

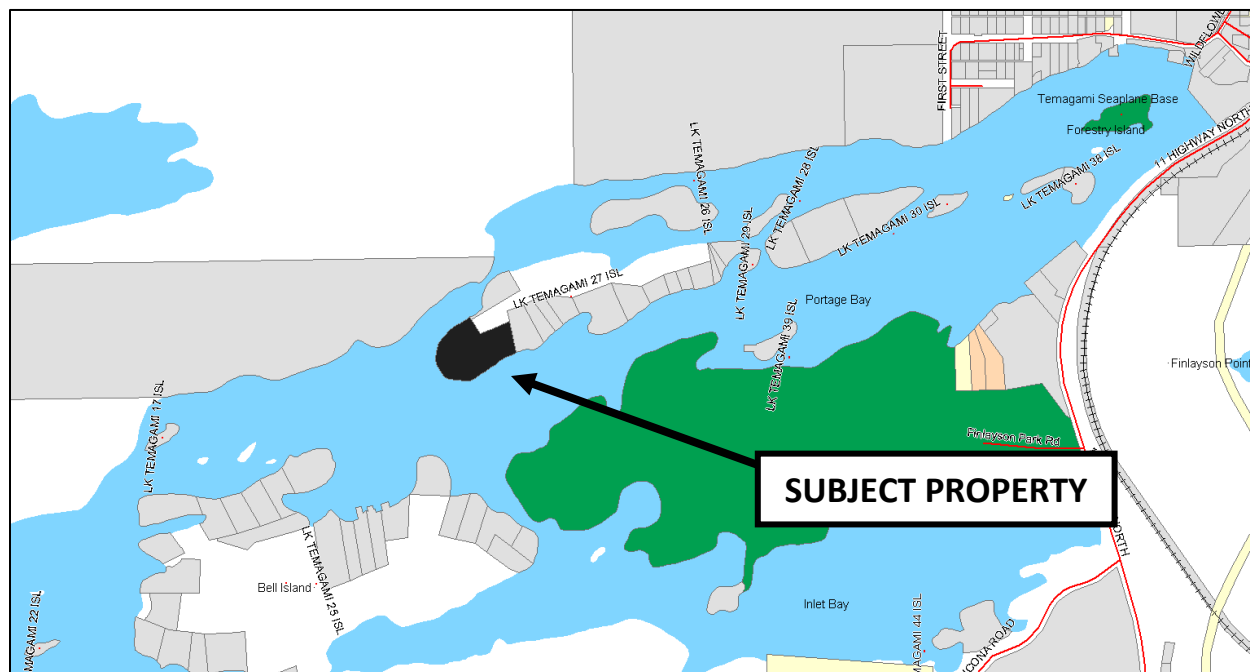
MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Nicole Claveau, Secretary Treasurer for Committee of Adjustment	Application Number:	C-25-01
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Owners:	Michael Kilbourne, Joseph Murgel and Brenda Norwich
Location:	188 Lake Temagami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

A. PROPOSAL/BACKGROUND

A Consent application to create one new lot has been submitted by the owners of the subject property, located at 188 Lake Temagami Island Unit 27. The subject property is owned by Michael Kilbourne, Joseph Murgel and Brenda Norwich and the application submission was made by Michael Kilbourne.

The subject property is located within the Lake Temagami Neighbourhood and is designated as Special Management Area in the Official Plan (2013) which is currently in effect. The subject property is located within the Remote Residential (R1) Zone – Lake Temagami in the Zoning By-law. The location of the subject property is shown in black on Figure 1.

Figure 1: Subject Property

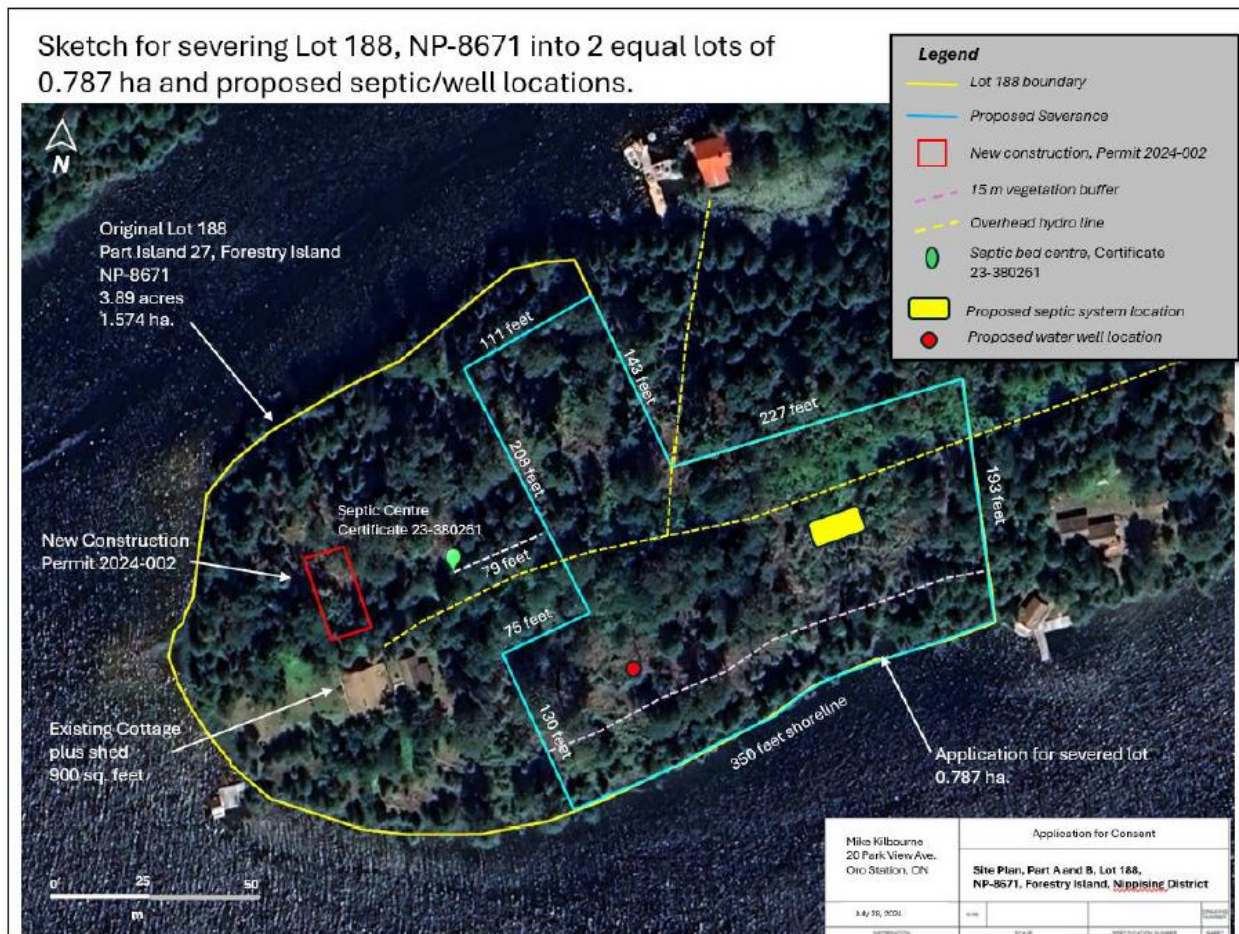


The subject property has a lot area of approximately 1.574 hectares (3.89 acres) based on the information submitted in the application package and is located on the western portion of an island that contains other shoreline residential properties. The subject property is currently developed with an existing dwelling and the owners have obtained a building permit for a new dwelling on the subject property (refer to Figure 2 for locations).

B. PROPOSED CONSENT

The purpose of the Consent application is to create one new lot on the subject property, for a total of two lots. The proposed retained lot is outlined in yellow on Figure 2 and is proposed to contain the existing development on the subject property. The proposed severed lot is outlined in blue on Figure 2 and is proposed to be vacant and to be used for shoreline residential uses.

Figure 2: Proposed Lot Configuration



The proposed retained lot is to have a lot area of approximately 0.787 hectares (1.9 acres) and a lot frontage of 130 metres; and the proposed severed lot is to have a lot area of approximately 0.787 hectares (1.9 acres) and a lot frontage of 106 metres based on the information submitted with the application.

From a servicing perspective, it is understood that the proposed retained lot and the proposed severed lot will be serviced by an individual private well and a septic system.

During the pre-consultation process with the owners, it was determined that the following were required to support the application for the Consent:

- 1) Hydrogeological Assessment – Required due to the lots being slightly less than 0.8 hectares (2 acres).
- 2) Environmental Impact Study – To confirm the presence of any natural heritages features and functions.
- 3) Archaeological Assessment – To confirm if there were any archaeological resources on the subject property.

The owners submitted the above material, and the reports have been reviewed by municipal staff and Temagami First Nation. The findings and conclusions of the above material is summarized in the analysis sections of this Report.

C. COMMENTS RECEIVED

The following is a summary of the comments that were received prior to the finalization of this Report:

- Temagami First Nation: No concerns as long as the recommendations of the Environmental Impact Study are implemented with respect to the minimum setback from the shoreline and the timing restrictions on tree and vegetation removal. There was also a request to keep Temagami First Nation informed regarding the process of the application.
- Municipal Fire Chief: No concerns and noted that civic addressing can be completed following approval of the application.
- Ministry of Natural Resources: Note to ensure that the Lake Trout Lake policies are reviewed.
- Ministry of Transportation: No concerns.

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 Policy 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 property is located on rural lands in the context of the PPS. Section 2.6.1 of the PPS recognizes resource-based recreational development, such as recreational dwellings, as a permitted use on rural lands.

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. It is understood that the existing development on the proposed retained lot is serviced by an existing individual well and septic system. Future development on the proposed severed lot is also to be serviced by an individual private well and septic system, as indicated in the Hydrogeological Assessment that was prepared by Michael Kilbourne. The Hydrogeological Assessment was requested to demonstrate that both the proposed lots could be appropriately serviced with water and sewage services, despite the proposed lot areas being slightly less than 0.8 hectares (2 acres). The Assessment concluded that there is adequate space for these services to be provided, based on the proposed lot configuration and lot 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. An Environmental Impact Study was submitted with this application by BAE Environmental. The Study addressed the items listed above and concluded that the proposed Consent can proceed while avoiding negative impacts on the natural heritage features and functions on the subject property and on adjacent lands. The Study did recommend the following mitigation measures to ensure this conclusion is upheld:

- 1) Minimum 30 meter shoreline setback to protect shoreline values in addition to confirmed Blanding's turtle, snapping turtle, and fish habitat.
- 2) Site clearing, tree and vegetation removal shall occur outside April 1 to September 30 (the active season) of any given year which encompasses migratory birds and bats.

It is recommended that a Zoning By-law Amendment be required as a condition of provisional Consent to require a minimum setback of 30 metres for the proposed severed lot.

It is also 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 Environmental Impact Study, including the recommended restrictive site clearing timing window.

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."

A Stage 1 and 2 Archaeological Assessment was submitted by Root Treks Archaeological Consulting and concluded that there were no archaeological resources discovered on the subject property. The Assessment was reviewed by Temagami First Nation and submitted to the Ministry of Citizenship and Multiculturalism.

It is also 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 something was 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 property.

The proposed Consent is consistent with the PPS.

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 regards to the proposed Consent application is limited, however the development of resource-based recreational lots could be considered to conform to the policies of the Growth Plan.

Municipality of Temagami Official Plan

The subject property is located within the Special Management Area designation and is located within the Lake Temagami Neighbourhood in the Official Plan. Section 5.2 of the Official Plan sets out the principles and goals for the Lake Temagami Neighbourhood and states that new development in the Lake Temagami Neighbourhood shall primarily take the form of new residential and tourist commercial lots.

Section 5.3.2 provides that permanent or seasonal dwelling units on islands in Lake Temagami are permitted along with sleeping cabins, accessory uses such as boat houses, docks and storage sheds are also permitted. In accordance with Section 5.3.2, both the proposed lots are permitted to be developed with a future dwelling.

Section 5.3.3 provides policies relating to rural residential and remote residential development. These policies require that the development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values.

Uses permitted within the Special Management Area land use designation in the Lake Temagami Neighbourhood are limited to existing and new private residential development on islands, in accordance with the policies of Section 5.3.3 Rural and Remote Residential and Section 9.7 Development Applications, and other relevant policies of the Official Plan.

Section 5.3.3.2 of the Official Plan includes policies that apply to the creation of new lots in the Lake Temagami Neighbourhood. Table 1 provides a summary of these policies.

Table 1: Lot Creation Policies in the Lake Temagami Neighbourhood

Section 5.3.3.2 - Remote Residential - Lot Creation Through Consents on Private Land	Comments on Conformity
The intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;	The proposed uses and lot creation are permitted in the Lake Temagami Neighbourhood.
The Municipality will not assume responsibility for access, snow removal, road maintenance or service by school busses;	The proposed lots are water access only.
The Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;	The proposed lots are water access only and therefore all municipal services are not available.
In creating the lot, conformity with this Plan's policies is required respecting any natural heritage features and areas identified in this Plan;	In order to evaluate the proposed new lots, an Environmental Impact study was prepared and provided recommendations for future development.
The applicant, when required, shall provide 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;	The owners submitted an Environmental Impact Study and an Archaeological Assessment.
The soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system;	The soil, drainage and slope conditions on the subject property are not proposed to be altered as a result of the Consent application. The proposed retained lot is already developed, and the proposed severed lot is to be developed in accordance with the recommendations contained within the Hydrogeological Assessment and the Environmental Impact Study.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;	There is a new well to be located on the proposed severed lot. The Hydrogeological Assessment addresses the installation and location of the new well.

The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;	The Environmental Impact Study did not identify any critical fish habitat along the immediate shoreline of the subject property. The Study identified mitigation measures for the proposed severed lot in terms of a minimum setback from the shoreline. The mitigation measures from the Environmental Impact Study will be implemented in the recommended Consent Agreement.
The lot is not within 500m of a known sanitary landfill site;	Yes. We are not aware of any landfill sites in the area.
Where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;	Yes. The subject property is located on an island and accessible by water. Access can be provided by the Lake Temagami Access Point or the Temagami Marine.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;	The Environmental Impact Study did not confirm the presence of fish habitat therefore no specific dock locations were referenced.
<p>The lot shall be subject to site plan control which shall include:</p> <ul style="list-style-type: none"> • Visual screening, setbacks, protection of vegetation, and landscaping; • Utilization of existing vegetation and topography to minimize visual impacts; • Buildings and structures located in the shoreline activity area; • Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact; • Rehabilitation of vegetation disturbed due to construction; and • Mitigation techniques to minimise impacts on surrounding development and uses. 	The lots are currently vacant, and any future development will be subject to the recommendations of the Environmental Impact Study. The recommendations of the Study are to be implemented through a Consent Agreement.

In addition to the above Consent policies that apply to the Lake Temagami Neighbourhood, the Official Plan includes additional Consent policies that apply on a municipal-wide basis. Table 2 provides a summary of these policies.

Table 2: 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.
Generally the number of lots created does not exceed three.	Yes. The Consent application is to create one new lot.
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 proposed lot frontages comply to the Zoning By-law. A site specific amendment is recommended to capture the slightly reduced proposed lot areas.
The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands.	Yes, the severance would not hinder development of the proposed retained or severed lots.
The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses.	Yes, the proposed retained lot is already developed, and the owners have demonstrated that the proposed severed lot can accommodate future shoreline residential development.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.	Yes, the Environmental Impact Study did not identify any fish habitat and therefore no dock locations were recommended.
Site Plan Control	Yes. The proposed lots will be subject to a Consent Agreement, rather than Site Plan Control.
Adequate access to the severed and retained parcel can be provided.	Yes. The subject property is located on an island and accessible by water. Access can be provided by the access point or by one of the marinas.
The severed parcel is not within 500 metres of a known sanitary landfill site.	Yes. We are not aware of any landfill sites in the area.
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 proposed retained lot is already developed, and the proposed severed lot is to contain an individual private well and septic system in accordance with the Hydrogeological Assessment. Future approvals and building permits will be required.
Where a water well is proposed, the well shall be established and quality and quantity	Based on size of the lot, there are no concerns for water supply in the future for the proposed

standards proven prior to final consent is granted.	severed lot in accordance with the Hydrogeological Assessment.
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 applicant provided an Environmental Impact Study and an Archaeological Assessment.
The financial impacts on the Municipality have been considered.	Yes. There are no anticipated financial impacts on the Municipality.

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, that is to be registered on title for the proposed severed and retained lots.

Section 2.9 of the Official Plan includes policies regarding services and utilities. The minimum lot size for new single lot creation proposed on a private septic system and individual drilled well is encouraged to have a minimum lot size of 1 hectare (2.5 acres) unless a smaller lot size can be supported by a Hydrogeological Assessment. The owners submitted the appropriate assessment and concluded that the proposed lot configuration and lot area for the severed lot can accommodate future development and servicing.

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.

The proposed Consent conforms to the Official Plan.

Municipality of Temagami Zoning By-law

The subject property is located within the Remote Residential (R1) Zone – Lake Temagami Zone. Permanent and seasonal dwelling units are included under Section 7.4.1 of the Zoning By-law and are permitted in the R1 Zone. The minimum lot frontage for the R1 Zone is 90 metres and the minimum lot area is 0.8 hectares (no drilled well) or 1 hectare (with a drilled well).

The proposed lot frontages for both the retained lot and the severed lot exceed the minimum requirement for lot frontage. The proposed lot areas for the retained lot and the severed lot are

both less than 1 hectare, both being approximately 0.787 hectares in accordance with the material submitted with the application. It is recommended that the owners obtain approval of a Zoning By-law Amendment to permit a conservative minimum lot area of 0.7 hectares to ensure the new lots comply to the site specific zoning. In terms of the proposed minimum lot areas, other shoreline residential properties on the island are smaller than the proposed lots, some as small as approximately 0.3 hectares.

It is also recommended that the site specific zoning include a minimum setback for a dwelling for the proposed severed lot of 30 metres which is a recommendation in the Environmental Impact Study for new development.

E. RECOMMENDATION

Based on the review of the Consent application C-2025-01 submitted by Michael Kilbourne, the application is consistent with the PPS, conforms to the Growth Plan and the Municipality's Official Plan. It is recommended that the Consent application be provisionally approved in accordance with the application sketch and subject to the following conditions of provisional Consent:

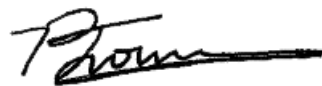
- 1) Preparation of a Reference Plan, in substantial compliance with the application sketch, to the satisfaction of the Municipality;
- 2) That a Consent Agreement be entered into between the owners and the Municipality to implement the recommendations and mitigation measures contained within the Environmental Impact Study, 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 implement a minimum setback from the shoreline of 30 metres for the proposed severed lot and to recognize the proposed lot areas;
- 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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Partner



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Associate