

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Nicole Claveau, Secretary Treasurer for Committee of Adjustment	Application Number:	C-25-01
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Owners:	Michael Kilbourne, Joseph Murgel and Brenda Norwich
Location:	188 Lake Temagami Island Unit 27	Applicant:	Michael Kilbourne
Report Date:	June 12, 2025	Application Type:	Consent (Change of Conditions)

A. PROPOSAL/BACKGROUND

The purpose of the Committee of Adjustment meeting is to review a request to change the conditions on a previously provisionally approved Consent (Land Severance) application that was approved by the Committee of Adjustment on March 27, 2025. A copy of the planning report that was prepared for the March 27, 2025 Committee of Adjustment meeting is included as Attachment #1.

Based on the recommendations contained within the original Environmental Impact Study that was submitted, a minimum shoreline setback of 30 metres was recommended for new development on the proposed severed lot. The following condition was included in the original decision:

"3) That the owners obtain approval of a Zoning By-law Amendment application to implement a minimum setback from the shoreline of 30 metres for the proposed severed lot and to recognize the proposed lot areas;"

Following review with the owner, it was determined that due to the minimum shoreline setback that was recommended by the environmental consultant, and the location of the hydro line on the subject property, a suitable building envelope for a new dwelling was not possible.

The owner has submitted an updated Environmental Impact Study that recommends a reduced minimum shoreline setback of 15 metres, based on additional review completed by the environmental consultant.

In order for the Committee of Adjustment to consider the request for Change of Conditions, the owner has submitted an Addendum to the original Environmental Impact Study and an updated Sketch showing the proposed building envelope. In addition to the previous planning report, the following items are included in this report:

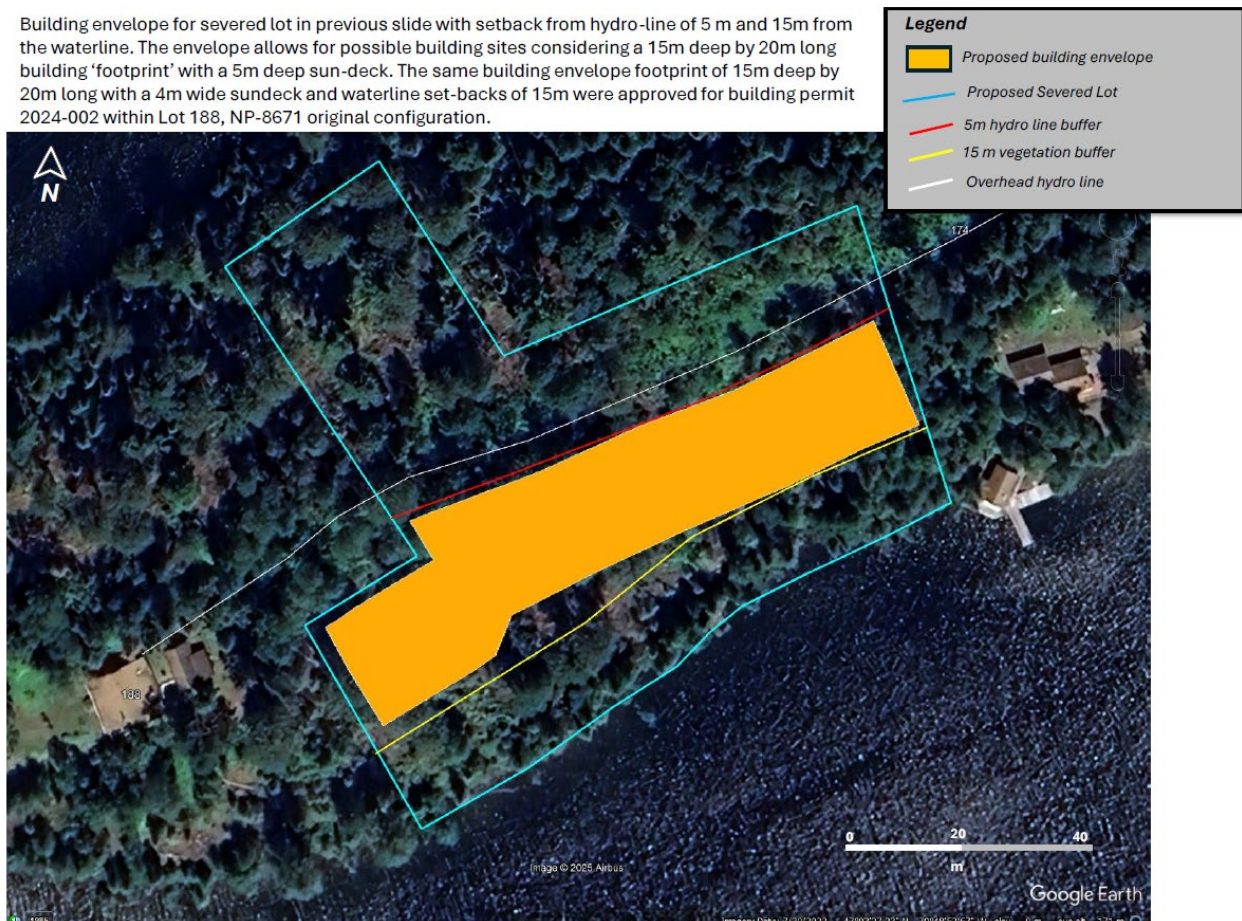
- Attachment #2 – Addendum to Environmental Impact Study, dated April 18, 2025.
- Attachment #3 – Original Environmental Impact Study, dated September 21, 2024.
- Attachment #4 – Updated Sketch showing Proposed Building Envelope.

The owner is requesting that the recommendations contained within the Addendum to the original Environmental Impact Study be implemented through the proposed lot creation, and that a minimum shoreline setback of 15 metres be required to align with the updated Environmental Impact Study.

Other than the proposed change to the recommended minimum shoreline setback, the original Consent application has not been revised, including the proposed lot areas and lot frontages. The proposed building envelope provided by the owner is shown in Figure 1.

Figure 1: Proposed Building Envelope

Building envelope for severed lot in previous slide with setback from hydro-line of 5 m and 15m from the waterline. The envelope allows for possible building sites considering a 15m deep by 20m long building 'footprint' with a 5m deep sun-deck. The same building envelope footprint of 15m deep by 20m long with a 4m wide sundeck and waterline set-backs of 15m were approved for building permit 2024-002 within Lot 188, NP-8671 original configuration.



B. POLICY AND REGULATORY CONSIDERATIONS

The following policy summary includes a review of the relevant policies contained within the Provincial Policy Statement (PPS) and the Official Plan that apply to environmental features and areas.

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. Section 5.3.3.2 of the Official Plan requires a review of the natural heritage features to determine and to mitigate the potential impacts of development on the features. An Addendum to the original Environmental Impact Study was prepared by BAE Environmental. It is noted that the Addendum references the old Provincial Policy Statement (2020) however the intent of the policies regarding environmental features have not been changed in the new PPS.

Based on a review of the original Environmental Impact Study, the primary reason for the recommended minimum shoreline setback of 30 metres was due to potential Blanding's Turtle habitat along the shoreline. The Addendum to the original Environmental Impact Study references additional research that was conducted in regard to the Ministry of the Environment, Conservation and Parks to evaluate the potential presence of Blanding's Turtle habitat. Based on the information contained within the Study and the site-specific references to adjacent land uses, it was concluded that the subject property and the local shoreline areas are not conducive to Blanding's Turtle Habitat. On this basis, a minimum shoreline setback of 15 metres is appropriate, which is the current minimum shoreline setback in the Zoning By-law.

It is noted that the original Environmental Impact Study also referenced Fish Habitat, however based on the recommendations contained within the Addendum to the original Environmental Impact Study the minimum shoreline setback of 15 metres is appropriate. Further to the recommendations contained within the Environmental Impact Study, it is recommended that the shoreline area within 15 metres of the shoreline to be maintained, with the exception of a two (2) metre pathway for access. This requirement has been added to Condition #2.

Based on the recommendations of the Addendum to the Environmental Impact Study, the environmental consultant has changed to recommendation to require a minimum shoreline setback of 30 metres and recommended a minimum shoreline setback of 15 metres which is consistent with the policy and regulation direction within the municipal planning documents. Surrounding land uses include existing development within 15 metres of the shoreline.

Based on the recommendations contained within the Addendum, the recommended condition of provisional Consent to require the owner to obtain a Zoning By-law Amendment to require a minimum shoreline setback of 30 metres is not required. The condition however still does require that the proposed lots be subject to a Zoning By-law Amendment to recognize the proposed lot areas (approximately 0.78 hectares each) that do not meet the minimum lot area

of 0.8 hectares (no drilled well) and 1 hectare (with a drilled well) in the Zoning By-law. The proposed lot areas are appropriate under both services scenarios. A summary of the proposed lot areas and lot frontages are provided in Table 1.

Table 1: Proposed Lot Areas and Lot Frontages

Lot	Minimum Lot Area (R1)	Minimum Lot Frontage (R1)	Proposed Lot Area	Proposed Lot Frontage
Retained Lot with Approved Dwelling	0.8 hectares or 1 hectare	90 metres	0.787 hectares	130 metres
Severed Lot (Vacant)	0.8 hectare or 1 hectare	90 metres	0.787 hectares	106 metres

E. RECOMMENDATION

Based on the review of the Consent application C-2025-01 and the requested Change of Conditions, including the review of the Addendum to the original Environmental Impact Study, the application is consistent with the PPS and conforms to the Municipality's Official Plan.

Based on the requested Change of Conditions, the requirement to obtain a Zoning By-law Amendment to require a minimum shoreline setback of 30 metres has been removed.

It is recommended that the Consent application be provisionally approved in accordance with the application sketch and subject to the following revised conditions of provisional Consent:

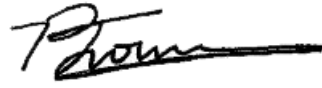
- 1) Preparation of a Reference Plan, in substantial compliance with the application sketch, to the satisfaction of the Municipality;
- 2) That a Consent Agreement be entered into between the owners and the Municipality to implement the recommendations and mitigation measures contained within the Environmental Impact Study **(including a vegetation area within 15 metres of the shoreline to be maintained, with the exception of a two (2) metre pathway for access)**, the Hydrogeological Assessment and the Archaeological Assessment, as required by the Municipality;
- 3) **That the owners obtain approval of a Zoning By-law Amendment application to recognize the proposed lot areas for the retained and severed lot that do not meet the minimum requirement in the Zoning By-law;**
- 4) That the owner submit payment of cash-in-lieu of parkland in accordance with By-law 25-1798;
- 5) That the owner and the Municipality establish 911 and civic addresses to the satisfaction of the Municipality; and,
- 6) Any other standard conditions of the Municipality (if any).

Respectfully Submitted,

MHBC Planning

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Jamie Robinson, BES, MCIP, RPP
Partner

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Patrick Townes, BA, BEd
Associate