

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Sabrina Pandolfo, Clerk	Application Number:	ZBA 25-01
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Planscape (c/o Stefan Szczerbak
Location:	Blocks 44, 46 and 49 on Registered Plan 36M-610 (Fox Run Road)	Owner:	Geromaer Inc. c/o George Leger
Report Date:	July 10, 2025	Application Type:	Zoning By-law Amendment

**A. RECOMMENDATION**

THAT Council receives the Planning Report dated July 10, 2025, respecting Zoning By-law Amendment No. 25-01; and,

THAT Council authorizes the passing of By-law No. 2025-1828 being a By-law to amend Zoning By-law 06-650, as amended.

**B. PROPOSAL/BACKGROUND**

A Zoning By-law Amendment application has been submitted by the owner of the subject lands, which consists of three (3) separate properties that are identified as Block 44, Block 46 and Block 49 on Registered Plan 36M-610 on the north side of Fox Run Road.

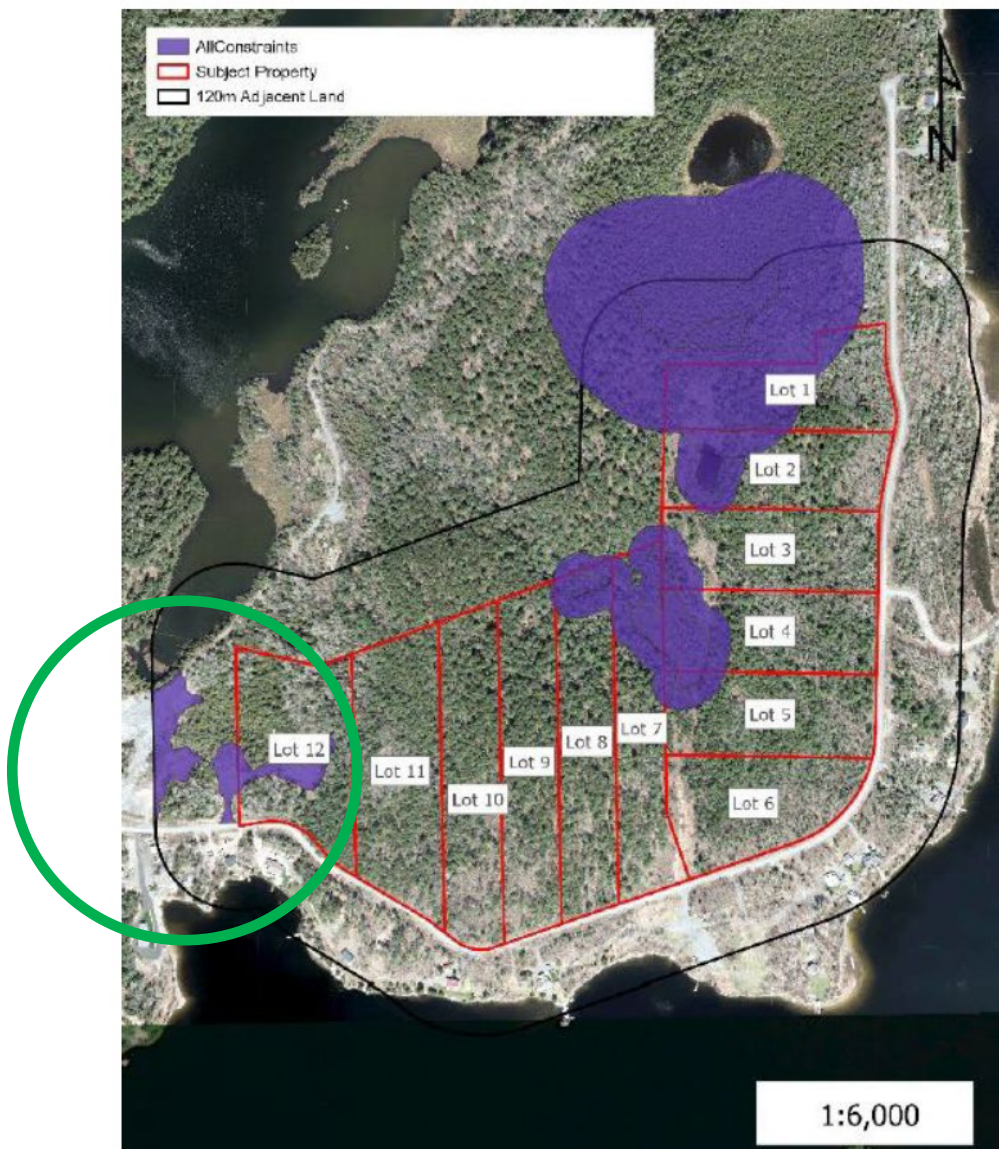
The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject lands to satisfy a condition of provisional Consent, for the applications that were approved by the Committee of Adjustment (C-25-02, C-25-03 and C-25-04). An overview of the proposed Zoning By-law Amendment was provided in the Report dated June 10, 2025 that was presented to Council during the Statutory Public Meeting. Please refer to Attachment #1 for the report that was prepared for Council on June 10, 2025.

A decision on the proposed Zoning By-law Amendment was requested to be deferred at the June 10, 2025 Council meeting by the owner in order for their environmental consultant to provide additional review and analysis of the turtle nesting habitat on the western portion of the subject lands. This area was previously proposed to be rezoned to the Protected Area (PA) Zone based on the constraint map that was previously provided in the original Environmental Impact Study.

Following the deferral, the owner's environmental consultant has submitted a subsequent report, being a Turtle Nesting Assessment to further evaluate the habitat on the western portion of the subject lands. A copy of the report is included as Attachment #2.

The original Environmental Impact Study identified that areas on the subject lands, specifically the gravel pit areas, were possibly suitable for Blanding's turtle nesting and development should be avoided in these areas. The recommendations also included that turtle nesting surveys should be completed to confirm the findings. The additional assessment was completed on June 24, 2025 to provide more information on these areas, which are generally shown on Figure 1 (green circle).

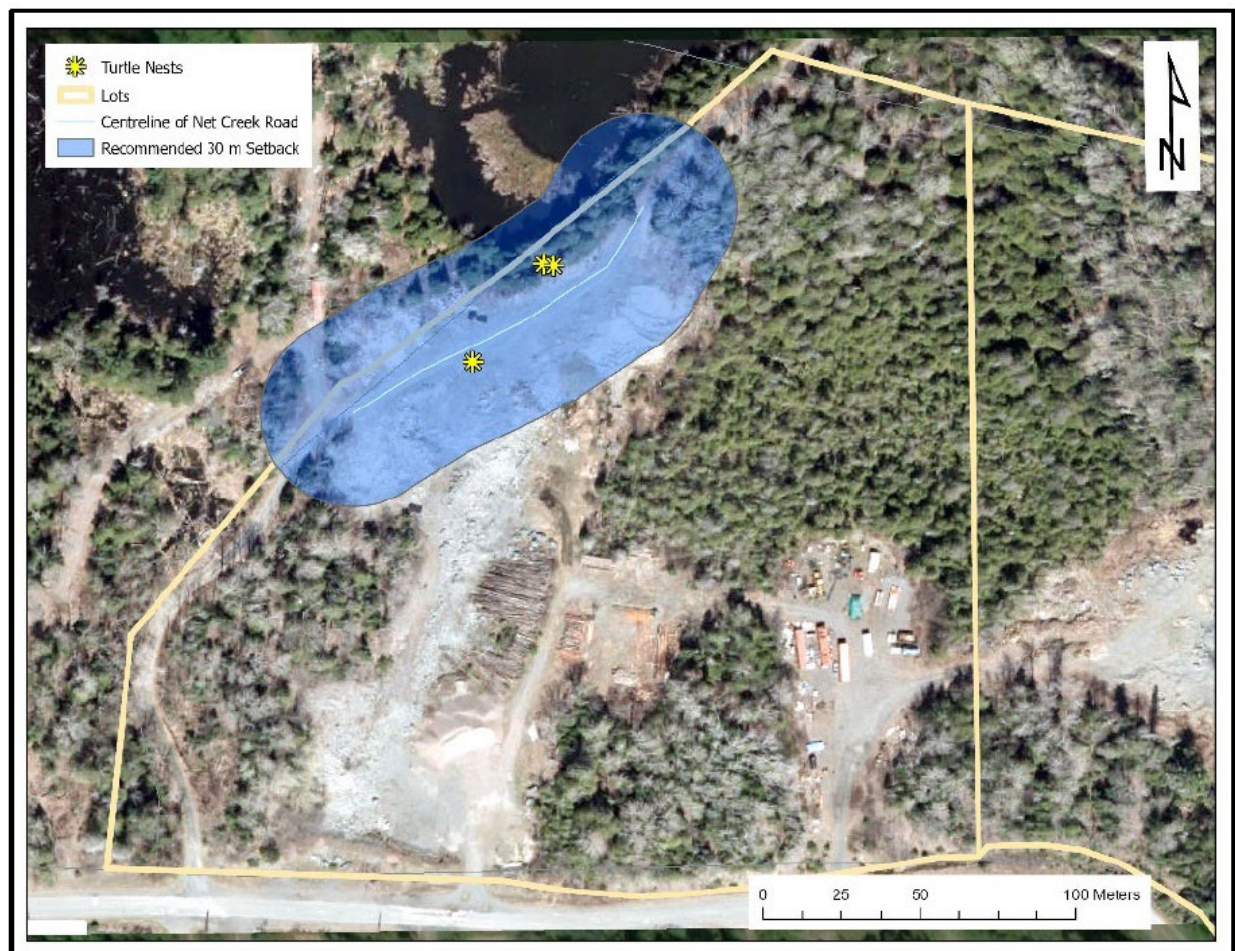
Figure 1: Additional Study Areas



The results of the additional assessment concluded that there is no habitat for turtle nesting species at risk on the subject lands. Therefore, the constraint mapping on the two western lots are not warranted, as shown on Figure 1.

There were however three nests confirmed for snapping turtles along the shoulder/bank of Net Creek Road on the proposed Retained Lot. Snapping turtles are considered to be significant wildlife habitat in the context of the Provincial Planning Statement. The environmental consultant recommends a "30 metre no development setback measured from the centreline of Net Creek Road". This recommended no development setback area is shown on Figure 2.

Figure 2: Recommended 30 Metre Setback Area



It is acknowledged by the environmental consultant that they do not recommend that this area be rezoned to the Protected Area (PA) Zone and that the development setback be implemented through another land use planning mechanism, such as a site plan control agreement or side yard setbacks. In this case, zoning is the most appropriate land use planning

tool to implement the development setback. Because a specific area is shown in the updated information, it is recommended that this area be rezoned to the Protected Area (PA) Zone, rather than creating minimum setbacks from the road or property lines. The proposed Protected Area (PA) Zone is the most appropriate way to prohibit development when the environmental consultant is recommending that no development be permitted in this area.

### C. RECOMMENDATIONS

Based on the information that has been provided since the June 10, 2025 Council meeting, planning staff continue to recommend approval of the Zoning By-law Amendment. The application is consistent with the Provincial Policy Statement and conforms to the Official Plan.

In addition to the rezoning to the site-specific Rural Residential (R3) Zone, the refinements to the proposed Protected Area (PA) Zone mapping is appropriate based on the additional assessment provided by the environmental consultant.

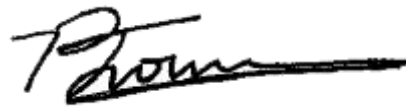
It is recommended that the Zoning By-law Amendment be passed by Council, in accordance with the draft Zoning By-law Amendment.

Respectfully Submitted,

MHBC Planning

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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