

The Archipelago Area Planning Board

AGENDA

Thursday, July 18th, 2019 – 1:00 p.m.
Council Chamber – Township of The Archipelago Office
9 James Street, Parry Sound

1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF THE AGENDA**

PB19-07-01 NOW THEREFORE BE IT RESOLVED that the agenda for the July 16th, 2019 meeting of The Archipelago Area Planning Board be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

PB19-07-02 NOW THEREFORE BE IT RESOLVED that the minutes of The Archipelago Area Planning Board meeting held on June 20th, 2019, be approved as circulated.

Pages: 1 - 4

5. **DELEGATIONS**

Nil

6. CONSENT APPLICATIONS

- i) **GRANT, Ian – Application No. B08-19**
OLDFIELD, Robert & Gregory – Application No. B09-19
Part Island 25A, Part 2 on Plan 42R-3878 being Parcel 12653 NS and Parcel 5, Part 4 on Plan 42R-3878, Part 1 on Plan 42R-20775, being Parcel 12803 PSNS, in the geographic Township of Harrison

Pages: 5 - 26

THE PURPOSE of Consent Application Nos. B08-19 and B09-19, is to provide rights-of-way over Parts 1 and 2 on Plan 42R-21059, in favour of the owners of Part 3 on Plan 42R-21059.

THE EFFECT of the proposed consent would be to legalize the rights-of-way along an existing road that traverses a portion of the neighbouring lands.

- ii) **NOBLE, Dan and Kathryn – Application No. B10-19**
Concession 9, Lot 35, being part Parcel 2822 PSNS
In the geographic Township of Harrison

Pages: 27 - 40

THE PURPOSE of Consent Application No. B10-19, is to re-establish a right-of-way over part of Parcel 2822 PSNS, located in Concession 9, part Lot 35, in favour of the owners of part of Parcel 2822 PSNS, in the geographic Township of Harrison.

THE EFFECT of the proposed consent would be to legalize the right-of-way along an existing road that traverses a portion of the neighbouring lands.

- iii) **HOSKINS, David and Mary – Application Nos. B02-18 and B03-18**
Concession 19, Part Lot 12, being the remainder of Part 1 on Plan 42R-2630, in the Unincorporated Township of Mowat

Pages: 41 - 43

THE PURPOSE of Consent Application Nos. B02-18 and B03-18, is to create two, new residential water-access lots located on the Pickerel River.

THE EFFECT of the proposed consents would be two, new residential, water-access lots, being approximately 2.5 hectares (6.1 acres) in size with 165 metres (541 feet) of frontage, and 2.6 hectares (6.4 acres) in size having 95 metres (312 feet) of frontage, and a retained residential, water-access lot being approximately 2.0 hectares (4.9 acres) in size, having 150 metres (492 feet) of frontage.

- iv) **GATES, Richard & Eleanor – Application Nos. B11-19 through B20-19**
Concession 3, Lot 40, being Parcel 21266 PSSS,
in the geographic Township of Conger

Pages: 44 - 85

7. **PLAN OF SUBDIVISION/CONDOMINIUM APPLICATIONS**

Nil

8. **ZONING APPLICATIONS**

Nil

9. **UNFINISHED / NEW BUSINESS**

Nil

10. **ADMINISTRATION**

Nil

11. **CORRESPONDENCE**

Nil

12. **ADJOURNMENT**

PB19-07- NOW THEREFORE BE IT RESOLVED that The Archipelago Area
Planning Board meeting of July 18th, 2019 adjourn
at _____.

THE ARCHIPELAGO AREA PLANNING BOARD

MINUTES

Thursday, June 20th, 2019 – 1:00 p.m.

Council Chamber – Township of The Archipelago Office
9 James Street, Parry Sound, Ontario

MEMBERS PRESENT:

P. Frost – Chair
S. Wohleber
L. Emery
E. Manners
D. Ashley
I. Mead
G. Walker
T. Knight

STAFF PRESENT:

C. Henderson, Planner
J. Nawroth, Secretary-Treasurer
M. Weaver, Clerk

APOLOGIES:

Nil

1. MEETING CALLED TO ORDER

Meeting called to order at 1:00 p.m.

3. APPROVAL OF THE AGENDA

RESOLUTION PB19-06-01

Moved by I. Mead
Seconded by T. Knight

NOW THEREFORE BE IT RESOLVED that the agenda for the June 20th, 2019, meeting of The Archipelago Area Planning Board be approved.

DISPOSITION CARRIED

4. **ADOPTION OF MINUTES**

RESOLUTION PB19-06-02

Moved by E. Manners
Seconded by G. Walker

NOW THEREFORE BE IT RESOLVED that the minutes of The Archipelago Area Planning Board meeting held on May 16th, 2019, be approved.

DISPOSITION CARRIED

5. **DISCLOSURE OF CONFLICT OF INTEREST**

Nil

6. **DELEGATIONS**

Nil

7. **CONSENT APPLICATIONS**

i) **BRUNKE, Catrin - Application Nos. B10-18**

Concession 4, Part Lot 19, being Part F on Plan PSR-273 & Part 5 on Plan PSR-275, designated as Parcels 9840 & 27249 PSSS, in the geographic Township of Conger

Cale Henderson, Planner, explained the nature of the application. The owner Ms. Brunke, Mr. Stiliadis, and their agent; David Ryan attended in support of the application.

RESOLUTION PB19-06-03

Moved by T. Knight
Seconded by I. Mead

NOW THEREFORE BE IT RESOLVED that Application No. B10-18, to create one new, residential lot, being approximately 0.33 hectares (0.81 acres) in size, subject to the conditions contained in the Decision, be approved.

DISPOSITION CARRIED

ii) JACKLIN, Robert Estate - Application No. B07-19

Concession 11, Lots 10 and 11, being part of Parcel 605 PSSS, including Parts 10-14, 16 on Plan 42R-17968, in the geographic township of Conger

44 Armstrong-Jacklin Road

Blackstone Lake Neighbourhood

Cale Henderson, Planner, explained the nature of the application. John Jackson, agent, Bonnie Nezirevic, and Rob Beaumont attended in support of the application.

RESOLUTION PB19-06-04

Moved by I. Mead
Seconded by S. Wohleber

NOW THEREFORE BE IT RESOLVED that Application No. B07-19, to create one new residential lot being approximately 10 hectares (25 acres) in size, having 233 metres (765 feet) of frontage, as illustrated on the attached sketch, be approved, subject to the conditions contained in the Decision.

DISPOSITION CARRIED

8. PLAN OF SUBDIVISION/ CONDOMINIUM APPLICATIONS

Nil

9. ZONING APPLICATION

Nil

10. CORRESPONDENCE

Nil

11. UNFINISHED / NEW BUSINESS

Nil

12. ADMINISTRATION

- i) **FINANCIAL STATEMENTS – BDO CANADA LLP**
Year ended December 31, 2018

RESOLUTION PB19-06-05

Moved by D. Ashley
Seconded by E. Manners

NOW THEREFORE BE IT RESOLVED that the Board receives the financial statements, for the year ended December 31, 2018, as submitted by BDO Canada LLP.

DISPOSITION CARRIED

13. ADJOURNMENT

The Archipelago Area Planning Board meeting of June 20th, 2019, adjourned at 1:23 p.m.

CHAIR

DATE

SECRETARY-TREASURER

DATE

THE ARCHIPELAGO AREA PLANNING BOARD

9 James Street, Parry Sound, Ontario P2A 1T4
Telephone: (705) 746-4243 Fax: (705) 746-7301

TO: Chair Frost and Members
The Archipelago Area Planning Board

FROM: Cale Henderson, MCIP, RPP
Manager of Development & Environmental Services

DATE: July 18, 2019

RE: **Consent Application B08-19 & B09-19**
(OLDFIELD, Robert & Gregory & GRANT, Ian)
Part of Island 25A, being Parts 1 and 2 on Plan 42R-21059, Harrison

PROPOSAL

The purpose of Consent Application Nos. B08-19 and B09-19, is to provide rights-of-way over Parts 1 and 2 on Plan 42R-21059, in favour of the owners of Part 3 on Plan 42R-21059.

The effect of the proposed consent would be to legalize the rights-of-way along an existing road that traverses a portion of two adjacent residential properties.

A key map showing the location of the subject lands and a sketch of the proposal are attached as Appendix 'A' and the application is attached as Appendix 'B'.

BACKGROUND

The proposed benefitting property is currently accessed via Crane-Walker Road, a private road. The proposed right-of-way will ensure access over the subject property is formally registered.

PLANNING INFORMATION

Official Plan Neighbourhood:	Pointe au Baril Islands
By-law No. A2000-07:	Coastal/Island Residential (CR) & Natural State (NS)
Existing Use:	Road

ANALYSIS

1. Provincial Policy Statement

The Provincial Policy Statement, 2014 (PPS), issued under the authority of Section 3 of the Planning Act provides policy direction on matters of provincial interest relating to land use planning.

The proposed right-of-way is on an existing private road and will not result in any new development or extend municipal services, as the road is not maintained by the Township.

Conclusion

The subject application appears to be consistent with the Provincial Policy Statement.

2. Official Plan

The subject lands are located within the Pointe au Baril Islands Neighbourhood of the Official Plan. Section 13.12 outlines that:

"No further private roads, or access roads over Crown land, or extensions to existing roads will be permitted in the following "Neighbourhoods":

iii) Pointe au Baril Islands"

As per the above policy, no new private roads or extensions to existing private roads are permitted. However, as the subject road currently legally exists, no additional road or extensions to the existing road network is required. As a result, the proposal would not conflict with the above policy.

Where new roads are permitted, the following policies are relevant to the subject application.

13.15 b) All road applications must be accompanied by an environmental review to determine any impacts on the natural environment. The environmental review should include but not necessarily be limited to determining:

- i. impacts on any wildlife habitat;***
- ii. impacts on fisheries;***
- iii. impacts on wetlands;***
- iv. impacts on drainage patterns;***
- v. impacts on groundwater and/or surface waters;***
- vi. appropriate mitigation measures, both during and after construction to ensure protection of the environment.***

As the road currently exists, and is being used by numerous properties, there will be no impacts on the natural heritage features, drainage patterns or groundwater and/or surface water. An environmental review was not required.

13.15 c) Road applications shall be required to address issues, problems and concerns related to need, impact on marina facilities and any other relevant planning

matters including the nature and scope of any public consultation, circulation to the public and relevant agencies.

The benefitting lot has historically accessed their property from the existing road. Therefore, the subject application does not pose any additional concerns or issues related to the impact on marina facilities. The subject application does help address current land use conflicts, as it will resolve the question of whether the benefitting property has formal road access.

d) Road proponents are required to confirm that at least two thirds of the users of the proposed road support the road.

The road currently exists; no new road development is being proposed.

e) Road proponents will be required to obtain approvals from relevant agencies from all levels of government, including, the public works superintendent, the MTO, the MNR and the Department of Fisheries and Oceans.

No additional approvals are required.

f) All owners of the properties that will be accessed by a private road, or an access road over Crown land, or extensions to existing roads, enter into an agreement with the Township, to be registered on title of all of these affected properties, to indemnify the Township and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.

Although this application is for a right-of-way on an existing private road, the private road was created prior to the requirement for the agreement and thus, no such agreement currently exists. An indemnification agreement is required as a condition of approval.

Conclusion

The subject application appears to conform to the relevant policies of the Township's Official Plan.

3. Comprehensive Zoning By-law, A2000-07, as amended

The subject property is zoned 'Coastal/Island Residential (CR)' and 'Natural State (NS)'. The applicant is not proposing any new uses, and as the uses pre-date the passing of the Comprehensive Zoning By-law, the existing road would comply with the Zoning By-law.

Conclusion

The proposed right-of-way appears to comply with requirements of the Comprehensive Zoning By-law No. A2000-07, as amended.

CIRCULATION COMMENTS

The proposed consent application was circulated to the required agencies and property owners as per the requirements of the Planning Act, R.S.O. 1990, c.P.13 and associated

regulations. Any comments received on or before July 18, 2019, will be made available to the Planning Board at the public meeting.

RECOMMENDATION

Based on the foregoing, staff would recommend the granting of Application No. B08-19 & B09-19 subject to the following conditions:

1. That the approval of Consent Application No. B08-19 shall apply to the transfer of a right-of-way over Part 1 on Plan 42R-21059, in favour of Part 3 on Plan 42R-21059.
2. That the approval of Consent Application No. B09-19 shall apply to the transfer of a right-of-way over Part 2 on Plan 42R-21059, in favour of Part 3 on Plan 42R-21059.
3. That the following documents be provided for the transaction(s) as described in Condition No. 1, above:
 - a) A transfer document which depicts the legal description of the subject parcel(s) and the names of the transferor(s) and transferee(s);
 - b) A schedule to the Transfer document on which is set out the legal description of the subject parcels. Each schedule must also bear the same names of the transferor(s) and transferee(s) as indicated on page 1 of the Transfer document;
4. That an Agreement be registered on title of the benefitting property of the right-of-way, pursuant to Section 51(26) of the Planning Act, R.S.O, as amended, indemnifying the Township of The Archipelago and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public service.

Respectfully submitted,
Township of The Archipelago



Cale Henderson, MCIP, RPP
Manager of Development & Environmental Services

APPENDIX "A"

Application

TERRY E. FRASER, B.A. (Hons.), LL.B.
Barrister, Solicitor & Notary Public

55 Church Street, Parry Sound, Ontario P2A 1Y8
Telephone (705) 746-7847 Fax (705) 746-8401
Email: tfraser@vianet.ca

Rec'd
May 6, 2019
JH

May 6, 2019

The Archipelago Area Planning Board
9 James Street
Parry Sound, ON
P2A 1T4

Dear Sirs/Madams:

Re: Applications for Consent to create a Right-of-Way
My File No.: 9716.18

I have enclosed an Application from Robert and Gregory Oldfield to create a Right-of-Way over Part 2 on Plan 42R-21059. I have also enclosed an Application from Ian Grant to create a Right-of-Way over Part 1 on Plan 42R-21059. Both of these Rights-of-Ways are intended to serve the lands designated as Part 3 on Plan 42R-21059. The benefiting lands are currently owned by Loreen Dellandrea.

I have enclosed my cheque in the amount of \$2,200.00 to pay for two Consent Applications. I would request that you consider rebating some amount of this payment as these Applications are correcting a Right-of-Way that was omitted under the Ian Grant Severance BO7-17 that was completed last fall.

Your records will indicate that you stamped a Deed for Part 3 on Plan 42R-21059 that included a Right-of-Way over Part 11 on PSR-1162 to serve Part 3 on Plan 42R-21059 as part of your regular consent process. Part 1 and 2 on Plan 42R-21059 make up all of Part 11 on PSR-1162 the new Parts just reflect the portions now owned by Mr. Grant and Mr. Oldfield respectively. This Right-of-Way was removed as the Grant titles had been broken down differently so that the Right-of-Way contemplated by Mr. Grant and by the Planning Board was not able to be completed in a fashion that complied with the Provincial Rules for Registration. I am now submitting the Applications to complete the severance of Part 3 on Plan 42R-21059 with access as contemplated by Mr. Grant and by the Archipelago Planning Board.

Please let me know if there is any more information that I can provide.

Yours very truly,


TERRY E. FRASER
TEF:jn
encls.

The Archipelago Area Planning Board

9 James Street
Parry Sound, Ontario P2A 1T4
Phone: 705-746-4243 Fax: 705-746-7301
web: www.thearchipelago.on.ca

Print Form

Application for Consent
under Section 53 of the Planning Act
R.S.O. 1990, c.P. 13, as amended

OFFICE USE ONLY			
Date Received _____	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No	Application No. <u>B08-19</u>
Date Accepted _____	Applicable Fee Paid	<input type="checkbox"/> Yes <input type="checkbox"/> No	

1. Applicant / Agent Information

Name of Applicant / Agent

Ian Grant

Address _____

City f

Province / State ON

Postal / Zip Code _____

Home Phone No. _____

Business Phone No. _____

email _____

2. Owner(s) Information

Name of Owner(s)

same as above

Address _____

City _____

Province / State _____

Postal / Zip Code _____

Home Phone No. _____

Business Phone No. _____

email _____

Please advise to whom all communication should be directed. Owner Applicant / Agent

3. Location of the Subject Land (please provide a copy of the Transfer/Deed of Land)

Assessment Roll Number 4905- _____

PT Parcel
Lot 5

Concession _____

Island No. 25A

Registered Plan of Subdivision No. (if any) Plan No. M- _____

Lot No. _____

Reference Plan No. (if any)

Plan No. 42R- 21059

Part No. 1

Parcel No. _____ Other Description _____

Dimensions of Subject Property:

Depth (metres) 110.94 Frontage (metres) 20.132 Hectares 0.197

Are there any easements or restrictive covenants affecting the subject land? Yes No

If Yes, describe the easement or covenant and its effect.

right of way - travelled road extending from South Shore Road

4. Purpose of the Application (check appropriate box)

creation of new lot

addition to a lot

an easement or right-of-way

a charge

a lease

a correction of title

other purpose

Name of person(s), if known, to whom land or interest in land is to be transferred

Loreen Dellandrea

If a lot addition, identify the lands to which the parcel will be added.

5. Description of Subject Land and Servicing Information (complete each subsection)

		Lot 1	Lot 2	Lot 3	Retained
Description of Land	Frontage (metres)	110.94			
	Depth (metres)	20.132			
	Area (hectares)	0.197			
Use of Property	Existing Use(s)	right-of-way			
	Proposed Use(s)	right-of-way			
Buildings or Structures	Existing	—			
	Proposed	—			

		Lot 1	Lot 2	Lot 3	Retained
Access	Provincial Highway				
	Municipal road, maintained all year	✓			
	Municipal road, maintained seasonally				
	Other public road				
	Right-of-way	✓			
	Water Access (see Section 9)				
Water Supply	Privately owned and operated individual well				
	Privately owned and operated communal well				
	Lake or other water body				
	Other means				
Sewage Disposal	Privately owned and operated individual septic system				
	Privately owned and operated communal septic system				
	Privy				
	Other means				
Note: Please provide a copy of the building permit or certificate of approval for the existing septic system, if applicable.					
Other Services	Electricity				
	School Bussing				
	Garbage Collection				

If access to the subject land is by private road, or if "other public road" or "right-of-way" was chosen above, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

6. Land Use

What is the existing Official Plan designation(s), if any, of the subject land?

What is the current zoning of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

Is the application consistent with the Provincial Policy Statement issued under subsection 3(1) of the Planning Act? Yes No

Is the subject property within an area of land designated under any Provincial plan or plans? Yes No

If yes, does the application conform to or not conflict with the applicable Provincial plan or plans? Yes No

Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 metres of the subject land, unless otherwise specified (indicate approximate distance in metres)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A landfill	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A Provincially significant wetland (Class 1, 2 or 3 wetland)	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A Provincially significant wetland within 120 metres of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
Flood plain	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A rehabilitated mine site	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A non-operating mine site within 1 kilometre of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
An active mine site	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
An industrial or commercial use. Specify the use(s). <i>Manufacturing</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____ metres
An active railway line	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A municipal or federal airport	<input type="checkbox"/>	<input type="checkbox"/> _____ metres

7. History of the Subject Land

Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? Yes No Unknown

If YES and if known, provide the application number and the decision made on the application.
B07-17

If this application is a resubmission of a previous consent application, describe how it has been changed from the original application.

Has any land been severed from the parcel originally acquired by the owner of the subject land? Yes No

If YES, provide for each parcel severed the date of transfer, the name of the transferee(s) and the land use.

8. Current Applications

Is the subject land currently the subject of an application for an Official Plan amendment, Zoning By-law amendment, Minister's zoning order, Minor Variance, Consent or approval of a Plan of Subdivision or Condominium?

- Yes
- No
- Unknown

If YES and if known, specify the appropriate file number and status of the application.

9. Plans (to assist in the preparation of plans, please refer to the attached sample sketches)

Location Plan

Every application shall be accompanied by a location plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries of the parcel of land that is the subject of the application, the part of the parcel that is the subject of the application, the location of all adjacent properties and/or islands, transportation routes, etc.;
- the distance between the subject land and the nearest Township lot line or landmark, such as a railway crossing or bridge;
- existing and proposed uses on the subject land (e.g. residential, agricultural, cottage, commercial etc.);
- existing uses of all lands within 120 metres (400 feet) of the subject land.

Site Plan

Every application shall be accompanied by a site plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries and dimensions of the subject land, the part that is the subject of this application and where applicable, the part(s) to be severed and the part(s) to be retained;
- the boundaries and dimensions of any abutting land that is also owned by the owner of land that is the subject of the application;
- the location and dimensions of existing and proposed buildings and structures and their distances from lot lines;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways;
- the existing uses on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road or a right-of-way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities used;
- the location and nature of any easement affecting the subject land.

Additional information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Planning Board.

10. Other Information

11. **Affidavit or Sworn Declaration**

Dated at the Town of Parry Sound this day of December, 2018
 I, Ian Grant of the Township of the Archipelago in the
 County/District/Regional Municipality of Parry Sound solemnly declare that all the statements
 contained in this application are true, and I make this solemn declaration conscientiously believing it to be
 true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA**
EVIDENCE ACT.

DECLARED BEFORE ME at the Town of Parry Sound
 in the District of Parry Sound this day of December, 2018.

[Signature]
 A Commissioner of Oaths

[Signature]
 Signature of Owner or authorized Applicant / Agent

12. **Authorizations**

Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

I/We, Ian Grant, am/are the owner(s) of the land that is the subject of this application and I/we authorize TERRY E. FRASER to make this application on my/our behalf.

Date Jan 21, 2019 Signature of Owner [Signature]

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Authorization of Owner(s) for Agent to Provide Personal Information

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be given by all registered owners of the subject property.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize _____ as my/our agent for this application, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

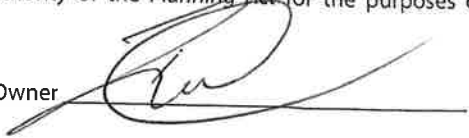
Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

13. Consent of the Owner(s) to the Use and Disclosure of Personal Information

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, Ian Grant, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Date Jan 21, 2019 Signature of Owner 

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

The Archipelago Area Planning Board

9 James Street
Parry Sound, Ontario P2A 1T4
Phone: 705-746-4243 Fax: 705-746-7301
web: www.thearchipelago.on.ca

Print Form

Application for Consent
under Section 53 of the Planning Act
R.S.O. 1990, c.P. 13, as amended

OFFICE USE ONLY			
Date Received	<u>May 6/19</u>	Complete Application	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Accepted	_____	Applicable Fee Paid	<input type="checkbox"/> Yes <input type="checkbox"/> No
			Application No. <u>B09-19</u>

1. Applicant / Agent Information

Name of Applicant / Agent

Robert Oldfield & Gregory Charles Oldfield

Address

4 - _____

City

Sp

Province / State

Postal / Zip Code

Home Phone No. _____

Business Phone No. _____

email _____

2. Owner(s) Information

Name of Owner(s)

same as above

Address

City

Province / State

Postal / Zip Code

Home Phone No. _____

Business Phone No. _____

email _____

Please advise to whom all communication should be directed. Owner Applicant / Agent

3. Location of the Subject Land (please provide a copy of the Transfer/Deed of Land)

Assessment Roll Number 4905- _____

PT Parcel

Lot 5

Concession _____

Island No. 25A

Registered Plan of Subdivision No. (if any) Plan No. M- _____

Lot No. _____

Reference Plan No. (if any)

Plan No. 42R- 21059

Part No. 2

Parcel No. _____

Other Description _____

Dimensions of Subject Property:

Depth (metres) 55.845

Frontage (metres) 20.27

Hectares 0.115

Are there any easements or restrictive covenants affecting the subject land? Yes No

If Yes, describe the easement or covenant and its effect.

right of way - travelled road extending from South Shore Road

4. Purpose of the Application (check appropriate box)

creation of new lot

addition to a lot

an easement or right-of-way

a charge

a lease

a correction of title

other purpose

Name of person(s), if known, to whom land or interest in land is to be transferred

Loreen Dellandrea

If a lot addition, identify the lands to which the parcel will be added.

PT PIN 52243-0752 - PT 3, Plan 42R21059, The Archipelago

17

5. Description of Subject Land and Servicing Information (complete each subsection)

		Lot 1	Lot 2	Lot 3	Retained
Description of Land	Frontage (metres)	55.845			
	Depth (metres)	20.27			
	Area (hectares)	0.115			
Use of Property	Existing Use(s)	right-of-way			
	Proposed Use(s)	right-of-way			
Buildings or Structures	Existing	—			
	Proposed	—			

		Lot 1	Lot 2	Lot 3	Retained
Access	Provincial Highway				
	Municipal road, maintained all year	✓			
	Municipal road, maintained seasonally				
	Other public road				
	Right-of-way	✓			
	Water Access (see Section 9)				
Water Supply	Privately owned and operated individual well				
	Privately owned and operated communal well				
	Lake or other water body				
	Other means				
Sewage Disposal	Privately owned and operated individual septic system				
	Privately owned and operated communal septic system				
	Privy				
	Other means				
Note: Please provide a copy of the building permit or certificate of approval for the existing septic system, if applicable.					
Other Services	Electricity				
	School Bussing				
	Garbage Collection				

If access to the subject land is by private road, or if "other public road" or "right-of-way" was chosen above, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

6. Land Use

What is the existing Official Plan designation(s), if any, of the subject land?

What is the current zoning of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

Is the application consistent with the Provincial Policy Statement issued under subsection 3(1) of the Planning Act? Yes No

Is the subject property within an area of land designated under any Provincial plan or plans? Yes No

If yes, does the application conform to or not conflict with the applicable Provincial plan or plans? Yes No

Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 metres of the subject land, unless otherwise specified (indicate approximate distance in metres)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A landfill	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A Provincially significant wetland (Class 1, 2 or 3 wetland)	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A Provincially significant wetland within 120 metres of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
Flood plain	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A rehabilitated mine site	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A non-operating mine site within 1 kilometre of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
An active mine site	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
An industrial or commercial use. Specify the use(s).	<input checked="" type="checkbox"/> Mazara	<input type="checkbox"/> _____ metres
An active railway line	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A municipal or federal airport	<input type="checkbox"/>	<input type="checkbox"/> _____ metres

7. History of the Subject Land

Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? Yes No Unknown

If YES and if known, provide the application number and the decision made on the application.

B08-17

If this application is a resubmission of a previous consent application, describe how it has been changed from the original application.

Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, provide for each parcel severed the date of transfer, the name of the transferee(s) and the land use.

8. Current Applications

Is the subject land currently the subject of an application for an Official Plan amendment, Zoning By-law amendment, Minister's zoning order, Minor Variance, Consent or approval of a Plan of Subdivision or Condominium?

- Yes
- No
- Unknown

If YES and if known, specify the appropriate file number and status of the application.

9. Plans (to assist in the preparation of plans, please refer to the attached sample sketches)

Location Plan

Every application shall be accompanied by a location plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries of the parcel of land that is the subject of the application, the part of the parcel that is the subject of the application, the location of all adjacent properties and/or islands, transportation routes, etc.;
- the distance between the subject land and the nearest Township lot line or landmark, such as a railway crossing or bridge;
- existing and proposed uses on the subject land (e.g. residential, agricultural, cottage, commercial etc.);
- existing uses of all lands within 120 metres (400 feet) of the subject land.

Site Plan

Every application shall be accompanied by a site plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries and dimensions of the subject land, the part that is the subject of this application and where applicable, the part(s) to be severed and the part(s) to be retained;
- the boundaries and dimensions of any abutting land that is also owned by the owner of land that is the subject of the application;
- the location and dimensions of existing and proposed buildings and structures and their distances from lot lines;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways;
- the existing uses on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road or a right-of-way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities used;
- the location and nature of any easement affecting the subject land.

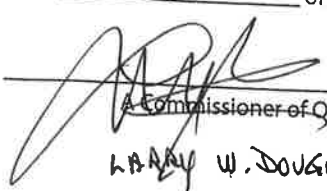
Additional information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Planning Board.

10. Other Information

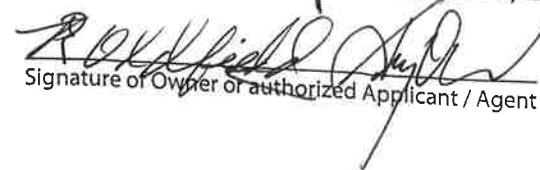
11. Affidavit or Sworn Declaration

Dated at the Town of Parry Sound this _____ day of _____, 20____
Robert Oldfield
 I, Gregory Charles Oldfield of the Township of Springwater in the
 County/District/Regional Municipality of Simcoe solemnly declare that all the statements
 contained in this application are true, and I make this solemn declaration conscientiously believing it to be
 true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA**
EVIDENCE ACT.

DECLARED BEFORE ME at the Town of Parry Sound
 in the District of Parry Sound this 7th day of April, 2019.



 A Commissioner of Oaths
 HARRY W. DOUGLAS




 Signature of Owner or authorized Applicant / Agent

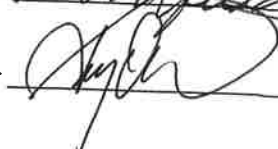
12. Authorizations

Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

I/We, Robert Oldfield and Gregory Oldfield, am/are the owner(s) of the land that is the subject of this application and I/we authorize Terry Fuxson to make this application on my/our behalf.

Date April 9, 2019 Signature of Owner 

Date April 9, 2019 Signature of Owner 

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Authorization of Owner(s) for Agent to Provide Personal Information

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be given by all registered owners of the subject property.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize _____ as my/our agent for this application, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____


Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

13. Consent of the Owner(s) to the Use and Disclosure of Personal Information

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, Robert Oldfield + Gregory Charles Oldfield, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Date April 7, 2019 Signature of Owner 

Date April 7, 2019 Signature of Owner 

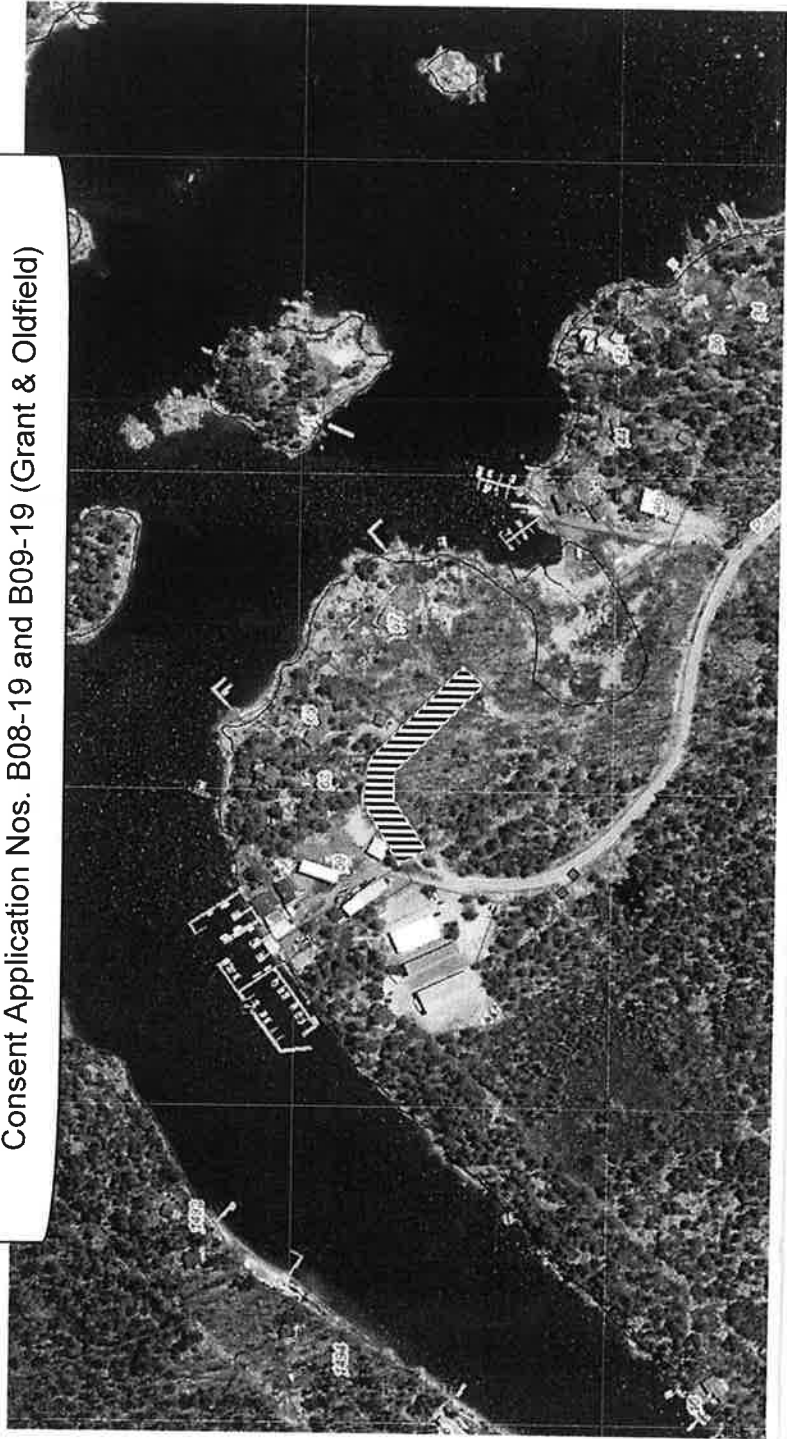
Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

APPENDIX "B"

Location Map and Site Plan

Consent Application Nos. B08-19 and B09-19 (Grant & Oldfield)



METRIC
 DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CONVERSION TO FEET BY DIVIDING BY 0.3048

POINT ID	NORTHING	EASTING
OPP (1)	5,048,028.726	546,268.879
OPP (2)	5,042,971.828	546,245.949
OPP (3) (428-20775)	5,048,018.488	543,193.413

OBSERVED REFERENCE POINTS (OPPs) UTM ZONE 17, MA33 (GMS) (1987.0)
 COORDINATES TO RURAL ACCURACY PER SEC. 14 (2) OF REG. 216/70
 THE ABOVE COORDINATES CANNOT, IN THEMSELVES, BE USED TO ESTABLISH THE COURSE OR BOUNDARIES SHOWN ON THIS PLAN

PLAN 42R - 21059

RECEIVED AND DEPOSITED
 AUGUST 5, 2018
 KAREN CAMPBELL
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF PARRY SOUND (42)

I HEREBY THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

REG. MAP NO. 42R-21059

PART	LOT	CON	PN
1			ALL OF 52243-0218
2			TOWNSHIP OF HARRISON
3			PT OF 52243-0752

NOTE: PARTS 1 & 2 SUBJECT TO EASEMENT AS IN LT 101612 & LT 185344

NOTE:
 THE UTM COORDINATES SHOWN ON THIS PLAN ARE REFERRED TO THE SOUTHERLY LIMIT OF PART 1 AS SHOWN ON PLAN 42R-20775 HAVING BEARING OF N 83°35'40" E, MAGN. (GMS) (1987.0) LONGITUDE TO THE CENTRAL MERIDIAN OF ZONE 17 (61° W LONGITUDE).
 FOR BEARING COMPARISONS, A ROTATION OF 0°28'10" (COUNTER TO CLOCKWISE) WAS APPLIED TO PLANS 42R-3078 AND P58-1182 TO CORRECT TO THE BARRINGTON DISTRICT, BARRINGTON DISTRICT DISTANCES AND TO BE CONSISTENT WITH THE DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.99903.
 THE LIMIT OF THE GEORGIAN BAY AS SHOWN HEREON IS THE BEST AVAILABLE REPRESENTATION OF THE SHORELINE AND THE WATER'S EDGE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF ISLAND 25A.

CANADIAN HYDROGRAPHIC SERVICE
 ORIGINAL WATER'S EDGE (1976) - ELEVATION 177.65 GCS
 PRESENT WATER LEVEL - ELEVATION 177.73 GCS

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SSB DENOTES SHORT STANDING IRON BAR
- RP DENOTES ROCK POST
- RB DENOTES ROCK BAR
- (M) DENOTES MEASURED
- (P) DENOTES PLAN P58 - 1182
- (J) DENOTES J.L. GOLDMAN O.L.S.
- JTC DENOTES J.L. GOLDMAN O.L.S.
- JW DENOTES J.K. WHITE O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS THEREUNDER AND THE LAND TITLES ACT AND THE REGULATIONS THEREUNDER;
 2. THE SURVEY WAS COMPLETED ON THE 17th DAY OF MAY, 2018.

JULY 13, 2018
 E.C. THURMOND
 ONTARIO LAND SURVEYOR

PLAN OF SURVEY OF
 PART OF PARCEL 5, ISLAND 25A
 GEOGRAPHIC TOWNSHIP OF HARRISON
 DISTRICT OF PARRY SOUND

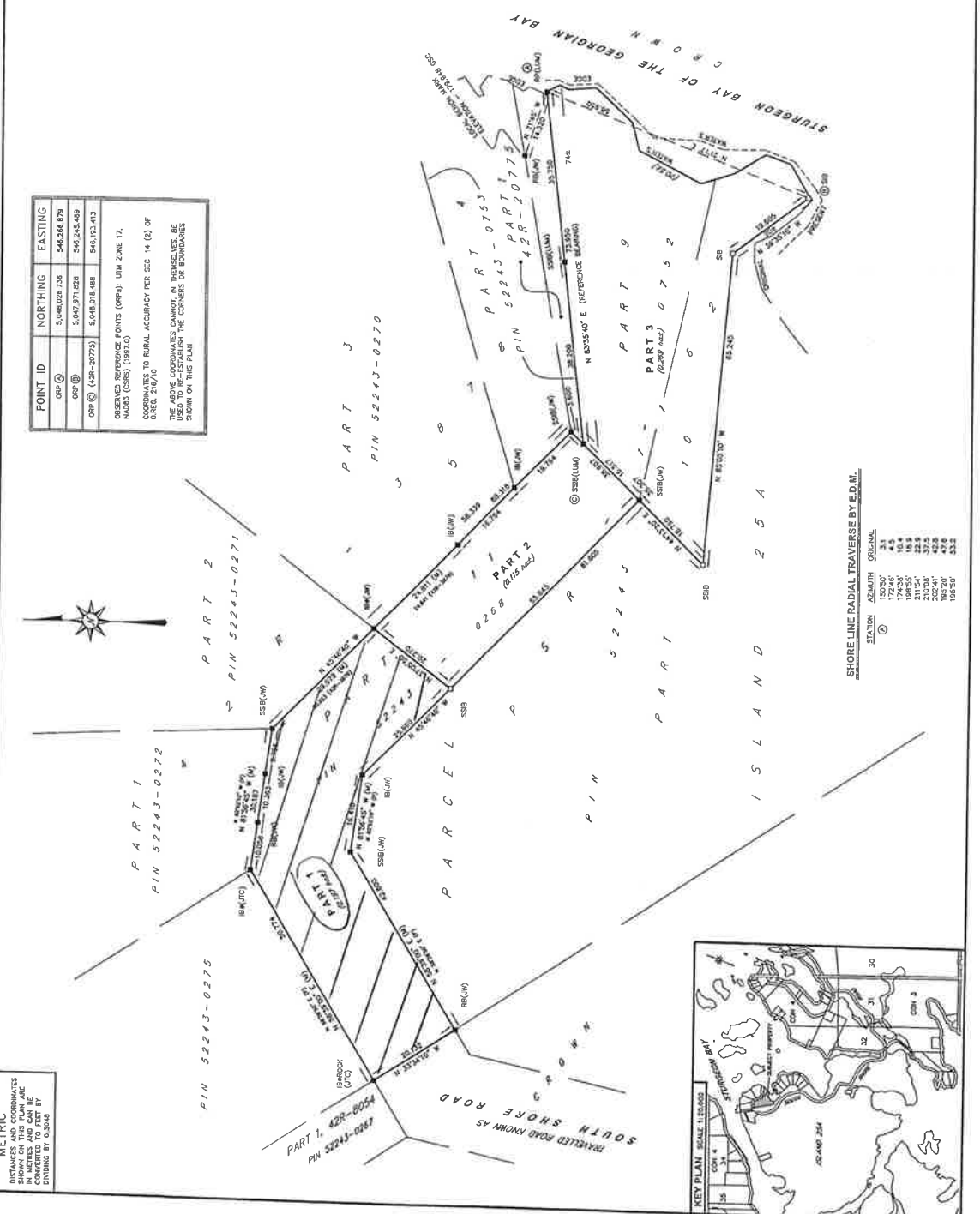
TOWNSHIP OF THE ARCHIPELAGO
 DISTRICT OF PARRY SOUND

SCALE 1:500

0 5 10 20 METRES

L.U. MAUGHAN COMPANY LIMITED
 ONTARIO LAND SURVEYORS
 5, MCURRAY STREET, PARRY SOUND, ONTARIO
 P5A 1E6 (705) 748-8605 FAX 748-7276

PLAN NO. 42R-21059
 SHEET 1 OF 1
 42R-21059



25

THE ARCHIPELAGO AREA PLANNING BOARD

9 James Street, Parry Sound, Ontario P2A 1T4
Telephone: (705) 746-4243 Fax: (705) 746-7301

TO: Chair Frost and Members
The Archipelago Area Planning Board

FROM: Cale Henderson, Manager of Development & Environmental Services

DATE: July 18, 2019

RE: Consent Application B10-19 (NOBLE, Daniel & Kathryn)
Lot 35, Concession 9, Part of Parcel 2822 PSNS, Harrison

PROPOSAL

The purpose of Consent Application No. B10-19, is to re-establish a right-of-way over part of Parcel 2822 PSNS, located in Concession 9, part Lot 35, in favour of the owners of part of Parcel 2822 PSNS, in the geographic Township of Harrison.

The effect of the proposed consent would be to legalize the right-of-way along an existing road that traverses a portion of the neighbouring lands.

A location map and site plan are attached as Appendix A and the applications are attached as Appendix B.

BACKGROUND

The benefitting property, located at 121 Rattlebear Drive, is accessed from an existing driveway/road which branches off Rattlebear Drive, a private road in the Sturgeon Bay Neighbourhood. The road crosses the subject property before becoming a driveway to access 121 Rattlebear Drive. The application will legally formalize the road and allow for its continued use.

PLANNING INFORMATION

Official Plan Neighbourhood:	Sturgeon Bay
By-law No. A2000-07:	Natural State (NS)
Existing Use:	Vacant
Neighbouring Uses:	Residential

ANALYSIS

1. Provincial Policy Statement

The Provincial Policy Statement, 2014 (PPS), issued under the authority of Section 3 of the Planning Act provides policy direction on matters of provincial interest relating to land use planning.

The proposed right-of-way is on an existing private road and will not result in any new development or extend municipal services, as the road is not maintained by the Township.

Conclusion

The subject application appears to be consistent with the Provincial Policy Statement.

2. Official Plan

The subject lands are located within the Sturgeon Bay Neighbourhood of the Official Plan. Section 13.13 outlines that:

“Consideration may be given to the development of private roads, or access roads over Crown land, or extensions to existing roads, in the following Neighbourhoods:

ix) Portions of Sturgeon bay – The eastern portion, extending south-easterly from the toulet of Cranberry Lake to the Pointe au Baril Station Neighbourhood”

The subject property is located within the area described above and as a result, the subject application can be considered. However, consideration of the application is subject to the following policies:

13.14 b) All road applications must be accompanied by an environmental review to determine any impacts on the natural environment. The environmental review should include but not necessarily be limited to determining:

- i. impacts on any wildlife habitat;**
- ii. impacts on fisheries;**
- iii. impacts on wetlands;**
- iv. impacts on drainage patterns;**
- v. impacts on groundwater and/or surface waters;**
- vi. appropriate mitigation measures, both during and after construction to ensure protection of the environment.**

As the road currently exists, there will be no impacts on the natural heritage features, drainage patterns or groundwater and/or surface water. An environmental review was not required.

13.14 c) Road applications shall be required to address issues, problems and concerns related to need, impact on marina facilities and any other relevant planning matters including the nature and scope of any public consultation, circulation to the public and relevant agencies.

The benefitting lot has historically used the existing road to access their property at 121 Rattlebear Drive. Therefore, the subject application does not pose any additional concerns or issues related to the impact on marina facilities.

d) Road proponents are required to confirm that at least two thirds of the users of the proposed road support the road.

The road currently exists, no new road development being proposed.

e) Road proponents will be required to obtain approvals from relevant agencies from all levels of government, including, the public works superintendent, the MTO, the MNR and the Department of Fisheries and Oceans.

No additional approvals appear to be required.

f) All owners of the properties that will be accessed by a private road, or an access road over Crown land, or extensions to existing roads, enter into an agreement with the Township, to be registered on title of all of these affected properties, to indemnify the Township and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.

Although this application is for a right-of-way on an existing private road, the private road was created prior to the requirement for the agreement and thus, no such agreement currently exists. An indemnification agreement is required as a condition of approval.

g) Where a road or part of a road is located on a municipal road allowance, the proponents may be required to apply for the stopping up, closing and purchase of that portion of the road allowance.

Although the road also crosses municipal road allowance, the policies would not support the stopping up, closing and conveyance of these lands, due to the said lands fronting environmentally sensitive shoreline, and including a concession road allowance leading to water.

Conclusion

The subject application appears to conform to the relevant policies of the Township's Official Plan.

3. Comprehensive Zoning By-law, A2000-07, as amended

The subject property is zoned 'Natural State (NS)'. The applicant is not proposing any new uses, and as the uses pre-date the passing of the Comprehensive Zoning By-law, the existing road would comply with the Zoning By-law.

Conclusion

The proposed right-of-way appears to comply with requirements of the Comprehensive Zoning By-law No. A2000-07, as amended.

CIRCULATION COMMENTS

The proposed consent application was circulated to the required agencies and property owners as per the requirements of the Planning Act, R.S.O. 1990, c.P.13 and associated regulations. Any comments received on or before July 18, 2019 will be made available to the Planning Board at the public meeting.

RECOMMENDATION

Based on the foregoing, staff would recommend the granting of application B10-19 subject to the following conditions:

1. That the approval of Consent Application No. B10-19 shall apply to the transfer of a right-of-way over part of Parcel 2822 PSNS, located in Concession 9, part Lot 35, in favour of the property located at 121 Rattlebear Drive.
2. That the following documents be provided for the transaction(s) as described in Condition No. 1, above:
 - a) A transfer document which depicts the legal description of the subject parcel(s) and the names of the transferor(s) and transferee(s);
 - b) A schedule to the Transfer document on which is set out the legal description of the subject parcels. Each schedule must also bear the same names of the transferor(s) and transferee(s) as indicated on page 1 of the Transfer document;
 - c) A reference plan of survey bearing the Land Registry Office registration number and signature as evidence of its deposit therein, and which illustrates the parcels to which the consent approval is related. **Prior to having the survey plan registered, the Board will require a copy of a draft plan from your surveyor to ensure it is in compliance with the approved application;**
3. That an Agreement be registered on title of the subject properties of the right-of-way, pursuant to Section 51(26) of the Planning Act, R.S.O, as amended, indemnifying the Township of The Archipelago and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public service.

Respectfully submitted,
Township of The Archipelago



Cale Henderson, MCIP, RPP
Manager of Development & Environmental Services.

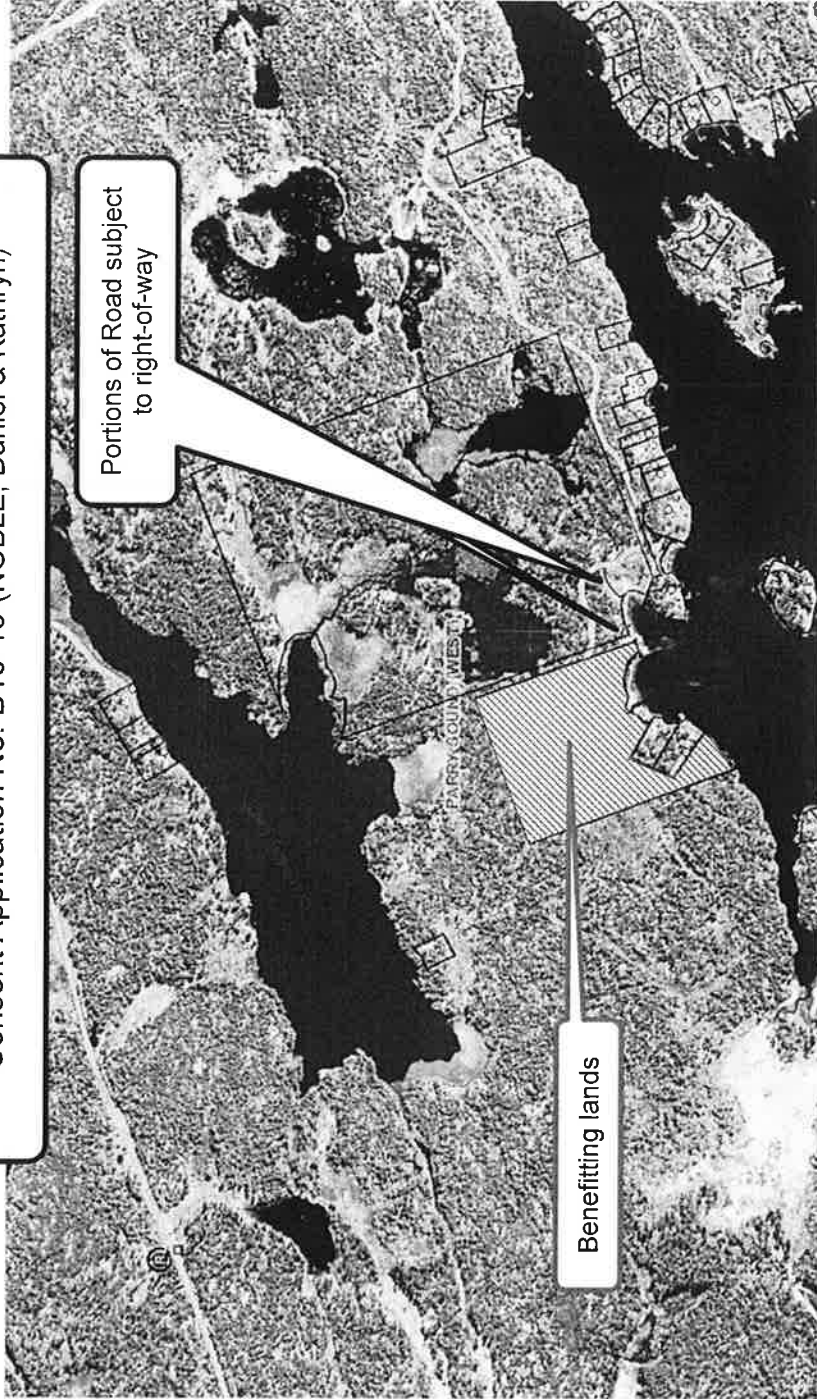
APPENDIX "A"

Location Map and Site Plan

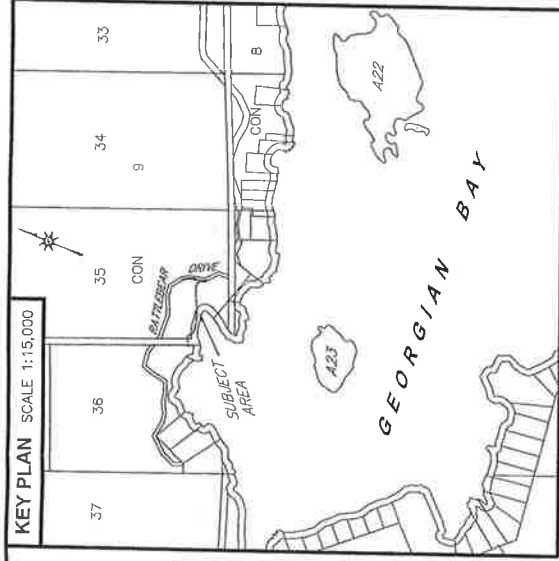
Consent Application No. B10-19 (NOBLE, Daniel & Kathryn)

Portions of Road subject to right-of-way

Benefitting lands



METRIC
 DISTANCES SHOWN ON THIS
 PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET
 BY DIVIDING BY 0.3048

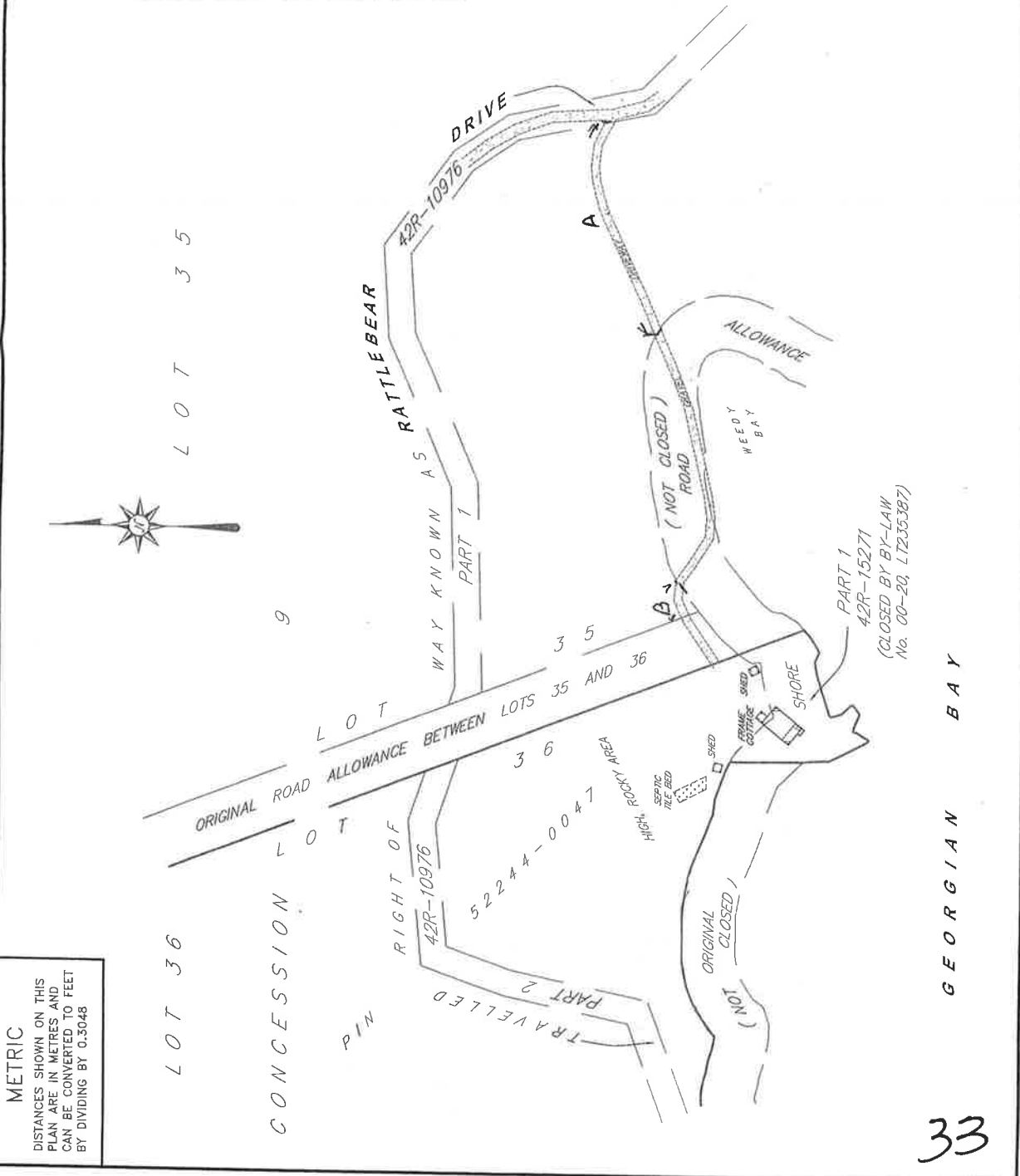


SKETCH SHOWING LOCATION OF TRAVELLED DRIVEWAY
 PART OF LOTS 35, CONCESSION 9 AND
 PART OF THE ORIGINAL SHORE ROAD
 ALLOWANCE IN FRONT THEREOF
 GEOGRAPHIC TOWNSHIP OF HARRISON
 NOW IN THE
TOWNSHIP OF THE ARCHIPELAGO
 DISTRICT OF PARRY SOUND
 SCALE 1:1500



L.U. MAUGHAN COMPANY LIMITED
 ONTARIO LAND SURVEYORS
 5 McMURRAY STREET, PARRY SOUND ONTARIO
 P2A 1E6 (705)-746-5805 FAX 746-7276

PROJECT	PLAN No.	FIELD NOTES
18155	N/A	HAR - 163



APPENDIX "B"

Application

The Archipelago Area Planning Board

9 James Street
Parry Sound, Ontario P2A 1T4
Phone: 705-746-4243 Fax: 705-746-7301
web: www.thearchipelago.on.ca

Application for Consent
under Section 53 of the Planning Act
R.S.O. 1990, c.P. 13, as amended

OFFICE USE ONLY			
Date Received _____	Complete Application	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Date Accepted _____	Applicable Fee Paid	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Application No. B10-19
 TOWNSHIP
 OF THE
 ARCHIPELAGO
 MAY 21 2019
 PLANNING
 BUILDING

1. Applicant / Agent Information

Name of Applicant / Agent

Rhonda Campbell Moon

Address _____

City _____

Province / State _____

Postal / Zip Code _____

Home Phone No. _____

Business Phone No. _____

email _____

2. Owner(s) Information

Name of Owner(s)

Daniel & Kathryn Noble

Address _____

City _____

Province / State _____

Postal / Zip Code _____

Home Phone No. _____

Business Phone No. _____

email _____

Please advise to whom all communication should be directed. Owner Applicant / Agent

3. Location of the Subject Land (please provide a copy of the Transfer/Deed of Land)

Assessment Roll Number 4905-140-005-05100 Lot 35 Concession 9 Island No. _____

Registered Plan of Subdivision No. (if any) Plan No. M - _____ Lot No. _____

Reference Plan No. (if any) Plan No. 42R - 10976 Part No. _____

Parcel No. _____ Other Description survey sketch attached, existing laneway Part A&B

Dimensions of Subject Property:

Depth (metres) _____ Frontage (metres) _____ Hectares _____

Are there any easements or restrictive covenants affecting the subject land? Yes No

If Yes, describe the easement or covenant and its effect.

Three rights of way over Subject Lands Plan 10976; Supreme Court Order File No 4650183, February 15, 1987 attached

4. Purpose of the Application (check appropriate box)

- creation of new lot
- addition to a lot
- an easement or right-of-way
- a charge
- a lease
- a correction of title
- other purpose

Name of person(s), if known, to whom land or interest in land is to be transferred

Gerald James Moon and Rhonda Lynn Moon-Campbell

If a lot addition, identify the lands to which the parcel will be added.

The right of way will be appurtenant to Part Lot 36, Concession 9, Harrison PIN 52244-0047

35

5. Description of Subject Land and Servicing Information (complete each subsection)

		Lot 1	Lot 2	Lot 3	Retained
Description of Land	Frontage (metres)				
	Depth (metres)				
	Area (hectares)				
Use of Property	Existing Use(s)	private access roadway	private access laneway/driveway		
	Proposed Use(s)	same	same		
Buildings or Structures	Existing	none	none		
	Proposed	none	none		

		Lot 1	Lot 2	Lot 3	Retained
Access	Provincial Highway				
	Municipal road, maintained all year				
	Municipal road, maintained seasonally				
	Other public road				
	Right-of-way	✓	✓		
	Water Access (see Section 9)				
Water Supply	Privately owned and operated individual well				
	Privately owned and operated communal well				
	Lake or other water body				
	Other means				
Sewage Disposal	Privately owned and operated individual septic system				
	Privately owned and operated communal septic system				
	Privy				
	Other means				
Note: Please provide a copy of the building permit or certificate of approval for the existing septic system, if applicable.					
Other Services	Electricity				
	School Bussing				
	Garbage Collection				

If access to the subject land is by private road, or if "other public road" or "right-of-way" was chosen above, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

Rattlebear Rd is a private road, maintained by a road association; Laneway/driveway private, maintained by Dominica Lands

36

6. Land Use

What is the existing Official Plan designation(s), if any, of the subject land?

Natural State, Environmentally Sensitive

What is the current zoning of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

Vacant Natural State & Environmentally Sensitive

Is the application consistent with the Provincial Policy Statement issued under subsection 3(1) of the Planning Act? Yes No

Is the subject property within an area of land designated under any Provincial plan or plans?

Yes No

If yes, does the application conform to or not conflict with the applicable Provincial plan or plans?

Yes No

Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 metres of the subject land, unless otherwise specified (indicate approximate distance in metres)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A landfill	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A sewage treatment plan or waste stabilization plant	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A Provincially significant wetland (Class 1, 2 or 3 wetland)	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A Provincially significant wetland within 120 metres of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
Flood plain	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A rehabilitated mine site	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A non-operating mine site within 1 kilometre of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
An active mine site	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
An industrial or commercial use. Specify the use(s).	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
An active railway line	<input type="checkbox"/>	<input type="checkbox"/> _____ metres
A municipal or federal airport	<input type="checkbox"/>	<input type="checkbox"/> _____ metres

7. History of the Subject Land

Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? Yes No Unknown

If YES and if known, provide the application number and the decision made on the application.

1989 three rights of way, 1987 Supreme Court Order attached

If this application is a resubmission of a previous consent application, describe how it has been changed from the original application.

Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, provide for each parcel severed the date of transfer, the name of the transferee(s) and the land use.

37

8. Current Applications

Is the subject land currently the subject of an application for an Official Plan amendment, Zoning By-law amendment, Minister's zoning order, Minor Variance, Consent or approval of a Plan of Subdivision or Condominium?

- Yes
- No
- Unknown

If YES and if known, specify the appropriate file number and status of the application.

9. Plans (to assist in the preparation of plans, please refer to the attached sample sketches)

Location Plan

Every application shall be accompanied by a location plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries of the parcel of land that is the subject of the application, the part of the parcel that is the subject of the application, the location of all adjacent properties and/or islands, transportation routes, etc.;
- the distance between the subject land and the nearest Township lot line or landmark, such as a railway crossing or bridge;
- existing and proposed uses on the subject land (e.g. residential, agricultural, cottage, commercial etc.);
- existing uses of all lands within 120 metres (400 feet) of the subject land.

Site Plan

Every application shall be accompanied by a site plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries and dimensions of the subject land, the part that is the subject of this application and where applicable, the part(s) to be severed and the part(s) to be retained;
- the boundaries and dimensions of any abutting land that is also owned by the owner of land that is the subject of the application;
- the location and dimensions of existing and proposed buildings and structures and their distances from lot lines;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways;
- the existing uses on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road or a right-of-way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities used;
- the location and nature of any easement affecting the subject land.

Additional information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Planning Board.

10. Other Information

attached surveyors sketch, supreme court order, land registry documents

12. **Authorizations (cont'd)**

Authorization of Owner(s) for Agent to Provide Personal Information

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be given by all registered owners of the subject property.

I/We, Daniel and Kathryn Noble, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize Rhonda Campbell Moon as my/our agent for this application, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date May 20/19 Signature of Owner Kathryn Noble

Date May 20/19 Signature of Owner D. Noble

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

13. **Consent of the Owner(s) to the Use and Disclosure of Personal Information**

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, Daniel and Kathryn Noble, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Date May 20/19 Signature of Owner Kathryn Noble

Date May 20/19 Signature of Owner D. Noble

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

11. Affidavit or Sworn Declaration

Dated at the Town of Parry Sound this 21st day of May, 2019.

I, Rhonda Campbell Moon of the township of Mulmur in the
 County/District/Regional Municipality of _____ solemnly declare that all the statements
 contained in this application are true, and I make this solemn declaration conscientiously believing it to be
 true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA
 EVIDENCE ACT.**

DECLARED BEFORE ME at the Town of Parry Sound.
 in the District of Parry Sound this 21st day of May, 2019.

Cale Henderson
 A Commissioner of Oaths

Rhonda Campbell Moon
 Signature of Owner or authorized Applicant / Agent

Cale Henderson, a Commissioner,
 etc., District of Parry Sound, for
 The Archipelago Area Planning Board
 and The Township of The Archipelago

12. Authorizations

Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

✓ We, Daniel and Kathryn Noble, am/are the owner(s) of the land that is the subject of this application and ✓ we authorize Rhonda Campbell Moon to make this application on my/our behalf.

Date May 20/19 Signature of Owner Kathryn Noble

Date May 20/19 Signature of Owner D. Noble

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

THE ARCHIPELAGO AREA PLANNING BOARD

9 James Street, Parry Sound, Ontario P2A 1T4
Telephone: (705) 746-4243 Fax: (705) 746-7301

TO: Chair Frost and Members
The Archipelago Area Planning Board

FROM: Cale Henderson, Manager of Development & Environmental Services
Jane Nawroth, Planning Assistant

DATE: July 18th, 2019

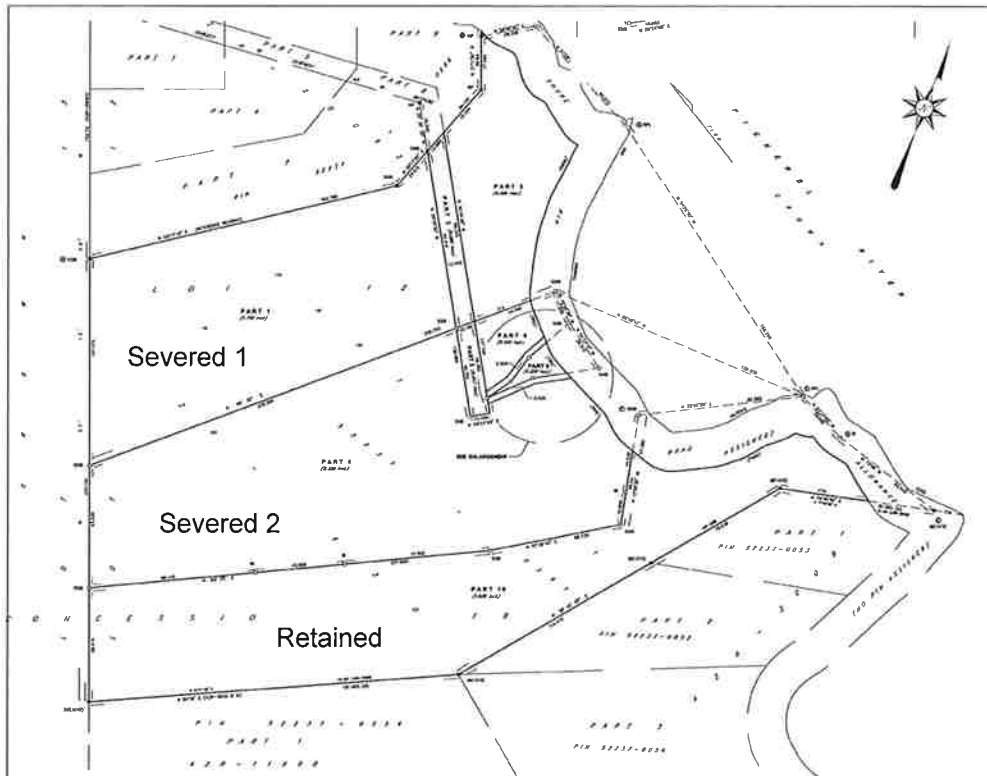
RE: Consent Application Nos. B02-18 & B03-18
Concession 19, Part Lot 12
Unincorporated Township of Mowat

OWNER: Hoskins, David and Mary

AGENT: Bob Hawkins – L.U. Maughan Company Ltd.

Background

The purpose of Consent Application Nos. B02-18 and B03-18 is to create two new residential, water access lots located on the Pickerel River. The property has been used as a fish camp/resort, known as Kagamaga Resort. The owners obtained approval in principle for the consents on July 19, 2018, and all conditions must be fulfilled by July 20, 2019. Below is the sketch that was approved:



Bob Hawkins, the agent working on behalf of Mr. and Mrs. Hoskins, contacted staff to ask about the possibility of both decisions being amended in order to facilitate additional time to fulfill conditions of approval, as the original approval lapses on July 20, 2019.

It was noted that, contained in each decision of the Board was a stipulation that the owner obtain confirmation from a qualified individual that the lands are suitable for the long-term provision of individual water services. The owner was not planning on installing wells on these properties. Water is currently drawn from the Pickerel River. Although this provision was verbally modified at the hearing, to facilitate the request, it can be formally removed from the conditions of each of the decisions, and the decisions be amended. This would result in an additional year for the owners to fulfill the remaining conditions.

PLANNING REVIEW

1. Provincial Policy Statement

The proposal continues to be consistent with the direction provided in the Provincial Policy Statement.

2. Planning Act

Under the requirements Planning Act, it is recommended that the Planning Board change the conditions of the provisional consents under Section 53 (23) of the Planning Act. Further, as the change appears to be minor, it is recommended that, under Section 53 (26) of the Planning Act, no additional notice is necessary.

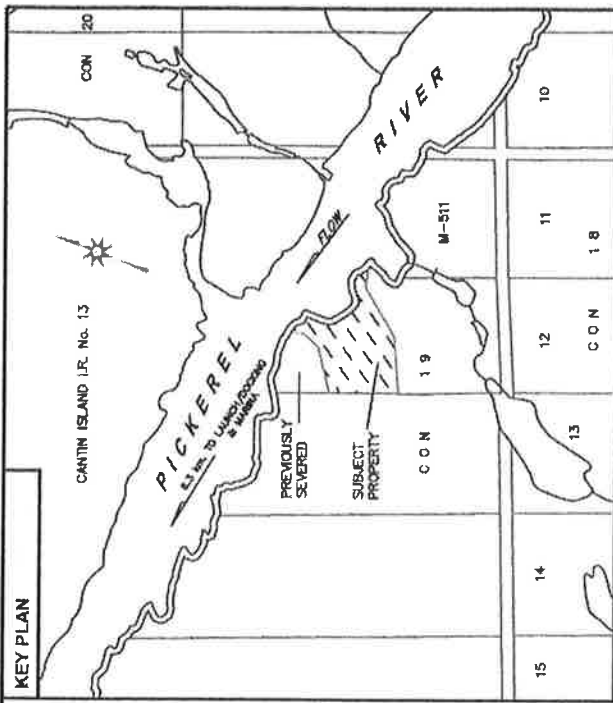
RECOMMENDATION

It is recommended that the Planning Board amend the conditions in each of the Decisions, and remove the references to water services located on each of the severed parcels.

Respectfully submitted,



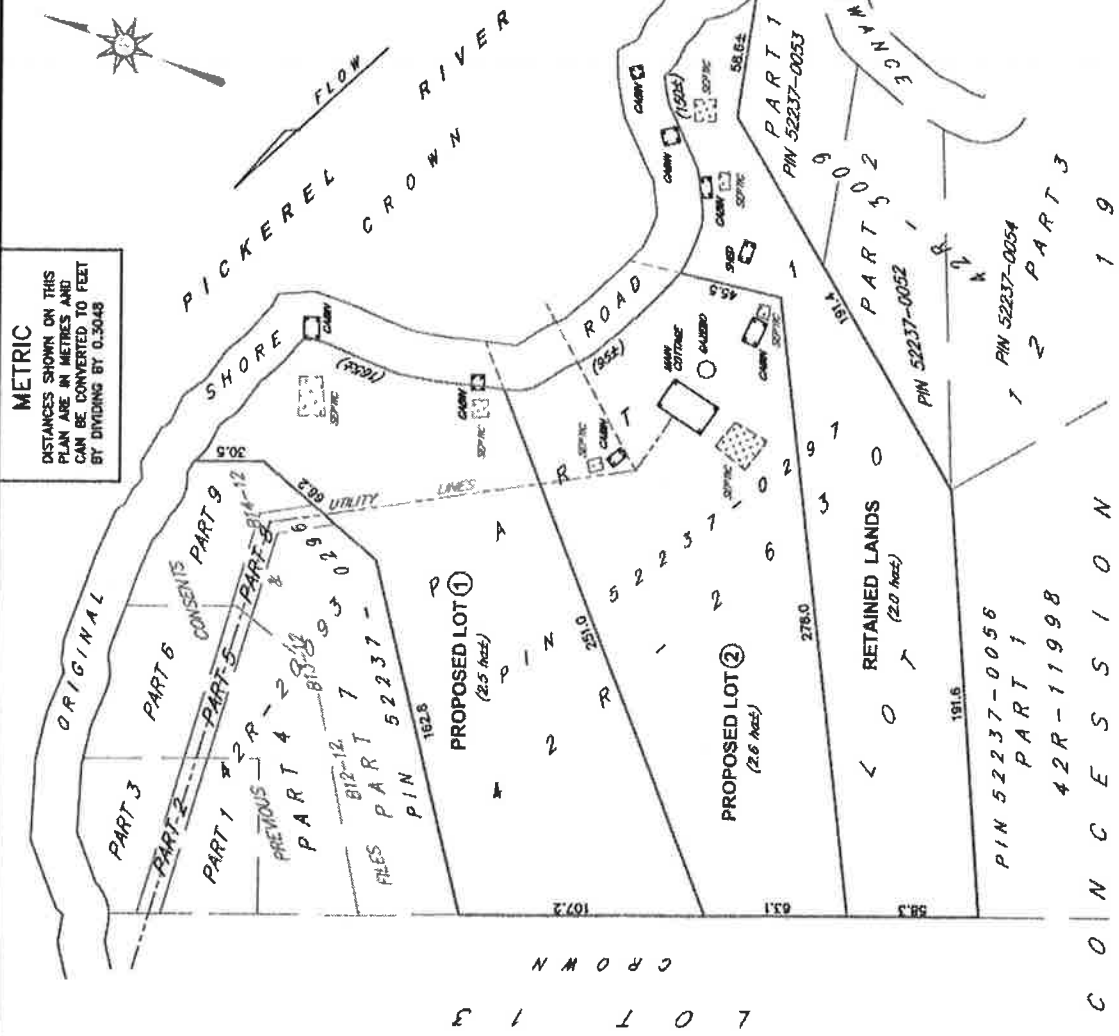
Cale Henderson, MCIP, RPP
Manager of Development &
Environmental Services



SKETCH FOR CONSENT APPLICATION
 PART OF LOT 12, CONCESSION 19
TOWNSHIP OF MOWAT
 DISTRICT OF PARRY SOUND

L.U. MAUGHAN COMPANY LIMITED
 ONTARIO LAND SURVEYORS
 5 McMURRAY STREET, PARRY SOUND ONTARIO
 P2A 1E6 (705)-746-5805 FAX 746-7276

PROJECT 17243
 PLAN No. N/A
 FIELD NOTES MOW - 31



METRIC
 DISTANCES SHOWN ON THIS
 PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET
 BY DIVIDING BY 0.3048

LOT 13
 CROWN

PIN 52237-0056
 PART 1
 42R-11998

CONCESSION



TO: Township of The Archipelago Planning Committee
Archipelago Area Planning Board

FROM: Cale Henderson, Manager of Development & Environmental Services
Greg Corbett, Planning Consultant

DATE: July 18, 2019

RE: Consent Application
11 Woods Bay Lane
Lot 40, Concession 3, Conger

APPLICANT: Gates, Richard and Eleanor

AGENTS: John Jackson Planner Inc.
Chris and Louise Goulding

BACKGROUND

Origin

An Application for Consent was submitted on May 17, 2019, to The Archipelago Area Planning Board by John Jackson Planner Inc. on behalf of Richard and Eleanor Gates, for property they own at 11 Woods Bay Lane. A Key Map illustrating the subject lands is contained in Appendix "A" to this Report.

Accompanying the Application for Consent was a Report prepared by John Jackson Planner Inc. dated May 7, 2019, a copy of which is contained in Appendix "B".

Subject Lands

The lands subject to the application are located at 11 Woods Bay Lane, and include all of Lot 40, Concession 3, Conger. The property is approximately 40.5 hectares (100 acres) in size. Woods Bay Lane extends from the termination of Healey Lake Road and is a privately maintained road located primarily on the Original Municipal Road Allowance which abuts the western boundary of the property. To the east of the property, but not abutting the property, is Sunset Point Road, a privately maintained road that crosses over both Crown Land and private land.

The property currently contains a single detached dwelling.

Development Proposal

The application submitted would divide the property into a total of eleven (11) lots, with eight (8) of the proposed lots intended to accommodate affordable housing. The proposed lots are as follows:

Lot #	Area	Frontage	Access	Existing Use	Proposed
1	16.4 ha (40.5 ac)	402.5 m (1320 ft)	Existing access from Woods Bay Lane	Dwelling	Continue as Gates' Residence
2	3.88 ha (9.6 ac)	200 m (656 ft)	New Driveway from Woods Bay Lane	Vacant	Gates Family
2a	3.88 ha (9.6 ac)	Nil	Driveway to extend from Sunset Point Road over either Crown Land or Private Land	Vacant	Gates Family
3	1.84 ha (4.5 ac)	100 m (328 ft)	New Driveway from Woods Bay Lane	Vacant	Affordable Housing
4	1.84 ha (4.5 ac)	100 m (328 ft)	New Driveway from Woods Bay Lane	Vacant	Affordable Housing
5	1.84 ha (4.5 ac)	100 m (328 ft)	New Driveway from Woods Bay Lane	Vacant	Affordable Housing
6	1.84 ha (4.5 ac)	100 m (328 ft)	New Driveway from Woods Bay Lane	Vacant	Affordable Housing
7	1.84 ha (4.5 ac)	Nil	New Driveway from Sunset Point Road over Private Land or from a new Private Road on the Subject Lands from Woods Bay Lane	Vacant	Affordable Housing
8	1.84 ha (4.5 ac)	Nil	New Driveway from Sunset Point Road over Private Land or from a new Private Road on the Subject Lands from Woods Bay Lane	Vacant	Affordable Housing
9	1.84 ha (4.5 ac)	Nil	New Driveway from Sunset Point Road over Private Land or from a new Private Road on the Subject Lands from Woods Bay Lane	Vacant	Affordable Housing
10	1.84 ha (4.5 ac)	Nil	New Driveway from Sunset Point Road over Private Land or from a new Private Road on the Subject Lands from Woods Bay Lane	Vacant	Affordable Housing

The applicant's agent has advised that a 20 metre wide strip of land has been shown between Lots 3 to 6 and Lots 7 to 10, which could be utilized for a new private road extending from Woods Bay Lane to provide access to Lots 7 -10, or alternatively, the property owner to the east could be contacted to permit right-of-ways for driveways extending from Sunset Point Road. Access to Lot 2a would be via a new driveway over Crown Land extending from Sunset Point Road.

The proposed development sketch is included at Appendix "C".

Consultation

Prior to the submission of the Application for Consent, it is understood representatives of the Moon River Métis Community meet with the Reeve and the Ward 4 Councillors on March 27, 2019 to discuss a number of issues related to the area, one of which was affordable land for housing and the Gates development proposal. Staff was not present at this meeting.

Upon receiving the Application for Consent on May 17, 2019, staff reviewed the application and information submitted. Upon completion of this review, Township Planning Staff forwarded correspondence dated June 10, 2019 to the applicants' agent, John Jackson Planner Inc., outlining matters that required further discussion before the application could proceed (a copy of this correspondence is included at Appendix "D"). The matters outlined included:

1. Official Plan Conformity – provided the opinion that an Official Plan Amendment would be required to facilitate the proposed development.
2. Completion of Appropriate Studies – advised of the need for appropriate studies to support the application as per the requirements of the Planning Act and the Township's Official Plan.
3. Consent versus Plan of Subdivision Process – advised a plan of subdivision application would be more appropriate for the creation of ten (10) new lots rather than through the consent process.
4. Access to Proposed Lots – concern raised with the lack of formal legal access to some of the lots proposed to be created, in essence, creating "land-locked" parcels.
5. Affordable Housing – as the proposal is relying on the Official Plan policies pertaining to affordable housing, the affordable housing price as per the Ministry of Municipal Affairs was provided and further details requested to ascertain how this target is to be achieved.
6. Zoning By-law Amendment – the requirement for a Zoning By-law Amendment application to facilitate the proposed lots was confirmed.

7. Application Fees – advised that only Council and the Planning Board could waive the applications fees, not staff, which the planning report submitted with the application suggested would assist in maintaining the affordability of the proposal.
8. Community Consultation Strategy – If was suggested that the applicants attempt to engage and consult with the larger Wood's Bay Community of the application.
9. Business Plan and Background – the Planning Report submitted with the application references a Business Plan and Background Report, which were not included in the application. A copy of these were requested and subsequently received and are included at Appendix "E".

The correspondence suggests that these matters should be discussed in order to explore opportunities to find solutions prior to bringing the application forward to Council and the Planning Board.

As suggested in the Township correspondence of June 10, 2019, a meeting with the applicants' agents, John Jackson and Louise and Chris Goulding was discussed to review the matters set out in the correspondence. Although the applicants' agents had offered to host a meeting in the vicinity of the subject lands and were wanting to invite approximately 20-25 people to the meeting, Township staff were of the opinion that since the intent of the meeting was to simply discuss the procedural and technical issues of the application, a larger community meeting would not be appropriate at that time. Thus, the meeting proceeded at the Township office on June 25, 2019, with the applicants' agents and Township staff and consultants present.

Prior to the scheduled meeting, correspondence from John Jackson Planner Inc. was submitted to the Township on June 24, 2019. A copy of this correspondence is contained in Appendix "F". This correspondence provides response to the matters set out in the correspondence of the Township dated June 10, 2019.

At the meeting of June 25, 2019, the matters set out in the June 10, 2019 correspondence of the Township and the June 24, 2019 correspondence of Mr. Jackson were discussed. At the outset of the meeting, Mr. Jackson advised that it was his opinion that the application conformed to the Official Plan and if an Official Plan Amendment were to be required, they would not be proceeding with the application due to the cost and time involved in obtaining such approval from the Ministry of Municipal Affairs, who are the approval authority for Official Plan Amendments. Similarly, the cost involved in undertaking any supporting studies and the necessary application fees were also noted as potentially jeopardizing the feasibility of the development proposal. Given the "make or break" nature of these matters, it was agreed that these matters would be brought forth to the next Planning Committee and Planning Board Meeting for consideration and direction.

Purpose of Report

The purpose of this Report is to obtain direction from the Township of The Archipelago Planning Committee and the Archipelago Area Planning Board on the following matters:

- i) Is an Official Plan Amendment required to facilitate the proposed development?
- ii) Is Council and the Planning Board prepared to waive the necessary fees associated with the Application for Consent, Zoning By-law Amendment Application and potentially Official Plan Amendment Application?
- iii) Will Council and the Planning Board deem the Application for Consent and future Application for Zoning By-law Amendment complete in accordance with the Planning Act, in the absence of supporting studies that are required by the Regulations of the Planning Act or required by the Township's Official Plan policies or may be discretionary under the Township's Official Plan policies?
- iv) If supporting studies are required by Council and the Planning Board, is Council and/or the Planning Board prepared to share in the cost of having such studies completed?

At this time, Planning Committee and the Planning Board are not being requested to make a decision on whether the Application for Consent should be provisionally approved or not, but rather provide direction on the above four mention matters with respect to the processing of the Application for Consent and future Application for Zoning By-law Amendment.

ANALYSIS:

The following provides analysis of each of the four matters to be considered.

Official Plan Conformity:

As Committee may recall, the Township's recent Official Plan Review was completed with the approval of Official Plan Amendment No. 61 and in approving Amendment No. 61, the Ministry of Municipal Affairs modified Section 6.7 of the Official Plan to read as follows:

- 6.7 *Council is supportive of private initiatives respecting the provision of affordable housing to meet local demand and supports a goal of 10% of new permanent residential dwelling units being affordable. For purposes of this policy, affordable means housing for which the purchase price is at least 10% below the average purchase price of a*

resale unit in Parry Sound District, or housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for the 60th percentile of household incomes in Parry Sound District, whichever is the least expensive. For rental housing, affordable means a unit for which the rent is at or below the average market rent of a unit in Parry Sound District, or a unit for which the rent does not exceed 30% of gross annual household income for the 60th percentile of household incomes in Parry Sound District, whichever is the least expensive.

In order to support the creation of affordable housing, the municipality may consider the designation of one or more strategic policy areas in the Township, where appropriate, in order to enable the creation of a limited number of residential lots by consent. Such area or areas would be conducive to the creation of affordable housing, strictly limited in scale, and without water frontage.

The municipality will monitor new dwelling units and the conversion from seasonal dwellings to permanent dwellings in the Township up until the time of the five-year review of the official plan, at which point its policies affecting the supply of land, range of housing types, and densities will be re-evaluated to determine if changes are needed in order to meet the target.

It is this policy that the Application relies on for the policy foundation for the proposal.

In utilizing Section 6.7 of the Official Plan as the policy foundation for the proposal, it raises three potential areas of Official Plan conformity, which are set out below. It should be noted that Section 6.7 of the Official Plan applies to the entire Township and not just the Woods Bay Neighbourhood and since this represents the first application of Section 6.7 of the Official Plan, how it is interpreted and implemented by Council will set the standard for the future not only for the Woods Bay Neighbourhood but for the entire Township.

(i) Implementation of Section 6.7

The first issue is how Section 6.7 is to be implemented.

The second paragraph of the policy states:

“the municipality may consider the designation of one or more strategic policy areas in the Township, where appropriate,”

As Committee may recall, this raised the question with staff as to how this policy was to be interpreted and how such “special policy areas” were to be established, whether they are to be established through an Official Plan Amendment or simply by

Council / Planning Board approving development applications. This specific question of interpretation was raised with the Ministry of Municipal Affairs and despite the Ministry having established the policy, they indicated interpreting how the policy was to be implemented was the sole responsibility of the Municipality.

It has been staff's interpretation that with the use of the terms "may consider the designation of one or more areas ..." and reference to "designation" it suggests that such areas are intended to be established through an Official Plan Amendment, as the term "designation" is more commonly associated with an Official Plan. Furthermore, the establishment of a policy that would allow for consideration of lot creation outside of Pointe au Baril Station without water frontage, is a marked departure from the historical policy direction since the formation of the Township. Thus, Policy 6.7 could be interpreted as providing the overall policy foundation for future Official Plan Amendments to establish these special policy areas. This would be similar to the establishment of Secondary Plans within an Official Plan.

Alternatively, as suggested by Mr. Jackson in his correspondence of June 24, 2019, he is of the opinion that a policy amendment (OPA 61) that in turn would require a further policy amendment, simply is not logical. According to Mr. Jackson, the requirement for an Official Plan Amendment would "necessitate a one or two year process at the very minimum", which is due to the fact that the Ministry of Municipal Affairs is the approval authority for Official Plan Amendments.

(ii) Exemption to Other Policies

The second issue is whether Section 6.7 in of itself exempts development from all other policies of the Official Plan. As set out in the Planning Report accompanying the application,

"There are a number of neighbourhood and general development policies that could be interpreted to obstruct the subject proposal. However, in the opinion of the writer, a broad liberal policy interpretation must be made to achieve the intent of this area of the plan."

Policies of note that the proposed development would not or may not conform with include:

- Section 6.3 requiring all development in the Township to have frontage on a navigable body of water with the exception of existing rural and farm residences, natural resource uses, Pointe au Baril Station and Skerryvore;
- Section 7 which sets out development policies for lands containing cultural and/or natural heritage features;
- Section 10.34 limiting lot creation in the Woods Bay Neighbourhood to 4 lots for parcels greater than 20 hectares;
- Section 10.54 prohibiting lot creation in rural areas of neighbourhoods;
- Section 14.4 requiring new lots to front onto a navigable waterway; and,

- Section 14.49 requiring new lots created by consent to have a minimum of 100 metres of water frontage and 1 hectare of lot area.

It is agreed that Section 6.7 would provide an exemption to those sections of the Official Plan pertaining to the requirement for water frontage, i.e., Sections 6.3, 14.4 and the water frontage requirement of 14.49. Similarly, the Section could be considered to exempt the proposed development from Section 10.54, as the rural area is considered to be areas that do not have water frontage.

However, the requirements of Section 7 respecting cultural and natural heritage features and Section 10.34 limiting lot creation in the Woods Bay Neighbourhood to 4 lots for parcels greater than 20 hectares would still apply.

In this case, Schedule "F" to the Official Plan identifies the subject lands as Deer Yard (Stratum 1) and Section 7.36 generally does not permit development and site alteration within Stratum 1 habitat unless the conifer thermal cover has been mapped and it has been determined through a site evaluation report that there will be no negative impacts to the natural features or their ecological functions. To date, no such mapping nor site evaluation report has been prepared.

The Ministry of Natural Resources and Forestry Natural Heritage Information Centre identifies the 1 kilometre grid in which the property is located in as containing Restricted Species, for which there was an observation in 2016. Information should be provided to confirm the specific species and whether there is habitat for the species on the property and if so, whether the proposal can conform to the policies pertaining to Habitat of Threatened and Endangered Species and Significant Wildlife Habitat.

The property is located within the Woods Bay Neighbourhood and Section 10.34 does limit lot creation in the Woods Bay Neighbourhood to 4 new lots for parcels greater than 20 hectares. The proposal would result in the creation of 10 new lots, far greater than that provided for in the Woods Bay Neighbourhood policies.

(iii) Conformity to Section 6.7

The final issue of conformity is whether the proposed development conforms to the policies of Section 6.7. Specifically, the policy is directed at the creation of lots for affordable housing. The application submitted indicates that eight (8) of the proposed lots are intended for affordable housing units, but that two of the lots, being Lots 2 and 2a, are not identified as being for affordable housing but rather are intended for the Gates family.

Furthermore, Section 6.7 stipulates the policy is intended for the creation of a limited number of residential lots by consent. In this case, the proposal is for the creation of 10 new lots by consent. Although there is no definition as to what constitutes limited, 10 lots would represent more lots than what is normally created in the entire Township in a year.

Waiving of Necessary Fees

The required application fees were not submitted with the application and in the Planning Report accompanying the application it is indicated that foregoing application fees wherever possible would assist in maintaining costs at a reasonable level. In support of this, the Planning Report references Section 8.24 of the Official Plan which reads as follows:

“The Township of The Archipelago is conscious of the need for affordable housing. The Township supports the creation of new non-waterfront residential lots in order to help address this need. Council may consider the reduction of municipal fees, such as development charges, parkland dedication and building permits, for affordable housing projects.”

This policy is contained within the policies for Pointe au Baril Station and this is recognized in the Planning Report. However, with the inclusion of Section 6.7 into the Official Plan by the Ministry of Municipal Affairs, it would be appropriate to consider the application of Section 8.24 to all areas of the Township. Also, although application fees are not specifically referenced, they would be considered a municipal fee.

Staff has advised the applicants' agents that staff does not have the authority to waive fees, that this would be a decision of Council and/or the Planning Board.

In this case, the breakdown of the fees would be as follows:

- Consent Fees Payable to the Archipelago Area Planning Board: \$5,300.00
- Zoning By-law Amendment Fee Payable to the Township: \$635
- OPA (if deemed necessary) Fee Payable to the Township: \$2,000

Council and/or the Planning Board has the authority to waive all or a portion of the fees applicable to them.

Deeming Application Complete

Section 53(2) of the *Planning Act* indicates the applicant for a consent shall provide the prescribed information or material and Section 53 (3) of the *Planning Act* provides that Council may require additional information or material if set out in the Official Plan.

Under Section 53(4) until this information is received, together with the required fee, Council may refuse to accept or consider the application. As Section 53(4) uses “may”, it does provide Council with discretion.

With respect to Section 53(2) and the prescribed information, this is contained in Schedule I of O. Reg. 197/96 and in reviewing the application, all of the required information appears to have been provided.

With respect to Section 53(3) and the additional information or material required by the Official Plan, Section 14.67 of the Official Plan sets out a number of additional studies and material that may be required for an application. In this case, it would be appropriate to require the following additional information:

1. **Site Evaluation Report:** Section 7.30 of the Official Plan requires a site evaluation report for potential habitat of threatened and endangered species. As previously indicated, the MNRF Natural Heritage Information Centre identifies the 1 kilometre grid in which the property is located in as containing Restricted Species, for which there was an observation in 2016. Thus, in accordance with Section 7.30 a site evaluation report is to be required. Not only was this policy put in place to protect Species at Risk, it is also of benefit to the applicant to ensure that development can be undertaken in accordance with the *Endangered Species Act*.

The property is also located within Stratum 1 Deer Habitat as identified on Schedule "F". In such areas, Section 7.36 only permits development if the conifer thermal cover has been mapped and a site evaluation report undertaken to confirm there will be no negative impacts. Furthermore, Section 7.40 does not permit access roads or driveways in conifer thermal cover areas or in areas of browse within 30 to 50 metres of the conifer cover.

Section 13.14 requires the submission of an environmental review for all applications involving new private roads, or access roads over Crown Land or extensions to existing roads.

All of these sections of the Official Plan require the submission of a site evaluation report.

2. **Archaeological Assessment:** Section 7.50 requires the submission of an Archaeological Assessment as a condition of development in various areas. In this case, the property would not represent any of the specific areas identified with the possible exception of being in areas exhibiting archaeological potential. This is due to the fact, as indicated in the material submitted, the property is one of the original Métis free land grants. As an alternative to undertaking an Archaeological Assessment, should the application be approved, a provision could be included in the associated 51(26) Agreement requiring the appropriate protocol be followed should archaeological remains be found.
3. **Hauled Sewage Capacity:** Section 11.17 requires confirmation of hauled sewage capacity for lot creation. This policy was inserted into the Official

Plan by Official Plan Amendment No. 61 due to the requirement being in the Provincial Policy Statement, 2014.

4. **Hydrogeological Assessment / Servicing Options Report:** Section 11.8 states a hydrogeological assessment may be required by the Township to be submitted in support of a development proposal for more than five residential lots in accordance with applicable Ministry of Environment D-Series Guidelines.

Guideline D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment states for developments where the lot size for each private residence is one hectare or larger, the risk that the boundary limits imposed by these guidelines may be exceeded by individual systems is considered acceptable in most cases. As such, since each lot is greater than one hectare an evaluation of septic system impact is not required.

Guideline D-5-5 Private Wells: Water Supply Assessment, which generally applies to the creation of more than 5 lots for residential purposes on private wells, would require the submission of a hydrogeological assessment to ensure future residents can be provided with water for domestic consumption that is of acceptable quality and of adequate quantity.

The development proposal will require a zoning by-law amendment application. O. Reg. 545/06 does require the submission of a hydrogeological assessment and a servicing options report for development on private services that would result in greater than 4,500 litres of effluent per day. Based on the creation of 10 new lots, with each containing a three-bedroom home, the resulting effluent production as per the Ontario Building Code would be 16,000 litres per day.

Cost Sharing of Studies

Should Committee and the Planning Board determine that any of the above-noted studies are required, in an effort to promote the creation of affordable housing, the Township could assist in the cost associated with undertaking these studies. At this time, no specific costs have been determined for any of the above-mentioned studies. Should Council be receptive to cost sharing with the applicants on these studies, the Township could put out a request for proposals from qualified firms and bring these to Council for confirmation.

RECOMMENDATION:

That Council / Archipelago Area Planning Board provide direction to staff on the following:

- i) Is an Official Plan Amendment required to facilitate the proposed development?
- ii) Is Council and the Planning Board prepared to waive the necessary fees associated with the Application for Consent, Zoning By-law Amendment Application and potentially Official Plan Amendment Application?
- iii) Will Council and the Planning Board deem the Application for Consent and future Application for Zoning By-law Amendment complete in accordance with the Planning Act, in the absence of supporting studies that are required by the Regulations of the Planning Act or required by the Township's Official Plan policies or may be discretionary under the Township's Official Plan policies?
- iv) If supporting studies are required by Council and the Planning Board, is Council and/or the Planning Board prepared to share in the cost of having such studies completed?

Respectfully submitted,



Cale Henderson, MCIP, RPP
Manager of Development &
Environmental Services

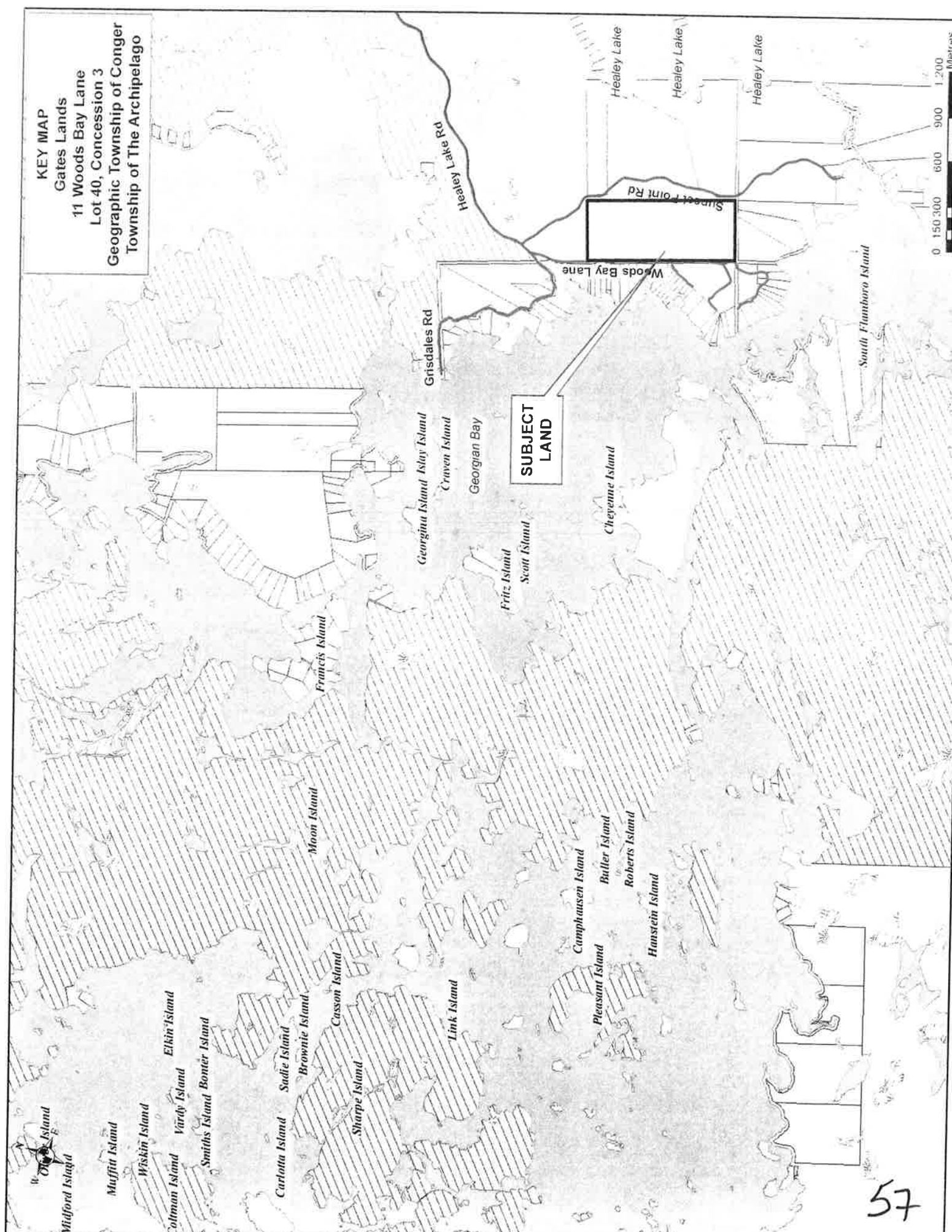


Gregory I. Corbett, M.PI, MCIP, RPP
Consulting Planner

APPENDIX A

Key Map

KEY MAP
 Gates Lands
 11 Woods Bay Lane
 Lot 40, Concession 3
 Geographic Township of Conger
 Township of The Archipelago



APPENDIX B

John Jackson Planner Inc.
Planning Report dated May 7, 2019

PROPOSED LAND DIVISION

LOT 40, CONCESSION 3

GEOGRAPHIC TOWNSHIP OF CONGER

(MOON RIVER)

APPLICANT: Richard and Eleanor Gates

**Prepared With the Assistance of
John Jackson Planner Inc.**

May 7, 2019

1.0 BACKGROUND

The south part of the Township of The Archipelago has been the centre of discussion over the past 25 years regarding the need to establish policies that respond to local residential issues and allowing for additional commercial opportunities that ultimately meet the servicing needs of ratepayers in The Archipelago.

The historic policy of The Archipelago has been to allow a limited amount of additional new lot creation and that all new lots must have direct frontage on the water. The increased cost of waterfront land has made the availability of lands for most year round residents cost prohibitive.

A recent policy change in The Archipelago has altered this long term approach to allow for more affordable housing opportunities.

"6.7 Council is supportive of private initiatives respecting the provision of affordable housing to meet local demand...

In order to support the creation of affordable housing, the Municipality may consider the designation of one or more strategic policy areas in the Township where appropriate, in order to enable the creation of a limited number of residential lots by consent. Such area or areas would be conducive to the creation of affordable housing strictly limited in scale, and without water frontage."

2.0 SUBJECT LAND

There are limited opportunities where blocks of patented lands are available for possible future back lot creation.

The lands in the vicinity of Woods Bay/Moon River are limited because of Crown land, the provincial park and access constraints. There happens to be a reasonably large block of patented land in this area of Moon River that can constitute a strategic location for affordable housing.

Richard and Eleanor Gates are the owners of a one hundred acre lot just east of the Woods Bay Shoreline that has access along Woods Bay Lane (a private access on an unopened road allowance) that leads to Healey Lake Road. The Gates property in all of Lot 40, Concession 3 in the geographic Township of Conger and is vacant excepting the dwelling where the Gates reside year round.

The Gates have been approached to determine an interest in making the parcel available for building lots.

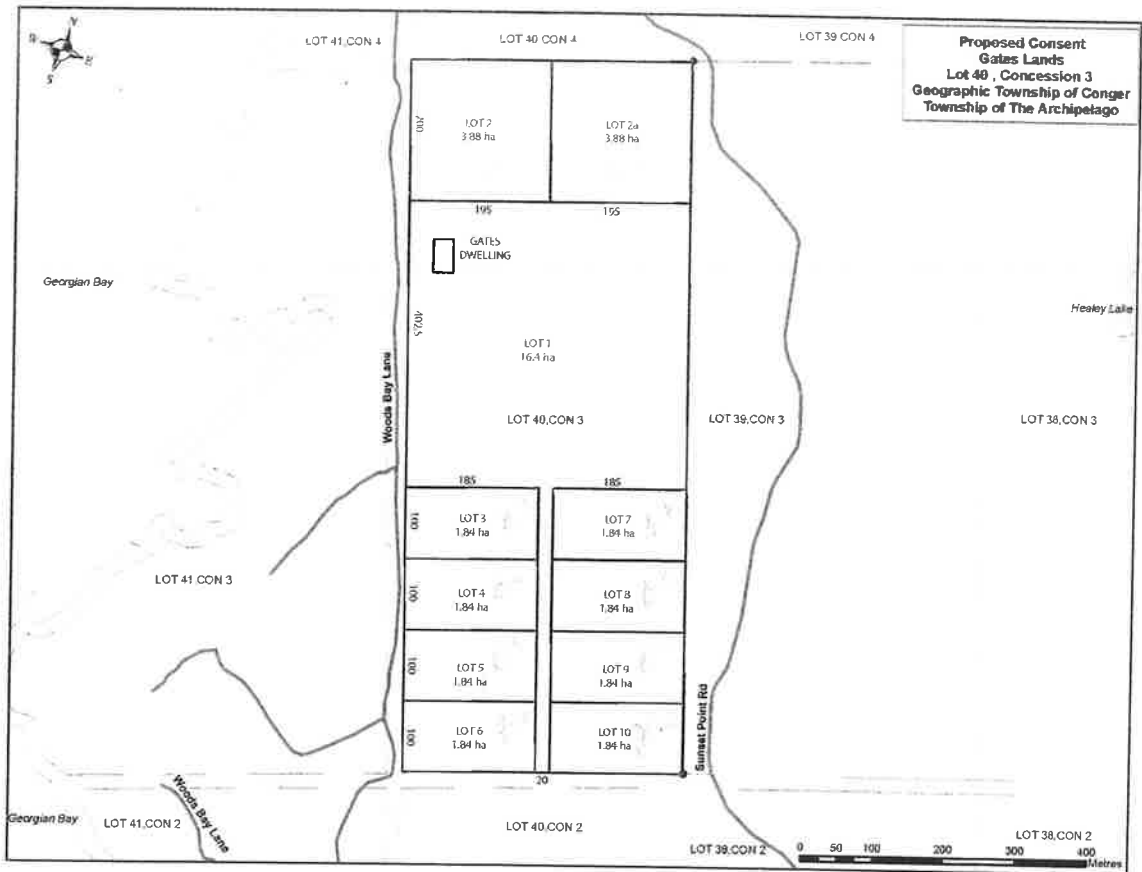
The property is relatively free from constraints to development. It has little topographic relief and is heavily forested with good drainage that slopes generally from east to west towards Georgian Bay.

There are no extensive wetlands on the property so that critical habitat for any wildlife species is likely not to be affected.

3.0 DEVELOPMENT PROPOSAL

In the interest of fulfilling the policy for affordable housing and to meet the needs of the residents in Moon River, the Gates have agreed to file a development scheme as set out below.

The Gates wish to retain their homestead Lot 1, and create eight, 2.0 hectares lots, and two 4.0 hectare lots for Moon River residents.



4.0 AFFORDABLE HOUSING CHALLENGES

There will be a number of "affordable" housing challenges as part of this development application. These include:

- Ensuring that the lots are available for the residents that are in need for the housing (how to ensure that the lands do not get "flipped" to serve parties not targeted as interest groups)

[Note: there is a list of potential Moon River purchasers of lots.]

61

Although found in the Pointe au Baril Station policy, 8.24 states:

"The Township of The Archipelago is conscious of the need for affordable housing. The Township supports the creation of new non-waterfront residential lots in order to help address this need. Council may consider the reduction of municipal fees, such as development charges, parkland dedication and building permits, for affordable housing projects."

- Maintaining costs at a reasonable level using some of the following techniques:
 - forego application fees wherever possible;
 - forego the typical list of studies with the understanding that the project proceeds on the basis of best practises
 - eliminate parkland fees
 - proceed by consent in contrast to a plan of subdivision

5.0 PLANNING DOCUMENTS

5.1 Planning Act Criteria

Under Section 2 of the Planning Act, there are a number of matters of provincial interest that must be regarded.

(a) protection of natural heritage features

The general nature of the land would signify that there are limited features that related to the subject lands.

- there are no wetlands
- the lands consist of mostly uplands forests
- the development is located beyond 500 metres of the shore of Georgian bay
- the lands are identified as being within the Healey Lake deer yard but lot sizes are well in excess of heritage guidelines

(f) services

- the lands will be serviced by private wells and septics
- the lot sizes will be large enough to prevent any cross contamination of adjoining wells,
- access is proposed along Woods Bay Lane or a new private road through the central part of the property

The access arrangement will continue to be by private road and the proponents will be expecting a private road agreement to confirm the nature of the road in terms of responsibility and to indemnify the municipality for any costs or liability.

- all utility/communication costs will be those of the proponent

(k) employment opportunities

- the proposal is to complement the needs of the community through the establishment of new facilities for local trades and employees of the service industry

(j) affordable housing

- the project is directly related to affordable housing for the Moon River community
- although the numbers are limited (ten lots) – each dwelling has the ability to generate two units (secondary dwellings)

(p) appropriate growth

- this limited form of new development is believed to properly achieve appropriate growth

5.2 Provincial Policy Statements (PPS)

The PPS are issued under section 3 of the Planning Act. The current PPS were in effect as of April, 2014. A new PPS are being prepared by the province.

A number of polices relate to the proposed development.

"1.1.4.1 Rural areas are important to the economic success of the Province and our quality of life. ... It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

1.1.4.1 a) building upon rural character, and leveraging rural amenities and assets;

1.1.5.2 b) resource-based recreational uses (including recreational dwellings);

1.1.5.2 d) home occupations and home industries;

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.4.1 a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and

1.4.3 b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and

2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term."

It is believed that the proposed development scheme on the subject lands is consistent with the above PPS policies.

5.3 Planning Act Criteria (51(24))

1. (a) Matters of provincial interest

(see above)

2. (b) Public Interest

The proponents have identified a demand to the extent that all of the lots are essentially spoken for.

3. (c) Conformity to Adjacent Plans

There are no adjacent plans.

4. (d) Suitability of the Lands

There are no constraints to the development of the subject lands.

5. (d.1) Affordable Housing

This is the core rationale for the application.

6. (e) Access and Adequacy thereof

Described above.

7. (f) **Lot Shapes**

All lots are large to preserve the quality of properties in terms of privacy, services and demand. (The residents of Moon River have an interest in preserving larger acreages and low densities in their living environments.)

8. (g) **Restrictions**

It is proposed that the lands will be subject to a 51(26) agreement to ensure that the owners are aware of the limitations that apply to said lots in terms of access, services, responsibilities, etc.

9. (h) **Conservation of Natural Resources**

There are not believed to be any natural resource issues.

10. (i) **Utilities/Municipal Services**

There are no municipal services apart from the transfer station.

Utilities (Hydro One) will be the responsibility of individual lot owners.

11. (j) **Schools**

If school aged children are generated, they will be bussed to local schools.

12. (k) **Public Land Dedication**

None expected.

Given the general approach/design of the land division, it is believed that the criteria of 51(24) of the Planning Act can be met.

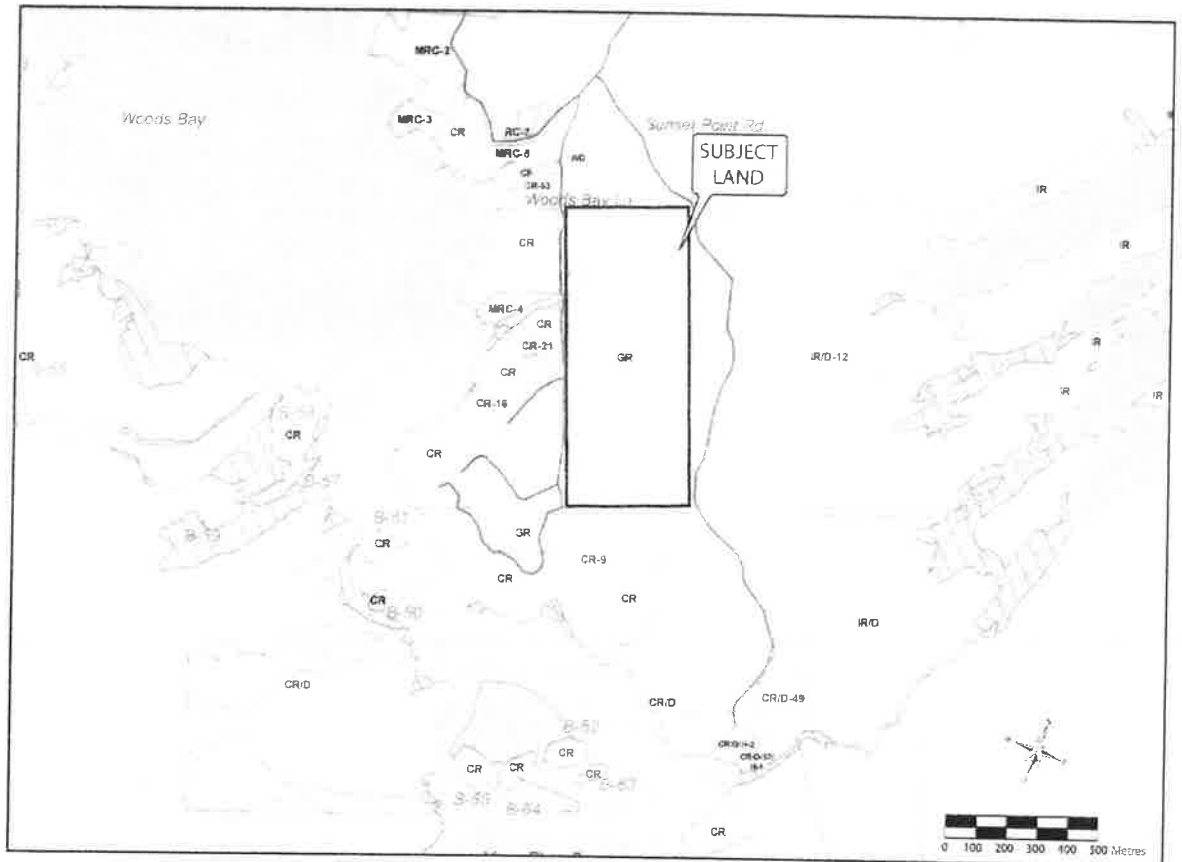
5.4 Official Plan

In order to achieve the affordable housing objectives of the official plan, the Council of the Township of The Archipelago must interpret its recent policy (cited above) to allow for the attached plan.

There are a number of neighbourhood and general development policies that could be interpreted to obstruct the subject proposal. However, in the opinion of the writer, a broad liberal policy interpretation must be made to achieve the intent of this area of the plan.

5.5 Zoning By-law

The subject lands are zoned as General Residential (GR).



These lands will need to be rezoned to reflect the proposed land division once approved.

5.6 Preconsultation

Representatives of the community have met with the Reeve and Ward 4 Councillors to discuss preliminary concerns related to the Moon River neighbourhood. There has also been brief discussions with the Township planner.

As part of the application, Councillors had asked that the proponents attach a business plan and background on the community. This information is attached.

There was a suggestion that the group reach out to area residents and associations. There is a public notice process with any land division/rezoning application and it's hoped that this will allow for sufficient consultation.

Respectfully,

John Jackson, R.P.P., M.C.I.P.

May 7, 2019 – Applicant: Richard and Eleanor Gates

JJ:dh

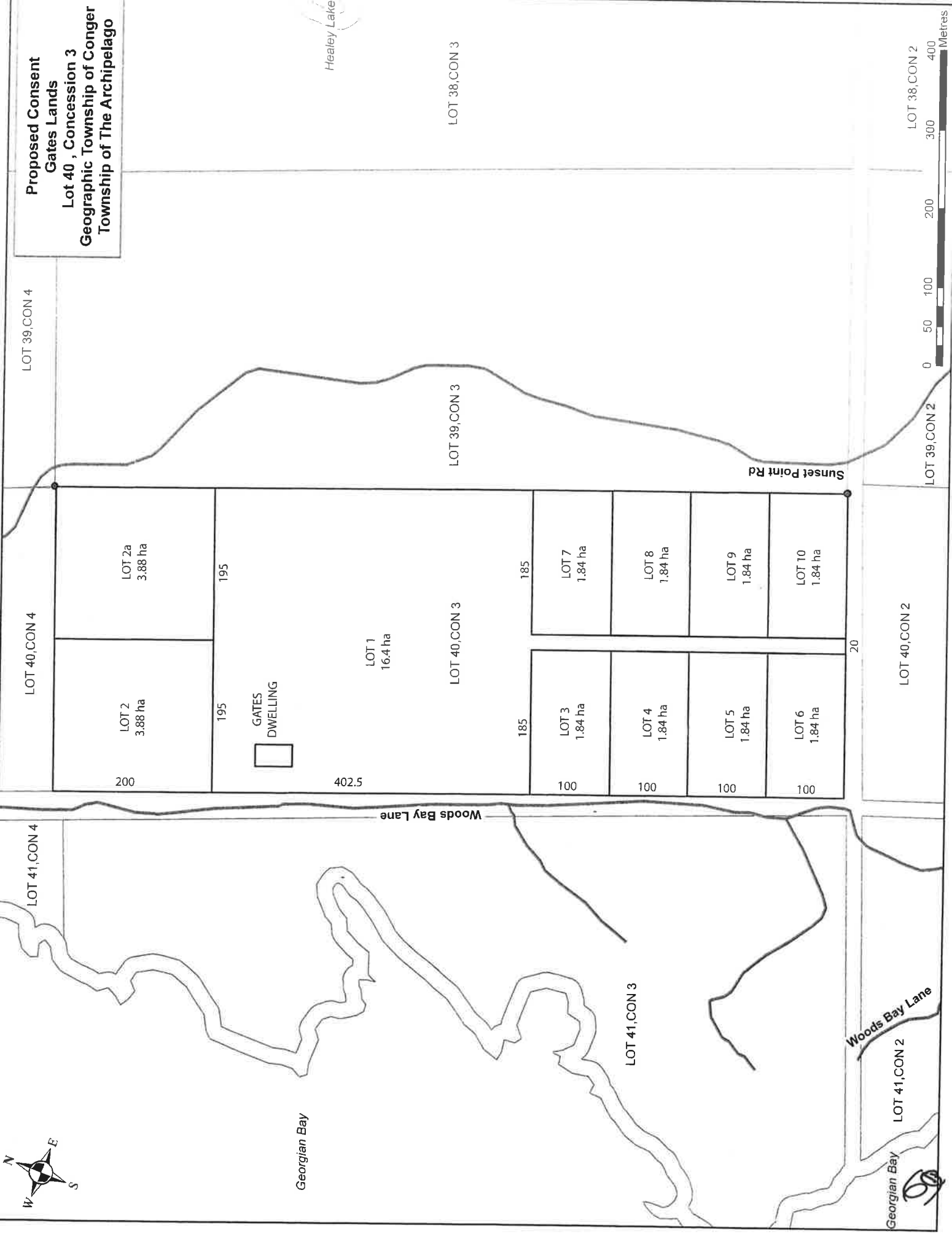
APPENDIX C

Development Sketch



**Proposed Consent
Gates Lands
Lot 40, Concession 3
Geographic Township of Conger
Township of The Archipelago**

Healey Lake



Georgian Bay

LOT 41, CON 2

LOT 40, CON 2

LOT 39, CON 2

LOT 38, CON 2

LOT 39, CON 4

LOT 40, CON 4

LOT 41, CON 4

LOT 2a
3.88 ha

LOT 2
3.88 ha

LOT 1
16.4 ha

LOT 40, CON 3

LOT 39, CON 3

LOT 38, CON 3

GATES
DWELLING

LOT 7
1.84 ha

LOT 3
1.84 ha

LOT 8
1.84 ha

LOT 4
1.84 ha

LOT 9
1.84 ha

LOT 5
1.84 ha

LOT 10
1.84 ha

LOT 6
1.84 ha

195

195

185

185

100

100

100

100

20

Woods Bay Lane

Woods Bay Lane

Georgian Bay

LOT 41, CON 3

Sunset Point Rd

200

402.5

Georgian Bay

APPENDIX D

Township of The Archipelago
Correspondence dated June 10, 2019



9 JAMES STREET • PARRY SOUND, ONTARIO • P2A 1T4
705-746-4243 • FAX: 705-746-7301
www.thearchipelago.on.ca

Reply Attention of: Cale Henderson
Telephone Extension: 305
Internet Address: chenderson@thearchipelago.on.ca

Delivered via email

June 10, 2019

Mr. John Jackson
John Jackson Planner Inc.
70 Isabella Street Unit 110
Parry Sound, ON P2A 1M6

Dear Mr. Jackson:

RE: Consent Application – GATES, Richard & Eleanor

Thank you for your submission with respect to the preliminary application for 10 new lots located in the Wood's Bay Neighbourhood. After carefully reviewing the draft application, there are some matters that need to be discussed prior to further considering your proposal. Below is an outline of these matters:

1. Official Plan Conformity:

As previously discussed, I do not believe the current proposal conforms to the Official Plan and, as a result, would require an Official Plan Amendment to be further considered. The planning rational submitted relies heavily on Section 6.7 of the Official Plan and states that a broad liberal policy interpretation must be made to determine overall conformity. Section 6.7 of the Official Plan indicates that Council may allow for new non-waterfront lots to support affordable housing; however that is to occur within a designated strategic policy area and is to be a limited number of residential lots by consent. Council for the Township of The Archipelago has not designated Woods Bay as a strategic policy area. Further, although you have applied for a consent application, the proposal is not for a limited number of lots and would more appropriately be considered via a plan of subdivision application.

Also, as you correctly highlighted, there are many other existing policies that would not support the proposal. For example, proposing 10 new lots on a private road is not generally supported within the Official Plan, further necessitating the requirement for an Official Plan Amendment. The amendment would enable Council for the Township of The Archipelago to address the application on a site specific basis.

Overall, to appropriately consider this application, it would be recommendation to Council that an Official Plan Amendment would be required.

2. Completion of Appropriate Studies:

An application of this nature requires, per the requirements of the Official Plan and Planning Act, the completion of an environmental impact assessment, a hydrogeological report, a servicing options report, and other possible studies. I appreciate that these studies come with costs; however, I cannot exempt these requirements. My recommendation to Council would be that these studies be completed prior to considering the application. Once the applications are finalized, a determination can be made as to whether additional studies would be required.

3. Consent versus Plan of Subdivision:

As discussed previously, a Consent application is not the appropriate process for the consideration of 10 new lots. Should you wish to pursue 10 lots, it would be my recommendation that a plan of subdivision application be submitted.

4. Access to Proposed Lots:

In addition to the previously raised matter of private road access, the 5 proposed eastern lots do not show clearly identified or formalized access. Although a new private road is alluded to within the report, the application has not identified, nor has the applicant applied for appropriate easements to ensure appropriate legal access is provided to future owners.

5. Affordable Housing:

Under Section 6.7 of the Official Plan, the proposal needs to support the creation of affordable housing. The definition of affordable housing within the Official Plan and the Provincial Policy Statement is:

“affordable means housing for which the purchase price is at least 10% below the average purchase price of a resale unit in Parry Sound District, or housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for the 60th percentile of household incomes in Parry Sound District, whichever is the least expensive.”

After consulting with the Ministry of Municipal Affairs, the 60th percentile affordable housing price for the Parry Sound District equates to \$275,600. Although there have been suggestions as to how development costs can be reduced (waiving fees, forego studies, etc.), there is limited amount of detail provided as to how these proposed lots will adhere to this affordable housing target. This policy needs to be further discussed to ascertain how this target is to be achieved.

6. Zoning By-law Amendment:

A Zoning By-law Amendment application will need to be submitted.

7. Application Fees:

Only Council and The Archipelago Area Planning Board have the ability to waive the application fees. Once the proposal is finalized, the request to have fees waived can be submitted to both of the respective approval authorities.

8. Community Consultation Strategy:

As previously discussed, it is important that an appropriate consultation process is completed. It is strongly recommended that, above and beyond the circulation of the affiliated planning applications, the applicants attempt to engage and consult with the larger community, as part of their community consultation strategy.

9. Business Plan and Background:

Section 5.6 of the report references a business plan and background report is attached. No report was provided.

When you are available, I would like to discuss these matters and explore opportunities to find solutions, prior to bringing the applications to Council and The Archipelago Area Planning Board for further consideration.

Regards,



Cale Henderson, MCIP, RPP
Manager of Development &
Environmental Services

APPENDIX E

Business Plan and Background

MOON RIVER AFFORDABLE HOUSING BUSINESS PLAN

April 29, 2019

Purchase price of property	.....	\$40,000.00
Septic system	.....	\$10,000.00
Hydro	.....	\$12,800.00
Drilled well	.....	\$14,000.00
3 bedroom bungalow	.....	\$205,200.00
Township fees to be waived (development charges, rezoning, building permit, studies, etc.)	.....	waived
		<u>\$282,000.00</u>

Note: ~ According to the Provincial Policy Statement - Housing Table 2017, affordable housing for Parry Sound DSSAB is \$282,000.00.
~ Prepared by the Moon River Community.

Moon River Métis Community Information

The historic Moon River Métis Community appealed a small portion of the Township of the Archipelago (ToA) Official Plan during the last two provincially mandated five-year reviews/updates, for some of the following reasons:

- ✚ The Moon River area is a long-standing Métis settlement. After residing in the Moon River area for generations, many Métis people received land grants in the early 1900's, which is the reason for the amount of private property from Grupp's Marsh to Blackstone Narrows, up the Moon River past Healy Creek and up to Healy Lake. Decedents from the original Métis settlers continue to live the Métis Way of Life in Moon River to this day.
- ✚ The Township's Official Plan failed to properly recognize the Community of Moon River in the Official Plan. This is not acceptable given that the Township's own website, under "Communities", states "In the late 1800's and early 1900's the community of Moon River was established in this area."
- ✚ The community of Moon River/Woods Bay needs to be recognized for its importance as the economic hub of South Archipelago, especially considering it contains the only road access in and through our township to Georgian Bay, with marinas and other commercially zoned properties providing services to water based rate payers.
- ✚ In 2009, a 56-page document titled "Woods Bay Neighbourhood Study Findings Report" (WBNS) was published which was the result of our first appeal of the Township's Official Plan.
- ✚ In 2018, we once again appealed the Township's Official Plan – this time directly to the Province's Ministry of Municipal Affairs and Housing – since the township continued to ignore our communities' issues despite the WBNS, a 13-page submission from the Métis Nation of Ontario on our behalf to the ToA, our communities' 43-page submission to MMAH, all of which is available through the Archipelago Township, and a requirement in the Aboriginal section of the 2014 Provincial Policy Statement, which requires municipalities to consult with Indigenous Peoples on land use planning issues.
- ✚ A favourable decision was received from the Minister of MMAH on December 24th, 2018, which addressed our concerns and modified the Township of the Archipelago's Official Plan (see attached – item #'s 1, 2, 4, 11 and 15 of the decision that apply to the Moon River Métis Community).
- ✚ After the final decision had been made by the province regarding the OP, our communities' representatives met with Reeve Bert Liverance and our Ward 4 Councillors, David Ashley, Alice Barton and Rick Zanussi, on March 27, 2019. The following was discussed:
 - Affordable land for housing in the community of Moon River on back-lots.
 - Upgrading of the Municipal Transfer Station in Woods Bay with a proper boat launch ramp, proper floating dock, a proper staging area for all to use and easy access to the water for all rate payers to use for deliveries of building materials, appliances, etc., etc.
 - The lack of commercially zoned properties in the Moon River area in order to meet the local demand for services.
 - We also asked to be engaged in the upcoming Comprehensive Zoning By-Law Review.
- ✚ An application will be submitted shortly to the Archipelago Area Planning Board by Mr. & Mrs. Rick Gates to subdivide their 100-acre parcel of land in Moon River, in order to provide eight 5-acre lots, two 10-acre lots and one 40-acre lot which the Gates' will retain for their personal use (already contains their house, shop, etc.). This 100-acre parcel of land was one of the above-mentioned original Métis land grants.

- ✦ The proposed lots are being created for affordable housing/land, which the new Provincially modified Official Plan now allows and which supports this type of back lot development.

The above information is being supplied in order to provide an understanding of the scope of issues facing, not only our Indigenous community but our community as a whole.

Please do not hesitate to contact us if there are any questions.

Regards,
Moon River Métis Community

APPENDIX F

John Jackson Planner Inc.
Correspondence of June 24, 2019

Subject: Gates Development Application

Cale,

It is unfortunate that we could not meet to discuss this matter prior to your formalizing your opinion in your letter of June 10, 2019. In my view it may be difficult for you to come off the position expressed in this letter which will likely be the loss of any hope for the community to achieve the badly needed housing opportunities in this area of the Township.

Background

As you are aware, the Moon River Métis Community has been working hard to establish a policy regime that recognizes a public need for opportunities for its residents and their children to continue to work and live in the area. These efforts have not been well received by the municipality that seemingly continued to thwart efforts in this regard despite its commitments otherwise.

This posture is well documented. It was only after a second appeal to the latest official plan update did the community understand that it achieved a monumental change to an otherwise unrelenting policy to ignore local planning needs. The province under the new, unappealable role in approving local policy seemed to incorporate change in the formerly nonresponsive policy focused in The Archipelago official plan.

It was recognized that the policy modifications imposed by the province were somewhat unclear, however, there was no doubt that the amendments were to introduce fundamental change, which could easily be achieved with discussions between the Township of the Archipelago and the Moon River Métis Community.

There were likely more questions than answers from the province's intervention into the policy construction of The Archipelago official plan. The question that resulted from this process, was to determine what this policy shift truly meant.

As a result, the proponents of change sought out a possible opportunity to give the policy some meaning and understanding.

Finding a Candidate Property

As part of the local discussions to determine a possible property to realize the new policy thrusts; a single parcel seemed to qualify. This was the Gates land adjacent to the Woods Bay shoreline and surrounded by private road access. Most importantly, the Gates had indicated that they were prepared to offer their lands for this development opportunity.

For the first time in a quarter of a century, the community began to get excited that homes may be available that were within the financial capability of these Archipelago residents.

During this period, the proponents of the interests of the Moon River Métis Community maintained communication with Ward councillors and the Reeve. All of the local Council representatives seemed to support the program. No obstacles were ever believed to be imposed.

The Gates Application

The Gates application presented a large number of attributes that would realize the new policy expectation. These include:

- a willing seller;
- a patented land where most lands in the vicinity are Crown and at this point are not available for residential development;
- private roads available to the subject land;
- no significant environmental constraints;
- a large interest in demand;
- the creation of large lots; and
- support by local councillors and Reeve.

1. Official Plan Conformity

The report accompanying the application has set out the need to recognize an interpretation to the official plan that gives the municipality broad powers through the modified section 6.7 that overcomes the innumerable other policies that you recite that could prohibit any such development consideration of the Gates lands.

In practical terms, a policy amendment that, in turn, requires a further policy amendment, simply is not logical. This would continue to perpetrate the "study to require further study" mentality that seems to have been the approach in Woods Bay/Moon River to date.

It is my opinion that the act of endorsing the project as proposed can be part of the act of declaring these lands as a "strategic policy area". Failing to allow this interpretation and requiring a site-specific official plan amendment or for some further general policy amendment will necessitate a one or two year process at the very minimum. The need is now.

As emphasized in the report accompanying the Gates application, there are very limited opportunities in the community to achieve the kind of development needed

to accommodate back lot development. There are very few lands that are patented and that include a willing owner with the necessary qualities to have a development like this come forward.

2. **Studies**

It was made clear in the application materials, that the normal practise of requiring studies would need to be waived if this project was to proceed and meet its target to qualify as affordable. This request was not made without basis.

Your demand for environmental impact assessments, hydrogeological reports, servicing option studies and other possible studies are not necessary in this instance if one follows the basic rationale attributable to establishing the need for such studies.

There are three sources where the need for further studies are identified.

(a) **Planning Act**

The Planning Act has set out a number of matters of provincial interest in section 2. These provincial interests set out a broad range of matters including environment, affordable housing, global warming and many others. The suggestion that the project may not proceed without environmental impact assessments is simply not true.

Affordable housing is a defining issue of the Moon River/Woods Bay area. It is suggested that the project captures the essence of the provincial interest in this matter.

(b) **Provincial Policy Statements (PPS)**

The PPS has a wide range of matters similar to those outlined in the list of provincial interests.

A guiding principle in the PPS is that they must be read in their entirety. Often there will be conflicting interests that planners need to assess to determine the priority for measuring a particular development.

This type of "screening" is needed to ensure that one is able to properly discern the practical need for assessments. To impose assessments blindly without a true understanding of their relative need or benefit is not only unfair but not responsible. Planners can and do discriminate when and where the need for such assessments apply.

With respect to the subject lands, one needs to consider the following:

- the lands consist of upland forests thereby reducing the presence of potential endangered species habitat;

- the lands have no significant or local wetland often associated with natural heritage values;
- the road pattern is fundamentally established;
- the proposed lot pattern includes lot sizes that eliminate many concerns respecting wildlife impacts; and
- there are no particular PPS issues for these lands when considering the important policy of achieving affordable housing, a key policy in this statement.

(c) **Official Plan**

The official plan has a number of references to assessments but for many of these, the studies may be interpreted to be discretionary. This is not to say that the official plan application is to be disregarded. In my opinion, these kinds of considerations have been or can be made.

- i) 7.13 protection of Coastal Wetlands – there are none on the subject lands;
- ii) 7.28 protection of endangered species – as discussed above, the kind of geography and forest cover on the subject lands are not associated with habitat for threatened and endangered species;
- iii) 7.32 site evaluations may be required for significant wildlife habitat;
- iv) 7.38 the proposed lot sizes far exceed the standards for the protection of deer yard habitat;
- v) 11.8 hydrogeological assessments are discretionary but subject to M.O.E. D-Series Guidelines and if one has experience with the application to these reasonable use criteria, it is a calculation for our geography that invariably concludes that lot sizes need to exceed 0.8 hectares to avoid cross-contamination of wells and ground water impacts from septic systems. It is clear that the subject lots are 2 1/2 times larger than this criteria.

As you are aware, I have an extensive number of years' experience related to development from both a proponent and municipal review perspective and I do not anticipate that this project will benefit in any meaningful way from any named or unnamed studies in your summary letter.

3. Plan of Subdivision

The question of proceeding by consent in contrast to plan of subdivision is an age-old debate that has been widely reviewed for this application.

There are a number of very basic differences in the two processes but in this instance, it is strongly believed there are a number of reasons where there is no benefit to require a plan of subdivision process.

The following considerations were assessed as part of this question.

- (a) Official Plan – to be clear, the modifications set out in 6.7 of the plan, it recognized new lots not on waterfront created by consent to achieve affordable housing;
- (b) No Advantage – in the subject instance, there would not be any benefit in proceeding by plan of subdivision;
- (c) Conditions – the Planning Act gives approval authorities all of powers for consent approval as it does for subdivisions;
- (d) Costs – plans of subdivisions have inherent additional costs where there are often outside services required including engineers or lawyers that are not believed to be necessary for this project;
- (e) Services – plans of subdivisions in many contexts by their very nature require the extension of public services but in this instance there are none;
- (f) Agreement – the consent process has the ability to require any conditions that the plan of subdivision process requires including an agreement as you are aware. The only purpose of an agreement (which is recognized) will set out the responsibility of the land owners for all of the private services and to indemnify the Township from any liability.
- (g) Need – the more robust review process often associated with plans of subdivision do not seem to apply in this instance – rather it is anticipated that such a subdivision process relying on legal technicalities would often extend approvals for up to an additional year.
- (h) Planning Act Regs – Under Regulation 644/06, plans of subdivision that permit more than five lots, are required to undertake a servicing options study and a hydrogeological report.

Regardless of this regulation, the requirements for these items for plans of subdivision, remain irrelevant for this project. There are no servicing options. The subject lands will be serviced by wells and septic. In terms of water supply, drilled wells will be the source. In the industry well drillers guarantee water supplies.

For wastewater, septic systems will be installed. As discussed above, the larger lots will more than satisfy reasonable use consideration. No benefit will be served by undertaking a hydrogeological report.

4. **Access**

The Gates property is adjacent to Woods Bay Lane, to the east there is close proximity to Sunset Point Road, to the south there is a municipal road allowance but the intervening land may not be available.

Consequently, a right-of-way is proposed to access the easterly lots should permission not be obtained to come off Sunset Point Road.

I do not believe that this element complicates the application but simply assures an access arrangement.

5. **Affordable Housing**

A business plan has been provided to demonstrate how affordable targets hope to be achieved.

6. **Zoning**

We recognize in the submitted materials that a rezoning will be required.

7. **Fees**

We have included, as part of submission, that Council/Planning board consider waiving fees in the interest of achieving affordable housing goals.

8. **Consultation**

The Moon River Métis residents have met with local councillors as well as the reeve.

All of the lots proposed are spoken for.

As requested by the Ward 4 Councillors and Reeve, the Moon River Métis Community has reached out to the local rate payor associations and provided them with information regarding our community and the Gates' property becoming available for affordable land/housing. Discussions have been initiated with the Woods Bay Association, the San Souci Copperhead Association and the Georgian Bay Association. These organizations support the project.

No further consultation would seem to be necessary.

9. **Business Plan**

I believe this has been forwarded to your office.

Conclusion

The project is a unique pilot project.

It does not have any characteristics of a typical development.

Hopefully we can all agree that this project is responding to a wider public interest and that it has the qualities that sets it apart from any other experiences where one risks the fear of being inconsistent.

Given the journey, I can assure you that none of the people involved, from my perspective, see this as avoiding good planning but rather see it as necessary planning.

Kindest regards.



John Jackson

JJ:dh