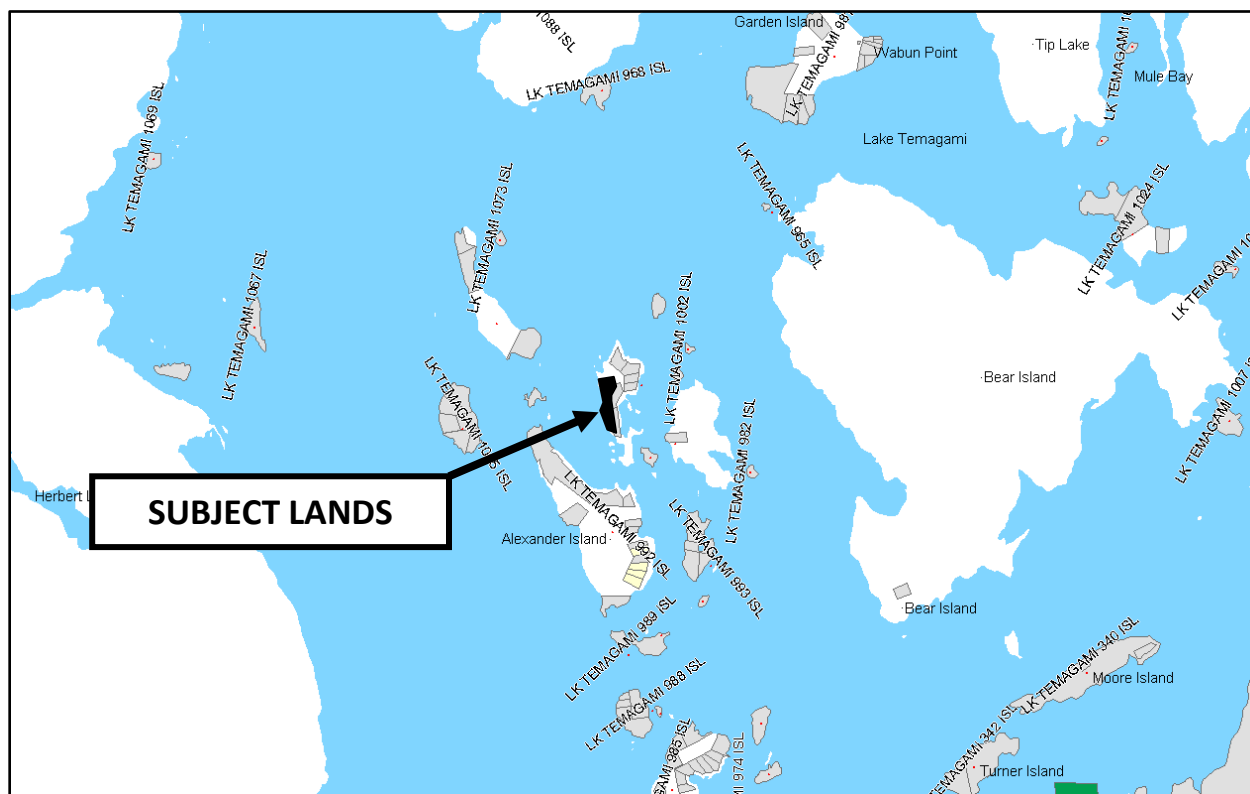


MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Nicole Claveau, Secretary Treasurer for Committee of Adjustment	Application Number:	C-24-03
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Nancy Reid
Location:	44 and 50 Lake Temagami Island 970	Owner:	Same as Applicant
Report Date:	May 2, 2024	Application Type:	Consent

A. PROPOSAL/BACKGROUND

A Consent application to create one new lot has been submitted by the owner of the subject property, Nancy Reid, located at 44 and 50 Lake Temagami Island 970. The subject property is legally described as PCL 1-2 SEC 34M418 and PCL 3-3 SEC 36M418. The subject property is located within the Special Management Area designation and is located within the Lake Temagami Neighbourhood in the Official Plan. The subject property is located within the Remote Residential (R1) Zone – Lake Temagami in the Zoning By-law. The subject property location is shown in black on Figure 1.

Figure 1: Subject Property

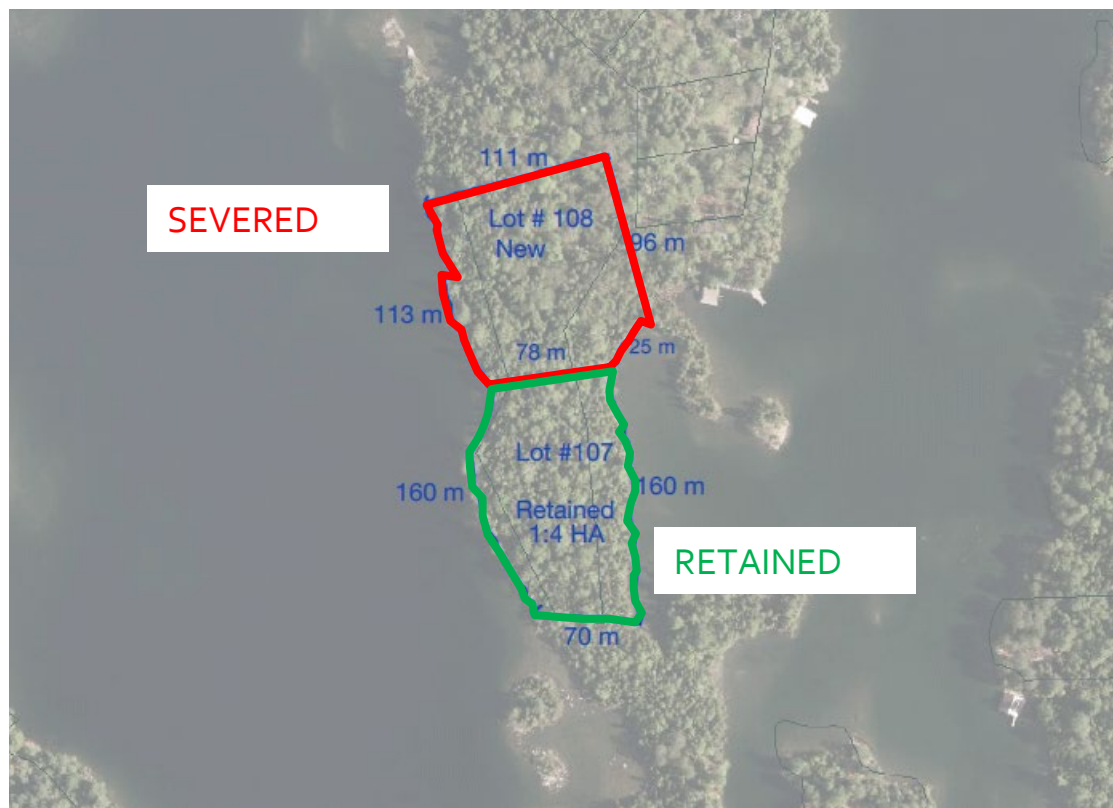


The subject property has a lot area of 2.3 hectares (5.8 acres) and a lot frontage of approximately 273 metres on the west shoreline on Lake Temagami. The subject property is located to the west of Bear Island. Surrounding land includes forested Crown Land and four shoreline residential lots to the north east. The subject property is currently vacant.

B. PROPOSED CONSENT

The purpose of the Consent application is to create one new lot on the subject lands, for a total of two lots. The properties at 44 and 50 Lake Temagami Island 970 were merged due to common ownership and provisions of the Planning Act. Due to this the owners cannot convey the properties separately. The proposed severed lot at 44 Lake Temagami Island 970 is outlined in red on Figure 2 and the proposed retained lot at 50 Lake Temagami Island 970 is outlined in green on Figure 2.

Figure 2: Proposed Lot Configuration



It is understood that the severed lot and the retained lot were previously created by Consent, however when the owner purchased the crown reserve along the shoreline, the lots merged on title due to Section 50 (3) of the Planning Act where two patented lot in the same ownership cannot be conveyed separately. The two lots currently are recognized as two separate parcels by Land Titles, however a Consent is required to essentially re-create the two separate lots so that they can be separately conveyable.

The proposed severed lot has a proposed lot area of approximately 1.1 hectares and a lot frontage of approximately 160 metres. The proposed severed lot has a proposed lot area of approximately 1.2 hectares and a lot frontage of approximately 110 metres.

Island 970 is water access only and the closest docking facility is the Lake Temagami Access Point. Lot #1 and Lot #2 are currently vacant however the remaining properties on Island 970 are developed with seasonal dwellings on private water and sewage systems. Other portions of the island are comprised of Crown Lands.

A similar application was submitted historically and proceeded to an Ontario Land Tribunal Hearing where the First Nation expressed concerns primarily related to the lack of Archaeological study and Natural Heritage feature review.

The First Nation has been involved in the preparation of studies that have been submitted in support of the proposed consent application.

C. SUPPORTING STUDIES

Environmental Impact Study - prepared by Fricorp Ecological Services dated November 2020

Fricorp Ecological Services was retained by the owners of the subject property to conduct an Environmental Impact Study for two islands (992 and 970) in Lake Temagami. Island 970 is the subject property for the Consent application. The study concluded that there was no endangered or threatened species on the subject property. The property does not contain any Provincially Significant Wetlands, Areas of Natural and Scientific Interest (ANSI), and significant fish habitat. There are eight potential special concern species on the property but are not under the protection of the ESA as they are under the Significant Wildlife Habitat (SWH) framework.

Temagami First Nation Heritage Areas were included in the study as indicated by mapping provided by Temagami First Nation. There are four unique values mapped: two areas of medicinal plants, a potential canoe building site and an area of fish netting and spawning habitat. The medicinal plant locations are on Island 992 and not the subject property. The potential traditional canoe building site is setback over 60 metres from the subject lands and no negative impacts are anticipated. A canoe quality birch tree was identified to the north of the subject property and has been recommended to be preserved in the Environmental Impact Study. The potential fish habitat values identified by the Temagami First Nation are outside of the subject property and no negative impacts are anticipated from this application.

Stage 1 and 2 Archaeological Resource Assessment - prepared by Woodland Heritage Northeast Limited dated February 2018

Woodland Heritage Northeast Limited was retained by the owners of the subject property to conduct an Archaeological Resource Assessment. Prior to the stage one assessment it was unknown which lots and properties were to be severed. Due to this six lots were assessed. After the stage one assessment was complete two properties were chosen to be retained. The stage

one archaeological assessment identified four archaeological potential Areas on Island 992, and one potential area on the subject property (Island 970). The site visit consisted of a water-based shoreline inspection to identify any potential canoe landing areas, areas suitable for encampment and rock ledges suitable for pictographs. The area to be severed was then evaluated to find the conditions were rocky, sloping and occasionally permanently saturated and are interspersed with discrete level and well-drained areas. During the site visit, one site on the subject property was identified as having complex archaeological potential.

The stage two assessment included test pits dug a minimum of 30 centimetres in diameter, every five metres in all eight areas of the archaeological potential. Test pits should be excavated by hand and of a sufficient depth to penetrate and investigate the sterile mineral soils, screened through mesh and backfilled. There was only one area of archaeological potential on the subject property. During the stage two assessment on the subject property the area was expanded to include the periphery to ensure that the entire area was properly evaluated. After the stage two assessment was completed it was determined that there was no archaeological resources on the subject property.

D. COMMENTS RECEIVED

A copy of the Archaeological Assessment and the Environmental Impact Study were circulated to Temagami First Nation for comment. This application was subject to an Ontario Land Tribunal appeal that involved the Temagami First Nation, so staff awaited Temagami First Nation's comments before bringing the application forward. Temagami First Nation had no objections with the applications, and requested that that recommendations contained within the Archaeological Assessment and the Environmental Impact Study are implemented. This can be accomplished through the preparation and registering a Consent Agreement on title for the proposed lots.

E. POLICY AND REGULATORY CONSIDERATIONS

The following is a review of the relevant policy and regulatory considerations that pertain to the proposed Consent application.

Provincial Policy Statement

The Provincial Policy Statement (PPS) was approved by the Ministry of Municipal Affairs and Housing on May 1, 2020, and is applicable to the subject property. The subject property is located on rural lands on the context of the PPS. Section 1.1.5.2 of the PPS recognizes resource-based recreational development, such as recreational dwellings, as a permitted use on rural lands.

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, provided that the site conditions are suitable for the long-term provision of such services. The subject property is vacant and does not have any existing on-site sewage or water services. A letter signed by

Douglas Metson, Chief Building Officer for Timiskaming Health Unit dated August 8, 2017 states that with the addition of suitable fill materials, there are areas that could be made suitable for a Class 4 Sewage System on each proposed lot.

Section 2.1 of the PPS includes policies to protect natural heritage features, including wetlands, significant woodland, significant wildlife habitat, significant areas of natural and scientific interest, fish habitat and habitat of endangered and threatened species. An Environmental Impact Study was submitted with this application by Fricorp Ecological Services, dated November 2020. The owners had an updated letter provided by Fricorp Ecological Services, dated August 2023 to confirm that the original recommendations are current and reflect best practices for protecting natural heritage. The Environmental Impact Study included eight recommendations for future development on the proposed lots (excerpt included as Figure 3).

Figure 3: Recommendations from the Environmental Impact Study

1. All development should be setback a minimum of 15m from the shoreline with a naturally vegetated buffer retained
2. Where areas of steep shoreline have been identified, development should be setback a minimum of 30m from the shoreline with a naturally vegetated buffer retained in this area
3. All in-water work should occur from June 16th to August 31st of any given year for the protection of fish and fish habitat within Lake Temagami to avoid spring and fall fish spawning periods
4. Erosion and sediment controls to be employed during construction activities
5. Septic systems should be set back a minimum of 30m from the shoreline, outside of steep areas, and maintained regularly
6. Initial vegetation clearing is recommended to occur outside of the breeding bird and bat window; taking place from October 1 to March 31 of any given year
 - Site clearing and vegetation removal may be permitted on a small scale during the active season provided the site is 'swept' and confirmed clear of breeding birds and other wildlife by a qualified individual
 - Note that if a 'sweep' identifies the presence of breeding/active wildlife, that may result in adhering to the suggested timing
 - Once terrestrial site clearing and vegetation removal are completed, construction activities can proceed any time of the year
7. Delineation of setbacks prior to construction should be completed to ensure these areas are maintained
8. Temporary storage and excess materials used for construction should be managed such that they do not impact any recommended setbacks

Section 2.6 of the PPS includes policies regarding cultural heritage and archaeology. Section 2.6.2 states:

"Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved."

A Stage One and Stage Two Archaeological Resource Assessment was undertaken by Woodland Heritage Northeast Limited, dated February 21, 2018. During the stage one assessment of Island 970 there was one location that was deemed to have archaeological potential. The area from the

stage one assessment was expanded further north and south to include its periphery. During the expanded stage two assessment of the area, there was no archaeological resources recovered. Due to no archaeological resources being recovered during the stage two assessment, no further work is recommended on the property.

Section 3.1 of the PPS includes policies regarding natural hazards and the protection of new development. There are no known hazards on the subject property.

It is recommended that the recommendation of the Environmental Impact Study and the Archaeological Assessment be implemented in a Consent Agreement, that is to be registered on title for the proposed severed and retained lot.

The proposed Consent is consistent with the PPS.

Northern Ontario Growth Plan

The Northern Ontario Growth Plan recognizes that tourism is an important component of the economy of Northern Ontario. The applicability to this document in regards to the proposed Consent application is limited, however the development of resource-based recreational lots could be considered to conform to the policies of the Growth Plan.

Municipality of Temagami Official Plan

The subject property is located within the Special Management Area designation and is located within the Lake Temagami Neighbourhood in the Official Plan. Section 5.2 of the Official Plan sets out the principles and goals for the Lake Temagami Neighbourhood and states that new development in the Lake Temagami shall primarily take the form of new residential and tourist commercial lots.

Section 5.3.2 provides that permanent or seasonal dwelling units on islands in Lake Temagami are a permitted along with sleeping cabins, accessory uses such as boat houses, docks and storage sheds are also permitted. In accordance with Section 5.3.2, both the proposed lots are permitted to be developed with a future dwelling.

Section 5.3.3 provides policies relating to rural residential and remote residential development. These policies require that the development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values.

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 the Official Plan.

Section 5.3.3.2 of the Official Plan includes policies that apply to the creation on new lots in the Lake Temagami Neighbourhood. Table 1 provides a summary of these policies.

Table 1: Lot Creation Policies in the Lake Temagami Neighbourhood

Section 5.3.3.2 - Remote Residential - Lot Creation 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 proposed uses and lot creation are permitted in the Lake Temagami Neighbourhood.
The Municipality will not assume responsibility for access, snow removal, road maintenance or service by school busses;	The proposed lots are water access only.
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;	The proposed lots are water access only and therefore all municipal services are not available.
In creating the lot, conformity with this Plan's policies is required respecting any natural heritage features and areas identified in this Plan;	There are no natural heritage features identified on the subject property or on adjacent lands. In order to evaluate the proposed new lots, an Environmental Impact study was prepared and provided recommendations for future development.
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;	The applicants submitted an Environmental Impact Study, prepared by Fricorp Ecological Services, which includes mitigation measures that are recommended to be addressed through a Consent agreement. A Phase One and Two Archaeological Resource Assessment, prepared by Woodland Heritage Northeast Limited did not identify any cultural heritage features.
The soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system;	The soil, drainage and slope conditions on the subject property are not proposed to be altered as a result of the Consent application. Both the proposed lots are currently vacant but can be made suitable for private water and sewage services.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;	There is no water well proposed at this time however the lots are large enough to accommodate.
The fisheries habitat, cultural heritage features, steep or unstable soils,	The Environmental Impact Study did not identify any critical fish habitat along the

environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;	immediate shoreline of the island. The report identified mitigation measures for the severed and retained lots. These will be included within a Consent agreement.
The lot is not within 500m of a known sanitary landfill site;	Yes. We are not aware of any landfill sites in the area.
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;	Yes. The subject property is located on an island and accessible by water. Access can be provided by the Lake Temagami Access Point.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;	The Environmental Impact Study by Fricorp Ecological Services did not confirm the presence of fish habitat therefore no specific dock locations were referenced.
<p>The lot shall be subject to site plan control which shall include:</p> <ul style="list-style-type: none"> • Visual screening, setbacks, protection of vegetation, and landscaping; • Utilization of existing vegetation and topography to minimize visual impacts; • Buildings and structures located in the shoreline activity area; • Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact; • Rehabilitation of vegetation disturbed due to construction; and • Mitigation techniques to minimise impacts on surrounding development and uses. 	The lots are currently vacant and any future development will be subject to the recommendations of the Environmental Impact Study.

In addition to the above Consent policies that apply to the Lake Temagami Neighbourhood, the Official Plan includes additional Consent policies that apply on a municipal-wide basis. Table 2 provides a summary of these policies.

Table 2: General Consent Policies

Section 9.7.1 - Consents to Sever Patented Land	Does the Consent application Conform?
The intended use of the severed and retained parcels conform to the intent and policies of this plan.	Yes. The existing and intended use of the proposed lots conform to the Official Plan.
Generally the number of lots created does not exceed three.	Yes. The Consent application is to create one new lot.

A registered plan of subdivision is not required.	Yes. 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, both the lot area and frontage of the proposed lots comply to the Zoning By-law.
The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands.	Yes, the severance would not hinder development of the retained lands in the future.
The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses.	Yes, both lots are currently vacant. The lots are to be used for residential development and are adequate size to accommodate that use.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.	Yes, the Environmental Impact Study by Fricorp Ecological Services, mapped suitable dock locations for both the severed and retained lots.
Site Plan Control	Yes. The proposed lots will be subject to Site Plan Control.
Adequate access to the severed and retained parcel can be provided.	Yes. The subject property is located on an island and accessible by water. Access can be provided by the access point or by one of the marinas.
The severed parcel is not within 500 metres of a known sanitary landfill site.	Yes. We are not aware of any landfill sites in the area.
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.	Yes. The subject property and the proposed lots have been evaluated by Douglas Metson, the Chief Building Officer for Timiskaming Health Unit. The inspection found that the lots could be made to be suitable for a Class IV sewage disposal system.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted.	Based on size of the lot, there are no concerns for water supply in the future.
The applicant, when required, has provided 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 mitigate the	Yes, the applicant provided an Environmental Impact Study (EIS) and a Stage One and Two Archaeological Resource Assessment.

anticipated impacts of the development on the features.	
The financial impacts on the Municipality have been considered.	Yes. There are no anticipated financial impacts on the Municipality.

Further to the review of the policy framework in the Official Plan regarding lot creation, the policies within Section 2.14 and Section 9.24 regarding cultural heritage features have been reviewed. It is recommended that the recommendation of the Environmental Impact Study and the Archaeological Assessment be implemented in a Consent Agreement, that is to be registered on title for the proposed severed and retained lot.

The proposed Consent conforms to the Official Plan.

Municipality of Temagami Zoning By-law

The minimum lot frontage for properties located within the Remote Residential (R1) Zone – Lake Temagami is 90 metres, as stated in Section 7.4.2 a) (The lot) of the Zoning By-law. The proposed lots are to have lot frontages of approximately 113 metres and 160 metres on Lake Temagami which meet the minimum required in the Zoning By-law.

The minimum lot area for properties located within the Remote Residential (R1) Zone – Lake Temagami is 0.8 hectares or 1 hectare with drilled well. Both of the proposed lots conform to the Zoning By-law, the severed lot is to be 1.2 hectares and the retained lot is to be 1.14 hectares.

Permanent and seasonal dwelling units are included under Section 7.4.1 of the Zoning By-law and are permitted in the R1 Zone. The proposed lots comply to the Zoning By-law.

F. RECOMMENDATION

Based on the review of the Consent application C-24-03 submitted by Nancy Reid, the application is consistent with the PPS, conforms to the Growth Plan and the Municipality's Official Plan. It is recommended that the Consent application be provisionally approved in accordance with the application sketch and subject to the following conditions of provisional Consent:

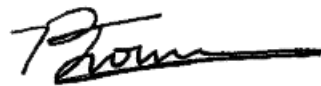
- 1) Preparation of an updated Reference Plan, in substantial compliance with the application sketch, to the satisfaction of the Municipality;
- 2) That a Consent Agreement be entered into with the Municipality to implement the recommendations and mitigation measures contained within the Environmental Impact Study and the Archaeological Assessment.
- 3) Any other standard conditions of the Municipality (if any).

Respectfully Submitted,

MHBC Planning



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