

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Municipality of Temagami Council
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Subject:	Public Meeting for the Official Plan Review and Draft 2 of the Official Plan
Report Date:	August 22, 2024

This report has been prepared to provide Council, agencies, stakeholders and members of the public with a status update of the Official Plan Review and to provide a summary of the changes that were made to the Official Plan in advance of the Statutory Public Meeting scheduled for August 22, 2024.

STATUS OF OFFICIAL PLAN REVIEW

Following review of all the comments that have been received to date, Draft 2 of the Official Plan has been prepared and posted on the Municipality’s website for further review and comments. The Official Plan has been updated in consideration of the comments that have been received from the following:

- The Ministry of Municipal Affairs and Housing;
- Members of the Public and Agencies;
- Temagami Lakes Association; and,
- Temagami First Nation.

The Notice of Public Open House and Public Meeting that was circulated included an anticipated timeline in order to bring the Official Plan Review to completion. Additional time for comments to be provided following the Public Open House and the Public Meeting has been provided. The anticipated timeline includes the following:

Friday, August 2, 2024: Draft #2 of Official Plan available for review on the Municipality’s website.

A Staff Report will be prepared in advance of the Public Open House and Public Meeting that summarizes the changes that have been made in Draft #2 of the proposed new Official Plan.

Thursday, August 22, 2024: Municipality to host Public Open House and Statutory Public Meeting.

Monday, September 30, 2024: Deadline to provide comments on Draft #2 of the Official Plan in order to be incorporated into the Final Official Plan.

- October, 2024:** Staff to review and incorporate comments on Draft #2 and prepare the Final Official Plan for Council adoption.
- Thursday, November 14, 2024:** Anticipated meeting date for Council to adopt the Final Official Plan.

Comments are to be sent to clerk@temagami.ca with reference to "Official Plan Draft #2.

SUMMARY OF KEY MODIFICATIONS FROM FIRST DRAFT OF OFFICIAL PLAN

1. Details added about MOU with Temagami First Nation and Teme-Augama Anishnabai
2. Skyline Reserve – policies modified to more closely align with in effect OP.
3. Vision updated
4. Objectives of Plan updated to include Tenets for Temagami
5. Focus of population growth in the Urban Neighbourhood
6. Limitation of Settlement Area Expansion into the Lake Temagami Neighbourhood
7. Inclusion of policies from current plan related to maximum of 5 lots per year on Lake Temagami.
8. Confirmation of existing uses being permitted within the Skyline Reserve.
9. Confirmation in the Residential Waterfront designation of cabin second dwelling, sleeping cabin and contractor's yard being permitted as accessory uses.
10. New designation added that applies to mainland properties on Lake Temagami. "Restricted Rural/Waterfront – Lake Temagami".
11. Updated Cultural Heritage policies included.
12. Modified lake capacity policies included.
13. Updated Secondary Dwelling Unit policies included.

SUMMARY OF COMMENTS ON DRAFT 1.2 OF OFFICIAL PLAN

The basis for Draft 2 of the Official Plan was formulated from the comments that have been received. The following is a summary of the comments that have been received and how they have been addressed in Draft 2 of the Official Plan.

Ministry of Municipal Affairs and Housing

Following direction of Council (2018 – 2022 term), the Draft Official Plan was submitted to the Ministry of Municipal Affairs and Housing in accordance with the requirements of the Planning Act, on February 16, 2022.

Historically, the Ministry provides comments on draft Official Plans within 90 days of receipt, but it was understood that the Ministry was delayed in responding due to the volume of documents that were being reviewed. When contacted for an update on the timing, the Ministry was unable to provide an estimated timeline for comments due to the current volume of documents currently in the queue.

Without a prior update, the Municipality received a letter from the Ministry, dated July 7, 2023. This letter has been attached to this report. The Ministry has confirmed that they will not be providing comments on the Draft Official Plan, but has instead elected to only comment on the version of the Official Plan that is adopted by Council. This process is not typical.

When the Council adopted Official Plan is provided to the Ministry, they will either approve as-is or approve the Official Plan with revisions. If revisions are proposed, the Ministry will typically consult with the Municipality on the revisions.

Although the Ministry was not able to provide formal written comments on the Draft Official Plan, a call was held with Ministry staff to discuss their comments on December 7, 2023. Overall, the comments were minor and there were no significant concerns with the document. Examples of the comments that were received include the following:

- Confirm the populations projections referenced in Section C.1.1.1;
- Ensure any Settlement Area boundary policies are consistent with the Provincial Policy Statement;
- Suggestion to add specific criteria and requirements for when a Lakeshore Capacity Assessment is required;
- Request to change minimum lot area to 1 hectare unless appropriate studies are completed – Section E.4.3.2;
- Ensure water quality policies are consistent with the Lakeshore Capacity Assessment Handbook in Section H.4.1.4; and,
- Update policy in Section J.1.4.2 to be consistent with the wording in the Provincial Policy regarding partial servicing.

The requested updates following the call with the Ministry of Municipal Affairs and Housing have been included in Draft 2 of the Official Plan. It is also anticipated that a new Provincial Policy Statement will be released shortly. Depending on the changes to the Provincial Policy Statement, there may be additional policy changes required to the Official Plan from the Province's perspective.

Public and Agency:

Through the public consultation sessions and advertising on the Municipality's website, members of the public and agencies have provided comments on Draft 1.2 of the Official Plan. A comment response table has been prepared that includes the comments that were provided on Draft 1.2 and the responses which summarize how the Official Plan has been updated following review of the comments.

Staff note that there has already been comments submitted on Draft 2 of the Official Plan. Similar to the comments on Draft 1.2, these comments will all be considered before the next draft is prepared.

The comment response table for the public comments has been attached to this report as Appendix 1.

Temagami Lakes Association Comments:

The Temagami Lakes Association have provided detailed comments on Draft 1.2 of the Official Plan. Staff have reviewed these comments from the letters dated February 28, 2022 and April 18, 2022 that have been submitted by Anthony Usher Planning Consultant on behalf of the Temagami Lakes Association.

Responses to each of the comments have been provided in red text (embedded in the letters) and have been included in this report as Appendix 2.

Temagami First Nation:

Municipal staff has had previous discussions with Temagami First Nation staff in order to receive staff comments on Draft 1.2 of the Official Plan. Following many follow-ups and attempts to receive comments from Temagami First Nation staff, a presentation was held with the Joint Council on January 9, 2024. MHBC staff, Municipal staff and Mayor O'Mara attended the meeting on behalf of the Municipality.

Following the meeting with Joint Council, comments were provided to the Municipality on May 16 2024. These comments have been attached to this report as Appendix 3.

SUMMARY

The purpose of the Public Open House and Public Meeting is to present the main items that were updated in Draft 2 of the Official Plan. Staff continue to welcome constructive comments and feedback on the Official Plan prior to the preparation of the next draft.

Appendix 1
Comment Response Table – Public and Agency Comments

#	Comment	Comment Response
	Biff Lowery March 1, 2022	
1.	The policies for the urban neighbourhood in general seem fine, but the policies for the Lake Temagami neighbourhood indicate, to me, a lack of support for island residents and their long-held and legitimate aspirations for their neighbourhood. I can only hope that the rushed timeline of this Official Plan Review (OPR) is the reason behind its deficiencies. The current draft is marred by: Numerous errors in syntax; contradictions in both policies and schedules; motherhood statements; and schedules that are unread-able. This lack of proofreading is inappropriate for a document that has been released for public comment and that is intended to guide our community for the next 23 years. Hence, my first comment is that the timeline for this OPR should be extended. Some of the major changes in policy direction that are contained in this draft come without advance notice. The municipality must provide a rationale for the new direction this draft is proposing, and it will take time for residents to reflect and respond.	The draft has been available for comment since 2022. This second draft of the document has been further reviewed.
2.	The proposed plan aspires to implement the Tenets for Lake Temagami, but instead designates hundreds of acres of mainland around Lake Temagami as Waterfront Residential. All the land on the mainland that is designated 'Waterfront Residential' should have that designation removed. Mainland mining claims should be designated for mining use, which would be subject to provincial mining legislation for sensitive areas. Permanent structures for residences would not be a permitted use in this designation. The proposed plan eliminated the reference to development on the mainland being limited only to those lots that existed legally on the day the plan was approved and does not list the small number of mainland exceptions. The policy in the current plan to limit mainland development to existing uses should be restored and the short list of exceptions should be added. There should be stronger language to aspire to repair the damage done to natural heritage sites like the Skyline Reserve. In my view, these deficiencies need to be corrected.	The mapping schedule has been updated for the mainland areas around Lake Temagami. The Waterfront Residential designation was applied incorrectly to these lands. Waterfront residential designation removed from mainland properties. Additional skyline reserve policies included. (D.2.6.4)
3.	There are numerous positive references to protect wilderness and semi-wilderness values on Lake Temagami and elsewhere. Peace and quiet and privacy are implied in	Section L.8.3.1 of Draft Official Plan updated to Implement Section 7.4.2 of Zoning By-law.

	Biff Lowery March 1, 2022	
#	Comment	Comment Response
	these values but only receive glancing mention. While separation distances are frequently referred to with respect to other uses and facilities, the separation distance of 200 meters between new residential lots created from crown land and existing lots on Lake Temagami has been eliminated. The 200-metre buffer referred to above should be restored to the plan.	
4.	The current ban on the use of plans of subdivision for lot creation on Lake Temagami has also been removed, which has huge implications for the character of the lake given the amount of land being designated for residential development. 'Tourist Commercial' conversions to 'residential' that currently can only occur by consent to limit lot creation to a total of four lots has also been removed, which is contradictory to the policy to protect semi-wilderness values. I also noted that section 5.3.7.1 of the current plan establishing an annual rate of new lot creation has also been deleted. The combination of large tracts of mainland being designated for residential development, possibly by plan of subdivision, with no annual limit to the number of lots to be created, is an aggressive approach to lot creation on Lake Temagami. I do not believe that lot creation at this scale would provide much local benefit but instead provide most of the benefits to larger adjacent communities while lake residents sacrifice a much-loved and hard-won historical pattern of development. The policies relating to subdivisions, consents for 'Tourist Commercial' conversions to residential, and development rates from the current plan should be reinstated to support the protection of semi-wilderness values on Lake Temagami.	<p>Lot creation by Consent or Plan of Subdivision is permitted subject to the following policies of the Plan:</p> <p>Section E.7.5 contains policies related to the conversion of Tourist Commercial Uses. The Plan does not support the conversion.</p> <p>Section E.7.5.4 provides limited opportunity for a residential lot to be created from a tourist commercial lot.</p>
5.	The new Lake Service designation seems to pave the way for the creation of light industrial lots on Lake Temagami. I am unaware of the intent of this designation given the recent Official Plan Amendments pertaining to 'Home Industry' and 'Contractor's Yards'— however, I notice the former total ban on elevating land use permits to patented lands on the mainland of Lake Temagami in the current plan has had an exception appended to it in the draft plan for the access point. There are a number of references in both the Background Report and the draft OP for improvements at the access point and exploratory discussions have occurred with the province and municipal staff to "investigate the ability to utilize crown land for industrial land and lands around Lake Temagami for staging areas" (pg.8, Background Report). I do not see	<p>Intent of this designation is to provide a location for uses to operate which service residential and tourist commercial lots in the municipality.</p> <p>The Lake Service designation is intended to provide the opportunity for businesses that provide services to residents of Lake Temagami. There are currently no lands designated Lake Service in the Draft Official Plan.</p> <p>The Plan has been updated to include Section E.6.3.7 to allow the Municipality the option to undertake a study to identify lands</p>

	Biff Lowery March 1, 2022	
#	Comment	Comment Response
	the need to create 'light industrial' lots on Lake Temagami and that the historical pattern of use of the existing staging areas at the Lake Temagami Access Road (LTAR) has proven to be effective without the creation of patented lots. I support the following improvements to the access point: Additional parking area; improved traffic flows on ancillary roadways; safe dockage; and proper garbage collecting/handling. I cannot support the creation of new patented lots on the mainland of Lake Temagami to enhance the staging areas. I am under the impression that the First Nations residents of Lake Temagami have agreed to not commercially develop their mainland in the set aside lands for the negotiated Treaty of Coexistence as long as the municipality does not develop the mainland of Lake Temagami under its jurisdiction. I cannot support the establishment of a mainland development precedent that would have such far reaching implications for the character of Lake Temagami in order to provide staging areas for local contractors!	for the new Lake Service Designation, if the Municipality would like to pursue this designation.
6.	Previous plans took a cautious approach to development to avoid doing something to the lake that we would one day regret, but still supported careful development in the form of lot creation on the islands of Lake Temagami. This approach was thwarted by the province in the name of protecting lake trout, so the balance was lost between social, environmental, and economic concerns in our approach to planning. Our current challenge is to look for alternate pathways to prosperity and the Lake Capacity Study could be a step to restore the balance required for a successful community. The current draft of the OP does not create economic development that is consistent with the Tenets for Lake Temagami and, I feel, it will create a schism in our community and must be amended to a more cautious approach.	Noted.

	Linda Bangay February 28, 2022	
#	Comment	Comment Response
7.	I wish to comment on Draft 1.2 of the new "Official Plan" (OP) that is currently being updated by the Municipality of Temagami. I am a fourth-generation seasonal resident of Lake Temagami. My Great-Grandfather (A.L. Cochrane) founded the original Camp Temagami in the early 1900s, and my family has owned property on the Lake continuously since	Noted.

	Linda Bangay February 28, 2022	
#	Comment	Comment Response
	<p>that time. Thus, I have a vested interest in the prosperity of the Town and the continued ecological and aesthetic integrity of the Lake and other natural areas within the Municipality.</p> <p>Lake Temagami (and other area waterfront) property owners contribute nearly 60% of the tax revenue for the Municipality of Temagami. Thus, the new OP must serve as a document which adequately reflects the needs and values of seasonal residents, as well as all other area stakeholders (e.g., First Nation groups, permanent residents and business owners, seasonal businesses, summer-camp operators). For it to do otherwise is inappropriate and is a missed opportunity to incorporate the significant knowledge and experience of people who can greatly assist the Municipality going forward – from both an environmental and economic standpoint.</p>	
8.	<p>The new Official Plan must allow for a healthy local economy and stable population base, while fully recognizing the need to protect the special ecology zone that is Lake Temagami and its surrounding mainland. Economic development in Temagami should be environmentally-friendly and result in minimal disruption of the environs outside of the urban core. It cannot result in the degradation of ecosystems and biodiversity on, or around, Lake Temagami and other natural areas, and should maintain or improve the current aesthetic values and semi-wilderness characteristics that make the Temagami region unique.</p>	<p>The Official Plan contains a number of policies to facilitate local economic development and a prosperous economy.</p> <p>The Official Plan contains objectives and policies that recognize the importance of the environment as well as the semi-wilderness values.</p>
9.	<p>The following principle was presented during the “Strategic Plan” consultation process and should be the primary objective of the new OP: <i>“All new development is to be vetted through an environmental lens and sound, scientifically-proven mitigation initiated for any and all potential environmental impacts.”</i></p>	<p>The Official Plan contains objectives and policies that recognize the importance of the environment as well as the semi-wilderness values.</p>
10.	<p>The preamble to the “Strategic Plan” should also be incorporated into the new OP, as it accurately depicts how land-use decisions should be made in Temagami: <i>“The Municipality of Temagami has unique characteristics that help to find a path forward. The large, influential seasonal population, well-established land-use “guard rails” that define what development can occur and where, large tracts of pristine wilderness, and world recognition as a canoeing destination are all important considerations in the development of a strategic plan.”</i></p>	<p>The Official Plan is a land use planning document whereas the Strategic Plan provides strategic direction for land use and non-land use planning considerations.</p> <p>The vision contained in Section B.2 captures aspects of economic prosperity and environmental stewardship.</p>

	Linda Bangay February 28, 2022	
#	Comment	Comment Response
11.	#1 To date, the “Tenets for Temagami” (“Tenets”) have played a significant role in protecting the Lake Temagami shoreline and surrounding areas from urban development, mining activities, and other negative impacts. The fact that the Ministry of Natural Resources and Forestry amended local mining regulations to accommodate the “Tenets” indicates the relevance of these principles. The entire “Tenets’ document should, therefore, be appended to Draft 1.2 of the new OP (see Appendix 1 of Draft 1 of the new OP).	Tenets included in Appendix 1.
12.	#2 All land-use decisions in the Municipality should be completed in an environmentally-responsible manner according to the “Tenets for Temagami” – to preserve the unique wilderness character of the area and maintain a high level of water and air quality. These should be referenced throughout Draft 1.2 of the new OP, as follows: <ul style="list-style-type: none"> • The “Skyline Reserve” and a “Ecological Buffer Reserve” surrounding it must be maintained to protect the diverse ecosystems of the Temagami region and the unique viewscapes of Lake Temagami. The description of the “Skyline Reserve” in Draft 1.2 of the new OP is incomplete and must be consistent with the “Tenets”. 	Section D.2.6.4 updated to include additional details involving Skyline Reserve.
13.	<ul style="list-style-type: none"> • Future development should take place in an ecologically-sound manner only within the current Urban Neighbourhood, on a limited number of Lake Temagami islands (and carefully-selected sites on other municipal lakes), at existing Lake Temagami access points, and within the context of land use that may occur as part of future First Nation land settlements. Otherwise (as describe in the “Tenets for Temagami”) no mainland development should take place either on Lake Temagami or on Cross Lake. 	Official Plan carries forward growth management concept of Existing Official Plan.
14.	<ul style="list-style-type: none"> • Road access-points to Lake Temagami include those at the Town waterfront, Finlayson Park, Strathcona Landing, and the Lake Temagami Access Road. No new road access-points to Lake Temagami should be constructed, and others that currently exist should be removed. 	The Official Plan does not propose any additional Road access points to Lake Temagami
15.	#3 Economic prosperity for the Municipality is a very important consideration, but cannot come at the expense of the natural environment. Draft 1.2 of the new OP seems very development-focussed, but should be much more environmentally-focussed. All development activities in the Temagami area must justify their necessity and be	The Official Plan contains a number of environmentally focused objectives and implementing policies.

	Linda Bangay February 28, 2022	
#	Comment	Comment Response
	subject to careful scrutiny regarding potential deleterious impacts on the natural environment and the quality of the "Temagami Experience".	
16.	Section 5.3.7.1 of the current OP specifies that a maximum of five (5) new lots from patented or Crown land (non-cumulative each calendar year) are permitted in the Lake Temagami Neighbourhood. This restriction should be included in Draft 1.2 of the new OP (as well as a link to the <i>Temagami Land-Use Plan, 1997</i>).	The Official Plan does not limit the number of new lots per year however, there are a number of policies that must be satisfied to ensure that lot creation is orderly, well planned and appropriately considers environmental features.
17.	In addition, the boundary of the Municipality's Urban Neighbourhood should not be extended into the Northeast Arm of the Lake. An increase in urban-like development on Lake Temagami (and other area lakes) would have detrimental impacts on their respective natural- and cultural-heritage characteristics.	The Official Plan does not extend the limits of the Urban Neighborhood.
18.	#4 Climate change is having enormous effects on all natural environments, including Lake Temagami and surrounding natural areas – but is mentioned only briefly in Draft 1.2 of the new OP. A much-more-detailed description of preventative and mitigation practices regarding climate-change pressures must be included in this draft.	The Official Plan requires the considerations of climate change on Site design. The OP contains natural hazard policies regarding flood protection. The OP contains a number of policies requiring stormwater management to be considered throughout the development process.
19.	#5 The following corrections and/or additions are required for Draft 1.2 of the new Official Plan: (a) In section A.3.1.2 on page 7, the "Tenets for Temagami" is the correct terminology (not the "Tenants of Temagami"). In section B.3.1.1 (g) on page 9 and in section D.2.3.2 on page 17, the "Tenets for Temagami" should be listed instead of the "Tenets for Lake Temagami".	
20.	(b) "Schedule A" incorrectly indicates that a number of patented properties within the Lake Temagami "Skyline Reserve" permit "Residential Waterfront" or "Rural" uses, which is contradictory to long-established policy and Section D of Draft 1.2 of the new OP.	This has been corrected. Skyline Reserve policies to apply to these lands.
21.	Some of the "Mineral Aggregate Potential Overlay" areas of "Schedule A" in the Northeast Arm of Lake Temagami are also shown as being located with the "Skyline Reserve", and are likewise inconsistent with long-established policy.	This has been corrected.
22.	Recognizing both Cross Lake "Access Point 14" and Baie Jeanne "Access Point 15" on "Schedule C" is contrary to the "Tenets for Temagami". These access points should not exist.	Removed.
23.	An appendix with definitions (e.g., for "carefully-planned development", shoreline "setback", "Site Plan Control",	The Official Plan does not contain definitions.

Linda Bangay February 28, 2022		
#	Comment	Comment Response
	"Sharing Economy", "Cash-in-Lieu of Parkland", etc.) should be included.	
24.	The colours of maps in some of the "Schedules" and "Appendices" should be more contrasting so that they are easier to read. In addition, the "Appendix 5" ("Fire Hazard") map is very difficult to navigate (likely due to scale), and should be amended to improve readability.	The schedules and appendices have been updated.
25.	There must be full transparency and ease of access to information throughout the development of the new Official Plan (and subsequent new Zoning By-Law). This is necessary to ensure objectivity during these processes and will ultimately foster greater community trust and participation.	There is a portion of the Municipality's website designated to the Official Plan review and all documents are made available.

Marty Martelle February 28, 2022		
#	Comment	Comment Response
26.	I have been a seasonal visitor to a family cottage on Lake Temagami for the past 30+ years. I wish to see a healthy Lake Temagami and a thriving Municipality of Temagami. Lake Temagami property owners (and other area waterfront properties) contribute nearly 60% of the tax revenue for the Municipality of Temagami. Therefore, the new OP must reflect the views of seasonal residents, as well as all other area stakeholders (e.g., First Nation groups, permanent residents and business owners, and seasonal business / summer-camp owners).	Noted.
27.	The Municipality of Temagami needs a healthy local economy that can maintain a stable population base. This economy cannot come at the expense of the environment. Economic development in Temagami should be environmentally-sustainable and be concentrated in the urban core as much as possible. The aesthetic values and semi-wilderness characteristics that make the Temagami area unique must be maintained.	The Official Plan contains a number of policies to facilitate local economic development and a prosperous economy. The Official Plan contains objectives and policies that recognize the importance of the environment as well as the semi-wilderness values.
28.	This principle from the "Strategic Plan" consultation process, should be the primary objective of the new OP: <i>"All new development is to be vetted through an environmental lens and sound, scientifically-proven mitigation initiated for any and all potential environmental impacts."</i>	The Official Plan contains objectives and policies that recognize the importance of the environment as well as the semi-wilderness values.
29.	The preamble to the "Strategic Plan" should also be incorporated into the new OP: <i>"The Municipality of Temagami has unique characteristics that help to find a path</i>	The Official Plan is a land use planning document whereas the Strategic Plan

Marty Martelle February 28, 2022		
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	<i>forward. The large, influential seasonal population, well-established land-use “guard rails” that define what development can occur and where, large tracts of pristine wilderness, and world recognition as a canoeing destination are all important considerations in the development of a strategic plan.”</i>	provides strategic direction for land use and non-land use planning considerations. The vision contained in Section B.2 captures aspects of economic prosperity and environmental stewardship.
30.	To date, the “Tenets for Temagami” (“Tenets”) have had a significant role in protecting Lake Temagami shorelines from development, and from mining and other impacts. The fact that the Ministry of Natural Resources and Forestry (MNR) was willing to amend mining regulations to accommodate the “Tenets” highlights their relevance.	Tenets included in Appendix 1.
31.	All land-use decisions in the Municipality should be completed in accordance with the “Tenets for Temagami” in order to preserve the unique wilderness character of the area and maintain a high level of water and air quality.	The Tenets are included as an Appendix to the Official Plan and numerous policies are included throughout the plan to protect the semi-wilderness character of the area, water quality and air quality.
32.	There must be full transparency and ease of access to information related to the Official (and subsequent Zoning By-Law) updating process. Provision for public awareness is required to ensure fairness and will also lead to trust and greater community participation.	There is a portion of the Municipality’s website designated to the Official Plan review and all documents are made available.

Nicole Brooker February 28, 2022		
#	Comment	Comment Response
33.	K.6 and K.7: Home Industries and Contractor Yards: Throughout the 1.2 Draft for Temagami’s new OP, there are frequent references to the importance of keeping our lakes and water clean, preserving the integrity of our shorelines, maintaining our semi-wilderness and wilderness view scape, in general, and especially on Lake Temagami. I do not see how allowing site alteration for Home Industries and Contractor Yards (K.6 and K.7) on waterfront properties supports any of the values mentioned above.	Section K.6 permits home industries on residential lots in the Lake Temagami Neighborhood. However, the policies require these uses to be limited in scale and compatible with surrounding residential uses. The policies require a Zoning By-law amendment and consideration of various measures to ensure the proposal maintains the character of the area. Contractors Yards are not identified as a permitted use on Rural Residential lots in Lake Temagami neighborhood. Section K.7.1.3 has been modified.
34.	I would suggest that site alteration not be considered on Waterfront Properties in general and on Lake Temagami specifically. Should they be considered for waterfront properties, they should be well away from the shoreline and not in the Shoreline Activity Area. The text in Draft 1.2	Site Alteration might be necessary as part of development or redevelopment in accordance with the Zoning By-law. Section H.2.1.6 provides the opportunity for the municipality to require site specific

	Nicole Brooker February 28, 2022	
#	Comment	Comment Response
	of the OP states several times that the shoreline needs to be protected from erosion and the consequences that erosion would have on the flora, fauna and aquatic creatures that inhabit the shorelines of our lakes and to the health of the lakes in general.	evaluation of features prior to development or site alteration to ensure the protection of features. Implementation polices enable the municipality to enact a site alteration By-law.
35.	Should the site where these activities are taking place no longer suit the needs of the business, it should be incumbent upon the business to relocate to a property suitable to the needs of the business. In fact, this OP draft states in E.8.1.1 Industrial: "It is the intent of the Municipality that industrial uses be consolidated in specific areas."	E8 speaks to the industrial designation this does not apply to Lake Temagami
36.	'Industries' and 'Contractors Yards' do not reflect the semi-wilderness/wilderness aesthetic of the Temagami Experience.	Noted.
37.	Schedule A: Abandoned Mining Claims: These claims are shown as 'Residential Waterfront' in Lake Temagami and Austin Bay. As there is no mainland development permitted in the Skyline Reserve, this designation should be removed.	This has been corrected.
38.	Lack of environmental consideration: This plan speaks to the integrity of our lakes remaining clean, our fish stocks abundant, the value of the semi-wilderness/wilderness aspect in our community yet there is no mention on how to ensure these values are not eroded. Nowhere in the plan is there a mention of a need for Boat Washing Stations at any of the 16 launches in the municipality. The spiny water flea is here, and they compete with our fry for food	The Official Plan contains a number of policies that require the protection of environmental features and semi-wilderness features and the Zoning By-law implements these policies. Requirements for vegetative protection and building requirement setbacks are included in the Zoning By-law Requirement for boat washing stations is not a Land use planning matter.
39.	K.9. Wildland Fires: To the best of my knowledge, there have been no Wildland Fires on any of the islands in Lake Temagami. In fact, when the 'Temagami Forest Reserve' was created in 1901 little did one realize that one day the policy of allowing cottages on 'islands only' would be to the benefit of the 'islanders' - keeping us safe from these occurrences. It must be noted that the FireSmart program is embedded within the Wildland Fires policy. I make mention of this to bring to your attention that at the LaTempra annual meeting of last October 2021, a sitting member of council advised the members at the meeting, that we would be able to clear our island properties close to the shoreline as long as a 'visual buffer' hid whatever was behind that buffer (ie: Contractor's Yard) using recommendations in the FireSmart programme. I sincerely hope that this is not the case.	Willand Fire mitigation is permitted or supported by risk assessment but cannot negatively impact natural heritage features.

D. Green February 27, 2022		
#	Comment	Comment Response
40.	<p>Overall it has been a challenge to cross-reference the current draft vs. the existing plan. The new plan seems to introduce very general language in places where the prior policies were clear and specific.</p> <p>Furthermore, there is much background information on the planning context that could have been included in the background report prior to the generation of the plan. For example, it is not clear why the population numbers were not sorted out in the background report with appropriate references.</p>	The new Official Plan takes a different format than the previous document and is intended to be more user friendly.
41.	<p><u>Population Estimates and Targets</u> The source of the numbers for the population estimates is unclear and seems to contradict the 2016 census. There is no source identified for the stated summer population of 9000 people. Do the numbers include TFN/TAA residents if so in what proportion of the total population.</p>	Seasonal population estimate was removed. Rely on census data.
42.	<p><u>Political History</u> Section A.2.5 is skimpy for a region where land use has been much contested in past decades. A more complete reference of the historical context should be included.</p>	Nothing added to date. Will review prior to final Official Plan.
43.	<p><u>Mineral Aggregate</u> Areas colored as MA on Schedule A are not shown on the Ontario GeoHub Pits and Quarries system and therefore there is no evidence that a Provincial Interest has been expressed in these areas. What source was used to validate the areas. They have been incorrectly identified on Schedule A as Land Use when according to PPS 2.5 MA areas should be merely identified, for example on Schedule D, not zoned for exclusive use. Areas were incorrectly zoned as MA in the 2006 zoning maps and zoning bylaw, implying that no other activities are permitted such as fishing, camping or hunting. That contradicts CLUPA policy for these areas which state that MA is but one permitted land use.</p>	To be confirmed with the Ministry database.
44.	<p><u>Mining Claims</u> Areas identified as parcels on Schedule A in backcountry and elsewhere are not displayed as parcels on the North Bay Land Registry System. Is this merely information as opposed to an existing land use, if no actual mining resource has been identified, if so, should they be moved to Schedule D.</p>	To be confirmed with Ministry database.
45.	<u>Waterfront Residential and Backcountry Urban</u>	Waterfront designation has been modified.

D. Green February 27, 2022		
#	Comment	Comment Response
	Parcels identified on North East Arm and in backcountry as either 'Waterfront Residential' or 'Urban', but areas are not so designated on MPAC, in some cases do not exist on the North Bay Land Registry system and contradict CLUPA policies. The Waterfront Lots contravene the Tenets for Temagami which aim to protect the Skyline Reserve.	
46.	<u>Water Resource Management</u> The existing 2013 plan separates out the Matabichuan neighbourhood and that has been removed in the current draft plan. Yet the current plan introduces language around stormwater management such as in Section F.1.2.8 which appears to have been copied from some other planning document without reference to the local topography and geology in Temagami. This seems to be an inconsistent approach to management of the water resource.	F.1.2.8 has been modified to refer only to best management practices.
47.	PPS 2.2.1 directs municipalities to plan for water management on a watershed basis. The Ontario GeoHub Watersheds site can be accessed to derive mapping down to the level of quaternary watersheds at no cost and could be included (see sample attached). Previous planning level considerations identified in the Matabichuan Water Management Plan include concerns for impacts on traditional land uses by the TFN/TAA and Lake Trout spawning areas from altering water levels.	The Official Plan includes policies regarding water quantity and quality protection. The plan also considers the capacity of lakes to accommodate additional development. The plan also contains policies regarding fish habitat which includes Lake Trout. First Nations have been consulted regarding the identification of additional features based on traditional knowledge.
48.	With regards to stormwater management the Lakeshore Capacity Handbook stipulates that the type of BMP identified in Section F.1.2.8 cannot be considered sufficient for prevention of phosphorous migration, and they recommend instead a 30 M setback from the shoreline for all Precambrian lakes whether at capacity or not. This is in recognition that the 15 M setback in the Ontario Building Code for septic systems is not considered to be sufficient to prevent P migration. A 30 M setback can be invoked through policies around lot size and configuration for new lots and severances.	A 30 metre setback for septic systems is not proposed in the Draft Official Plan. Through the consideration of site specific Planning Act applications enhanced septic setbacks may be required in order to implement the water quality and natural heritage policies of the plan.
49.	Furthermore, the measures identified in F.1.2.8 are derived from Southern Ontario where soils capacity is greater and do not apply in areas with no till on bedrock and therefore no ability to infiltrate excess water. There is no utility in requiring the placement of grassed swales, infiltration trenches or soakaway pits on bedrock, particularly where no groundwork has been done in the form of a subwatershed study to identify the context of the natural drainage area and hydrology. The section on Site Plan Control under L.1.13.3d should reference protection of	Section has been modified by removing examples of BMPs.

	D. Green February 27, 2022	
#	Comment	Comment Response
	adjacent waterbodies in addition to neighbouring properties.	
50.	<p><u>Fish and Wildlife Values</u></p> <p>In addition to natural heritage features in the provincial NHIC, the Ontario GeoHub contains planning level information on Wildlife Values and Areas arising from forestry activities. These may include raptor nesting sites and can be an important additional source of information in the planning context. Furthermore, the third Ontario Breeding Bird Survey coordinated by Canadian Wildlife Service and Birds Canada is entering its second of five years of surveys and will be an additional source of Values information on breeding birds. In general, there are many additional sources of information on species of concern that are collected by volunteer reporters, such as on bat species in the Batwatch program and it is not clear how those additional sources of data will be incorporated into plan review. Section H.6.2.1 fails in its coverage to fully identify SWH per the PPS namely "Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory <i>or non-migratory species.</i>" i.e. not just seasonally concentrated species as described in the draft official plan.</p>	H.6.2.1 has been updated.
51.	<p><u>Access Points</u></p> <p>The province has recently reiterated its interest in the protection of fisheries by introduction of a regulation on boat washing under the Invasive Species Act which prohibits the introduction of listed invasive species into Ontario waterbodies. This reinforces the provincial interest in both maintaining and protecting the provincial fisheries resource, a continuing imperative to limiting additional lake access points.</p>	No additional lake access points are proposed.
52.	<p><u>Infrastructure</u></p> <p>The intent of L.8.5.1 needs to be clarified as it seems to state that an extension to infrastructure triggers a plan of subdivision, instead of stating that a plan of subdivision depends on infrastructure.</p>	Section modified.
53.	<p><u>Lot Creation</u></p> <p>As previously noted, new lot configurations and sizes should allow for a 30M setback per the recommendations of the Lakeshore Capacity handbook. In recognition of the specific requirements around Fisheries, it is recommended that Section E.1.3.4 on Municipal Objectives include a specific bullet point namely, "to recognize and protect fisheries and water quality".</p>	Section B.3.1.1 e) modified.

David Taylor January 20, 2022		
#	Comment	Comment Response
54.	I'm a little confused about the OP Consultant's request for a motion from Council to send his most recent version 1.2 to the Ministry. By his own account this version is a substantial rewrite of the previous version and represents significant change from version 1.0. He also noted more work is to be done but did not elaborate. His cursory comments about version 1.2 were just that - providing not much of a commentary.	Noted.
55.	He also did not discuss any revisions to the document made or not made in response to comments from Council or members of the public.	Noted.
56.	I also understand that comments on version 1.2 may be made up to Jan. 21. I guess that means that any submissions received on the 21st may not be included for consideration with respect to the version approved on Jan. 20 to be sent to the Ministry. I may not be fully understanding this situation.....could you please help me understand the process? This is a very important document and at the moment I feel the Consultant's request of Council tonight is at best premature.	Noted.
David Taylor January 20, 2022 – Pt 2		
57.	Re: pg. 10 Economic development 3.3.3 I think the specific references to development segments should be removed. The plan should be tested by 'what ifs'	No change proposed.

Nicole Brooker January 19, 2022		
#	Comment	Comment Response
58.	<p>Home Industries: K.6.1.4 with regard to Lake Trout Lakes: H.5.1.4.</p> <p>There appears to be a conflict when it comes to the policies for Lake Trout Lakes and Home Industries on these lakes. I have included the 2 sections I am referring to.</p> <p>K.6.1.4</p> <ol style="list-style-type: none"> 1. K.6.1.4 The Zoning By-law may prescribe minimum shoreline setbacks and vegetative buffer widths for home industry outside storage on water access lots. Relief from any such provisions shall only be considered if it has been demonstrated that due to lot configuration or 	K is a general policy and H.5 includes lake specific policies. Both must be met.

	Nicole Brooker January 19, 2022	
#	Comment	Comment Response
	<p>physical or environmental constraints, it is not possible to comply with the provisions.</p> <p>However, in the Lake Trout Lakes policies, H.5.1.4</p> <p>3. H.5.1.4 Given the importance and ecological sensitivity of lake trout lakes, the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Ministry of Environment, Conservation and Parks has historically worked and continues to protect lake trout lakes from adverse impacts of lakeshore development.</p> <ul style="list-style-type: none"> • Development shall be permitted that will not negatively impact upon fish habitat in compliance with municipal, Provincial and Federal requirements, including the Fisheries Management Plan; • Development and site alteration proposed in or within 120 meters of a Lake Trout Lake shall provide details of how the development will impact lake water quality (defined by ice-free phosphorus concentrations) and optimal lake trout habitat as defined by Ministry of Northern Development, Mines, Natural Resources and Forestry policy; and, • Pre-consultation with the Municipality and with the Ministry of Northern Development, Mines, Natural Resources and Forestry shall be required prior to the submittal of any development application. 	
59.	<p>Knowing how sensitive these lakes are, it would be disingenuous to allow any kind of industrial development on these lakes, especially the Natural Reproducing lakes. As it now stands, the island properties on Lake Temagami only request a 50' watershed (SAA). To have this small piece of land disturbed for an industrial use would be both detrimental to the fishery, upon which a large number of businesses in the municipality depend, and to the semi-wilderness landscape that makes this place unique.</p>	<p>The policies of the Official Plan require conformity with fish habitat policies, water quality policies, which may require supporting studies.</p>

Nancy Hackney February 15, 2022		
#	Comment	Comment Response
60.	<p>In the Spring of 2021, a residential property on Angus Lake was sold and the new owner promptly turned it into an Air B&B short-term rental unit.</p> <p>The first guests necessitated the presence of the O.P.P. to quell the loud, disruptive, and outright dangerous behaviour that occurred on the property and on the lake. The new owner was not present on the property, and when made aware of the situation, did not attend.</p> <p>Throughout the Summer of 2021, the property was routinely flipped and each new owner continued to be absent as a resident, and continued to accept short-term rentals.</p> <p>I would like to present you with the following information for your consideration. I am acting on the urging and with the permission of several other cottagers on the lake. Our hope is that enforceable regulations might proactively be developed by the municipality to halt or greatly mitigate the impacts of the commercialization of cottage communities such as those that the Temagami region enjoys.</p>	Draft Official Plan does not contain policies regarding STRs.
61.	I have contacted a number of other municipalities in the north, from Muskoka to Sault Sainte Marie, to inquire into their experiences with short-term rentals, and to gain some insight into how their unique situations are being handled within their jurisdictions. Enclosed is a summary of the information I have gathered.	Noisy and disruptive behaviour of residents is not a land use issue.
62.	<p>#1 Air DNA is an online subscription service that scrapes common short-term rental platforms. (Air BnB is the most active but others such as VRBO and Kijiji are also represented). It notes that:</p> <p>(A) In general, there has been a steady increase in both the supply and demand for online short-term rental accommodations, tripling from March 2017 to February 2020. I was unable to acquire numbers reflecting the period during the Covid-19 pandemic. I believe we can assume, however, that the trend continues unabated.</p> <p>(B) The data also reveals that "hosts" operating multiple properties within the same municipality account for from 1/2 to 2/3 of the listings.</p>	Noted.

Nancy Hackney February 15, 2022		
#	Comment	Comment Response
63.	#2 The issue of short-term rentals seems to be universally problematic - each of the municipalities I contacted was working on or had completed a regulatory response to this new phenomenon. The exception was Huntsville, which has decided against any regulations.	Noted.
64.	#3 Many municipalities are also struggling to determine at what point use of a dwelling, or a unit within a dwelling, becomes a for-profit commercial use. Most short-term rental properties are currently taxed based upon a residential tax rate. This residential tax rate, if left unchallenged will skew the overall market value assessment of the property, with resultant tax implications for the municipality. As well, most short-term rental properties do not contribute to a municipal accommodation tax, nor do they pay any other commercial taxes. If unchallenged, these anomalies will result in tax implications for the municipality.	Noted.
65.	#4 Most municipalities stipulate that any short-term rental located in a residential zone must be the host's principal residence. This requirement serves to ensure a greater level of both oversight and accountability which in turn can result in a reduction of a number of negative impacts to neighbours and neighbourhoods. This requirement also helps to eliminate the commercialization of short-term rental properties.	Noted.
66.	#5 A) Most municipalities define short-term rentals as an accommodation that does not exceed 28 days in a month. B) Most municipalities restrict hosts from offering short-term rental accommodations for more than 180 days per year. C) Most municipalities state that zoning must support the use of the property as a short-term rental property	Noted.
67.	#6 And finally, most municipalities that had zoning regulations that encompassed short-term rentals had also established a licensing regime. Without licensing in place it is very difficult to determine or enforce: A) taxes based on a current and correct evaluation of the property's use and its value B) Conformity to zoning provisions C) safety and liability	Noted.
68.	The establishment of such a regime can encompass the following:	Noted.

Nancy Hackney February 15, 2022		
#	Comment	Comment Response
	<ol style="list-style-type: none"> 1. Licencing fee or fees 2. Building Safety Review, necessitating an on-site inspection, including applicable fees, to ensure building compliance, including but not restricted to drinking water safety, security of septic system, or other human-waste accommodation; security of grey-water disposal, etc. 3. Fire safety review, necessitating an on-site inspection, including applicable fees, to ensure Ontario Fire Code compliance. 4. The applicant will be responsible for contacting the various agencies for approvals for the licence application to be deemed complete. Approvals will signify that required measures are in place and meet all codes or requirements. 5. The applicant will be responsible for contacting the various agencies for approvals for the licence application to be deemed complete. Approvals will signify that required measures are in place and meet all codes or requirements. 6. Licences are valid for a limited time-period (3 years seems to be the norm) and must be renewed as required in a timely manner. 7. New registration is required in the event of a change in property ownership. 8. In addition, some municipalities require the owner to issue a written declaration that indemnifies the municipality from any claims, actions, causes of action, expenses, losses, fines, costs (including legal costs), damages, bodily injuries, destruction of property, loss of revenue or increased expenses arising from the use, management and operation of the property. 	
69.	<p>If we may assume that Robert Frost's maxim that "good fences make good neighbours" has validity in a modern context, it is incumbent on the municipality to proactively put those good fences into place. The goal of doing so in advance is to mitigate the perception that the municipality is not reactive, nor biased, nor has targeted any individual or group of individuals, but is a forward-looking and thoughtful body that prefers to undertake prevention to avoid undesired outcomes.</p> <p>To further this goal, it may be advisable to undertake a process that encourages public input prior to establishing short-term rental processes or bylaws.</p>	<p>The Official Plan does not contain STR policies but could include a policy for a licensing regime to be established.</p>

	Nancy Hackney February 15, 2022	
#	Comment	Comment Response
70.	<p>If we may assume that Robert Frost's maxim that "good fences make good neighbours" has validity in a modern context, it is incumbent on the municipality to proactively put those good fences into place. The goal of doing so in advance is to mitigate the perception that the municipality is not reactive, nor biased, nor has targeted any individual or group of individuals, but is a forward-looking and thoughtful body that prefers to undertake prevention to avoid undesired outcomes.</p> <p>To further this goal, it may be advisable to undertake a process that encourages public input prior to establishing short-term rental processes or bylaws.</p>	

	Barret Ledke April 6, 2022		
#	Comment	Responder	Comment Response
	<p>Regarding the new suggested set backs of 30m on undeveloped conforming and non-conforming lots: in my opinion, 30m setbacks should be implemented during the new lot creation process only, not imposed on already existing undeveloped lots. The reason for this is many of those undeveloped lots are not necessarily the 2-acre size, they vary in size, dimensions and geography, where an imposed 30m setback may create difficulty for those property owners in developing those existing undeveloped lots.</p>		Not aware of a 30 metre setback required in the Official Plan.
	<p>Consultation with First Nations should be considered prior to expanding the lake Temagami neighbourhood to include cross lake.</p> <p>Cross lake is currently in the rural neighbourhood and the northeast corner of cross lake from the waskaksina portage north is in the set aside lands.</p> <p>Before we start offering our opinions and further imposing our designations on mainland areas that aren't in our particular control we should consult First Nations.</p>		Consultation with the First nations has been conducted on the OP.
	<p>I do however support further restrictions to and or limiting accessing the cross-lake area by use of roads and road connected access points there.</p>		Cross Lake has been included in the Neighbourhood. This is referenced in policies that refer to the Skyline Reserve in the Official Plan.

Appendix 2A
Comment Responses – Temagami Lakes Association
(Municipal Responses in Red text)

Anthony Usher Planning Consultant
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(416) 425-5964
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February 28, 2022

Ms. Suzie Fournier
Clerk
Municipality of Temagami
Box 220
Temagami, Ontario
P0H 2H0

Dear Ms. Fournier:

Re: Draft Official Plan, version 1.2

On behalf of my client the Temagami Lakes Association, I would like to provide Council, staff, and your planning consultants with my comments on the latest Official Plan draft. The TLA and I compliment the Municipality and your consultants on their progress.

The TLA strongly supports a new, up-to-date Official Plan. The Association commends the simplification and streamlining evident in the latest draft, including the consolidation of neighbourhoods. TLA's overall planning objective that guides these comments is to maintain the integrity of the Lake Temagami Neighbourhood, and of the long-established planning policies that have contributed to protecting the Neighbourhood's very special environment and unique development character. TLA is also mindful that that must be achieved within the larger context of environmental protection and economic and social development in the Municipality as a whole.

This letter focuses on TLA's and my priority issues. In some cases, we do not have enough information yet to make a specific recommendation. In other cases, we are asking questions and suggesting areas for improvement, while leaving how best to address those in the next draft to the Municipality's good judgement. Where we have a specific recommendation for change, it's in bold *italics*.

Concurrent with this letter, TLA's President, Paul Tamburro, is providing Council with a briefer submission highlighting TLA's top concerns.

To keep my submission a bit simpler, I have also emailed MHBC directly regarding some technical details that do not affect policy, as well as minor corrections and suggestions that do not represent TLA priorities.

Schedule A

There is a small number of patented lots on Lake Temagami's mainland shorelands. On the current Plan's Schedule A, these are designated Special Management Area along with the Crown- owned shoreline. However, the draft Schedule A shows patented lots within the Lake Temagami

Neighbourhood mainland, which is also the Skyline Reserve, as Residential Waterfront - Lake Temagami (same as the island lots) if they touch the lake, or Rural if they don't. At the same time, the draft Plan text, like the present plan, clearly prohibits any development on these lots.

Your consultants have confirmed that this is a mapping error that will be fixed.

The question, then, is how to properly designate these lots. The Crown-owned shoreline is now to be designated Crown Land, which inherently cannot include these lots. So, these lots would appear to require some special designation that recognizes they are private lands fully subject to the Plan, and at the same time prevents any development consistent with both current and draft policy.

There are two exceptions (unless I've missed others) to the above, the existing Boat line Bay Marina and Camp Wanapitei, which are appropriately designated Tourist Commercial and are recognized in section E.7.7.

Therefore, we recommend that ***these lots be designated Skyline Reserve - Special Management and that an appropriate new section for this designation be added to Section E.*** The new section would explain the purpose, and the policies that already restrict development on private lands within the Skyline Reserve would be moved there.

Comment #1 – A new designation (Restricted Waterfront/Rural – Lake Temagami) has been added to reflect this change on Schedule A, recognizing these specific lots.

Section A.3.1.2 - references to Crown land planning policy

The policies of the Temagami Land Use Plan (TLUP) and other historic Crown land planning documents are incorporated into the Crown Land Use Policy Atlas (CLUPA). This website provides the current policies of the Ministry of Northern Development, Mines, Natural Resources, and Forestry (MNDMNR) for all Crown lands.

It is appropriate to refer to CLUPA as the *source* of current MNDMNR planning policy for Crown lands in the Municipality. Whether it is appropriate for the Official Plan to *depend* on CLUPA for the Official Plan's policies over Crown land, is another question. CLUPA is subject to change at any time, with virtually no constraint on Ministerial ability to do so. Obviously the Official Plan should generally aim to be consistent with CLUPA, as the Plan does not have authority over Crown lands, while keeping in mind that any Plan policy over a parcel that the Crown chooses to privatize will become legally effective once privatization happens. But in my view, the Official Plan should establish its own policies over Crown land that, while aiming to be consistent with CLUPA, would require Plan amendment to change and could not be changed simply by changes in CLUPA.

Comment #2 – Policy added to Official Plan to provide direction on designating new patented lands. Refer to Section E.13.1.4.

Section A.3.1.2 - references to infringement

The second last sentence equates infringements on MNDMNR authority over Crown lands and resources, with infringements on the rights of the Indigenous community of Temagami. Aboriginal and treaty rights and their protection are unique, under the Constitution, in Canadian law and jurisprudence, and in the Provincial Policy Statement, not to mention in historical and contemporary reality. They should be treated independently of, and not equated with, any other recognition of rights external to the Official Plan.

Comment #3 - Sentence has been deleted.

Section A.3.1.2 and Appendix 1 - references to Tenets for Temagami

The Tenets for (not Tenants of) Temagami appear to apply to the whole of the Lake Temagami Neighbourhood, plus that part of the Urban Neighbourhood within the Lake Temagami Skyline Reserve (further discussed below), and that part of the proposed Rural Neighbourhood consisting of Cross Lake and its Skyline Reserve. The document also appears to apply to both public and private lands. Therefore, it is incorrect for the draft Plan to say the Tenets are "additional details regarding Crown Land Management".

Comment #4 – Removed reference to Crown Land Management and changed wording to Tenets for Temagami.

The Tenets were agreed between TLA, Latemar, and the Predecessor Township of Temagami in 1994, and were the foundation upon which the Municipality was created. They should continue to be recognized in the new Plan, and their historical importance described and recognized. As the Tenets apply in part to private land and the predecessor Municipality was a party thereto, we would like to see the new Plan continue to indicate support for the Tenets, along the same lines as section A1.6 of the present Plan.

However, like TLUP and other Crown land plans, the Tenets should be recognized as the *basis* for current policy, not as Plan policy themselves. TLA would like to see the complete Tenets included in the document, but does not object to their being included in an appendix.

The current text of section A.3.1.2 suggests that the complete Tenets are intended to be included in Appendix 1, along with other unidentified material pertaining to Crown lands. However, the appendix is not included in this draft.

Comment #5 – Appendix 1 has been added.

Section B.2 - Vision

The vision statement is too generic and could appear in almost any official plan - there is nothing "Temagami" about it.

The TLA Planning Committee has come up with an alternative Vision intended to reflect the perspectives and interests of the whole community. I am pleased to endorse and recommend that Vision:

The primary goal of this Official Plan is to secure a sustainable future for the community of permanent and seasonal residents. This will be achieved by giving equal weight to three long-term objectives: economic prosperity, social well-being and environmental stewardship.

Land use planning will embrace and enhance Temagami's unique characteristics, especially the pristine health and natural beauty of its lakes and surrounding lands. These physical features together with its rich heritage of diverse peoples define Temagami today, speak to its meaningful history, and guarantee its bright future.

Comment #6 – Vision updated as per recommendation.

Section B.3.1.1 (b) - implies there is some tradeoff or balancing between the two parts of the sentence
- these are two separate objectives, each should stand on its own.

Comment #7 – Separated into two subsections.

Sections B.3.2.1 (d), B.3.2.1 (e) - consideration should be given to separate statements regarding Indigenous relationships/partnerships, to emphasize their importance.

Comment #8 – Separated bullet points.

Section C.1.1.1 - population

We have no idea where the figure of 1,412 permanent residents comes from.

As MHBC's Background Report notes, the 2016 Census (i.e., permanent) population was 802. The 2021 Census, released while this letter was being prepared, indicates 862.

The 806 dwellings, 375 occupied by permanent residents, comes from the 2016 Census. (The 2021 figures are 928 and 432 respectively.)

In my experience, in municipalities with large seasonal populations Census dwelling figures are somewhat suspect and should be used with great care. Dwellings not designed for year-round use, which are the large majority of the Municipality's seasonal dwellings, would not generally be considered as “dwellings” by the Census, although Statistics Canada's definitions, and how they get applied in the field in a place like rural Temagami, are less than clear in this regard.

In my view the only figure of value from the above is that there are *approximately* 375 (2016)/432 (2021) dwellings occupied by permanent residents, which reasonably squares with the permanent resident population.

The only way to obtain a sound estimate of *total* dwellings, is from assessment and tax data.

To conclude that there are $806-375=431$ seasonal dwellings is wrong. TLA and CAO Craig Davidson collaborated on a dwelling estimate in 2020. This concluded that there are approximately:

- 300 dwellings in the settlement areas, largely permanent residences,
- 750 dwellings on Lake Temagami, of which 27 are permanent residences,
- 296 dwellings in the other rural portions of the Municipality, of which 48 are permanent residences,
- For an approximate total of 1,346 dwellings of which 375 are permanent residences and 971 are seasonally occupied.

No source is provided for the estimated peak summer population of 9,000. This estimate appears to include in addition to permanent residents: cottage owners, cottage guests, cottage renters, youth camp staff, youth camp campers, commercial tourist accommodation staff, commercial tourist accommodation guests, Provincial Park staff, Provincial Park campers, Crown land campers, other seasonal workers in the tourism industry, and perhaps others I have forgotten about. Within this disparate group, the variation in commitment and attachment to and interest in the Municipality varies enormously. In my view, this figure is highly unreliable and of very little value for planning purposes.

Finally, should not the permanent population of Bear Island and total community memberships of TFN and TAA be mentioned and recognized? Though not part of the Municipality, the Reserve is entirely surrounded by it, the Municipality is within TFN/TAA's traditional lands, and TFN/TAA

Have a unique relationship with the Municipality.

Comment #9 – Numbers in Official Plan were updated to match census data.

Section C.1.2.1 - permanent population target

Assuming the 2016 and 2021 Census populations as a starting point, on what basis would a 2045 target be established?

Comment #10 – Target has been removed. Sections reworded to indicate that a modest increase in population is expected, with no specific target.

Section C.1.2.2 - location of population growth

Yes, there are a few permanent residences in non-road-accessible locations on Lake Temagami and possibly in other rural areas. However, these are and always will be outliers. That after over a century of seasonal residential development on Lake Temagami, only 27 dwellings (less than 4%) have converted to permanent occupancy, does not suggest a numerically significant upward trend.

Lake Temagami's island lots and other non-road-accessible locations should not be part of any *objective* for population growth. This section should clarify that permanent population growth is *intended* to occur in the Urban Neighbourhood and other road-accessible locations.

The statement, "Seasonal population growth may be accommodated in . . . expansions in the tourism market" is confusing. This implies that tourist accommodation is a locale for population growth. As indicated above, discussions of the tourism sector and the Municipality's population of permanent and seasonal residents should be kept entirely separate from each other.

Comment #11 – Removed referenced to tourism.

Section C.1.2.4 - new housing lands

It should be made clear that this policy applies to the Urban Neighbourhood only.

Comment #12 – Changed to support growth in Urban Neighbourhood.

Section C.1.3.3 - Urban Neighbourhood expansion and Crown land acquisition

It should be made clear that the Municipality intends that any expansion be confined within the present Urban Neighbourhood. If that is not the Municipality's intention, we would be very concerned about any possibility of expansion of the Urban Neighbourhood at the expense of the Lake Temagami Neighbourhood.

Comment #13 – Section modified to clarify that any future expansion would not occur into the Lake Temagami Neighbourhood.

Section D.2.1 and Schedule a - Lake Temagami Neighbourhood boundary

The Tenets for Temagami were clearly intended to include and apply equally to Cross Lake. The two lakes are a single connected, navigable water body.

Ms. Suzie Fournier/February 28, 2022

7

The mainland and islands of Cross Lake are entirely Crown, except for one residential lot.

The present Official Plan applies similar policies to Cross Lake as to Lake Temagami, and these are proposed to continue into the draft Plan.

No change in policy intent, only wording adjustments, would be required to extend the policies of

Section D.2 to Cross Lake (with the exception of the Skyline Reserve definition, discussed below under section D.2.6.4). Section D.3.4.2 would then belong in section D.2.

Therefore, we recommend that *the Lake Temagami Neighbourhood be extended to include Cross Lake, its islands, and its Skyline Reserve.*

Comment #14 – Extend the Lake Temagami Neighbourhood and the Skyline Reserve to include Cross Lake, encompassing 200 metres around Cross Lake.

Section D.2.2 - Lake Temagami Neighbourhood Goals

We recommend the following addition:

- ▶ ***To implement the Tenets for Temagami.***

Comment #15 – Added

Section D.2.3 - cap on new lots

We notice that the policy of section 5.3.7.1 of the present Plan, which caps the number of new lots created each year, does not appear in the draft Plan. We would like to know why.

Comment #16 – Other policies are required to be met in order to create new lots. We felt the combination of the other lot creation policies in the Official Pan, combined with the other policies of the Official Plan, sufficiently limited lot creation without the need for a yearly cap. However, we have added the cap back into the Plan.

Section D.2.6.4 and Schedule D - Skyline Reserve definition

The Skyline Reserve dates back to 1935, and has been formally recognized in Crown land planning since at least the 1970s. Its importance to the community as a whole was reaffirmed in the Tenets for Temagami in 1994. This background should be recognized in the Plan.

Reference to a specific management area in TLUP as the basis for defining the Skyline Reserve is inappropriate. The management area mapping for the original TLUP is inaccessible. Whether management area 39 in TLUP corresponds to one or more current management areas in CLUPA is also information not accessible. The Reserve should be delineated on its own terms in the Plan, with appropriate regard paid to its historical background.

As noted earlier, the Tenets for Temagami suggest that the Skyline Reserve as understood therein extends into the Urban Neighbourhood. However, as also noted earlier, the draft Plan schedules show the Skyline Reserve and Lake Temagami Neighbourhood external boundaries as one and the same. We have no way of verifying whether the "map of Lake Temagami" illustrating the Reserve as referred to in the Tenets (but also not accessible) - and the inaccessible TLUP map of management area 39 - and the Reserve as shown on Schedule D (not Schedule A1) - show the same or different lands.

As well, the Tenets indicate the Skyline Reserve includes Cross Lake. As the mainland shoreline of Cross Lake is entirely Crown (possibly except for the only private lot on Cross Lake, whether it's mainland or island is not clear from available mapping), and the present and draft Plans already

apply Skyline Reserve policies to this lake, there is no reason not to include Cross Lake in the defined Reserve.

Accordingly, we recommend this section be revised as follows - assuming that the Lake Temagami portion of the Skyline Reserve is properly shown on Schedule D, which may not be the case:

The Skyline Reserve is of varying depth back from the shoreline of Lake Temagami and Cross Lake. It consists of the entire mainland shorelands of Lake Temagami and Cross Lake within the Lake Temagami Neighbourhood, and is shown on Schedule D to this Plan. Its external boundary reflects Crown forest management dating back to 1935, as currently expressed in the Crown Land Use Policy Atlas. Its continuation as a planning policy applying to both Crown and private land was reaffirmed in the Tenets for Temagami.

Comment #17 – Text revised as recommended.

Sections D.2.6.6 and D.2.6.7 - Skyline Reserve permissions

Section D.2.6.6 should acknowledge the two continuing Tourist Commercial designations.

Comment #18 – Text has been modified to permit existing Tourist Commercial uses.

Regarding section D.2.6.7, so that there is no potential for confusion with the section D.2.6.6 permissions which effectively only apply to private lands, it should be made clear that D.2.6.7 applies to Crown land only,

Comment #19 – Revised to reflect Crown Land.

Section D.2.6.10 - Skyline Reserve - Northeast Arm development

The geographical references are confusing because:

- they start at Boatline Bay, then move to the southwest (Manitou Landing), further southwest (Mine Landing), and then back northeast (Strathcona Landing),
- all four place names are locally known but are unofficial,
- they leave open the question as to whether the intent is to provide extra scrutiny - while implicitly suggesting development is possible - at the four locations only, or along the entire south shore of the Northeast Arm from Mine Landing to the boundary of the Lake Temagami Neighbourhood (essentially, Strathcona Landing).

Consideration should be given to showing whatever is intended on a schedule, instead of through words.

Comment #20 – Prefer description in text over mapping.

While extra scrutiny of any proposed development certainly is appropriate, the policy leaves the implication that despite sections D.2.6.6 and D.2.6.7, development is being invited at certain, or all, locations along the south shore of the Northeast Arm. If the intention is to recognize the four existing development locations as exceptions to D.2.6.6 and D.2.6.7 where any additional development would be permitted only within the existing developed areas and under the strictest conditions, then that should be clarified. If the intention is to in any way go beyond that that will be of the greatest concern to TLA.

Comment #21 – Policies do not permit development on the south shore of the Northeast Arm. Any new patent lands would require redesignation and an associated OPA with public commenting opportunities.

Section E.4.1 - Residential Waterfront, Lake Temagami - applicability

For clarity, we recommend this be reworded: "The Residential Waterfront - Lake Temagami land use designation applies to Patented Land on the **islands** of Lake Temagami **and Cross Lake, excepting lands designated Tourist Commercial**".

Comment #22 – Revised.

Section E.4.2.1 - Residential Waterfront, Lake Temagami - permitted uses

Since secondary dwelling units are itemized as a permitted use in the Urban Neighbourhood in section E.1.2.1, should not cabin secondary dwelling units be itemized as a permitted use here?

As well, contractor's yards have been omitted.

We recommend this be reworded: "Permitted uses include existing and new low density residential uses on islands ***including the following accessory uses: cabin secondary dwelling units, home occupations, home industries, and contractor's yards.***"

Comment #23 – Updated.

Section E.4.3.5 - Residential Waterfront, Lake Temagami - site plan approval

The current site plan control bylaw requires site plan approval as a precondition to almost all types of building permits (within the scope of section 41(1) of the *Planning Act*) in the Lake Temagami Neighbourhood, so essentially all development approvals in the Neighbourhood require implementation through site plan control. Please clarify whether the present site plan control regime is consistent with this section, or does the Municipality anticipate any changes to the bylaw?

Comment #24 – OP requires site plan control for waterfront properties. Site Plan Control By-law for the Municipality also required site plan control for waterfront properties on Lake Temagami.

Section E.6 - Lake Service

This designation does not exist in the present Plan, nor is any area so designated in the draft Plan. We would appreciate some explanation of what is the purpose of this new designation and why it is being proposed.

Comment #25 – The Lake Service designation is intended to provide the opportunity for businesses that provide services to residents of Lake Temagami. There are current no lands designated Lake Service in the draft Official Plan. Refer to new policy E.6.3.7.

Section E.7.5 - tourist commercial conversions

We support the general direction of these policies, but would like to see them more strongly stated. We are also concerned about ambiguous terminology which could become a source of debate between an applicant and the Municipality. Accordingly, we recommend the following revisions:

E.7.5.1 : ***The Official Plan does not support the conversion of a Tourist Commercial use to a residential use.*** Tourism has an important role to the local economy and the conversion of Tourist Commercial uses to residential use can negatively impact the tourism economy.

E.7.5.2 : Where the conversion of a Tourist Commercial use is proposed, an amendment to the Official Plan shall be required. In support of the amendment, it must be demonstrated that there is a surplus supply of Tourist Commercial land ***in the Municipality/in the subject Neighbourhood [we leave this to the consultants' and Council's good judgement]*** over the short and long term in order to justify the conversion.

E.7.5.4: Consideration of the conversion of part of a ***lot on which a*** Tourist Commercial use ***is located*** to residential ***use*** may be given, if it can be demonstrated that the lands to be converted are surplus to the tourist commercial use and it can be demonstrated that the conversion does not negatively impact the ***integrity and viability of the existing Tourist Commercial operation and the ability of the remainder of the*** lot to continue to be used for Tourist Commercial uses.

Comment #26 – Updated as recommended.

Section E.14 - Crown Land - Protected Area

We assume that this designation is intended to be one and the same as regulated provincial parks and conservation reserves. If so, that should be stated. If not, that should be explained.

Comment #27 – Correct. Reference added to Section E.14.1.1.

Section F.1.2 - shoreline setbacks

Section F.1.2.5 requires that the zoning bylaw prescribe a shoreline setback, but provides no numerical guidance on what that setback should be.

Most lake country official plans provide such guidance. We appreciate that traditionally, official plans focused on policy direction without providing numbers, leaving it to the zoning bylaw to prescribe numerical standards. However, in my experience, that tradition has been overturned by Provincial policy direction, the practice of the Province and other approval authorities in approving official plans, and Ontario Land Tribunal and predecessor jurisprudence. The reality is that if numerical guidance is not provided in the official plan, the municipality is left in a weaker position to defend the numerical prescription in its zoning bylaw when the latter is challenged.

Therefore, in my opinion, it is best current practice to include policy direction on what the setback should be. As well:

- ▶ Sections E.4.3.2 and E.5.3.1 already provide specific minimum numbers, for minimum lot areas and frontages in the two Residential Waterfront designations.
- ▶ MHBC's draft Background Report recommended the Plan include direction for a minimum setback for septic system components over and above the 15 m required by the Building Code, although it is not clear whether the authors intended a specific number be included in the Plan. This does not appear to have been followed through in the draft Plan.

The Province's Lakeshore Capacity Assessment Handbook says, "Throughout the Precambrian Shield soil cover is typically thin and fractured bedrock is common. For lakes in this environment, irrespective of whether or not they are at capacity for shoreline development, MOE and MNR recommends [sic] a minimum of 30 metre setback or a 30 metre nondevelopment zone from water bodies" (p. 36).

The current setback requirements in the zoning bylaw are well below this (15 m for the dwelling, the greater of 15 m or the current dwelling setback for cabins, and 3 m for most accessory buildings). Lake country official plans and zoning bylaws now commonly implement the Provincial recommendation, while in some cases, making some allowance for existing development or local conditions.

Therefore, we recommend that a new section or sections be inserted before or after F.1.2.1, as follows. The first paragraph is what is now the last bullet of F.1.2.5, with only corrections highlighted.

A setback from the flood elevation or the normal or controlled high *water* mark shall be set out in the Zoning By-law, in order to:

- Protect the upland, shoreline and *nearshore habitats*;
- Protect adjacent surface water quality from *phosphorus* loading;
- Prevent erosion, siltation and nutrient migration;
- Maintain shoreline character and appearance; and,
- Minimize the visual impact of development.

The minimum setback shall generally be 30 m for dwellings, sleep cabins, standard and cabin secondary dwelling units, leaching beds and other treatment components of sewage systems, and all other accessory buildings and structures, except that there shall be no setback requirement for docks, boathouses, pumphouses, gazebos, and decks where otherwise permitted. No new lot shall be created unless it can accommodate development on the basis of these standards.

However, on a lot that existed on and whose boundaries have not been altered since [the date the Plan is approved], and that is not vacant, the minimum setback shall generally be 15 m, excepting 30 m for leaching beds and other treatment components of sewage systems, and nil for the aforementioned shoreline structures. On such lots, the Committee of Adjustment may permit a reduced setback that would allow an existing noncomplying building to be enlarged or replaced provided there is no reduction in the least distance from the building to the shoreline, and it may permit a reduced setback that would allow an existing leaching bed to be enlarged or replaced where due to the size, shape, or topography of the lot, there is no feasible alternative. Otherwise, it is expected that the Zoning By-law setbacks will be strictly adhered to.

The Zoning By-law will also provide for appropriate variation from these standards in the Urban Neighbourhood.

Comment #28 – Request should be made to Council to increase the setback to 30 metres for new development as this is a significant departure from the current approach. Appreciate the considering that has been proposed for existing lots and existing non-conforming situations. Will raise this point in the staff report and staff will seek direction from Council on this point.

Section F.1.2 - other general shoreline policies

In section F.1.2.3, we would like to know how the Municipality would use the issue of building permits as an implementation device, over and above that permits must comply with the zoning bylaw and site plan agreements. If the latter is all that is meant, it need not be said inasmuch as the zoning bylaw must in turn conform to the Official Plan. It does not need to be repeated throughout the Plan that building permits further implement every part of the Official Plan that gets implemented through zoning or site plan control.

The list of instruments does not include minor variance approvals, which are a common form of planning approval on Lake Temagami. Nor does it include consent conditions and agreements.

We are also concerned that "may use" is too discretionary and the policy is internally contradictory. Does it make sense to say that the Municipality "may use" the instruments listed, and in the next breath say that the following policies "shall apply"? And are "shall" and "as a guide" compatible within the same action?

In section F.1.2.5, we are unsure whether these best practices will be required or not, given the uncertain direction of F.1.2.3. This uncertainty is added to by the variation between "should" and

"Shall" throughout this policy.

Comment #29 – The term shall has been incorporated into these policies.

In section F.1.2.8, "shall encourage" is weak and, I believe, internally inconsistent wording. The policy requires the Municipality to do something with each planning approval, but that could be as little as handing the applicant a brochure. Again, there is a lack of clear direction when compared to policies in other lake country plans, such as Section C2.6.5 of the Muskoka District Official Plan.

Comment #30 – General wording to leave open to interpretation.

In F.1.2.8, the first two best management practices are appropriate to Lake Temagami and other rural waterfront areas, while the rest would clearly only be appropriate for multi-lot development in the settlement areas and possibly rural development not on water, but no distinction is made. There are other obvious and well-known practices appropriate to rural waterfront that are not recognized here. Nor is there any recognition of the challenging environments on the shorelines of Lake Temagami and the other lakes with their very limited (if any) soil cover.

Finally, it is important to recognize that while strict regulation of new development and redevelopment on the waterfront is essential to protecting water quality and lake trout habitat, the largest human contribution of phosphorus loadings to the lakes is from existing development not subject to any planning approvals. Therefore, we recommend the following policy be added to section F.1.2: ***"The Municipality will consider adopting and implementing a reinspection program for individual on-site sewage systems, on waterfront lots in the Lake Temagami and Rural neighbourhoods."***

Added.

Section H.3.1.3 - stormwater plan requirements

This section is unclear. Any shovel stuck in the ground near water will result in some degree of sedimentation and stormwater contamination.

Clear language is required as to when a stormwater plan or report would be required. We would expect that this would not ever be required for residential development in the Lake Temagami Neighbourhood.

Comment #31 – Revised to “may” be required.

Section H.5 - lake trout lakes

Normally, one would expect the Official Plan to identify the Municipality's lake trout lakes, subdivided into those that are at-capacity and those that are not, through either or both of a list in the text and symbols on a schedule. We believe this should be added.

Comment #32 – No issue including Lake Trout Lakes – Net, Cassels, Temagami.

Section J.1.2 - stormwater management

These types of policies one would normally expect to be applied in settlement areas only. This should be clarified.

Comment #33 – Policy states that studies “may” be required.

We understand the Cross Lake access point has been closed by MNDMNRF, so it should be removed from the list. You will no doubt want to confirm this with the Ministry.

Comment #34 – Removed.

Section J.4.4.1 - new lake access points

We assume this is intended to apply to all three neighbourhoods, so we recommend the introductory sentence read, "Should consideration be given to the establishment of new public motorized **lake access points, the following** should be given full consideration".

Comment #35 – Revised.

Section K.4.3 - secondary dwelling units in rural areas

As this section deals with both standard secondary dwelling units and cabin secondary dwelling units, and as it also intended to apply to rural areas in all three neighbourhoods, we recommend it be titled "**Secondary Dwelling Units in Rural Areas**".

Regarding section K.4.3.1, OPA 3 was adopted only a few months ago, after extensive discussion with and input from TLA. TLA supported the final version. We are therefore greatly concerned to see that standard secondary dwelling units would now be permitted on Lake Temagami, contrary to OPA 3. We don't have any issue that the draft Plan no longer refers separately to rural residential lots and remote residential lots, but the wording should have been adjusted appropriately to accommodate that change.

We therefore recommend that the second last sentence read, "**Cabin secondary dwelling units** are permitted in the rural area on residential lots, **and standard secondary dwelling units are permitted on such lots outside the Lake Temagami Neighbourhood**, subject to the policies of this Plan".

As well, we recommend that the first sentence of section K.4.3.2 read, "Standard secondary dwelling units may be permitted in single detached dwellings or in a building or structure accessory to a single detached dwelling within the rural area on residential lots **outside the Lake Temagami Neighbourhood**".

Section K.4.4 - cabin secondary dwelling units and sleep cabins

Again, we are concerned about changes from the recently-adopted OPA 3.

Regarding section K.4.4.1: Consistent with the format of the present Plan which includes a Glossary, though not a legal part of the Plan, OPA 3 included precise definitions of "cabin secondary dwelling unit" and "sleep cabin". The definitions provided in K.4.4.1 are a good deal less precise and omit key elements previously agreed to. As well, perhaps inadvertently, the "sleep cabin" definition does not allow "either kitchen or bathroom but not both", as has traditionally been permitted in the Municipality.

It is the prerogative of the consultants and the Municipality not to include a definitions section in the new Plan, but that does not keep precise definitions from being included in the text wherever needed.

We recommend that section K.4.4.1 be replaced with **the exact definitions of "cabin secondary dwelling unit" and "sleep cabin" in OPA 3**, with the exception of the sentences indicated they shall be constructed in accordance with the Building Code, which we recommended not be

Included during our review of OPA 3 and which are still unnecessary.

Regarding section K.4.4.2, the consultants may want to consider that with regard to where cabin secondary dwelling units are permitted, this section, section K.4.3.1, and section K.4.3.2 all say more or less, but not exactly, the same thing.

Regarding section K.4.4.8, as the proposed draft Plan would be a new Official Plan, surely the grandfathering date should not be rolled over to the effective date of the new Plan. We recommend it be revised to read, "For the purpose of this section, a boathouse with sleeping accommodations that lawfully existed *on April 18, 2013* is deemed to be a sleep cabin".

Comment #36 – Policies updated to reflect permissions for shoreline lots vs. non-shoreline lots.

Section K.5.1.2 - home occupations

This section has been taken directly from the second paragraph of section 5.3.8 of the present Plan, as recently amended by OPA 4. So it's fine for the Lake Temagami Neighbourhood, but does not properly apply to road-accessible areas of the Municipality. As this section now applies to the entire Municipality, it also needs to borrow from sections counterpart to 5.3.8 in the present Plan.

Comment #37 – Section modified.

Section K.6.1.1 - home industries

Again, this has been taken directly from the first paragraph of section 5.3.9 of the present Plan, without regard for other neighbourhoods, though the policy now applies to the entire Municipality.

Comment #38 – Section modified.

Section K.7.1.3 - contractor's yards

To be consistent with the present Plan, the water body reference should be generalized. We recommend the second bullet read, "In the case of a lot fronting on both a public road and a *lake*, be located in the yard abutting the road".

Updated.

Section K.9 and Appendix 5 - wildland fire

While the wording as such is fine, it does not properly relate to or explain Appendix 5.

- ▶ as currently written the draft Plan legally includes the appendixes. Normal practice is that wildland fire risk mapping is not legally part of an Official Plan.
- ▶ the map itself should label the categories as "extreme", "high", etc. without the additional descriptors. The latter are not required to implement policy, mean nothing to the public, and are not explained on the map or in the text.

Comment #39 – Mapping is not part of the Official Plan. Intended to highlight high risk areas only.

The term "tourist resident" is a contradiction and is not conventionally used. We recommend that "***and tourist***" be deleted from the second sentence.

Updated.

Section L.8.6.1 - condominium requirements

A condominium description could be proposed anywhere, including the Lake Temagami Neighbourhood and other rural areas. Therefore, we recommend that **paragraph L.8.5.1 (a) (additional subdivision requirements) be repeated in section L.8.6.1.**

Updated.

Sections L.13.1.3 and L.13.1.6 - site plan control

The policies of section F are going to be implemented probably by site plan control more than any other instrument. Therefore, we believe that section L.13.1.3 should at least cross-reference the kinds of considerations highlighted in section F. As well, section L.13.1.6 could be interpreted as suggesting the Municipality is not giving itself authority to address points not mentioned, which would exclude many of the considerations in section F.

Comment #40 – No changes proposed.

Section L.23.1.3 - supporting studies

The draft Plan does not provide any definition or scope of what should constitute an Environmental Impact Statement, or refer the reader to any other document establishing those, beyond that it should be "in accordance with accepted professional standards and/or guidelines, as applicable".

Certainly, we do not expect the Plan to include specifications for every one of the 30+ study types listed here. However:

- ▶ for waterfront development outside the settlement areas, the EIS is most often the single most important determinative study.
- ▶ It is debatable what "accepted professional standards" are for EISs, inasmuch as there is no professional body for those who would normally be considered "qualified persons" to conduct EISs.

For these reasons, lake country Official Plans customarily include direction on the purpose and scope of an EIS (under whatever name the municipality chooses to call it). We believe this Plan should either do that, or alternatively at least refer to section 13 of the Natural Heritage Reference Manual.

Comment #41 – EIS is triggered by the policies of H.2 of the Plan. Section L.8.2 has been update to add “u)” Confirmation that there will be no impact to archeological features.

* * *

I hope these comments will assist staff, consultants, and Council in their consideration of the proposals. We would be pleased to discuss these points further with your consultants at any time.

Yours sincerely,

[Original signed by]

Ms. Suzie Fournier/February 28, 2022

20

Anthony Usher, RPP

cc. Jamie Robinson
Patrick Townes

Appendix 2B
Comments Responses – Temagami Lakes Association
(Municipal Responses in Red Text)

Anthony Usher Planning Consultant
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April 18, 2022

Ms. Suzie Fournier
Clerk
Municipality of Temagami
Box 220
Temagami, Ontario
P0H 2H0

Dear Ms. Fournier:

Re: Draft Official Plan, version 1.2

Further to my letter of February 28, 2022 on behalf of my client the Temagami Lakes Association, the TLA and I would like to provide Council, staff, and your planning consultants with additional comments on how the draft Official Plan deals with lot creation.

These comments arise from more detailed review of the relevant parts of the present and draft Plans, and broader discussion among the TLA community following my February 28 letter. They add to and elaborate on my earlier letter, but do not change or retract anything it. Concurrent with this letter, TLA's President, Paul Tamburro, is providing Council with a briefer submission summarizing TLA's additional suggestions.

Our starting point is that the following are not adequately reflected in the draft Plan, or at least, they have not been continued from the present Plan and we are not sure why.

- The Tenets for Temagami include: "All other future development will occur on islands, the number and location to be determined by the revised official plan, which will be sensitive to current ecological standards." Because the "other" exception referenced applies only to lands in the Urban Neighbourhood, the quoted statement applies to *all* future development in the Lake Temagami Neighbourhood.

The Tenets' clarity on this point remains in some parts of the draft Plan, but has got lost in others. My February 28 letter noted this with respect to Schedule a (Residential Waterfront designation on the mainland) and section D.2.6.10 (Northeast Arm development). We have now identified additional sections that should be clearer with regard to the distinctions between mainland and islands, Crown land and private land.

- in 2004, the Ontario Municipal Board approved the first Official Plan of the enlarged Municipality (case PL040429), on the basis of a settlement between the Municipality, the Province, the TLA, and the Lake Temagami Residents Group. Among the Board modifications to the Plan was the following addition to section 2.15:

A clear set of policies is required to establish: the principles of lot creation; lot intensity; and, lot density in Neighbourhoods. Policies for each Neighbourhood shall be developed through the Lot Creation and Development Plan study that will be incorporated into the Official Plan by amendment.

The Board emphasized that this change was "fundamental" to the settlement.

While I do not have access to the 2004 Plan, evidently section 2.15 in the present Plan is the corresponding section, and the above words appear verbatim in that section. The present Plan also contains numerous other references to lot creation and development studies being undertaken in the future in all neighbourhoods (see particularly sections A1.3.5, A1.9, 2.8.2, 2.15, 5.1, 5.3.6, 9.9).

Although the present Plan is not absolutely clear, it appears that the intended purpose of such studies was for the potential division of Crown lands, not private lands, at least in the Lake Temagami Neighbourhood. In discussing whether this commitment should be maintained, our focus is on the Lake Temagami Neighbourhood, not other neighbourhoods, especially given that the original commitment arose from advocacy with respect to the Lake Temagami Neighbourhood only.

We recognize that in 2007 the Municipality did initiate a Lot Creation and Development Study along the lines initially envisioned. We know that the study was interrupted in 2008 by the Ministry of Natural Resources ban on Crown land disposition on lake trout lakes, described below. And we know that it was then redirected to focus on three warmwater lakes, Brophy, Marian, and Olive, that are all in the draft Plan's Rural Neighbourhood - and that for whatever reasons, no results were ever incorporated into the Official Plan and no development ever proceeded.

The draft Plan refers to a "Lot Creation and Development Plan" in the Urban Neighbourhood (section E.12.3.1), as if it has already been completed, but to our knowledge neither it nor any other such plan has ever been undertaken, other than the abortive plan for three lakes mentioned above. The only other reference is to a "Lot Creation and Development Plan Study" as being a possible supporting study requirement for an application (section L.23.1.3), which doesn't make sense in this historical context.

Comment A – Lot creation and development plan reference removed.

- In 2008, the ban of the then Ministry of Natural Resources on Crown land disposition on lakes with naturally sustaining lake trout populations became permanent. This is recognized in the present Plan. As well, sections 2.15 and 5.1 of the present Plan indicate that the lot creation and development plan study would be carried out if and when the complete ban is lifted.

The draft Plan does not acknowledge the disposition ban, except for a very tangential reference in section H.5.1.3. Section H.5 is more oriented towards Provincial policies for *private* lot development on *at-capacity* lake trout lakes. The draft Plan appears to fail to differentiate between the quite different lake trout policies applicable to Crown land lot creation and private land development. And while Lake Temagami and Cross Lake are naturally-sustaining lake trout lakes and so fall under the Crown land ban, as indicated in

My February 28 letter we do not know whether they would be considered at-capacity for private land development purposes.

Policies of H4 and H5 apply whether lot creation is proposed from patent lands or Crown lands. The important factor is the lake type and capacity.

- My February 28 letter noted that the cap on number of new lots in section 5.3.7.1 does not appear in the draft Plan, and asked why.

We felt that no cap on the number of lots is required. Based on the other policies limiting development. However we have added the 5 lot maximum to the document (D.2.3.4)

- As well, the prohibition on plans of subdivision in the Lake Temagami Neighbourhood in section 5.3.3 does not appear in the draft Plan. We would like to know why.

Reference to be added back in.

In our opinion, the new Plan should clearly and unambiguously state the following policies with respect to the Lake Temagami Neighbourhood, and ensure that any other policies not entirely consistent with these points are modified to be consistent.

1. No lots will be created, whether by subdivision or consent, on Crown or patented lands within the Skyline Reserve or on the islands of Cross Lake.
2. The Municipality recognizes that it is the policy of the Province not to dispose of any Crown lands on lakes with naturally reproducing lake trout populations, including Lake Temagami. Should the Province at any time decide to change this policy such that Crown island disposition would be permitted in some circumstances, prior to that change taking effect the Municipality, in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry, will undertake a Crown Island Lot Creation and Development Study for Lake Temagami, and incorporate the applicable results into the Official Plan.
3. The Crown Island Lot Creation and Development Study will establish the conditions and locational criteria for new lot creation, based on:
 - a sound technical foundation relying on specific and measurable ecological standards and values,
 - locally recognized principles of environmental, economic, and social sustainability, and
 - Consistency with existing development character. (Note - wording mostly from present Plan, section 2.8.2.).
4. The total number of new lots that may be created on Lake Temagami, whether from Crown or patented lands on islands, will not exceed five lots per calendar year, and unused amounts may not be carried forward. Dispositions of Crown islands as single lots will be included in this total. Given this policy and the land division policies of section L.8, any lot creation on islands will normally be by consent. This policy may be reconsidered and varied by the Crown Island Lot Creation and Development Study.

While TLA regrets that the originally contemplated Lot Creation and Development Plan Study was never undertaken as required by the OMB and committed to in the Official Plan, we agree that it would be premature to require such a study at this time. As well, if any study is deferred to such time as MNDMNR's land disposition policies may change, it would then be able to reflect the relevant

Ms. Suzie Fournier/April 18, 2022
policies, knowledge, and community preferences of that future time.

4

Reference to Study removed from Plan.

As well, we recommend the following more specific changes consistent with the above comments.

Section D.2.5.2 The first sentence is locationally imprecise, and leaves open the inference that mainland development in other locations is somehow less unacceptable. Given what we have recommended above, there should be no need to refer to mainland development at all. We recommend the first sentence be revised to, "There shall be no new development on *Islands [list names/numbers]*, in order to preserve *the pristine nature of these islands and their environs*".

Comment C – Revised.

Section E.4.3.1 We recommend this be revised to, "New residential development *shall take* the form of single unit development on islands".

Revised.

Section E.13 We recommend the following be added to this section:

Immediately following any disposition of Crown land, the Municipality will amend the Official Plan to change the designation of the land from Crown Land to the designation appropriate to its intended use. Such an amendment will be considered to be a technical amendment not subject to the notice and consultation requirements of section L.6.

Added.

Section E.13.3.2 we recommend the following sentence be added: "***However, despite any other policy of this Plan, the Municipality does not support any patent or other Crown land disposition within the Skyline Reserve.***"

Added.

Section L.23.1.3 Reference to "Lot Creation and Development Plan Study" as a possible supporting study should be removed.

Removed.

* * *

I hope these comments will assist staff, consultants, and Council in their consideration of the draft Plan. We would be pleased to discuss these points further with your consultants at any time.

Yours sincerely,

[Original signed by]

Anthony Usher, RPP

cc. Jamie Robinson
Patrick Townes

Appendix 3
Temagami First Nation Comments



**TEMAGAMI
FIRST NATION**

**BEAR ISLAND,
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FAX 705.237.8959

Municipality of Temagami (MOT) OP

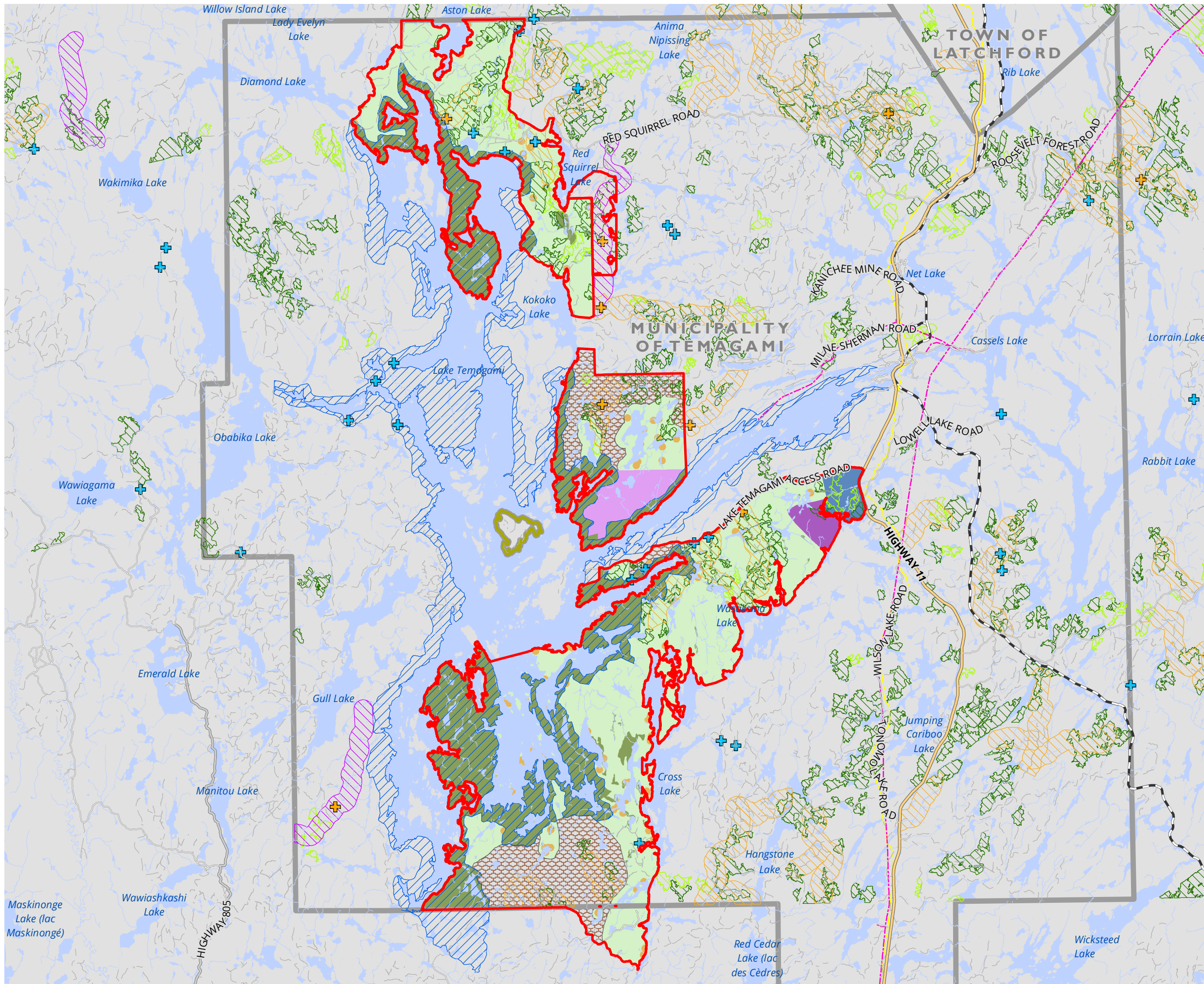
May 16, 2024

- 1) Municipality presentation to Joint Council only recognized Bear Island and did not have any knowledge of Lands Set Aside. Map of LSA to include in their OP as per attached Document.
- 2) Map of Municipal Boundaries', in comparison to n'Daki Menan sent to MOT
- 3) Municipality states In the OP that it recognizes that their Boundary is mostly with n'Daki Menan and homeland of the TFN/TAA. However, section g.1 pg. 45 says "The Municipality is located within the RHT (Treaty 61) area and within the traditional territories of the TAA/TFN. Municipality is not located in the RHT and I have no Idea what Treaty 61, Reference to RHT (Treaty 61) should be removed from the OP.
- 4) OP states that it is willing to work on Land use planning with TFN/TAA, which is a good option
- 5) No mention of the MOU between TFN/TAA and Municipality, should be included as it shows that communities are willing to work together

LANDS AND RESOURCES

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**TEMAGAMI FIRST NATION
LAND USE PLAN**

**PROPOSED LAND USE
PROPOSED SETTLEMENT LANDS
OPTION 1**

- Proposed Settlement Lands
- Proposed Settlement Lands Potential Addition
- Expressway / Highway
- Arterial Road
- Local Road
- Resource / Recreational Road
- Hydro Line
- Natural Gas Pipeline
- Railway
- Skyline Reserve
- Temagami First Nation Reserve Lands
- Single Tier Municipality
- Water Body

Forestry Management Unit Access Control

- Existing
- Proposed

Forest Management Plan Road Corridor

- Proposed Branch Road Corridor
- Proposed Primary Road Corridor

Forest Management Plan Harvest Corridor

- Contingency Harvest Allocation
- Regular Harvest Allocation

Proposed Land Use

- Cultural Heritage Protection and Enhancement
- Environmental Protection
- Holistic Management Area
- Highway Commercial
- Industrial
- Natural Resource Extraction
- Potential New Community Site



MAP DRAWING INFORMATION:
BASE DATA PROVIDED BY MNRF

MAP CREATED BY: GM
MAP CHECKED BY: HS
MAP PROJECTION: NAD 1983 UTM Zone 17N



PROJECT: 188369
STATUS: DRAFT
DATE: 2020-03-11