

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Rhonda Smith, Municipal Clerk	Application Number:	C-22-03
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Owners:	Jo-Anne Platts and John Dobney
Location:	Block 45, White Bear Court	Status:	Last Deferred from February 1, 2024
Report Date:	April 3, 2024	Application Type:	Consent

A. OVERVIEW

The Consent application submitted by Jo-Anne Platts and John Dobney for the subject lands located on Block 45, White Bear Court was deferred following the Committee of Adjustment meeting held on February 1, 2024. A copy of the report that was originally prepared for the January 25, 2024 Committee of Adjustment meeting is included as Attachment 1.

The application was generally deferred for the following reasons:

- 1) Opportunity for staff to provide background on Block 45 within the Plan of Subdivision;
- 2) Requested that the agent for the owners prepare and submit a drawing for each proposed lot that shows the proposed building envelopes;
- 3) Additional information to be provided regarding Species at Risk; and,
- 4) Provide revised conditions of provisional Consent.

Staff continue to recommend that the Consent application be provisionally approved, subject to a number of conditions, and on the basis that the proposal is consistent with the PPS and conforms to the Municipality's Official Plan. The technical studies related to lake capacity have been peer reviewed on behalf of the Municipality and are satisfied with the results and mitigation measures to proceed with the proposed lot creation on the subject lands.

A1. STATUS OF BLOCK 45

The approved Reference Plan of the Plan of Subdivision is included as Attachment 2. In the Subdivision Agreement, it is noted that Block 48 was to be dedicated to the Municipality for parkland purposes. There is an old map that incorrectly identifies the subject lands as Block 48. The subject lands in the approved Reference Plan is Block 45 and is patented land. Block 48 is located on the shoreline of Cassells Lake and is owned by the Municipality.

A2. PROPOSED BUILDING ENVELOPES

The owner's agent has prepared and submitted proposed building envelope drawings for each lot. These drawings are included as Attachment 3. The proposed zoning setbacks, septic system locations and resulting building envelope is shown on these drawings to demonstrate that there is sufficient area for future development on each lot.

A3. SPECIES AT RISK

The Environmental Impact Study submitted with the Consent application addresses Species at Risk, amongst other natural heritage features. The Study provides recommendations and mitigation measures that future owners must implemented in order to protect the natural heritage features on portions of the subject lands. Based on the EIS submitted in support of the application, the proposed development can occur in accordance with the applicable policies related to Species at Risk. It is noted that Species at Risk legislation is proponent driven legislation and owners of all properties within the Municipality are responsible to abide by the Endangered Species Act.

A4. REVISED CONDITIONS OF CONSENT

Applications for new lot creation (Consents and Plan of Subdivisions) are approved based on conditions that need to be satisfied, before the lots can be created and sold. Conditional based approvals are appropriate for these types of applications and the Planning Act recognizes the need for conditions in these instances. The owner is responsible for satisfying the provisional conditions of Consent before the lots can be created. Some of the conditions relate to legal and survey matter which generally a solicitor will deal with, including Conditions #1 to #3 which have been updated to capture the required legal wording. The other conditions implement measures that need to be carried forward to ensure mitigation measures are implemented from technical studies or to require documents be registered on title so future owners are aware of these documents. The proposed conditions of provisional Consent have been revised to be as simple and direct as possible. The conditions cannot be satisfied until the Municipality is satisfied that they have been adequately addressed.

B. RECOMMENDATIONS

It is recommended that the proposed Consent application be provisionally approved in accordance with the lot configuration sketch subject to the following conditions:

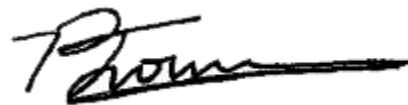
- 1) Preparation of a Reference Plan(s), to be deposited in the Land Registry office that is substantially in compliance with the application sketch submitted with the application.

- 2) The original executed transfers (deeds), both duplicate originals and one photocopy per Consent.
- 3) A schedule describing the proposed lots and naming the applicable grantor and grantee attached to the transfers for approval processes.
- 4) That a Consent Agreement be entered into with the Municipality to implement the recommendations and mitigation measures contained within the following:
 - a. Environmental Impact Study, prepared by FriCorp Ecological Services, dated November 2021.
 - b. Archaeological Assessment, prepared by Woodland Heritage Northeast Limited, dated December 9, 2021.
 - c. Specific Soils Assessment/Lake Capacity Study, prepared by RiverStone Environmental Solutions Inc., dated December 2023.
- 5) That the owner confirm that the proposed lots meet the minimum lot size and lot area following preparation of the final Reference Plan referenced in Condition #1.
- 6) That the owner apply and obtain approval of a Zoning By-law Amendment application to rezone areas on the subject lands to the Protected Area (PA) Zone in accordance with the recommendations contained within the Environmental Impact Study, to prohibit development within wetland features and Blanding's Turtle Habitat that was identified on the subject lands).
- 7) That the owner establish 911 address numbering to the satisfaction of the Municipality.

Respectfully Submitted,
MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate

