



February 28, 2024

MINUTES OF PLANNING BOARD MEETING - February 27, 2024

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on February 27th, 2024, the following Members of Planning Board were present:

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

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

Also in attendance for the meeting were:

T. Sasvari, reporter, Manitoulin Expositor:
T. Murray, applicant, for Amendment File No: 2022-05ZBL-24-001; and
J. Chandler, Request for Plan of Subdivision Extension.

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

The Meeting was called to Order after the two Public Meetings, at 7:12 P.M. by Chair L. Hayden who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting of January 30th, 2024. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

The Secretary-Treasurer requested two additions to the agenda of:

- i) Zoning Conformity Permit Application Fee Consideration; and
- ii) Planning Application Preconsultation Fee(s).

MOTION

It was moved by D. McDowell and seconded by T. Mackinlay that the Order of Business be adopted, as amended, with two additional items 12. and 13. after item 11.
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - January 30th, 2024

The Chair announced that the Minutes of the Board Meeting held on January 30th, 2024 had been circulated to the Board Members and requested that any errors or omissions be stated.

There were none.

MOTION

It was moved by R. Stephens and seconded by T. Mackinlay that the Minutes of January 30th, 2024, be adopted,
- Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- January 30th, 2024

There was none.

3. VARIABLE EXPENDITURES

Board Member K. Noland asked what the auditor's fee was for the 2022 audit.

The Secretary-Treasurer advised that the total audit cost for the 2022 audit was about \$9300.00. The interim bill received from KPMG to do the 2023 audit in the amount of \$8,475.00 is about \$825.00 less than the final cost to the Board for the 2022 Audit.

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

MOTION

It was moved by T. Mackinlay and seconded by D. Osborne that the variable expenditures be accepted as presented,
- Carried.

Board Minutes
February 27th, 2024

4. AMENDMENT FILE NO: 2022-05ZBL-24-001

- i) Applicant: Todd Murray
Location: Part Lot 23, Conc. X
Lying Between Pt. 1, Plan 31R-185 and Instrument No. T-16283
(Located at #25548 Hwy 540)
Township of Dawson, District of Manitoulin

A Zoning Amendment Application was received from Todd Murray to permit an existing (RV) recreational vehicle (± 8.2 m. X ± 2.4 m.) and an existing tool shed (± 3.7 m. X ± 2.4 m.) attached to the RV, which are located in the front yard/in front of the dwelling which is under construction, to remain on a temporary basis for up to three years during the completion of the dwelling,

The required Public Meeting was held by the Manitoulin Planning Board on Tuesday, February 27th, 2024 at 7:02 p.m. Mr. Murray was in attendance.

The following letter was received from Mr. Murray on December 8th, 2023:

' To whom it may concern,

I'm constructing a home at 25548 Hwy 540 in Dawson Township and require temporary eating/sleeping quarters and tool shed. Currently I have an RV and tool shed in my driveway until I have the plumbing and kitchen installed in the new home. The current location of these structures is on solid ground above the spring flood zone.

The build is progressing and I have all the plumbing/kitchen materials on site to complete the work. I expect to remove the RV/tool shed from the driveway in the summer of 2024, but no later than September 30th, 2024.

Thank you for your consideration on this amendment.'

Zoning By-law No. 2022-05, Section 4.1.4 - Recreational Vehicles - states:

- '1. No recreational vehicle shall be used for habitable space, i.e. sleeping and/or eating, except temporarily in a campground for such use;
2. Recreational vehicles are prohibited on vacant lots;
3. Recreational vehicles are only permitted to be parked and/or stored in the zones where residential uses are permitted as an accessory use on a lot that has a primary use;
4. Recreational vehicles must be stored appropriately and conform to the following provisions:
a) parking/storage is only permitted in the rear yard.'*

Therefore, this amendment is required to permit the non-complying use(s) of the two structures placed on the property without permit(s).

The subject land is an existing lot of record. The applicant has owned the property since January 15th, 2021.

Two Zoning Conformity Permits, No. LC05/15 (to the previous owner) and LC08/21 (to T. Murray) were issued but were void in place of LC05/22, due to the increased size of the proposed dwelling. LC05/22 was issued to Mr. Murray on April 07, 2022, for a dwelling (± 7.32 m. X ± 12.19 m.). No other permits have been issued by the Manitoulin Planning Board.

During a Site visit to the property in June 2022 the RV with the attached tool shed was discovered on the property. A Notice of Violation was posted on the property. Mr. Murray contacted the Planning Board Office and it was explained that the RV and tool shed would need to be moved or removed or that an amendment approved by the Manitoulin Planning Board would be required in order for the structures to remain and conform to the Zoning By-law. The application for Amendment was sent to Mr. Murray via email.

A 2nd site visit was conducted in October 2022.; the RV and tool shed were still present on the property; construction of the dwelling had been started; and another Notice was posted on the property with a request to contact the Planning Board Office.

A 3rd site visit was conducted in August 2023; the RV and tool shed were still present; the dwelling was now closed in; and another Notice was posted on the property with a request to contact the Planning Board Office to discuss bringing his property into conformity with the Zoning By-law.

A 'Temporary Use' By-law Amendment application was received from Mr. Murray on November 27th, 2023.

As part of the preconsultation process the application was sent to the Ontario Ministry of Transportation (MTO), as the lot fronts on Highway No. 540.

The Ontario Ministry of Transportation (MTO) have issued an entrance permit, No. EN-2021-54S-00000009 V1. They have advised that a Land Use Permit is also required for the dwelling. Mr. Murray was informed of the MTO comments and asked to contact MTO for the permit. Access is via an existing entrance, #25548 Hwy No. 540, a provincially maintained highway.

Hydro One was consulted as part of the preliminary review of the application as there appears to be a hydro line crossing the south east corner of the property. Hydro One advised on January 31st, 2024 that they have no concerns with the application; that they own the poles; and do not require an easement.

According to the application servicing will consist of private well and a grey water system with composting toilet.

4. APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO. 2022-05

- i) File No.: 2022-05ZBL-24-001 - continued

The Sudbury and District Health Unit have advised that they do not conduct site visits for Amendment Applications.

Dawson Township has no fire protection. There is no garbage collection, but there is a transfer station open weekly.

The application to amend Zoning By-law No. 2022-05 was circulated on February 2nd, 2024 to the Township of Dawson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario, the Rainbow and District School Board, Bell Canada, and to all property owners within 120 metres as required by Ontario Regulation 545/06.

John Van Every advised that from a Local Roads Board perspective, there are no concerns with regard to the specific request.

There have been no inquiries or concerns received from the agencies or the property owners circulated or from the posting of the signs on the property.

The subject land will remain designated as being within a Rural Area and all Official Plan (OP) Policies applicable thereto will continue to apply.

Section F.4.2.2 - Temporary Use By-laws states:

'The Planning Board and/or the municipality may pass a temporary use by-law to allow the temporary use of land, buildings or structures for a purpose otherwise not permitted by the Zoning By-law for a specific period of time not to exceed three (3) years.'

The subject land is within a Rural (R) Zone. If approved, this proposal will amend Zoning By-law No. 2022-05 to permit the use of the existing (RV) recreational vehicle and the existing tool shed attached to the RV, to be located in the front yard/in front of the dwelling which is under construction, on a temporary basis for up to three years during the completion of his dwelling,

From information available, the subject land does not appear to have any natural heritage features or species at risk concerns. Section 3 of the Planning Act requires that decisions affecting planning matters *'shall be consistent with'* policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS.

The proposal is considered consistent with the PPS 2020.

Discussion among the Board included:

- site visit pictures and pictures provided by Mr. Murray (at the meeting) show that the dwelling is closed in and the kitchen and bathroom are near completion; Mr. Murray states that he hopes to move into the dwelling in September 2024; is three years necessary; would two years be long enough; would one year be long enough; is the RV road worthy; is the dwelling a permanent dwelling; is the tool shed moveable; are the RV and tool shed going to be removed from the property or moved to be behind the dwelling; is a zoning conformity permit required, if so is the fee \$525.00 or \$130.00.

Mr. Murray was present and provided pictures of the dwelling which is under construction. He advised that one year would probably be long enough as the dwelling is progressing, but that he would prefer two years; that he intends to live year round in the dwelling; there is no motor in the RV; and the RV and tool shed are to be removed from the property.

Mr. Murray was made aware that a Zoning Conformity permit application could include several structures accessory to his dwelling, to remain permanently on the property. Mr. Murray advised that he would give this some thought.

The Secretary-Treasurer read the following By-law:

BY-LAW NO. 2024-002

TEMPORARY USE PROVISIONS FOR SPECIFIC LANDS

Being a By-law of the Manitoulin Planning Board to amend By-law 2022-05, the comprehensive zoning By-law for the Townships of Dawson and Robinson.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend By-law No. 2022-05 under the Temporary Use Provisions as set out by Section 39 of the Planning Act, Chapter p.13, R.S.O., as amended.

Board Minutes
February 27th, 2024

4. APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO. 2022-05
i) File No.: 2022-05ZBL-24-001 - Bylaw No. 2024-002 - continued

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Despite Section 14.0 - Rural (R) Zone - one existing (RV) recreational vehicle (± 8.2 m. X ± 2.4 m.) with attached tool shed (± 3.7 m. X ± 2.4 m.) placed on property without permits, may be located and used on lands described in Subsection (2) as a temporary use until the **27th Day of February 2026** in accordance with Section 39 of the Planning Act.
- (2) Subsection (1) applies to that parcel of land described as being Part Lot 23, Conc. X, Lying Between Part 1, Plan 31R-185 and Instrument No. T-16283, (Located at #25548 Hwy 540), Township of Dawson, District of Manitoulin, as deposited/registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Land Tribunal (OLT) where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

MOTION

It was moved by T. Mackinlay and seconded by K. Noland that By-law No. 2024-002 be approved, as read and that the Planning Board after careful consideration, will accept a Zoning Conformity Permit Application fee of \$130.00 in the circumstance,
- Carried.

4. AMENDMENT FILE NO: 2022-05ZBL-24-002

- ii) Applicants: Jeremy and Jane Fuller
File No.: 2022-05ZBL-24-002
Location: Part Lot 22, Conc. X
Surveyed as Parts 1 to 4, Plan 31R-4074
(Located at #144 Kemp Lake Road)
Township of Robinson, District of Manitoulin

A Zoning Amendment Application has been received from Jeremy and Jane Fuller to permit an existing portable storage container (± 12.2 m. X ± 2.5 m.) and an existing guest cabin (± 5.0 m. X ± 2.5 m.), which were placed on their property without permits, to remain on a temporary basis for up to three years during the construction of their dwelling,

The required Public Meeting was held by the Manitoulin Planning Board on Tuesday, February 27th, 2024 at 7:10 p.m.

Zoning By-law No. 2022-05, Section 4.1.6 - Portable Storage Containers states:

- ' 1. *Portable storage containers are only permitted in the General Industrial (M) Zone for storage purposes, only as an accessory use on a lot that has an established primary use.*

The application with a digital sketch prepared by the Planning Board Office, was circulated on February 2nd, 2024 to the Township of Robinson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario, the Rainbow and District School Board, Bell Canada, and to all property owners within 120 metres as required by Ontario Regulation 545/06.

On February 21st, 2024 it was discovered that there are three additional structures which were not identified on the application or the sketch, and were not part of the formal circulation.

These three structures include an existing out house/privy (± 1.2 m. X ± 1.2 m.), an existing well house (± 2.0 m. X ± 2.0 m.), and an existing gazebo (± 3.0 m. X ± 3.0 m.).

The application and the digital sketch should have included all five structures, as they were identified in the pictures taken during a Site Visit to the property in May 2023.

Mr. and Mrs. Fuller amended their application on February 27th, 2024 and the Planning Board have amended the circulation sketch to identify all the structures.

Mr. and Mrs. Fuller were advised that a re-circulation of the application and sketch may be required, to provide notice with the correct information.

An amendment is needed because a portable storage container is not a permitted use in the Rural (R) Zone; the other structures are not accessory to a dwelling as the dwelling has not been built; and the guest cabin and the out house/privy are located in the front yard/in front of the proposed dwelling. Currently the property is in violation to Zoning By-law No. 2022-05 for the Unincorporated Townships of Robinson and Dawson.

4. APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO. 2022-05

ii) File No.: 2022-05ZBL-24-002 - continued

Section 11. of the Amendment Application states:

' When we purchased the lot, there was a portable storage container already located in the place where it is sitting now on the property. We are requesting permission to leave it where it sits now temporarily, to be used for the storage of equipment and tools while we construct our residential dwelling.

We also require shelter, as we currently live over 500 km from the property. We have a small bunkie (guest cabin) that can be easily moved around the property that we would like to use as a place for shelter from the elements while we construct our residential dwelling.

Once the residential dwelling is constructed the bunkie (guest cabin) can be relocated and will conform to the regulations and the shipping container will be removed from the property.'

The subject land is an existing lot of record. The applicants have owned the property since November 3rd, 2020.

By Amendment File No: 51ZO-00487-003 a seasonal dwelling is permitted within the subject land, in the Rural (R) Zone. The applicants have advised that there was an existing dwelling located within the property which was no longer habitable and was torn down.

Aerial Photography from 2016 does not identify the portable storage container but the Aerial photography from 2021 does.

Access is via an existing entrance, #144 Kemp Lake Road, a road that is maintained year round by the Robinson Local Roads Board.

Servicing will consist of private well and private individual septic system, when required.

The Sudbury and District Health Unit have advised that they do not conduct site visits for Amendment Applications.

There is a Hydro Line that crosses the property. Hydro One was consulted as part of the preliminary review of the application and they advised that they have no concerns; that they have an unregistered easement over the subject land; and that they own the poles.

Fire Protection is provided by the Robinson Township Volunteers.

Garbage Collection is available by the Robinson Local Services Board.

The Robinson Local Roads Board (RLRB) advised via email on February 24th, 2024 as follows:

' The Robinson LRB recognizes that travel trailers and portable storage containers are not a permitted use within the township in accordance to the MPB land use zoning by-law. In consideration that the portable storage container was located on the property at time of purchase, the LRB is in agreement with MPB's recommendation to permit the "temporary" use of the portable storage container, to be used only for the temporary storage of equipment and tools, for a maximum duration of 3 years, while the owners construct a residential dwelling.

The LRB would like to request that staff of MPB conduct regular site visits and communicate with the property owners to ensure that construction of the dwelling is progressing and will be completed within the 3 year time frame;

the permanent removal of the portable storage container from the property, once construction is complete; and

the permanent relocation of the existing Bunkie, is in conformity to all required yard setbacks.

As well, the LRB wishes to remind the property owner that they are to contact the Chair of the LRB (Eric Thiessen) regarding any drainage concerns or to discuss culvert installation off the municipally maintained road. Digging up the township road or installing a culvert without prior communication with the LRB is strictly prohibited.'

There have been no inquiries or concerns received from the agencies or the property owners circulated or from the posting of the signs on the property.

The subject land will remain designated as being within a Rural Area and all Official Plan (OP) Policies applicable thereto will continue to apply.

Official Plan Policy F.4.2.2 - Temporary Use By-laws states:

'The Planning Board and/or the municipality may pass a temporary use by-law to allow the temporary use of land, buildings or structures for a purpose otherwise not permitted by the Zoning By-law for a specific period of time not to exceed three (3) years.'

The subject land is within a Rural (R) Zone. If approved, this proposal will amend Zoning By-law No. 2022-05 to permit the 'temporary uses' as proposed and bring the property into conformity with the Zoning By-law.

February 27th, 2024

4. APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO. 2022-05
ii) File No.: 2022-05ZBL-24-002 - continued

There is a wetland identified on the eastern portion of the subject land, which is located within the Conservation (02) Zone. According to the applicants, no construction is proposed in this area.

There is an aggregate site, #616862, located to the north of the subject property. A minimum distance separation is not required for lots of record, for a residential use in the vicinity of the aggregate site.

There are portions of the subject property that are within a High Category for Wildland Fire. The applicants have advised that construction will be outside these areas.

From information available, the subject land does not appear to have any natural heritage features or species at risk concerns. Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS. With approval of this proposed amendment, there does not appear to be any conflict or adverse impacts to policies expressed by the PPS 2020. The proposal is considered consistent with the PPS 2020.

Discussion among the Board included:

- appears the portable storage container was located on the property prior to their purchase; it was not identified in 2016 but was in 2021 according to the aerial photography; the structures do not have a Zoning Conformity permit; proper notice was not given as the sketch and Notice did not include all the structures; was this an honest mistake; in good planning should the application be re-circulated; is the correction considered minor; were there any inquiries or concerns received; does the intent of the application remain the same;

The Secretary-Treasurer advised that the error was made by both Planning Board and the applicant; that there is a re-circulation fee of \$370.00; and there have been no inquiries or concerns received.

The consensus of the Board was that the correction is considered to be minor and does not change the intent of the application, and a re-circulation would not be required for this application.

There was no one in attendance to speak on behalf of or in opposition to the application.

The Secretary-Treasurer read the following By-law:

BY-LAW NO. 2024-003

TEMPORARY USE PROVISIONS FOR SPECIFIC LANDS

Being a By-law of the Manitoulin Planning Board to amend By-law 2022-05, the comprehensive zoning By-law for the Townships of Dawson and Robinson.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law;

And Whereas the Manitoulin Planning Board deems it desirable to amend By-law No. 2022-05 under the Temporary Use Provisions as set out by Section 39 of the Planning Act, Chapter p.13, R.S.O., as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Despite Section 14.0 - Rural (R) Zone - one existing portable storage container (± 12.2 m. X ± 2.5 m.) and one existing guest cabin (± 5.0 m. X ± 2.5 m.) and one existing outhouse/privy (± 1.2 m. X ± 1.2 m.) placed on property without permits, may be located and used on lands described in Subsection (2) as a temporary use until the **27th Day of February 2027** in accordance with Section 39 of the Planning Act.
- (2) Subsection (1) applies to that parcel of land described as being Part of Lot 22, Conc. X, Surveyed as Parts 1 to 4, Plan 31R-4074, (Located at #144 Kemp Lake Road, Township of Robinson, District of Manitoulin, as deposited/registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Land Tribunal (OLT) where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

Discussion resulted in the following motion:

MOTION

It was moved by T. Mackinlay and seconded by K. Noland that By-law No. 2024-003 be approved, as read,

- Carried.

Board Minutes
February 27th, 2024

5. 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.

MOTION

It was moved by T. Mackinlay and seconded by D. Osborne that item 6. be heard ahead of Item 5., as the applicant for item 6. was in attendance,
- Carried.

6. REQUEST FOR PLAN OF SUBDIVISION EXTENSION - FILE NO: SUB2021-001

Applicant: 5026911 Ontario Limited
Agent: Jordan Chandler
Location: Lot 22 and Part Lots 23 & 24 and
Lot 25, Conc. VII and Lots 22 thru 26, Conc. VIII
Township of Shegūandah, Municipality of Assiginack
District of Manitoulin

The Secretary-Treasurer reported that at the January Planning Board Meeting, the Board had passed a motion, approving a one year extension for File SUB2021-001. The reason for one year and not three years as requested was because the Municipality of Assiginack had not provided a Resolution of support or not and their next Council Meeting was not scheduled until February 6th, 2024 which was after the Planning Board Meeting. Without approval from the Manitoulin Planning Board at the January 30th, 2024 meeting, the Subdivision approval would have lapsed on February 23rd, 2024 which was before the next Planning Board Meeting of February 27th, 2024.

The Secretary-Treasurer read the following letter provided by agent, J. Chandler, received on February 27th, 2024:

'We are requesting a three-year extension of the draft conditions from 2021. I understand the Board provided a 1-year extension to my 3-year extension request that was submitted in December. This current request would be for an additional 2 years to that 1-year extension Decision.'

In addition, we ask that the Board waive our application fee for this extension since we feel our previous application was not handled correctly by the Township of Assiginack. They did not provide a council resolution to the planning board for our request. That township council can vote on important items via email if required. It appears as though they determined our multi-million dollar investment in their township was not of importance. If there is a fee to be paid to the board, perhaps the township should be responsible. Thank you.'

The Municipality of Assiginack advised on February 7th, 2024 of the following Resolution No: 25-02-2024:

'THAT we inform the Manitoulin Planing Board that we have no objections regarding the request for a one-year extension on the conditions of draft approval for the Sandy Point Subdivision.'

The Secretary-Treasurer requested that Council re-consider supporting a three-year extension, as requested by the applicant.

The Municipality of Assiginack advised on February 21st, 2024 of the following Resolution No:42-03-2024:

'THAT we inform the Manitoulin Planning Board that with respect of File SUB2021-001, 5026911 Ontario Limited, that we have no objection to a three-year extension of the completion date.'

AND that we ask the Board to consider a Standing Policy on such requests to govern both Council and the Board's response to future requests without the need for Special Meetings of either body.'

Discussion resulted in the following motion:

MOTION

It was moved by T. Mackinlay and seconded by K. Noland, that as per Section 51(33) of the Planning Act, Subdivision File No: SUB2021-001, Phase Two, be given an additional extension of two years, resulting in a new three year extension date now being February 23rd, 2027, and that the 2nd fee of \$315.00 for the extension be waived,
- Carried.

7. MUNICIPAL INTERIM REQUISITIONS

The Secretary-Treasurer and reported that five (5) of the eight (8) Municipal Interim Requisitions, have been received to date.

8. OFFICE INTERNET REVIEW

The Secretary-Treasurer gave an update from the January 30th, 2024 Board Meeting and provided the Board with six (6) comparable internet options that the Planning Board could consider for upgrading the current Bell Canada Internet Service for the Planning Board Office, which will be required by the end of the year to upgrade from the ArcGis Program to the ArcGisPro Program.

The consensus of the Board was to table the information and to have further discussion at Budget time, at a later Board Meeting.

9. TARIFF OF FEES

The Secretary-Treasurer explained that the Planning Board does not currently have a fee to remove a Holding Symbol for a Holding By-law. She requested an additional fee be added to the Tariff of Fees as "Removal of a Holding Symbol" similar to the 'Certification of Cancellation' fee of \$130.00.

Discussion, resulted in the following motion:

MOTION

It was moved by R. Stephens and seconded by T. Mackinlay that the Tariff of Fees be updated to include one addition fee of \$130.00 for a 'Removal of a Holding Symbol' from a Holding Zone By-law,
- Carried.

10. PROCEDURAL BY-LAW No. 2019-01 - Review

The Secretary-Treasurer informed the Board that the Procedural By-law was to be reviewed once a year and she was bringing it forward for discussion to see if any changes or additions were required.

Discussion among the Board resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by K. Noland that the Procedural By-law No. 2019-01, as amended, has been reviewed and there are no changes required to the By-law at this time,
- Carried.

11. STAFF HOLIDAYS

The Secretary-Treasurer informed the Board that she had accumulated thirty (30) extra days of Holidays in 2023 and requested the Board's support to carry them over to 2024.

Discussion among the Board included:

- taking several holidays on a month when there is no Board Meeting; closing the Office to the Public one day a week; offering the part time staff more hours; hiring another staff member; paying out the holidays,

The discussion resulted in the following motion:

MOTION

It was moved by R. Stephens and seconded by D. McDowell that the Planning Board has no objection to the Secretary-Treasurer carrying over her 2023 holidays into 2024 and that this topic will be discussed further at Budget time,
- Carried Unanimously.

12. ZONING CONFORMITY PERMIT APPLICATION FEE REQUEST

Applicant: Christopher Seguin
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 provided the following summary:

A Zoning Conformity Permit, No: LC21/22 had been issued on October 24, 2022, by the Planning Board to the previous owners for a dwelling with a stone patio. Mr. Seguin (current owner) had submitted an Amendment Application in March 2023 to permit a dwelling constructed of four (4) portable storage containers and this had been considered to conform to the Ontario Building Code and was approved on January 30th, 2024. During a site visit to the property of August 14th, 2023 it was discovered that a two-storey structure has been placed within the property. The applicant was contacted and he advised that the structure is a tool shed, placed within the property to be used during the construction of the dwelling. He was advised that if the structure is to be an accessory structure and remain permanently within the property, a Zoning Conformity Permit would be required and that the Zoning By-law allows a tool shed to be located on the property if construction of the dwelling has commenced and has not been abandoned.

12. ZONING CONFORMITY PERMIT APPLICATION FEE REQUEST - continued

The following sections from Zoning By-law No. 2022-05 for the Unincorporated Townships of Robinson and Dawson, were attached to the Board's agenda:

Section 4.1 Accessory Uses:

- c) An accessory building shall not be erected on a lot prior to the principal building to which it is to be accessory thereto.

Section 4.21 - Special Uses Permitted states:

- b) a tool shed, scaffold or other building or structure incidental to construction on the premises where it is situated and only as long as it is necessary for the work in progress and until the work is completed or abandoned.

“Abandoned” in this section shall mean the failure to proceed expeditiously with the construction work, specifically abeyance of construction for six (6) months.

Section 3.0 - Definitions:

CONSTRUCTION shall mean to do anything in the erection, installation or extension or material alteration or repair of a building or sign and includes the installation of a building unit or sign fabricated or moved from elsewhere.’

She then read the following letter, received from Mr. Seguin on February 22nd, 2024:

‘ Dear Board members:

I have submitted a revised zoning conformity permit for my property located at 20473 HWY 540 in Silver water. My original conformity permit was approved and issued on October 24th, 2022.

With this revised application, I have submitted (2) bank drafts in the amount of \$130.00 and \$525.00. The new conformity application and sketch now show my storage shed that was installed on the property after receiving my original approved permit.

I believed to be in the “Construction Phase” of this project while completing tasks not limited to land clearing/excavation/installing hydro service trenches & conduits/well water lines/septic system test holes/preparing gravel base for concrete slab/landscaping/etc.

Without prejudice I would appreciate it if the board would consider my position on the monetary amount due to process the revised application.’

The Secretary-Treasurer was asked if construction of the dwelling had started. She advised that she did not know for sure but thought it had not.

Discussion resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by R. Stephens that the Planning Board will give forgiveness to the \$525.00 application fee in this circumstance, and will support a Zoning Conformity Permit Application fee of \$130.00,

- Carried.

Further discussion was had that the \$525.00 application fee that is part of the Tariff of Fees, was introduced by the Planning Board for those land owners who placed structures on their property or built without permit(s) and is there for that reason. The general consensus of the Board is that the Planning Board Staff collect the \$525.00 fee, if it applies.

13. PRECONSULTATION OF PLANNING APPLICATIONS

The Secretary-Treasurer reported that the Planning Board requested at the January 30th, 2024 Board Meeting that staff review the Planning Act to see if it was possible to apply a pre-consultation fee as part of a planning application process. This was to recover costs for staff time incurred from lengthy consultation with applicants for proposals that did not end up being circulated, and for which no application fee was received. Under consideration was a requirement for a non-refundable deposit assessed to the applicant for a pre-consultation. If the application proceeded to circulation, the deposit would be applied to the application fee. If pre-consultation occurred and the application did not proceed, the deposit would not be returned.

She further reported that the Planning Act allows municipalities and Planning Boards to require pre-consultations for Official Plan Amendments (OPA), Zoning By-law amendments (ZBL), Plans of Subdivision (SUB), and Site Plan Agreements.

As an example, the City of Toronto has a recent by-law effective October 12 2023, requiring applicants to pay a non-refundable fee of \$700 for OPAs, ZBL's, SUBs, and Site Plan agreements. This fee acts as a deposit which is applied to the application fee if the proposal goes into circulation.

13. PRECONSULTATION OF PLANNING APPLICATIONS - continued

From the above information, it may be possible for the Planning Board or the Municipality (whichever is the approval authority) to pass a by-law requiring pre-consultation for OPAs, ZBLs and SUBs with a required non-refundable fee that would function as a deposit against the final application fee.

It appears to be 'all or nothing' – all applicants for those types of applications would have to do the pre-consultation, we could not do it for certain types of application only.

It does not appear possible to require pre-consultation for Consents under the Planning Act.

The consensus of the Board was to table this item for further discussion at Budget time, and to investigate if the Planning Board could collect a fee for the application form itself and if the application is processed, that the fee be included in the application fee.

Board Minutes
February 27th, 2024

Application File No's. B01-24, B02-24, B03-24 and B04-24 No. of Members Present: 6
Date of Decision: February 27, 2024
Location of Property: Lots 28, 29 and 30, Conc. I, Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Harold (Hal) Love on behalf of himself and Frank, Edward, Ryan, and Mark Love is to provide for the creation of four (4) new lots for rural residential/recreational uses. There are no structures within the subject land.

Harold Love, agent for the application, requested support of the Manitoulin Planning Board at the November 28th, 2023 Board Meeting and the Board supported 'in principle' the creation of four new lots as proposed. Mr. Love had advised that the property is owned by five family members and the application is being made for Estate Planning purposes.

File No. B01-24 proposes to create a new ± 10 Hec. lot, consisting of all of Lot 30, Conc. I as originally surveyed, having frontages of ± 412 M. on Rockville Road and ± 975 M. on Gibraltar Road, both maintained municipal roads, and a depth of ± 975 M.

File No. B02-24 proposes to create a new lot being the west \pm half of Lot 28, Conc. I, having a frontage of ± 196.8 M. on Rockville Road, a maintained municipal road, and a depth of ± 933 M., thereby containing an area of ± 18.35 Hec.

File No. B03-24 proposes to create a new lot being the east \pm half of Lot 28, Conc. I excepting Part 1, Plan 31R-512 and Part 1, Plan 31R-569, having a frontage of ± 144 M. on Rockville Road, a maintained municipal road, and a depth of ± 933 M., thereby containing an area of ± 19.6 Hec.

File No. B04-24 proposes to create a new lot being the west \pm half of Lot 29, Conc. I, having a frontage of ± 201 M. on Rockville Road, a maintained municipal road, and an average depth of ± 954 M., thereby containing an area of ± 19.2 Hec.

The land to be retained, consisting of the east \pm half of Lot 29, Conc. I, has a frontage of ± 201 M. on Rockville Road, a maintained municipal road, and a depth of ± 975 M., thereby containing an area of ± 19.2 Hec.

There has been a previous application for Consent to Sever, File No. 04-51C-76-1106, approved by the Ministry of Housing in 1976 that created a new lot within Lot 28, Conc. I surveyed as Part 1, Plan 31R-512 and Part 1, Plan 31R-569.

The subject land has been designated Rural Area and zoned Rural (R) and Agriculture (A). Rural residential/recreational uses are proposed.

Mr. Love advised that the subject land is mostly bush covered and is used for deer hunting with about 8.0 Hec. (20 acres) used for pasture. Aerial photography (2021) identifies the areas of tree cover within the subject land. It appears that the Agriculture (A) Zone covers the northern 1/4 of the property land and the Rural (R) Zone covers the southern 3/4 of the property.

The soil classifications provided by Land Information Ontario (LIO) identifies mostly class 6 soils with some class 3 & 4 at the north of Lots 28 & 29, Conc. I.

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

Access is proposed from Rockville Road, a municipal road, jointly maintained between the Township of Billings and the Township of Central Manitoulin.

Services will consist of private well and private individual septic system when required. No new services are proposed at this time.

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 February 12th, 2024 to the Municipality of Central Manitoulin, the abutting Municipality of Billings, the abutting Municipality of the Town of Northeastern Manitoulin and the Islands, the M'Chigeeng First Nation, Bell Canada, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Board Minutes
February 27th, 2024

Application File No's. B01-24 to B04-24
February 27, 2024 - continued

The Municipality of Central Manitoulin recommends that Consent be granted with no specific conditions.

The Municipality of Billings advised on February 14th, 2024 that they have reviewed the application and have no concerns.

The Town of Northeastern Manitoulin and the Islands advised via email on February 23rd, 2024 of the following motion:

'RESOLVED THAT the Council for the Corporation of the Town of Northeastern Manitoulin and the Islands has no comment or concern in regard to file number, B01-24, B02-24, B03-24, B04-24, application for consent as provided by the Manitoulin Planning Board.....Carried.'

The M'Chigeeng First Nation have not have not provided any comments or concerns or requested additional time to do so.

Charleyne Hall, Bell Canada, advised via email on February 12th, 2024 that Bell Canada has no facilities within the area covered by the consent application; therefore they have no concerns.

There was a telephone inquiry from T. Aljoe, an abutting land owner to the south (Lots 29 & 30, Conc. 2), requesting further explanation of the application. No written concerns have been received.

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

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

Discussion among the Board was if a full survey should be required, as the Land Registry office may not accept a description for registration based on east half and west half and there is already an existing lot within Lot 28, Conc. 1.

Consent is tentatively granted subject to the following conditions:

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

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

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
or
a boundary line survey identifying the new lot lines resulting from the severance(s), that provides an acceptable legal description for registration by the Land Registry Office (31);
- ii) a written confirmation from the municipality(s) that any portion of the travelled roads (Rockville Road and Gibraltar Road) that encroaches onto the subject land(s), has been surveyed and conveyed to the municipality satisfactory to the municipality(s);
- iii) a written confirmation from the municipality that entrance permits for the proposed new lots have been issued or can be issued, satisfactory to the municipality;
- iv) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes 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: Further severances may be considered by a Plan of Subdivision.

Application File No's.: B05-24 and B06-24 No. of Members Present: 6
Date of Decision: February 27, 2024

Location of Property: Part Lot 15, Conc. XV, Being Part 2, Plan 31R-2408 excepting Subdivision Plan 31M-198, 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 Mark Fryer on behalf of Roger Fryer is to provide for the creation of two new lots for rural residential uses. According to the application, the applicant proposes to offer the new lots for sale.

File No. B05-24 proposes the creation of a new lot having a frontage of ±200 M. on Lake Huron Drive, a maintained municipal road, and an average depth of ±117 M., thereby containing an area of ±2.4 Hec. There are no structures within this bush covered land.

File No. B06-24 proposes the creation of a new lot having a frontage of ±100 M. on Lake Huron Drive, a maintained municipal road, and a depth of ±112 M., thereby containing an area of ±1.12 Hec. There are no structures within this bush covered land.

The retained land has a frontage of ±106 M. on Lake Huron Drive, a maintained municipal road, and an average depth of ±586.8 M., thereby containing an area of ±22.9 Hec. The applicant's seasonal dwelling/hunt camp is located within this land.

There have been four (4) planning applications involving the subject land.

File No. 51T-90002 created a 37 lot Plan of Subdivision abutting the Lake Huron shoreline within Lots 15 and 16, Conc. XV;

Official Plan Amendment No. 49 redesignated the subdivision lands to Shoreline District;

Zoning By-law Amendment File No. 51ZO-00490-004 rezoned the subdivision lands to Shoreline Residential; and

Consent to Sever File No. B31-90 provided for a lot addition of Part 1, Plan 31R-2093 to Lot 14, Conc. XV (to the east) for the purposes of extending the subdivision road, known as Lake Huron Drive.

Access is via Lake Huron Drive, a maintained municipal road.

Services are proposed via private wells and private individual septic systems when required.

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

There is a hydro line identified along the south side of Lake Huron Drive and Hydro One was circulated as part of the preliminary review. Josh Waytowich advised via email on January 4th, 2024 that Hydro One has no concerns with the application; that Hydro One does not have a registered easement and does not require one; and that Hydro One owns the poles along the road.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (R). Residential uses are proposed.

During the preliminary review of the application, a Deer Wintering Area was identified within the subject land. There was also a 'High' category Wildland Fire Hazard identified within the subject land.

Official Plan policy D.4.5.1.5 - Deer Wintering Areas states:

- ' 5. *In areas identified as Core Deer Yard or adjacent lands, shown on the land use schedules to this Official Plan, and outside of the identified urban areas and village areas, new development or site alteration may be permitted without an Environmental Impact Study provided:*
 - a) *The proposed new lots have a minimum of 90 metre frontage and 90 metre depth, and vegetation retention is maximized through the use of tools such as a development agreement or a subdivision agreement, miscellaneous notification agreement (and subject to other policies of this plan).'*

Official Plan Policy D.9.3 - Wildland Fire Hazards states:

- ' 2. *If development is proceeding where high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated, which will be implemented through Site Plan Control.*
- 4. *Wildland fire mitigation measures shall not be permitted in significant wildlife habitat, coastal wetlands, or significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.'*

Board Minutes
February 27th, 2024

Application File No's. B05-24 and B06-24
February 27, 2024 - continued

Technical advice was requested from the Ontario Ministry of Natural Resources and Forestry (MNR) in January 2022 due to the concerns of the deer wintering area and possible wildland fire mitigation. General information including the 'Significant Wildlife Habitat Mitigation Support Tool' document was provided.

Staff Member, J. Diebolt, advised Mr. Fryer by letter dated August 31st, 2022 that:

' At this point, you are going to need a qualified professional to prepare a scoped environmental impact statement to determine that the development and the associated wildland fire mitigation would have no negative impacts on the deer wintering area. The report would also need to provide information to support the possible site plan control (e.g. identifying ideal sites for building to mitigate impacts, identifying what can be cleared and what must be retained, etc.). The outcome of that report is likely to have recommendations for lot configuration, lot areas, and other things that could substantially change the application.

Other possible concerns with the application are the existing severances along the shoreline by the previous plan of subdivision, and the rural residential development away from existing settlement areas, which the official plan only considers on a limited basis. Larger lot sizes to support rural recreational uses are generally more supported. Once you have the assessment done and make any required changes to your application, you may want to do a formal pre-consultation with the Board, though this is at your discretion.

My recommendation is to reach out to a professional biologist or consulting firm to see about obtaining the required report to support the application. If the person you contact has questions you cannot answer, or needs information from me, please have them reach out to me and I will try and assist. '

Mr. Fryer provided a scoped Environmental Impact Statement (sEIS) report completed by Western Ecological Services, dated July 6th, 2023.

The Conclusions and Recommendations of the sEIS report (in summary) are:

- The report concludes that the two severances can occur without negative impacts to the deer habitat or Wildland Fire risk.

- The development should be located near Lake Huron Drive where new openings in canopy would have no impact on deer use in the area. Development should be limited to 15% of the lot area (1.35 acres, 0.54 ha) on Lot A (File B05-24), while development in Lot B (File No. B06-24) should be limited to Calcareous Rock area.

To offset losses of habitat from development, the following is recommended:

-Clear an additional trail further north on the property to improve movement corridors and keep deer away from Lake Huron Drive where collisions are possible.

-Close off/plant trees on north-south oriented trails to direct deer away from Lake Huron drive.

-Thin densely wooded areas by removing 3-5 m or less healthy trees to allow deer easier movement and sight lines and improve browse, while also mitigating fire risk.

-The lot and Building envelope on Lot A should be oriented east-west along the road to keep development closer to the road. Landowner would demonstrate to the building inspector that the residential development can occur in the building envelope. A new owner may have to demonstrate through site plan approval that what they are building conforms to the envelope.

-Light-duty silt fence should be installed around the perimeter of the building envelope to show the limit of disturbance/construction. Applicant's land surveyor should prepare a site plan showing the lot configuration.

In review of the information provided, it appears that there are small building envelopes within the two proposed lots that would conform to the recommendations of the scoped EIS report.

A sketch was prepared by the Planning Board Office identifying building sites within the proposed two new lots that would be outside the area of influence and conform to the Policies of the Provincial Policy Statement (PPS) 2020.

Mr. Fryer reviewed the sketch and was advised that a Municipal Zoning By-law Amendment may be required to restrict the development to site specific areas within the two proposed lots. These areas are shown on the application sketch.

Board Minutes
February 27th, 2024

Application File No's. B05-24 and B06-24
February 27, 2024 - continued

The application was circulated on December 7th, 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.

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

John Manitowabi, Wiikwemkoong Unceded Territory provided the following comments, via email, on December 7th, 2023:

' I've quickly reviewed the application and the sEIS report. All looks good in regards to identifying the wintering deer yard habitat. Apart from the deer yard, does the Planning Board also look at Species at Risk during these applications. As I would believe that Dwarf Lake Iris, Houghton's Golden Rod and possibly Hill's Thistle may be found along this southern shoreline of Manitoulin. As Wiikwemkoong does have these species along our southern shorelines and have identified protection measures for these sensitive ecological species.'

The Secretary-Treasurer provided the following response to Mr. Manitowabi:

' The Planning Board does screen planning applications for Species at Risk (SAR) using the information we received from the Ministry of Natural Resources and Forestry (MNR). There is no documented SAR for the plants. Saying that, it is the landowner's responsibility to apply for any permits/permission from the Ministry of the Environment, Conservation and Parks (MECP) or MNR should this come up during any construction.'

The application was circulated on February 12th, 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 of Central Manitoulin recommends that Consent be granted with no specific conditions.

Charleyne Hall, Bell Canada, advised via email on February 12th, 2024 that they have no concerns or objections to the proposed application.

There was a telephone call to the Office from J. Janiga requesting information regarding the Meeting and advised he had no concerns and may attend the Planning Board Meeting.

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

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

Discussion among the Board included:

- should a survey be completed identifying the building sites; a survey needs to be done to identify the two new lots and the building sites could also be identified as a Part number on the survey plan; could attach this as a condition to the Consent to Sever approval; in good planning this should be done at this time; could leave this up to the building official at the time of a building permit but this could be missed; the owner(s) of the new lots need to know there are building restrictions; when was the hunt camp on the retained land constructed; is there a building permit for the hunt camp; it appears to be very close to the easterly lot line; Township should confirm that it conforms to their By-law.

Consent is tentatively granted subject to the following conditions:

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

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

Board Minutes
February 27th, 2024

Application File No's. B05-24 and B06-24
February 27, 2024 - continued

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a copy of an approved amendment to the Municipal Zoning By-law which will restrict building sites, as identified on the application sketch, within the two proposed lots;
or
a written confirmation from the municipality that an Amendment is not required and the restricted building sites as identified on the application sketch, will be addressed at the building permit stage;
- iii) a written confirmation from the municipality that any portion of the travelled road (Lake Huron Drive) that encroaches onto the subject land(s), has been surveyed and conveyed to the municipality satisfactory to the municipality;
- iv) written confirmation from the municipality that the hunt camp located within the retained land conforms to the requirements of the municipal zoning by-law, satisfactory to the municipality;
- v) a written confirmation from the municipality that entrance permits for the proposed two new lots have been issued or can be issued, satisfactory to the municipality;
- vi) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- vii) a written confirmation from the Municipality that all outstanding municipal taxes have been paid for the subject land (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 wildland fire hazard mitigations shall apply.

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

Board Minutes
February 27th, 2024

Application File No: B07-24 No. of Members Present: 6
Date of Decision: February 27, 2024
Location of Property: Lot 20, Conc. III, Township of Tehkummah, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Bruce and Nina Wahl is to provide for the creation of a new lot having a frontage of ±404 M. on the 20th Side Road, a maintained municipal road, and a depth of ±402 M., thereby containing an area of ±16 Hec. There are no structures within this bush covered land.

The retained land has frontages of ±601 M. on the 20th Side Road and ±402 M. on Concession Road 2, both maintained municipal roads, and a depth of ±402 M., thereby containing an area of ±24 Hec. The applicants' dwelling, wood shed, garage, hay barn, and two barns currently used for storage are located within this land. The garage and the hay barn is located in the front yard/in front of the dwelling. The residential uses are proposed to continue.

There have been two previous applications for Consent to Sever involving the subject land.

File No. B01-94 created a new lot being Lot 19, Conc. III and retained Lot 20, Conc. III;

File No. B45-09 created a new lot being Lot 20, Conc. III and retained the north ±half of Lot 20, Conc. IV.

Zoning By-law No 80-02 for the Township of Tehkummah under Section 6.3 - Accessory Uses - states:

- ' c) *Except as may be provided herein any accessory building which is not part of the main building shall be erected to the rear of the front line of the main building and shall comply with the yard requirements of the zone in which such building is situated and such accessory uses shall not occupy more than 10 per cent (10%) of the lot area.*

By approved By-law No. 97-07 an accessory structure to be used for Home Industry is permitted to be located within the front yard (in front of the dwelling) having a minimum front yard setback of nine (9) metres. According to the application this building is now used as a garage.

The applicant was advised that an Amendment to the Zoning By-law may be required as a condition of the Consent to Sever approval in order for the garage and/or the hay barn to be in conformity with the Municipal Zoning By-law.

Access is via an existing entrance, #208 the 20th Side Road for the retained land. Access will be via the 20th Side Road for the new lot, when required.

Services consist of private well and private individual septic system. Services for the new lot will consist of private well and private individual septic system when required.

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

There appears to be a Hydro line along the 20th Side Road. According to the applicants there is a buried line to the existing dwelling from the hydro pole along the 20th Side Road.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (R) and Agriculture (A). The proposed new lot is zoned Rural (R) and Rural Residential/Recreational uses are proposed.

Official Plan Policy under C.5 - Rural Areas - under C.5.2.2. states:

'Development in Rural Areas will be subject to policies of Section E.2.'

Official Plan Policy E.2.3. - PRIVATE WATER AND SEWAGE SERVICES - under 6.states:

'Potable water for new development will be provided in accordance with the Province's guidelines'.

The Provincial D-5-5 Guidelines require a minimum flow rate of 13.7 litres/per minute of potable water to be available for a permanent (year round) residential use.

Board Minutes
February 27th, 2024

Application File No. B07-24
February 27, 2024 - continued

Official Plan Policy F.4.4.2.5 - Consents - states:

- ' 5. The following lot size policies will be used to evaluate consent applications in all designations of this Official Plan. In addition to other provisions of this Plan, which may be applicable to a particular application:
- c) the proposed lots (severed and retained) will comply with the provisions of the local zoning bylaw.'

And under Policy F.4.4.2:

- ' 9. The Planning Board may require the following conditions of approval of a consent application for the severed lot and/or retained lot where such a condition is appropriate:
- h) approval of Zoning By-law Amendment or minor variance.'

The application was circulated to the Township of Tehkummah on November 3rd, 2024 as part of the preliminary review due to the location of the hay barn and non-conformity to the Municipal Zoning By-law.

Barbara Griggs, Deputy Clerk-Administrator advised via email on November 10th, 2023 that:

*' Re the structure south of the main dwelling, the Township would require removal of the structure or a site specific bylaw.
Let me know what the Planning Board would approve.'*

She advised via email on November 15th, 2023 that:

' We're re-thinking our response re the Wahl property - the building is in conformance with the Zoning By-law under Section 7.1.1 permitted uses, as follows:

Section 7.1 Agriculture Zone, Section 7.2.1.1 any other agriculture use.

If the building is located in the Rural Zone it still conforms to the Zoning Bylaw under Section 7.2.2.2 Rural uses - any other agriculture use or enterprise carried on in the field of general agriculture.

The Township would require a letter in writing from the landowner that this building is used for agriculture uses - i.e. storage of equipment for agriculture use.

No need for removal of the structure or a site specific bylaw.'

She advised via email on November 24th, 2023 that:

' The Township is aware of the existing building which is on the retained land in this severance application and intend to rectify its non-conformance to the existing Zoning By-law 80-02 in the near future.'

Ms. Griggs also advised via email on February 26th, 2024 that:

' I am confirming that Gerry Strong (CBO) is issuing an Order to Comply on this property -that the hay barn storage barn building needs to be torn down.'

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 February 12th, 2024 to the Township of Tehkummah, 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 consent be granted.

Charleyne Hall, Bell Canada, advised via email on February 12th, 2024 that Bell Canada has no facilities within the areas covered by the Consent to Sever application and therefore have no concerns with the 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.

Board Minutes
February 27th, 2024

Application File No. B07-24
February 27, 2024 - continued

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 identified on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a written confirmation from the municipality that there is conformity to the Municipal Zoning By-law for the location and use of all structures located within the retained land, i.e. garage, hay barn;
or
an approved application for Amendment to the Municipal Zoning By-law that will bring any non-complying structures into conformity with the municipal zoning By-law;
- iii) a written confirmation from the municipality(s) that any portion of the travelled road (20th Side Road or Concession Road 2) that encroaches onto the subject land(s), has been surveyed and conveyed to the municipality satisfactory to the municipality;
- iv) a written confirmation from the municipality that an entrance permit has been issued or can be issued for the proposed severed land, 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.

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.

Board Minutes
February 27th, 2024

Application File No: B08-24 No. of Members Present: 6
Date of Decision: February 27, 2024
Location of Property: Part of Lots 18 and 19, Conc. IV, Surveyed as Parts 2 and 4,
Plan 31R-2095, located south of Government Road, Township of
Tehkummah, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by J. Marie Kirk is to provide for the creation of a new lot, surveyed as Part 2, Plan 31R-2095, having frontages of ±404 M. on Government Road and ±509 M. on Concession Road 4, both maintained municipal roads, and a depth of ±509 M., thereby containing an area of ±19 Hec. There are no structures within this bush covered land.

The retained land, surveyed as Part 4, Plan 31R-2095, has a frontage of ±404.9 M. on Government Road, a maintained municipal road, and an average depth of ±409.6 M., thereby containing an area of ±16.4 Hec. There are no structures within this land.

There has been a previous application for Consent to Sever north of Government Road., File No. B41-15, made by Ms. Kirk that created a new ±80 Hec. lot being Lots 17 and 18, Conc. III and retained Part of Lots 18 and 19, Conc. IV located north of Government Road.

Access will be via Government Road or the Concession Road 4, both maintained municipal roads, when required.

Services will consist of private well and private individual septic system, when required.

There are Hydro Lines along the eastern boundary of Lot 18, Conc. IV and along the concession allowance/road at the southerly part of the property. As part of the preliminary review of the application, comments were requested from Hydro One. They advised that:

- Hydro One does not have an easement; that they do not require an easement; and that they own the poles along the road allowance (at the south).

Additional comments were requested from Hydro One regarding the Hydro line along the easterly boundary of the retained land, surveyed as Part 4, Plan 31R-2095.

They advised that:

- Hydro One has an unregistered easement over the subject land; that Hydro One does not need any additional easements; and that Hydro One owns the poles along the road allowance and on the private property.

The Black Creek Drain appears to traverse the south west corner of the retained land, being Lot 18, Conc. IV. The Municipality of Tehkummah was contacted for information regarding the drain and Section 65 of the Drainage Act.

John Linley, drainage engineer, advised on February 23rd, 2024 that Lot 18, Conc. IV, south of Government Road, is not within the drain catchment for the Black Creek Drain. The lot is not assessed as part of the drain levy, but there are remarks in the drain report that the drain channel on the subject land may require maintenance to keep it flowing and the drain engineer would have the right to do work on the drain in the area.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (R) and Agriculture (A) and Conservation (02). The proposed new lot is bush covered and within a Rural Zone and an Agriculture Zone. According to the application, hay removal is to continue for the retained land, which is within an Agriculture Zone and Conservation Zone. The Conservation Zone appears to follow the Black Creek Drain.

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.

Board Minutes
February 27th, 2024

Application File No. B08-24
February 27, 2024 - continued

The soil mapping provided by Land Information Ontario (LIO) identifies the proposed severed land as being within a Class 6 category. The retained (± 16 Hec.) parcel of land is within Class 1, 3 and 6. This land is not identified as Prime Agricultural Land.

The applicant was advised that an amendment may be required for if non-farm related residential uses are proposed in the Agriculture (A) Zone.

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 February 12th, 2024 to the Township of Tehkummah, 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 that Consent be granted with no specific conditions and that Section 65 of the Drainage Act does not apply.

Charleyne Hall, Bell Canada, advised via email on February 12th, 2024 that Bell Canada has no facilities within the areas covered by the Consent to Sever application and therefore have no concerns with the 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.

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 identified on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a written confirmation from the municipality that any portion of a travelled road, (Concession Road 4) which is maintained by the municipality encroaching on the subject land, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iii) a written confirmation from the municipality that entrance permits have been issued or can be issued for the proposed severed and retained land, satisfactory to the municipality;
- iv) a fee of \$130.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the Municipality that all outstanding municipal taxes have been paid for the subject 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(s) should be made aware that building permit restrictions may apply, i.e non-farm related residential uses

Board Minutes
February 27th, 2024

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. B01-24 to B04-24	K. Noland	R. Stephens
2. B05-24 and B06-24	D. Osborne	D. McDowell
3. B07-24	D. McDowell	R. Stephens
4. B08-24	R. Stephens	D. Osborne

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 10:01 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