The following motions resulted:

MOTION

It was moved by D. Osborne and seconded by K. Noland that the Manitoulin Planning Board accepts \$1,198.00 from the Ontario Ministry of Municipal Affairs and Housing for the Business Case Funding component of the Assistance to Planning Boards Funding Program 2023-2024 to be used towards two projects, for the Unincorporated Townships of Robinson and Dawson, as submitted in December 2023,
- Carried Unanimously.

MOTION

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

12. WORKPLACE VIOLENCE & HARASSMENT POLICY REVIEW

The Secretary-Treasurer advised that Planning Board Staff had investigated policies of Bill 149 and the Occupational Health and Safety Act. The following summary had been provided to the Board with their Meeting agenda.

i) Bill 149 - Employment Law 2024-Working for Workers Act Review

The Act is currently undergoing Third Reading. The Act proposes to amend the Digital Platform Worker's Rights Act, Employment Standards Act (ESA), Fair Access to Regulated Professions and Compulsory Trades Act, and Workplace Safety and Insurance Act (WSIA). The changes to the ESA have updated requirements for information to include when posting job opportunities and clarification in how vacation pay is paid to the employee. The WSIA includes changes to insurance for firefighters regarding esophageal cancer, and allows the Minister to apply an indexing factor when determining annual changes to WSIB premiums. The other acts do not apply to the Manitoulin Planning Board as we are not a regulated profession or working on a digital platform.

ii) Occupational Health and Safety Act (OHSA) Review

Staff have ensured that we have updated Materials Safety Data Sheets (MSDS) for all chemicals used in the workplace to conform to the requirements of the Workplace Hazardous Materials Information System. We have also ensured that all required materials are posted in the workplace to comply with health and safety regulations, and are reviewing training certifications to see if further training in OHSA is needed for staff members. As we have fewer than five workers, we do not require a written Health and Safety Policy.

Board Minutes
March 27th, 2024

13. BUDGET REVIEW

The Secretary-Treasurer reported that the Tariff of Fees had been last updated in February 2023 and amended February 2024 with a new fee for 'removing a Hold Symbol' for a Zoning By-law Amendment.

During the February 27th, 2024 Board Meeting, the Board had requested Staff Member, J. Diebolt, to investigate if the Planning Board could collect a fee for the planning application forms. This was to address the work done on planning applications that do not result in formal circulation. If the application is processed/put into circulation, the collected application form fee would become part of the application processing fee. Does this need to be included in the Tariff of Fees?

Mr. Diebolt explained that the Planning Board cannot apply a pre-consultation fee (application form fee) for Consent to Sever Applications.

Board Member, K. Noland, asked if the Planning Board could have a policy to deposit the application fee(s) as soon as an application is complete, and only refund part of the fee if the application is withdrawn?

Mr. Diebolt explained that this may be possible; that a partial refund of the application fee could be made possible should the application be withdrawn before the formal circulation of the application is done under the Planning Act.

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

MOTION

It was moved by K. Noland and seconded by D. Osborne that it shall be a policy of the Manitoulin Planning Board that all fees for Consent to Sever Applications are to be deposited immediately upon receipt, and only half of the application fee(s) shall be refunded should the application be withdrawn before formal circulation of the application,
- Carried Unanimously.

The Board were in agreement that no additional changes are required to the Tariff of Fees at this time and that it will be reviewed again at the end of the year (2024).

The Secretary-Treasurer informed the Board that the draft Financial Statements (FS) 2023 prepared by KPMG LLP, the Comparison of Revenue and Expenditures 2020 to 2023 & Draft Budget for 2024, and payroll burden had been discussed among the Budget Committee and both staff members, during a Special Electronic Meeting held on March 21st, 2024. The Budget Committee for 2024 consists of K. Noland, B. Barker and R. Stephens.

The Minutes of the Budget Committee Meeting were provided to the Board Members.

Board Member, B. Barker, provided a summary of three key issues discussed during the Budget Committee Meeting.

- The Township of Billings has a policy which has an automatic salary increase to account for the cost of living; it is capped at a certain percentage which avoids having to look at adjustments every year; salary increases can still be negotiated. A plan for succession planning for Board Staff should be in place for 2025 to smooth any transition. Insurance for cyber security should be reviewed to ensure that the Planning Board is covered when renewing the insurance this year.

Discussion resulted in the following motion:

MOTION

It was moved by B. Barker and seconded by K. Noland that the Minutes of the Special Meeting of the Budget Committee, held on March 21st, 2024, be approved,
- Carried Unanimously.

The draft Financial Statements 2023, the Comparison of Revenue and Expenditures 2020-2023, and Draft 2024 Budget were provided to the Board Members.

Board Minutes
March 27th, 2024

13. BUDGET REVIEW - Continued

J. Diebolt, staff member, presented the draft financial statements and explained the effect of adjustments and accruals made by the auditor during the audit process, which included:

- It was explained that in 2023 during the audit for 2022, due to the larger billed amount from KPMG LLP (from previous years) and the timing of the billing, the necessary adjustment had not been done to accrue the audit costs forward for 2023; Therefore, the 2023 professional fees item has the full amount paid for the 2022 audit, as well as \$4680.00 in accrual for audit work in 2024 in order for the adjustments to catch up to the proper accrual.

-The accrual of unused vacation time and outstanding payroll at end of year resulted in the difference between the budgeted amounts and the actual amounts in salaries in the Financial Statements.

-In 2023 the Board used funds from surpluses to offset some costs of the budget; Accounting Standards do not count the use of surpluses or reserves as revenue for budget purposes, which resulted in the deficit of \$11,000.00 in the Statement of Operations and Accumulated Surplus portion of the Financial Statements.

There was discussion among the Board Members regarding the audit process, adjustments and increasing costs. It was explained that there have been updates to accounting standards that require more work and more time for staff and the auditor which may be causing increased costs. Under the Planning Act the Planning Board must use the same accountant as the municipality with the largest contribution to the budget, which is currently KPMG, LLP.

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

MOTION

It was moved by D. Osborne and seconded by J. DeForge that the Manitoulin Planning Board accept, approve, and adopt the (draft) 2023 Financial Statements, prepared by KPMG, LLP, as presented by staff member, J. Diebolt, with no changes from the draft version to the final version,
- Carried Unanimously.

MOTION

It was moved by R. Stephens and seconded by K. Noland that J. Diebolt, staff member, be authorized to sign the Management Letter as required by KPMG, LLP for the 2023 Financial Statements on behalf of the Manitoulin Planning Board,
- Carried Unanimously.

MOTION

It was moved by K. Noland and seconded by R. Stephens that the Manitoulin Planning Board approve the 2024 Budget in the amount of \$224,902.33 including payroll burden, as recommended by the Budget Committee and as presented by staff member, J. Diebolt,
- Carried Unanimously.

Note:

A copy of the final version of the Financial Statements (2023) prepared by KPMG, LLP, may be obtained with a written request to the Secretary-Treasurer of the Manitoulin Planning Board.

Board Minutes
March 27th, 2024

Application File No.: B09-24 No. of Members Present: 8
Date of Decision: March 26, 2024
Location of Property: Part Lot 22, Conc. IV, surveyed as Part 2, Plan 31R-1843,
Township of Gordon, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Kirk Longmuir is to provide for the creation of a new lot to be conveyed to his daughter for year round residential uses.

Mr. Longmuir had requested support of the Manitoulin Planning Board at the October 24th, 2023 Board Meeting, for the creation of an additional lot by the Consent to Sever process. The Board supported 'in principle' the creation of an additional lot, as proposed, despite the note on the previous severance application that future development was to be considered by a Plan of Subdivision; that this would result in a sixth lot being created by the Consent to Sever process; and taking into consideration that Olde Highway has become a maintained municipal road and the development could be considered as 'infilling'.

File No. B09-24 proposes a new lot having frontages of ± 128.4 M. on Olde Highway, a maintained municipal road and ± 239.9 M. on Highway No. 540, a provincially maintained Highway, and an average depth of ± 75.5 M., thereby containing an area of ± 1.9 Hec. There are no structures on the proposed new lot.

The land to be retained has a frontage of ± 76.2 M. on Olde Highway, a maintained municipal road and a depth of ± 52.5 M., thereby containing a minimum area of 0.4 Hec. (1 Acre). The applicant's dwelling and accessory shed are located within this land.

There have been three previous applications for Consent to Sever involving the subject land that resulted in the creation of five (5) new lots from the original parcel of land.

File No. B65-87 provided for the creation of three new lots together with right-of-way, surveyed as Parts 1 & 2, Plan 31R-1843; Part 3, Plan 31R-1843; and Parts 4 & 5, Plan 31R-1843;

File No. B30-90 provided for the creation of a new lot surveyed as Part 1, Plan 31R-1843 from Part 2, Plan 31R-1843; and

File No. B54-98 provided for the creation of a new lot being Part 4, Plan 31R-1843 from Part 5, Plan 31R-1843.

By-Law No. 89-02 permits a year round dwelling within Part 1, Plan 31R-1843 and By-law No. 89-14 permits a year round dwelling within Part 5, Plan 31R-1843.

The land subject to this (new) application proposes to split Part 2, Plan 31R-1843 into a severed and retained parcel.

A copy of By-Law No. 2015-19 for the Municipality of Gordon/Barrie Island was provided to Mr. Longmuir and he was advised that the Municipality will require 5% Cash in Lieu based on the assessed value of the severed lot, for the additional lot severance.

The application was circulated on October 27th, 2023 to the United Chiefs and Councils of Mnidoo Mnising (UCCMM) and the Wiikwemkoong Unceded Territory, as per Official Plan Policy F.5 - Consultation and Engagement.

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

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

Services for the retained land consist of a private well and private individual septic system. Services for the severed land will consist of a private well and private individual septic system when required.

The Public Health Sudbury and District (PHSD) 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.

Access for the retained land is via an existing entrance, #90 Olde Highway. Access for the severed land will also be via Olde Highway. By Transfer No. MD4598 The Municipality obtained ownership of Olde Highway in November 2011.

Board Minutes
March 27th, 2024

Application File No. B09-24
March 26, 2024 - continued

Cameron Cole, Ontario Ministry of Transportation (MTO) provided the following comments, via email, on March 13th, 2024:

' MTO has reviewed the revised proposed severance at 90 Olde Highway. I can confirm that the comments provided previously by the MTO on November 16, 2023 will remain in place for the new severance (see below).

Retained Lot:

- *No access to Hwy 540 will be permitted. Access must remain from Olde Highway.*
- *Placement of any buildings or structures within 45 meters of the Hwy 540 property line will require an MTO building/land use permit.*
- *Any future proposed development must be subject to MTO review.*

Severed Lot:

No access to Hwy 540 will be permitted. Lot must be accessed from Olde Highway. Placement of any buildings or structures within 45 meters of the Hwy 540 property line or within 180 meters of the intersection of Hwy 540 and Olde Highway will require an MTO building/land use permit. Any future proposed development must be subject to MTO review.

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

*Any questions regarding permitting or setbacks can be directed to Michelle Lavallee, Corridor Management Officer at michelle.lavallee@ontario.ca
If you have any questions or concerns, don't hesitate to contact me.'*

The MTO comments were provided to Mr. Longmuir.

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

Mr. Longmuir was advised that year round residential uses are not a permitted use in the Shoreline Residential (SR) Zone and that an Amendment to the Municipal Zoning By-law may be required, as a condition of the Consent approval.

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.

It was explained to Mr. Longmuir that if year round residential uses are proposed, that proof of potable (drinking/cooking) water for the proposed new lot, that would conform to the Provincial requirements, may be required, at the building permit stage.

Hydro One was circulated for comments as part of the preliminary review of the application. Josh Waytowich advised via email on March 18th, 2024 that Hydro One has an unregistered easement; they do not require occupational rights or easement; and that they own the poles.

There is an unevaluated wetland identified to the east of the property, across Highway No. 540. The new lot is not being created in this area.

From information available (elevation mapping) there appears to be some low lying areas within the proposed new lot with some portions of the property below the 100 year flood contour that may restrict a building site. However, there does appear to be a building site outside the flood risk area.

Zoning By-law No. 2022-016 for the Municipality of Gordon/Barrie island states under:

- ' 4.261. Setbacks from Lake Huron*
- 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 (CGVD 1928). Policy 4.26*
- Mr. Longmuir was provided with the mapping and advised that he may encounter building restrictions.'*

Board Minutes
March 27th, 2024

Application File No. B09-24
March 26, 2024 - continued

Mr. Longmuir was advised that an elevation survey may be required at the time of the building permit stage.

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 (PPS) 2020.

The application was circulated on March 05, 2024 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 recommend consent be granted and advised that a municipal Zoning By-law amendment would be required for a year round residential use.

Charleyne Hall, Bell Canada, advised via email on March 25th, 2024 that Bell Canada have no concerns or comments to the proposed application.

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

The Secretary-Treasurer was asked if the buildings conformed to the Municipal Zoning By-law and if there was a building site outside of the flood risk area. She replied that the Municipality had confirmed that the severed and retained lots conform to their Zoning By-law or will conform once a Zoning Amendment is approved, and that from the information available there does appear to be a building site within the severed lot, which would be confirmed at the time of the building permit stage.

Mr. Longmuir was in attendance during consideration of the application. He spoke to the application and advised that he is aware that a Zoning Amendment is required for a year round home and that his house lot will also be brought into conformity with the Municipal Zoning By-law.

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

Consent is tentatively granted subject to the following conditions:

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

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) 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 and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a copy of an approved amendment to Zoning By-law No. 2022-016 permitting a single family detached (year round) dwelling in the Shoreline Residential (SR) Zone for the proposed severed land which are identified as a Part Number(s) on a Plan of Survey;
- iii) a written confirmation from the Municipality that an entrance permit from Olde Highway for the severed land has been issued, satisfactory to the Municipality;
- iv) a written confirmation from the Municipality that the levy as per the Municipal Cash in Lieu of Conveyance By-law No. 2015-09, has been received, satisfactory to the municipality;
- v) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the Municipality that all outstanding municipal taxes have been paid for the subject land (severed and retained land).

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

Note: Owner(s) of the subject land should be made aware that building permit restrictions shall apply.

Note: Further development by the Consent to Sever process may not be considered.

Board Minutes
March 27th, 2024

Application File No.: B10-24 No. of Members Present: 8
Date of Decision: March 26, 2024
Location of Property: Lot 20, Conc. IX and Lot 20, Conc. X, excepting Highway Plan P2314-26, Township of Campbell, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Robert Brethat is to provide for the technical severance (± 40 Hec.) of Lot 20, Conc. X, having frontages of $\pm 1,005$ M. on Lanktree Side Road, a maintained municipal road, and ± 402 M. on Highway 542, a provincially maintained highway, and a depth of ± 402 M. There are no structures on this land. Farm related residential uses are proposed.

The land to be retained, being Lot 20, Conc. IX, has frontages of ± 402 M. on Evergreen Drive and $\pm 1,005$ M. on Lanktree Side Road, both maintained municipal roads, and a depth of 1,005 M., thereby containing an area of ± 40 Hec. The applicant's dwelling, two barns, a hay storage building, and a shed, are located within this land. Farm related residential uses are proposed to continue.

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

Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin permits residential uses in the Agriculture (A) Zone. There are no land use changes proposed at this time.

Services consist of private well and private individual septic system for the retained land. Services will consist of private well and private individual septic system when required.

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.

During discussion of the application it was explained to Mr. Brethat that proof of potable (drinking/cooking) water for the proposed new lot, that would conform to the Provincial requirements, may be required at the building permit stage, if a dwelling is proposed for the severed land.

Access for the retained land is via an existing entrance, #429 Evergreen Drive. Access for the severed land will be via Lanktree Road, a maintained municipal road.

As part of the preliminary review the following comments were received from Cameron Cole, Ontario Ministry of Transportation, via email, on March 13th, 2024:

'The MTO has reviewed the revised consent application at 429 Evergreen Drive. I can confirm the comments previously provided by the MTO on January 10, 2024 will remain in place for the revised severance (see below).'

*Retained Lot (Evergreen Drive frontage):
Once severance has passed, subject lot will be outside MTO's permit control area and therefore, MTO has no comments to provide in regards to the retained lot.*

*Severed Lot (Hwy 542 frontage):
MTO notes that both agricultural entrances on the severed lot have MTO entrance permits (EN-2023-54S-00000025 and EN-2023-54-00000026). These entrances may remain, however, MTO will not support any future proposed entrance upgrades (i.e. to residential or commercial)
No new access to Hwy 542 will be permitted. Any future proposed access to the severed lot must be from Lanktree Sideroad.
Any new access on Lanktree Sideroad must be setback a minimum of 45 meters from the Hwy 542 right-of-way.
Placement of any buildings or structures within 45 meters of the Hwy 542 right-of-way or within 180 meters of the intersection of Hwy 542 and Lanktree Sideroad will require an MTO building/land use permit.*

*All permit applications can be made online at the following link:
<https://www.hcms.mto.gov.on.ca> Any questions regarding permitting or setbacks can be directed to Michelle Lavallee, Corridor Management Officer at michelle.lavallee@ontario.ca*

Board Minutes
March 27th, 2024

Application File No. B10-24
March 26th, 2024 - continued

The comments received from MTO were provided to Mr. Breathat.

There is a drain, known as the Nolan Drain A & B and catchment area, identified within the subject lands. The applicant was advised that the property may be subject to a reassessment under the Drainage Act and an agreement between the land owner and the municipality may be required as a condition of the consent to sever approval.

There are two livestock facilities and a hay storage building (barns) located on the proposed retained land. A livestock facility is also located to the west, within Lot 21, Conc. IX. The farm related structures meet the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

Habitat for Bobolink and Eastern Meadowlark were identified within the subject land. From information available there appears to be a location for a dwelling that could be outside the area of influence for the proposed severed land.

Comments were requested from the Ontario Ministry of the Environment, Conservation and Parks (MECP) due to the Species at Risk (SAR). The following comments were provided:

'Lot severances (and zoning changes) by themselves and in the absence of any additional development proposals are administrative; these activities on their own do not contravene the Endangered Species Act (ESA). Specifically, to contravene the ESA, an activity must have the effect of killing, harming or harassing individuals of a SAR, or damaging or destroying their habitat. The single act of severing a lot, passing a by-law or other similar administrative activities do not result in any of these impacts.'

The comments received from MECP were provided to Mr. Breathat.

From information available, the subject land 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 2020.

Comments were requested from Hydro One, as part of the preliminary review of the application. Josh Waytowich, Hydro One, advised that they have no concerns; that they do not have an easement; that they do not require occupation rights; and that they own the poles along the road allowance.

The application was circulated on March 5th, 2024 to the Municipality 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 Municipality recommends approval of the application and advised that a reassessment would be required by Section 65 of the Drainage Act.

Charleyne Hall, Bell Canada, advised via email on March 6th, 2024 that Bell Canada has no facilities in the vicinity and have no concerns.

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

The Secretary-Treasurer explained that should the land owner come across any Species at Risk concerns during development, they are required by law to stop and report it to the Ministry and obtain any permissions/permits that may be required.

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.

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 lines resulting from the severance(s);

Board Minutes
March 27th, 2024

Application File No. B10-24
March 26th, 2024 - continued

- ii) a written confirmation from the Municipality that an entrance permit for Lot 20, Conc. X can be issued or has been issued, being a minimum of 45 metres from Highway No. 542, satisfactory to the municipality;
- iii) a written confirmation from the Ministry of Transportation (MTO) that a change of ownership permit for Lot 20, Conc. X, if required, has been received and can be issued satisfactory to the requirements of the Ontario Ministry of Transportation (MTO);
- iv) 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 mutually agreed upon, satisfactory to the land owner and the municipality;
- v) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes 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: This property may be subject to reassessment under the Drainage Act due to the Municipal Drain.

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:

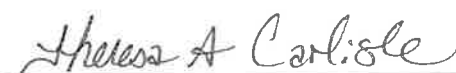
	<u>Moved By</u>	<u>Seconded By</u>
1. B09-24	K. Noland	R. Stephens
2. B10-24	R. Stephens	D. McDowell

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 8:55 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by T. Mackinlay.

L. HAYDEN, CHAIR



T.A. CARLISLE
SECRETARY-TREASURER