

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Suzie Fournier, Clerk
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd
Subject:	Official Plan Amendment: Secondary Dwelling Units Direction for Second Statutory Public Meeting
Report Date:	June 25, 2020

A. BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment to update its Official Plan document to include policies regarding Secondary Dwelling Units. The Municipality held an Open House to discuss the proposed Official Plan Amendment on August 6, 2019 at the Community Centre; and also held a Statutory Public Meeting on March 12, 2020.

The purpose of the Statutory Public Meeting was to provide members of the public and agencies an opportunity to provide comments on the draft policies for Secondary Dwelling Units, in accordance with the *Planning Act*. There was no recommendation included in the Planning Report dated March 3, 2020 (see Attachment #1).

Comments on the draft policies were received prior, during and following the March 12, 2020 Statutory Public Meeting. Staff have had an opportunity to review all the information and are recommending revisions to the proposed Official Plan Amendment regarding Secondary Dwelling Units. Based in the proposed revisions to the Official Plan Amendment, it is recommended that a second Statutory Public Meeting be scheduled, due to the nature of, the revisions that are being considered.

This Planning Report provides:

- a summary of the comments that have been received;
- an overview of the concepts to be addressed through the revisions to the Official Plan Amendment;
- a request that an implementing Zoning By-law Amendment be undertaken; and,
- an outline of the proposed schedule to bring the amendments to Council for a final decision.

This Report does not contain revisions to the Draft Official Plan Amendment. The recommendation is that Council receive this Report for information purposes and direct staff to schedule a second Public Meeting to consider the Draft Official Plan Amendment and to schedule a concurrent Public Meeting to consider a Draft Zoning By-law Amendment.

B. OVERVIEW OF COMMENTS

Following circulation and notice of the Statutory Public Meeting on March 12, 2020, comments were received from members of the public, and agencies, including the Temagami Lakes

Association and Temagami First Nation. Following the Statutory Public Meeting, Staff have had follow-up conversations with representatives from the Temagami Lakes Association and Temagami First Nation.

The below is a summary of the comments that have been provided to date; including prior to, during and following the Statutory Public Meeting.

Council Members:

- Noted that 70% of the residents on Lake Temagami are year-round residents and concerns that the comments that are being provided exclude year-round residents.
- Support the amendment and represents ways to improve septic systems.
- Sleep cabins are already in place it just provides an opportunity for a kitchen and a washroom in the building.
- Concerns regarding the use of second units for rentals and competing with existing tourist commercial uses.
- Second units are already permitted depending on size of property but still need to look at from a good planning perspective.
- Would like to see second units permitted where they are appropriate, planned, legal and appropriately sized.
- Should be looking at a lake capacity study for Lake Temagami to see threshold of what would be allowed.
- Encouraged members of the public to provide comments to Councillors.

Members of the public:

- Amendments are beneficial to property owners on the lake and provide much needed economic development with little impact to the environment.
- In need of reduced restrictions for kitchens and washrooms in sleeping cabins.
- Second units are meant for an urban population and not a recreational one.
- Expressed concerns for second units on islands, including limited parking at the base of Lake Temagami Access Road, effects of intensification on cold water lakes and fish habitat on Jumping Cariboo, Rabbit and other cold water lakes, and limited emergency access.
- If secondary dwelling units are rented out there could be an impact on existing tourist commercial uses.
- If a secondary dwelling unit and additional accessory building is proposed, a Zoning By-law Amendment to allow these would be an appropriate process.
- There is a need for secondary dwelling units within the Urban Neighbourhood.
- Highlighted the need for remedial work to the water towers and sewage systems in the Urban Neighbourhood – need to ensure the municipal infrastructure is in place to support second units.
- Second units could be permitted on maintained year-round roads that are accessible for emergency services.
- The Backcountry Neighbourhood is not appropriate for second units.

- Temagami is working on their strategic plan and results should be known before moving ahead.

Temagami Lakes Association:

- Written comments were provided on March 9, 2020 and on May 15, 2020 (from Anthony Usher Planning Consultant).
- Property owners have expressed concern to the Temagami Lakes Association that the stated intent of the amendments increasing availability of affordable housing and housing for older persons via development of second units seems poorly suited for the Lake Temagami neighborhood of predominantly remote recreational properties with limited access and infrastructure.
- Questions related to the timing of the amendments associated with the Official Plan Review and the strategic plan.
- The Province does not interpret this direction as requiring second units to be permitted throughout a municipality, or if they are, that they be permitted under the same conditions throughout. Some of the public comments on OPA 3 indicate there may be some misunderstanding on this point. The Official Plan already fully implements this direction in the Urban Neighbourhood, through the accessory apartments policies in section 2.2.2.
- Bunkies, or sleep cabins as they are called in Temagami's planning documents, are not contemplated in (nor prohibited by) the *Planning Act* or Provincial policy. They are a purely local matter, commonly permitted in lakeland municipalities. Every lakeland official plan and zoning bylaw I have ever seen considers bunkies to be accessory buildings on residential lots - but never a type of dwelling, never a "residential unit", never a garden suite.
- OPA 3 represents a substantial, and completely inappropriate, increase in the amount of habitation permitted on waterfront residential lots that have only water access and individual services.
- OPA 3 includes elements contrary to the letter and intent of the Planning Act.
- OPA 3 is potentially inconsistent with the Provincial Policy Statement.
- OPA 3 does not respond to any demonstrated need in Temagami.
- OPA 3 does not reflect conventional best practice in lakeland planning.
- Because normal appeal rights do not apply to OPA 3, the Municipality should proceed with particular caution.
- I do not believe there is any justification for any aspect of OPA 3 as it would apply to Lake Temagami. I therefore recommend that if this amendment proceeds, no aspect of it apply to the Lake Temagami Neighbourhood. (The definition of "secondary dwelling units", as such, is satisfactory.)
- Without getting into details, there are some confusing aspects of the Official Plan, and some apparent inconsistencies between the Plan and the comprehensive zoning bylaw, with respect to sleep cabins. As the Official Plan review proceeds, there may also be public interest in revisiting the sleep cabin policies. These would certainly be appropriate to address as part of the Plan review.

Temagami First Nation:

- Written comments were provided on March 11, 2020 and MHBC had a call with representatives on May 15, 2020.
- The proposed amendment does not align with direction from the Ministry.
- There are locations that are not appropriate for second units, including waterfront areas.
- How were the lakes within the Municipality considered through this process? i.e. lake capacity, flooding, emergency access.
- Concerns over pressure on resources – environmental and archaeological.
- Need to examine the intensity of use for properties when second units are proposed.
- Need careful consideration for fish habitat, water quality, parking availability, and recreational uses.
- Second units on Lake Temagami is not an appropriate method to address affordable housing.
- Recommend that second units only occur where access is provided on a municipally maintained road.
- Need to consider other developments on Lake Temagami.
- There are locations in the Municipality where second units are not appropriate.
- Need to look at the cumulative impact on resources and the potential increase and pressure on emergency services.
- Should second units only be considered within an area with access to emergency services? i.e. specific distance from Bear Island.
- Do additional dwelling units lead to the need for additional docks.
- Preference is to review a Zoning By-law Amendment at the same time as the Official Plan Amendment.
- Possible to identify permitted uses in the Official Plan and to require a Zoning By-law Amendment for new second units.

C. DISCUSSION/ANALYSIS

The provision of a range and mix of housing, along with the promotion of affordable housing, is both desirable and beneficial to communities in that it seeks to ensure that housing is available for a wide spectrum of individuals.

Provincial legislation regarding the provision of an appropriate range and mix of residential uses (including secondary dwelling units, affordable housing and housing for older persons) fundamentally relates to the provision of permanent housing not recreational properties. The Municipality's Official Plan policies regarding accessory apartments and garden suites provide a basis in the Official Plan for the establishment of secondary dwelling units on residential properties

Based on the research that has been undertaken, and the comments provided, the following conclusions are reached:

- 1) The updates to the *Planning Act* to require municipalities to permit second units are intended to apply to permanent housing and not recreational situations.

- 2) The implementation of Second Unit legislations should be considered differently in settlement areas and rural areas in comparison to shoreline areas.
- 3) The Municipality of Temagami has existing Official Plan policies and Zoning By-law regulations that permit sleeping cabins on many shoreline properties. Sleep cabin size and the kitchen and washroom permissions are provided on a sliding scale, based on lot size.
- 4) Based on the existing Official Plan and Zoning By-law, on the largest of properties on Lake Temagami (over 1.6 hectares), a sleeping cabin is permitted to contain a kitchen and a washroom. Based on the definitions in the *Planning Act*, this is a dwelling unit. As a result, the Zoning By-law currently permits a second dwelling unit, although it is called a sleeping cabin by the current documents.
- 5) The key distinction between these the existing Official Plan and Zoning By-law permissions that enable a sleeping cabin to have a kitchen and a washroom and the second unit provisions contemplated by the *Planning Act*, is the distinction that the *Planning Act* version is used for permanent housing and the sleeping cabin provisions in the Official Plan are for recreational purposes.
- 6) It is recommended that the amendments to the Official Plan be focused in two areas:
 - a. Secondary unit policies for settlement areas and rural areas to provide for additional affordable housing opportunities. This will implement the changes to the *Planning Act*.
 - b. Updates to the nomenclature in the Municipality's Official Plan to recognize that a sleeping cabin with a kitchen and a washroom is a dwelling unit. Modifications to the complementary policies of the Official Plan are also required to reflect the change in nomenclature.
- 7) The existing policies and associated Zoning By-law provisions enable secondary units (called sleeping cabins) to be located on the largest of shoreline lots on Lake Temagami (over 1.6 hectares).
- 8) The current Official Plan policies enable a Zoning By-law Amendment to be considered to permit a second dwelling unit (called a sleeping cabin) on a lot on Lake Temagami with less than 1.6 hectares of lot area.
- 9) The original Public Meeting dealt only with the Official Plan Amendment. The review has been structured in this manner as it was important to establish a policy direction for the Official Plan Amendment prior to considering any changes to the Zoning By-law. Now that comments have been received, and a policy direction for the Draft Official Plan Amendment

has been established, it would be prudent to consider a concurrent Zoning By-law Amendment to implement the proposed revisions to the Official Plan.

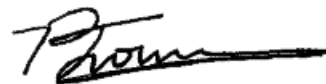
- 10) A second Statutory Public Meeting to consider the revisions to the Official Plan Amendment and a Statutory Public Meeting to introduce the Zoning By-law Amendment is recommended for August 6, 2020. Copies of the proposed amendments would be made available more than 20 days prior to the Statutory Public Meeting, and also sent directly to those who have provided comments to date. Following comments received at the Statutory Public Meeting on August 6, 2020, a final recommendation would be taken to Council at a subsequent Council Meeting.

These amendments are important components of the Official Plan and the Zoning By-law. It is important that adequate consultation and engagement takes place prior to making a final decision. These amendments will be incorporated into the planning documents following Council's decision.

Respectfully Submitted,
MHBC Planning

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Partner

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

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Associate