

THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI
P.O. BOX 220
TEMAGAMI, ONTARIO P0H 2H0
(705) 569-3421
FAX: (705) 569-2834
E-MAIL: visit@temagami.ca



**Notice of Complete Application and Statutory Public Meeting
Zoning By-law Amendment Z-16-02**

Pursuant to Sections 34(10.7) and 34(13) of the Ontario Planning Act, R.S.O. 1990, c. P. 13 as amended

Application No.	Z-16-02
Date of Notice	December 27, 2017
Applicant	Lanny Dennis of Wayne Simpson & Associates on behalf of Temagami Bays Development Corporation
Roll No.	4869-010-004-08800-0000/ 4869-010-003-38900-0000/ 4869-010-004-11100-0000/ 4869-010-003-38800-0000
Subject Land	Kanichee and Net Lake Properties

PURPOSE AND EFFECT:

A complete application has been received to amend the Municipality of Temagami Zoning By-law 06-650 as amended.

- 1) The purpose of the amendment is to change the zoning of the property from Integrated Management Area (IMA) Zone to Remote Residential Exception Four (R2-4) Zone;
- 2) To change the zoning of the property from Integrated Management Area (IMA) Zone to Community Use Exception One (CU-1) Zone;
- 3) To change the zoning of the property from Integrated Management Area (IMA) Zone to Open Space Exception One (OS-1) Zone.

The effect of the application is to permit:

The rezoning of the subject lands to the Remote Residential Exception Four (R2-4) Zone would permit the development of a detached dwelling on each of the proposed lots that have been provisionally approved by the Committee of Adjustment. The rezoning of a portion of the subject lands to Community Use Exception One (CU-1) would permit for the establishment of a Municipal Launch, to facilitate water access to one or more shoreline properties. The rezoning of a portion of the subject lands to Open Space Exception One (OS-1) would protect an area of the site known to contain archaeological and cultural heritage features. This re-zoning is to satisfy a condition of provisional consent that was set out in the notice of decision of the Committee of Adjustment for consent application C-16-03, on December 14, 2017.

PUBLIC MEETING:

Date: January 16, 2018

Time: 4:30 pm

Location: Municipal Office Council Chambers, 7 Lakeshore Drive, Temagami, ON

INFORMATION, INQUIRIES AND WRITTEN SUBMISSIONS:

Inquiries and written submissions regarding the application should be directed to the Municipal Clerk.

Additional information regarding this application is available for public inspection at the Municipality of Temagami Municipal Office, 7 Lakeshore Drive, Temagami, Ontario, between 8:30 am and 4:30 pm, Monday through Friday.

NEED TO MAKE SUBMISSIONS

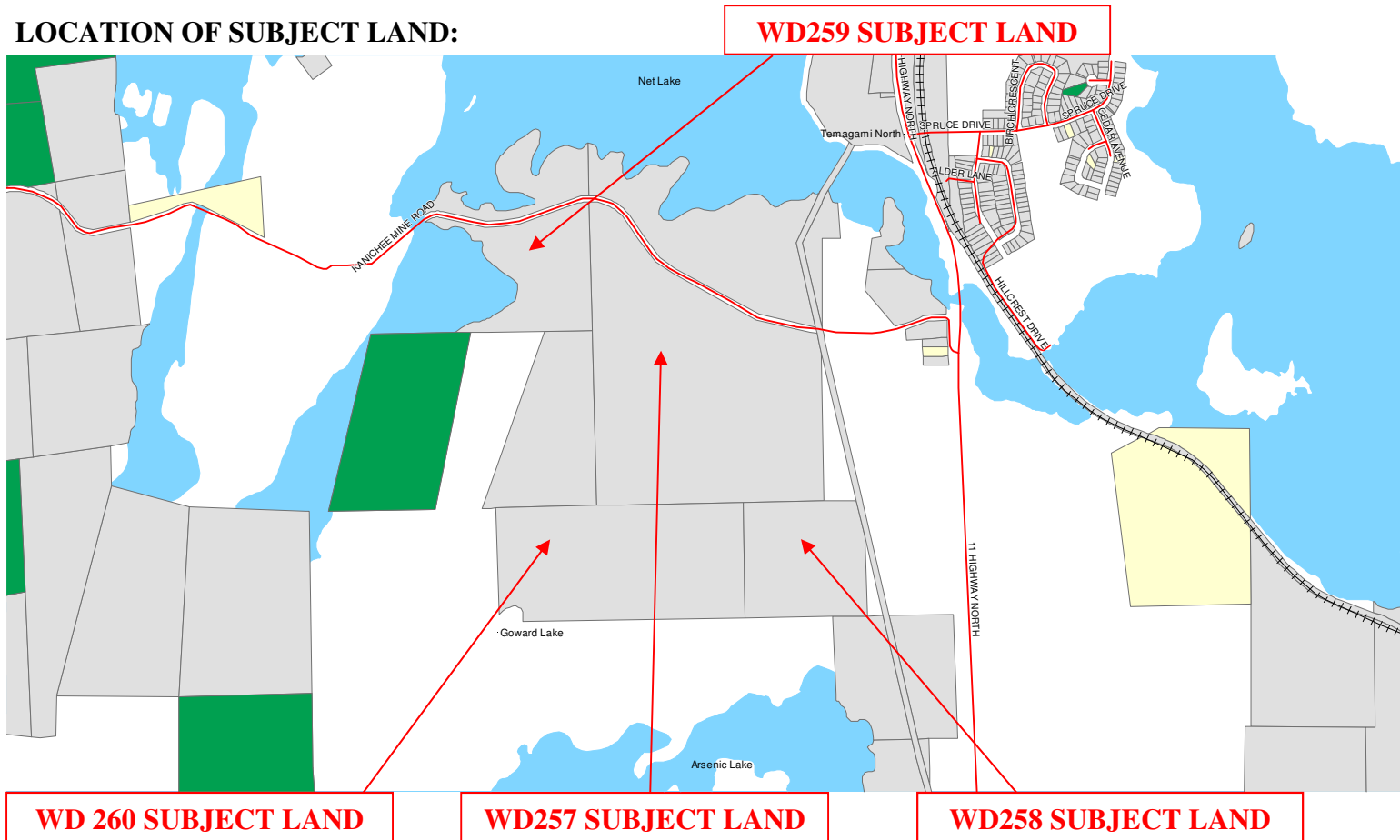
If a person or public body does not make oral submissions at a public meeting or make written submission to the Municipality of Temagami before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Temagami to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Temagami before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

REQUESTING NOTICE OF DECISION:

If you wish to be notified of the decision of the Council of the Municipality of Temagami you must make a written request to the Municipality of Temagami.

LOCATION OF SUBJECT LAND:



Kanichee and Net Lake Properties

Mailing Date of this Notice: December 27, 2017

Elaine Gunnell
Municipal Clerk
(705) 569-3421
clerk@temagami.ca



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
SPECIAL COUNCIL MEETING - ZONING BY-LAW HEARING
AGENDA

Tuesday, January 16, 2018, 4:30 P.M.

Welcome Center

An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote open and transparent government. As a visitor, your presence may be recorded and your name and address may be revealed during certain parts of the Council meeting.

Pages

1. PURPOSE OF THIS SPECIAL MEETING
The Purpose of this Special Meeting is for a Public Hearing for Zoning By-law Amendment Application Number Z-16-02 - Temagami Bays Development Corporation.
2. CALL TO ORDER AND ROLL CALL
3. ADOPTION OF THE AGENDA
Draft Motion:
BE IT RESOLVED THAT the Special Council Meeting Agenda dated January 16, 2018 at 4:30 pm be adopted as presented / amended.
4. DECLARATION OF CONFLICT OR PECUNIARY INTEREST AND GENERAL NATURE THEREOF
5. PRESENTATION OF THE APPLICATION 1
6. WRITTEN SUBMISSIONS MADE AFTER THE POSTING OF NOTICE OF THE MEETING 24
7. COMMENTS FROM THE PUBLIC ON THE APPLICATION
8. ADJOURNMENT
Draft Motion:
BE IT RESOLVED THAT this meeting adjourn at p.m.



The Corporation of the Municipality of Temagami

Application to Amend the Official Plan Application to Amend the Zoning By-law ✓ PLEASE READ BEFORE COMPLETING THIS APPLICATION

This application reflects the mandatory information that is prescribed in the schedules to Ontario Regulations 198/96 and 199/96 made under the Planning Act, R.S.O. 1990 as amended. In addition to this form, the Applicant will be required to submit the appropriate fee, site plan, and any additional information or studies that may be necessary to assess the proposal. Failure to submit all of the required information may prevent or delay the consideration of the Application. If more space is required please use additional sheets. Three copies of the completed application accompanied by the fee, in the form of a cheque, are required upon submission of the application.

Please Print and Complete or () Appropriate Box(es) SECTION 1 APPLICANT INFORMATION			
1.1 Name of Owner(s). An owner's authorisation is required in Section 11.1, if the applicant is not the owner.			
Name of Owner(s) Temagami Bays Development Corporation		Home Telephone No.	
Business Telephone No (905) 731-5582 / (416) 606-1827	Fax No.	Email Address tbd2005@yahoo.ca	
Address 12 Prince Edward Blvd. Thornhill, Ontario		Postal Code L3T 7G4	
1.2 Agent/Applicant: Name of the person who is to be contacted about this application, if different than the owner. (This may be a person or a firm acting on behalf of the owner)			
Name of Owner(s) Wayne Simpson and Associates / Lanny Dennis		Home Telephone No.	
Business Telephone No (705) 789-9092	Fax No. (705) 789-9094	Email Address lanny@wsaplanning.ca	
Address 11 Centre Street South Suite 102 Huntsville, Ontario		Postal Code P1H 1W4	
1.3 Communications to be between the Municipality and owner and Applicant/Agent all			
2. LOCATION OF THE SUBJECT LAND (Complete applicable boxes in 2.1)			
2.1 Address			
District Nippissing	Township Temagami	Former Municipality Strathy	Section or Mining Loc. No. WD257, WD258, WD259 and WD260
Concession Number (s)	Lot Number (s)	Registered Plan No.	Lot (s) Block(s)
Reference Plan No.	Part Number(s)	Parcel Number	Island Number
2.2 Are there any easements or restrictive covenants affecting the subject land? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, describe the easement or covenant and its effect. Trans Canada Pipeline and Bell Canada			
3. NAMES AND ADDRESSES OF ANY MORTGAGES< CHARGES OR OTHER ENCUMBRANCES IN RESPECT TO THE SUBJECT LANDS.			

4. DESCRIPTION OF SUBJECT LAND & SERVICING INFORMATION (Complete each section)		
4.1 Description	Frontage (m)	1,600m
	Depth(m)	1,400m
	Area (ha)	145ha
4.2 Use of Property	Existing Use(s)	Vacant
	Proposed Use (s)	Seasonal Residential Dwellings
4.3 Access (check the appropriate space)	Provincial Highway	
	Municipal road, maintained all year	
	Municipal road, seasonally maintained	
	Other public road (e.g. LRB)	
	Right of way	✓
	Water access (if so please describe)	
If access to the subject land is by private road, or if "other public road" or "right of way" was indicated in section 4.4, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year Owner of Subject land		
If access to the subject land is by water describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.		
4.4 Water Supply	Publicly owned and operated piped water system	
	Privately owned and operated individual well	
	Privately owned and operated communal well	
	Lake or other water body	✓
	other means	
4.5 Sewage Disposal (check the appropriate space)	Publicly owned and operated sanitary sewage system	
	Privately owned and operated individual septic tank	✓
	Privately owned and operated communal septic system	
	Privy	
	Other means	
4.6 Other services Check if the service is available	Electricity	✓
	School Bussing	
	Garbage Collection	
5. LAND USE		
5.1 What is the existing Official Plan designation(s), of the subject land? Integrated Management Area in the Matibitchuan Neighbourhood		
5.2 What is the existing Zoning? Integrated Management Area		
5.3 What is the Proposed Zoning /Official Plan designation? Remote Residential – R2		
5.4 Complete the following chart for all existing buildings or structures on the subject land		
Building No.		
Type		
Height		
Dimensions		
Ground Floor Area		
Date Constructed		
5.5 Are any of the following uses or features on the subject land or within 500 meters of the subject land, unless otherwise specified.		
Use or Feature	On the subject Land	Within 500 meters of subject land, Unless otherwise specified (indicate approximate distance)
An agricultural operation including livestock facility or stockyard		
A landfill		✓
A sewage treatment plant or waste stabilisation plant		
A provincially significant wetland (class 1,2, or 3 wetland)		
A provincially significant wetland within 120 meters of the subject property		
Flood Plain		
A rehabilitated mine site		
A non-operating mine site within 1 kilometre of the subject land		
A active railway line , a municipal/federal airport, utility corridors,		
Heritage Buildings, structures, sites	✓	– Pipeline, Bell

6. HISTORY OF THE SUBJECT LAND			
6.1 Has the subject land ever been the subject of an application for approval of a previous official plan or zoning amendment? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Unknown If yes and if known, provide the details and decision of the previous application The original zoning amendment was submitted in 2006. It was never approved by Council and was subject to an appeal to the OMB. The appeal was withdrawn in 2013.			
6.2 If this application is a re-submission or a previous consent application, describe how it has been changed from the original application Original Applications submitted in 2006 Zoning R3; Consent - SubDivision			
6.3 Provide the date that the subject land was acquired by the owner – August 15, 2005			
6.4 Provide the length of time that the existing uses of the subject lands have continued (Proof may be required) - N/A – Vacant Land			
7. CURRENT APPLICATION			
7.1 Describe why this amendment is being requested: To facilitate the severance of the subject lands into 4 individual lots (1 retain and 3 new lots) which would be available for seasonal residential dwellings on a private road.			
7.2 Is the subject land the subject of any other planning approvals application at this time? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes and if known specify the details and file number of the application Consent Application – The proposed construction of new seasonal residential dwellings will be in accordance with Remote Residential (R2) regulations and provisions			
7.3 Complete the following chart for all proposed buildings or structures on the subject lands			
Building No. 1	Building No. 2	Building No. 3	Building No. 4
Type			
Height			
Dimensions			
Ground floor area			
Proposed Constructed Date			
8. SKETCH			
<p>The application shall be accompanied by a sketch showing the following:</p> <ul style="list-style-type: none"> • the boundaries and dimensions of the subject land; • all existing and proposed buildings and structures on the subject land showing the distance of said buildings and structures from front, rear, and side lot lines • the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may effect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells septic tanks, steep slopes, and narrow waterbodies; • 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 public travelled road, a private road, a right of way • if access to the subject land is by water only, the location of the parking and boat docking facilities to be used; • the location and name of any easement affecting the subject land. 			
9. OFFICIAL PLAN AMENDMENT			
9.1 Does this application involve an amendment to the Official Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if yes complete Section 9, if no skip to Section 10			
9.2 What is the purpose of the proposed Official Plan Amendment?			
9.3 Does the proposed Official Plan Amendment Change policy <input type="checkbox"/> yes <input type="checkbox"/> No delete policy <input type="checkbox"/> Yes <input type="checkbox"/> No replace policy <input type="checkbox"/> Yes <input type="checkbox"/> No adds policy <input type="checkbox"/> Yes <input type="checkbox"/> No List all policy sections to be amended			
9.4 Does the proposed Official Plan amendment change a land use designation within the Official Plan <input type="checkbox"/> Yes <input type="checkbox"/> No			
9.5 What is the proposed Official Plan designation			

10. AUTHORISATION 10.1 If the applicant is not the owner of the land that is the subject of this application, the written authorisation of the owner that the applicant is authorised to make the application must be included with this form or the authorisation set out below must be completed. AUTHORISATION OF OWNER FOR AGENT TO MAKE THE APPLICATION I, <u>Temagami Bays Development Corporation</u> , am the owner of the land that is subject of this application and I authorise <u>Wayne Simpson and Associates</u> to make this application on my Behalf. <u>November 22, 2016</u> Date Signature of Owner	
10.2 If the applicant is not the owner of the land that is the subject of this application, complete the authorisation of the owner concerning personal information set out below AUTHORISATION OF OWNER FOR AGENT TO PROVIDE PERSONAL INFORMATION I, <u>Temagami Bays Development Corporation</u> , am the owner of the land that is the subject of this application and for the purpose of the Freedom of Information and Protection of Privacy Act, I authorise <u>Wayne Simpson and Associates</u> as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application. <u>November 22, 2016</u> Date Signature of Owner	
10.3 Consent of Owner Complete the consent of the owner concerning personal information set out below CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION I, <u>Temagami Bays Development Corporation</u> , am the owner 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 authorise 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. <u>November 22, 2016</u> Date Signature of Owner	
11. AFFIDAVIT OR SWORN DECLARATION NOTE: ALL APPLICANTS SHALL ENSURE THAT A "COMPLETE APPLICATION" UNDER THE PLANNING ACT HAS BEEN MADE BEFORE COMPLETING SECTION II I, <u>Lanny Dennis</u> of the <u>Municipality of Parry</u> in the <u>District of Parry Sound</u> make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true. Sworn (or declared) before me at the <u>John A. Macdonald</u> in the <u>District of Markham</u> this <u>25th</u> day of <u>November</u> , 20 <u>16</u> Commissioner of Oaths Applicant	

Sharon Louise Young, a Commissioner, etc.,
 Province of Ontario, for
 Wayne Simpson & Associates.
 Expires January 29, 2018

Temagami Bays Development Corporation
Consent Application and Zoning By-Law Amendment
Sketch Requirements

O. Reg. 197/96 Schedule 1 Subsection 14:

14. A sketch showing the following, in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land; - N/A
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing; - **approximately 440 m to Highway 11**
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained; - **to be included in the drawing**
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land; - **Lot Addition – 2007 – east side of the pipeline north of Kanichee Mine Road**
- (e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;- N/A
- (f) the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*); - **Residential – east of subject land; vacant land – west of subject land**
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way; - **Kanichee Mine Road (private road) within subject land; public road between highway 11 and subject land**
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and – N/A
- (i) the location and nature of any easement affecting the subject land. – **easement in favour of Trans Canada Pipeline and Bell Canada on the eastern edge of subject land (to be included in the “retained” portion**

O. Reg. 545/06 Schedule 1 Subsection 28:

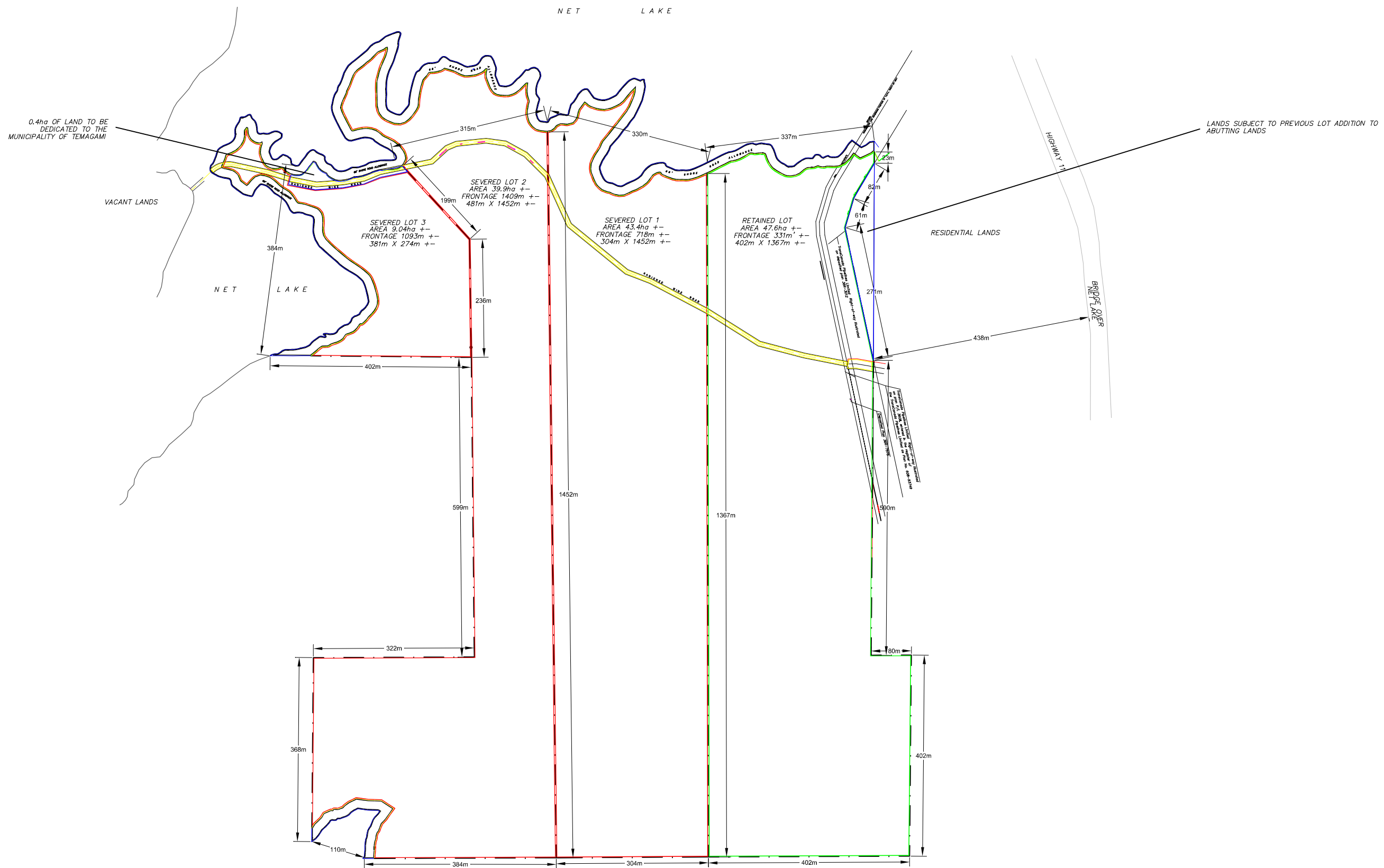
28. A sketch showing, in metric units,

- (a) the boundaries and dimensions of the subject land; - **to be included in the drawing**
- (b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines; - N/A
- (c) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;- N/A
- (d) the current uses of land that is adjacent to the subject land; - **Residential – east of subject land; vacant land – west of subject land**
- (e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way; - **Kanichee Mine Road (private road) within subject land; public road between highway 11 and subject land**
- (f) if access to the subject land will be by water only, the location of the parking and docking facilities to be used; and – N/A

Temagami Bays Development Corporation
Consent Application and Zoning By-Law Amendment

Sketch Requirements

- (g) the location and nature of any easement affecting the subject land. – **easement in favour of Trans Canada Pipeline and Bell Canada on the eastern edge of subject land (to be included in the “retained” portion**

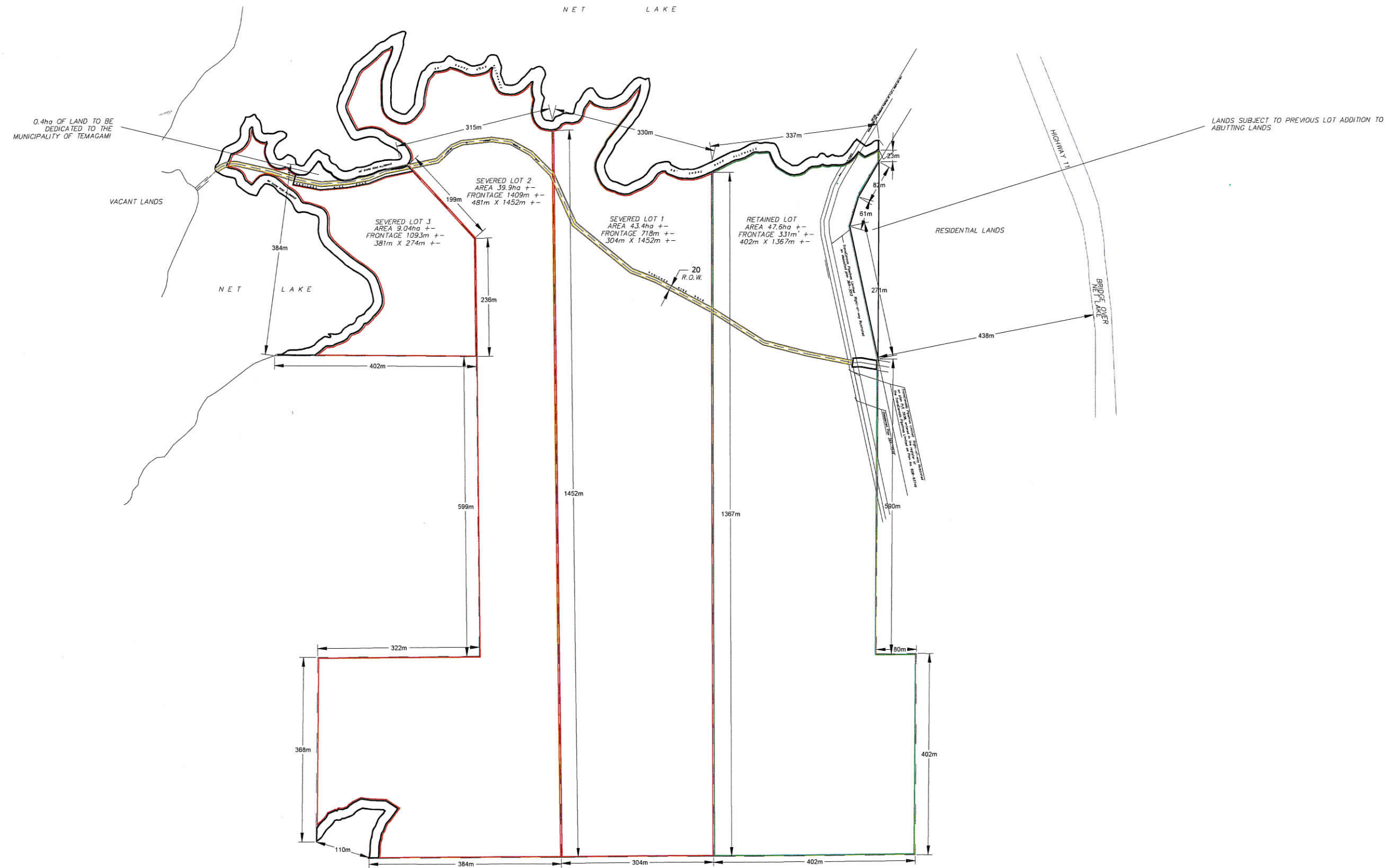
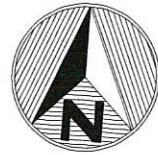


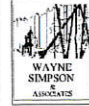
PROJECT:	TEMAGAMI BAYS ESTATES SEVERANCE SKETCH
	CLIENT: TEMAGAMI BAYS DEVELOPMENT CORPORATION

LEGAL DESCRIPTION:	STRATHY PT MINING LOCATION WD 257 PCL 1014 (4869 010 004 08800 0000) STRATHY LOCATION WD258 PCL 1014NIP MINING CLAIM (4869 010 003 38900 0000) STRATHY PCL 2497 PT MINING LOCATION WD 259 MINING CLAIM4869 010 004 11100 0000) STRATHY LOCATION WD260 PCL 1011 MINING CLAIM (4869 010 003 38800 0000)
	LOCATION: KANICHEE MINE ROAD, TEMAGAMI

	WAYNE SIMPSON & ASSOCIATES PLANNING AND DEVELOPMENT CONSULTANTS
	11 CENTRE STREET SOUTH, SUITE 102 HUNTSVILLE, ONTARIO P1H 1W4 TEL: (705) 789-9092 FAX: (705) 789-9094 Info@wsaplanning.ca
WSA FILE No.:	

DATE:	NOV 22, 2016
SCALE:	1:1250
REVISION No.:	No. 1
FILE NAME:	SEVERANCE SKETCH



PROJECT: TEMAGAMI BAYS ESTATES SEVERANCE SKETCH	LEGAL DESCRIPTION: STRATHY PT MINING LOCATION WD 257 PCL 1014 (4869 010 004 08800 0000) STRATHY LOCATION WD258 PCL 1014NIP MINING CLAIM (4869 010 003 38900 0000) STRATHY PCL 2497 PT MINING LOCATION WD 259 MINING CLAIM 4869 010 004 11100 0000) STRATHY LOCATION WD260 PCL 1011 MINING CLAIM (4869 010 003 38800 0000)	 WAYNE SIMPSON & ASSOCIATES PLANNING AND DEVELOPMENT CONSULTANTS 11 CENTRE STREET SOUTH, SUITE 102 HUNTSVILLE, ONTARIO P1H 1W4 TEL: (705) 789-9092 FAX: (705) 789-9094 info@wsaplanning.ca	DATE: NOV 22, 2016
			SCALE: 1:1250
CLIENT: TEMAGAMI BAYS DEVELOPMENT CORPORATION	LOCATION: KANICHEE MINE ROAD, TEMAGAMI	WSA FILE No.: 451	REVISION No.: No. 2
			FILE NAME: SEVERANCE SKETCH

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Tammy Lepage & Elaine Gunnell	Application Number:	C-16-03 & Z -16-02
Report Prepared By:	Jamie Robinson, MCIP, RPP	Applicant Name	Lanny Dennis of Wayne Simpson & Associates
Location:	Mining Location WD257, WD258, WD259 & WD260, Geographic Township of Strathy (Kanichee Mine Road and Net Lake)	Owner Name:	Temagami Bays Development Corporation
Report Date:	December 7, 2017	Application Type:	Consent & Zoning By-law Amendment

A. PROPOSAL BACKGROUND

Lanny Dennis of Wayne Simpson & Associates has submitted an application for consent on behalf of Temagami Bays Development Corporation. A Zoning By-law Amendment application has also been submitted for which a Public Meeting has been scheduled for December 14, 2017. The Zoning By-law Amendment proposes to zone the subject lands from the Integrated Management Area (IMA) Zone to the Remote Residential (R2) Zone. Through the review of the application it was also determined that portions of the lands should be zoned to, the Community Use (CU) Zone and the Open Space (OS) Zone.

This Report has been prepared to consider both the consent and easement, which are before the Committee of Adjustment and the Zoning By-law Amendment which is before Council.

The consent application proposes the creation of three new shoreline residential lots (one retained), with each lot having the ability to accommodate a detached dwelling. The subject lands are comprised of Mining Location WD257, WD258, WD259 & WD260, Geographic Township of Strathy (Kanichee Mine Road and Net Lake) and are located at the shores of Net Lake. The subject lands are accessed by Kanichee Mine Road.

The consent application also proposes an easement over the subject lands in favour of the public to enable access to the crownland to the west of the subject lands and access to the proposed lots.

Development proposals for the subject lands have a long history. Previously, applications were submitted to the Municipality for a Plan of Subdivision, a Zoning By-law Amendment and a Plan of Condominium. It is also understood that preconsultation for the current consent applications occurred with the Municipality in 2015.

An initial Public Hearing was held by the Committee of Adjustment on January 12 of 2017. Based on the comments that were provided, and the recommendations of Staff, the decision was deferred by the Committee of Adjustment Meeting.

The Committee of Adjustment deferred the application on the basis of the following:

- Clarification is required that the Additional details related to road standards, who would be responsible for road maintenance, and width of easement are required. Once the additional road details have been submitted and reviewed by Staff, a report should be submitted to Council for a resolution, following which the application may be brought back to the Committee for further consideration.
- Completion of an updated EIS is required to address consistency with Sections 2.1.5, 2.1.7 and 2.1.8 of the PPS and the natural heritage policies of the Official Plan. Once the EIS has been submitted and reviewed by Staff, the application should be brought back to the Committee for further consideration.

Details regarding the road have since been provided and an EIS has been completed.

B. SITE DESCRIPTION

As shown on Figure 1, the subject lands are located west of Highway 11 and on the north side of Net Lake. The proposed lot configuration is shown on Figure 2.

Figure 1: Subject Lands

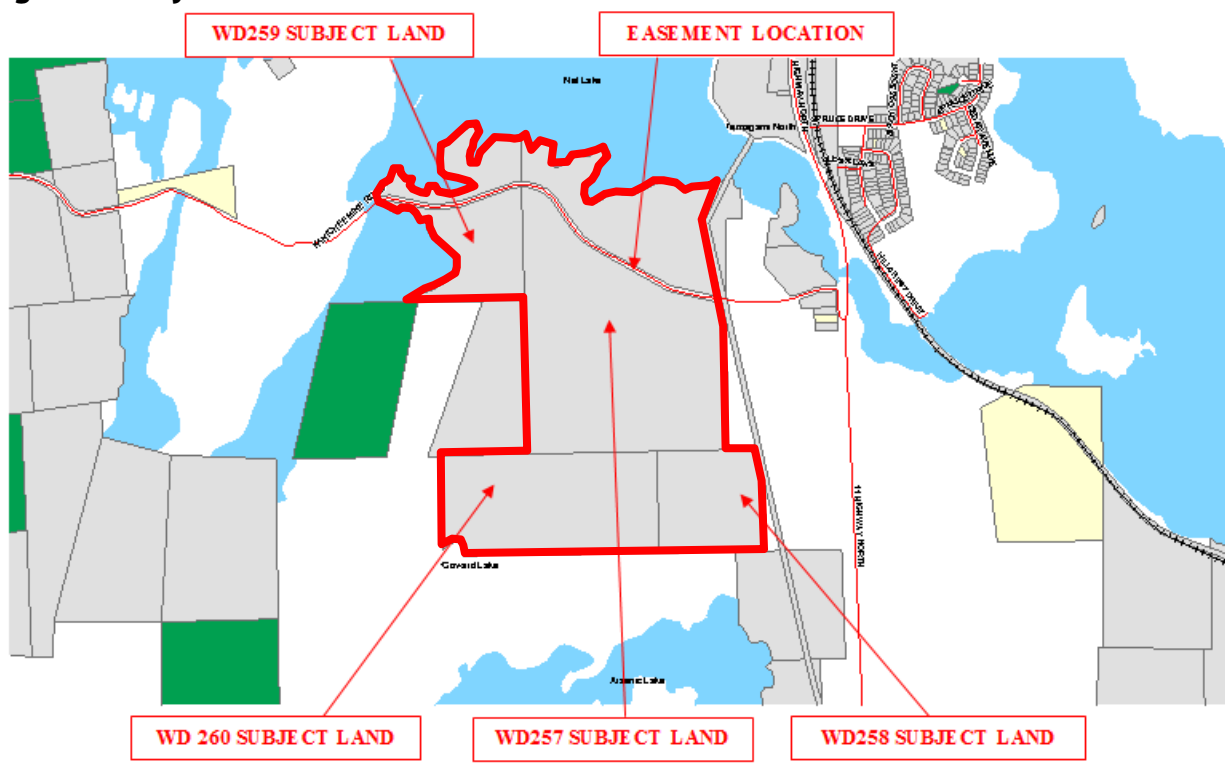
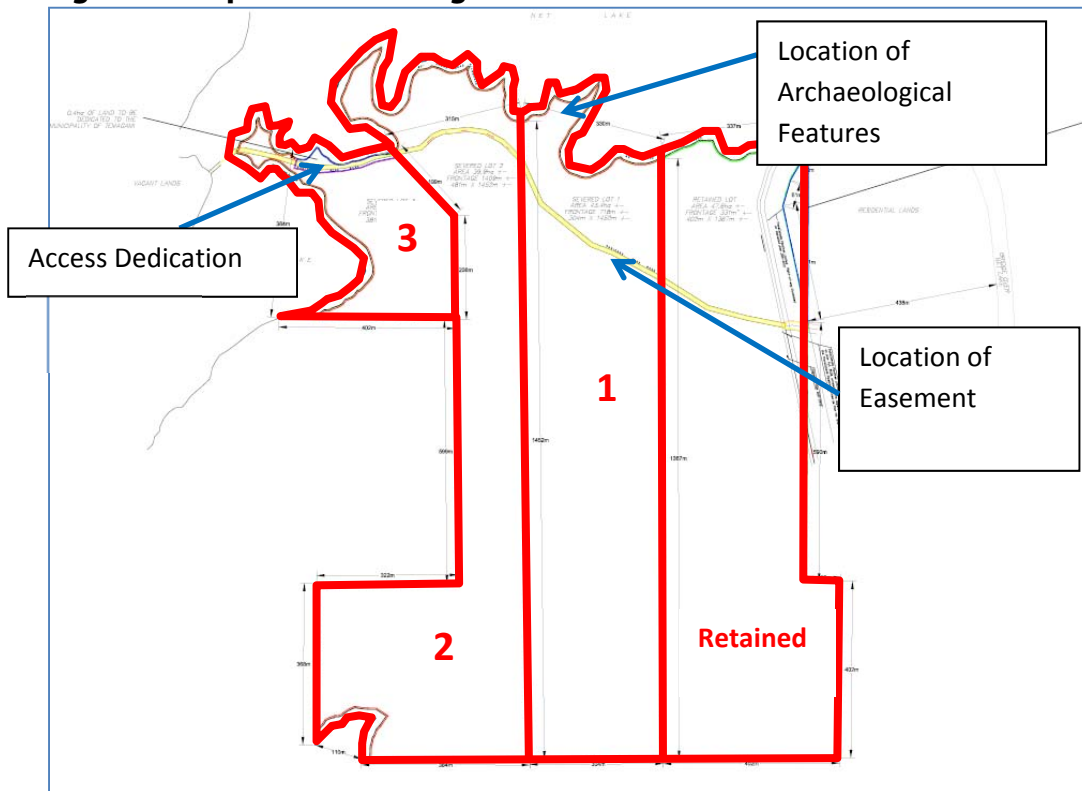


Figure 2: Proposed Lot Configuration



The subject lands are located within the Matabitchuan Neighbourhood and are designated Integrated Management Area by the Official Plan. The Zoning By-law for the Municipality of Temagami zones the subject lands as Integrated Management Area (IMA). The subject lands are currently vacant; however, there is an access point to Net Lake on the property, which has historically been utilized by cottagers from the Lake. The subject lands are heavily forested and contain rugged terrain which is characteristic of the area. The subject lands are bordered by a Mining Claim, Net Lake and Crown lands to the west, Net Lake to the north, the TransCanada Pipeline and a shoreline residential property to the east, and Crown lands to the south.

Net Lake has been identified as a Lake that is at Capacity for sustaining Lake Trout. This was confirmed through the previous subdivision process that was undertaken for the site. The characteristics of the retained and severed lands are summarized in Table 1.

Table 1: Proposed Lot Characteristic

	Retained Lot	Severed Lot 1	Severed Lot 2	Severed Lot 3
Lot Area (ha)	47.6	43.4	39.9	9.0
Lot Frontage on Net Lake (m)	337	330	315	384

The easement is proposed to be 10 metres in width and is proposed to follow Kanichee Mine Road through the subject site.

On the western portion of the subject lands, the application has also identified an area of 0.4 hectares of land, to the north of Kanichee Mine Road which is to be dedicated to the Municipality of Temagami and could be used as an access point. On December 15, 2016, the Council of the Municipality of Temagami passed a resolution to accept the dedication of land for the purposes of an access point. This area is proposed to be zoned Community Use (CU) and a Municipal Launch is proposed to be added as a permitted use.

The subject lands are accessed by Kanichee Mine Road. Between Highway 11 and the subject lands, Kanichee Mine Road is located on Crown Land, as referenced in a legal opinion obtained on October 3, 2010, from John J. Dooley of the Miller Law Group (Miller). As Kanichee Mine Road traverses the subject lands, it is located on lands owned by the proponent. An easement over Kanichee Mine Road is to be granted in favour of the public to enable access to the lands to the west of the subject lands.

It is recommended that a condition of provisional consent require a private road agreement be registered on the title of each lot clearly demonstrating to future owners that service levels on a private road, may not be the same as the level of service experienced on a Municipally maintained road.

The supporting studies that were prepared as part of the subdivision application identified that there is an area of cultural significance on the property adjacent to Net Lake. A condition of provisional consent should be the restriction of development on the areas that are subject to these cultural heritage areas. This area is proposed to be zoned Open Space (OS) Exception and development, site alteration and tree removal will not be permitted. Additionally, it is also recommended that the protection of cultural significant areas be achieved by restricting development in these areas through a Site Plan Control.

C. POLICY AND REGULATORY CONSIDERATIONS

The Provincial Policy Statement

The Provincial Policy Statement, 2014 (PPS) was approved on April 30, 2014 by the Ministry of Municipal Affairs and Housing and is applicable to the subject lands. Section 1.1.5.2 of the PPS recognizes resource-based recreational development, such as recreational dwellings, as a permitted use. The proposed application for consent is consistent with the PPS.

Section 1.6.4.4 of the PPS contains policies that permit individual on-site sewage services and individual on-site water services where municipal services are not available and provided that the site conditions are suitable for the long-term provision of such services.

The supporting studies submitted with the previous subdivision application indicate that the site could accommodate on-site sewage for future development. The proposed consent

applications propose significantly fewer lots than the subdivision application upon which the servicing studies were based. It is anticipated that the subject lands can adequately accommodate individual on-site sewage services for each of the proposed lots. A condition of provisional consent should be the requirement for confirmation from the Health Unit that each of the lots can accommodate an individual sewage system.

Section 2.1 of the PPS contains policies that required the protection of natural features and areas for the long term. The following Sections apply:

- Section 2.1.5 d) does not permit development and site alteration in significant wildlife habitat;
- Section 2.1.6 does not permit development and site alteration in fish habitat, except in accordance with provincial and federal requirements;
- Section 2.1.7 does not permit development and site alteration in habitat of endangered species and threatened species, except in accordance with provincial and federal regulations; and,
- Section 2.1.8 does not permit development and site alteration on adjacent lands to natural heritage features referenced in Section 2.1.5 and 2.1.6, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impact on the natural features or their ecological function.

An Environmental Impact Study was completed by FRI Environmental to support the previous subdivision application. The study identified that fish habitat would be protected, provided that vegetation buffers along the shoreline are maintained and provided that docks are constructed in accordance with Provincial and Federal Requirements.

Since the completion of this Study, changes have occurred to the PPS, species at risk legislation and the Environmental Protection Act. The applicants have retained FRI Environmental to undertake scoped EIS in order to confirm consistency with the PPS.

Section 2.2 of the PPS contains policies that apply to water.

Section 2.2.1 c) states:

"Planning authorities shall protect, improve or restore the quality and quantity of water by:

- c) identifying resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;"*

Net Lake is a sensitive surface water feature as it is a Lake that supports Lake Trout. The Lake is also at capacity for development. The protection of this feature can be achieved in accordance with the requirements of Section 2.2.1 of the PPS, if the recommendation of the Lake Shore Capacity Assessment Handbook is applied, which requires sewage systems for new lots to be located 300 metres from the lake. The site specific zoning for the site should

include a requirements that septic systems be located 300 metres from the shoreline of Net Lake

Section 2.6 of the PPS contains policies that apply to Cultural Heritage and Archaeology. Section 2.6.2 does not permit development and site alteration on lands containing resources, unless the resources have been preserved. Provided the features are protected in accordance with the reports completed as part of the subdivision application, the consent applications would be consistent with this section of the PPS. In order to ensure that the protection of these features, it is recommended that the archaeological features be zoned to an Open Space (OS) Exception Zone as a condition of provisional consent.

Subject to the confirmation that the proposed lots would not negatively impact significant wildlife habitat or habitat of endangered species and threatened species on or adjacent to the subject lands, the proposed new lots and implementing Zoning By-law Amendment would be consistent with the policies of the PPS.

Northern Ontario Growth Plan

The Northern Ontario Growth Plan recognizes that tourism is an important component of the economy of Northern Ontario. If the proposed development incorporates the mitigation measures identified in the supporting studies, the proposed resource-based recreational lots could be considered to conform to the Growth Plan for Northern Ontario.

The Municipality of Temagami Official Plan

The subject lands are located within the Metabitchuan Neighbourhood and are designated Integrated Management Area. Resource Based Recreational uses are permitted within this designation. The current Official Plan (adopted by Council 2011 and further approved by MMAH) provides policies that apply to remote residential lot creation in the Matabitchuan Neighbourhood in Section 7.3.3.2.

The policies of Section 7.3.3.2 note that the Municipality will not assume responsibility for access, snow removal, road maintenance or service by school busses and shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties. Policy 2.24 identifies circumstances where development on private roads is permitted. One of these circumstances is directly applicable to the subject property. The applicable policy is summarized as follows:

2.24 Development on Private Roads

The Municipality may permit remote residential development on the basis of private road access in the following circumstances:

- *Where an existing patented lot with private road access in the Marten River, Matabitchuan or Backcountry Neighbourhood can be severed so that both the new lot*

or lots, to a maximum of three (3) new lots and the retained lot meet all the zoning standards for a lot in the Remote Residential (R2) Zone, as set out in the Zoning Bylaw;

This policy enables the creation of up to three new lots from a lot that has frontage on a private road, provided the severed and retained lots comply to the Remote Residential (R2) Zone standards. The proposed lots comply to the Remote Residential (R2) Zone standards as outlined in Table 3, with the exception of the maximum lot area.

Section 2.17 of the Plan contains policies that apply to waterfront development. In accordance with Section 2.17, it is the goal of the Municipality to maintain shorelines and the area between shoreline and buildings in their natural state as a vegetative buffer in order to protect the visual and environmental integrity of lakes. In order to protect natural shorelines the following policies apply:

- While the Zoning By-law establishes a minimum lot frontage, a wider lot should be considered where the extra width will better respond to the natural landscape, shoreline and the character of the waterbody;
- Lot lines should follow existing features and terrain and should be configured to minimize conflicts with abutting properties at the shoreline;
- The natural waterfront landscape shall prevail with buildings blending into the landscape;
- Native species should be used for buffers or where vegetation is being restored; Rock faces, steep slopes, vistas and panoramas should be conserved;
- Buildings should not exceed the height of the tree canopy;
- Building mass and coverage should be limited in relation to the lot size and frontage;
- Site alteration on lots should be limited and the maximum amount of natural vegetation should be retained on the lots;
- Within the setback area, a Shoreline Activity Area is permitted. The Shoreline Activity Area is a portion or cumulative portions of a shoreline frontage of a lot where accessory shoreline structures such as boathouses, docks, pumphouses, gazebos and decks are permitted, as well as access to the water for activities such as swimming or boat launching. To maintain an appropriate balance between a natural shoreline and built form, the Shoreline Activity Area should be focused within a defined area and be limited in extent. The extent of the Shoreline Activity Area shall be a function of the shoreline frontage and the primary use of the lot and shall be set out in the Zoning By-law.

The proposed lots are quite large and provide an opportunity for a variety of building locations. Through the Site Plan Control process, the Municipality can ensure that the criteria included in Section 2.17 is satisfied.

Section 7.3.3.2 provides lot creation policies for lands in the Matabitchuan Neighbourhood and Section 9.7.1 contains general lot creation policies. The policies contained in Section

7.3.3.2 and Section 9.7.1 of the Official Plan that apply to the proposed application are summarized in Table 2.

Table 2: Summary of Official Plan Lot Creation Policies

Policy 7.3.3.2 Remote Residential Lot Creations Through Consents on Private Land	Comments on Conformity
The intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law.	The use of the lot conforms to the intent of the Official Plan and Zoning By-law for the reasons outlined in this Report. Specifically, the proposal conforms to Section 2.24 which permits up to 3 lots from a parcel on a Crown land and the lots generally comply with the standards of the R2 Zone as outlined in Table 3.
The Municipality will not assume responsibility for access, snow removal, road maintenance or service by school buses.	The lands are currently accessed via a Kanichee Mine Road and Kanichee Mine Road is a Private Road. It is recommended that a Private Road agreement be a condition of provisional consent. The agreement would confirm that the Municipality would not take responsibility for the private road and that the service levels may be less than those provided for lots on a municipally maintained road.
The Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties.	It is recommended that a private road agreement be required as a condition of consent. The agreement would confirm that the Municipality will not provide services to the lots on a private road.
In creating the lot, regard shall be had to any natural heritage features identified in this Plan.	An Environmental Impact Study was completed as part of the previous application for Plan of Subdivision and an updated Environmental Impact Study has been completed in support of this application. In accordance with the recommendations from the Environmental Report, the proposed development has regard to natural heritage features.
The applicant when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent.	A Cultural Heritage Study and Environmental Impact Study were completed as part of the previous subdivision application for the property. These studies concluded that development on the site could occur, subject to specific mitigation measures including siting development within the development envelopes that are identified on Figure 9 of the EIS. The mitigation measures outlined in these reports are being required as conditions of provisional consent.
The soil drainage, and slope conditions on the lot are suitable or can be made suitable for the	The technical reports submitted with the previous subdivision have indicated that the site

proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system, in accordance with the requirements of Section 2.9.	could support septic systems. Due to the status of Net Lake as a Lake Trout Lake that is at capacity for development, the septic systems are required to be situated 300 metres from the Lake. There appears to be sufficient room on each of the proposed lots to accommodate a sewage system in accordance with this requirement. Committee may wish to include as a condition of provisional consent, the requirement for conformation from the Health Unit that each of the lots can accommodate a septic system.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted.	The application indicates that water may be taken from the Lake, or a well may be drilled. On the basis that water could be taken from the Lake, this policy is satisfied.
The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development.	These aspects were studied as part of the previous subdivision application. Based on the results of these previous investigations, provided that the mitigation measures outlined in the reports are followed, the proposed development is not anticipated to negatively impact these features.
The lot is not within 500m of a known sanitary landfill site.	We are not aware of any landfill in proximity to the site.
The lot is located at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law.	N/A
Where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality.	N/A
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.	Due to the significant shoreline frontage of each lot, we are confident that there is a suitable location for a dock on each property. The previous Environmental works completed as part of the subdivision applications indicated that docks could be supported in accordance with Provincial and Federal requirements. The updated Environmental Report identifies areas of fish habitat and there are locations on each of the proposed lots where a dock could be located outside of critical fish habitat. Site Plan Control should be applied as a condition of provisional consent, and the Site Plan should identify dock locations that are outside of, and setback from areas of critical fish habitat.
Site Plan Control	Site Plan Control should be a condition of provisional consent.

Policy 9.7.1 Consents to Sever Patented Land	Does the Application Conform?
The intended use of the severed and retained parcels conform with the intent and policies of this plan.	Yes
Generally the number of lots created does not exceed three.	Yes – three new lots are proposed.
A registered plan of subdivision is not required.	A Plan of subdivision is not required.
The size and dimensions of the severed and retained parcels conform to the provisions of the Zoning By-law.	Yes – See Table 3
The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands.	Yes - the application proposes a density of development (three lots) that is permitted by consent on a private road in the Matabitchuan Neighbourhood.
The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses.	Yes – the proposed lots have significant lot frontage and lot area. A condition of provisional consent will be confirmation from the Health Unit that a septic system can be accommodated on each lot.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.	The proposed lots have a significant amount of lot frontage and the Environmental Impact Study identifies that there are sufficient locations on each lot for the location of a dock outside of critical fish habitat. The lots will be subject to Site Plan Control.
Site Plan Control	The lots will be subject to Site Plan Control.
Adequate access to the severed and retained parcel can be provided.	<p>The lands are presently accessed by a private road. The Official Plan permits the creation of three lots on an existing private road in the Matabitchuan Neighbourhood.</p> <p>An easement over Kanichee Mine Road is proposed to ensure appropriate access to the proposed lots and to the lands to the west of the subject lands.</p>
The severed parcel is not within 500 metres of a known sanitary landfill site.	We are not aware of any landfill sites in the area. This should be confirmed by the Municipality.
Where central sewage and water facilities are not available, it has been established that the soil and drainage conditions on the severed and retained parcels are suitable or can be made suitable to permit the proper siting of buildings and the installation of an approved water supply and Class IV or VI sewage disposal systems.	The lots have a considerable lot area and we are confident that each lot can accommodate a septic system 300 metres from Net Lake (requirement as Net Lake is at capacity). However, a condition of provisional consent will be included to require confirmation from the Health Unit that septic systems can be accommodated on each lot.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted.	Water for each of the lots may be provided by the Lake or by well. This policy is satisfied.
The applicant, when required, has provided a study or studies acceptable to the Municipality	This study was completed as part of the previous subdivision application. Since the completion of

that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features.	the Environmental Impact Study, and the applicant has completed an Environmental Impact Study as part of this development proposal. The Study considered the policies of the PPS and the Municipalities Official Plan and established development envelopes to ensure the protection of natural features.
The financial impacts on the Municipality have been considered.	There are no anticipated financial impacts on the Municipality.

Based on our review, the proposed lots would satisfy these requirements and it is submitted that the applications for consent would conform to the policies of the Official Plan.

Municipality of Temagami Zoning By-law

The consent application proposes the creation of three new lots and one retained lot; and easement is also proposed. The lands are currently zoned Integrated Management Area (IMA) and an implementing Zoning By-law Amendment application has been submitted to zone the subject lands to the Remote Residential (R2) Zone. Through this review it was also identified that portions of the site should be zoned to the Community Use (CU) Exception Zone, and the Open Space (OS) Exception Zone. The consent approval will be conditional upon the approval of the Zoning By-law Amendment. Table 1 below provides a summary of the Rural Residential (R2) Zone performance standards and their application to the subject lands.

Table 3: Zoning By-law 06-650 - Section 7.5 Remote Residential (R2) Zone Provisions

Provision Description	Required	Retained Lot	Severed Lot 1	Severed Lot 2	Severed Lot 3
Minimum Lot Frontage (m)	60	337	330	315	384
Minimum Lot Area (ha)	0.8 (1.0 with drilled well)	47.6	43.4	39.9	9.0
Maximum Lot Area (ha)	1.5	47.6	43.4	39.9	9.0

Site Specific Zoning is required for all lots to permit a Maximum Lot Area that is more than 1.5 hectares

D. COMMENTS

Table 4 provides a summary of the comments that were received by resident and agencies.

Table 4: Comment Summary Table

Commenter	Comment Summary	Comment Response
MTO	No concerns	N/A
Timiskaming Health Unit	No concerns	N/A
Trans Canada Pipelines	<p>Trans Canada Pipelines recommended that the following be included as conditions of provisional consent:</p> <ul style="list-style-type: none"> • That the landowner be required to entire into an agreement with TransCanada to be registered on title as follows: <ul style="list-style-type: none"> ○ The conditions restriction or covenants specified by TransCanada PipeLines Limited (TransCanada) shall be registered against title (by agreement) in relation to the "Lands" by way of application to register conditions, restrictions or covenants as applicable, pursuant to the Land Titles Act, or any amendments thereto. <p>TransCanada also provided language to be included in the agreement required by the condition.</p>	
MNRF	<p>The MNRF provided comments that can generally be characterized as follows:</p> <p>Septic Systems to be located at least 300 metres from Net Lake or the flow from the systems should travel at least 300 metres to the Lake.</p> <p>Where possible, a 30 metre vegetated cover adjacent to fish habitat across the entire length of the subject lands be retained or established to mitigate negative impacts of development on fish habitat.</p>	<p>The Zoning of the Site and the Site Plan Agreement will establish septic locations that are at least 300 metres from the shore for all lots with the exception of Lot 3. As the site is an existing lot of record, one of the lots is permitted to have a septic system that is within 300 metres of Net Lake. The retained lot, Lot 1 and Lot 2 all have septic locations identified that are more than 300 metres from Net Lake.</p> <p>The EIS identifies the location of fish habitat. The Site Plan</p>

		<p>control agreement will identify dock locations that are outside of critical fish habitat and will provided for vegetation protection areas adjacent to the shoreline.</p> <p>The Municipality's Zoning By-law requires development setback of 15 metres from the shoreline.</p> <p>The Report prepared by FRI Environmental provides justification for a 30 metre setback to be established from the high water mark. Based on the site specific investigation completed by FRI Environmental, and the mitigation measures outlined in their Report, including Site Plan Control, a 20 metres setback would appear to achieve the MNRF objective of protecting fish habitat.</p>
Judy Evans	Provided comments requesting that an adequate area be made available to enable access to Net Lake so that they have an area from which to access their cottage.	<p>As part of the proposal, there are lands to be conveyed to the Municipality for an access to Net Lake.</p> <p>An easement is proposed to be developed over the road.</p>
Rhonda and Darren Etmanski	Provided comments requesting that an adequate area be made available to enable access to Net Lake.	<p>As part of the proposal, there are lands to be conveyed to the Municipality for an access to Net Lake.</p> <p>An easement is proposed to be developed over the road.</p>
John Watkins	Provided concerns related to access.	An easement is proposed to be developed over the road.

E. ZONING BY-LAW AMENDMENT

To facilitate the creation of the three severed and one retained lot, the subject lands are required to be zoned to the Remote Residential (R2) Zone. An exception to the Remote Residential (R2) Zone is also required to remove Section 7.5.2 c) as an applicable requirement, as each of the lots are over 1.4 hectares in size.

Additionally, the area of the subject lands to be conveyed to the Municipality for an access point to Net Lake is recommended to be zoned to the Community Use (CU) Exception Zone. The exception is to permit a municipal launch in the Community Use (CU) Zone.

In order to protect the archaeological and cultural features that have been identified on the subject lands, these lands are proposed to be zoned to the Open Space (OS) Exception Zone to restrict development, site alteration and tree removal in the area of identified features.

The updated Environmental Impact Study confirmed that development would not negatively impact potential significant wildlife habitat or habitat of endangered species and threatened species on or adjacent to the property. The Study concluded that the proposal would be consistent with the PPS and conform to the Municipality of Temagami Official Plan. The Zoning of the subject lands to the Remote Residential (R2) Exception Zone, Community Use (CU) Exception Zone and Open Space (OS) Exception Zone, in accordance with the attached amendment would be consistent with the PPS, and conform to the Municipality's Official Plan.

F. CONCLUSION AND RECOMMENDATION

Consent Application – For Committee of Adjustment

Based on our review of the consent application, and the supporting EIS, the applications are consistent with the PPS, and conform to the Municipality's Official Plan. It is recommended that the Committee of Adjustment provisionally approval Consent Application C-16-03 to create three new shoreline lots and the access easement in accordance with the application sketch provided, subject to the following conditions of provisional consent:

1. Preparation of a Reference Plan for the proposed lots, the road easement and the lands to be dedicated to the Municipality. The Reference Plan must also recognize the area of archaeological significance to be zoned as a Part on the Reference Plan and the Reference Plan must be substantially in compliance with the application sketch and must be prepared to the satisfaction of the Municipality.
2. Preparation of an Easement Plan and the preparation of easement documents to be registered against the proposed lots for the use of the road by the public.
3. The entering into of a Site Plan Control Agreement for each lot. The Site Plan Control Agreement shall recognize the location of driveways, building envelopes, dock

locations and vegetation protection areas adjacent to the shoreline where a tree removal is only permitted for a path to access the water and for hazardous trees.

4. The recognition of the development envelopes in accordance with the EIS.
5. The entering into of a private road agreement to be registered on the title of each lot.
6. Confirmation from the Health Unit that an individual sewage system can be accommodated on each lot.
7. The completion of a Zoning By-law Amendment to Zone the subject lands to permit residential development, protect the location of areas of archaeological significance; to restrict development in proximity to the shoreline in accordance with the recommendations of the FRI EIS; and, and to permit a municipal access point to Net Lake.
8. The dedication of lands as outlined in the application sketch to the Municipality of Temagami for the purposes of an access point to Net Lake.
9. The payment of all professional fees incurred by the Municipality.
10. The standard conditions of the Municipality.

Zoning By-law Amendment Application – For Council

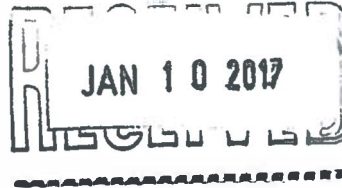
The updated Environmental Impact Study confirmed the appropriateness of the subject site to support the proposed development. The Zoning of the subject lands to the Remote Residential (R2) Exception Zone, Community Use (CU) Exception Zone and Open Space (OS) Exception Zone, in accordance with the attached amendment would be consistent with the PPS, and conform to the Municipality's Official Plan.

On this basis, it is recommended that Council approve the Zoning By-law Amendment Application by enacting the Zoning By-law attached to this Report.

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP
Partner

January 3, 2017.



To: Committee of Adjustment,

We have reviewed the new proposal by Temagami Bays Development Corporation and our concern is, there does not appear to be any area viable for us to access our cottage on Net Lake. At the last meeting we attended, Temagami Bays Corporation had indicated that there would be an area near the bridge, that could be used to access our cottage, as the area near the bridge would not be developed.

Our concern is, if we lose our current landing, that has been used for forty years, we do not have a SAFE alternative for year round access to our cottage.

Thank you

Handwritten signature of Judy Evans in blue ink, written over three horizontal lines.

Judy Evans
2067 Net Lake.

* Comments received after Council Package uploaded *

Tammy Lepage

From: Robinson, Julie (MNRF) <Julie.Robinson@ontario.ca>
Sent: Tuesday, January 10, 2017 10:21 AM
To: Elaine Gunnell
Cc: Tammy Lepage; Eckert, Anneleis (MOECC); Brown, Christopher (MMA/MHO)
Subject: I: MNRF Technical Input -- Net Lake -- Applications C-16-03 & Z-16-02
Attachments: MNR-NHRM-2010.pdf; LCAH_2010.pdf

Municipality of Temagami
Email : clerk@temagami.ca

SENT BY EMAIL ONLY

Subject: MNRF Technical Input – Proposed Net Lake Development -- Applications C-16-03 & Z-16-02

Dear Elaine Gunnell:

The Ministry of Natural Resources and Forestry (MNRF), North Bay District office was circulated on two recent Planning Act applications; a consent application (C-16-03) to create three new shoreline residential lots and one retained shoreline residential lot on Net Lake (Strathy Township) as well as the associated zoning by-law amendment (Z-16-02) to permit the development of detached dwellings on each lot. The development proposal is being put forward by Temagami Bays Development Corporation. The MNRF is providing the information herein through the Municipal Plan Review process.

As noted in the associated Planning Report, received January 6, 2017, the proposed shoreline development is on Net Lake, a lake designated by the province for Lake Trout management. Further, as noted in the report, Net Lake is deemed to be at-capacity for shoreline development as measured oxygen has been shown to be below the dissolved oxygen (DO) criterion of 7 milligrams of DO per litre of water. The Lakeshore Capacity Assessment Handbook (LCAH) (2010) (attached) identifies considerations for lakefront development, including on Lake Trout Lakes. Section 3.1 outlines triggers for the use of the LCAH including, but not limited to: if development (i.e. new planning approvals) are being considered within 300 metres of a lake or permanently flowing stream within its watershed; if lake trout populations are present; and if changes in the fisheries have been noted, especially diminishing populations of coldwater species such as lake trout.

The LCAH also contains site-specific criteria which can be applied where new development is proposed on at-capacity Lake Trout Lakes. For example, Section 5.2 (page 37) of the LCAH notes that new lot creation or other planning approvals should only be allowed on at-capacity lakes, and/or contributing lakes/permanently flowing streams within its watershed, if one of the following circumstances can be applied:

- to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity; or

- where all new tile fields would be set back **at least** 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake.

Further, MNRF's Natural Heritage Reference Manual (NHRM) (also attached) outlines provincial technical guidance to support municipalities in making Planning Act decisions that are consistent with the Provincial Policy Statement (PPS). Section 11 of the NHRM provides guidance specifically related to development proposals which may affect fish habitat (per PPS Policy 2.1.6) and water quality (per PPS policy 2.2.1 g). For example, this section includes:

- Recommendation that lands adjacent to fish habitat on at-capacity Lake Trout lakes be considered and evaluated as 300 metres from the normal high-water mark (Table 11-1); and
- Recommendation that a 30 metre vegetated cover (at minimum) adjacent to fish habitat across the entire length of the subject lands be retained or established, where at all possible to mitigate negative impacts of development on fish habitat (Table 11-3).

The NHRM also provides guidance and recommendations related to Significant Wildlife Habitat and Endangered and Threatened Species to ensure consistency with PPS policy 2.1.5 d) and 2.1.7, respectively. For your information, please note that the MNRF plays a role in approving the boundaries of any habitat identified on the subject lands for species listed as Endangered or Threatened under the Endangered Species Act.

The MNRF local district office can be contacted to provide clarity on provincial recommendations or additional technical information to support the municipality's decision on the two Planning Act applications.

If you have any questions, please contact me at 705-475-5546 or by email at Julie.robinson@ontario.ca.

Sincerely,

Julie Robinson

c: Tammy Lepage, Planning Assistant, Municipality of Temagami
 Anneleis Eckert, Environmental Planner / EA Coordinator, Ministry of Environment and Climate Change
 Christopher Brown, Planner, Ministry of Municipal Affairs

Julie Robinson | District Planner (A) | Ministry of Natural Resources and Forestry | North Bay District | ☎ 705-475-5546 | 📠 705-475-5500

epe **Our MISSION: To manage our natural resources in an ecologically sustainable way.**

*In order for us to serve you better, please call ahead to make an appointment with our staff, and please remember this is a **fragrance-free** workplace.*

Tammy Lepage

From: jb.watkins jb.watkins <jb.watkins@sympatico.ca>
Sent: Monday, January 9, 2017 1:46 PM
To: Tammy Lepage
Subject: Rezoning By Law 06-650

Municipal Clerk / Tammy

It is my understanding that there has been a rezoning change requested for by Law 06-650. The purpose being to change the Zoning property from Integrated Management Area IMA Zone to Remote Residential (R2)Zone.

.I am the owner of property on Kanichee Lake # 420 Roll;; # Account # .

If this application involves the Kanichee Mine Road in any way, this would be of great concern to me as this is the only access I have to my property.

I am unable to attend the January 12th 2017 meeting. I would appreciate being notified of the results of this application..

If you require any further information, I can be reached.

Thank you for your attention to this request.

Yours Sincerely

John B Watkins

Tammy Lepage

From: Dugas, Natalie (MTO) <Natalie.Dugas@ontario.ca>
Sent: Tuesday, January 3, 2017 2:48 PM
To: Tammy Lepage; Elaine Gunnell
Cc: Riche, Carla (MTO)
Subject: FW: Zoning Amendment Z-16-02
Attachments: ZoningAmend_Z-16-02_2016-12-30.pdf

Good afternoon Tammy,

As a follow-up to our discussion by phone, and further review of the properties referenced in the attached zoning amendment, I can confirm that these properties are located outside of the Ministry's Permit Control Area.

Therefore, no permits will be required from the MTO.

Please let me know if you require anything additional.

Thank you,

Natalie Dugas
Corridor Management Officer
Ministry of Transportation
New Liskeard Area Office
PO Box 1390, 704024 Rockley Rd
New Liskeard, ON P0J 1P0
T: 705-647-1802 or
1-800-720-1120 x 1802
F: 705-647-4571

From: Riche, Carla (MTO)
Sent: December-30-16 1:00 PM
To: clerk@temagami.ca
Cc: Dugas, Natalie (MTO)
Subject: Zoning Amendment Z-16-02

Good afternoon Elaine,

Please see attached for the Ministry of Transportation's comments on the proposed zoning amendment Z-16-02 for Kanichee and Net Lake Properties.

If you have any questions please feel free to contact me.

Regards,

Carla Riche
Corridor Management Planner
Northeast Region

Ministry of Transportation
447 McKeown Ave, Suite 301
North Bay, ON, P1B 9S9
Phone: 705-497-5456
E-mail: carla.riche@ontario.ca



A Proud Member / Un membre fier

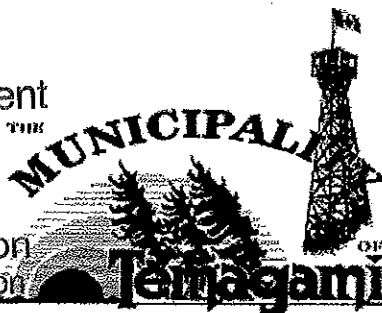


THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI
R.O. BOX 220
TEMAGAMI, ONTARIO P0H 2H0
(705) 569-3421
FAX: (705) 569-2834
E-MAIL: visit@temagami.ca

Corridor Management

DEC 23 2016

Northeastern Region
Ministry of Transportation



**Notice of Complete Application and Statutory Public Meeting
Zoning By-law Amendment Z-16-02**

Pursuant to Sections 34(10.7) and 34(13) of the Ontario Planning Act, R.S.O. 1990, c. P. 13 as amended

Application No.	Z-16-02
Date of Notice	December 23, 2016
Applicant	Lanny Dennis of Wayne Simpson & Associates on behalf of Temagami Bays Development Corporation
Roll No.	4869010004088000000,4869010003389000000,4869010004111000000, 4869 010 003 38800 0000
Subject Land	Kanichee and Net Lake Properties

PURPOSE AND EFFECT:

A complete application has been received to amend the Municipality of Temagami Zoning By-law 06-650 as amended. The purpose of the amendment is to change the zoning of the property from Integrated Management Area (IMA) Zone to Remote Residential (R2) Zone.

The effect of the application is to permit:

The effect of the proposed Zoning By-law Amendment application is to implement a concurrent Consent application that proposes the creation of three new shoreline residential lots and one retained shoreline residential lots. The rezoning of the subject lands to the Remote Residential (R2) Zone would permit the development of a detached dwelling on each of the proposed lots.

PUBLIC MEETING:

Date: January 12, 2017

Time: 6:00 pm

Location: Municipal Office Council Chambers, 7 Lakeshore Drive, Temagami, ON

INFORMATION, INQUIRIES AND WRITTEN SUBMISSIONS:

Inquiries and written submissions regarding the application should be directed to the Municipal Clerk.

Additional information regarding this application is available for public inspection at the Municipality of Temagami Municipal Office, 7 Lakeshore Drive, Temagami, Ontario, between 8:30 am and 4:30 pm, Monday through Friday.

NEED TO MAKE SUBMISSIONS

If a person or public body does not make oral submissions at a public meeting or make written submission to the Municipality of Temagami before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Temagami to the Ontario Municipal Board.

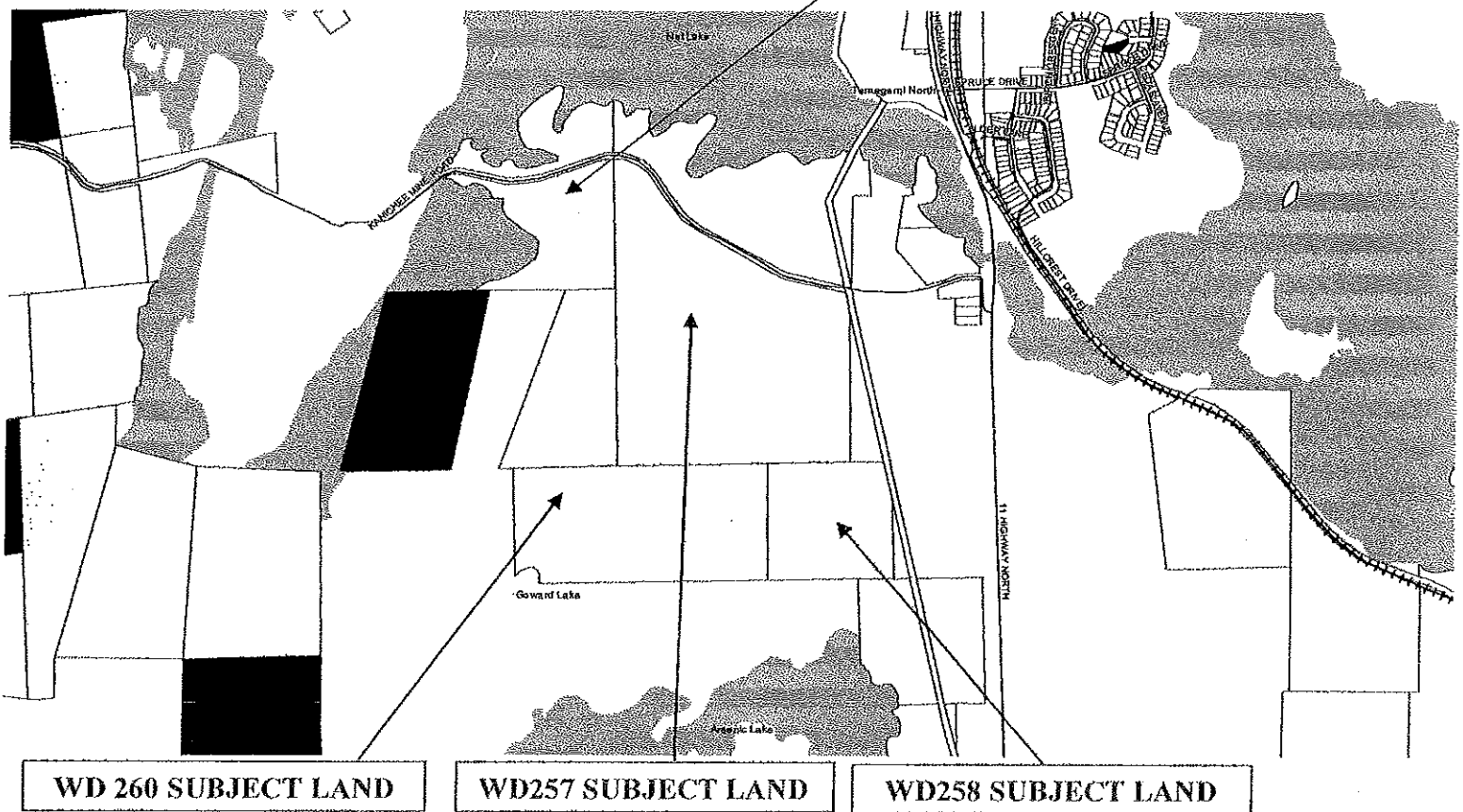
If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Temagami before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

REQUESTING NOTICE OF DECISION:

If you wish to be notified of the decision of the Council of the Municipality of Temagami you must make a written request to the Municipality of Temagami.

LOCATION OF SUBJECT LAND:

Kanichee and Net Lake Properties

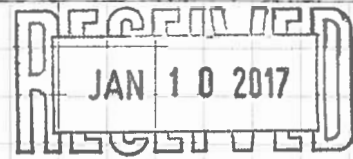
WD259 SUBJECT LAND**WD 260 SUBJECT LAND****WD257 SUBJECT LAND****WD258 SUBJECT LAND**

Mailing Date of this Notice: December 23, 2016

Elaine Gunnell
Municipal Clerk
(705) 569-3421
clerk@temagami.ca

MINISTRY OF TRANSPORTATION Northeastern Region NO OBJECTION	
Comments: <u>MTO Building & Land Use permits</u> <u>& Entrance permits may be required</u>	
Please Contact: <u>Natalie Dugas @ (705) 647-1802</u> <u>or toll free @ 1-800-720-1120 or @</u> <u>natalie.dugas@ontario.ca</u>	
Signed <u>Carole Rich</u>	Date <u>Dec 30/16</u>

KANICHEE ROAD REZONING.



QUESTION

HOW DOES REZONING OF KANICHEE ROAD
IMPACT COTTAGE OWNERS ON KANICHEE LAKE?

THERE ARE FIVE COTTAGE OWNERS ON THE
OTHER SIDE OF THE NET LAKE BRIDGE.

* Comments received after Council Package uploaded *

- 1/ WATKINS
- 2/ ETMANSKI
- 3/ FULLERS
- 4/ GIBSON'S
- 5/ JORDENS.

HISTORY OF KANICHEE ROAD.

ROAD WAS BUILT IN THE 1900'S BY THE
WATKINS FAMILY FOR ACCESS TO MINING CLAIMS

ROAD HAS ~~WAS~~ BEEN MAINTAINED BY THE
COTTAGES OWNERS.

- 1/ BRIDGE REPAIRS & REPLACEMENT (CULVERTS REPLACED)
- 2/ ROAD MAINTENANCE
- 3/ PLOWING.
- 4/ ROAD BRUSHING.

ROAD IS REQUIRED FOR:

- 1/ ACCESS TO COTTAGES
- 2/ 911 SERVICE
- 3/ FIRE SERVICE
- 4/ HYDRO SERVICE

WATER ACCESS IS NOT AN OPTION AS KANICHEE LAKE
IS ON THE BACKSIDE OF NET LAKE WITH NO
OTHER ACCESS.



Services de santé du
TIMISKAMING
Health Unit

Enhancing your health in so many ways.

Head Office:

247 Whitewood Avenue, Unit 43
PO Box 1090
New Liskeard, ON P0J 1P0
Tel.: 705-647-4305 Fax: 705-647-5779

Branch Offices:

Dymond Tel.: 705-647-8305 Fax: 705-647-8315
Englehart Tel.: 705-544-2221 Fax: 705-544-8698
Kirkland Lake Tel.: 705-567-9355 Fax: 705-567-5476

www.timiskaminghu.com

January 5, 2017

The Corporation of the Municipality of Temagami
P.O. Box 220
TEMAGAMI, ON P0H 2H0

ATTENTION: ELAINE GUNNELL, MUNICIPAL CLERK

Re: Zoning By-law Amendment No. Z-16-02, Roll Nos: 4869 010 004 08800 0000; 4869 010 003 38900 0000; 4869 010 004 11100 0000; 4869 010 003 38800 0000

Dear Ms. Gunnell:

The Land Control Division of the Timiskaming Health Unit has reviewed the above zoning By-law amendment and have no objection to same.

Should you require anything further, please do not hesitate to contact me via email at metsond@timiskaminghu.com or by calling the Englehart office at 705-544-2221 extension 5228.

Sincerely,

Doug Metson
Chief Building Officer

DM/kr

January 11, 2017

Ms. Elaine Gunnell,
Municipal Clerk
The Municipality of Temagami
7 Lakeshore Dr.
P.O. Box 220
Temagami, ON
P0H 2H0

Via email: planning@temagami.ca

Dear Ms. Gunnell:

**Re: Consent Application C-16-03 & Zoning By-law Amendment Z-16-02
Lanny Dennis of Wayne Simpson & Associates on behalf of Temagami Bays
Development Corporation
Kanichee and Net Lake Properties – Legally described Strathy PT Mining Location
WD 257 PCL 1014; Strathy Location WD258 PCL 1014NIP Mining Claim; Strathy
PCL 2497 PT Mining Location WD 259 Mining Claim; and Strathy Location WD260
PCL 1011 Mining Claim.
Our File No. PAR 35104**

TransCanada PipeLines Limited (“TransCanada”) has reviewed the notices provided for the applications noted above and offer the following comments:

TransCanada has three high pressure natural gas pipelines crossing WD257 & WD258. TransCanada’s practice is to engage with municipal authorities, developers and landowners early in the planning stage of any development project occurring within 200 metres of TransCanada’s pipeline right-of-way (“**ROW**”). This consultation allows for TransCanada’s facilities to be appropriately incorporated into the development plan, and ensures that considerations are made for the safety and protection of the public, the environment as well as TransCanada’s pipeline facilities and other property.

We request as a condition of consent approval the landowner be required to enter into an agreement with TransCanada and same be registered on title. Our recommended wording for the condition is as follows:

1. The conditions, restrictions or covenants specified by TransCanada PipeLines Limited (TransCanada) shall be registered against title (by agreement) in relation to the “Lands” by way of application to register conditions, restrictions or covenants as applicable, pursuant to the Land Titles Act, or any amendments thereto.

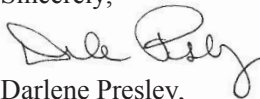
The agreement set out in the recommended condition would contain the following items:

1. Pursuant to the *National Energy Board Pipeline Damage Prevention Regulations – Authorizations*, and the *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*, written consent must be obtained from TransCanada prior to undertaking the following activities, and a locate request must be made to the local one-call notification centre (“**One-Call Centre**”) a minimum of three business days in advance of any crossing activity:
 - Constructing or installing a facility across, on, along or under a TransCanada pipeline ROW. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
 - Conducting a ground disturbance (excavation or digging) on TransCanada’s pipeline ROW or within 30 meters on either side of centreline of TransCanada’s pipe (“**Prescribed Area**”);
 - Driving a vehicle, mobile equipment or machinery across a TransCanada pipeline ROW outside the travelled portion of a highway or public road; and
 - Using any explosives within 300 meters of TransCanada’s pipeline ROW.
2. During construction activities, if development is in proximity of the ROW, the owner must install and maintain temporary fencing along the limits of TransCanada’s pipeline ROW to prevent unauthorized access onto the pipeline ROW with heavy equipment. The fence must meet TransCanada’s specifications concerning type, height and location and must be maintained by the owner for the duration of construction.
3. Paving is not permitted on the pipeline ROW, except at authorized crossings. Parking is not permitted on the ROW.
4. Landscaping requires TransCanada’s written consent. TransCanada may also specify additional protective measures which will be outlined in the written consent.

The TransCanada Pipelines setback outlined in Section 6.45 of By-Law No. 06-650 also applies.

Thank you for the opportunity to comment. Kindly forward a copy of the decision to the undersigned by mail or by email to dpresley@mhbcpplan.com. If you have any questions, please do not hesitate to contact our office.

Sincerely,



Darlene Presley,
Planning Co-ordinator
on behalf of TransCanada PipeLines Limited

Tammy Lepage

From: Roxanne St. Germain
Sent: Monday, January 8, 2018 11:24 AM
To: Tammy Lepage; Elaine Gunnell
Subject: FW: Zoning By-law Amendment - Application No. Z-16-02

I received this today

Regards,

Roxanne St. Germain

Roxanne St. Germain, Dipl, BA Hon.
Administrative Assistant
Municipality of Temagami
7 Lakeshore Drive, P.O. Box 220
Temagami, Ontario, P0H 2H0

T: 705-569-3421 x 200
F: 705-569-2834
frontdesk@temagami.ca
www.temagami.ca

From: Derek Hewitt [mailto:DBHewitt@uniongas.com]
Sent: Monday, January 8, 2018 10:20 AM
To: Roxanne St. Germain <frontdesk@temagami.ca>
Cc: ONTUGLLandsINQNorth <ONTUGLLandsINQNorth@uniongas.com>
Subject: Zoning By-law Amendment - Application No. Z-16-02

Union Gas has no concerns or objections.

Thank you
Derek Hewitt
Land Agent
Tel: 1-519-436-4600; extension 5002653 | Fax: 1-519-436-4641 | Cellular: 1-519-350-6081
Toll Free: 800-571-8446 | Email: dbhewitt@uniongas.com



Corporation of the Municipality of Temagami

Memo No.
2018-M-004

Memorandum to Council

☐ **Staff**
☒ **Committee**

Subject: PAC Recommendation on Zoning By-law Amendment Application No. Z-16-02 – Temagami Bays Development Corporation

Agenda Date: January 16, 2018

Attachments:

RECOMMENDATION –

That Council receive this memo for information:

Recommendation of Planning Advisory Committee (PAC):

WHEREAS at the Planning Advisory Committee (PAC) meeting held on January 9, 2018 the Committee reviewed the Zoning By-law Amendment Application Z-16-02 and comments received;
AND WHEREAS as per the Terms of Reference the Committee may meet prior to the public hearing to submit comments to Council;

AND WHEREAS the Committee recommends in favour of:

- Rezoning the subject lands to the Remote Residential Exception Four (R2-4) to permit the development of detached dwellings on each of the proposed lots;
- Rezoning of a portion of the subject lands to Community Use Exception One (CU-1) to facilitate water access and the establishment of a municipal launch;
- Rezoning of a portion of the subject lands to Open Space Exception One (OS-1) to protect an area of the site known to contain archaeological and cultural heritage features;

NOW THEREFORE BE IT RESOLVED THAT that Council receive Memo 2018-M-004;
AND FURTHER THAT if Council deems it desirable to approve the application at their next regular Council meeting.

INFORMATION

At the January 9, 2018 meeting PAC the Committee reviewed the Zoning By-law Amendment application and comments received in coming to their decision. The Committee members discussed the correspondence received from Julie Robinson, of the Ministry of Natural Resources and Forestry and had concerns with the 300 metres setback from the normal high water mark for septic's systems and 30 metres vegetative cover over fish habitat. The Committee further clarified that at the Committee of Adjustment meeting held on December 14, 2017, the applicants had performed an updated Environmental Impact Study that address those concerns. The findings of the study is that a 20 metres vegetative cover over fish habitat is sufficient to protect the habitation, which currently exist.

The Committee passed the following motion:

18-03

MOVED BY: B. Leudke

SECONDED BY: B. Graham

BE IT RESOLVED THAT *the Planning Advisory Committee submit the following comments to Council as part of the public hearing process:*

That the Committee recommends in favour:

- *Rezoning the subject lands to the Remote Residential Exception Four (R2-4) to permit the development of detached dwellings on each of the proposed lots;*

- *Rezoning of a portion of the subject lands to Community Use Exception One (CU-1) to facilitate water access and the establishment of a municipal launch;*
- *Rezoning of a portion of the subject lands to Open Space Exception One (OS-1) to protect an area of the site known to contain archaeological and cultural heritage features;*

AND FURTHER THAT *these comments be submitted to the public hearing on the matter.*

CARRIED

Prepared by:

Reviewed and approved for Council consideration by:

Tammy Lepage, Planning Assistant	Debby Burrows Chair	Elaine Gunnel, Municipal Clerk
Name, Position	Name, Position	Name, Position
On behalf of the Planning Advisory Committee		