

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	Applicants/Owners:	Jo-Anne Platts and John Dobney
Location:	Block 45, White Bear Court	Status:	Deferred from November 10, 2022
Report Date:	January 25, 2024	Application Type:	Consent

**A. PROPOSAL/BACKGROUND**

A Consent application has been submitted by Jo-Anne Platts and John Dobney, who own the subject lands located on Block 45, White Bear Court. The subject lands are municipally known as 447 Fox Run and are currently vacant. The subject lands are shown in black on Figure 1 and are outlined in yellow on Figure 2.

Figure 1: Subject Lands and Surrounding Lands



Figure 2: Subject Lands



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.

The subject lands have road frontage on both Fox Run and White Bear Court, and have approximately 75 metres of lot frontage on the north portion of the subject lands on Cassels Lake. White Bear Court and Fox Run Road are identified as year-round maintained roads. The surrounding lands uses primarily include rural residential and shoreline residential development.

The purpose of the Consent application is to sever the subject lands to create a total of three new residential lots and one retained lot, for a total of four residential lots.

The proposed lot configuration was revised following the original Consent application submission as a result of the recommendations and mitigation measures contained within the Environmental Impact Study. Following the Consent application deferral on November 10,

2022, the applicants have provided an updated lot configuration sketch, which is shown in Figure 3.

Figure 3: Proposed Lot Configuration Sketch

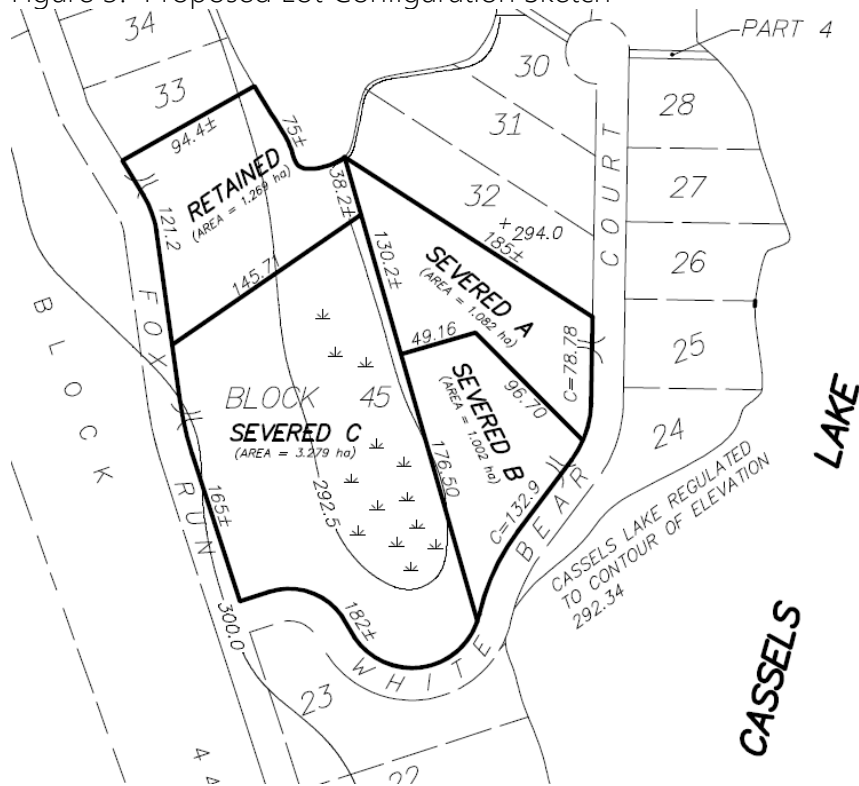


Table 1 includes a summary of the approximate proposed lot areas and lot frontages of the proposed lots on the subject lands. All proposed lot areas and lot frontage are subject to review when the final reference plan is prepared and submitted to the Municipality.

Table 1: Proposed Lot Areas and Lot Frontages

Lot	Lot Area	Lot Frontage
Severed A	1.08 ha	78 m
Severed B	1.00 ha	132 m
Severed C	3.28 ha	165 m
Retained	1.27 ha	121 m

The owners pre-consulted with staff regarding the proposed lot creation on the subject lands, and proposed lot creation through Part Lot Control, which is a planning mechanism to create lots on an existing Block within a Plan of Subdivision. Based on the time that has elapsed since the Plan of Subdivision was approved and considering there was no public notice previously provided on how this Block would be developed, the appropriate land use planning mechanism to evaluate the creation of new lots on the subject lands was through a Consent application.

## B. DEFERRAL FROM NOVEMBER 10, 2022 AND PUBLIC COMMENTS

The Municipality held a Public Hearing for the proposed Consent application on November 10, 2022. As a result of planning staff's review and the nature of the public comments that were received on the application, an approval on the proposal was deferred for the following items to be completed:

- 1) Completion of a municipally initiated Peer Review (with Ministry of the Environment, Conservation and Parks input) of the Lakeshore Capacity Assessment and Assessment of Mean Volume Weighted Hypolimnetic Dissolved Oxygen documents; and,
- 2) Review of the proposed driveway locations by the Public Works Department to confirm they are satisfied with the driveway locations from a safety perspective.

Comments on the proposed Consent application were submitted by Kim and Jim Krech, Paul Molson, Josh and Sherri Campbell, and Jaret Snively. A summary of the comments that were provided is included below, including a response from planning staff:

- Comment: Concerns with the proposed lot sizes and impacts of new lots
  - Response: The proposed lots are located within an area that is designated and zoned for residential development. The number of lots being created meets the requirements of the Official Plan and the lot sizes comply with the requirements and standards of the Zoning By-law.
- Comment: Concerns with the ability to develop on Block 45 within the Plan of Subdivision.
  - Response: This subject lands is considered a lot of record and the Official Plan policies and Zoning By-law regulations apply.
- Comment: Concerns with how the lots will be serviced with private water and septic system services.
  - Response: Private water and sewage services are proposed and require future approvals. Based on a review of the application, there are no concerns from planning staff and there is sufficient area to accommodate development within the prescribed building envelopes.

- Comment: Concerns with road safety due to the new driveways that are to be located on a curve and on a hill.
  - Response: The application was deferred to allow the Public Works Department to review the proposed driveway locations. The Public Works Superintendent visited the site with members of the owner's project team. The proposed driveway locations were reviewed and it was confirmed that the Public Works Department were satisfied with the proposed driveway locations as shown in Figure 3.
  
- Comment: Concerns that the Ministry has not been consulted to review the Lake Capacity Study that was completed.
  - Response: A Peer Review was recommended that would include a review with the Ministry of the Environmental, Conservation and Parks (MECP) to confirm the results of the studies that were prepared and submitted with the application. Following the Peer Review conducted by the Municipality, it was determined that Cassels Lake is not at capacity based on total phosphorus and Lakeshore Capacity Modelling and that there are appropriate soil conditions on the subject lands that meet the MECP's requirements for development on at-capacity lakes. Subject to the recommendations provided in the document prepared by RiverStone Environmental Solutions Inc, the proposed Consent can proceed.
  
- Comment: Concerns with the status of the current Official Plan vs. the new Official Plan and its updated policies.
  - Response: Updates to new planning documents do take time. There is no restriction on when applications can be submitted or approved, and the policies of the day apply to applications.
  
- Comment: Concerns regarding the wetland and environmental features on the subject property.
  - Response: The environmental features have been identified on the subject property and through agreements and zoning these areas are to be protected from future development. Currently there is no restrictive zoning or agreements in place to protect these features on the property. The implementing Zoning By-law Amendment would zone the wetlands to protect them from development and required a development setback.

- Comment: Concerns with not having an updated sketch showing the proposed lot lines and an accurate severance sketch.
  - Response: Due to the results of the Environmental Impact Study, there were revisions to the original lot configuration that was prepared by a surveyor. This is normal that through the application process that things change. Staff are comfortable with the lot configuration as provided in the Study and agree with the measurements that have been provided. There is a condition of provisional Consent that a survey be prepared and this survey is required to be approved by the Municipality at that time. It is normal not to have a formal survey and to rely on preliminary drawings and sketches at this time.
  
- Comment: Concerns with the request to purchase municipal lands adjacent to Cassels Lake.
  - Response: This appears to be a separate matter and does not have a bearing on any future recommendation for lot creation on the subject lands.
  
- Comment: Concerns with consistency of information being presented for different applications.
  - Response: This is a different property and each application and property is treated on the merits of the proposal and implications of surrounding features. In this case, the lots are directly adjacent to Cassels Lake which is identified as a Lake Trout Lake by the Province, but has not been deemed to be at capacity. But the local policies speak to having a study completed prior to development which is the process that has been completed by the owner.

## C. TECHNICAL STUDIES

Additional information, including the preparation of reports and studies were requested by staff through the pre-consultation process with the owner and their agents. This section provides a summary of the information that has been submitted with the Consent application.

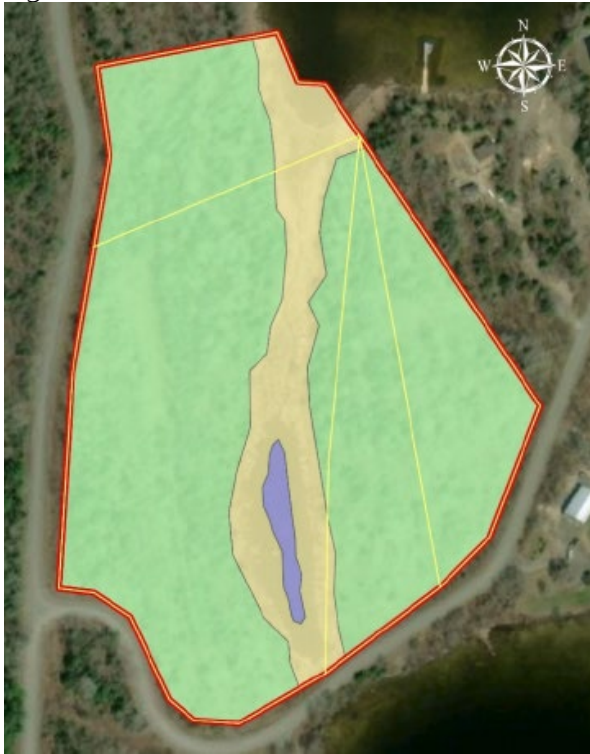
### Environmental Impact Study, FRi Ecological Services, November 2021

The Environmental Impact Study was completed to investigate natural heritage features and associated ecological functions. The Study identified two natural ecosites on the subject lands, one being forested and another being a wetland with an open water component and connection to Cassels Lake. The forested ecosite is identified in green on Figure 5 and the forested ecosite is identified in beige on Figure 5.



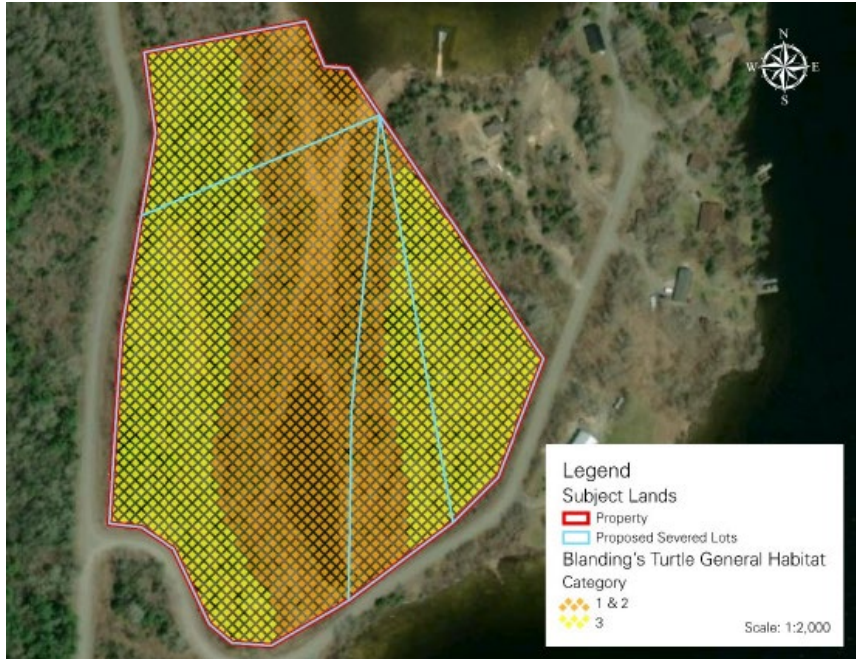


Figure 4: Ecosites



The Environmental Impact Study also identifies Category 1 and 2 Blanding's Turtle Habitat which is shown in orange on Figure 5. The Category 3 Blanding's Turtle Habitat is identified in yellow on Figure 5. It is our understanding that the Category 3 habitat corresponds with a 30 metre buffer from the wetland feature.

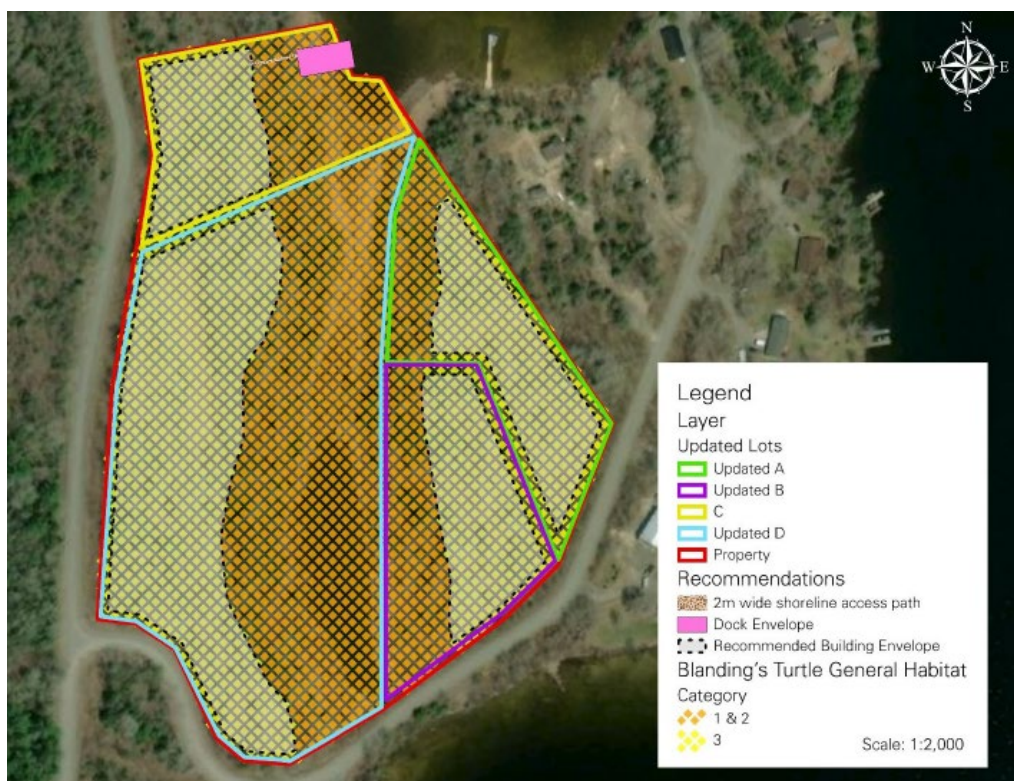
Figure 5: Blanding's Turtle Habitat



A recommended dock location is included in the Study for the only Severed Lot 1 which has lot frontage on Cassels Lake. The Study includes detailed mitigation measures to prevent any harmful alteration, disruption, or destruction of fish habitat, including a minimum setback of 30 metres from the wetland.

As a result of the environmental review of the subject lands, the proposed lot configuration was recommended to be revised to ensure that there were suitable building envelopes on each of the proposed lots. The building envelopes are identified on each lot, being located at least 30 metres from the wetland feature. The proposed building envelopes are shown in Figure 6.

Figure 6: Proposed Building Envelopes



The study concludes that the proposed Consent application can proceed while avoiding negative impacts on the natural heritage features and functions on and adjacent to the subject lands. Where the mitigation measures are implemented as outlined in the Study, the proposed development is consistent with the Provincial Policy Statement and conforms to the Municipality's Official Plan.

Archaeological Assessment, Woodland Heritage Northeast Limited, December 9, 2021

The Archaeological Assessment concludes the following:

*As no archaeological resources were located during the Stage 2 sub-surface survey of the areas of archaeological potential associated with the proposed subdivision of Block 45 (Map 16), no further archaeological resource assessment work is recommended in advance of the proposed land subdivision in Cassels Township, Municipality of Temagami, District of Nipissing, Ontario.*

Notwithstanding there were no archaeological resources were located on the subject lands, the Archaeological Assessment recommended a management plan be implemented on the subject lands, including the following:

*Despite efforts in 1993 and 2021 to locate the cemetery associated with the former Whitebear Settlement, no exact location could be identified. Should, through the use or development of the Lot human remains be encountered, the owner must contact Temagami First Nation, the Provincial Coroner, and the Ontario Provincial Police. Additionally, all work in the area where the human remains were encountered must cease until investigations have been completed.*

The Assessment notes that the above text has been discussed with Temagami First Nation and the owners, and all are agreeable that the language should be included in any future agreements and be registered on title of all the proposed lots.

Temagami First Nation was circulated a copy of the Archaeological Assessment and the Notice of Public Hearing, however at the date this report was prepared, no comments have been provided.

#### **Functional Servicing Report, Goodridge Goulet Planning & Surveying Ltd., November 29, 2021**

The Report concludes that the appropriate means of servicing for each of the proposed lots is by individual on-site septic systems and either wells or treated lake water. The Timiskaming Health Unit in their correspondence dated October 13, 2021 confirmed that the proposed three new lots are or could be made suitable to support Class 4 sewage systems. The topography of the land, as confirmed by site attendance, provides ample opportunity for suitable building sites. Driveway locations have been confirmed on all three proposed severed lots and the retained lot, and have been reviewed by the Public Works Department with no outstanding concerns.

#### **Lakeshore Capacity Assessment for Cassels Lake, FRI Ecological Services, August 2022**

Due to the status of Cassels Lake, being classified as a Coldwater Lake and a Lake Trout Lake, a Lakeshore Capacity Assessment was prepared to evaluate the proposed lot creation and the ability for Cassels Lake to accommodate future lot creation.

A Lake Capacity Study is a technical exercise and it was noted in the Assessment that the purpose of the study was to use the Province's Lakeshore Capacity Model (LCM) to predict background total phosphorous (TP) concentrations within Cassels Lake and estimate how much additional shoreline development can occur while maintaining TP concentrations below the Provincial Water Quality Objective (PWQO). PWQO for total phosphorous in lakes on the Precambrian Shield is the modeled 'background' plus 50%.

Cassels Lake is a 739-hectare lake within watershed 02JE-15 (Matabitchuan River). Its average depth is 9.7 m and maximum depth is 36.6 m. A total of 9 lakes greater than 25 ha in size outlet directly into Cassels Lake (Table 1, Figure 1), while a total of 43 lakes greater than 25 ha are within the Cassels Lake watershed and taken into consideration for lakeshore capacity modeling. Cassels Lake outlets into Rabbit Lake to the south.

The results of this Assessment are important and have overriding impacts on the potential for future lot creation on Cassels Lake. The Assessment concludes that based on the phosphorus modelling using the Lake Capacity Model, an additional 188 permanent residences, or 373 extended seasonal cottages, or 669 seasonal cottages could be added to the shore of Cassels Lake before reaching the TP concentration of background +50% or exceeding the PWQO.

#### Assessment of Mean Volume Weighted Hypolimnetic Dissolved Oxygen for Cassels Lake, FRI Ecological Services, October 2022

This Assessment was prepared as a follow-up to the Lakeshore Capacity Assessment. In addition to the Provincial Water Quality Objective (PWQO), another development consideration related to phosphorus is its effect on hypolimnetic (deep water layer below the thermocline) oxygen concentrations. These concentrations are a key element of habitat quality for many cold-water species, including lake trout. The assessment has concluded that Cassels Lake has a significant volume of usable to optimal lake trout habitat. Mean volume weighted hypolimnetic dissolved oxygen values (which is used as a measure of lake trout habitat) are slightly higher now when compared to values in 2010. It was determined that the small-scale development would not likely threaten the existing volume of hypolimnetic lake trout habitat on Cassels Lake through an increase in phosphorus.

#### **D. PEER REVIEW AND DRIVEWAY REVIEW**

##### Peer Review:

The owner prepared Assessments for Cassels Lake that concluded that the proposed development could proceed without negative impacts, and that Cassels Lake has the ability to support additional lot creation. The results and recommendations contained within the

Lakeshore Capacity Assessment and Assessment of Mean Volume Weighted Hypolimnetic Dissolved Oxygen are very technical in nature and municipal staff are not experts in this field. The studies confirmed that Cassels Lake had the potential to support an additional 201 permanent residences, or 399 extended seasonal residences, or 716 seasonal cottages. The results of the Assessments have implications on future development permissions on Cassels Lake, and as a result it was recommended that the Assessments that were prepared be subject to a Peer Review.

The purpose of the Peer Review would be to confirm that the findings of the Assessments are appropriate, to recommend any other mitigation measures if applicable, and for the Municipality to confirm and have a comfort level that the results are appropriate to use as a measuring tool for future development on Cassels Lake.

On behalf of the Municipality, Hutchinson Environmental Sciences Ltd. was retained to conduct the Peer Review. The initial Peer Review response was provided on April 20, 2023 and it concluded the following:

### **3. Conclusions**

Lakeshore Capacity Modelling requires many inputs and assumptions, especially when modelling a lake with a substantial number of upstream lakes for a modest development. Several improvements to the Lakeshore Capacity Assessment are required to provide greater certainty in the finding that there is development capacity on Cassels Lake based on Lakeshore Capacity (i.e. Comments #4 - #10). Cassels Lake however appears to be at capacity based on MVWHDO and the Lake Trout habitat criterion of 7 mg/L regardless of the accuracy and outcome of the Lakeshore Capacity Assessment. Therefore, a thorough description of on-site soils and a more detailed development plan should be provided to inform mitigation and an impact assessment, and determine if the proposed development aligns with Provincial guidance.

We believe that addressing these issues will improve the assessment so that it is based on the best available information and provides a higher level of confidence in the findings.

FriCorp provided a response to April 20, 2023 Peer Review and subsequently the applicant hired RiverStone Environmental Solutions Inc. to complete a Site Specific Soils Study for Lake Capacity in December, 2023 to provide a further response to the April 20, 2023 Peer Review with the understanding of the following:

- 1. Cassels Lake was determined by the province to be at capacity as it relates to dissolved oxygen concentrations for lake trout. Creation of lots can only be contemplated following the requirements of the Provincial Lakeshore Capacity Assessment Handbook, which includes a Site Specific Soils Assessment.**
- 2. The results of the Site Specific Soils Assessment showed that the soils on the property meet the criteria of the Provincial Lakeshore Capacity Assessment Handbook, including soil depth, chemistry and distance to groundwater.**

In response to the updated information from Riverstone Environmental Solutions Inc., Hutchinson Environmental Sciences Ltd. reviewed the material and concluded the following in their final Peer Review response, dated December 22, 2023:

**The Lakeshore Capacity Assessment and the Assessment of Dissolved Oxygen reports (FriCorp Ecological Services 2022) were completed to determine if Cassels Lake is at-capacity. In summary, the reports concluded that Cassels Lake is not at capacity based on total phosphorus and related Lakeshore Capacity Modelling, but it is at capacity based on dissolved oxygen measurements, calculation of Mean-Volume Weighted Hypolimnetic Dissolved Oxygen, and the lake trout habitat criterion of 7 mg/L.**

**Appropriate soils conditions were found on site that have been shown to attenuate sewage-related phosphorus and are aligned with MECP's requirements for development on at-capacity lakes. If the proponent agrees to implement the recommendations provided in the Soils Study, and a planning tool is available to ensure recommendations are implemented, then the development can proceed in accordance with relevant environmental policies.**

In the conclusions of the Peer Review process, Hutchinson Environmental Sciences Ltd., on behalf of the Municipality is acknowledging that Cassels Lake is not at capacity based on total phosphorus and Lakeshore Capacity Modelling and that there are appropriate soil conditions on the subject lands that meet the MECP's requirements for development on at-capacity lakes. Subject to the recommendations provided in the document prepared by RiverStone Environmental Solutions Inc, the proposed Consent can proceed.

#### **Driveway Review:**

In regards to the concerns from residents associated with road safety and driveway locations, the Public Works Superintendent attended the subject lands with members of the applicant's project team. Driveway locations were agreed upon and added to the proposed lot configuration sketch in Figure 3. Based on these locations, the Municipality has no concerns with the proposed lots, driveway locations and road safety.

### **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 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, including lot creation, that is locally appropriate is a permitted use on

Rural Lands. The proposed lots are located within a Block on an approved Plan of Subdivision that was identified as a future development block.

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 Timiskaming Health Unit in their correspondence dated October 13, 2021 confirmed that the proposed three new lots are or could be made suitable to support Class 4 sewage systems. Each of the proposed lots is to be serviced by either a well or treated lake water. The proposed lots meet the minimum required lot area in the Zoning By-law.

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 to evaluate the proposed Consent application, and to provide mitigation measures to ensure that development is consistent with the Provincial Policy Statement and conforms to the Official Plan. Following a review of the mitigation measures and conclusions provided in the Environmental Impact Study, it is recommended that the owner enter into a Consent Agreement with the Municipality to ensure that the mitigation measures as outlined in the Environmental Impact Study are registered on title for each of the proposed lots so that future owners are aware of the mitigation measures. It is also recommended that the owner be required to apply for a Zoning By-law Amendment to implement development restrictions on the portion of the subject lands identified as a wetland, Blanding's Turtle Habitat and associated 30 metre buffer area.

Section 2.2 of the PPS includes policies regarding water. Planning authorities shall protect, improve or restore the quality and quantity of water in different ways, including implementing necessary restrictions on development and site alteration if necessary to avoid negative impacts. The owner prepared Assessments for Cassels Lake that concluded that the proposed development could proceed without negative impacts, and that Cassels Lake has the ability to support additional lot creation. These results had overriding implications on the future development surrounding Cassels Lake, therefore the Municipality initiated a Peer Review of the two studies. Following the Peer Review process, it was determined that Cassels Lake is not at capacity based on total phosphorus and Lakeshore Capacity Modelling and that there are appropriate soil conditions on the subject lands that meet the MECP's requirements for development on at-capacity lakes. Subject to the recommendations provided in the document prepared by RiverStone Environmental Solutions Inc, the proposed Consent would be consistent with the water quality policies of the PPS.

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."*

It is recommended that the prescribed wording in the Archaeological Assessment regarding the management plan to be used if any resources are encountered on the subject lands/proposed lots be included in the Consent Agreement that is to be registered on title.

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 lands however, the Zoning By-law includes regulations for the Plan of Subdivision, including that no building or structure shall be located below 292.3 metres above sea level flood level. The owners will have to demonstrate compliance to this minimum elevation at the time of building permits on the proposed lots.

The proposed Consent is consistent with the relevant policies in 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 rural residential/resource-based recreational lots do not offend the policies of the Growth Plan.

## Municipality of Temagami Official Plan

The subject lands are designated as Special Management and are primarily located within the Matabitchuan Neighbourhood. The 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 Special Management Area.

Within the Special Management Area designations, existing and new private residential development is permitted, in accordance with the policies of Section 7.3.3. Section 7.3.3 of the Official Plan outlines the criteria for new development (Consents) on rural residential and remote residential properties.

Section 7.1 of the Official Plan makes refers to the subject lands and surrounding area:

*In addition, a large undeveloped approved subdivision exists at the northerly end of the lake system. The full environmental and social impact of that development will not be known for many years. As a result, proposals for new multi-lot development on the Cassels and Rabbit Lakes system will require an assessment of the impact of the existing inventory of vacant lots on the natural environment.*

The owner prepared Assessments for Cassels Lake that concluded that the proposed development could proceed without negative impacts, and that Cassels Lake has the ability to support additional lot creation. The results and recommendations contained within the Lakeshore Capacity Assessment and Assessment of Mean Volume Weighted Hypolimnetic Dissolved Oxygen are very technical in nature and we are not experts in this field. These results had overriding implications on the future development surrounding Cassels Lake, therefore the Municipality initiated a Peer Review of the two studies. Following the Peer Review process, it was determined that Cassels Lake is not at capacity based on total phosphorus and Lakeshore Capacity Modelling and that there are appropriate soil conditions on the subject lands that meet the MECP's requirements for development on at-capacity lakes. Subject to the recommendations provided in the document prepared by RiverStone Environmental Solutions Inc, the proposed Consent would conform to the to Section 7.1 of the Municipality's Official Plan.

Selected policies are included below from Section 7.3.3.1 regarding the creation of new rural lots:

- *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 satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent; and*

- *The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;*
- *The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the lot or lots are not negatively impacted by the development;*

The above policies have been satisfied on the basis of the results and recommendations contained within the Archaeological Assessment, the letter received from the Timiskaming Health Unit regarding septic systems, and the Environmental Impact Study that was prepared. Where required, it is recommended that any mitigation measures and recommendations of these reports be referenced in a Consent Agreement, to ensure that they are registered on title and future owners are aware of any mitigation measures or recommendations.

Section 9.7 and 9.7.1 of the Official Plan includes additional policies regarding Consents. Selected policies include the following:

- *if the lands are within 300 metres of a lake or a permanently flowing stream within its watershed, consider whether the lake is at capacity for development as per the provincial Lakeshore Capacity Assessment Handbook;*
- *generally the number of lots created does not exceed three;*
- *the financial impacts on the Municipality have been considered.*

The proposed development is located within 300 metres of Cassels Lake which is identified as a Lake Trout Lake. It is our understanding that Cassels Lake has not been confirmed to be at capacity, but Section 7.1 of the Official Plan requires that proposals for new multi-lot development on the Cassels and Rabbit Lakes system will require an assessment of the impact of the existing inventory of vacant lots on the natural environment. The proposed Consent includes the creation of three new lots and the results of the Peer Review confirm that the proposed lots meet the requirements of the Provincial Lakeshore Capacity Handbook.

Table 1 provides a summary of the general Consent policies contained within the Official Plan, in Section 9.7.1.

Table 1: 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. The proposed future residential uses are permitted on the subject lands.
Generally the number of lots created does not exceed three.	Yes. The proposed Consent application is to create three new lots, and one retained.
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.	The size and dimensions of the proposed lots support future residential development. The shape and dimensions of the proposed lot configuration is a result of the findings of the Environmental Impact Study and the consideration for establishing suitable building envelopes on each of the proposed lots.
The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands.	Yes. The Consent application would result in a new residential lots and does not hinder development on the retained lands.
The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses.	Yes. The size and dimensions of the proposed lots support future residential development. The applicant has provided information to confirm there are appropriate developable envelopes on each proposed lot, including lands for septic systems.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.	Yes. Only Severed Lot 1 has lot frontage on Cassels Lake. Recommendations for a dock location and considerations for fish habitat have been included in the Environmental Impact Study.
Site Plan Control	Yes. A Consent Agreement is recommended to implement the mitigation measures and recommendations of the supporting studies that have been submitted with the application. The purpose of this agreement

	is to ensure these items are registered on title and that future landowners are aware of this information.
Adequate access to the severed and retained parcel can be provided.	Yes. The proposed lots have adequate lot frontage that meets the requirements of the Zoning By-law and provides for locations for new driveway entrances. The Public Works Superintendent reviewed the proposed driveway locations on a site visit and confirmed there are no concerns with the locations proposed.
The severed parcel is not within 500 metres of a known sanitary landfill site.	Yes.
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. Correspondence from the Timiskaming Health Unit has been received to provide confirmation.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted.	Yes. Private wells or lake water is to service the proposed lots.
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 anticipated impacts of the development on the features.	Yes. An Archaeological Assessment and Environmental Impact Study has been prepared.
The financial impacts on the Municipality have been considered.	Yes. There are no anticipated financial impacts on the Municipality.

The proposed Consent conforms to the relevant policies contained within the Official Plan. The operative policies regarding lake capacity requires consideration whether a lake is at capacity where development is proposed within 300 metres, and also for new multi-lot development on the Cassels and Rabbit Lakes where the impact of the existing inventory of vacant lots on the natural environment is unknown.

The Municipality through the Peer Review process confirmed that despite being at capacity in terms of dissolved oxygen levels, Cassels Lake is not at capacity based on total phosphorus and Lakeshore Capacity Modelling and that there are appropriate soil conditions on the subject lands that meet the MECP's requirements for development on at-capacity lakes. Subject to the recommendations provided in the document prepared by RiverStone Environmental Solutions Inc, the proposed Consent can proceed.

This is important when evaluating new lots on Cassels Lake. The Lake is deemed to be at capacity, however additional development can proceed where it can be demonstrated that a specific site has appropriate soils to management phosphorus levels and impact to the Lake. This is completed through site-specific studies and mitigation measures that must be implemented through agreements with the property owners.

The recommended mitigation measures regarding soils on the proposed lots will be implemented through the Consent Agreement which is recommended as a condition of provisional Consent.

## Municipality of Temagami Zoning By-law

The subject lands are located within the Rural Residential (R3) Zone within the Zoning By-law. The zone standards for the R3 Zone are included in Section 7.6.2 of the Zoning By-law. Each of the proposed lots exceed the minimum requirement for lot frontage of 50 metres and a lot area of 0.8 hectares (without a drilled well) and 1 hectare (with a drilled well). This section also includes a maximum lot area of 1.5 hectares, and the proposed retained lot exceeds this lot size.

The Zoning By-law also includes a site specific provision that applies to lots within Plan 36M-610, which applies to the subject lands. This section states that no building or structure shall be located below 292.3 metres above sea level flood level. The owners will have to demonstrate compliance to this minimum elevation at the time of building permits on the proposed lots.

It is recommended that the owner be required to obtain approvals of a Zoning By-law Amendment, to ensure that the proposed lots comply to the Zoning By-law and to apply development restrictions to the wetland and Blanding's Turtle Habitat that was identified on the subject lands.

### **F. RECOMMENDATIONS**

Based on the review of the Consent application C-22-03 and associated material submitted by the owners and the Peer Review conducted by the Municipality, the proposed Consent application is consistent with the Provincial Policy Statement, conforms to the Growth Plan, and conforms to the Municipality's Official Plan.

The application was previously deferred to require a Peer Review process for the Lake Capacity information that was submitted with the original application and to allow time for the Public Works department to review the proposed driveway locations.

Following these process, staff are comfortable with providing a recommendation to approve the Consent application, subject to provisional Conditions of Consent that will ensure that the subject lands is rezoned to reflect protected areas and to implement the site specific mitigation measures of the environmental studies completed to support the development.

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

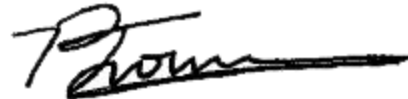
- 1) Preparation of an updated Reference Plan, in substantial compliance with the lot configuration sketch submitted to the Municipality;

- 2) That a Consent Agreement be entered into with the Municipality to implement the recommendations and mitigation measures contained within the Environmental Impact Study, the Archaeological Assessment and the Site Specific Soils Assessment.
- 3) That a Zoning By-law Amendment application be approved to ensure that the lots comply to the Zoning By-law and to apply development restrictions to the wetland and Blanding's Turtle Habitat that was identified on the subject lands.
- 4) That the owner establish 911 address numbering to the satisfaction of the Municipality.
- 5) Any other standard conditions of the Municipality (if any).

Respectfully Submitted,  
MHBC Planning

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

Jamie Robinson, BES, MCIP, RPP  
Partner

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

Patrick Townes, BA, BEd  
Associate