

MUNICIPALITY OF TEMAGAMI - COMMITTEE OF ADJUSTMENT			
Report Prepared For:	Nicole Claveau, Secretary Treasurer	Application Numbers:	C-25-02, C-25-03 and C-25-03
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Owner:	Geromaer Inc. (c/o George Leger)
Location:	Block 44, 46 and 49 on Registered Plan 36M-610 (Fox Run Road)	Applicant:	Planscape (c/o Stefan Szczerbak)
Report Date:	May 1, 2025	Application Type:	Consent

A. PROPOSAL/BACKGROUND

The owner has submitted Consent applications to create new lots and to complete lot boundary adjustments on the subject lands. The owner has submitted three separate applications for the subject lands which are comprised of three (3) separate lots that are identified as Block 44, Block 46 and Block 49 on Registered Plan 36M-610 on Fox Run Road. The owner also owns the adjacent lands which are proposed to be retained. The subject lands are identified on Figure 1.

Figure 1: Subject Lands

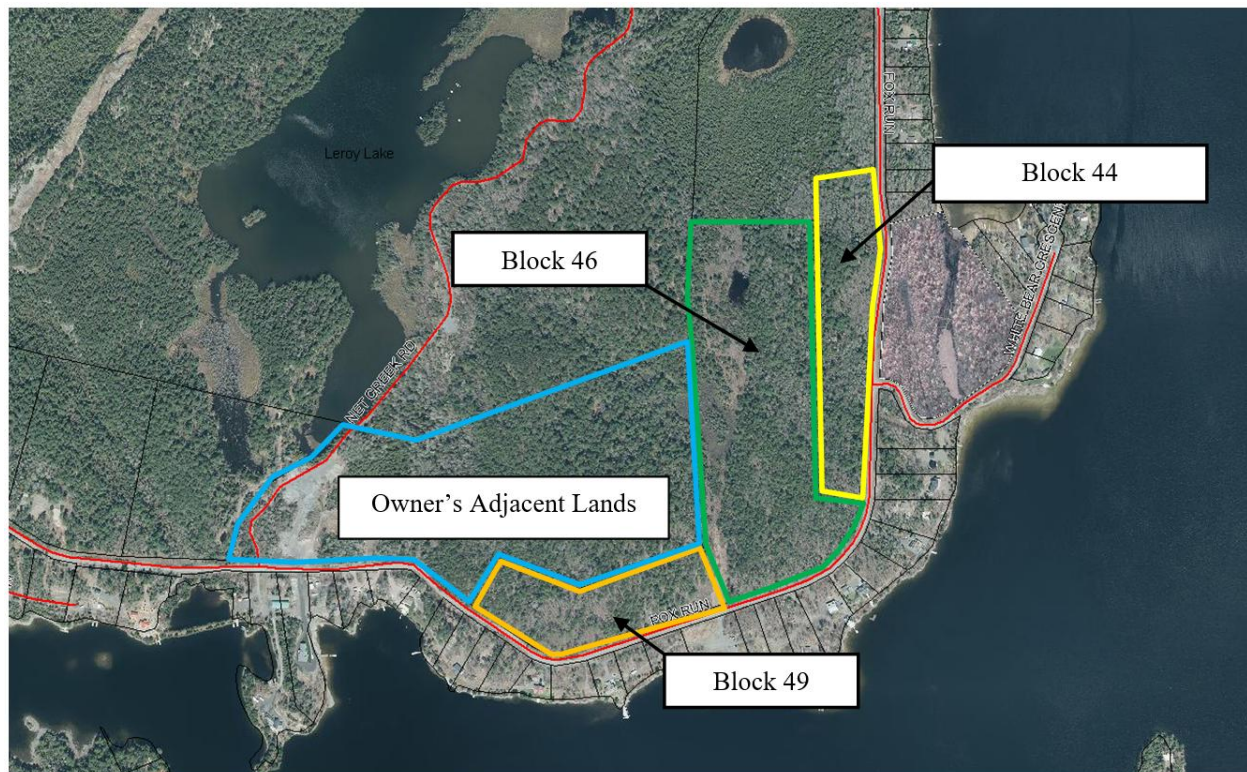


Figure 2: Proposed Lot Configuration

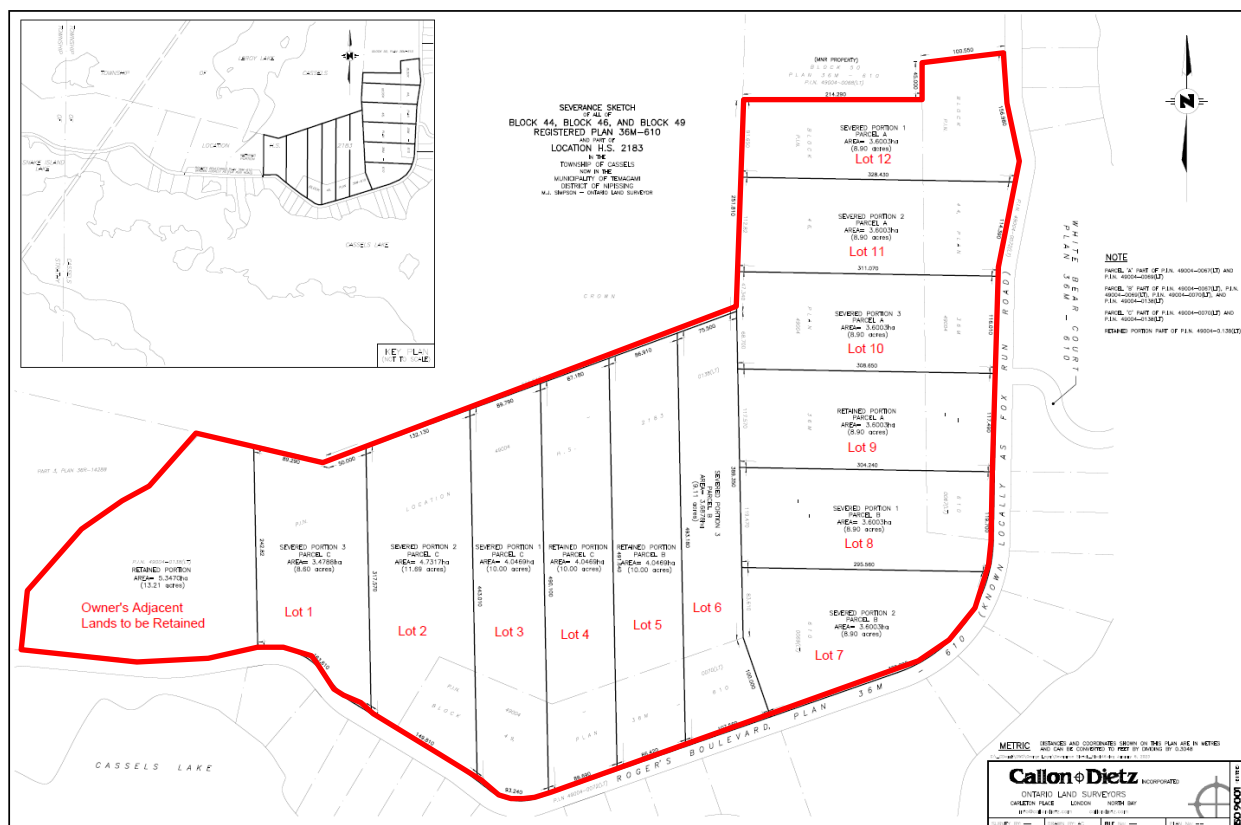


Table 1: Proposed Lot Area and Lot Frontage

Lot No.	Proposed Lot Area (Approximate)	Proposed Lot Frontage (Approximate)
Owner's Adjacent Lands to be Retained	5.3 hectares (13.2 acres)	269 metres
Lot 1	3.5 hectares (8.6 acres)	163.6 metres
Lot 2	4.7 hectares (11.7 acres)	149.8 metres
Lot 3	4.1 hectares (10 acres)	93.2 metres
Lot 4	4.1 hectares (10 acres)	86.7 metres
Lot 5	4.1 hectares (10 acres)	86.4 metres
Lot 6	3.7 hectares (9.1 acres)	107.6 metres
Lot 7	3.6 hectares (8.9 acres)	330 metres
Lot 8	3.6 hectares (8.9 acres)	119.7 metres
Lot 9	3.6 hectares (8.9 acres)	117.5 metres
Lot 10	3.6 hectares (8.9 acres)	116 metres
Lot 11	3.6 hectares (8.9 acres)	114.4 metres
Lot 12	3.6 hectares (8.9 acres)	157 metres

The subject lands are designated as Integrated Management Area and are located within the Matabitchuan Neighbourhood in the Official Plan. The subject lands are located within the Integrated Management Area (IMA) Zone in the Zoning By-law.

The subject lands have lot frontage on Fox Run Road which is identified as a year-round maintained road. Blocks 44, 46 and 49 were created through a Plan of Subdivision application, however, were not divided into separate lots through the subdivision approval process in 1995.

The subject lands are currently vacant. The surrounding land uses generally includes rural residential development and shoreline residential development.

The owner has submitted the following documents which were required by the Municipality in order to evaluate the proposed Consent applications:

- Environmental Impact Study
- Archaeological Assessment
- Water Quality Impact Study
- Peer Review of Water Quality Impact Study (Owner Initiated)
- Transportation Brief

B. TECHNICAL STUDIES

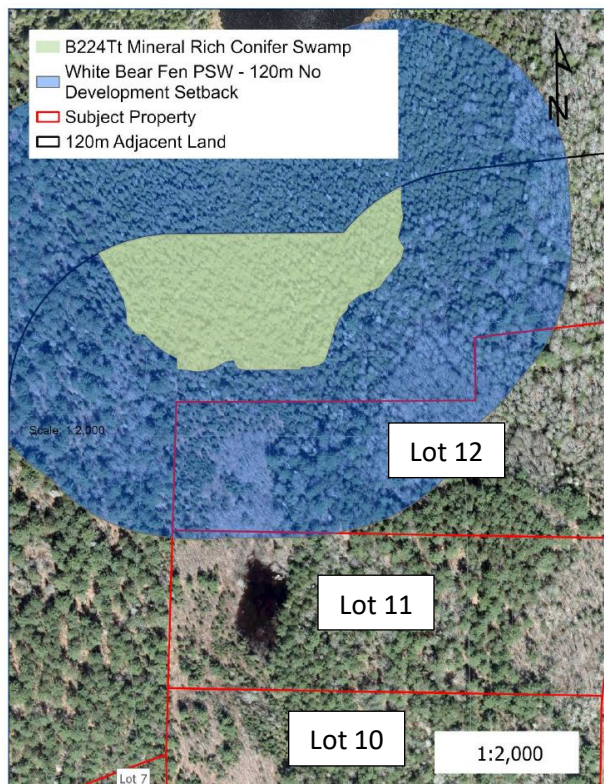
In support of the Consent application, the owner has retained professionals to prepare an Environmental Impact Study, Archaeological Assessment, Water Quality Impact Study, Peer Review of Water Quality Impact Study (Owner Initiated), and a Transportation Brief. A summary of these technical studies is below.

Environmental Impact Study

FriCorp conducted an Environmental Impact Study on the subject lands. The Environmental Impact Study identifies different ecosites on the subject lands and also identifies a Significant Wetland (White Bear Fen) which is located on adjacent lands, to the north of the subject lands near the end of Fox Run Road.

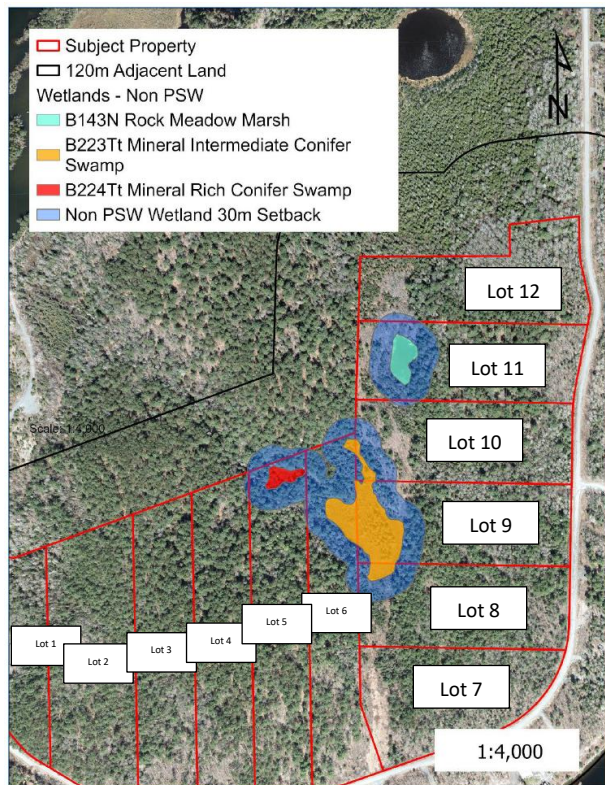
The Study recommends that a 120 metre setback be applied for future development from the Significant Wetland and therefore it is recommended that this area be rezoned to the Protected Area (PA) Zone. Staff are satisfied that there is a suitable building envelope on Lot 12 despite the requirement to rezone a portion of the proposed lot. The location of the Significant Wetland and associated 120 metre setback area is shown on Figure 3.

Figure 3: Significant Wetland



Other wetland features have been identified on part of Lots 5, 6, 8, 9, 10, 11 and 12. The Study recommends that a 30 metre setback for future development be applied to these areas and therefore it is recommended that the PA Zone also be applied to these areas. Refer to Figure 4 for the location of the other wetland features.

Figure 4: Other Wetland Features



A den of an unknown mammal was also identified on Lot 12. Accordingly, the Study recommends that a setback of 100 metres for future development from the den also be required. It is recommended that the proposed PA Zone also cover this area. Refer to Figure 5 for the location of the den.

Figure 5: Location of Den

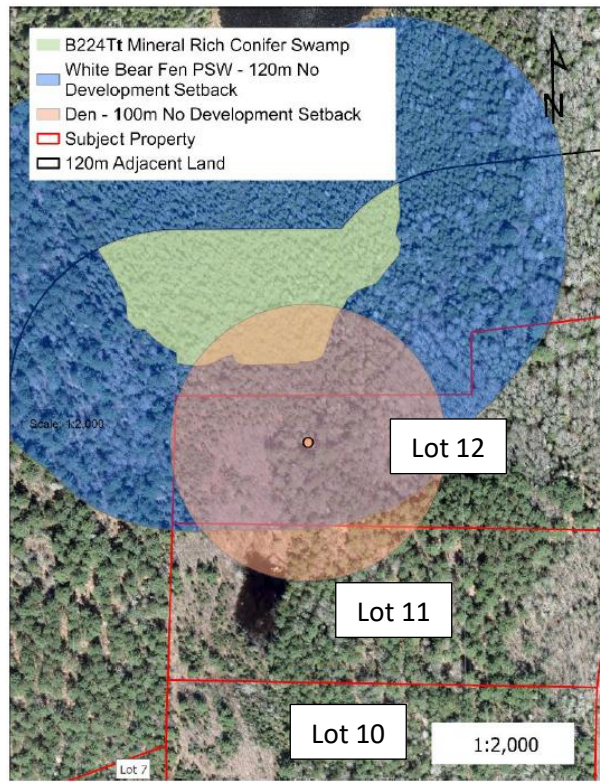
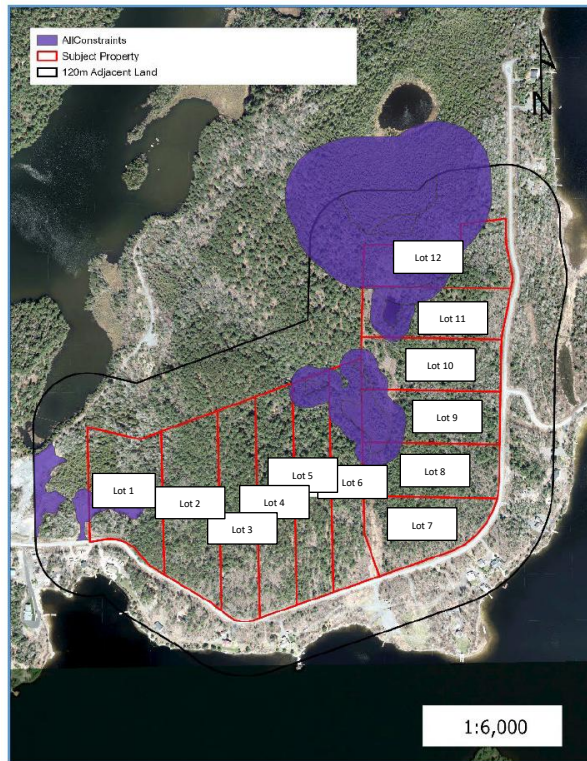


Figure 12 of the Environmental Impact Study shows the recommended areas to be rezoned to the PA Zone in order to prohibit future development. Figure 6 of this Report illustrates all the areas, including turtle nesting areas on a portion of the owner's retained lands and Lot 1.

Figure 6: Lands to be Rezoned to the PA Zone



The Environmental Impact Study recommends that site clearing, preparation, and vegetation removal only occur outside April 1 to September 30 due to the migratory birds and bat seasons. Erosion and sediment control measures should be implemented during construction and disturbances of non-developed areas during construction should be limited.

The Study concludes that proposed Consent application can proceed while avoiding negative impacts on the natural heritage features and functions on and adjacent to the subject lands, subject to the recommendations and mitigation measures provided.

It is recommended that a condition of provisional Consent be included to require a Zoning By-law Amendment and a Consent Agreement to implement the recommendations and mitigation measures contained within the Environmental Impact Study.

Archaeological Assessment

Woodland Heritage Northeast Limited conducted an Archaeological Assessment for the subject lands. A Stage 1 Archaeological Assessment included a background study and property inspection. Temagami First Nation participated in the fieldwork discussed in the assessment.

The assessment concluded that the site does not contain characteristics that indicate that a First Nations cemetery historically existed at this location. The Stage 1 assessment concluded that no further archaeological work was recommended for the subject lands, therefore a Stage 2 assessment was not required.

Water Quality Impact Study

Michalski Nielsen Associates Limited conducted a Water Quality Impact Study for the subject lands. The Study dated January 14, 2025 addressed the potential water quality impacts as a result of the proposed Consent applications. It was acknowledged that Cassels Lake was already determined to be at capacity as it relates to dissolved oxygen concentrations for lake trout. A summary of the Study was prepared and included as Appendix 1 to this Report.

The location of the proposed lots and potential building envelopes are setback from the shoreline and are located on the opposite side of Fox Run Road from Cassels Lake. A recommendation of our report has been to locate those sewage disposal beds such that they are a minimum 200 metres from Cassels Lake. Regardless of soil conditions on these lots, the opportunity to locate the sewage disposal beds a minimum of 200 metres from the lake largely eliminates any opportunity for phosphorus migration from septic systems on these 12 lots to the lake.

Notwithstanding the recommended setback of 200 metres for sewage disposal systems, a soil analysis indicated excellent soils conditions for the long-term retention of phosphorus resulting in no opportunity for any-sewage related phosphorus to be able to migrate from any of the proposed lots to Cassels Lake. The proposed lots and the proposed development conform with the requirements of the Provincial Lakeshore Capacity Assessment Handbook.

It is recommended that a condition of provisional Consent be included to require a Zoning By-law Amendment and a Consent Agreement to implement the recommendations and mitigation measures contained within the Environmental Impact Study and this report.

Water Quality Impact Study (Owner Initiated Peer Review)

FriCorp conducted a Peer Review of the Water Quality Impact Study by Michalski Nielsen Associates Limited. The intent of the peer review was to demonstrate that the proposed lot creation will not negatively impact the water quality of Cassels Lake.

Both the Peer Review and Water Quality Impact Study concluded that there is minimal to negligible concern that the creation and build-out of the 12 proposed lots will negatively impact phosphorus levels in Cassels Lake or lake trout.

Transportation Brief

Burnside conducted a Transportation Brief dated January 15, 2025. The subject lands have lot frontage on Fox Run, which currently has 41 residences. Last year the Municipality refurbished Fox Run with new ditches, culverts, pulverized the asphalt and recontoured the road. The road has not been resurfaced to date however the Municipality is currently obtaining proposals to complete this work. The Brief concluded that the Consent applications will not affect the roadway network or require any further improvements in order to accommodate the proposed lots.

C. COMMENTS RECEIVED

The following comments were provided prior to the finalization of this Report:

- **By-law:** No comments at present time.
- **Fire:** A 911 address number needs to be reflective of the driveway location for accuracy, increasing in consecutive numbering and in relation to existing driveways (Civic 911 address number) on the opposite side of Fox Run. As each specific driveway location have to be first approved under an "entrance permit" an accurate Civic 911 address number is not possible to generate at this time. NOTE: Owners Adjacent Lands to be Retained (East of Lot 1) has an existing driveway with a CIVIC ADDRESS 911 sign #: 292.
- **Public Works:** At present time, comments are not available regarding the Transportation Brief that was submitted by the owner's engineer. Staff require additional time to review the Transportation Brief that was submitted by Burnside in order to finalize comments from a traffic and road perspective. Staff did however confirm there are no issues with the proposed frontages and the ability to site driveways and culverts on each of the proposed lots, subject to the requirements of an entrance permit.

D. POLICY AND REGULATORY CONSIDERATIONS

The following is a review of the relevant policy and regulatory considerations that pertain to the proposed Consent application.

Provincial Planning Statement

The Provincial Planning Statement (PPS) was approved by the Ministry of Municipal Affairs and Housing in October of 2024 and replaced the Provincial Policy Statement which was in place since May of 2020. The subject lands are located on rural lands in the context of the PPS.

Section 2.6.1 of the PPS includes the permitted uses on rural lands, which includes residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.

Section 3.6.4 of the PPS contains policies that permit individual on-site sewage services and individual on-site water services where municipal services are not available, provided that the site conditions are suitable for the long-term provision of such services. The Water Quality Impact Study that was prepared provides recommendations for future septic system locations on the proposed lots that are in conformity with the Provincial Lakeshore Capacity Assessment Handbook. It is recommended that future septic systems be located a minimum of 200 metres from the shoreline of Cassels Lake.

Section 4.1 of the PPS includes policies to protect natural heritage features, including wetlands, significant woodland, significant wildlife habitat, significant areas of natural and scientific interest, fish habitat and habitat of endangered and threatened species. An Environmental Impact Study was completed, and recommendations and mitigation measures were provided to confirm that there will be no negative impacts to natural heritage features and areas.

Section 4.2 of the PPS includes policies regarding water. Planning authorities shall protect, improve or restore the quality of water by ensuring consideration of environmental lake capacity, where applicable. A Water Quality Impact Study was completed to demonstrate that the proposed lots are in conformity with the Provincial Lakeshore Capacity Assessment Handbook.

Section 4.6 of the PPS includes policies regarding cultural heritage and archaeology. Section 4.6.2 states:

"Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved."

An Archaeological Assessment was completed, and no archaeological resources were discovered. It is recommended that the owners be required as a condition of provisional Consent to enter into a Consent Agreement with the Municipality to implement the recommendations of the Archaeological Assessment, including instructions on what to do if archaeological resources were ever discovered on the proposed lots.

Section 3.1 of the PPS includes policies regarding natural hazards and the protection of new development. There are no known hazards on the subject lands.

The proposed Consent applications are consistent with the PPS, subject to the recommendations contained within the technical studies that were submitted with the applications.

Northern Ontario Growth Plan

The Northern Ontario Growth Plan recognizes that tourism is an important component of the economy of Northern Ontario. The applicability to this document in regard to the proposed Consent applications is limited, however the development of rural residential lots does not offend the policies of the Growth Plan.

Municipality of Temagami Official Plan

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

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

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

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

Through the review of a previous Consent application that was submitted for a property adjacent to Cassels Lake, it was determined through the completion of a lake capacity study and municipally initiated peer review that Cassels Lake was determined to be at capacity as it relates to dissolved oxygen concentrations for lake trout. Therefore, the creation of new lots within 300 metres of Cassels Lake could only be contemplated by meeting the requirements of the Provincial Lakeshore Capacity Assessment Handbook, which includes a Site Specific Soils Assessment. The results of the Site Specific Soils Assessment that was complete for the previous Consent application demonstrated that the soils on the property meet the requirements, inclusive of soil depth, chemistry and distance to groundwater.

As a result of Cassels Lake already being determined to be at capacity as it relates to dissolved oxygen concentrations for lake trout, the owner retained the services of Michalski Nielsen Associates Limited to complete a Water Quality Impact Study which included the soil assessment on the subject lands and for the proposed lots. A Peer Review was not required in this case by the Municipality. The initial Peer Review was completed on the original lake capacity study was completed. The Study determined the appropriate process for landowners to follow in order to demonstrate conformity with the Provincial Lakeshore Capacity Handbook.

The owner completed their own peer review of the Water Quality Impact Study. The Study was completed by FriCorp who agreed with the recommendations and mitigations measures outlined in the Study, in order to protect the water quality of Cassels Lake.

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

- *the applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent; and*
- *The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;*
- *The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the lot or lots are not negatively impacted by the development;*

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

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

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

As referenced above, the owner completed a Water Quality Impact Study to determine that the proposed lots can proceed in accordance with the requirements of the Provincial Lakeshore Capacity Assessment Handbook.

The subject lands are currently comprised of four (4) separate lots. Blocks 44, 46 and 49 on Registered Plan 36M-610 represent three (3) separate lots of record, and therefore under the framework of the Consent policies contained within the Official Plan, the owner may apply to create three (3) new lots and one (1) retained lot from each existing parcel. Consent applications are an appropriate means of lot creation in this situation.

There was discussion during the pre-consultation process with the owner regarding the potential to require a Plan of Subdivision application, rather than a Consent application. Given that the lots were created through the Plan of Subdivision process and the road was already constructed and assumed by the Municipality, only Consent applications were required. The Municipality has the ability to require the owner enter into a Consent Agreement to cover-off any additional items, such as a security deposit for road repairs as a result of the construction on the proposed lots, similar to that of a subdivision agreement.

The Municipality has reviewed the Transportation Brief that was submitted with the applications. It was required at the pre-consultation stage that the owner provide a response from an engineer that commented on the ability of Fox Run Road to accommodate the traffic associated with the proposed lots. Municipal staff confirmed that they need additional time to review this document with the Municipality's engineer before finalizing comments.

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

Table 1: General Consent Policies

Section 9.7.1 - Consents to Sever Patented Land	Does the Consent application Conform?
The intended use of the severed and retained parcels conform to the intent and policies of this plan.	Yes. The existing and intended use of the proposed lots conform to the Official Plan. The proposed residential lots and uses are permitted.
Generally the number of lots created does not exceed three.	Yes. The subject lands are currently comprised of four (4) separate lots. Blocks 44, 46 and 49 on Registered Plan 36M-610 represent three (3) separate lots of record, and therefore under the framework of the Consent policies contained within the Official Plan, the owner can create three (3) new lots and one (1) retained lot on each one. The requirement for lot creation in the Official Plan is met and Consent applications are an appropriate means of lot creation in this situation.
A registered plan of subdivision is not required.	Yes. A Plan of subdivision is not required.
The size and dimensions of the severed and retained parcels conform to the provisions of the Zoning By-law.	The size and dimensions of the proposed lots support future residential development. Due to the existing zoning and the proposed lots, a Zoning By-law Amendment is recommended as a provisional condition of Consent.
The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands.	Yes. The Consent application would result in new residential lots and does not hinder development on the retained lands.
The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses.	Yes. The size and dimensions of the proposed lots support future residential development. The applicant has provided information to confirm there are appropriate developable envelopes on each proposed lot, including a septic system location.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.	Not applicable.

Site Plan Control	Yes. A Consent Agreement is recommended as a condition of provisional Consent to implement the recommendations and mitigation measures outlined in the Environmental Impact Study and the Water Quality Impact Study.
Adequate access to the severed and retained parcel can be provided.	Yes. The proposed lots are to be accessed on Fox Run Road. Municipal staff have reviewed the proposed lot configuration and potential driveway locations and have no concerns.
The severed parcel is not within 500 metres of a known sanitary landfill site.	Yes.
Where central sewage and water facilities are not available, it has been established that the soil and drainage conditions on the severed and retained parcels are suitable or can be made suitable to permit the proper siting of buildings and the installation of an approved water supply and Class IV or VI sewage disposal systems.	Yes. The Water Quality Impact Study provides recommendations and mitigation measures to support the proposed development on each lot and the required private services on each lot.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted.	Yes.
The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features.	Yes. The owner completed an Environmental Impact Study, a Water Quality Impact Study, and an Archaeological Assessment have been submitted to support lot creation on the subject lands.
The financial impacts on the Municipality have been considered.	Yes. The Municipality has the ability to require the owner enter into a Consent Agreement to cover-off any additional items, such as a security deposit for road repairs as a result of the construction on the proposed

	<p>lots, similar to that of a subdivision agreement.</p> <p>In regard to the status of Fox Run Road and the ability to support the additional 12 lots, staff require additional time to finalize their comments and for the Municipality's engineer to review the Transportation Brief that was submitted by the owner's engineer.</p> <p>Alternatively, a condition of provisional Consent could be applied that requires the owner to demonstrate that the existing road standard is adequate to accommodate the proposed additional lots, and that the owner is responsible for any road upgrades deemed necessary to support the development.</p>
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Further to the review of the policy framework in the Official Plan regarding lot creation, the policies within Section 2.14 and Section 9.24 regarding cultural heritage features have been reviewed. It is recommended that the recommendation of the Environmental Impact Study and the Archaeological Assessment be implemented in a Consent Agreement, which is to be registered on title for the proposed lots.

Section 2.12 of the Official Plan includes policies regarding transportation. Generally, a public, year-round maintained road is the best means by which to provide public access, public services and emergency services to individual properties. Fox Run Road is a year-round maintained road. Section 2.12.2 of the Official Plan includes the following policy:

"Every effort should be made to preserve the character and scenic amenity of a roadway, while ensuring that the function and safety of that roadway will be maintained."

It is understood that Fox Run Road is a gravel surface, but the Municipality has received funding and is currently developing a request for proposal for double surface treatment. Municipal staff have reviewed the Transportation Brief that was submitted with the applications and are unable to provide comments that the new lots would not impact the function of Fox Run Road at present time. Additional time is required to review the Transportation Brief and to provide an opportunity for the Municipality's engineer to respond. Alternatively, a condition of provisional Consent could be applied that requires the owner to demonstrate that the existing road standard is adequate to accommodate the proposed additional lots, and that the owner is responsible for any road upgrades deemed necessary to support the development.

Regarding future construction traffic associated with the development of the lots, a recommended condition of provisional Consent is included to require the owner enter into an agreement to post securities in the event damage to the road is caused during construction on the proposed lots.

Section 9.15 of the Official Plan references cash-in-lieu of parkland. The Municipality recently passed a By-law to require owners who create new lots to contribute funds to the Municipality to be used for parkland purposes in the future, i.e. purchase of land for new parks or updating existing parks. Cash-in-lieu of parkland is authorized under Section 42 of the *Planning Act* for park or public recreational uses.

With the exception of the outstanding review and comments regarding the Transportation Brief that was submitted by the owner's engineer, the proposed Consent applications conform to the applicable policies of the Official Plan.

Municipality of Temagami Zoning By-law

The subject lands are located within the Integrated Management Area (IMA) Zone. The IMA Zone applies to patented and Crown Land within the Municipality. Only existing permanent dwelling units or seasonal dwelling units are permitted that existed on the date of the passing of the Zoning By-law, therefore a Zoning By-law Amendment is required in order to permit future residential uses on the proposed lots.

It is recommended that a condition of provisional Consent be included to require the owner obtain approval of a Zoning By-law Amendment to rezone the proposed lots to a site-specific Rural Residential (R3) Zone.

It is recommended that the boundaries of the Protected Area (PA) Zone reflect the environmentally sensitive areas on the subject lands and require septic systems to be located a minimum of 200 meters from the shoreline of Cassels Lake.

E. RECOMMENDATIONS

Based on the review of the Consent applications C-25-02, C-25-03 and C-25-04 and associated material submitted by Geromaer Inc., with the exception of the outstanding review and comments regarding the Transportation Brief that was submitted by the owner's engineer, the proposed Consent applications are consistent with the PPS and conform to the applicable policies of the Official Plan.

It is recommended that the Committee of Adjustment consider two options in regard to a decision on the Consent applications:

Option #1 – Deferral

That a decision on the application be deferred to allow the Municipality sufficient time to review the Transportation Brief and the conclusions provided by Burnside, through the Municipality's engineer, in order to confirm whether the road standard is sufficient to accommodate the proposed additional 12 lots; and further, that the cost of this review be billed to the applicant.

Option #2 – Approval subject to Conditions

Under Option #2, a condition of provisional Consent has been included to ensure that the owner demonstrates that the existing road standard is adequate to accommodate the proposed additional 12 lots and that the owner be responsible for any road upgrades that are deemed necessary to support the development. These specific conditions are reflected in Condition 4) c. and 4) d.

If the Committee of Adjustment would like to proceed with Option #2, it is recommended that the proposed Consent applications be provisionally approved in accordance with the application sketch/survey and subject to the following conditions of provisional Consent:

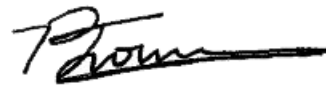
- 1) A copy of the Reference Plan(s) to be deposited in the Land Registry office that is substantially in compliance with the application sketch, prepared to the satisfaction of the Municipality;
- 2) The original executed transfers (deeds), both duplicate originals and one photocopy per Consent;
- 3) A schedule describing the proposed lots and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- 4) That the owner enters into a Consent Agreement with the Municipality to:
 - a. Implement the recommendations and mitigation measures contained within the Environmental Impact Study, the Water Quality Impact Study and the Archaeological Assessment, to the satisfaction of the Municipality;
 - b. To require a security deposit to cover the potential costs associated with repairs as a result of construction traffic to the proposed lots, to the satisfaction of the Municipality;
 - c. To require a professional engineer to demonstrate, to the satisfaction of the Municipality, that the existing road standard is adequate to accommodate the proposed additional 12 lots; and,
 - d. Require that the owner be responsible for any road upgrades deemed necessary to support the development.

- 5) That the owner obtains approval of a Zoning By-law Amendment application to implement the recommendations and mitigation measures contained within the Environmental Impact Study and the Water Quality Impact Study;
- 6) That the owner submit payment of cash-in-lieu of parkland in accordance with By-law 25-1798;
- 7) That any travelled road situated on the subject lands or the proposed lots shall be transferred to the Township for road purposes, at no cost to the Municipality (if applicable);
- 8) That the owner and the Municipality establish 911 and civic addresses to the satisfaction of the Municipality; and,
- 9) Any other standard conditions of the Municipality (if any).

Respectfully Submitted,
MHBC Planning

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

Jamie Robinson, BES, MCIP, RPP
Partner

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

Patrick Townes, BA, BEd
Associate



January 14, 2025

Georges Leger

gdleger1@gmail.com

Re: Summary Comments with Respect to our Water Quality Impact Study for the Creation of 12 New Residential Backshore Lots on Fox Run Road, Municipality of Temagami; Our File 1324

Dear Mr. Leger:

Michalski Nielsen Associates Limited has prepared a very detailed technical study, dated January 14, 2025, which has addressed potential water quality impacts of the above-noted 12 lots on Cassels Lake, a Lake Trout lake that is deemed by the Province to be at development capacity. The following provides a very brief summary of the content of that technical report.

- Cassels Lake has been deemed to be an at-capacity lake for development, meaning that dissolved oxygen levels in the water column during the critical summer period are sub-optimal for Lake Trout recruitment, and that the introduction of additional phosphorus in association with adjacent land development could be detrimental to that fishery. Phosphorus is a plant nutrient, increased levels of which can increase algae growth and in turn reduce levels of dissolved oxygen during the summer period. It can be introduced to lakes through improperly planned adjacent land development, particularly that occurring in very close proximity of the lake (i.e., on shoreline lots).
- There has been extensive work done by others, including the province, to examine both dissolved oxygen and phosphorus levels in Cassels Lake. It is noted that phosphorus levels in this lake are very low, and have also been stable over the past two decades, which is excellent. Accordingly, the sub-optimal levels of dissolved oxygen during the summer in this lake appear to be largely a natural phenomenon, due much more to the shape of the lake basin rather than from the introduction of phosphorus from surrounding development. Nevertheless, it remains very critical that a high level of care be taken with respect to any future development along the shoreline of the lake, as well as within this lake's broader watershed.
- The 12 backshore lots on Fox Run Road that we have provided input to are located on the far side of that road, generally being at least 100 m back from Cassels Lake. Their location a considerable

distance back from the lake substantially reduces risks that the creation and development of such lots could introduce phosphorus into Cassels Lake.

- Sewage-related phosphorus is considered to be the primary means by which phosphorus enters lakes from adjacent development. Notwithstanding that the 12 new lots being proposed are backshore lots, and sewage disposal systems would be quite far back from the lake whenever they are installed, a key recommendation of our report has been to locate those sewage disposal beds such that they are a minimum 200 m back from Cassels Lake. In doing so, several of these sewage disposal beds will grade away from the lake, with the remainder having very long and quite convoluted flow paths to Cassels Lake. Accordingly, regardless of soil conditions on these lots, the opportunity to locate the sewage disposal beds a minimum of 200 m back from the lake largely eliminates any opportunity for phosphorus migration from septic systems on these 12 lots to the lake.
- The above being said, we have completed soil analyses which have indicated really excellent soil properties throughout these 12 lots for the long-term retention of phosphorus. In this regard, the 'B' horizon soils on these lots have exceptionally high levels of iron and aluminum, metals which are important in adsorbing and permanently mineralizing with phosphorus. The lab-measured phosphorus adsorption capacity of the soils on these lots is also exceptionally high, in fact being as good or better quality than those of other soils that we have specifically identified in work we have completed with aggregate operators specifically for the purpose of their stockpiling of soils with excellent phosphorus retention capabilities for use in sewage disposal systems on shoreline lots on other lakes where the protection against increased phosphorus levels has been deemed just as critical as it is on Cassels Lake. The work we have completed has also indicated that such excellent quality soils are very widespread across these lots. In combination with these being backshore lots and having sewage disposal beds that are at least 200 m from the lake, these soil analyses demonstrate that **there will be absolutely no opportunity for any sewage-related phosphorus to be able to migrate from any of these lots to Cassels Lake.**
- Runoff containing soil particulate matter can be an additional source of phosphorus to lakes, with the typical concern for this relating to disturbance of lands that are very proximal (within 20 m to 30 m) of a lake; this is one of the reasons why shoreline buffers are an important consideration with respect to shoreline development. While recognizing these 12 new proposed lots are in the backshore, separated from Cassels Lake by a road and extensive areas of natural vegetation, we have additionally recommended the incorporation of good construction best management and design measures to ensure runoff from developed portions of these lots do not convey any soil particle matter over both the short-term construction and longer term occupation of these lots.
- The water quality protection measures being recommended for each of the 12 proposed backshore lots we have assessed are reasonable, practical and will be very effective in protecting Cassels Lake against any increase in phosphorus levels. The Municipality of Temagami has planning tools which

it can use to ensure the proper implementation of all such measures during the build-out of these lots.

- In accordance with the above, there should be absolutely no concerns that the creation and build-out of these 12 proposed backshore lots will negatively impact phosphorus levels in Cassels Lake or its Lake Trout fishery. As such we recommend that the Municipality of Temagami approves these 12 new lots.

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In closing, we trust that this summary information, backed by the detailed technical analyses in our report, provides the Municipality of Temagami with everything it requires to approve this application for 12 new backshore lots, but would be pleased to answer any questions that the Municipality may have.

Yours truly,

MICHALSKI NIELSEN ASSOCIATES LIMITED

Per:



Gord Nielsen, M.Sc.
Ecologist
President