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**MUNICIPALITY OF TEMAGAMI**

**OFFICIAL PLAN UPDATE**

**BACKGROUND REPORT**

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**1.0 INTRODUCTION**

In accordance with the provisions of the provincial Planning Act, the Municipality of Temagami is carrying out a 5 year review of the Temagami Official Plan. There are two primary elements to the review:

1. Bring the Official Plan (OP) into conformity with new provincial policies, regulations and legislation that have been enacted since the Plan was approved by the Ministry of Municipal Affairs and Housing in April 2004; and
2. Consider, and where appropriate, make changes to the Plan in response to local issues that have arisen during the implementation of the Plan polices and associated Zoning By-law provisions.

As an adjunct to the OP review, the Municipality will be reviewing the provisions of the Zoning By-law and modifying the document to ensure that it remains consistent with the revised policies and land use designations of the OP.

**2.0 BACKGROUND**

**2.1 The Official Plan**

The Official Plan was prepared and adopted by Temagami to guide growth and development over a 20 year planning horizon. The Plan contains both policies and land use schedules. The provincial Planning Act specifies the content of official plans and the process to be followed when preparing and amending them. The Planning Act also requires that official plans be updated every 5 years.

The Temagami Official Plan follows the same general format found in many official plans. It contains:

* An introductory section that briefly sets out the vision for Temagami, the context within which the Plan was prepared, the basis for the Plan and other background information. This section does not form part of the Plan approved by the Ministry.
* The approved Plan is divided into the following sections:
	+ Purpose, Goals and Objectives
	+ General Policies
	+ Crown Land Policies
	+ Policies for the Urban Neighbourhood
	+ Policies for the Lake Temagami Neighbourhood
	+ Policies for the Marten River Neighbourhood
	+ Policies for the Matabitchuan Neighbourhood
	+ Policies for the Backcountry Neighbourhood
	+ Implementation Policies
	+ Interpretation Policies
* There is also a Glossary of Terms that does not form part of the Plan approved by the Ministry.

**2.2 The Zoning By-law**

The Zoning By-law is a standards document that is the primary tool used by Temagami to implement the policy directions of the OP. The Zoning By-law conforms to the policies and land use designations of the OP. In other words, the Zoning By-law cannot contain provisions that would permit development in a location or in a form that would be contrary to the policies/land use designations of the official plan. Work on the Zoning By-law commenced as the OP was nearing completion and was adopted in 2006.

The review of the OP is expected to be somewhat scoped with a limited number of modifications to address legislative requirements and/or local issues, the zoning by-law will be updated concurrently. The advantage of taking this approach is that the impact of the Official Plan changes on the Zoning By-law can be fully evaluated prior to the changes to the OP being adopted by Council.

1. **Issue Identification**

As indicated above, there are two primary elements to the OP review – ensure conformity with the provincial initiatives and address locally identified issues. In that context, in the last few years over 25 specific issues have initially been identified by resident/landowners, staff, the Planning Advisory Committee, Council. Other issues have arisen during the course of the review.

The table found at the end of this section lists the identified issues, provides some detail and, where appropriate the current official plan policies are summarized and some comments have been provided.

The first part of the OP review process entailed seeking input from the residents and other stakeholders to:

* Identify additional local land use planning related issues that could be addressed in the official plan; and
* Obtain input from the residents and other stakeholders on the already identified issues.

These issues, including the need to address provincial legislative and policy changes have formed the basis of the proposed amendments to the OP and Zoning By-law. As indicated in Section x.0 of this document,

**3.1 Resident/Stakeholder Input**

In the issue identification part of the review process (and throughout the process), the Municipality provided the residents/stakeholders with several opportunities to provide input. As part of the issue identification process, meetings were held in Temagami in Marten River and in the village for residents/stakeholders who live locally, a meeting was held in Oakville for those residents/stakeholders who find that location more convenient, a meeting was held with the First Nations and a meeting of the Citizen Advisory Committee was held. Individuals and stakeholders also had the opportunity to provide comments electronically through the Municipality’s web site.

Some of the input was quite specific such as a request to change a particular policy and/or land use designation. Other comments were more general. All input received was summarized; new issues will be added to the table and additional comments provided by the consultant.

**3.2 Citizen Advisory Committee**

As the name implies, a Citizens Advisory Committee (CAC) was formed to advise the Planning Advisory Committee, and through that Committee, advise Council during the Official Plan review process. A CAC was also struck and participated in the preparation of the first Official Plan. The CAC also met during the issue identification phase of the work program. In addition to identifying their own issues, the CAC was asked to review and comment on the issues that had been identified by the public and stakeholders.

The CAC will have two other formal meetings with the Municipality and the planning consultant to discuss policy options and proposed policies.

**3.3 The Issues**

There were approximately forty issues that were identified through the process. All the issues cannot be grouped into a few categories. However, several of the issues can be grouped together. Many of the issues identified by staff and a few identified by the public fall into a category with the long title ‘policies or standards that didn’t work quite the way we thought they would’.

**ISSUES TABLE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Issue** | **Current Policy** | **Comment** |
| 1. Bill 51
 | Update OP to reflect Bill 51 which is an amendment to the Planning Act.  | Consistent with 2002 Planning Act |  |
| 1. Site Plan Control (SPC)
 | Opinions that have been expressed include: * Should be abolished
* Prohibits development - people are reluctant to upgrade their properties and start new construction because of SPC process and cost – negative affect on contractors and economic development.
* Should only apply to new building lots, not existing developed properties
* Should only apply to buildings in Shoreline Activity Area
* Should only apply to waterfront lots – not other rural properties (i.e. along Hwy. 11).
* Should not be required if proposed development is in the backyard – not visible from the lake/road.
* Gives municipality unnecessary control over private property
* Not required – property owners already do a good job of responsibly developing their property
* Replacement of septic systems should be exempt in order to encourage upgrading of systems in order to benefit water quality
* Complicated application
* Fees too high ($320.00) – Money grab
* Clarification of OP Policies required – SPC agreement is required before trees are cleared / driveway built, etc.
 | Policy applied to rural low density residential areas primarily as a means to control visual impact of development and to protect water quality | SPC By-law: Low density residential (RL) development containing less than 3 dwellings is exempt in Urban Neighbourhood.Applies to low density residential development in all other neighbourhoods. Development that is exempt:A building or structure that is less than 10 sq. m. without plumbing unless it is within the 15m Shoreline Activity Area (SAA) Any structure that is less than 5.4 cu.m. in the SAAInstallation of a new or replacement of an existing privy, grey water system, or cesspool unless it is within 15 SAAThis has been extended to exempt replacement of a septic tank that is generally the same size and same location as an existing tank (where no trees are required to be removed).  |
| 1. Existing Uses/Devel.
 | OP policies need to be clarified |  |  |
| 1. Lake Trout Policies
 | Ministry of Natural Resources (MNR)* No new lots to be created from Crown land
* Lakeshore Capacity Assessment Handbook prohibits new lot creation on patented land on Lake Trout Lakes, until a Lakeshore capacity assessment study (water quality, MVWHDO testing, Ministry Of Environment modelling) is complete and the development capacity is known.
* Apparently “Segwun” has the latest OP Policies regarding development on “near capacity” and “at capacity lakes”.
* This may be part of the Technical Information we will receive from Ministry of Natural Resources (MNR) and Ministry of Municipal Affairs and Housing (MAH).
 | OP anticipates new Crown land lots on Lake Trout lakes | OP also anticipates consents and subdivisions on patented land on Lake Trout lakes.  |
| 1. Existing Lakes Condition
 | Relates to (d.) above – We need to do testing/modelling on Lake Trout lakes that have the potential for patented land development (consents/subdivisions) * OP could identify lakes with potential – recommend a study/ program, etc.
* Also, lakes that are “at capacity” or MVWHDO levels below 7 – put policies in OP to improve water quality (studies, increase vegetative buffers, improve septic system installations, etc.).
 | None |  |
| 1. Wind Turbine Policies
 | * Put policies in OP to support a wind farm particularly - Friday Lake Wind Power Project – Best Twp. (Crown Land).
* OP policies for alternative energy systems for private properties – solar, wind.
 | None |  |
| 1. New Planning Tools
 | New tools available | Tools consistent with 2002 Planning Act |  |
| 1. Community Improvement Plans
 | New options available |  |  |
| 1. Notice Procedures
 | New options available | Consistent with 2002 Planning Act |  |
| 1. Balance – Economy/

Community and EnvironmentSustainability | OP Policies/statement of what OP is trying to accomplish – balance economy / community / environment* Opinions have been expressed that OP is too restrictive and favours the preservation of the environment at the expense of the economy

( i.e. Site Plan Control). * OP policies to strengthen the bond between the 3 main Communities (Lake Temagami, Marten River, Urban neighbourhood)
 | Not addressed |  |
| 1. Intensification
 | * Promote intensification within urban neighbourhood
* Inventory vacant lots – consider cost of servicing
* Consider multi-residential buildings
* Permit increased lot coverage – reduce lot sizes
* Height restrictions – permit higher buildings
 | Province is aggressive with this in the southDoesn’t apply practically to the North |  |
| 1. Sever Merged Lots
 | Difficult to divide merged lots | Treats merged lots the same as creating two lots from an existing lot | Leave policy as written or exempt from Official Plan Amendment requirements, subject to meeting ZBL standardsSome of the merged lots, once separated, do not meet ZBL standards either |
| 1. Sleep Cabins
 | * Timing of construction – should they be permitted prior to the construction of the main dwelling unit?
* Also amend ZBL to permit sleep cabins closer to the side lot line than the side walls of the main dwelling.
* There is nothing currently to prevent 10’x10’ shacks, going up on the property because that size does not need a building permit, so there are loopholes that need to be addressed.
 | * Permitted when the main dwelling unit has been constructed
* On a lot with side lot lines, sleep cabin must be located directly behind the main cabin.
* Structures less than 10 sq.m. (100 s.f.) are exempt from Site Plan Control and exempt from a Building Permit.
 |  |
| 1. OP Clarification
 |  |  | Several policies need clarification as a result of confusion that has arisen since the OP was approved. |
| 1. Shoreline Activity Area (SAA) Coverage
 | Maximum coverage permitted – existing structuresWhen the existing cottage is in the SAA, it takes up most of the SAA coverage allowance of 10% up to a maximum of 100 sq. m. (1076 s.f). Limits the potential for additions to existing cottages, and construction of additional SAA structures | Includes existing structures in the calculation |  |
| 1. Vegetative Buffers
 | Definitions* Viewing and ventilation corridor –how much vegetation can be removed?
* Removal of trees for safety reasons
* What size trees? Species?
* How much thinning – remove trees of a certain size or trim branches up to 6’?
* Tree Canopy
 | Not currently defined in the OP or ZBL |  |
| 1. Firesmart Policies
 | * Conflicting policies between MNR Firesmart Program and OP requirement to retain as much vegetation on the property as possible and no clearing within 15m vegetative buffer.
* MNR Firesmart recommends clearing of 10m (30’) around all buildings – removal of small trees such as balsam, removal of dead branches, pine needles, etc.
* MNR responds to grass and forest fires in the rural area under agreement with Municipality.
 | None |  |
| 1. Policy Consistency
 | Should all rural neighbourhoods have the same policies?Opinions expressed that “restrictive” Lake Temagami policies have been applied to the other neighbourhoods but are not appropriate for the other neighbourhoods.  | Rural polices consistent across all neighbourhoods with some policies unique to the Lake Temagami neighbourhood |  |

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| 1. Planning Advisory Committee (PAC)
 | CompositionFor the past several years, have had 1 councillor, 3 members from Lake Temagami Neighbourhood, 2 members from Urban Neighbourhood, 1 member from Matabitchuan/Marten River/ Backcountry.  | 4 members from islands in Lake Temagami, 4 from former Temagami, 1 from Cassels and Adjoining Lakes Association/Marten River |  |
| 1. Lake Temagami Islands
 | Islands in the northeast arm, close to town, are in the Urban Neighbourhood. Intention was for all islands in Lake Temagami to be in the Lake Temagami Neighbourhood. Requires amendment to map- or changes to policies in Lake Temagami Neighbourhood and Urban Neighbourhood  | Several islands are currently included within the Urban Neighbourhood |  |
| 1. Tourist Commercial
 | Conversion flexibility required for tourist lodges – especially road access lodges close to Hwy. 11. Condominiums, Timeshares, Fractional Ownership, private residential properties.Also, ZBL – policies to permit garages in Tourist Commercial Zone.  | OP has policies dealing with conversion of TC to residential uses and conversion of youth camps to other TC usesZoning By-law has policies for boathouses, but does not have policies for detached garages in the Tourist Commercial zone. |  |
| 1. Library Policies
 | Library has asked for policies to be included indicating the importance of the public library to the community – this will assist with funding applications.  | None |  |
| 1. Urban Neighbourhood
 | Identify land suitable for future development Inventory existing lotsPolicies to enable downtown residential properties to be converted/partially converted to art galleries, offices, retail shopsEnable multi-res affordable housing |  | Land currently designated Future Development was not evaluated in detail to determine if it is suitable for development  |
| 1. Official Plan Amendment #9
 | This was an amendment to the previous OP. Policies were not carried forward into the current OP. Need to incorporate these policies into this OP. Official Plan Amendment #9 relates to municipal industrial park  | Policies not currently included in the OP |  |

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| --- | --- | --- | --- |
| 1. Industrial Park Expansion
 | Expansion of the Industrial Park will require purchase of Crown Land – would like policies in place supporting expansion – which will assist with Purchase/Environmental Assessment process/Funding applications for development of the Industrial Park.  | New industrial development outside areas designated Industrial require and OPA, an amendment to the ZBL and are subject to site plan control |  |
| 1. Sustainable Community
 | OP should meet requirements as per Association of Municipalities Ontario -Integrated Community Sustainability Plan– will assist with requisition for funding under Federal Gas Tax program.  |  |  |
| 1. Future Development Land
 | Re-zoning for site specific projects should be considered | OP requires comprehensive study prior to development & does not contemplate site specific development |  |
| 1. Urban Area Boundary
 | Is current boundary appropriate? Opinions have been expressed that the Urban Boundary should extend further down the Northeast Arm of Lake Temagami.  |  |  |
| 1. Roads
 | Development on private roadsRequire clarification - Definition of Public Road (provincial highway or municipally owned and maintained) vs. Other (everything that is not a ‘public Road’ as defined above.) “Other Road” includes private road on private land, private road over Crown Land, Resource access road, old Forestry road, etc… | New lots not permitted based on creation of a new private road or the extension of an existing private roadLots on an existing private road require an OPA |  |
| 1. LC & D Study
 | Complete the study independently or continue with parallel studies or incorporate components of the LC&DPS into the OP work program? |  |  |
| 1. Land Use Permits
 | Land Use Permits are owned by the Crown – OP and Zoning policies do not apply on Crown Land - Should OP and ZBL apply to Land Use Permits? | OP currently designates and in accordance with the MNR Temagami Land Use Plan. ZBL is consistent with the TLP |  |
| 1. Lake Temagami Group Issues
 | Wants the Lake Temagami Neighbourhood broken into sub-neighbourhoods with policies unique to each sub-neighbourhoodWants new lots on Lake Temagami created from Crown land to be subject to an Official Plan amendment | All areas within the Lake Temagami Neighbourhood are subject to the same policies |  |

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| 1. Temagami Lakes Association Issues/Letter
 | There are presently more than 200 potential new private lots which can be created from existing private lots in Lake Temagami Neighbourhood (LTN).Potential for 200-1000 new Aboriginal land claim lots and creation of a waterway park. The application of user based fees with respect to LTN should be re-evaluated for possible reduction or elimination.Temagami Lakes Association supports site plan control as adopted for preservation principles of the LTN. |  |  |
| 1. Source Water Protection
 | Policies for protection of municipal drinking water - Downtown Temagami and Temagami NorthWater Treatment Plants | None |  |
| 1. Measurements/ Numbers in OP
 | Maximum number of lots created is not flexibleMeasurements in OP are flexible (see section 10 in OP) |  |  |
| 1. Coverage
 | 8% in Rural Residential is too low Density restrictions should be reviewed and expanded for Temagami downtown core area.  |  |  |
| 1. Permit Garage and Boathouse
 | Policies for Remote Residential R2-Rural Residential R3 zones with road access to permit both a garage and a boathouse. Also, policies to permit bathrooms in garages; and sleeping quarters above a garage (similar to boathouse policies). | Current policies permit garage or boathouse |  |
| 1. Zoning By-law
 | Zoning By-law amendments that took place under 81-62 |  |  |
| 1. Building Height
 | Restrictions on building heights for commercial and residential buildings in the town core should be reviewed and expanded. |  |  |
| 1. Two Storey Boathouses
 | Permit a second storey in an existing boathouse | Not currently permitted |  |
| 1. Home Occupations
 | Permit as-of-right |  |  |
| 1. Boathouse with Living Quarters
 |  |  |  |

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| --- | --- | --- | --- |
| 1. Various
 | See Appendix 2, Section 3.0 |  |  |
| 1. Mainland Patented Land – Lake Temagami
 | Pre-designate and zone for residential development | Not currently contemplated |  |

**4.0 Comments on Issues**

The following sections summarize the issues listed in the Issues Table that were identified through the public consultation process along with the consultant’s comments and, in some cases, suggested alternatives to address the issue. Appendix 2 summarizes the comments made by the public on the April 17th version of this report that was circulated for public review. Appendix 2 also includes further comments by the consultant on the new public comments.

Prior to the release of the July 1, 2009 version of this report which formed the basis of the public meetings held on July 23, 2009, PAC/Council reviewed the document to ensure clarity and completeness. Through that process, additional comments/suggestions from the public were passed on to the consultant for inclusion in the report. PAC/Council asked that these comments be included to stimulate additional public comment/debate and, to the extent possible, ensure that all aspects of the issue were fully considered. Finally, comments from the Ministry of Municipal Affairs and Housing received after the comment period for the April 17, 2009 draft have been included. These two latter sets of comments have been identified respectively as:

‘Comments Provided Through PAC/Council’ or

‘Comments from MMAH’.

**4.1 Bill 51**

The existing Official Plan policies have been reviewed in the context of amendment to the Planning Act through Bill 51. The following table summarizes the recommended modifications to the Official Plan policies

|  |  |  |  |
| --- | --- | --- | --- |
| **Planning Act Section** | **Requirement** | **OP Section** | **Proposed Official Plan Text Change** |
| 1.0.1 | All information required in support of applications to be made available to the public | 9.6.2 | To paragraph 5, add – ‘and shall make all information and material submitted in support of development applications available to the public’ |
| 3. (5) | Municipal decisions consistent with PPS | 9.16  | Add new paragraph at end:All decisions of Council with respect to the implementation of this Official Plan shall be consistent with the Provincial Policy Statement and any other provincial plans in effect at the time. |
| 8.1 (1) | Gives municipalities the ability to set up a local appeal body |  | Recommendation that Temagami NOT take advantage of this provision |
| 17. (15) | Consultation |  | Covered by S 9.3 paragraph 1 |
| 17. (16) | Hold Open House | 9.6.2 | Add new paragraph 3:As part of the public consultation process associated with a five (5) year review of the Plan, Council shall hold at least one public open house in addition to the statutory public meeting required under the provisions of the Planning Act. Any background material and information prepared in support of the review shall be made available to the public. The open house shall be advertised and held in accordance with the provisions of the Planning Act. |
| 22.24. (2) | Amendments to PlanBy-law conformity | 9.4 | Add second paragraph – See Attachment 1 |
| 26 (1) | Updating an official plan | 9.3 | Add after ‘Temagami,’ – and to ensure consistency with the Provincial Policy Statement and other provincial plans,’ |
| 28. | Community Improvement Plans | 2.21 | Add new paragraph after first set of bullet points:For the purpose of carrying out a community improvement plan adopted by Council, the Municipality may make grants or loans in conformity with the community improvement plan to registered owners, assessed owners and tenants of land and buildings within the community improvement project area, in accordance with the provisions of Section 28 of the Planning Act. |
| 34. | Zoning By-laws | 9.8 | Add new S. 9.8 as follows and renumber subsequent sections:This Plan shall be implemented, in part, through the enactment of a zoning by-law in conformity with the provisions of this Plan and Section 34 of the Planning Act. The by-law shall zone land in accordance with the land use designations and policies of this Plan and shall establish regulations to control the use of land and the character, location and use of buildings and structures. No by-law shall be passed that does not conform to this Plan save and except a by-law pursuant to Section 24 of the Planning Act.Existing uses may be recognized in the zoning by-law, notwithstanding the land use designations and policies of this Plan and subject to the provisions of Section 9.5 of this Plan.If a person or public body requests an amendment to the zoning by-law, the person or public body shall consult with the Municipality prior to submitting a formal application, in accordance with Section 34. (10.01) of the Planning Act. In support of the application, the applicant shall provide the prescribed information and any other information or material that the Municipality considers it may need, as permitted under Section 34. (10.2) of the Planning Act. The application shall be processed, and a public meeting held, and information and material provided to the public, and notice given of the passage of the by-law, all in accordance with the provisions of Section 34 of the Planning Act.Council may, in accordance with the provisions of Section 34. (16) of the Planning Act impose conditions in any by-law passed that regulates the use of land or the erection, location or use of buildings or structures. |
| 41. | Site Plan Control | 9.11 | Add new paragraph 3 – ‘Prior to submitting an application for site plan approval, the applicant shall consult with the Municipality.’ |
| 42. | Parkland, Cash-in-Lieu | 9.13 | Add new paragraphs:For the purpose of calculating cash-in-lieu under Section 42 of the Planning Act, the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment. The amount of the cash-in lieu may be reduced if a part of the land being developed or redeveloped meets sustainability criteria set out in Section x of this Plan. (*trying to find out what those criteria might be)* Construction of a building on the land to be developed or redeveloped shall not commence unless the cash-in-lieu payment has been made or arrangements for payment have been made to the satisfaction of Council.For the purpose of calculating cash-in-lieu under Sections 51 and 53 of the Planning Act, the value o f the land shall be determined as of the day before the day of approval of the draft plan of subdivision or the day before the granting of the provisional consent is given. |
| 51. | Plan of Subdivision Approval | 9.7.2 | 2nd paragraph – delete ‘is encouraged’ in the second line and replace with ‘shall’. |

* 1. **Site Plan Control**

**4.2.1 Current Policies**

The purpose of the existing site plan control policies in the Official Plan is to ensure:

* the preservation of the natural viewscape and landscape;
* the design of structures is harmonious with the terrain and neighbourhood;
* that traffic areas and parking areas are safe and convenient; and
* that surface water drainage will not negatively impact neighbouring properties.

Within the 4 rural neighbourhoods, the policies also state that site plan control should be implemented to ensure: ‘that vegetation should be maintained on residential lots for both environmental and aesthetic reasons. Further, increased setbacks and buffers shall be maintained through site plan control and the implementing Zoning By-law to ensure that changes to the existing character of the area is maintained.’

In summary, the purpose of applying site plan control to single detached residential development in the rural neighbourhoods is to mitigate the visual impact of development and maintain water quality by preserving natural vegetation along the shoreline and controlling surface and sub-surface run off.

* + 1. **Public Input**

Written submissions related to the existing site plan control policies and their application by the Municipal staff/PAC/Council were received both before the OP update process began and during the Issue Identification phase of the study. Comments from groups and individuals in the rural neighbourhoods ranged from ‘support for the Site Plan Control by-law as adopted’ to ‘abolish site plan control in the rural area’. At the public open houses held during the Issue Identification phase, verbal input generally reflected the written submissions. However, at the public open houses, the discussion focused on the application of site plan control in situations that, in the opinion of the commenter do not contribute to the implementation of the Official Plan policies. Examples given included septic tanks and tile fields and structures located away from the shoreline.

* + 1. **Comment**

The Official Plan contains the policies required by the Planning Act to permit the Municipality to apply site plan control to single detached dwelling lots in the rural neighbourhoods. During the preparation of the first official plan, there was considerable concern expressed by the lake residents and others about the potential visual impact of future development on the existing ‘character’ of the lakes. Concern was also expressed by lake residents and others about the potential environmental impact of future development on water quality and other natural environment features. It became apparent to PAC/Council that official plan policies and zoning by-law standards could not provide the level of control desired by all parties to preserve the ‘character’ and the natural environment of the lakes. PAC/Council identified site plan control as an additional tool that should be used. The necessary policies were incorporated into the Official Plan to permit the use of site plan control.

The zoning by-law and site plan control are the only enforceable tools under the Planning Act available to a municipality to meaningfully control development on a lot. With regard to the location of septic tanks and tile fields, Council could adopt a policy that states ‘It is a policy of Council that septic tanks and tile fields shall be located.....’. However, the policy only becomes enforceable if it is included in site plan control.

It is difficult to accept the statement that lot owners are not upgrading sewage disposal systems because of a $320.00 site plan control fee and a 10 day process when the alternative is to continue to use an existing system that may be compromising the quality of lake water. It is even more difficult to imagine a potential purchaser of a vacant lot on Lake Temagami not purchasing that lot because of a $320.00 site plan control fee and a 10 day process designed to protect the very elements of Lake Temagami that attract people to the area.

The application of site plan control appears to have achieved its desired end result. However, in response to the concerns expressed by some of the public, the questions have arisen; is there ‘over-control’ and can the extent to which site plan control is applied be reduced while still achieving the Municipality’s and the residents’ goals?

* + 1. **Options**

At one end of the spectrum, the Municipality could exempt residential development in the rural neighbourhoods from site plan control. This is not recommended as there is an established need to provide a level of control over new development and vegetation removal relatively near the shoreline that cannot be achieved solely through official plan policies and zoning by-law standards. There are no other land use planning tools available to the Municipality that can achieve what site plan control achieves. Based on input received, removing site plan control would not be supported by many lake residents.

At the other end of the spectrum, the Municipality could retain the current policies and continue to apply site plan control in the same manner. This is a viable option and would be supported by many lake residents. There remains a need to permit the removal of vegetation in a controlled manner that can only be achieved through site plan control.

A third option is to modify how site plan control is currently applied. There are a number of ways that the current approach could be modified:

1. Apply site plan control differently in each rural neighbourhood, based on the characteristics of the neighbourhood and the priorities of the residents. This will require additional work to canvas the residents of each neighbourhood in some detail to determine how they would like site plan control applied. There is a reasonable expectation that the results would not vary significantly amongst the rural neighbourhoods.
2. Exempt from site plan control buildings and structures located to the rear of the main dwelling on the lot. The rationale for taking this approach is that buildings and structures located towards the rear of the lot tend to have little or no visual impact when viewed from the lake. There are always examples to refute this approach. Two that come to mind are: 1) a lot on a small island where the rear of the lot is as visible from the water as the front of the lot and 2) lots with little vegetation resulting in the need to strategically locate all buildings to take advantage of available vegetation or a steep slope. These two examples would certainly be the exception rather than the rule. The first example could be mitigated to some extent by applying site plan control to all development within a specified distance of the shoreline. The second example is more difficult to address. It is desirable that site plan control be applied uniformly at least within each rural neighbourhood. On that basis, PAC/Council would be left with modifying site plan control as described above in response to input from some residents while recognizing that there may be relatively isolated situations where site plan control does not apply but where it would be desirable for it to apply.
3. Exempt sewage disposal systems from site plan control. The issue with sewage disposal systems and the reason why they are currently subject to site plan control is not so much visual impact (although existing vegetation will likely be removed) but rather potential negative environmental impacts on water quality. There are several ‘sub-options’ within this option:
	1. Exempt sewage disposal systems completely;
	2. Exempt sewage disposal systems when they are located more than a minimum distance from the shoreline. This distance could be the same as the distance referred to in Option 2, above; and
	3. Exempt sewage disposal systems when it is a replacement system but continue to apply site plan control when the lot is being developed for the first time or when there is major redevelopment of the lot (a new primary dwelling unit), assuming that site plan control continues to be applied to new structures.

Finally, consideration might be given to exempting decks, gazebos and sheds on developed lots where the removal of trees would not be involved.

**4.2.5 Comments Provided through PAC/Council**

Should the Municipality be considering modifying the OP to strengthen the policies that permit the use of alternative private approved sewage disposal systems that take less land, involve the removal of fewer trees than a typical Class 4 system?

It should be noted more clearly that the replacement of an existing sewage disposal system that does not involve the removal of any additional trees is currently exempted from site plan control.

If an alternate system is installed in the same location as the old system and no additional trees are removed, should the new system be exempt from site plan control?

**4.3 Existing Uses/Development**

During the implementation of the OP policies related to non-conforming and non-complying uses, some differing opinions have arisen on the interpretation/meaning of the policies. In order to make the intent of the policies more clear, the following wording is proposed to replace the existing wording in Section 9.5.1:

Any use of land, buildings and structures that legally existed at the date of adoption of this Plan that does not conform to the land use designation within which it is located, may be recognised in the Zoning By-law as a legal non-conforming use. The enlargement of the lot area of the non-conforming use shall not be permitted. The buildings or structures within which such non-conforming use is located, may be expanded, provided that the requirements of this Plan are not further reduced, the expansion would not have a negative impact on the environment or abutting properties and the expansion is in accordance with all provisions of the Zoning By-law.

The following wording is proposed to replace the existing wording for Section 9.5.2:

Lots that legally existed at the date of adoption of this Plan that do not comply with the minimum lot frontage and/or lot area requirements of this Plan or buildings and structures that legally existed at the date of adoption of this Plan that do not comply with one or more zone provisions or standards may be recognised in the Zoning By-law.

A use that conforms to the policies of the Official Plan and the provisions of the Zoning By-law may be permitted to develop on a vacant non-complying lot provided that:

* The lot is suitable and of sufficient size to accommodate the use proposed and the necessary water and sewage disposal systems;
* The lot is generally in character with the surrounding lots;
* The environmental and development constraints policies of the Plan can be addressed; and
* Any other policies of this Plan respecting the development of an existing lot are satisfied.

The expansion of a non-complying building or structure may be permitted provided that the non-compliance is not exacerbated by the expansion and/or a new non-compliance is not created.

The Municipality may require the preparation of a site evaluation report to ensure that these matters can be properly addressed and that the lot, building and structure are suitable for the development proposed.

The adherence to coverage provisions, careful siting of development and maintenance or restoration of vegetation on existing undersized lots, particularly in the waterfront and rural areas, will be required and implemented through the Zoning By-law and site plan control to ensure that the intent of these policies are satisfied.

* 1. **Lake Trout Lakes**

**4.4.1 Background**

When the Official Plan was originally prepared, adopted by Council and approved by the Ministry of Municipal Affairs and Housing, the creation of new lots on lake trout lakes through the issuance of patents on Crown land was anticipated and provided for in the policies. Since the approval of the OP, the Ministry of Natural Resources has moved forward with an initiative that would see the prohibition of new lots on lake trout lakes through the issuance of patents on Crown land.

**4.4.2 Comment**

As of this date, this initiative has not come into effect through provincial legislation and/or the issuance of provincial regulations. In anticipation of this possible eventuality, policies should be added to the OP to ensure to the greatest extent possible that the OP would conform to the provincial policy, without further amendment to the OP. However, this provincial initiative may not come into effect or may be rescinded at some time in the future. In anticipation of either of these eventualities, it is again desirable to ensure that to the greatest extent possible the OP policies would conform to the provincial policy, without the need for further amendment to the Plan.

Should the current provincial initiative not be implemented, the current OP policies are adequate and appropriate. It is assumed that the current policies are also adequate to address the situation where a restriction on lot creation is subsequently lifted in the future.

As a result, it is recommended that the existing OP policies dealing with the creation of new lots from Crown land on lake trout lakes be retained and that a ‘notwithstanding’ policy be added to the OP prohibiting the creation of new lots from Crown land on lake trout lakes, should that become provincial policy enacted through provincial legislation/regulation.

Specifically, in anticipation of the completion of the Lot Creation and Development Plan Study, it is recommended that Section 2.15 Interim Development Policy be amended by adding the following at the beginning of the section:

Notwithstanding the policies of this section or any other section of this Plan that would otherwise permit, facilitate, guide or implement the creation of new lots from Crown land; should a provincial policy be instituted that prohibits the creation of new lots from Crown land on the shoreline of lake trout lakes; the provincial policy will take precedence over/supersede the relevant Official Plan policies. The policies related to the creation of new lots from patented land shall continue to apply.

Further, Section 5.3.3.2, should be amended by adding the following at the beginning of the section:

Notwithstanding the policies of this section that would otherwise permit, facilitate, guide or implement the creation of new lots from Crown land; should a provincial policy be instituted that prohibits the creation of new lots from Crown land on the shoreline of lake trout lakes, the provincial policy will take precedence over/supersede the relevant Official Plan policies. The policies related to the creation of new lots from patented land shall continue to apply.

Further, Sections 6.3.3.2, 7.3.3.2 and 8.3.3.2 should be amended by adding the following at the beginning of the sections:

Notwithstanding the policies of this section that would otherwise permit, facilitate, guide or implement the creation of such lots, should a provincial policy be instituted that prohibits the creation of new lots from Crown land on the shoreline of lake trout lakes, the policies of this Plan shall be deemed to only apply to new lots from Crown land on the shoreline of warm water lakes. The policies related to the creation of new lots from patented land shall continue t apply.

**4.5 Existing Lake Conditions**

**4.6 Wind Turbine Policies**

The following policies are proposed to be added as Section 2.22 to address and guide the development of wind turbine facilities.

Commercial wind energy generation systems are defined as one or more wind energy generation devices which combined are capable of producing more than 2 MW and are connected to the provincial transmission grid of Hydro One. Commercial wind energy generating systems are permitted in the Integrated Management Area and Special Management Area land use designations within the Marten River, Matabitchuan and Backcountry Neighbourhoods, subject to the requirements of this Plan and an amendment to the Zoning By-law.

Small scale systems defined as one wind energy generating device with a rating capacity of less than 2 MW and not connected to the provincial transmission grid of Hydro One are permitted as an accessory structure in the Integrated Management Area and Special Management Area land use designations within all the rural neighbourhoods, in the Tourist Commercial and Industrial land use designations, subject to the limitations of the Zoning By-law and the Waste Disposal land use designation. Small scale wind energy generation systems are permitted without an amendment to the Zoning By-law but are subject to site plan control to address the issue of potential visual impact and other issues, as identified by the Municipality.

The Zoning By-law shall provide regulations for all wind energy generating devices governing the maximum height and setbacks to public roads and adjoining lots.

Council will evaluate the suitable location and land use compatibility of proposed commercial wind energy generating systems and require the following:

1. A professional drawing or site plan shall be provided illustrating the location of the proposed turbines, as well as the location and height of all existing buildings and structures on the subject property and the location and height of all existing buildings and structures within 500 metres of the subject property;
2. A professional engineer shall approve the base and tower design of the turbines;
3. The development shall be subject to Site Plan Control under the provisions of the Planning Act, and an appropriate agreement may be required;
4. The applicant shall review the approach with the Ministry of the Environment and Energy concerning noise attenuation, to ensure that the proposal will comply with the Ministry’s requirements;
5. Setbacks from provincial highways, municipal roads and private roads, lot lines, and structures (on-site and off-site) and maximum height provisions shall be established in the Zoning By-law;
6. A report addressing the potential visual impact of the turbines on:
	1. existing structures located in the vicinity of the subject property,
	2. designated canoe routes and camp sites, and
	3. waterways in the vicinity of the subject property.

*The above policies (or very similar policies) can be found in a number of official plans for municipalities which have commercial wind farms. In addition to the above, the following policies are found in some official plans, apparently where those councils felt it appropriate/necessary to include them. PAC/Council may wish to consider whether it is appropriate/necessary to include them in the Temagami Official Plan.*

Wind turbine projects 2 megawatts or greater in size are subject to the Ontario Environmental Screening Process for Electricity Projects (O. Reg. 116/11) under the Environmental Assessment Act.

In accordance with Section 62 of the Planning Act R.S.O. 1990 Chap.P13, an undertaking of Hydro One or Ontario Power Generation as defined by section 2(1) of the Electricity Act, 1998, that is subject to and approved under the Environmental Assessment Act, shall be exempt from the policies of this Plan and the provisions of the Zoning By-law.

**4.6.1 Comments Provided through PAC/Council**

Consideration might also be given for standards for solar panels. It may also be appropriate to make these types of facilities subject to site plan control as it is the best development control mechanism.

**4.6.2 Comments from MMAH**

The New Green Energy – Green Economy Act will exempt commercial wind farms from the provisions of local official plans and zoning by-laws but the Ministry is not removing any policies or standards contained in local planning documents.

**4.7 New Planning Tools**

Amendments to the Planning Act under Bill 51 gave municipalities the power to establish a Local Appeal Body (LAB). The LAB has the authority to hear appeals of Committee of Adjustment decisions. An appeal of a decision of the LAB is to the Divisional Court, on a question of law. An individual appointed by Council to the LAB shall not be a municipal employee, a member of a Council, land division committee, committee of adjustment, planning board or planning advisory committee or a member of a prescribed class.

The province established the LAB in order to speed up the appeal process related to Committee of Adjustment decisions. In the past, it could take many months to obtain a hearing date at the Ontario Municipal Board. The LAB was seen as a mechanism to reduce the hearing of an appeal from several months at the OMB to possibly several weeks.

Only a limited number of municipalities have chosen to establish a LAB. Particularly in smaller municipalities, there have been difficulties finding and keeping suitable members. Further, there is a considerable amount of administrative work for the municipality in establishing the LAB and setting out how it will function. Attached as APPENDIX 1 is the provincial regulation for establishing a LAB.

**4.8 Community Improvement Plans**

The Community Improvement Plan policies of the OP have been reviewed and modifications to the policies are not recommended at this time.

**4.9 Notice Procedures**

Section 34 (14.3) of the Planning Act provides municipalities with the opportunity to include in the official plan an alternative procedure for notifying the public of an amendment to the Zoning By-law. The currently required procedure under the Planning Act is to notify all landowners within 120 metres of the property being rezoned. Section 9.6.1 of the OP states that notice of any amendment to the OP or the Zoning By-law shall be given in accordance with the provisions of the Planning Act. The section goes on to state that when giving notice, the Municipality shall take into consideration the geographic and temporal nature of all ratepayers in the Municipality. Further, the policy states that the Municipality shall notify the First Nations of any OP or Zoning By-law amendments within 1 kilometre of a reserve. Section 9.6.2 of the OP set out in some detail the public consultation program that the Municipality shall follow when considering amendments to the OP. These requirements go far beyond those set out in the Planning Act.

The existing procedures that the Municipality is following with regard to notifying the public of amendments to the OP and Zoning By-law are comprehensive and appear to be functioning well. It is recommended that the Municipality continue to follow current procedures.

**4.10 Balance Economy/Community/Environmental Sustainability**

**4.11 Intensification**

As indicated elsewhere in this report, it is desirable to use the existing water and sewage systems in the village of Temagami and Temagami North as efficiently as possible. In that context, it is recommended that a detailed inventory of possible residential lots be carried out in the village of Temagami and that a possible infilling area in Temagami North be investigated in more detail.

**4.11.1 Comments Provided through PAC/Council**

In the urban commercial area, consider making OP and ZBL more flexible to permit a wider range of uses, more mixed use buildings and residential buildings in the Urban Commercial area?

Consider extending commercial OP ‘permissions’ along side streets adjacent to Highway 11 but require rezoning for conversion from existing residential uses to commercial/mixed uses?

* 1. **Severance of Merged Lots**

**4.12.1 The Issue**

Two lots located on a private road that have merged on title require an official plan amendment to be severed.

* + 1. **Background**

The Ministry of Municipal Affairs and Housing modified the Council approved Interim Development Policies of the Official Plan to require an Official Plan amendment in conjunction with an application to sever an existing lot accessed by a private road. The Ministry was concerned about the potential proliferation of lots with private road access. Historically, there have been problems in other municipalities with these types of lots. During the course of preparing the existing Official Plan, the scenario where a severance application is filed to divide two existing lots that had merged on title was either overlooked or deemed to be a remote possibility. Since the Official Plan was approved by the Ministry, this situation has arisen on at least two occasions in Temagami and may arise again. Because the two lots existed as separate parcels in the past, it seems unreasonable to some that an Official Plan amendment is required to re-create the two lots.

* + 1. **Comment**

There are two options to be considered, as follows:

* Retain the existing policies requiring an Official Plan amendment; or
* Revise the existing policies to exempt the severance of lots that have merged on title from the requirement of an official plan amendment.

Should the second option be chosen, the 5th point in Section 2.15 of the Official Plan could be worded as follows:

The creation of new lots will not be approved where access is based on creation of a new private road or the extension of a private road, whether on Crown land or private land. New lots proposed with access based on a private road will require an amendment to the Official Plan in accordance with the policies of Sections 2.12.2 and 2.12.3 and Section 9.7. However, where two abutting lots located on a private road existed in the past that could have been independently conveyed but have merged on title due to the provisions of a will, a bequest, gift or similar situation, those same lots may be recreated by consent, without an amendment to this Plan.

**4.12.4** **Comments Provided through PAC/Council**

It may not be appropriate to permit severance in all circumstance, for instance when the lots are significantly undersized. There may need to be policy clarification in this regard.

* 1. **Sleep Cabins**

**4.13.1 The Issues**

Three issues have been raised related to the existing sleep cabin policies, as follows:

a. Sleep cabins cannot be constructed prior to the main dwelling on the lot;

b. Sleep cabins must be located directly behind the main dwelling; and

c. Structures less than 9.3 sq m can be constructed without controls.

* + 1. **Background**

a. The current policy that requires the main dwelling to be constructed prior to a sleep cabin was put in place to ensure that a main dwelling is constructed on a lot rather than a series of sleep cabins and accessory buildings.

b. The current Zoning By-law standard requiring a greater side yard setback than the actual side yard setback of the main dwelling was put in place to locate new sleep cabins behind the main dwelling in order to reduce visual impact.

c. Buildings less than 9.3 sq m in area are not subject to the building code. As a result, municipalities have less control over these types of buildings.

* + 1. **Comment**

a. Some lot owners cannot afford to have a contractor construct the main dwelling or choose to build the main dwelling themselves. As a result, the construction process can take several years. The current policy forces the owner to live in a tent on-site or commute from another location to the site. This situation is viewed by some as unreasonable and not supportive of new development. However, the possible scenario that precipitated the current policy still exists. There are three basic options to deal with this issue:

* Retain the existing policy;
* Remove all restrictions on constructing sleep cabins prior to the construction of the main dwelling; and
* Permit one sleep cabin to be constructed prior to the main dwelling being constructed.

b. As noted above, the current zoning standard was put in place to minimize the visual impact of new sleep cabins. However, the issue only arises when the lot has side lot lines. In a situation where the lot occupies all of an island, there are no side lot lines and the sleep cabin can be located anywhere on the lot so long it is set back from the shoreline a distance greater than the front wall of the main dwelling. In situations where there are side lot lines, the standard is viewed by some as too restrictive. Options to address this concern are to:

* Retain the existing standard;
* Revise the current standard and simply apply the minimum side yard setback of 5 metres which is the same side yard setback as a main dwelling, and accessory buildings
* Eliminate the side yard setback and control the location of sleep cabins through site plan control, assuming that it still applies;
* Use a combination of the two points above.

Arriving at a standard that can be applied uniformly in all situations can be somewhat difficult and potentially confusing as any part of the lot abutting the shore is deemed to be a front yard. Where a lot occupies all of an island, there is no side or rear yard and the front yard setback applies. Further, the shoreline activity area standards may come into play. In addition, there may be situations where on one lot the minimum setback is adequate to screen the sleep cabin while on another lot; the minimum setback is not adequate. In those situations, the ability of the Municipality to use site plan control to strategically locate sleep cabins would be of benefit.

c. As noted above, buildings less than 9.3 sq m in area are not governed by the Building Code unless they are being used for sleeping accommodation, or have plumbing, electricity or heat. However, they are subject to the provisions of the Zoning By-law and site plan control, if it applies to the lot in question. While both are useful tools to control these structures to some extent, neither can control the type or quality of construction.

* 1. **Official** **Plan Clarification**

One of the areas of the Official Plan requiring clarification deals with municipally owned and maintained roads and provincial highways *vs.* all other types of roads commonly referred to in Temagami as access roads, Crown access roads, private roads, etc. In order to clarify this issue, it is proposed that the existing Section 2.12.3 Crown Access and Unassumed Roads be deleted and replaced with the following new Section 2.12.3 Private Roads

All roads within the Municipality of Temagami not owned by the MTO and maintained by the MTO (or its designate), or owned and maintained by the Municipality, as set out in Sections 2.12.1 and 1.12.2 of this Plan are categorized in this Plan as Private Roads, notwithstanding that some Private Roads are located on Crown land. Private Roads are commonly referred to, and are known to the public by a variety of names including but not limited to: forest access roads, access roads, Crown access roads, private roads, unassumed roads and logging roads. For the most part, Private Roads are located on Crown land but they also cross privately owned land in some instances.

To provide further clarification, it is also proposed that the following be added to the Glossary of Terms

‘Roads, Private – Roads that are not owned and maintained by the MTO or the Municipality of Temagami and are commonly referred to as forest access roads, access roads, Crown access roads, private roads, unassumed roads and logging roads.’

**4.15** **Shoreline Activity Area**

**4.15.1 Background**

As a method to mitigate the visual impact of development on waterfront residential lots in the R1, R2 and R3 Zones., the Municipality established a Shoreline Activity Area (SAA). The area of the SAA is the length of the frontage of the lot along the shoreline multiplied by 15.0 metres. Within the SAA a maximum floor area of all structures is set out in the Zoning By-law. The maximum varies, depending on the size of the lot but generally ranges from 100 square metres to 160 square metres. A similar standard applies to tourist commercial development.

* + 1. **The Issue**

When the existing cottage is within the SAA, the maximum coverage is often met or exceeded, precluding any further development in the SAA. In a very limited number of instances, the cottage is totally within the SAA and an expansion of the cottage is not possible. Should existing cottages (or other structures) located in the SAA be exempted from the calculation or should the maximum area of buildings and structures in the SAA be increased?

The same issue has not arisen with the tourist commercial standard.

**4.15.3 Comment**

As noted above, the purpose of the SAA is to limit the amount of development close to the shore in order to minimize visual impacts from the water. While a less than ideal approach to the issue, it is the best available to the Municipality. The major shortcoming is that the cumulative impact of buildings when viewed on a horizontal plain is being controlled by limiting the cumulative size of buildings when viewed on a vertical plain.

The first option available to PAC/Council is to maintain the existing standard which appears to be achieving its intended goal but appears to be creating some hardship in a limited number of situations.

A second option might be to exempt cottages and other structures that pre-date the Official Plan and Zoning By-law from the coverage calculation. However, this could result in a significant amount of additional development occurring close to the shoreline. For example, if the coverage of the pre-dating buildings is close to the maximum permitted, then it is possible to double the amount of development in the SAA. Realistically, virtually all lots have some pre-dating buildings within the SAA so some exemption would be available to almost everyone but not to the extent of the ‘worst case scenario’ described above. This approach would not achieve the intended goal. Further, the amount of development permitted within the SAA would vary from lot to lot and the onus would be placed on the lot owner to establish the date when the structures were built and their size.

A third option would be to increase the maximum coverage permitted in the SAA and include all buildings and structure, regardless of when they were built. This approach would apply a common standard throughout the zone.

As noted above, the approach being used by the Municipality is less than ideal.

A variance issued by the Committee of Adjustment is a fourth option that could be used in conjunction with any of the first three options. The Committee of Adjustment is always available to deal with site specific situations. For example the Committee could consider an application to put an addition on the rear of an existing building (addition not visible from the water) that is totally within the SAA but the addition would exceed the maximum floor area permitted.

If the decision is made to increase the maximum total (ground) floor area of all structures, careful consideration should be given to the amount of the increase to ensure that the intent of the Official Plan policy and zoning standard is maintained.

**4.16 Vegetative Buffer**

It has been requested by members of the public that the existing policies of the Official Plan be clarified with regard to the vegetative buffer – its composition and circumstances under which portions of the vegetative buffer can be removed. It is proposed to add a definition of the vegetative buffer to the Glossary of Terms and to add a new section to the General Provisions of the Plan to deal specifically with the vegetative buffer.

Glossary of Terms

***Vegetative Buffer*** – The vegetative buffer either extends from the shoreline to the front wall of the main building on the lot or extends back from the shoreline a distance equal to the minimum front yard setback for the main building on the lot, whichever distance is greater. The vegetative buffer is comprised of all vegetation including, but not limited to existing grasses, shrubs, bushes and trees.

General Provisions

2.23 Vegetative Buffer

It is the intent of this Plan that all vegetation in the vegetative buffer be preserved and maintained in its natural state. This policy should not be interpreted as precluding development within the shoreline activity area in accordance with the policies of this Plan and the provisions of the Zoning By-law. Further, dead trees or dead limbs on trees that could damage a building or structure if they should fall may be removed. In addition, an access trail from the shoreline to the main building on the lot may be cut through the vegetative buffer, as can a ventilation/viewing corridor. Wherever possible, the access trail and the ventilation/viewing corridor should be one and the same. However, in no case should an access trail be wider than approximately 2.0 metres and a ventilation/viewing corridor be wider than approximately 6.0 metres and should not be cut at right angles to the shoreline. These policies are intended to minimize the visual impact of buildings and structures, when viewed from the water.

There are also differing opinions on the extent of vegetation that should be removed when creating a cottage trail or viewing/ventilation corridor. It is therefore recommended that the following be added to the Glossary of Terms.

Glossary of Terms

***Trail*** – when used to describe a trail from the shoreline to a private cottage, can be characterized as no wider than 2.0 metres, not constructed at right angles to the shoreline, routed to avoid trees larger than 10 cm in diameter at a point 2.0 m above the ground, cleared of shrubs and cleared of branches the encroach into the 2.0 m width, to a height of approximately 2.0 m.

***Viewing/Ventilation Corridor*** – when used to describe a clearing between the shoreline and a private cottage to provide a view towards the lake and ventilation to the cottage, can be characterized as no wider than 6.0 metres, does not involve the removal of any trees greater than 10 cm in diameter at a point 2.0 m above the ground, does not involve the removal of any naturally occurring grasses or shrubs, does not include the mowing of grass or shrubs and does include the trimming of branches (to a height of 2.0 m above ground) of trees located within the corridor and the trimming of branches of trees located outside the corridor where those branches encroach into the 6.0 m corridor, also to a height of approximately 2.0 m above ground level.

**4.17 Firesmart Policies**

Firesmart initiatives are intended to reduce the potential of fire damage from wildfires in rural areas. The provincial government publishes a manual to guide homeowners in reducing the hazards of wildfires. Two of the measures that rural homeowners can take to reduce risks are not consistent with the policies of the Official Plan and provisions of the Zoning By-law that are intended to preserve the natural character of the rural neighbourhoods in Temagami and include:

* Pruning tree branches to a height of 1 to 2 metres; and
* Removing trees within 10 metres of the dwelling unit.

**4.18 Policy Consistency**

**4.18.1 Background**

There is extensive duplication of policies in the four rural neighbourhoods. This approach was taken so that a landowner in a particular neighbourhood could to turn to the policies for that neighbourhood and, for the most part, read all the policies that applied to his/her land. It is still necessary to read the General Provisions and Implementation Sections. The concern is that the policies developed for the Lake Temagami Neighbourhood have simply been applied to the other rural neighbourhoods and that the Lake Temagami policies are too restrictive for those neighbourhoods.

**4.18.2 Comment**

A comparison of the Lake Temagami Neighbourhood policies (Section 5) and the Marten River Neighbourhood (Section 6) shows that while many of the same policies apply equally to both neighbourhoods, there are significant policy differences including:

* Future development is only permitted on islands in Lake Temagami whereas development is also permitted on the mainland in the Marten River Neighbourhood;
* A broader range of economic activity is encouraged in Marten River, including forestry;
* Rural residential development with municipal road access is permitted in Marten River, it is not permitted in Lake Temagami;
* Residential plans of subdivision are permitted in Marten River, they are not in Lake Temagami;
* A wider range of tourist commercial uses are permitted in Marten River.

There are many other policy differences.

The concerns raised about the ‘application of Lake Temagami policies to the other rural neighbourhoods’ were not specific in nature.

**4.19 Planning Advisory Committee Membership**

Section 9.2 of the OP sets out the composition of the Planning Advisory Committee (PAC), including four from the islands of Lake Temagami, four from within the boundaries of Temagami prior to amalgamation and one from the CALA/Marten River area. The number of representatives from the islands of Lake Temagami was the result of negotiations that ultimately saw that area incorporated into the Municipality. While the PAC composition is embodied in the OP, it is not a land use planning related issue. It is desirable for all geographic areas of the Municipality to have the opportunity for representation on PAC, recognizing that it is not always possible to find residents willing to serve on PAC.

The composition of the PAC should be discussed directly between Council and representatives of the geographic areas with any necessary amendments to the OP coming forward through that process.

**4.20 Lake Temagami Islands**

The principle of island only development in the Lake Temagami Neighbourhood predates the existing Official Plan. It was the intent of the Municipality that the Official Plan policies guiding development on islands within Lake Temagami should apply to all islands. There are a small number of islands located in the Northeast Arm, near the village of Temagami that are technically within the Urban Neighbourhood and have a Special Management Area land use designation. The Special Management Area policies in the Urban Neighbourhood and the Lake Temagami Neighbourhood are generally the same. However, in order to treat all islands in Lake Temagami in a consistent manner, it is recommended that the boundary of the Lake Temagami/Urban Neighbourhoods be relocated to place all islands in Lake Temagami in the Lake Temagami Neighbourhood.

In addition to the above, when the boundary of the Urban Neighbourhood was established, it was based on the principle that all development within the Urban Neighbourhood would ultimately be connected to the municipal water and sewage disposal systems. However, it was not the intent that any islands within Lake Temagami would be connected to those systems. On that basis, it is more appropriate for the islands in question to be incorporated into the Lake Temagami Neighbourhood.

* 1. **Tourist Commercial**

**4.21.1 Background**

The Tourist Commercial land use designation encompasses three broad types of tourist commercial uses:

* 1. Marinas
	2. Youth camps
	3. Lodges, campgrounds, trailer parks, restaurants, hotels and similar uses.

The Zoning By-law has a tourist commercial zone for each of the three types of tourist commercial use. The OP contains policies to guide the expansion of existing tourist commercial uses, the establishment of a new tourist commercial use, the conversion of a tourist commercial use to a residential use and the conversion of a youth camp to a residential use or a new tourist commercial use. The OP does not include policies to deal with the conversion of other tourist commercial uses to a youth camp or to a marina or to convert either a marina or a lodge, campground, etc. to a residential use. At the time the OP was prepared, these types of conversions were not contemplated. Further, the policies to guide the conversion of a youth camp to a residential use were modified through an OMB hearing subsequent to the approval of the OP.

* + 1. **The Issue**

There were two issues raised related to tourist commercial uses. The first had multiple components related to tourist commercial conversions and included:

1. Recognition that tourist commercial uses (primarily tourist lodges) with road access might need specific policies; and
2. In addition to conversions to a private residence, policies need to address conversions to condominiums, timeshares and fractional ownerships.

The second issue related to the fact that garages are not permitted in a Tourist Commercial Zone.

* + 1. **Comment**

Dealing with the second issue first, all zones permit uses accessory to the main use. By definition, a detached garage is for the sheltering of private motor vehicles and the storage of household equipment incidental to a residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use. Neither the OP nor the Zoning By-law stipulates that a detached garage is only permitted as an accessory use to a dwelling unit in a residential zone. A dwelling unit is a permitted use in a Tourist Commercial Zone. The fact that in that zone the dwelling unit can be located within the commercial building or as a separate building does not preclude a detached garage accessory to the dwelling unit. In terms of the standards that would apply to a detached garage, those can be found in Section 7.10.2 of the By-law under the heading ‘All other lots or permitted uses’.

However, current ‘permissions’ with regard to garages are somewhat limiting for tourist commercial uses, particularly for those that do not have an associated dwelling unit. Further, there is often a need to store lawn mowers, tractors, ATV’s, etc. It is therefore suggested that a garage be listed as a permitted use in the Tourist Commercial Zone with a limit on maximum floor area (possibly equivalent to a standard two car garage), a limit on the building height and setback standards.

The policies of the OP for the four rural neighbourhoods deal with both the conversion of a tourist commercial use to a private residence (1 lot) or to a limited number of private residences, and in the same section, the conversion to a condominium. A conversion to a private residence(s) is subject to an amendment to the OP and Zoning By-law and is subject to site plan control. As the site has lost all commercial aspects, it would be most appropriate to redesignate the site to a land use designation consistent with that in the surrounding area – Integrated Management Area or Special Management Area and to rezone the property to a residential zone.

As an option, the site could retain its tourist commercial land use designation but the amendment to the Zoning By-law would limit the uses on the site to a private residence(s). This approach would retain the possibility of re-establishing a tourist commercial use on the site sometime in the future, subject to a Zoning By-law amendment and site plan approval. If the Municipality adopts this approach, consideration should be given to the possible re-establishment of a tourist commercial use on the site subject only to a rezoning and site plan approval. The re-establishment of a tourist commercial use would not be subject to the provisions of the OP dealing with the establishment of a new tourist commercial use. To address this, a provision could be added to the OP indicating that prior to approving a rezoning from residential to tourist commercial, Council shall be satisfied that the provisions of, for example, Section 5.4.6.2 (Lake Temagami Neighbourhood) have been adequately addressed.

The OP does not speak to timeshares or fractional ownership operations but from a land use perspective, they function in a matter similar to a condominium and as such, would be subject to the same type of approval processes but do not need policies specific to those uses. As a minimum, the OP policies could be clarified by adding references to timeshare and fractional ownership operations. The conversion of a tourist commercial use to a condominium also requires an amendment to the OP (this should be clarified in the OP), the approval of a plan of condominium and is subject to site plan control. In response to the concern raised about the difficulty of converting existing lodges to other uses, the Municipality could consider not requiring an OP amendment for the conversion of a road access tourist lodge to a condominium, timeshare or fractional ownership operation as all of these uses retain a tourist commercial element. However, such an approach needs careful consideration, particularly as it relates to road access. As noted elsewhere in this report, the Ministry of Municipal Affairs and Housing is reluctant to approve significant residential development on the basis of private road access. Having the access road owned by the condominium corporation could mitigate the concerns of the Ministry and any concerns the Municipality might have. If the lodge property abuts a road owned and maintained by the Ministry of Transportation or the Municipality, then there is no issue. If the lodge gains its access by a road across Crown land or other privately owned land, then it may be difficult for a condominium to obtain ownership of the access road.

The policies for conversion to condominium require that the existing buildings generally be utilized and several new buildings along the shoreline that would appear to be a plan of subdivision is not permitted. The purpose of this policy is to retain as much of the existing character of the development as is possible and to minimize increased visual impact. It is impractical to utilize the existing buildings that often date from the 1930’s to 1950’s. Most of the cabins are less than 600 sq. ft., do not have footings and can’t meet Building Code requirements. It is recommended that the OP policy should be amended to permit the removal of existing buildings and the construction of new buildings. Careful consideration needs to be given to the built form of the condominium. Typically resort oriented condominiums take the form of townhouses, a built form that has been strongly resisted by both the Municipality and residents. Detached or semi-detached dwellings of a modest size that can accommodate one family is certainly a possibility but inevitably the development will have some characteristics similar to a small subdivision.

**4.22 Library Policies**

Suggested wording for inclusion of the library in the Official Plan to assist the Library Board in securing funding:

The Municipality of Temagami recognizes and supports the Temagami Public Library in its efforts to:

* Provide educational and leisure print and non-print materials;
* Support the educational, cultural and recreational programs of the community;
* Provide accurate, reliable information;
* Provide programs and services to meet community needs and,
* Support and co-operate with groups and organizations in the community.

Services are available to all residents, permanent and seasonal, of the Municipality of Temagami. The Municipality recognizes the limits budget and space place on the Library’s efforts to meet these goals.

**4.23 Urban Neighbourhood Development**

In order to accommodate the anticipated future growth, land suitable for development should be identified and designated. In preparing the first official plan, significant areas in the village of Temagami and Temagami North were identified as potentially developable and designated Future Development. At that time, a detailed analysis of those areas was not undertaken to confirm their suitability for development. Based on the amount of growth anticipated within the planning period of 20 years, a comprehensive technical evaluation of the areas designated Future Development is not warranted at this time.

Village of Temagami

While there are several large areas in the village of Temagami designated Future Development in the Official Plan, it appears that little of this land can be serviced with municipal water and sewer services in a cost effective manner. In light of this and in keeping with the policy of new development in the village being on full municipal services, it is recommended that a careful evaluation of the village be carried out to identify small parcels of vacant land, adjacent to existing roads and services where one or possibly 2 building lots might be created.

There also appears to be an area on the west side of Highway 11, north of Sunset Lane where there may be sufficient overburden to permit cost effective servicing. A portion or all of this area may be Crown land and consideration should be given to acquiring this land once it has been confirmed that the area is developable.

Temagami North

There is a large area north of Spruce Drive/Birch Crescent designated Future Development. Based on discussions with municipal staff and others, this area appears to have very limited development potential. On the other hand, the area between Poplar Crescent and Hill Crest Drive and the area to the south of those streets which is currently designated parks and open space, appears to have moderate to good development potential. However, the existing sewage lagoon is a constraint to development in a portion of this area. Consideration should be given to redesigning the Poplar Crescent and Cedar Avenue future road pattern in this area to avoid the lagoon and to increase the lot efficiency. This might include a new road running south from Spruce Drive, near the existing playground. A significant number of lots could be realized in this area.

Previous studies have also identified an area north of the recreation complex as having good development potential. As the need arises, this area should also be investigated in greater detail

**4.24 Official Plan Amendment #9**

Amendment #9 to the former village of Temagami Official Plan was not carried forward into the existing Temagami Official Plan. Following is OPA#9, modified as necessary to recognize the policies in the existing Official Plan and other technical changes that have occurred since it was approved. It is proposed that a new Section 4.4.6.2 be added to the Official Plan and that the policies of that section apply to the lands identified in OPA#9, along with all other relevant policies of the Official Plan.

4.4.6 Industrial

Add a new Section 4.4.6.2 after Section 4.4.6.1, as follows:

The policies of this section apply to those lands identified as Special Policy Area 1 (SPA1) on Schedule A to this Plan.

Notwithstanding the permitted uses in the Industrial land use designation, described in Section 4.4.6 of this Plan, the uses permitted on the lands within SPA1 shall be restricted to ‘dry’ industrial uses, unless otherwise specifically permitted by a Certificate of Approval issued by the Ministry of the Environment. ‘Dry’ industrial uses are those uses which do not have ‘process’ water flowing to septic tanks or into Link Lake. Accessory uses to the permitted industrial uses shall not include sensitive land uses such as residences, day care centres, educational or health facilities. Mineral exploration and mining, authorized under the Mining Act with applicable approved closure/rehabilitation plans, are also permitted uses.

Implementation of the above policy shall include a site specific zoning which places the lands in a holding category in accordance with Section 36 (1) of the Planning Act, restricting the permitted uses to those noted in the paragraph above and that further requires all buildings and structures to be set back a minimum of 15 metres from the Link Lake shoreline.

*The provisions of OPA#9 subjecting the lands to site plan control have not been included as that issue is addressed in Section 9.11 of the Plan.*

Prior to approving any development, an erosion and sedimentation control plan (construction mitigation plan) shall be required for each lot describing how erosion will be minimized and sediment will be retained on site throughout all phases of construction in order to ensure downstream areas are not adversely affected during the construction phase.

There are portions of the land identified on Schedule A as SPA1 as having high potential for archaeological and cultural heritage resources; however due to the extensive disturbance on the site, impacts to these potential resources is minimal. If archaeological remains, burials or other significant cultural heritage resources are identified on the lands at any stage of the re-development process, contact is to be made with staff of the Ministry of Culture.

**4.25 Industrial Park Expansion**

**4.26 Sustainable Community**

**4.27 Future Development Land**

**4.27.1 Background**

As set out in the Official Plan, land designated Future Development in the Urban Neighbourhood is land that may have some development potential but are probably not needed to accommodate growth within the 20 year timeframe of the Plan. There is a parallel Future Development Zone in the Zoning By-law which limits the permitted uses to uses that existed on the date the Zoning By-law was approved. Prior to re-designating and rezoning some or all of the land for development, a study is required to evaluate, amongst other things, the impact of the development on the ability of the remaining land to develop in an efficient manner. Other issues to be addressed include the adequacy of roads, availability of services and land use compatibility.

**4.27.2 Comment**

Since the Official Plan and Zoning By-law have come into effect, the situation has arisen where the most logical location for a new development proposal that would benefit the Municipality as a whole is within the Future Development land use designation. All of the issues that are to be dealt with as part of an Official Plan amendment can be satisfactorily addressed but it is not in the best interest of the Municipality and its residents to go through the amendment process due to the length of time the process would take. Therefore, the issue is whether a limited amount of development in the Future Development land use designation should be permitted without a formal amendment to the Plan, as long as it can be demonstrated that all the matters to be addressed through the amendment process can be satisfactorily addressed.

In light of the current and anticipated economic climate in Temagami, it is desirable for the Municipality to be able to respond quickly to economic development opportunities as they present themselves. Traditionally, municipalities have tried to position themselves to take advantage of such opportunities by pre-designating and often pre-zoning land for development, usually industrial and commercial land. Temagami has taken this approach with regard to industrial land and to a lesser extent with commercial land. However, there are other types of land uses such as institutional/service oriented uses that would clearly be a benefit to the Municipality and should be located in the village of Temagami. Land currently pre-designated for commercial development should be retained for commercial uses in order to respond quickly to new commercial proposals. The remaining land in the village is designated Residential or Future Development.

Due to the configuration of existing roads and development, there are relatively small parcels of land that are designated Future Development, the development of which would not compromise the ability of the larger parcels of Future Development land to develop efficiently in the future. Should PAC/Council wish to consider amending the policies of the Official Plan to permit some development within the Future Development land use designation, then the following is recommended. The development proposals permitted:

1. If residential, should be of a medium density form that provides specialized housing such as senior housing;
2. Should not be of an industrial nature;
3. Should be subject to a rezoning so that the issues set out in Section 4.4.9 of the Official Plan can be adequately addressed through a public process; and
4. Should be subject to site plan control.

**4.28 Urban Neighbourhood Boundary**

It has been requested that PAC/Council consider amending the land use schedule to the Official Plan by extending the Urban Neighbourhood boundary further down the Northeast Arm of Lake Temagami.

The rationale for establishing the current boundary of the Urban Neighbourhood was that the Municipality ultimately wanted to have all the development within the Urban Neighbourhood connected to the municipal water and sewer services. It was recognized that there are, and will continue to be capacity constraints associated with the sewage disposal system. As a result, the Municipality wants to utilize the available capacity as efficiently as possible and only include those lands in the Urban Neighbourhood that have a reasonable chance of receiving services within the timeframe of the Plan. Based on the current Plan policies, an expansion to the Urban Neighbourhood boundary commits the Municipality to ultimately providing already scarce municipal services to additional land brought into the Neighbourhood. Adding to the inventory of land to be serviced will make the task of prioritizing which parcels are to receive services more difficult.

Another aspect of this issue that PAC/Council should consider is the long standing principle of no development on the mainland of Lake Temagami. While this principle applies within the Lake Temagami Neighbourhood and it is recognized that there is and will continue to be development along the shore in the Urban Neighbourhood, the Northeast Arm is an important entry point onto Lake Temagami. Extending the Urban Area boundary along the Northeast Arm will permit more shoreline development in this important portion of the lake.

In the past, in other municipalities, requests and formal applications have been made to expand the urban area boundary as a way to have urban services extended to a particular parcel of land. This became such a problem in southern Ontario that the Planning Act was amendment so that decisions by Councils to not approve applications to expand the urban area boundary cannot be appealed to the Ontario Municipal Board. I would equate an application/request to expand the Urban Neighbourhood boundary in Temagami with those types of applications in southern Ontario.

**4.29 Private Roads**

At the request of the Ministry of Municipal Affairs and Housing, the 5th point in Section 2.15 of the Official Plan contains the following policies.

The creation of new lots will not be approved where access is based on creation of a new private road, a temporary road or the extension of an existing private road, whether on Crown or other lands.

and

New lots proposed with access based on an existing private road will require an amendment to the Official Plan in accordance with the policies of Sections 2.12.2, 2.12.3 and 9.7

However, the Ministry was prepared to consider development on private roads, subject to a comprehensive study of development on private roads including the cost to provide services, a financial impact analysis, a comparison of tax revenues and the cost of construction and maintenance of municipal roads and other matters.

The Ministry’s concern with development on private roads stems from situations in other municipalities where significant residential development was permitted on private roads. Subsequently, the new residents pressured the local municipalities to assume and maintain the private roads. In doing so, the municipalities incurred significant capital and operating costs that could not be covered by the property taxes generated from the development. In other words, the residential development became a financial liability rather than a tax asset for the municipalities.

Remote Residential development (development where the lots do not have direct frontage on a municipally or provincially owned and maintained roads) is permitted in the Official Plan. There are two categories of Remote Residential development. The first is based on municipal or private road access to a lake access point from which water access to the lots is achieved. The second is based on a private road that provides direct access to the lots.

What differentiates Temagami from many other municipalities is that there are very few instances where residential lots are clustered at the end of private roads. In fact, the norm is one or two lots. Additional lots could be created on private roads in one of two ways. Existing lots that are large enough could be severed into two lots that meet the Zoning By-law standards. Lots could be created by obtaining a Crown land patent from the MNR. Neither of these processes is going to yield in a significant number of new lots that might precipitate the situation that has arisen in other municipalities.

In addition, topography and ground conditions are such that it is virtually impossible for existing private roads to be brought up to the municipal standard so that the Municipality would be in a position to assume them.

Further, the vast majority of private roads are on Crown land. As a result, the Municipality would have to acquire the road right-of-way from the Crown, an unlikely scenario.

Based on the above and other policies of the Official Plan, the conditions do not exist and will not exist in the future whereby the Municipality could be pressured into upgrading, assuming and maintaining private roads.

One scenario that was not contemplated in the Official Plan policies was the development of private roads in the form of condominium roads. Maintenance of these roads is the responsibility of the condominium corporation and would not lead to the Municipality having to assume and maintain the roads.

The Municipality should consider discussing with the MMAH the possibility of deleting or amending the current policies requiring the in depth study of development on private roads.

**4.29.1 Comments from MMAH**

MMAH appears to be softening its position on no new development on private roads and may not require that the extensive study to support development on private roads, as set out in the OP. However, in response to lingering MMAH concerns about development on private roads, consideration should be given to including in the OP the original policies developed by PAC/Council regarding development on private roads and conditions under which that might occur.

It is important to note that the major MMAH concern is future resident pressure on the Municipality to assume a private road and make it public, at an unreasonable cost to the Municipality. It was pointed out that the province has total control over this eventuality in that the private roads in question are across Crown land. For the Municipality to assume the road, the province would have to transfer ownership to Temagami, which it may choose not to do.

* 1. **Lot Creation and Development Plan Study**

**4.30.1 Background**

There was some urgency to prepare and implement the first Temagami Official Plan for the new amalgamated municipality. During the preparation of the first Official Plan, certain growth related issues arose that were beyond the scope of the study. Rather than ‘back tracking’ and delaying the Plan, it was decided to include interim development policies to address the growth related issues and to include policies requiring the Municipality to undertake a Lot Creation and Development Plan Study (LCDPS) to formulate policies to replace the interim development policies as soon as the Zoning By-law was completed.

The two major issues to be addressed through the LCDPS included:

* 1. The number of new lots to be permitted on a yearly basis in each rural neighbourhood; and
	2. Whether and under what circumstances new residential lots would be permitted on private roads

The LCDPS was initiated but was overtake by the Planning Act requirement that the Official Plan be updated as minimum of every five years. The major reason for the delay in completing the LCDPS was a new provincial position that new lots would not be created from Crown land on any cold water lakes in the province. The Municipality was in discussions, negotiations and meetings with MNR staff and the Minister for many months in an attempt to understand the technical basis for the MNR position, to propose that Temagami be used as a pilot study to show how very limited development could proceed on Lake Trout lakes in an environmentally sustainable manner. In the end, the MNR remained firm in it position. The Municipality felt that a delay in the completion of the LCDPS was warranted in an attempt to get the MNR to amend its position, as it related to Temagami. All the lakes of any significant size in Temagami are cold water lakes. No new development on those lakes would have significant financial implications for the Municipality and its taxpayers – costs go up but the tax base remains virtually unchanged. The LCDPS had been proceeding in accordance with the policies of the Official Plan which contemplated new lots from Crown land on cold water lakes.

**4.30.2 The Issue**

Three questions arose related to the LCDPS as follows:

1. Should the LCDPS continue to be completed independent from the Official Plan update;
2. Should the LCDPS be rolled into the Official Plan update; and
3. Should elements of the LCDPS be incorporated into the Official Plan update?

**4.30.3 Comment**

During the Issue Identification phase of the Official Plan update, several issues related to development on private roads arose. In addition, this issue had been raised by both staff and PAC/Council previously as a result of site specific situations. Further through preliminary discussions with Ministry of Municipal Affairs and Housing related to this issue as part of the LCDPS, some clarification of the Ministry position was obtained.

As a result, it has been decided to deal with the issue of development on private roads as part of the Official Plan update, assuming that it will not be necessary to carry out the detailed evaluation study required by the MMAH in the Official Plan policies.

However, because the discussions with the province with regard to new lots on cold water lakes are ongoing and because this provincial initiative is not yet provincial policy, it is recommended that the LCDPS proceed independently and deal with this one issue.

* 1. **Land Use Permits**
		1. **The Issue**

The issue raised is that Land Use Permits are owned by the Crown and that the Official Plan and Zoning By-law do not apply to Crown land. Should the Official Plan and Zoning By-law apply to Land Use Permits?

* + 1. **Comment**

Because Land Use Permits are issued on Crown land held by the Province of Ontario, a higher level of government than the Municipality of Temagami, technically the Temagami Official Plan and Zoning By-law do not apply and cannot control the use of Crown land. However, notwithstanding that, both the Official Plan and the Zoning By-law include Crown land. The policies and land use designations of the Official Plan mirror the policies in the Ministry of Natural Resources Land Use Plan for Temagami by using land use designations such as Special Management Area and Integrated Management Area. The Official Plan does not deal directly with private development on Crown land other than to recognize and permit existing uses. Applying a remote residential zone to an existing cottage on a land use permit, for example, is not appropriate as the Municipality has no jurisdiction to enforce the provisions of the Official Plan and Zoning By-law on any land, other than patented land. No change to the Official Plan/Zoning By-law is recommended in connection with this issue.

* 1. **Lake Temagami Group Issues**
		1. **Background**

The Lake Temagami Group (LTG) was formed during the preparation of the first Official Plan apparently because certain members of the Temagami Lakes Association and possibly other ‘non-affiliated’ cottage owners on Lake Temagami did not support the positions taken by the Temagami Lakes Association on some issues. Members generally are located on the North and North-west Arms of Lake Temagami. These areas have less development than the central portion of the lake, commonly referred to as the ‘hub’. The LTG participated in the preparation of the first Official Plan and subsequently precipitated an Ontario Municipal Board hearing related to certain policies pertaining to Lake Temagami. A settlement was negotiated between the LTG, the TLA and the Municipality prior to the hearing. Some modifications to the policies were negotiated but the fundamental principle that the Official Plan policies related to Lake Temagami would be applied uniformly throughout the Neighbourhood remained unchanged.

**4.32.2 The Issues**

The LTG has again asked that Lake Temagami be divided into sub-neighbourhoods with policies unique to each sub-neighbourhood. The LTG has also asked that new lots on Lake Temagami created from Crown land be subject to an official plan amendment.

* + 1. **Comment**

The request to divide the Lake Temagami Neighbourhood into sub-neighbourhoods with policies unique to each was the subject of the LTG’s appeal of the first Official Plan. The Municipality successfully defended the policies currently found in the Plan. The TLA supported the Municipality before the OMB. The LTG is again asking for sub-neighbourhoods with unique policies. This change would be a major departure from the current approach and structure of the Plan. It has not been made clear by the LTG which existing policies are problematic but in the past, the LTG wanted new development directed towards areas of the lake such as the hub where there is already a greater intensity of development. One can assume that the LTG’s concern is with one or both of the basic policy areas – the amount of growth to be permitted or the control over growth.

The amount of growth that can occur in the future has become somewhat of a moot point in that since the Official Plan was originally approved, the Ministry of Natural Resources has indicated that no additional patents will be issued for lots on cold water lakes. As a result, new lots in the North and North-west Arms will only be created by the severance of existing patented lots owned, for the most part, by members of the LTG. In other words, the LTG, to the extent that its members own lots in the North and North-west Arms has direct control over the number of lots created. The current policies of the Official Plan set a maximum number of new lots that can be created in the Lake Temagami Neighbourhood per year.

The level of control exercised by the Municipality over residential development on the lake is reasonable, appropriate and necessary to ensure that to the greatest extent possible the existing character of the lake is preserved. The level of control over low density residential development exceeds that exercised by most other municipalities in the province. There are few, if any avenues available to the Municipality to exercise more control over development. In fact, there are some residents who feel that the level of control exercised through site plan control is too great.

With regard to requiring new lots to proceed by way of an amendment to the Official Plan, in addition to the currently required rezoning, it is unclear what form this amendment would take and what would be accomplished by going through this process. The existing residential lots have retained the Special Management Area land use designation. Presumably the LTG is not proposing a change in the land use designation. The policies of the Official Plan address matters such as the minimum distance between new lots and existing lots, lake access points and tourist commercial facilities and matters that have to be addressed on a site by site basis prior to the severance of a lot. However, the distance separator policies have also become somewhat moot as new lots will only be created from existing lots. Changing these standards appears to be unnecessary. If the issue is one of public process, the currently required rezoning is a public process. Notice requirements set out in the Planning Act are the same for amendments to official plans and zoning by-laws. There is no sound land use planning reason to require the creation of new residential lots from patented land to go through a lengthier and expensive official plan amendment process.

4.33 **Temagami Lake Association Issues**

**4.33.1 Background**

The Temagami Lakes Association (TLA) has been active for many years and provided substantial input into the preparation of the first Official Plan for the restructured Municipality of Temagami. It also had significant input into the preparation of the first comprehensive Zoning By-law. The TLA provided written input to the Municipality related to issue identification by way of a letter dated January 26, 2009 and provided verbal input at one of the public meetings.

**4.33.2 Input**

The TLA letter identified several factors that it felt should be considered when reviewing the Official Plan including:

1. There are more than 200 potential new private lots which can be created from existing private lots on islands in Lake Temagami;
2. There could be at least 1,000 new lots created from land potentially allocated to the Aboriginal community as a settlement to the land claim, many of which could be on the mainland shoreline. The Lake Temagami Neighbourhood and the adjacent Backcountry Neighbourhood encompass more than 95% of the potential land claim land;
3. The amalgamation of the Lake Temagami area into the Municipality was predicated on the Lake Temagami area having an increased role in the Official Plan;
4. Application of user based fees with respect to planning issues in the Lake Temagami Neighbourhood should be re-evaluated based on tax allocations and services provided;
5. Housekeeping and other minor corrections to the Official Plan should be undertaken and the Committee of Adjustment flexibility should be maintained but actions should be consistent with the major principles of the Official Plan;
6. The TLA supports the current Site Plan Control By-law and suggests an education program in the Neighbourhood to clarify the purpose and intent of the By-law.

**4.33.3 Comment**

1. The fact that there is the potential for the creation of approximately 200 new lots from existing lots that would meet the standards of the Zoning By-law is not in dispute. Section 2.15 – Interim Development Policies of the Official Plan limits the number of new lots that can be created during any one year period to 5. The rate of lot creation is not cumulative. Both the maximum number of lots and their non-cumulative nature were arrived at after lengthy debate during the preparation of the first Official Plan. The TLA supported the Official Plan policies. The policy goes on to state that lots created from patented land will be give priority over lots created from Crown land. The Ministry of Natural Resources has indicated that it will not be granting any new patents for land on cold water lakes in Ontario, including Lake Temagami. It appears that new lots on Lake Temagami islands will only be created from existing patented land.

The OP policy noted above is an interim policy, to be updated through the ongoing Lot Creation and Development Plan Study (LCDPS). At this time, it is not the position of the Municipality that this Official Plan Update process should supersede or supplant the LCDPS, as it relates to this issue. The current policies ensure that new lots will be created at a measured pace and will only become available as existing lot owners on the lake chose to make them available. No action on this factor is recommended.

2. The Municipality is also concerned about the potential for lot development both on islands and on the mainland portions of the settlement land. The Municipality is engaging the First Nations as part of this Official Plan update process but in the end will have no direct control over the amount, type or location of development that occurs on the settlement land in the future. It is recommended that the Municipality continue dialogue with the First Nations on an ongoing basis.

3. The Municipality urges the TLA, and others to continue to play an active role in land use planning matters that have implications for the Lake Temagami Neighbourhood. Input from the TLA during the preparation of the first Official Plan had a significant impact on the policies contained in the Plan. In making its decisions, the Municipality recognizes that the TLA represents a significant percentage of the landowners in the Lake Temagami Neighbourhood.

The current policies of the Official Plan stipulate that the Lake Temagami Neighbourhood have 4 members on the Planning Advisory Committee (PAC). This number was arrived at during the negotiations to bring the Lake Temagami area into the Municipality. The question of the composition of the PAC has been raised as an issue for this update and is addressed in another section of this report.

4. User fees for land use planning related issues are applied uniformly across the Municipality. While the amount of property tax revenue from the Lake Temagami Neighbourhood is significantly higher than any of the other rural neighbourhoods, the property tax rate is the same. Further, the level of services provided by the Municipality is the same throughout the rural neighbourhoods. There is no rationale for having different fees across the rural neighbourhoods.

The principle of differing fees in rural and urban areas, based on the level of service provided is not one that is embraced by other municipalities.

5. Part of this update will be to carry out minor housekeeping and corrections in both the Official Plan and the Zoning By-law. None of the changes contemplated would fundamentally change the underlying principles, goals or objectives of the Plan or By-law. No action on this factor is recommended.

6. The position of the TLA on the current Site Plan Control By-law is noted. This issue is addressed in another section of this report.

**4.34 Source Water Protection**

The water source for the municipal and private water supply systems in Temagami is surface water from the lakes within the Municipality. As such there isn’t a need to include the kind of wellhead protection policies that are typically found in municipal official plans where wells are the source of potable water.

Policies are already in place to protect surface water. They include significant setbacks for septic tanks and tile fields from the lakes, maintaining natural vegetation along the shorelines, restricting industrial and other uses along the lakeshore that have a higher potential to cause pollution. In addition the Municipality continues to improve the efficiency of its sewage disposal systems. These initiatives go a long way to ensure that the potential for negative impacts on surface water quality are minimized.

As a further initiative, the Municipality might consider initiating a mandatory inspection program for all existing private sewage disposal systems with a view to requiring the upgrading or replacement of sub-standard systems. This type of program has been undertaken by a number of municipalities in Ontario

**4.35 Official Plan Numbers and Measurements**

**4.35.1 Background**

The Interpretation Section of the OP contains the provision found in most, if not all official plans that provides some flexibility in the interpretation of numerical figures. The Plan goes on to indicate that the maximum number of new lots permitted on a yearly basis in the rural neighbourhoods is not flexible. The issue that has arisen with regard to other numerical figures in the OP is that many of these numerical figures are also found in the Zoning By-law. The numerical figures in the Zoning By-law are not flexible. There is an apparent inconsistency in the way the numbers are interpreted in the two documents that could lead to confusion.

**4.35.2 Comment**

The situation described above arises primarily in the policy section of the rural neighbourhoods dealing with the distance separation between new residential lots created from Crown land and existing residential lots/lake access points/tourist lodges/campsites/trails/spawning areas/beaches/cultural heritage sites. When the OP was prepared, the prevailing view at the time was that these separation distances are fundamental to maintaining the existing character of the lakes and warranted inclusion in the OP. It was felt that requests to deviate from these standards beyond what might be approved by a Committee of Adjustment should be subject to an official plan amendment because of the potential impact of a significant reduction in the standards.

As noted elsewhere in this report, it is possible that the creation of new residential lots along the shoreline of lake trout lakes from Crown land may not occur in the future. This would render the standards meaningless except for the limited number of warm water lakes. Further, in evaluating a number of these much smaller warm water lakes through the Lot Creation and Development Plan Study, it has become apparent that while it may be appropriate to retain the same type of separation distances, the unique characteristics of these lakes are such that the intent of the OP standards can be met with shorter separation distances. Further, it may be possible to have separation distances that vary from lake to lake.

There are two options for the Municipality to consider:

1. Retain the policies as currently written. If no new lots are created from Crown land on lake trout lakes, the standards would apply only to warm water lakes. If through the Lot Creation and Development Plan Study, it is determined that standards unique to each warm water lake should be established, then the Official Plan amendment passed to implement the results of that study would amend the existing policies, as necessary.
2. Retain the existing policies but remove the numerical figures, indicate that the numerical figures are contained in the Zoning By-law and that the numerical figures may vary from lake to lake or from warm water lake to warm water lake in anticipation of the possible results of the Lot Creation and Development Plan Study
	1. **Lot Coverage**

**4.36.1 The Issue**

The Temagami Zoning By-law currently set a maximum lot coverage of 8% in the Rural Residential Zone. The situation has arisen where the 8% maximum lot coverage is achieved while the amount of development on the lot falls well short of what would otherwise be permitted and what is reasonable, particularly in the R2 and R3 zones with road access where people are building large year round homes with a garage, woodshed, workshop, decks, sleep cabins, etc.

* + 1. **Comment**

The maximum lot coverage standard for rural residential lots was discussed at some length during the preparation of the Zoning By-law. The minimum and maximum lot size permitted in the Rural Residential Zone is 0.8 ha and 1.5 ha respectively. The range of possible lot sizes is significant and an attempt was made to reach a balance that would permit an appropriate amount of development on all lots within the zone. As with some other zone standards, operationally the standards may not have achieved what was desired. It is appropriate to consider a higher standard, based on the actual situations where the problem has arisen.

**4.36.3 Comments Provided through PAC/Council**

Could/should the Municipality consider a variable percentage, depending on a range of lot sizes such as 0.5 ac, 1.0 ac, 2.0 ac) – the smaller the lot, the larger the percentage but maximum coverage should only permit a reasonable amount of development on the lot? The C of A is always available for unique situations.

**4.37 Remote and Rural Residential Garages/Boathouses**

4.37.1 Background

The Zoning By-law permits as-of-right a detached garage as an accessory use to a residential use. The By-law also states that a detached garage is deemed to be a land based boathouse when calculating the number of boathouses on a lot. The maximum number of land based and/or water based boathouses permitted on a residential lot is 1 except where the lot is greater than 0.8 ha (2 acres). This means that if there is a boathouse on a lot, a detached garage is generally not permitted. Conversely, a residential lot with a detached garage generally cannot also have a boathouse.

**4.37.2 Comment**

The situation described above is viewed by many as being too restrictive. The simple solution would be to permit a maximum of two boathouses on all shoreline residential lots and continue to count a detached garage as a boathouse. This would mean that two boathouses or a detached garage and one boathouse would be permitted. The question for PAC/Council is whether this adequately addresses the concerns raised or whether a detached garage should be permitted in addition to two boathouses.

Another alternative is to permit only one water based boathouse or land-based boathouse (because they are in the SAA and very visible) and a garage/workshop. There could be a requirement for a garage/workshop to be built behind the main dwelling.

Another alternative is to apply this policy only to waterfront properties with road access.

**4.38 Amendments to Zoning By-law 81-62**

There were several amendments to By-law 81-62, a comprehensive Zoning By-law that applied to a portion of the existing Municipality of Temagami that were not carried forward into the new comprehensive Zoning By-law 06-650. By-law 06-650 will be amended to incorporate these amendments.

**4.39 Urban Neighbourhood Building Height**

Currently, the Zoning By-law limits the height of building in the Urban Commercial Zone to 11.0 metres. Typically this would equate to 3 storeys and is in keeping with the height of existing development. The suggestion has been made that the maximum height limitation should be raised. Making such an adjustment to the Zoning By-law would permit a greater density/intensity of development in the Urban Neighbourhood which has a number of advantages including:

1. A more efficient use of water and sewer services;
2. A more efficient use of land;
3. A reduction in the need for new development land to accommodate the same amount of development; and
4. A reduction in the amount of new roads to accommodate the same amount of development.

Care should be taken when identifying areas to be pre-zoned to permit higher building heights to ensure that impacts on existing development is minimized.

In conjunction with increased building heights, the Municipality may also want to consider reducing front yard and side yard setbacks in the Urban Commercial Zone. A number of municipalities have instituted a minimum setback of 0.0 metres. In doing so, they have considered such issues as:

1. On-site parking;
2. Fire prevention;
3. Pedestrian access; and
4. Building massing.

**4.40 Two Storey Boathouses**

The maximum building height for a boathouse in the Remote Residential R1 Zone is one storey. This height limitation was established to minimize the visual impact of new boathouses that might otherwise be 1.5 or 2 storeys in height. The situation has arisen where a boathouse that pre-dates the Zoning By-law was constructed such that an upper floor could be added without changing the exterior appearance of the boathouse. However, this addition is not permitted as the boathouse would become a two storey structure.

In light of the potential visual impact of adding an upper floor, the Committee of Adjustment might well find that a variance to permit this would meet the Planning Act tests. It is not recommended that the OP and/or Zoning By-law be amended to permit 1.5 or 2 storey boathouses in the R1 Zone.

**4.40.1 Comments Provided through PAC/Council**

Should the Municipality also consider permitting 1.5 storey (as defined in ZBL) boathouses (with sleeping accommodation and storage only) in the R1 Zone on a site specific basis through the C of A where there is no visual impact i.e. isolated bays not visible from the regularly travelled portion of the lake?

**4.41 Home Occupations**

**4.41.1 The Issue**

Permit home occupations as-of-right without the need for any planning approvals.

**4.41.2 Comment**

All municipalities regulate home occupations. They are not permitted as-of-right. Each situation is unique and should be assessed on its own merits. Issues such as parking need to be addressed on a site by site basis

**4.42 Boathouses with Living Accommodation**

**4.42.1 The issue**

Boathouses with living accommodation should be permittedat any time, not just after the main dwelling has been built.

**4.42.2 Comment**

A boathouse with sleeping accommodation and bathroom facilities but not cooking facilities is permitted in the SMA, IMA, (R2) and (R3) Zones. There are no restrictions on when the boathouse can be constructed unless it has sleeping accommodation in which case it is deemed to be a sleep cabin. As noted elsewhere in this report, the current OP policies do not permit the construction of a sleep cabin prior to the construction of the main dwelling on the lot. As part of the OP update, it is anticipated that this limitation will be removed through modifications to Sections 6.3.4, 7.3.4 and 8.3.4 of the OP. If these sections are modified, then a boathouse with sleeping accommodation would be permitted prior to the construction of the main dwelling on the lot.

Neither sleeping accommodation nor bathroom facilities are currently permitted boathouses in the (R1) Zone. This provision was supported by the residents of Lake Temagami Neighbourhood when the ZBL originally passed. None of the resident groups have requested a change to this provision. No modification to the Zoning By-law is recommended.

A final comment that applies to both boathouses with sleeping accommodation and sleep cabins. Section 6.04 of the Zoning By-law currently states that accessory buildings (including boathouses and sleep cabins) cannot be constructed prior to the construction of the main dwelling. Should the OP be modified to permit boathouses and sleep cabins to be constructed prior to the main dwelling on the lot, this section of the ZBL would also have to be modified to remain consistent with the OP policies.

**4.43 Various Comments from Debbie Burrows**

See Appendix 2, Section 3.0 for details.

**4.44 Comments Provided through PAC/Council**

**4.44.1 The Issue**

There are 2 parcels of patented land on the mainland shore of Lake Temagami. Should these parcels be pre-designated in the OP and pre-zoned in the ZBL for residential development?

**4.44.2 Comment**

Development on the mainland shore of Lake Temagami is not permitted by the policies of the OP and is not consistent with the Tenents for Lake Temagami.

There are three options available for consideration:

1. Leave the OP policies unchanged and maintain the existing SMA zoning. (do nothing option)
2. Modify the policies of the OP to permit shoreline development of these 2 parcels but require a further amendment to the OP and ZBL by the owner/applicant as part of the development approval process
3. Designate in the OP and zone in the ZBL to permit residential development in accordance with the R1 Zone.

The standard approach in most municipalities is to **not** pre-zone land for residential development but rather to wait for the owner to submit an application(s) with all supporting documentation and deal with the proposal on its own merits.

APPENDIX 1

Conditions for establishing local appeal body

**[1.](http://www.e-laws.gov.on.ca/html/regs/french/elaws_regs_060551_f.htm%22%20%5Cl%20%22s1%22%20%5Ct%20%22_top)** The council of a municipality may pass a by-law to constitute and appoint a local appeal body, as described in subsection 8.1 (1) of the Act, if the following conditions are met:

1. The council has made a resolution declaring that,

i. the official plan of the municipality that is in effect has been adopted in accordance with subsection 26 (1) of the Act, and

ii. the municipality has complied with subsection 26 (9) of the Act.

2. The by-law complies with section 2. O. Reg. 551/06, s. 1.

By-law

**[2.](http://www.e-laws.gov.on.ca/html/regs/french/elaws_regs_060551_f.htm%22%20%5Cl%20%22s2%22%20%5Ct%20%22_top)** The by-law described in section 1 shall,

(a) indicate, in accordance with subsection 8.1 (6) of the Act, whether the local appeal board is empowered to hear appeals under,

(i) subsection 45 (12) of the Act,

(ii) subsections 53 (14), (19) and (27) of the Act, or

(iii) the provisions listed in both subclauses (i) and (ii);

(b) contain a detailed description of the process for appointing members and a secretary to the local appeal body and a detailed list of the criteria the council will use in making appointments;

(c) contain details about the compensation of the members and secretary;

(d) specify the term for which the members shall serve;

(e) state whether the members are to serve on a part-time or full-time basis;

(f) specify the roles, powers and duties of the members, including the chair, and of the secretary;

(g) establish fees for the purpose of clause 8.1 (9) of the Act;

(h) set out rules governing the practice and procedure before the local appeal body, dealing with, as a minimum, the matters listed in Schedule 1;

(i) specify how this by-law will be made available to the public; and

(j) set out requirements for financial and administrative reporting by the local appeal body and any requirements for the auditing of the local appeal body. O. Reg. 551/06, s. 2.

By-law not limited

**[3.](http://www.e-laws.gov.on.ca/html/regs/french/elaws_regs_060551_f.htm%22%20%5Cl%20%22s3%22%20%5Ct%20%22_top)** Nothing in section 2 limits the matters that may be contained in a by-law constituting and appointing a local appeal body, as described in subsection 8.1 (1) of the Act. O. Reg. 551/06, s. 3.

Rules publicly available

**[4.](http://www.e-laws.gov.on.ca/html/regs/french/elaws_regs_060551_f.htm%22%20%5Cl%20%22s4%22%20%5Ct%20%22_top)** A local appeal body shall make the rules established by council under clause 2 (h) available to the public. O. Reg. 551/06, s. 4.

[5.](http://www.e-laws.gov.on.ca/html/regs/french/elaws_regs_060551_f.htm%22%20%5Cl%20%22s5%22%20%5Ct%20%22_top) Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 551/06, s. 5.

[Schedule 1](http://www.e-laws.gov.on.ca/html/regs/french/elaws_regs_060551_f.htm%22%20%5Cl%20%22schedule1%22%20%5Ct%20%22_top)
MATTERS TO BE DEALT WITH IN RULES OF PRACTICE AND PROCEDURE

The rules governing the practice and procedure before the local appeal body shall deal with, as a minimum, the following matters:

1. Application of rules.

2. Representatives and notice to representatives.

3. Timing of proceedings.

4. How proceedings are commenced.

5. Notice.

6. Documents, exhibits, filing and service.

7. Discovery.

8. Motions and forms.

9. Settlement before hearing.

10. Compelling attendance of witnesses by summons.

11. Consolidated hearings.

12. Adjournments.

13. Mediation.

14. Pre-hearing conferences.

15. The manner in which hearings are held.

16. Quorum and panels.

17. Effect of expiry of member’s term during hearing.

18. Vacancies on local appeal body.

19. Decisions and orders.

APPENDIX 2

Set out below are the comments received from stakeholders on the April 17, 2009 Background Report and (in italics) a response.

**1.0 Temagami Lakes Association**

Specific Comments

4.2 Site Plan Control: The TLA has consistently advocated and supported Site Planning Control and believes that it should be retained in the present form for the Lake Temagami Neighbourhood. These existing provisions, which were carefully devised by PAC, are also now directly connected to the protection of the natural lake trout population as is sought by the various MNR policies and standards. Use of the existing Committee of Adjustment is an adequate method for reviewing reasonable non-precedent exceptions. We support retaining the present wording. Comments on septic systems are reserved for a later time. However, we recognize the comments by John Kennedy at a public meeting regarding the flexibility that exists for the repair and location of existing septic systems. Importantly, site planning is required for a new aboriginal community site contemplated in the proposed land claim settlement. Also, the new Ontario Planning Act indicates that facilities be "designed to have regard for accessibility for persons with disabilities through site plan control."

Existing Uses/ Development: We are satisfied to leave the wording of these new provisions to the good judgment of the PAC who has the duty to advise council on all municipal land use matters.

*No comment*

4.3 Lake Trout Lakes: The TLA recognizes the present MNR policy regarding prohibition of new Crown lots on Lake Temagami. Based on municipal discussions with the MNR there is no present reason to believe that the MNR is or will shortly be reconsidering that policy. It can be revisited if necessary in the next 5 year review or dealt with by a public process of amendments when and if the policy is changed. In the mean time OP provisions should be instituted which require actions to insure that Lake Temagami remains a natural reproducing lake trout lake. Conversely no OP provisions should be instituted which encourage actions to the determent of the natural lake trout population. It should be recognized that once development occurs then it is almost impossible to eliminate buildings and structures which then become permanent and can result, over time, in an increasing detrimental carbon footprint.

*The lack of new lots created from Crown land and the limitations on the severance of existing patented lots go a long way in protecting water quality in Lake Temagami and other cold water lakes. Other municipal initiatives that might be undertaken to protect water quality such as a private sewage disposal system inspection program are outside of the scope of the Planning Act/Official Plan.*

4.5 Existing Lake Conditions: Municipal financial and other resources should be focused on the development potential of identified warm water lakes.

*No comment*

4.6 Wind Turbine Policies: It is noted and agreed that the Lake Temagami Neighbourhood is not listed as an authorized area for commercial wind generation systems. Small scale turbines in the Lake Temagami Neighbourhood should be subjected to provisions which will minimize visibility and sound intrusions.

Small scale systems should have visibility and height restrictions related to the skyline, setbacks and sound restrictions enforced through the use of site planning which do not degrade the aesthetics or environmental standards of the Lake Temagami Neighbourhood. Studies to determine the impact on wildlife should be undertaken.

*Wind turbines typically require open areas in order to operate with maximum efficiency. This often means raising the turbine blades above the tree line. Such an approach for small private wind turbines on Lake Temagami (or other lakes) is not consistent with minimizing the visual impact of development. In response to concerns raised by the TLA while at the same time providing an opportunity for those who want to take advantage of this type of energy generating system, consideration could be given to locating the turbine on the shoreline (to take advantage of the open water) but with height and possibly diameter restrictions to minimize visual impact.*

4.7 New Planning Tool: Support PAC and Kennedy comments.

*No comment*

4.8 Community Improvement Plans: Look to PAC for appropriate review.

*No comment*

4.9 Notice Procedure: Look to PAC

*No comment*

4.10 Balance – Economy: It is possible that more restrictive standards may be necessarily applied to the Lake Temagami Neighbourhood because of increased use pressures and the need to maintain environmental and water quality standards. The TLA recognizes the importance of the whole community working harmoniously together. At the same time we also recognize that the other four OP recognized Neighbourhoods can have differing views on development issues which may need to be addressed independently.

*When Council adopted the existing Official Plan, it carefully considered the balancing of economic development and environmental sustainability. In light of the new MNR policies, the likelihood of negative environmental impacts due to development has been further reduced on most lakes within Temagami. Modifying existing policies or implementing new policies to further protect the natural environment may well have negative economic impacts. No modifications to the existing policies are recommended in response to the TLA input on this issue.*

4.12 Severance of merged Lots: Look to PAC

*No comment*

4.13 Sleep Cabins: Look to PAC but note use of Site Planning will be helpful.

*No comment*

4.14 OP Clarification: Look to PAC

*No comment*

4.15 Shoreline Activity Area: Leave as is with availability of Committee of Adjustment for variance appeals.

*No comment*

4.16 Vegetative Buffer: Look to PAC with the comment that we support a buffer both to reduce the visual appearance of buildings from the Lake and to maintain and preserve a buffer for environmental reasons and septic/leach pit filtration.

*No comment*

4.17 Firesmart Policies: Review with MNR.

*No comment*

4.18 Policy Consistency: The TLA has no objection to any of the other four OP recognized Neighbourhoods having different policies but does not support any sub- neighbourhood.

*No comment*

4.19 Planning Committee Membership: The TLA relies on the agreement reached with the municipality as outlined in the 1997 Daiter Commissioner Report and Order creating our new community. The resulting harmonious amalgamation, with the support of 80% of the Lake Temagami community, is to be credited, in part, to that section setting forth the PAC membership and the resulting input on planning and development matters in the Lake Temagami Neighbourhood. The genesis of the formation of PAC should be memorialized in the OP as a way to preserve this factor so critical to the amalgamation of our present community.

*Further to previous comment made that Council should discuss the composition of the PAC directly with representatives of the various geographic areas. It is recognized that it is sometimes difficult to find the volunteers necessary to maintain the composition of the PAC, particularly in the mainland area. Without changing the proportionate share of the members from the Lake Temagami Neighbourhood, Council could consider changing the number of members from the mainland and the CALA/Marten River area or introducing some flexibility in the number of representatives from those areas in order to better respond to the availability of volunteers.*

4.20 Lake Temagami Islands: All islands in Lake Temagami should be in the SMA #39 and the Lake Temagami Neighbourhood as outlined in the Tenets for Temagami cited in the Daiter Commissioner Order of 1997.

*No comment*

4.21. Look to PAC.

*No comment*

4.22. Look to PAC

*No comment*

4.23. Look to PAC

*No comment*

4.24. Official Plan Amendment #9: Look to PAC

*No comment*

4.25, 4.26 Look to PAC

*No comment*

4.27 Future Development Land: Comments reserved.

*No comment*

4.28 Urban Development Boundary: Any extension that would result in the possibility of mainland shoreline development on Lake Temagami is unacceptable and inconsistent with all long standing land use documents including The Tenets for Temagami which are incorporated in the OP and the Temagami Land Use Plan and the Commissioners Order establishing our municipality. Islands in Lake Temagami should be removed from within the Urban boundary.

*No comment*

4.29. Private Roads: Look to PAC, No new Access roads in the Lake Temagami Neighbourhood.

*No comment*

4.30 LC&DP study: In view of the MNR policies regarding development on cold water lake trout lakes the LC&DP study should be considered for suspension in the Lake Temagami Neighbourhood. Leave at the maximum of 5 new lots non cumulative per year in the Lake Temagami appears to be adequate to meet the recent request. This would allow municipal resources to be allocated to warm water lakes under investigation for development.

*Here and in their comments on Lake Trout Lakes, the TLA is essentially asking that the existing policy (Section 2.15 Interim Development Policy) limiting the number of new lots created per year in the Lake Temagami Neighbourhood to 5 remain. The suggestion is that if the MNR policy on no new lots from Crown land changes, the existing policies could be revisited. Practically, the only new lots that will be created on Lake Temagami will be through the severance of existing patented lots.*

4.31 Land Use Permits: Look to PAC

*No comment*

4.32 Lake Temagami Group issues: The TLA, on two previous occasions, has joined the municipality in successfully defending the policies in the OP which are whole Lake Temagami Neighbourhood oriented. It seems clear that the sub-neighbourhood approach as advocated by the LTG in the past would result in, as noted by Kennedy, "new development directed towards areas of the lake such as the hub where there is already a greater intensity of development." The TLA has never supported the sub-neighbourhood approach but has endorsed the whole Lake Temagami approach as adopted by the Tenets for Temagami (incorporated into the Daiter Commissioner Report), the MNR Temagami Land Use Plan and the lake trout preservation policies. We agree that growth in crown lots is already mostly a "moot point" as a result of MNR lake trout preservation policies. Also, standards for creation of new lots from patented land are outlined in the MNR Lakeshore Capacity Handbook and must first be met before proceeding with any severances.

*No comment*

4.33 TLA issues:

We note that the 5 year OP Review update "will in the end have no direct control over the amount, type or location of development that occurs on the settlement lands in the future". This realization dictates that the remaining lands must have the best possible standards for preservation where matters are within the control of the OP and MNR standards. Ontario has indicated that the aboriginal community will undertake extensive and detailed site planning for the mainland community site before transfer of the lands. Also, development on reserve lands will be compatible with land use in neighbouring jurisdictions.

Consequently, with the use of Best Management Practices (BMP) along with proactive land-use controls as specified by the MNR (i.e. lake trout lake standards) on non aboriginal settlement lands, it is possible to encourage enlightened development and uniform application of standards by working cooperatively together on shared goals for all land allocations affecting Lake Temagami.

A regular observation from TLA taxpayers is to question the value received for such large property taxes. The municipality is aware of this perception and should undertake to correct it wherever possible.

*No comment*

4.35 Official Plan Numbers and Measurements: References to possible sale of Crown land in the Lake Temagami Neighbourhood “along the shoreline " should refer only to the future possibility as it pertains to Crown island land as no development is permitted on Crown mainland shoreline. Also the MNR TLUP summary of Permitted Uses for SMA #39 (Lake Temagami) indicates that new cottaging may be considered on "Islands only". No objection to retention of current polices as written.

*Comment related to the possible sale of Crown land along the shoreline is noted.*

4.36 Lot Coverage: Comments reserved.

All the information and input we have received from our members, Lake professionals and municipal staff indicates that the Official Plan, the 2006 Zoning By-law and 2007 Site Plan Control By-law are working largely as intended. There is an understanding that the process will become more efficient with time and utilization. There is also the realization that sound planning standards are essential to the protection and preservation of the Lake Temagami Neighbourhood and that ours have only been applied for a short period of time. Consequently we believe that there are few changes needed and that all major provisions should remain intact.

*No comment*

**2.0 George Leger**

1. **Put a stop to this mockery of the official plan and by-law review.** The whole process smells of political favoritism towards the TLA and other organized associations at the expense of the public. The process has gone out of its way to avoid public input. The meeting in Oakville was not made public, was designed and organized to meet with directors of associations rather than the public at large. It was scheduled in the afternoon of a week day in a private boardroom which was just big enough for the invitees. The board room was offered to the municipality gratis by Lawrence Fuller who happens to be our planning clerk Mrs. Beauchamps best customer in her construction business. The planning department and its paid consultant have gone out of their way to make it impossible for those representing tax payers at large to get in touch with them. This conduct is consistent with the way planning is managed, but is not in the best interest of the tax payers.

*No comment*

1. **Request a judicial review of the process by which the call for RFP for this official plan review was conducted**. Why did we not go out for tender. Why is this process costing $64,800.00 when the same official plan and by-law review process is done for $18,000 in Powason?

*No comment*

1. **Delete the site plan control** **bylaw** as it is strictly a politically driven by-law introduced to create employment for a planning clerk, and to feed the ego of a control freak councilor. This Municipality cannot afford the cost of such as position, or the loss of construction business. The resistance related to site plan control costs relative to the installation or up grade of septic systems is destroying our drinking water, destroying our most important resources. The lake residents cannot afford the extra costs nor the ridiculous delays, trips to the municipal office, trips to lawyers to have signatures commissioned, and the extra costs of the site plan itself by surveyors, contractors or someone other than the owners.

*Site plan control is a useful tool for the Municipality in ensuring that development occurs in an environmentally sound manner and in a form consistent with the goals and objectives of the Official Plan, supported my many of the lake residents.*

1. **Introduce high density residential housing in the zoning by-laws.** This Municipality has been talking about the need for affordable housing. It is the most cost effective way to build housing.

*Increased building heights and densities in parts of the Urban Neighbourhoods are being suggested for consideration.*

1. **Introduce a by-law which automatically permits home businesses with employees without the mental gymnastics required to get approval.**

*All municipalities regulate home occupations. They are not permitted as-of-right. Each situation is unique and should be assessed on its own merits.*

1. **Respect the legal commitment signed with Geromaer Inc** in the subdivision agreement it entered into for what is now called the White Bear Estates subdivision. It would include a 4.2 meter set back rather than 15 meters. The subdivision was designed for 4.2 meters set back. Site plan control was never part of the agreement. All other communities and cities make a point of being honorable towards development agreements they have entered in the past. Temagami's planning have ignored the legal agreements of the past in the process of the official plan.

*No comment.*

1. **Adjust the tax mill rate** to offset the assessment increases so the tax payers have a zero net increase.

*No comment*

1. **Introduce a by-law that forces councilors to resign if they are at odds with the law.** It is ridiculous to have a councilor with 7 environmental charges against him be the municipal figure head negotiating with the very people that have charged him on behalf of the tax payers.

*No comment*

1. **Define the management of vegetative buffers.** What is considered vegetation, what size trees or brush can be cut.

*Modifications have been proposed to the Zoning By-law to define the vegetative buffer and how it should be managed.*

1. Have it clearly stated that **no portfolio will have more than one councilor attend.** We have loaded PAC with 2 councilors. The results of PAC are corrupted by the influence of 2 councilors. The decisions of PAC brought to mayor and council are prejudiced by the mere fact that 2 councilors are already in favor.

*No comment*

1. **Bathrooms in garages should be allowed on properties with a main dwelling.** There is no provision for bathrooms in garages and tax payers have to go through unnecessary expense to get approval. There is no reason why it could not be permitted.

*There does not appear to be any land use planning reason to permit a bathroom in a garage. PAC/Council may take other factors into consideration when deciding this issue.*

1. **Boat house with living quarters should be allowed at any time,** not only after the main dwelling is built. Anyone buying property should be able to decide when they will build the main dwelling. We have lost 2 years of tax revenue on lot 20 of our subdivision because of this ridiculous by-law.

*A boathouse with sleeping accommodation and bathroom facilities but not cooking facilities is permitted in the Special Management Area, Integrated Management Area, Remote Residential (R2) and Rural Residential (R3) Zones. There are no restrictions on when the boathouse can be constructed. Neither sleeping accommodation nor bathroom facilities are currently permitted in the Remote Residential (R1) Zone (Lake Temagami Neighbourhood). This provision was supported by the residents of the Lake Temagami Neighbourhood when the Zoning By-law was originally passed. None of the resident groups have requested a change to this provision. No modification to the Zoning By-law is recommended.*

1. **Wedding or event tents** should not be subject to building permits.

*No comment*

1. The municipality needs to have council adopt a Councillor Code of Conduct Policy. A good example would be the one St Catherines have recently adopted. You can find it at<http://stcatharines.ca/resources/Revisions%20to%20the%20Code%20of%20Conduct%20for%20Councillors%20final.pdf>:

*No comment*

**3.0 Debbie Burrows**

1. There should be No official Plan

*An official plan is required under the provisions of the Planning Act. Without the Official Plan and Zoning By-law (they go hand-in-hand), there would not be any control over development in Temagami.*

1. Set backs are too strict.

*No indication of which setbacks are deemed to be too restrictive.*

1. The plan should not interfere with new development

*The Plan does not prohibit appropriate development.*

1. Commercial and industrial development should not fall under the official plan.

*Required under the provisions of the Planning Act.*

1. All changes to the plan should be done under councils discretion and not the planning board.

*The Planning Advisory Committee only recommends changes to Council. Changes made by Council must be approved by the Ministry of Municipal Affairs and Housing*

1. There should be no planning board in Temagami only on Lake Temagami.

*No comment*

1. The plan should be condensed so that we should not have to hire employees to implement the plan it should be done by the ceo.

*No comment*

1. The whole plan could be summed up in about 10 paragraphs if common sense was applied.

*No comment*

1. This plan could work perfect in a city of 10,000.

*No comment*

1. By-laws and building codes need to be reviewed by council and not the planning board.

*The Planning Advisory Committee only recommends changes to the Zoning By-law. Council decides if and how the By-law should be changed. Council does not have the authority to change the Building Code.*

**4.0 Lake Temagami Group**

I have now had an opportunity to review the Official Plan Update – Background Report circulated by the Town.

I think the main point to be made is that in 2004, the LTG agreed not to pursue its appeal of the OP at the OMB based on the Town’s commitment to conduct a Lot Creation and Development Plan (LC&DP) study that would address the issues raised by the group. The Board’s exact comment was:

Fundamental to the settlement is the commitment of the Municipality to now engage in a Lot Creation and Development Plan Study that will not preclude the concept of sub neighbourhood areas being considered, in this case the consideration of sub neighbourhood(s) for the North and Northwest Arms of Lake Temagami as requested by the appellant. The final recommendations from this study will be implemented through an amendment to the OP. **Interim** policies are presently set out in OP policy 2.15 as further modified and noted below.

*As set out in the OMB decision, the Municipality has considered the concept of sub-neighbourhoods on Lake Temagami and has decided not to proceed with that approach.*

It is now 5 years later, another OP review is underway and the commitment to conduct the LC&DPS has not been met. Although the LTG has elected to cooperate with the municipality in moving forward with the LC&DPS the reality is that they could return to the Board on the basis that the Town has not fulfilled its commitment and is now undertaking a further OP review with no regard for the commitment.

*As soon as the Zoning By-law was adopted by Council, the LCDPS was initiated. The reasons for the delay in completing the study within the timeframe established by the Municipality is set out elsewhere in this report.*

Continuation of “interim” policies for a period of 5 years and over the course of a subsequent OP review brings into question the “interim” nature of these policies.

*As soon as the MNR policy is established, the Municipality will be in a position to further amend the Plan, including Section 2.15.*

It is interesting to note that many of the issues raised in the course of this OP review result from the attempt to impose a “one size fits all” approach to different areas. Expanding the use of a neighbourhood approach based on the character of particular areas could address many of these issues.

*None of the issues raised during the Issue Identification stage of the update relate to the imposition of ‘one size fits all’ policies.*

In association with the issues related to development of Lake Trout lakes there is reference to the need to conduct lakeshore capacity assessments. This type of study would be a critical element of moving forward with a neighbourhood approach to planning based on the characteristics of various areas. This is the approach used in the Seguin Township Official Plan, referenced as the latest OP based on water quality analysis (I believe there are other plans have been completed subsequent to the Sewn Plan)

*‘Lakeshore capacity assessments’ are being carried out on some of the warm water lakes where there is some expectation that new lots may be created from Crown land, at some point in the future. Based on comments from the MNR, all indications are that new lots from Crown land will not be created on cold water lakes. On that basis, there is no need to carry out costly shoreline capacity or lake capacity studies on those lakes.*

*The north and northwest arms of Lake Temagami are in the same situation as all other areas of the lake – new lots will only be created through the severance of existing cottage lots. The only way to differentiate the north and northwest arms from the remainder of the lake, as they relate to new lot creation would be to prohibit the severance of existing cottage lots in those arms. The LTG has not requested such a restriction and PAC/Council is not considering this approach.*

A number of the issues raised by others including:

* Sleep cabins
* Shoreline activity areas
* Vegetative buffers
* Policy consistency
* Lake Temagami Islands
* Tourist commercial urban boundary expansion and
* Coverage

could appropriately be addressed through the LC&DP and dealt with through neighbourhood policies based on the characteristics of particular areas.

*All of the above issues are being dealt with through the OP update. The LCDPS is being delayed due to uncertainty surrounding the MNR policy. It is desirable to deal with the above issues (that do not relate to the creation of new lots from Crown land) as quickly as possible so that the OP can be modified.*

A neighbourhood approach could also be a solution in dealing with potential development on the shoreline in the Northeast Arm. The LCDP study could include a growth evaluation in compliance with the revised Provincial Policy Statement. Given that boundary expansions can only be addressed at the time of a comprehensive review, now is the time to address this issue It would appropriately be addressed through the LC&DP study.

*The revised PPS deals with expansions of urban area boundaries. Based on input received, the one request to expand the urban boundary of the village of Temagami is not supported.*

It will be interesting to review the provincial comments on the proposed Lake Trout Lake policies given that the Province is not bound by municipal planning controls. For patented land it is critical for the LC&DP study to be completed to provide guidance on lot creation. Its absence is a weakness in the Town’s planning approach.

*The OP policies will be drafted in anticipation of the new MNR policy. If the MNR policy is in effect at the time Council adopts the OP amendment or before the MMAH approves the amendment, further policy modifications may be necessary.*

It is not clear how the Town intends to deal with the LC&DP study. Apparently parts of it have been done but the portion dealing with Lake Trout lakes is deferred until the Ministry clarifies its policies on these lakes. Given that this clarification has been pending for a significant period of time, it is questionable if deferring the study on this basis is reasonable. What should happen is that the study should occur as part of the OP review and the recommendations arising from it be implemented in the revised OP. If the province finalizes a position then things may change. However the municipal planning process should not stop waiting on provincial decisions.

*The Interim Development Policy states that a maximum of 5 new lots may be created from Crown or patented land each year. Further, the policy states that lots created from patented land will be given priority over lots created from Crown land. Even at the time the policy was approved, there were no indications that the Crown was considering creating new lots from Crown land. The expectation was that all new lots created on Lake Temagami would be as a result of the severance of patented lots. The new MNR policy, if implemented would ensure that all new lots would be created through the severance of patented lots.*

It is inappropriate for the LC&DP study to proceed independently from the OP review. The two processes are linked because the results of one must be implemented by the other. There is also the issue of the PPS and the requirements for lot creation and settlement boundaries which must be reviewed as part of, not separate from an OP review.

*The LCDPS is proceeding in parallel with the OP update. There are only two settlement boundaries in the Municipality – the village of Temagami and Temagami North.*

The section of the report specifically addressing the LTG’s issues is misleading. In fact the Town did not “*successfully defend the policies currently found in the Plan*” The LTG agreed not to pursue its appeal based on the Town’s commitment to complete the LC&DP study. The debate about the appropriateness of the Town’s proposed policies was deferred to the LC&DP study.

The LTG did not want “*new development directed towards area of the lake such as the hub where there is already an intensity of development*” Rather they were requesting the development standards for new lots be appropriate to the specific characteristics of individual neighbourhoods. One very important tool in defining these differences would be a lake carrying capacity study such as was referred to earlier. This would address many of the issues including water quality, shoreline buffers, setbacks, lot standards and density that have been raised as part of this review. It would be a tool that would be integral to the LC&DP study and would assist in establishing assessment criteria for a review process that would be triggered by the Official Plan amendment process in support of the release of crown land.

Finally the LTG agrees with the comments regarding the need for controls on lot creation established through the LC&DC study but feels that the study should be completed as part of and in support of the Official Plan review. With respect to the “5 lots per year” approach taken to lot creation it is difficult to understand how this is consistent with good planning practices. Generally lot creation is tested though planning analysis that addresses issues such as carrying capacity and evaluates the appropriateness of development on the basis of criteria, not simply as a quota. This is what the LTG has been asking for since 2004; a request that was upheld by the OMB. With this current process, it appears that the commitment to conduct this study in a reasonable and open manner has not been fulfilled.

**5.0 Dick Grout**

12 - Local Appeal Board: Agree with recommendation not to have such a Board.

*No comment*

16-18 - Site Plan Control: Make no change in present policy

*No comment*

18 - Existing Uses: Agree with proposed new wording

*No comment*

19-21 - Lake Trout Lakes: Does the recommendation need to be revised to cover MNR’s latest restrictions on patented land?

24 - Sleep Cabins: Would support allowing one sleep cabin to be built prior to main dwelling.

*No comment*

26 - Shoreline Activity Area: Utilize Committee of Adjustment..Make no change in OP.

*No comment*

27 - Vegetative Buffer: Agree with proposed new Glossary of Terms

*No comment*

29-30 - Lake Temagami Islands: Agree with recommendation that all islands be in the Lake Temagami Neighbourhood.

*No comment*

30-31 - Tourist Commercial: If converted to Residential should be so rezoned. Agree - OP should cover timeshare and fractional ownership,

*No comment*

35 - Urban Neighbourhood: Opposed to extending this down Northeast Arm.

*No comment*

37-38 - LC&DP Study: Do not understand recommendation “deal with this one Issue” For the present LC&DP Study should focus on warm water lakes and Urban areas with due consideration of the cost to the Municipality

*The LCDPS deals with two major issues – 1) the amount of development to be permitted on (cold water) lakes, and 2) new residential development on private roads.*

*The amount of development (if any) permitted on cold water lakes is contingent upon an MNR policy that has not yet come into force. The original recommendation in this Background Report was to continue to deal with this issue through the LCDPS and not delay the process to update other policies of the OP. Under that scenario, Section 2.15 of the OP – the Interim Development Policy (a maximum of 5 lots per year, non-cumulative on Lake Temagami) would not change. However, rather than the 5 lots being comprised of new lots crated from Crown land and new lots created by severing existing patented lots, lots would only be created by severing existing lots. As pointed out by the TLA in their submission, when the MNR policy comes into effect, the OP could be amended at that time, as necessary.*

*With regard to development on private roads, assuming that the Ministry is not going to require the detailed analysis originally contemplated, this issue can be dealt with as part of the OP update without delaying that process. Should new cottage development be limited to warm water lakes, the issue of development on those lakes accessed by private roads will have been addressed. At this time, the OP does not permit development on the basis of private road access.*

*The wording of Section 4.30 of the Background Report has been modified in an attempt to clarify and respond to the concern raised by Mr. Grout.*

43 - Lot Coverage: Review 8% standard forR2&R3 zones. Retain 8% for R1 with recognition of the role of the Committee of Adjustment.

*No comment*

42-43 Official Plan Numbers - Would favour option 1.Retain and amend in the future.

*No comment*

38-39 Lake Temagami Group - The fundamental proposal to have separate Neighbourhoods within the Lake Temagami Neighbourhood has been previously denied despite an OMB appeal and should be dismissed.

*No comment*

**6.0 Lorie Hunter**

4.1 Bill 51 Agree with comment to include

*No comment*

4.2 Site Plan Control I would like to review how this policy is being applied and if it is accomplishing what we want it to accomplish.

*This issue will be discussed in detail as part of the update process.*

4.2.2 Existing Uses I think this new wording is still open to interpretation “requirements of this Plan are not further reduced”

*The above wording can be clarified. The Official Plan makes numerous references to the Zoning By-law and the standards set out therein. ‘Requirements of this Plan...’ includes the references to the requirements of the Zoning By-law. The following revised wording is suggested: “The buildings or structures within which such non-conforming use is located, may be expanded, provided that the expansion would not have a negative impact on the environment or abutting properties and the expansion is in accordance with the policies of this Plan and all provisions of the Zoning By-law.”*

4.3 Lake Trout Lakes I agree with the amendments

*No comment*

4.7 Local Appeal Board Agree with recommendation NOT to have this board

*No comment*

4.12.3 Merged lots I agree with option 2 – that this policy needs to be revised to exempt the severance of lots that have merged on title

*No comment*

4.13.3a Sleep cabins Agree with permitting one sleep cabin to be constructed before the main dwelling

*No comment*

4.13.3b Sleep cabin side yard setback - eliminate side yard setbacks and control location through site plan control – I would like to explore this option and how it would work.

*No comment*

4.15.3 SAA I would like to look at the third option – revisit to see if the 8% Coverage is enough.

*No comment*

4.6 Wind turbines I think this needs to be explored but I would like to see policies encourage people to go off the grid.

*No comment*

4.7 Local Appeal body I don’t think we should do this.

*No comment*

4.20 Lake Temagami Islands agree that all islands in Lake Temagami should be in the LTN

*No comment*

4.21.3 Garages I agree that tourist commercial should include garages listed as a permitted use

*No comment*

4.28 Urban boundary The urban boundary should NOT be moved further down the North East arm.

*No comment*

4.29 Private Roads I agree with comments on private roads.

*No comment*

4.30.2 LCDPS It should continue as independent process

*No comment*

4.32 LTG NO to both their issues – no sub-neighbourhoods and no to OP amendment for new Crown lots (if we ever get any).

*No comment*

4.33 TLA I don’t see the rational for having different fees for the Lake Temagami area.

*No comment*

4.35 OP Numbers I agree with option 2. Remove the numbers from the OP.

*No comment*