



Corporation of the Municipality of Temagami

Memo No.
2017-M-109

Memorandum to Council

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Staff

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Committee

Subject: 2017 Pac Recommendation Mining Location B – Ferguson Point.

Agenda Date: December 15, 2017

Attachments:

- S.4.3.14 - OP Excerpt Mainland Development
- S.4.4.11 - OP Excerpt Special Management Area - designation
- MNR Land Use Plan Map

RECOMMENDATION

This memorandum is to recommend that Council consider the following motions:

WHEREAS the 1997 Ministry of Natural Resources (MNR) Temagami Land Use Plan zoned Mining Location B as Special Management Area (SMA);

AND WHEREAS the current Official Plan mirrors the MNR Land Use Plan and the designation for the properties known as Ferguson Point is SMA;

AND WHEREAS written submissions were received regarding Mining Location A, B & C in 2009 during the Official Plan Review;

AND WHEREAS at the PAC meeting held on November 22, 2017 at 1:00 p.m. the committee recommended to Council to seek a legal opinion and a second opinion on the Planning Consultant's recommendation;

NOW THEREFORE BE IT RESOLVED THAT that Council receive Memo 2017-M-109;

AND FURTHER THAT Council adopt the recommendation from PAC and direct staff to seek a legal opinion and a second opinion on the Planning Consultant's recommendation.

INFORMATION

At the Planning Advisory Meeting held on November 22, 2017 at 1:00 p.m., discussion took place regarding Mining Location B (also known as Ferguson Point), if the duty to consult was complied with during the time of the Official Plan review. M. Cummings, Chief Building Official gave a bit of history as to the consultation process during the Zoning By-law implementation and informed the Committee that according to the mailing list, the property owners were notified of the zoning of the property as being zoned Special Management Area. The publication of the draft Zoning By-law resembled a newspaper similar to the Temagami Times and at that time the mailing list was from the Tax roll mailing listing. He further informed the Committee that he was certain that the mainland development originated from the Ministry of Natural Resources Land Use Plan.

During the Official Plan Review in 2009 written submissions were received by Barbara Boyssen Bruce, and Mr. O'Shea noting that along with Ferguson Point, Ferguson Island and Ferguson Mountain these parcels are the oldest privately owned patented parcels of land on Lake Temagami. Mr. O'Shea notes these parcels of land had been zoned incorrectly, and should have been zoned R1 (Lake Temagami).

In following the MNR (now known as MNRF) Land Use Comprehensive Planning Area, the specific area in question was zoned as a Special Management Area and so the Official Plan mirrored this designation.

The current Official Plan has policies in place for no mainland development on Lake Temagami, with the exception of lots that are located by the Town of Temagami and are able to be serviced by the Town's sewage system.

The Committee discussed the possibility of doing an OP amendment for Mining Location B, or address the matter during the OP review. Further discussion took place whether or not buildings that were located on the property, which have only remanence now, have any relevance to the zoning. Further discussion took place regarding the correspondence received from Planning Consultant Jamie Robinson. Jamie's recommendation was that the owners would need to apply for an OP Amendment and ZBL Amendment. The consensus of the Committee was to obtain a second opinion, and to recommend to Council the following items:

1. To seek a legal opinion on whether the status of the buildings has any bearing on the decision.
2. To seek another opinion from a professional Planner regarding the above property.

Prepared by:

Tammy Lepage, Planning Assistant

Reviewed and approved for Council consideration by:

Elaine Gunnell, Municipal Clerk

Name, Position

Name, Position

On behalf of the Planning Advisory Committee

- appropriate signage for pedestrian and vehicular movement;
- promote pedestrian friendly designs;
- provide parking in rear of buildings where possible;
- uniformity in architectural style;
- barrier-free design standards;
- the use of native trees for shade / landscaping purposes;
- the use of local building materials such as rock and wood; and
- uniformity of landscape architecture elements and site furnishings (i.e., trash receptacles, benches, lighting, signage).

The Municipality may further study landscaping and beautification options desired to provide a plan to establish an urban setting which reflects pride, vitality, sensitivity, attention to heritage, and natural endowments which are attractive to visitors to the area.

4.3.13 Bed and Breakfast Establishments

A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling on a lot serviced by a maintained municipal road provided the physical character of the dwelling is not substantially altered and the dwelling can be accessed from a publicly maintained road. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

4.3.14 Mainland Development

Development on the mainland, adjacent to Lake Temagami, is permitted within the Schedule A-3 portion of the Urban Neighbourhood, provided that such development is serviced by the Municipal sewage treatment facility and water system, in accordance with Section 4.3.10. Partial or communal services may be considered in accordance with Section 2.9 and Section 4.3.10 of this Plan. Development will take place in accordance with the appropriate land use designations, as shown on Schedules A-1, and A-3.

4.3.15 Aesthetic Viewscape Management Area

The Municipality recognises that the Urban Neighbourhood has high recreational values. It is the policy of the Municipality to be aware of the Ministry of Natural Resources prescriptions to establish and protect Aesthetic Viewscape Management Areas around the

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a fence made of natural materials or a solid vegetative buffer from the viewing public

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and Lake Temagami, be located in the yard abutting the road;
- In the case of a water access lot, the lot shall be located no closer than 10m from the normal shoreline; and
- In the case of a water access lot, buffering shall be provided in the form of a vegetative buffer of no less than 10 metres in width from the normal shoreline.

5.3.19 Transit of Industrial/Building Supplies at Lake Access Points

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building supplies and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point.

Where lots or sites are accessible by an existing road, industrial goods and/or equipment shall be transported to those lots or sites by road. Goods, supplies or equipment that can be transported by an existing road access to their delivery destination will not be allowed as limited industrial activities at access points.

5.4 LAND USE DESIGNATIONS

5.4.1 Integrated Management Area

There is no land designated Integrated Management Area within the Lake Temagami Neighbourhood.

5.4.2 Special Management Area

The Special Management Area land use designation applies to most of the Crown land areas and patent lands within the Lake Temagami Neighbourhood. The Special

Management Area land use designation recognises Crown land with significant resource values and features and/or the need to control access or to manage resources according to a special land use prescription set out in the Ministry of Natural Resources Temagami Land Use Plan. The Special Management Area land use designation applies to all islands or parts of islands that are Crown land and are not designated Protected Area or Tourist Commercial.

Uses permitted within the Special Management Area land use designation in the Lake Temagami Neighbourhood are limited to existing and new private residential development on islands, in accordance with the policies of Section 5.3.3 Rural and Remote Residential and Section 9.7 Development Applications, and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites are also permitted.

New tourist commercial facilities such as lodges shall develop in accordance with the policies of Section 5.4.6.2 shall require an amendment to this Plan, an amendment to the Zoning By-law and be subject to site plan approval.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Special Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality and the policies of this Plan are maintained.

New private residential development shall be subject to a rezoning and site plan approval.

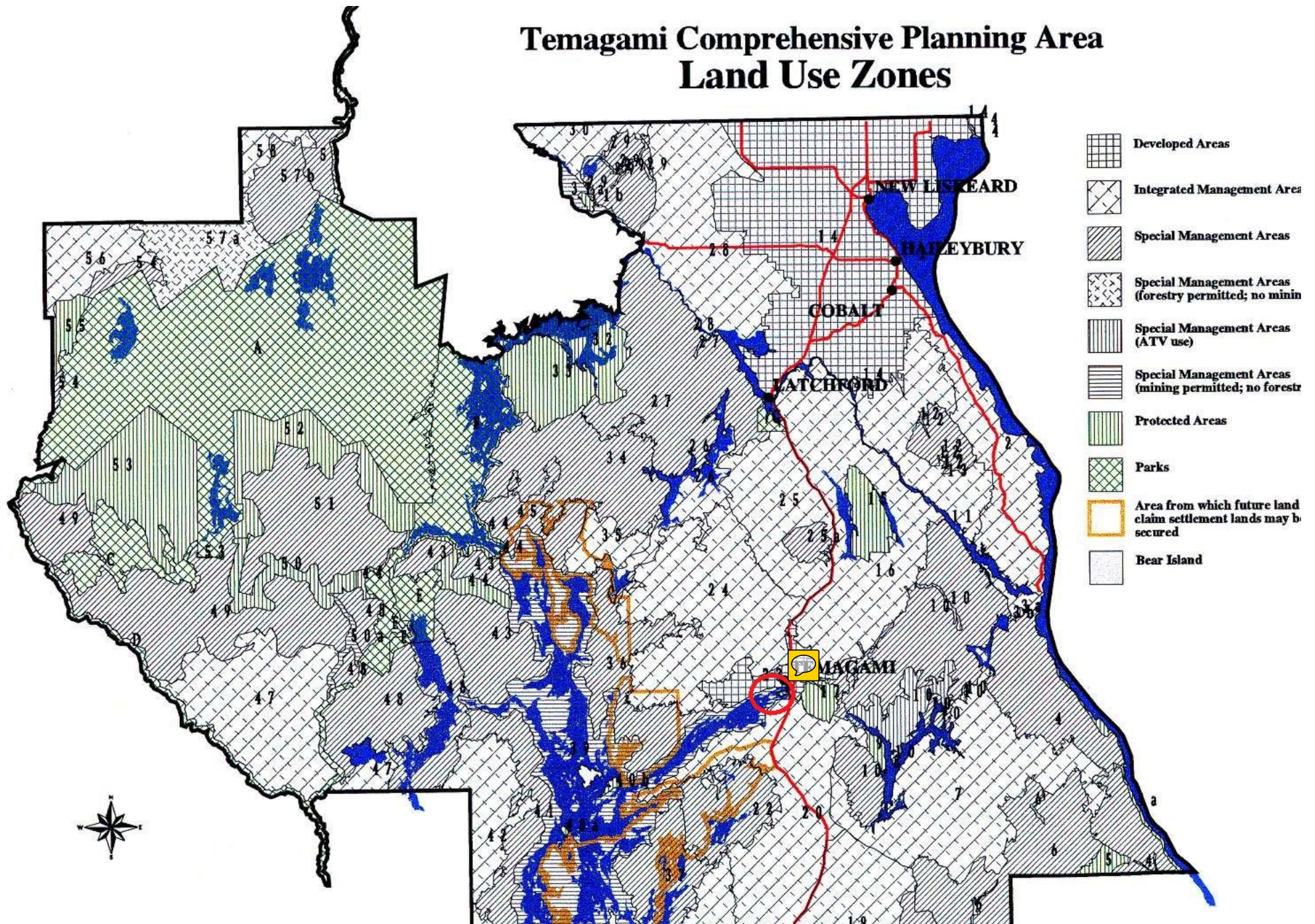
The islands or portions of islands within Lake Temagami that are Crown land are also subject to the Skyline Reserve policies set out in Section 5.3.17 of this Plan

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0 and 9.7 of the Plan.

5.4.3 Protected Area

The Protected Area land use designation covers the Crown land within the Lake Temagami Neighbourhood, not covered by the Special Management Area land use designation. The Protected Area land use designation includes Crown land with representative 'old growth' red and white pine sites, some watersheds containing the headwaters of rivers flowing through the wilderness park, significant wetlands, provincially significant ecological and geological features and significant recreation areas and applies to a portion of Temagami Island.

Temagami Comprehensive Planning Area Land Use Zones





October 01, 2002



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