

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Sabrina Pandolfo, Deputy Treasurer	Application Number:	ZBA 24-03
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Stuart and Suzanne Campbell
Location:	STRATHY PT MINING LOC WD264 PCL 2497 NIP	Owner:	Same as Applicant
Report Date:	July 11, 2024	Application Type:	Zoning By-law Amendment

**A. RECOMMENDATION**

THAT Council receives the Planning Report dated July 11, 2024, respecting Zoning By-law Amendment No. 24-03; and,

THAT Council authorizes the passing of By-Law No. 2024- [redacted] 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 legally described as STRATHY PT MINING LOC WD264 PCL 2497 NIP. There is no municipal address for the subject lands that are generally located between Net Lake and Highway 11 North. The subject lands are located adjacent to Temagami North. The subject lands and the lands to be rezoned are outlined in red on Figure 1.

Figure 1: Subject Lands



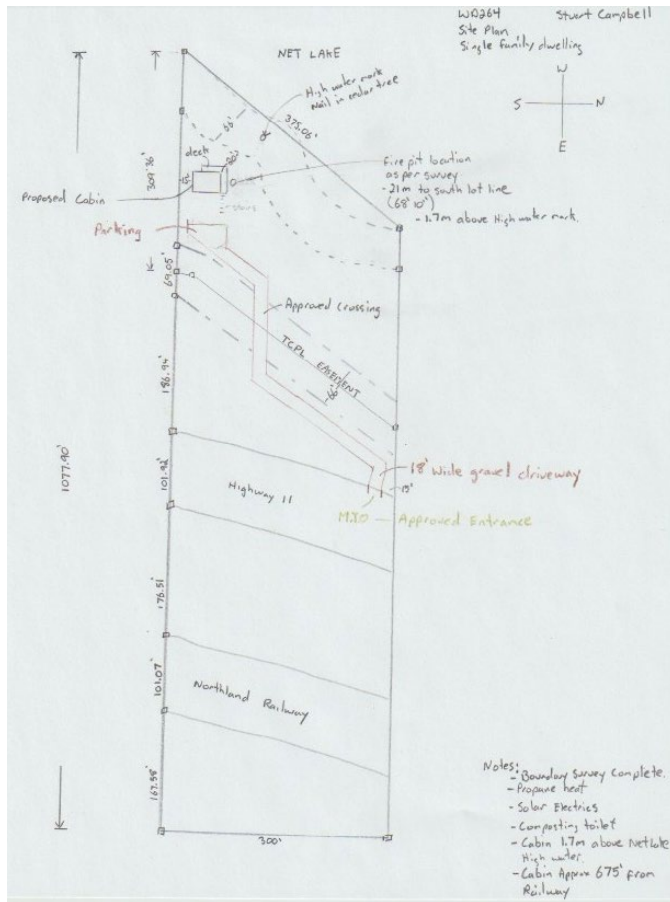
The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject lands in order to permit a dwelling unit. The subject lands are currently located within the Integrated Management Area (IMA) Zone [Crown Land] and a new dwelling unit is not a permitted use. The subject lands are not Crown Land and are privately owned. The Integrated Management Area (IMA) Zone is intended to be reserved for Crown Land, however the Zoning By-law incorrectly zones these lands as Crown Land. This application is not for the creation of a new lot, but rather correcting the zoning on the subject lands to reflect their private ownership. The application proposes to rezone the subject lands from the Integrated Management Area (IMA) Zone to the Rural Residential (R3) Zone.

The following applies to the subject lands:

- Lot area of 2 hectares (1.2 hectares west of Highway 11 North);
- Lot frontage of 120 metres on Net Lake;
- Designated as Integrated Management Area and are located within the Matabitchuan Neighbourhood in the Municipality of Temagami Official Plan;
- Contain a pipeline and there is an easement/lands under the jurisdiction of TC Energy;
- Accessed from Highway 11 North; and,
- Are located within 300 metres of a railway.

The owners are proposing a dwelling unit with a floor area of 111.5 square metres (1,200 square feet) and have submitted a site plan drawing with the application, included as Figure 2.

Figure 2: Excerpt of Site Plan Drawing



The owner pre-consulted with municipal staff prior to the submission of the Zoning By-law Amendment. The following information was submitted with the application:

- Landowner Crossing Agreement with TC Energy;
- Noise Feasibility Study;
- Entrance Permit from the Ministry of Transportation; and,
- Sign-off Letter from Temagami First Nation.

### C. COMMENTS RECEIVED

Following the issuance of the Notice of Public Meeting, there have been no comments received at the time this Report was prepared.

### 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 (PPS) 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, resource-based recreational uses (including recreational dwellings) are permitted uses on Rural Lands.

Section 1.2.6 of the PPS includes policies regarding land use compatibility. Sensitive land uses (such as residential) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The owner submitted a Noise Feasibility Study that confirmed that there are no impacts from noise or vibration from the railway or the highway at the proposed location of the dwelling unit.

Section 1.6.6.4 of the PPS 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 owner is proposing individual on-site services that will meet the requirements of the Ontario Building Code.

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. There are no natural heritage features identified on the subject lands or within adjacent lands.

Section 2.2 of the PPS includes policies to protect, improve or restore the quality and quantity of water. Section 2.2 h) states that planning authorities shall consider environmental lake capacity, where applicable. Through a previous Consent file on Net Lake, it was determined that the Province had determined Net Lake to be at capacity. The subject lands are vacant and is an existing lot of record on Net Lake, therefore development on the subject lands would not contribute to the lake being overdeveloped and exceed capacity. Further, the proposed use of a dwelling unit on the subject lands would have less of a potential impact on the health of the lake than other permitted uses, such as mining and aggregate extraction.

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."*

The owner pre-consulted with Temagami First Nation. In a letter dated December 14, 2023, Temagami First Nation did not recommend that a Stage 1 Archaeological Assessment be completed due to the lack of high archaeological potential on the proposed building envelope on the subject lands.

The proposed Zoning By-law Amendment 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 regarding the proposed Zoning By-law Amendment application is limited, however the development of rural residential/resource-based recreational development could be considered to conform to the policies of the Growth Plan.

## Municipality of Temagami Official Plan

The subject lands are designated as Integrated Management Area and the subject lands are 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 2.9 of the Official Plan states that no structures or excavations (other than those undertaken by a pipeline authority) shall be permitted on the pipeline right-of-way and no permanent structures or buildings shall be permitted within 10 metres of the edge of the right-of-way without prior consultation and approval of the pipeline authority. The owner has obtained a Landowner Crossing Agreement with TC Energy to allow the proposed driveway to access the proposed building envelope on the subject lands.

Section 2.12.1 of the Official Plan states that any development abutting a Provincial Highway or development that is located within the permit control area of a Provincial Highway, a Ministry of Transportation permit will be required prior to any construction or grading being undertaken. The owner has obtained an entrance permit.

The subject lands are located within 300 metres of the railway. Section 2.13 of the Official Plan requires a technical study to demonstrate that the proposed residential use is appropriate on the subject lands and there will be no impacts from noise and vibration as a result of the railway location. The owner submitted a Noise Feasibility Study that confirmed that there are no impacts from noise or vibration from the railway or the highway at the proposed location of the dwelling unit.

Section 2.14 and Section 9.24 of the Official Plan regarding cultural heritage features has been reviewed. The owner pre-consulted with Temagami First Nation. In a letter dated December 14, 2023, Temagami First Nation did not recommend that a Stage 1 Archaeological Assessment be completed due to the lack of high archaeological potential on the proposed building envelope on the subject lands.

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. The owner submitted a site plan drawing that demonstrates there are suitable building envelopes on the subject lands, that respect the natural state and vegetative buffer along the shoreline; and that meet the minimum required setback from the lake in the Zoning By-law.

Policies regarding natural heritage features and areas are included in Section 9.7.4 of the Official Plan. There are no natural heritage features identified on the subject lands or within adjacent lands.

Policies regarding lake capacity studies are included in the Official Plan regarding the creation of new lots. Through a previous Consent file on Net Lake, it was determined that the Province had determined Net Lake to be at capacity. The subject lands are vacant and is an existing lot of record on Net Lake, therefore development on the subject lands would not contribute to the lake being overdeveloped and exceed capacity. Further, the proposed use of a dwelling unit on the subject lands would have less of a potential impact on the health of the lake than other permitted uses, such as mining and aggregate extraction.

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

### **Municipality of Temagami Zoning By-law**

The subject lands are located within the Integrated Management Area (IMA) Zone. The permitted uses within this Zone include the following: conservation, hunt camps, recreational trails, huts and warm-up shelters, commercial timber harvesting, mining and aggregate extraction, and dwellings and accessory buildings that existed on the date the Zoning By-law was passed. The owner is proposing to rezone the subject lands to the Rural Residential (R3) Zone in order to permit a dwelling unit on the subject lands. The subject lands meet the minimum requirements of the Rural Residential (R3) Zone in regards to minimum lot frontage and lot area. The owner has also demonstrated that the proposed dwelling unit meets the minimum setbacks of the Zone. Following a review of the application and the proposed development, including the information that has been submitted with the application, residential uses are appropriate on the subject lands which is an existing lot of record on Net Lake.

## **E. RECOMMENDATION**

Following a review of the proposed Zoning By-law Amendment application and the relevant policy context within the Provincial Policy Statement and the Official Plan, the proposed site specific amendment to rezone the subject lands to permit a dwelling unit (to permit shoreline

residential uses) is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning.

It is recommended that By-Law No. 2024-\_\_\_\_ be passed by Council, in accordance with the attached draft Zoning By-law Amendment.

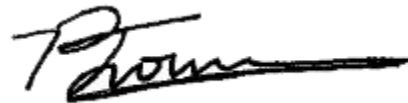
If there are comments received in opposition to the proposed application and Council would like staff to address the comments in a subsequent Report, it is recommended that a decision be deferred.

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 'Patrick Townes', with a long horizontal flourish extending to the right.

Patrick Townes, BA, BEd  
Associate