

BYLAW NO. 94-344

The Council of the Corporation of the Township of Temagami, in accordance with the provisions of The Planning Act, R.S.O.1990, hereby enacts as follows:

1. The attached text and Schedule 'A', which constitutes Amendment No. 6 to the Official Plan for the Temagami Planning Area is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Amendment No. 6 to the Official Plan for the Temagami Planning Area.
3. This Bylaw shall come into force and take effect on the day of final passing thereof.

Enacted and passed this 1st day of April, 1994.



REEVE



CLERK

FROM :
DB # 194671 FOLIO # 269
FEB 09 1996
DECISION ISSUE DATE

TO :

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1999.02-03

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Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

0940156
R930336
R940244
0950172

At the request of Ron Prefasi, the Minister of Municipal Affairs has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act R.S.P. 1990, c. P.3 Proposed Amendment No. 5 to the Official Plan for the Township of Temagami
Minister's File No. 48-OP-0054-005
OMB File No. 0940156

Ron Prefasi has appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act R.S.O. 1990, c. P. 13 against Zoning By-law 93-923 of the Township of Temagami
OMB File No. R940336

Ron Prefasi has appealed to the Ontario Municipal Board under section 34(19) of the Planning Act R.S.O.1990. c. P.13 against Zoning By-law 94-343 of the Township of Temagami
OMB File No. R940244

At the request of Ron Prefasi, the Minister of Municipal Affairs has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act R.S.O. 1990, c. P. 13 Proposed Amendment No. 6 to the Official Plan for the Township of Temagami
Minister's File No. 48-OP-0054-606
OMB File No. 0950172

MEMORANDUM OF ORAL DECISION delivered by N. M. KATARY
on October 18, 1995

At the commencement of the hearing, the land use planner for the Township filed with the Board a copy of the letter [Ex.3, Tab 25] from the appellant stating that he was withdrawing his objections to the official plan amendments and the companion zoning by-law amendments.

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The appellant, Mr. Ron Prefasi, did not appear at the hearing even half an hour after the commencement of the hearing.

Mr. Nick McDonald, a land use planning consultant with approximately five years of experience, gave evidence in support of the amendments to the official plan and the zoning by-law.

Using a series of documents [Ex. 3, Tabs 1 through 24, Ex. 4 and Ex.5, Tabs 1 through 16], the planner detailed the purpose of the four amendments, the process followed, including consultations with the appropriate ministries of the Government of Ontario and why the amendments were appropriate for the lands in question.

Other than some questions by the Board, the planner was not cross-examined by anyone. Also, his opinions were not contradicted by any other duly qualified and experienced professional witness.

Mrs. Evelyn Stewart, a resident who lives near the proposed subdivision, stated that the proposed development may exacerbate the existing storm water drainage problem in the area. Mrs. Stewart made it clear that she was not seeking a party or participant status but that she was only interested in getting some information. In light of the interest in the amendments in the Township as evidenced by the number of people who were at the hearing as observers, the Board permitted the matter to be raised. The planner for the Township was acting as the agent for the municipality was quite helpful in suggesting that a full answer to her concern may clarify matters for everyone.

Mr. K. Bruce McMullan, a consultant who has approximately sixteen years of experience in design and contract administration for storm and sanitary engineering projects, gave evidence on storm water management contemplated for the proposed subdivision. After describing the various steps that will be undertaken as part of the development, he stated, "the storm water drainage in the area will only improve because of the grading that will be done and the self maintenance of the properties by the new owners."

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The opinions by Mr. McMullan were not contested by anyone.

Based upon an analysis of all of the evidence, the Board finds that the proposed developments do not cause an unacceptable adverse impact upon existing development and that the proposed amendments are appropriate for the lands in question.

The Board, therefore:

1. Approves Official Plan Amendment No. 5 as shown in Exhibit 3, Tab 23.

The Board's order will not issue until the Ministry of the Environment and Energy (files a letter to the effect that the sewage effluent from the development can be j adequately handled.

2. Dismisses the appeal against By-law 93-323.
3. Approves Official Plan Amendment No. 6 as shown in Exhibit 5, Tab 10 with an amendment to the Schedule 'A' as shown in the attached Schedule 'X'

The Board's order will not issue until the Ministry of the Environment and Energy files a letter to the effect that the sewage effluent from the development can be adequately handled.

4. Allows the appeal against By-law 94-343 in part and amends the By-law as shown in the attached Schedule Y'

"N. M. Katary"

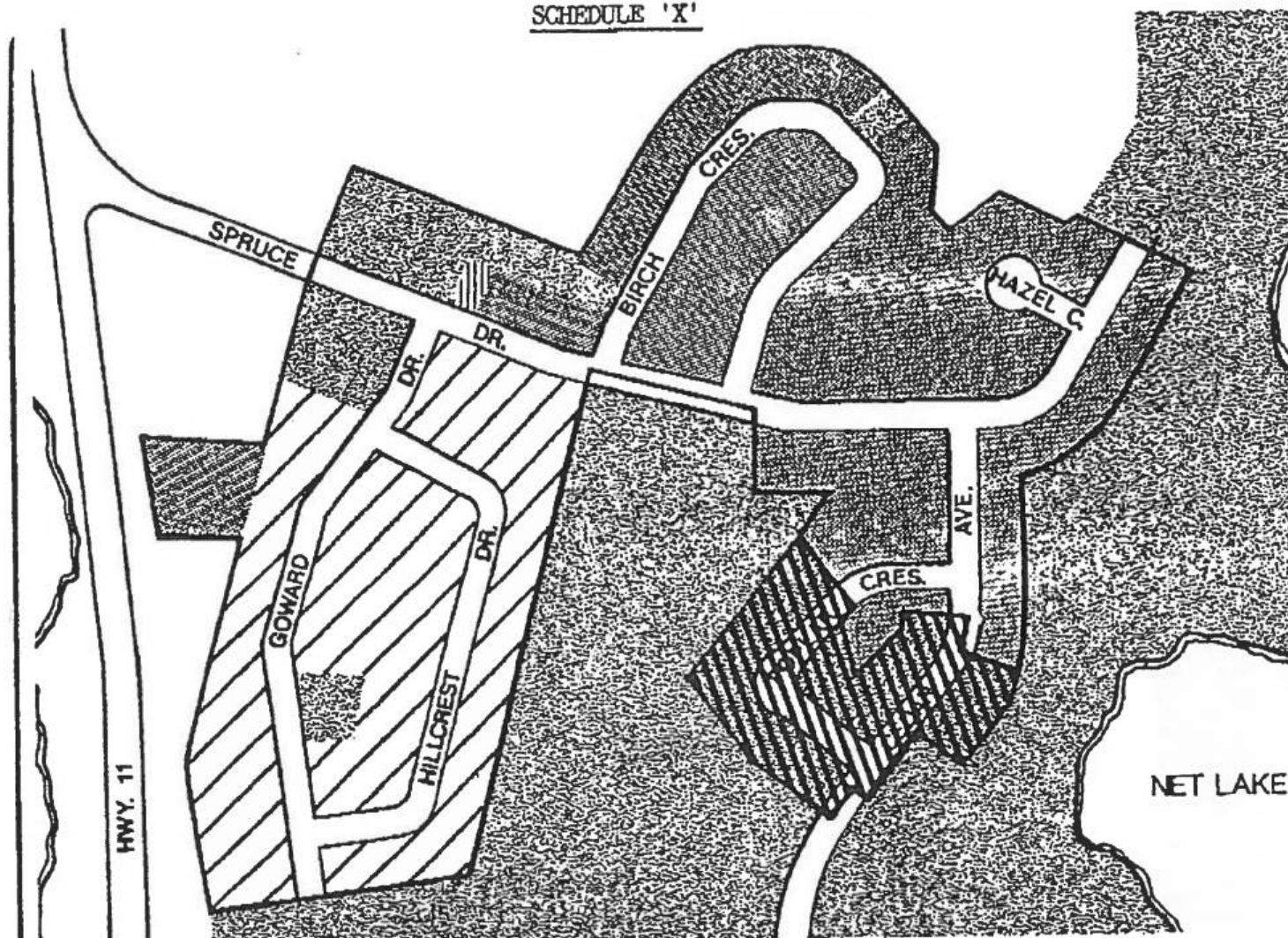
N. M. KATARY
MEMBER

SCHEDULE 'A'

Official Plan Amendment No. 6

Township of Temagami

0940156

SCHEDULE 'X'

Legend



Area to be redesignated from the 'Open Space, Culture, Recreation' designation to the Town Density Residential* designation.

Legend



0 50 200m



LEHMAN
& Associates

This Schedule 'A' is part of Amendment No. 6 to the Official Plan for the Township of Temagami.

THE CORPORATION OF THE
TOWNSHIP OF TEMAGAMI
BY-LAW 94-343

Being a By-law to rezone lot 79, lots 100 to 116 and lots 120 to 124 within Registered Plan M-393 and thereby amend Comprehensive By-law 81-62.

WHEREAS the Council of the Corporation of the Township of Temagami is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act;

AND WHEREAS it is deemed appropriate to amend By-law No. 81-62 as amended, to change the zone symbols on lot 79, lots 100 to 116 and lots 120 to 124 within Registered Plan M-393 to permit the use of the land for residential purposes;

NOW THEREFORE the Council of the Corporation of the Township of Temagami enacts as follows:

1. That Schedule D' of Zoning By-law 81-62 be and is hereby amended by changing the Zone symbols on the lands indicated on Schedule 'A' to this By-law.
2. That Section 2 of Zoning By-law 81-62 be and is hereby amended by addition of the following sub-section:

"234 HOLDING SYMBOL

Where a zone symbol is followed by the letter (H), the uses permitted by the zone symbol shall only be permitted after the approval of an amending By-law to remove the (H). Certain lands in the Township are zoned with a (H). The removal of the (H) shall only occur on those lands in accordance with the provisions found below:

234.1 Poplar Crescent and Cedar Street

The Holding Provision applying to lot 79, lots 100 to 116 and lots 120 to 124 within Registered Plan M-393 shall be removed in accordance with the Planning Act when municipal sewer and water services are available to service the lots and when the stormwater drainage system is improved to the satisfaction of the Ministry of Environment and Energy."

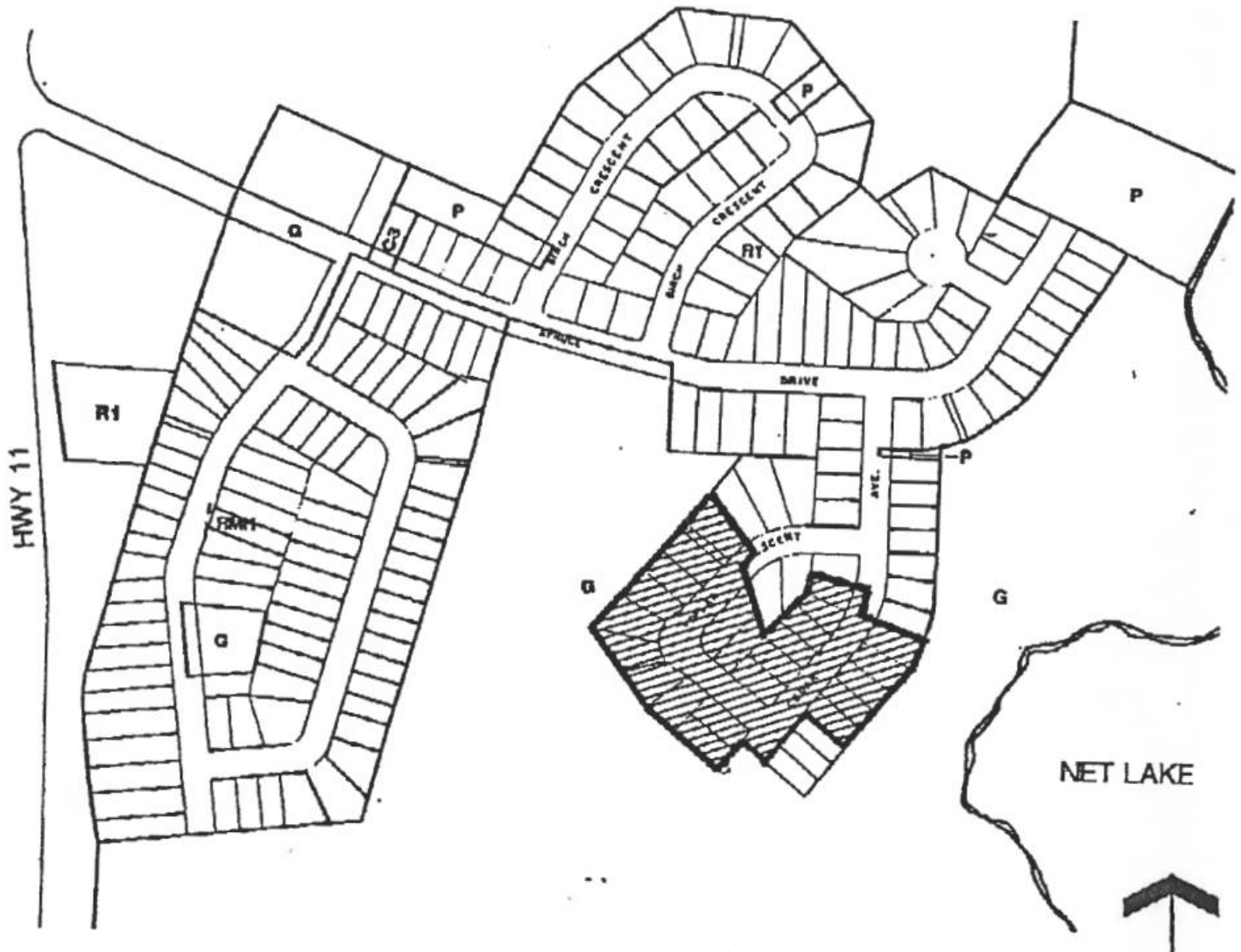
APPROVED BY THE ONTARIO MUNICIPAL BOARD ON

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SCHEDULE 'A'

Township of Temagami

By-Law 94-343



LEGEND



Lands to be rezoned from the Open Space (G) Zone to the Residential Urban First Density Hold (R1-H) Zone.

This is Schedule 'A' to By-Law 94-343

Approved by the Ontario Municipal Board

on. _____ -*

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