

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Sabrina Pandolfo, Deputy Treasurer	Application Number:	ZBA 24-01
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Goodridge Goulet Planning & Surveying Ltd. (Paul Goodridge)
Location:	447 Fox Run Road	Owner:	John Dobney and Jo-Anne Platts
Report Date:	June 13, 2024	Application Type:	Zoning By-law Amendment

A. RECOMMENDATION

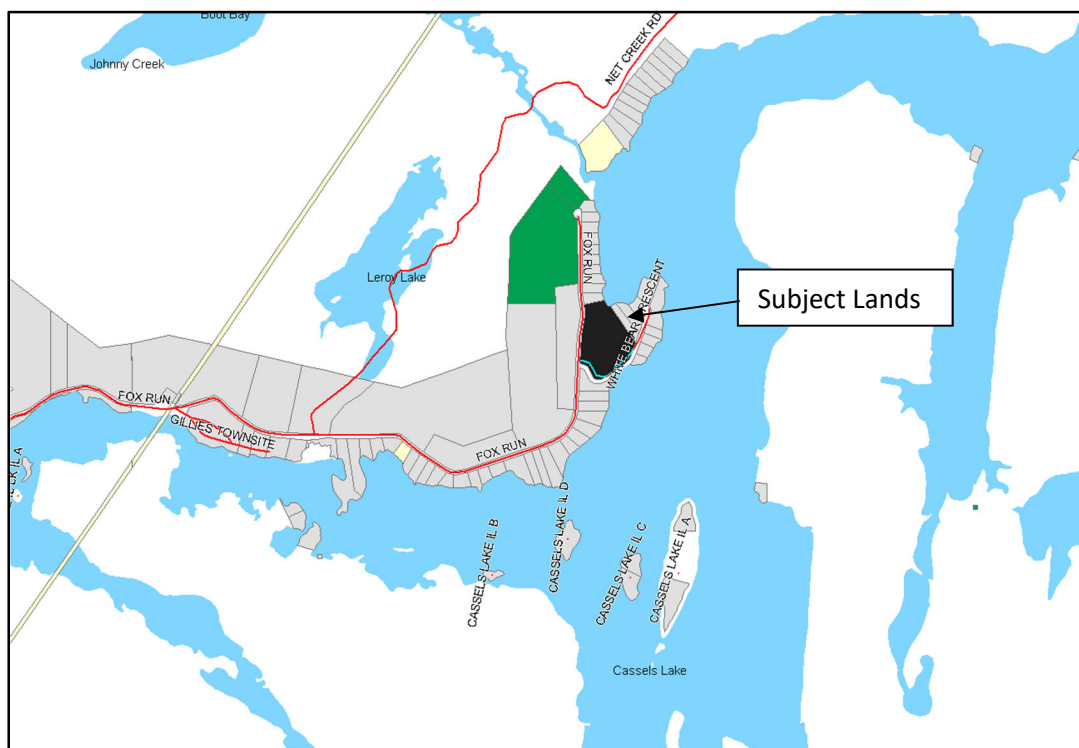
THAT Council receives the Planning Report 2024-M-109 dated June 13, 2024, respecting Zoning By-law Amendment No. 24-01; and,

THAT Council considers By-Law No. 24-1741 being a By-law to amend Zoning By-law 06-650, as amended.

B. PROPOSAL/BACKGROUND

A Zoning By-law Amendment application has been submitted for the subject lands located at 447 Fox Run Road. The subject lands are shown on Figure 1.

Figure 1: Subject Lands



The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject lands to satisfy a condition of provisional Consent, for the application that was approved by the Committee of Adjustment (C-22-03). The subject lands are located within the Rural Residential (R3) zone in the Zoning By-law.

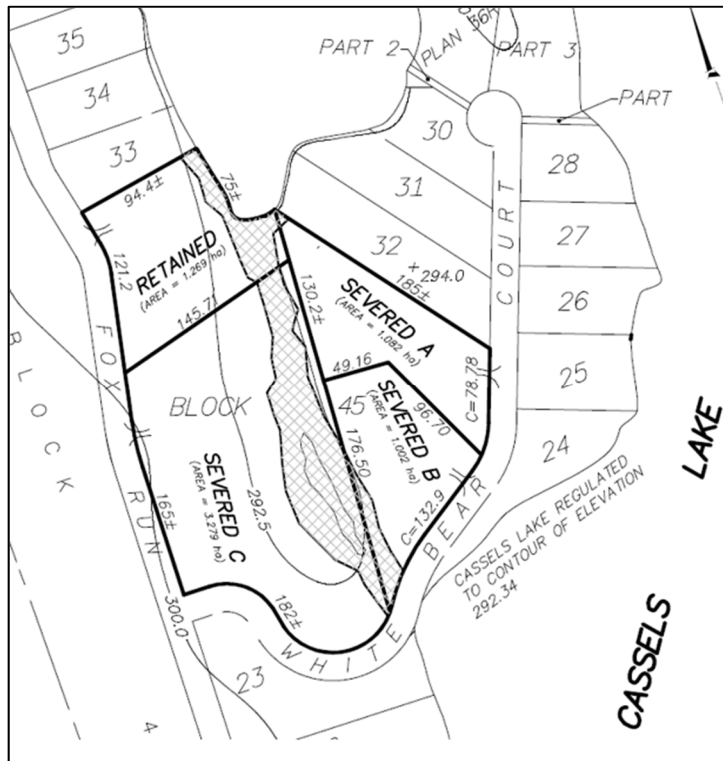
The Zoning By-law Amendment is to rezone a portion of the subject lands from the Rural Residential (R3) Zone to the Protected Area (PA) Zone to implement the findings of an Environmental Impact Study that was completed. An Environmental Impact Study prepared by Fricorp Ecological Services dated November 2021 was submitted with the Consent application (C-22-03). The Study identified that there is a wetland on the subject lands that warrants protection from future development. The Study recommends a 30 meter setback from the identified wetland for protection of the wetland and Blanding's turtle, snapping turtle and fish habitat.

The subject lands are designated as Special Management Area and are located within the Matabitchuan Neighbourhood in the Municipality of Temagami Official Plan. The subject lands are zoned Rural Residential (R3) in the Municipality of Temagami Zoning By-law. The subject lands have a lot area of approximately 6.5 hectares and are currently vacant.

Copies of the Planning Reports (January 25, 2024 and April 3, 2024) prepared for the Consent application are included as Attachment #1.

The proposed lot configuration that was granted provisional approval from the Committee of Adjustment is shown in Figure 2. The agent for the owners demonstrated through the Consent application process that there are suitable building envelopes on each of the new lots.

Figure 2: Proposed Lot Configuration



C. COMMENTS RECEIVED

There have been no written comments received on the application when this Planning Report was prepared. Temagami First Nation were satisfied with the proposed Consent application and conditions.

D. POLICY AND REGULATORY CONSIDERATIONS

The following is a review of the relevant policy and regulatory considerations that pertain to the proposed Zoning By-law Amendment application.

Provincial Policy Statement

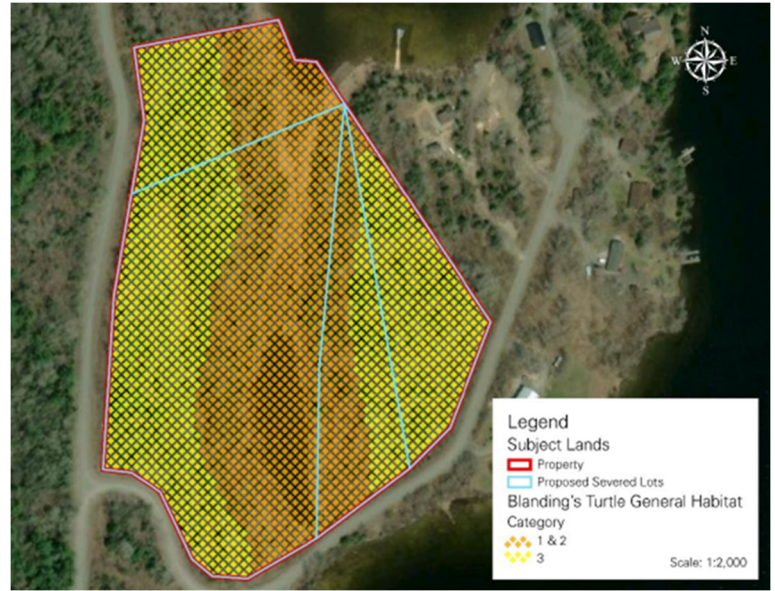
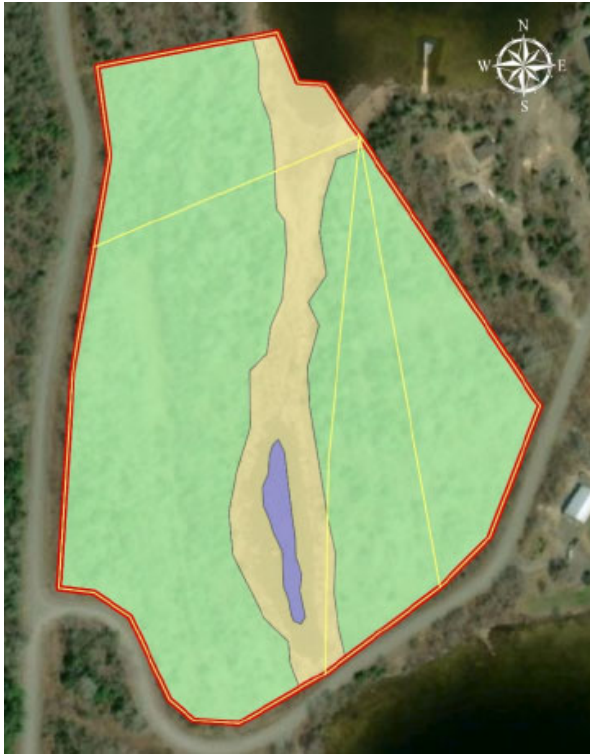
The Provincial Policy Statement was approved by the Ministry of Municipal Affairs and Housing on May 1, 2020, and is applicable to the subject lands. In the context of the PPS, the subject lands are considered as Rural Lands. Under Section 1.1.5.2 of the Provincial Policy Statement, residential development is permitted. The proposed lots are to be used for rural residential development.

Section 1.6.6.4 of the Provincial Policy Statement states that individual on-site sewage services and individual on-site water services may be used provided that the site conditions are suitable for the long-term provision of such services with no negative impacts. The proposed residential development is to be serviced by wells and septic systems which is appropriate for the proposed lots and this area of the Municipality. This is evident based on the additional information provided by the Environmental Consultant regarding septic system feasibility. The septic system locations are to be implemented through a Consent Agreement that is required to be registered on title for all the lots.

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 prepared for the Consent application and it concluded that there was two natural ecosites on the subject lands. The first location is forested (blue) and the other is a wetland with an open water component and connection (yellow) to Cassels Lake as shown below in Figure 3. The EIS also identified Category 1 and 2 Blanding's Turtle Habitat, shown below in orange (Figure 4).

Figure 3: Identified Natural Ecosites

Figure 4: Blanding's Turtle Habitat



This Zoning By-law application proposes to rezone a portion of the subject lands to protect the areas identified within the EIS.

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."

An Archaeological Report was submitted as part of the Consent application, which has been granted approval from the Committee of Adjustment. The report found no archaeological resources during the Stage 2 survey on the subject lands.

The proposed Zoning By-law is consistent with the relevant 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. The applicability to this document regarding the provisionally approved Consent application and the proposed Zoning By-law Amendment application is limited, however the development of rural residential/resource-based recreational lots and this implementing Zoning By-law Amendment could be considered to conform to the policies of the Growth Plan.

Municipality of Temagami Official Plan

The subject lands are designated as Special Management Area and the subject lands are primarily located within the Matabitchuan Neighbourhood and permitted uses include permanent or seasonal single detached dwelling units under Section 7.3.2 of the Official Plan. Some Rural Residential and Remote Residential development exists within the Matabitchuan Neighbourhood and more is anticipated in the Integrated Management Area.

Section 2.14 and Section 9.24 of the Official Plan regarding cultural heritage features has been reviewed. An Archaeological Assessment has been prepared for the subject lands and concluded that no further archaeological work is recommended for the subject lands. Temagami First Nation were notified of the application but no comments were received at the time of writing.

Section 2.17 of the Official Plan includes policies regarding waterfront development. It is a goal of the Municipality to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. There are developable areas for the future detached dwellings, wells and septic systems can be located on the subject lands and separated from the shoreline. No negative impacts to the existing shoreline is expected as a result of the proposed development.

Policies regarding natural heritage features and areas are included in Section 9.7.4 of the Official Plan. The Environmental Impact Study identifies different two ecosites on the subject lands including a forested area and a wetland. Through the Zoning By-law Amendment, the wetland feature and the associated "buffer" area is to be restrictively zoned, to prevent development on this area. Restrictive zoning and prescribed setbacks are proposed to protect the identified unevaluated wetland. The agent for the owners demonstrated through the Consent application process that there are suitable building envelopes on each of the new lots.

The proposed Zoning By-law Amendment conforms to the Official Plan.

Municipality of Temagami Zoning By-law

The subject lands are located within the Rural Residential (R3) Zone. The Zoning By-law Amendment is required to partially rezone Severed Lot B, C and the Retained Lot to Protected Area (PA) Zone. It is recognized that the Zoning By-law indicates that this zone applies to Crown Land; however in this case it will apply to patented lands and this is noted in the implementing Zoning By-law Amendment. This will restrictively zone the wetland feature and associated minimum setbacks to the Protected Area (PA) Zone to prohibit development in this area and within 30 metres.

Within the Rural Residential (R3) Zone, the minimum lot frontage is 50 metres and the minimum lot area is 0.8 hectares or 1 hectare with a drilled well and a maximum lot area of 1.5 hectares. The proposed lots meet the requirements detailed in the Zoning By-law. The proposed lot sizes are appropriate for the rural area.

E. RECOMMENDATION

Following a review of the proposed Zoning By-law Amendment application regarding the relevant policy context of the Provincial Policy Statement and the Official Plan, the proposed site specific amendment to rezone portions of the subject lands to the Protected Area (PA) Zone is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning.

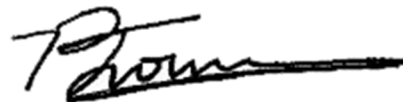
It is recommended that the Zoning By-law Amendment be passed by Council, in accordance with the attached draft Zoning By-law Amendment.

Respectfully Submitted,

MHBC Planning

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Jamie Robinson, BES, MCIP, RPP
Partner

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

Patrick Townes, BA, BEd
Associate