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# OFFICIAL PLAN

## TEXT

As adopted by the Council of  
the Corporation of the  
Municipality of Temagami  
by By-law 11-1031  
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As modified and approved by the  
Ministry of Municipal Affairs  
and Housing

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**PART C      THE APPENDIX**

## PART A - PLAN FRAMEWORK

**PART A – THE VISION STATEMENTS, CONTEXT INFORMATION, AND BACKGROUND MATTERS DESCRIBED IN PART A ARE IMPORTANT AND ARE INTENDED TO GUIDE LAND USE PLANNING DECISIONS IN TEMAGAMI. PART A IS THE PLAN FRAMEWORK THAT SERVES AS AN INTRODUCTION AND DOES NOT FORM PART OF THE OFFICIAL PLAN.**

### **A1.1 HOW TO USE THE PLAN**

This Plan has several interrelated components that must be read in order to determine those policies that have an impact on any individual parcel of land within the Municipality of Temagami. For clarity, the Municipality of Temagami Official Plan applies to all land within the municipal boundary save and except for land owned by the federal government, land which is part of a first nations reserve, Crown land and land owned by the provincial government.

The Plan Framework, found in Part A, provides the purpose, vision, context and basis within which the general and detailed land use policies have been prepared. The Plan Framework is not part of the Official Plan but should be read in order to understand what the policies are striving to achieve.

Part B, The Plan, Sections 1 through 10, consisting of the Purpose, Goals, Objectives, General Policies and Detailed Policies accompanied by the Schedules, is intended to provide policy direction, guidance, measures and procedures to manage and direct physical change and the effects on the social, economic and natural environment of the municipality.

The **General Policies** found in Section 2 apply to all or most of the lands within the Municipality of Temagami and provide information on how development is intended to occur. These General Policies provide the link between the Purpose, Vision, Context and Basis, and the Detailed Land Use policies.

The **Detailed Land Use Policies** found in Sections 3 through 8 and the associated Schedules designate all land within the Municipality of Temagami in the appropriate land use designation. By reviewing Schedules A-1, A-2, A-3 and A-4, it can be determined what land use designation applies to a parcel of land and what impact surrounding land use designations may have on the parcel. Reading the Detailed Land Use policies that apply to any individual parcel of land will provide direction related to the development of that land. If the parcel is near the edge of the land use designation, the policies that apply to the adjacent land use designation should also be reviewed to determine if there are policies

dealing with the interface area between the two designations that may have an impact on development.

The **Implementation Section**, Section 9, indicates the planning tools, techniques and studies needed to implement the policies of this Plan.

The **Interpretation Section**, Section 10, contains policies on the interpretation of numerical figures and quantities, along with a provision to allow for editorial changes to the document without the need for an Official Plan Amendment.

The Glossary of Terms, found in the Appendix, provides definitions for some of the terms used in the Plan. The Appendix is not part of the Official Plan

The following process should be used in determining land use designations and identifying the associated policies:

- 1) Locate the property on Schedule A-1, A-2, A-3 or A-4 - Land Use and determine the land use designation(s) and on Schedule B – Values, to determine whether the Crown or patented land use policies apply;
- 2) Review the Detailed Policies that correspond to the land use designation(s);
- 3) Review the General Policies and the Implementation Policies to determine the development intent, planning processes and planning studies effecting the property;
- 4) Review the Glossary of Terms to clarify the meaning of certain words;
- 5) Review Schedules B and C and determine whether any of the information depicted on these schedules affects the subject property; and
- 6) Review the policies related to Schedules B & C.

Municipal staff should be consulted in determining the land use designation(s) and policies that effect a property within the jurisdiction of the Municipality of Temagami.

## **A1.2 STRUCTURE OF THE PLAN**

### **A1.2.1 Plan Components**

This Official Plan is comprised of text and schedules and serves as the principal land use planning policy document of the Municipality of Temagami. The Official Plan provides direction for public and private initiatives and land use activities related to growth and development in the Municipality of Temagami.

**PART A** The Plan Framework is included for information and background purposes and does not form part of the Official Plan for Temagami.

**PART B** The Municipality of Temagami Official Plan, consisting of Sections 1 through 10 and Schedules A-1, A-2, A-3 and A-4, B and C form the Official Plan for

Temagami. Schedule A-1 sets out the land use designations for the portion of the rural neighbourhoods located in the northerly half of the Municipality and the land use designations for the rural area of the Urban Neighbourhood. Schedule A-2 sets out the land use designations for the portion of the rural neighbourhoods located in the southerly half of the Municipality. Schedule A-3 sets out the land use designations for the Village of Temagami portion of the Urban Neighbourhood. Schedule A-4 sets out the land use designations for the Temagami North portion of the Urban Neighbourhood.

PART C The Appendix consists of a Glossary of Terms attached to the Plan and information pertinent to the Plan in the form of the Background Report and the Issues Identification Report. The Appendix does not constitute part of the approved Official Plan.

### **A1.3 VISION**

The following statements of intent and principles are intended to guide land use planning decisions in the Municipality of Temagami.

#### **A1.3.1 Temagami Experience**

Temagami is enjoyed by the residents of Ontario as well as visitors to the area from around the world. They are drawn by the resources, the beauty of the area, the solitude, quiet and the pristine environment it offers. The wealth of activities that these elements support enables Temagami to appeal to a broad range of interests, making the Temagami Experience difficult to define. The Temagami Experience can be looked upon as a continuum of experiences that range from developed to natural, that provide the opportunity to blend these experiences from any point along the continuum to create a unique and personal vision of Temagami.

First, the Temagami Experience is a term that refers to those social and recreational activities.

Second, the Temagami Experience refers to those environmental values and experiences in the Temagami area that are rare, unusual, or unique, and distinguish this area from other areas of Northern Ontario.

Finally, the Temagami Experience can also refer to those economic opportunities which depend on natural resources to generate employment for residents. These resources include minerals, flora and fauna as well as the quiet, solitude and beauty of the area.

#### **A1.3.2 Environment**

The environment is the foundation upon which the community rests. The goal is to maintain or improve current standards where possible by:

- Avoiding and preventing negative environmental impacts;
- Limiting negative environmental impacts where such impacts are unavoidable;
- Encouraging a sustainable coexistence amongst the natural environment; resource extraction; and urban, rural and remote development;
- Maintaining and/or improving existing water quality;
- Implementing the Tenets for Lake Temagami;
- Promoting and implementing the area of concern prescriptions in the Forest Management Plan 1999-2019 that protect the aesthetic viewscape management areas, and;
- Conserving significant cultural and natural heritage resources while respecting aboriginal/treaty rights.

### **A1.3.3 Communities of Interest (Social)**

The provincial interest in Crown land within the municipal boundary is defined by the Ministry of Natural Resources' Temagami Land Use Plan and the Provincial Policy Statement issued under the Planning Act by the Ministry of Municipal Affairs and Housing. It is the responsibility of these ministries to uphold the broad provincial interests on behalf of all residents of Ontario.

Neighbouring municipalities with whom Temagami co-operates in the provision of services represent the regional interest. The Municipality encourages consultation with other municipalities on issues of common concern.

This Plan defines the local interest in both Crown and patented land. This local interest is represented by three categories of residents with differing relationships with the land. There are: those who make their permanent homes in the municipality and depend on the local economy to earn their living; those semi-permanent residents who own property in the municipality and reside here seasonally, but earn their livings elsewhere and those with aboriginal/treaty rights. Each has a different view of the Temagami Experience and priorities range from conservation of the natural environment to the promotion of economic development opportunities. However, these groups share the same land and are interdependent and require a sustainable approach to land use planning to maintain a good and proper standard of living.

The establishment of communication and consultation processes will help to foster co-operation and ensure co-ordination of activities with all the groups and individuals to achieve the goals of this Plan.

Equitable public participation in the land use planning process will be promoted to develop a consensus around a common community interest. Innovative methods to overcome the barriers faced by residents will be developed to improve the municipality's public

consultation processes as well as to facilitate the active participation of citizens in decision making processes.

A clear set of development policies will be established that define the responsibilities of a proponent, the municipality and affected citizens; as well as when and where development, ultimately, may or may not occur; the allowable rate and density of development and the limits to development. These rules will be monitored to ensure they are achieving the intended effect.

The Municipality encourages the development of partnerships with the Ministry of Natural Resources and the Temagami First Nation/Teme-Augama Anishnabai regarding initiatives to develop, use, or manage Crown land.

The Municipality encourages the development of relationships with provincial government ministries, the First Nations, and neighbouring municipalities to deal with issues relating to the sharing of services where this is feasible.

#### **A1.3.4 Economic**

Forestry, mining, manufacturing, institutional, government, and recreation development have all managed to coexist in the past in Temagami. Increased productivity in the forest industry, the growth in the importance of wilderness and semi-wilderness areas and the fact that the mining industry can't always know the location of its resources are just some of the factors that must be addressed when planning for the future.

One way to tie these elements together is through the concept of sustainability. A community that desires a future with a high standard of living must have an economy it can depend on for the long-term. In Temagami, the economy rests on a healthy environment and a sustainable yield from that environment.

This Plan assumes that, with proper controls, balanced environmental, social and economic sustainability can be achieved through a process of carefully planned development.

There must also be a diverse economy. To have a diverse economy, the tools to retain the balance between economic sectors must be available. The Official Plan and the province's Temagami Land Use Plan will be used to accomplish this objective.

It is the policy of the Municipality to create a mixed economy based on forestry, mining, manufacturing, recreation, institutional services, and government services, where all sectors are valued.

All economic activities must operate sustainably within the limits imposed by the resource being used.

It is desirable to prepare an economic development strategy which addresses the current and future needs of the community that deals with the need for conservation of natural values while addressing the need for population growth and additional year-round employment opportunities to sustain public and private services.

Incompatible economic sectors or land uses will be buffered from each other.

Reducing dependency on seasonal economies and working towards the establishment of a four-season economy in all sectors is a goal of the Municipality.

### **A1.3.5 Form of Development**

The Municipality will permit carefully planned development to occur that conserves wilderness and semi-wilderness values in the rural neighborhoods, while ensuring the stability of municipal and commercial services in the urban neighborhood.

Throughout the Municipality development will be permitted only where the location of such development does not present a risk to public health or safety or of property damage.

A Lot Creation and Development Plan for new lot creation will be prepared for each urban and rural neighbourhood through a separate process with the results incorporated into this Plan by amendment.

All future commercial development will occur in designated areas of the urban neighbourhoods, except for youth camps, tourist lodges, household occupations and household industries. These can be established anywhere in the municipality subject to the policies of this Plan.

New and existing industrial development where possible should be consolidated into strategic areas of the municipality to limit impact on the environment and eliminate conflicts with the public.

## **A1.4 CONTEXT**

### **A1.4.1 Crown Land**

The majority of land (96%) in the Municipality of Temagami is Crown land. Although the urbanised areas of the Village of Temagami; Temagami North and Marten River along with many of the islands of Lake Temagami, and some land around various other lakes and in the rural areas are primarily patented land, the influence of Crown land planning policy has greatly shaped the landscape.

#### **A1.4.2 Urban Neighbourhood – Temagami**

The Village of Temagami is the service centre of the area and the municipal administration centre. Temagami North is a residential community servicing the Municipality. These two communities represent the “urbanised” areas of the Municipality.

#### **A1.4.3 Rural Neighbourhood – Lake Temagami**

Lake Temagami has a character quite different from other lake communities. There are approximately 1,259 numbered islands in Lake Temagami and most development takes place on these islands. The “island only” development pattern was influenced by the Temagami Forest Reserve that was created in 1901, and for the most part precluded mainland development on the Lake.

#### **A1.4.4 Rural Neighbourhoods – Matabitchuan – Marten River - Backcountry**

The form of development on the numerous other lakes in the Municipality is primarily mainland development. The overall character of these lake communities is essentially one that protects privacy and exists in harmony with the natural environment. This community character is, to a great extent, the reason why people choose to visit or reside (permanently or seasonally) in Temagami.

#### **A1.4.5 Recent Political History**

Throughout the 1980’s and early 1990’s, residents of the former Township of Temagami and the islands of the unorganised areas of Lake Temagami, worked together on the Joint Planning Board to address land use planning matters. They also worked together to ensure that their interests were protected throughout the settlement discussions between the Temagami Anishnabai and Temagami First Nations and the Provincial and Federal Governments. In 1993, the relationship between the former Township of Temagami, the Temagami Lakes Association, and the Lake Temagami Permanent Residents Association, progressed to the point where informal discussions about the amalgamation of the unorganised portion of the Temagami Planning Area with the Municipality began. A statement of land use principles known as the Tenets for Temagami was developed and agreed upon in 1994 as a basis for formal discussions regarding local governance to proceed. A local government study was completed in late 1995. On January 1<sup>st</sup>, 1998, the Municipality of Temagami was created as a “Town”, by order of the Temagami/West Nipissing Restructuring Commission.



#### **A1.4.6 Temagami First Nation**

All municipal lands are within the Traditional Lands of the Teme-Augama Anishnabai and Temagami First Nation. Settlement negotiations are currently underway between the Provincial and Federal Governments and the Teme-Augama Anishnabai and Temagami First Nation. The Municipality of Temagami encourages this negotiation process and would like to work with the Temagami First Nation and Teme-Augama Anishnabai to develop complimentary land use policies to the mutual benefit of all.

The policies of this Plan and the provisions of the Temagami Zoning By-law do not apply to any land that comprises a First Nation Reserve or to any building or structure located thereon.

#### **A1.4.7 External Impacts**

The province continues to extend the four laning of Highway #11 northward from the Muskoka area and simultaneously southward from the city of North Bay. These extensions are projected to link up during the term of this Plan providing continuous 4-lane highway access from most major population centres in southern Ontario and the United States. In addition, improvements to the standard of Highway #11 between North Bay and Temagami continue. All these improvements will likely result in higher traffic volumes coming to and from the community.

The demographic fact of an ageing population will also have an impact on the community. It has been predicted that there will be an increased demand for recreation opportunities as the baby boom generation retires having both the time and financial resources to pursue these opportunities. Temagami's potential in this regard is widely known.

The combination of easier access to the community and an aging population will have an impact on the community over the next 20 years and needs to be considered in planning decisions.

### **A1.5 BASIS**

This Plan is based on information collected and summarised in the Background Report, April 1999 and on elements of the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, prepared by the Ministry of Natural Resources in 1997.

The 1999 Background Report relies heavily on existing reports and maps obtained from a number of sources including the provincial government, local interest groups and industry.

The 1999 Background Report and the broader Official Plan Update also relied on input received through a comprehensive consultation program. The consultation program included interviews with a wide range of stakeholders, numerous open public workshops,

opportunities for formal written and verbal submissions and access to material and process updates via the Municipality of Temagami Web Page. Input received through the public consultation program helped to shape various elements of the Official Plan policy framework and ultimately specific policies. It is hoped that the public consultation program used for the Official Plan Update will help to build a unified voice related to land use planning for the constituents of the Municipality of Temagami.

As part of the 2008/9 five year review and update of the Official Plan, a further Background Report was prepared. This report focused on technical and more general issues that arose since the Plan came into effect or during the public Issue Identification phase of the update work program. The modifications to the Plan flowing from the five year review process addressed many of these issues.

Notwithstanding the valuable input received during the Official Plan Update and the resulting Official Plan policies, the Municipality of Temagami acknowledges that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area (MNR 1997), is the governing land use planning document applicable to Crown land within the Municipality of Temagami except in the geographic Township of Sisk. Crown land planning for the Township of Sisk comes from the North Bay District Land Use Guidelines and the Ontario Living Legacy Land Use Strategy. Nothing in this Official Plan shall be interpreted as infringing on the Ministry of Natural Resources authority or the aboriginal rights of the Teme-Augama Anishnabai and Temagami First Nation.

The Official Plan shall be consistent with the Provincial Policy Statement, which was produced by the Ministry of Municipal Affairs and Housing. This document provides policy direction on matters of provincial interest related to land use planning and development on patented land.

Municipal plan review is the process of making decisions on planning applications where the municipality is the approval authority. When a Municipality is the approval authority, it must ensure that provincial interests are integrated with its consideration of local planning interests.

The one window provincial planning service is the process whereby the Ministry of Municipal Affairs and Housing provides municipalities, planning boards, developers and the public with single point access for provincial planning services. It provides a single provincial position, which integrates the perspective of several ministries: Environment; Natural Resources; Transportation; Citizenship Culture and Recreation; Agriculture, Food and Rural Affairs, and Northern Development and Mines.

The approval authorities for development applications in the Municipality of Temagami are:

- The Municipality has delegated its approval authority for consents and minor variances to the Committee of Adjustment. The Municipal Council is the approval authority for Plans of Subdivision and Condominium, Part Lot Control. Validation of Title and the approval of Zoning By-laws and Zoning By-law amendments. Municipal staff is responsible for enforcing the Ontario Building Code through the issuance of building permits and through inspections by the Municipal Building Inspector. Standards for sewage systems are enforced by the Temiskaming Health Unit and Ministry of Environment (MOE), which are notified by municipal staff when development applications are received at the municipal office.
- The Ministry of Municipal Affairs is the approval authority for Official Plans; Official Plan Amendments.
- The Ministry of Natural Resources is responsible for creating new patented lots from Crown land and issuing Crown land tenure. The Ministry of Natural Resources and the Municipality work closely with each other in the administration of development applications.

#### **A1.6 TENETS FOR TEMAGAMI - MARCH 8, 1994**

The Tenets for Temagami are a set of widely held principles related to the maintenance of the mainland shoreline of Lake Temagami and Cross Lake in a natural state.

The Tenets for Temagami were developed through the co-operative efforts of the Temagami Lakes Association, Lake Temagami Permanent Residents Association and the former Township of Temagami. All three groups formally adopted the Tenets by resolution in 1994. Since then the Tenets have been similarly adopted by the Association of Youth Camps on Temagami Lake, and the Cassels and Adjoining Lakes Association has indicated it would like similar protection.

The principles contained in the Tenets have been included in the Official Plan for the Lake Temagami Neighbourhood and other neighbourhoods where the Lake Temagami viewscape included land outside its own neighbourhood boundaries. Those hilltops in other neighbourhoods that are visible from the surface of Lake Temagami are protected by the AVMA prescriptions of the Temagami Forest Management Plan.

The Ecological Buffer Zone concept has not been included in the Official Plan. The ecological considerations that were considered for the Buffer Zone have been dealt with in the Temagami Land Use Plan. A two-kilometre setback has replaced the Buffer Zone concept to define mainland development and public road access on Lake Temagami. This setback is included in some other neighbourhood sections as required.

As well, the MNR has formally established access points and agreements regarding their use at Cross Lake and Baie Jeanne. The Cross Lake Access Point is maintained by the Municipality of Temagami and the Baie Jeanne Access Point is maintained by the MNR with input from the South West Arm Neighbourhood Association and the West Nipissing Access Group.

The following is the original ‘Tenets for Temagami – March 8, 1994’, reproduced in its entirety for information purposes only.

## **Tenets for Temagami**

### **Skyline Reserve**

The mainland surrounding Lake Temagami and Cross Lake is to be zoned as a landscape ecology zone to preserve the beauty, to restore the integrity and to preserve the wilderness aspect/feeling of the Temagami Forest. This ecology zone would consist of two reserves, which would both be afforded protection from natural disturbances such as fire and insect infestation, but would otherwise have separate management goals and prescriptions.

A map of Lake Temagami will be drawn to illustrate the area that will be required to meet these objectives:

The two reserves would be the following:

#### **1. Skyline Reserve**

The Lake Temagami and Cross Lake skyline reserve must protect the appearance of the natural skyline vista. It must provide the viewer on any part of Lake Temagami or Cross Lake with no visual evidence to the naked eye that any activities such as timber cutting or mining have taken place. The minimum dimension would be 200 metres. This reserve would be preserved in its natural state and its permissible uses would be very limited.

#### **2. Ecological Buffer Reserve**

This reserve surrounds the skyline reserve to protect the natural forest and wildlife habitat ecosystems of the Temagami region. It would have a broader range of controlled activities but no new public roads would pass through it except in the Village of Temagami.

### **Road Access**

The three groups support the current ban on the construction of new public road access points to Lake Temagami and Cross Lake. The existing public road access points consist of the Village waterfront, Finlayson Park, Strathcona

Landing and the Lake Temagami Access Road landings. Where possible, parking areas must be screened from the main body of the lake. Shiningwood Bay, Cross Lake, Austin Bay, Bleue Bay and any other illegal access points are to be closed using scarification methods as far as possible from Lake Temagami and Cross Lake. Existing gates are to be maintained and new ones are to be installed to prevent new public access roads to Lake Temagami and Cross Lake.

New snowmobile trails accessing Lake Temagami/Cross Lake are to be no wider than 3 metres and zoned exclusively for winter snowmobile use. Proposals for these access points to Lake Temagami and Cross Lake are to be reviewed and sites inspected by the new governing body prior to construction.

### **Mainland Development**

There should be no mainland development on Lake Temagami and Cross Lake with the exception of those potential lots immediately adjacent to the Township of Temagami that are able to be serviced by the Township's central sewage treatment facility.

All other future development will occur on islands, the number and location to be determined by the revised official plan, which will be sensitive to current ecological standards.

## **A1.7 FOREST MANAGEMENT PLAN FOR TEMAGAMI MANAGEMENT UNIT**

The Crown Forest Sustainability Act (CFSA), Declaration Order MNR-71 as amended by Ministry of Natural Resources (MNR-71/2) and the Environmental Assessment Act provide the legislative framework for the forest management on Crown lands in Ontario. The forest management planning requirements and the provisions of the environmental assessment approval are incorporated into the Forest Management Planning Manual for Ontario's Crown Forest (2009) and the Forest Information Manual (MNR, 2009), which provide direction for the preparation of forest management plans.

Forest management on Crown land in Ontario is the ultimate responsibility of the Ontario Minister of Natural Resources (MNR). The Crown forest of Ontario is subdivided into forest or management units for the purpose of forest management.

Forest management plans (FMP) will normally be prepared every ten years, for a ten-year period. The management plan describes forest management activities, such as timber harvesting, road construction and silviculture that will take place during the plan period. The preparation of the plan occurs in two phases. The strategic, long-term planning and the planning of the first five years of operations are conducted during Phase I. Phase II planning involves the planning of operations for the second five-year term.

Within the municipal boundaries there are two approved 2009-2019 Forest Management Plans. One for the Temagami Management Unit (MU #898), and the other for the Nipissing Forest (MU #754); both management units are administered by the North Bay District MNR office.

For the purpose of the FMP, an Area of Concern (AOC) is a defined geographic area, within the operating areas selected for forest management activities in the ten-year term, which is adjacent to an identified value portrayed on the values map.

The AOC prescription for recreational lakes, canoe routes, tourism roads and Hwy 11 include viewscape protection. Viewpoints as identified in the Temagami Land Use Plan are also afforded viewscape protection. Individual AOC prescriptions, including those with viewscape protection can be found in the Temagami 2009-2019 FMP.

The Aesthetic Viewscape Management Area (AVMA) is a component of the Forest Management Plan, which seeks to limit the impact of forest operations on other users of Crown land. This is generally accomplished by modifying harvest techniques and by establishing rules for tertiary road construction near significant aesthetic viewsapes. These areas of concern consist of viewsapes adjacent to:

- Canoe Routes and boating lakes;
- Recreation Lakes; and
- Railway lines, highways, municipally maintained roads and designated tourism roads.

The Recreational Lakes Area of Concern is particularly relevant to the Municipality of Temagami Official Plan because it recognises that normal forest management activities, such as harvesting, reduce the generally pleasant aesthetics of an area for many years.

Recreational Lakes include lakes and large river systems whose shorelines contain recreational cottages on private land or commercial tourist establishments either on Crown or private land. The intent of the Recreational Lakes Area of Concern prescription is to ensure that nearby forest management activities are not readily apparent to the casual forest observer.

Protection for recreational lakes and rivers consists of a minimum 120-metre reserve from the treed edge. As well, modified harvesting is prescribed to the extent of the viewscape so that operations are not observable to the casual forest observer. The reserve and/or modified area may be increased to manage the aesthetic values. Operations may require seasonal and daily timing restrictions and must have MNR approval prior to commencement. Where clear-cutting is prescribed, discrete view management practices will be followed. Discrete view management is defined as: "Where observable, disturbance must appear natural, conforming to topography and slope." The viewscape boundary will be determined by a GIS model, certified by MNR.

The tertiary road conditions state that any road that comes within 500 m of a recreational lake must be planned and approved by the MNR. Once approved by the MNR, the road may have a maximum road allowance of 10 m and may not be built closer than 120 m to a recreational lake.

Each AVMA has its own operational prescriptions and they are identified in table FMP-17 of the Temagami Forest Management Plan. Some southern parts of the municipality are covered by the Nipissing Forest Management Plan, which also has AVMA operation prescriptions.

## **A1.8 MINING IN THE SKYLINE RESERVE**

The Tenets for Temagami conceived the skyline reserve to, among other things, protect the appearance of the Lake Temagami viewscape. The standard proposed was that there be no “visual evidence to the naked eye” that any mining had taken place there.

When the land caution was lifted, staking was reopened for most areas of the municipality except for the skyline reserve pending the development of specific regulations for staking and exploration in designated areas. Regulations are now in effect for staking under the Mining Act and for exploration under the Public Lands Act. It should also be noted that the islands in Lake Temagami are not open to staking or disruptive mineral exploration.

The staking rules attempt to eliminate evidence of this activity by requiring the use of flagging tape or paint to mark out claims rather than the former practice of cutting brush.

Disruptive activities that involve the cutting of brush and trees or the use of heavy equipment require a work permit.

A work permit for mineral exploration in MA 39 will only be approved if the proposed physical work “does not significantly impact the ecological, tourism or aesthetic values of the skyline and Lake Temagami”. The application for this type of work permit is circulated to the Lake Temagami Review Committee for comment before the permit is issued.

The Mining Act requires a formal public consultation process to address issues related to advanced exploration, mine development, production and closure.

The CPC recommended that mitigating measures be developed for mining related activities in MA 39 (Recommendation #22) and that the MNR seek the willingness of holders of existing mining patents and crown leases to conform with these mitigating measures that have now been developed (Recommendation #23). Some of the measures relating to mine development, production and closure consist of the following:

- Mine effluent will meet or exceed existing water quality of identified lakes and rivers within MA 39;

- All mining-related infrastructure is to be located outside the lake and skyline (i.e. headframes, ventilation raises, etc.);
  - Health and safety-related structures (i.e. escape manways) are permitted within the skyline, but restricted to outside the skyline where practicable;
  - All health and safety-related structures built within the skyline are to be constructed to standards designed to minimise their visibility, and audible impact;
  - Noise abatement shall be required for mine-related activities adjoining or adjacent to the skyline; and
- Surface extraction (open pit mining) of minerals will not be permitted within the Lake Temagami skyline reserve, including the islands.

## **A1.9 RECREATION MANAGEMENT PLAN**

There is a need for a broad strategy to assess the current and future potential for Crown land recreation in the Temagami Area. The Recreation Management Plan could operationalize the Temagami Recreation Area Strategy found in the Temagami Land Use Plan (Appendix 1 – Strategies) and create significant social and economic benefit for the Municipality. The Temagami Land Use Plan states:

*“Management planning for recreation will take direction from the Recreation Strategy and the Temagami Land Use Plan. Key objectives for the Recreation Area will be marketing of the various types of recreation opportunities available, managing the various recreational uses, identifying opportunities for highway-oriented tourism and recreation, maintaining existing backcountry for low-intensity recreational areas, and recreation-related issues.”*

The strategies consist of implementing user fees on Crown land that would be retained and re-invested locally to maintain and protect significant recreation values. Crown land recreation uses could be integrated with other uses such as cottaging to establish the ultimate development capacity of the recreation lakes that takes into account all uses in order to conserve the environment and the recreation values found there. Cottage issues would be dealt with in a separate study process called the Lot Creation and Development Plan that would apply to all Neighbourhoods in this Plan. The Municipality supports the development and maintenance of Crown land recreation opportunities.

## **A1.10 SUSTAINABILITY**

The objective of development is to meet the basic needs of all and extend to all the opportunity to satisfy their legitimate aspirations for a better life.

In 1989 the Latchford and Temagami Economic Development Corporation chose an economic development strategy that followed a sustainable development theme. This



strategic plan, sometimes referred to as the Ogilvie Plan, needs to be updated to reflect the changes in the Municipality since its recent restructuring.

For the purposes of this Plan, the concept of sustainable development rests on the following principles:

- The concept of sustainability's goal is to ensure a healthy environment into the long term. A healthy environment rests on the proper ecological functioning of clean land, air and water, where there are proper levels of wildlife habitat in the forests, wetlands, lakes and rivers.
- Sustainable development is permitted to occur that meets the material and social needs of the present generation without compromising the ability of future generations to meet their own needs.
- Sustainable development must occur within the ability of the environment to sustain it without upsetting its proper ecological functioning. The local ecology has a long-term annual yield and other amenities that need to be conserved into the long-term.
- The concept of sustainability acknowledges that there is an ultimate limit to development where the environment's capacity to accept development has been reached and where development must stop in order to ensure the future stability of the community.
- Effective participation in an open and accountable decision making process that creates clear development policies will help the community to define and enforce their common interest.

The policies of this Official Plan represent an attempt to create a model of sustainable development that will enable the formation of a new consensus in this recently restructured community and ensure its future stability by properly integrating ecological sustainability, economic objectives and social concerns.

## PART B – THE PLAN

### 1.0 PURPOSE, GOALS AND OBJECTIVES

#### 1.1 PURPOSE

The purpose of the Temagami Official Plan is to establish a policy framework to guide the physical, economic and social development of the municipality and to protect the natural environment within the municipality to the year 2030 and to have regard for aboriginal/treaty rights.

Through this Official Plan, it is the intent of the Municipality to:

- establish and foster a vision of the future for Temagami that reflects the changes brought about by restructuring;
- achieve an orderly pattern of development;
- protect and where possible enhance the quality of the natural environment;
- encourage economic development that is consistent with community values;
- identify and support the community's social values and priorities with respect to the need for: health and welfare; housing; education; cultural heritage resources; a community identity; and protection from the impacts of development on adjacent properties;
- inform the public and reduce uncertainty related to future land use; and
- establish balanced policies to evaluate development proposals.

#### 1.2 GOALS AND OBJECTIVES

The primary long-term goal of this Official Plan is to secure a sustainable future for the community in a way that equitably accommodates the social, environmental, and economic needs and aspirations of the citizens for a high quality of life and a high standard of living. This Plan has six objectives. They are:

- to build a diverse economy based on up to date technology;
- to ensure that development operates within the limits of a local definition of sustainability;
- to promote development that creates local benefit;
- to direct development away from areas where there is a risk to public health or safety or of property damage;
- to ensure that new and existing developments respect the conservation of wilderness and semi-wilderness values and characteristics, as well as the community's natural and cultural heritage;
- to promote efficient, cost effective development and land use patterns.

Future monitoring of this Plan will require the development of performance indicators for each of these objectives. The achievement of the objectives will enable the Municipality to create harmony amongst the citizens and harmony between man and nature for both current and future generations.

## **2.0 GENERAL POLICIES**

### **2.1 INTRODUCTION**

The General Policies of this Plan are intended to provide policies that apply to more than one land use designation, and to provide direction for the implementation of the Detailed Policies contained in Sections 3 through 8. The policies of this section must be read in conjunction with the Detailed Policies and be interpreted and applied within the context of the overall objectives of this Plan.

### **2.2 POPULATION AND HOUSING**

The permanent population is 934 and there are 1453 households for the Municipality of Temagami. The Municipality also serves a seasonal resident and tourist population. Youth camps, Provincial Parks, tourist lodges, canoeists, and extended cottage use greatly increase the seasonal population. The seasonal resident and tourist population is not known because Statistics Canada does not collect seasonal resident and tourist population statistics as part of the census and a municipal census has not been undertaken. However, it is estimated that the peak summer population in the Municipality reaches about 9,000.

The Municipality of Temagami acknowledges that the overall tourism and recreation sectors of the provincial economy are strengthening and that the Temagami area has many of the attributes that seasonal residents and tourists find attractive. In addition, the land caution that covered a significant portion of the municipality has been lifted, thus providing the potential for growth.

Clear population and housing targets are difficult to establish in the Municipality of Temagami. The difficulty is the result of a small population base, an economy that is dependent on the more fluid components of the provincial economy such as tourism and resource development, and the fact that some of the population growth may be related to the conversion of residences from seasonal to year-round.

The population of Temagami has been in decline. The Municipality recognises the importance of sustaining a stable population in order to maintain both the hard and soft services that the Municipality relies on, including the elementary school, bank and grocery store. The Municipality further recognises that it needs to attract and maintain younger families and that a diversified economy is the best approach to achieve that goal.

### **2.2.1 Population**

In recognition of the need to protect those characteristics that make the Temagami area desirable while providing opportunities for an economically viable community, a permanent population target of 1000 - 1100 for the year 2030 has been established. A seasonal and tourist population target will be established as part of the 5 year review of this Plan, once baseline statistics are confirmed for the municipality's seasonal and tourist population.

Although difficult to quantify, it is anticipated that some of the new permanent population in the rural areas may take the form of conversion from seasonal to permanent residences. Seasonal population growth may be accommodated in new cottages on new or existing lots, additional dwellings on existing lots and expansions in the tourism market.

In the urban area a balance between population increase and housing availability will be achieved. However, consideration needs to be given to housing for the ageing population and affordable lots for younger people.

### **2.2.2 Housing**

There are currently 1453 assessed households (2009) in the Municipality of Temagami. This figure includes both permanent and seasonal.

Given the size of the municipality, it has the opportunity to offer a variety of living environments in the urban and rural settings. It is important to maintain the potential for diversity in style, density and form of development while having regard for the existing development patterns.

It is the goal of the Municipality to maintain at least a 3-year supply of residential lots or units and at least a 10 year supply of land designated and available for new residential development and residential intensification in the urban areas, based on past consumption rates. While there is an inventory of privately and municipally held vacant lots in the Urban Neighbourhood, there are significant constraints to the development of many of these lots including topography, technical severances, availability of services, etc. However, based on past and projected demands for residential lots and the fact that much of that demand will be for rural residential and remote residential lots, there is currently a supply of land designated and available for new residential development in the Urban Neighbourhood to meet the 10 year demand in that neighbourhood.

In order to enable cost effective development in the long term, the Municipality shall continue to maintain a 10 year supply of land and ensure that the existing municipal water and sewage systems will enable the Municipality to develop a 3-year supply of residential lots with servicing capacity in draft approved or registered plans in the Urban

Neighbourhood. The Municipality will monitor growth through assessment and census data.

Housing developments should be affordable to the residents of the Municipality and provide alternate forms of housing. However, the Municipality shall not necessarily provide such housing. This Plan encourages a pro-active role on the part of the Municipality in providing new facilities to meet the needs of an ageing population, including transitional housing and long-term care facilities. To assist with issues of affordable housing within the municipality, innovative policies will be developed.

The maintenance and improvement of the existing housing stock shall be encouraged. As appropriate, the Municipality will consider enacting a Maintenance and Occupancy by-law.

The location and siting of residences shall ensure that public safety provisions, such as firefighting, are implemented. The appropriate standards will be set out in the implementing zoning bylaw.

## **Urban**

It is the policy of the Municipality to permit a wide variety of housing by type, size and tenure in the urban areas of the Municipality. Housing in the urban area may include single detached, semi-detached, mobile home units in mobile home parks and other forms of low, medium and high density residential development.

Accessory apartments may be permitted in single detached or semi-detached dwellings or rowhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or rowhouse provided that:

- Not more than one accessory apartment unit is permitted in association with each principal dwelling on the same lot;
- All requirements of the Zoning By-law, including the provision of adequate parking, of the Building Code and other relevant municipal and provincial regulations can be satisfied;
- It has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments;

In addition, the Municipality may permit a small self-contained dwelling known as a 'garden suite' on the same lot as an existing single detached dwelling unit. Each application will be reviewed for eligibility and other considerations on a case by case basis, including:

- Located on a sufficiently large lot to ensure appropriate siting and buffering of the 'garden suite';

- Located where municipal or existing private services and community facilities are adequate to meet demand;
- Anticipated that the occupant(s) will generally be elderly relatives of the owners/occupants of the main dwelling; and
- Permitted on a temporary basis through a site specific, temporary use by-law.

Higher density development in the urban areas, in appropriate locations, and in a form compatible with the existing built form, is encouraged provided that the existing services are not overtaxed. Conversion of single detached dwellings into multiple residential units through a rezoning, the creation of new residential units on vacant or undeveloped lands and the creation of residential units above commercial uses are permitted.

New residential development in urban areas will generally occur:

- on existing serviced or serviceable lots;
- through higher densities on existing serviced or serviceable lots;
- infilling between lots;
- by plans of subdivision and condominium; and
- by consent.

### **Rural**

Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and apartments in houses are not permitted in the rural area.

New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.

## **2.3 ECONOMIC DEVELOPMENT**

The Municipality recognises the importance of a healthy local economy. The utilisation of natural resources, cottage development, seasonal residents, tourism development and the public travelling along Highway No. 11 all contribute to the local economy.

Commercial uses will be encouraged to develop and expand to provide for the needs of the residents and tourists. Every effort will be made to increase economic activity in the tourism sector.

The existing commercial structure will be strengthened. The Village of Temagami shall continue to be the central location of retail and service commercial uses for the general population and travelling public. The urban commercial core will be pedestrian friendly and its visual identity will be strengthened. The establishment of a Business Improvement Area should be considered that would have due regard for the vision of the community.

All commercial uses can occur in the Urban Neighbourhood. Home occupations, home industries and tourism services may be established in the Rural Neighbourhoods, subject to the policies of this Plan. New and existing industrial development should be consolidated into strategic areas of the Municipality, wherever possible, to limit impacts on the natural environment and to reduce land use incompatibility.

The Municipality considers one role of the Official Plan to be supporting economic development initiatives while adhering to the principles of good land use planning.

The Municipality shall foster a favourable climate for sustainable economic development and shall promote the Municipality as a desirable location for new business investment by:

- Expediting planning approvals that conform with the policies of this Plan;
- Continuing support for various economic development initiatives;
- Pursuing opportunities to partner with private sector investors to create year-round jobs in the Municipality and improve the experience for residents and tourists alike, when warranted, and financially feasible;
- Pursuing opportunities afforded by the government and corporate agencies, from time to time;
- Providing and maintaining adequate municipal infrastructure and public services to service and support community based economic development;
- Maintaining a supply of serviced, serviceable and unserviced land to meet commercial and industrial needs;
- Identifying areas for specific types of development that are key to the economic base of the community. These include lands for future development, tourist facilities, commercial growth and industrial development;
- Initiating and/or facilitating programs for commercial core and industrial area revitalisation; and

- Facilitating the acquisition and development of Crown land and resources where it may be utilised for economic development purposes in an environmentally sound manner.

When the Municipality disposes of land that it owns consideration shall be given to the policies of this Plan, to the highest and best use for the land and the long-term financial well-being of the Municipality.

The extensive land base of the Municipality of Temagami encompasses a rich natural resource base for outdoor recreation, mineral exploration and development, forestry, tourism and wildlife conservation. This natural resource base is important to the economic base of the Municipality and the wider region. The wise use and protection of these natural resources, to meet the needs of residents today and in the future is key for the municipality to maintain and sustain a healthy economy. These natural resources, which are part of sensitive ecosystems, consist of physical features such as lands with water, minerals, aggregates, forests, fish and wildlife habitats. The diversity and location of these natural resources provides economic opportunity for both consumptive and non-consumptive activities.

Most of the natural resources found in the Municipality of Temagami are held and governed by the Ministry of Natural Resources on behalf of the Province of Ontario. The Municipality encourages the development of partnerships with the Ministry of Natural Resources regarding initiatives to develop, use, or manage Crown land resources.

## **2.4 MINERAL RESOURCES**

This Plan recognises the importance of mineral resources for their resource and economic value within the Municipality of Temagami. Mining, including mining rights such as staked mining claims, mining leases and mining patents used or intended to be used for mining purposes, is permitted within the Municipality of Temagami subject to the provisions of the Mining Act; Public Lands Act; and pursuant to Ontario Regulations which impose requirements for environmental studies and public consultation. The establishment of new mines will not require an amendment to the Official Plan, but may require an amendment to the Zoning Bylaw. However, the Planning Act applies to fee simple Mining Patents of surface rights, including a planning approval to sever or subdivide surface rights. It is intended that new mining operations will exclude lands which are already developed. It is the intent of this Plan to avoid locating mining infrastructure inside the Aesthetic Viewscape Management Area. Special conditions apply to Management Area 39 surrounding Lake Temagami.

It is a policy of this Plan that mineral resources, including past producing mining operations, existing mineral mining operations and areas of high mineral potential will be



protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Development, which would preclude or hinder the establishment of new operations or access to the resources, will only be permitted if:

- resource use would not be feasible
- the proposed land uses or development serves a greater long term public interest; and
- issues of public health, public safety and environmental impact are addressed.

Rehabilitation to accommodate subsequent land uses will be required after extraction and other related activities have ceased. Progressive rehabilitation will be under taken where feasible.

#### **2.4.1 Mineral Aggregate Resources**

It is a policy of the Municipality to preserve lands designated Mineral Aggregate on Schedules A-1 and A-2 for their resource value and extraction, with the exception of the Skyline Reserve on Lake Temagami where extraction shall not be permitted. Mineral aggregate extraction shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act.

Wherever possible, priority shall be given to the extraction of aggregate resources outside the Urban Area. Uses permitted on Mineral Aggregate lands shall be those uses that are compatible with aggregate extraction including:

- Pits and quarries;
- Wayside pits and quarries;
- Forestry, excluding any permanent buildings;
- Uses associated with pit and quarry operations such as crushing facilities, stock piles, screening operations, asphalt plants and the transfer of aggregate off-site or recycling operations provided they do not prevent the opening of a pit, quarry, wayside pit or quarry; and
- Passive recreation uses not including buildings or structures.

To ensure compatibility with adjacent lands, particularly sensitive land uses, minimum distance separations shall be established in the implementing Zoning By-law. In

establishing new pits or quarries, consideration shall be given to minimising the impacts of aggregate operations on the environment. It is the policy of the Municipality that polluted water from washing or screening operations shall not be discharged into any waterbody without appropriate treatment and prior approval of the Ministry of Environment. Aggregate operations on patented land are subject to site plan control.

## **2.5 FOREST MANAGEMENT**

It is the policy of the Municipality to recognise the importance of forests as a renewable and sustainable resource within the Municipality of Temagami and to encourage and support both commercial timber operators licensed by the Ministry of Natural Resources, as well as to permit associated forest related activities and other compatible land uses.

The Municipality shall also encourage complementary activities such as wildlife habitat improvement or ecosystem improvement and the active or passive use of forested areas for Crown land recreational activities and facilities.

In recognising the importance of the forest resource within the Municipality, it is a policy of the Municipality to the application of forest resource management techniques to ensure compatibility between harvesting, renewal and maintenance operations and other resource attributes, particularly wildlife and fish habitat and recreational activities.

The Municipality may, from time to time, utilise the provisions of the Municipal Act to regulate or prohibit the destruction or injuring of trees on private property.

## **2.6 RECREATION**

It is a policy of the Municipality to recognise the values of recreation, tourism and wilderness to the economy of Temagami. The Municipality will support and co-ordinate with the Ministry of Natural Resources and MNDM strategies to minimise the impact of resource development on these values.

It is a policy of the Municipality to encourage the development of a four season tourism economy for Temagami, capitalising on the global attraction of Temagami as an area that provides superior recreational opportunities for cottaging, canoe tripping, site seeing, snowmobiling, backcountry expeditions, hunting, fishing, day use, camping and eco-tourism.

The Municipality shall encourage the development of partnerships for the year round use and maintenance of campsites, trails, portages, snowmobile trails and abandoned forest access roads which have been used to move throughout the Temagami Recreation Area from pre-historic to modern times.

The Municipality shall encourage the development of partnerships in the promotion of the conservation reserves, old growth sites, and cultural heritage landscapes of Temagami, such as the White Bear Forest, Caribou Mountain, and Temagami Island.

The Municipality shall continue to support the Temagami & District Chamber of Commerce in promotional activities and projects that are compatible with this Plan.

## **2.7 CONSERVATION USES**

It is a policy of the Municipality to permit conservation uses that may include any activity designed to enhance or improve ecosystems within the Municipality of Temagami. Programs for wildlife management and water quality protection are encouraged as well as activities related to wildlife and conservation interpretation.

In recognition of the importance of protecting those characteristics that make Temagami desirable while at the same time providing economic opportunity, the Municipality shall update the Economic Development Strategy. The purpose of the Economic Development Strategy is to provide guidelines and structure to specific initiatives.

## **2.8 STUDIES**

In order to ensure the proper and orderly development of land and to protect the natural environment and public health and safety, the Municipality may require studies to be completed from time to time to permit decisions to be made in an informed manner. The onus is on the proponent to demonstrate that the application is sound.

### **2.8.1 Municipal Plan Review**

Proponents may be required, at their own expense, to hire professional consultants with the appropriate expertise to deal with any issues that may arise out of a development application. These studies, if they are completed by the applicant, may be subject to peer review by a second consultant hired by the Municipality at the applicant's expense or, alternatively, only one study could be completed by a consultant directed by the Municipality at the applicant's expense.

### **2.8.2 Municipal Implementation Studies**

Municipally led development that involves more than one government authority; that requires broader public input; that involves complex technical issues; or that requires supporting business plans; may require municipally directed studies that will produce implementation plans for the policies contained in this Plan.

A Lot Creation and Development Study may be completed that will establish the conditions and the locational criteria for new lots and develop a process whereby the Municipality can

maintain a three (3) year supply of marketable lots in each neighbourhood, subject to conformity with provincial limitations on the creation of new lots from Crown land on designated cold water (lake trout) lakes.

The development capacity of recreation lakes and the Urban Neighbourhood should rest on a sound technical foundation based on specific and measurable ecological standards and values, and locally recognised principles of environmental, economic and social sustainability.

The Municipality shall work closely with the MNR to include Crown land recreation impacts in the calculations to determine the development capacity of the recreation lakes in the Municipality.

### **2.8.3 Performance Indicators**

Policies of this Official Plan need to be continually monitored to ensure they are having their intended effects. Once implementation plans for the long-term goals of the Official Plan are finalised, key results will be identified that can be monitored to determine if they are being achieved. This information will illustrate which policies are efficient and effective; and those that need improvement. This process will improve public accountability and Plan performance.

## **2.9 SERVICES AND UTILITIES**

The provision and operation of services and utilities are important issues to the Municipality. The municipal infrastructure consists of roads, water treatment facilities, water lines, sewer lines, waste water treatment facilities, storm water management and solid waste management systems. In addition, there are many other services and utility providers operating in the Municipality. There will be a continuing need to assess the adequacy of municipal infrastructure and public service facilities or to maintain or rehabilitate existing facilities, as necessary. The Municipality shall take care to ensure that all municipal infrastructure will be located on municipal land or rights-of-way and when necessary, the Municipality shall obtain proper easements/rights-of-way prior to locating new services so that the locations do not impede other development. These services, utilities, and facilities are permitted in all land use designations without an amendment to this Plan, provided that the planning of such facilities is in conformity with this Plan. Furthermore, Ontario Power Generation Inc. and Hydro One shall consult with the Municipality on the location of any new electric power facilities and corridors.

With respect to the gas pipeline corridor, no structures or excavations (other than those undertaken by a pipeline authority) shall be permitted on the pipeline right-of-way and no

permanent structures or buildings shall be permitted within 10m of the edge of the right-of-way without prior consultation and approval of the pipeline authority.

The Municipality, including the Public Works Department shall make every effort to ensure the responsible planning, construction, operation and maintenance of all municipal services and that these activities are in keeping with the neighbourhood plans. Conflicts with other land uses and impacts on the natural environment, as a result of municipal services, shall be minimised. In this regard, the Municipality may restrict residential and other types of development in close proximity to municipal sewage treatment facilities through minimum setback standards in the implementing Zoning By-law. The proponent of development proposed within the minimum setback from a municipal sewage treatment facilities shall prepare a report in accordance with provincial legislation, policies and regulations to demonstrate that the proposed development will not be adversely affected by the facilities. Approval of new development, including new lot creation, will require a confirmation of available reserve capacity in accordance with applicable Ministry of Environment guidelines.

Piped municipal water and sewage services will only be provided in the Urban Neighbourhood.

New residential development shall not be permitted within 500 metres of a landfill site or within a specified distance of a sewage treatment facility as determined through the Ministry of the Environment regulations.

All development within the Municipality shall have an approved water supply and sewage disposal system, where required. Only dry industrial uses will be permitted on private services, and water will be used only for domestic purposes. Unless otherwise approved by the Ministry of Environment, all industrial uses that use water as part of their industrial operations shall be connected to a municipal sewer and water system.

Waste management services will be provided by the Municipality through collection in the Urban Neighbourhood and through the management of designated transfer stations and landfill sites throughout the Municipality. Recycling services will be provided, where feasible, to lengthen the serviceable life of the landfill sites.

The Municipality assumes no responsibility for the provision of municipal services, including sewers and piped water uses located outside of the Urban Neighbourhood.

Municipal fire fighting and ambulance services are provided in accordance with the normal response areas identified in the municipal by-laws. The Municipality is not responsible for the provision of these services in other areas of the Municipality beyond the scope of the by-laws. Expansion of these services into other areas of the Municipality is not anticipated within the planning period.

Only those roads that have been assumed by the Municipality shall be maintained by the Municipal Public Works Department.

The Municipality will maintain a provincial standard library service for the ratepayers of the Municipality. The Municipality 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.

The Municipality, in conjunction with the appropriate public agencies may require a proponent of development to submit studies of stormwater runoff and its impact on the water quality and quantity of the receiving waterbody, both during and after construction. The proponent may be required to indicate how nutrient inputs into surrounding water bodies and municipal storm sewers will be controlled and reduced after construction. Construction-mitigation plans may be required to outline how the impacts during construction will be mitigated by securing/stabilising/rehabilitating a site that has been disturbed.

The Municipality shall require the proponent of development that requires a stormwater management system to:

- use stormwater management measures to manage the storage and control the flow of water to receiving waterbodies;
- use stormwater management measures that prevent siltation and erosion and do not negatively impact the water quality of receiving waterbodies; and
- consider, where appropriate, enhancing the vegetation along the stormwater management system and the receiving waterbody.

The Municipality shall require the proponent of development or redevelopment with greater than 5 lots to prepare a Servicing Options Study to initially determine the nature of servicing that is feasible before considering further studies to determine the viability of private services, if appropriate. A Water Supply Assessment Report and a Water Quality impact Risk Assessment Report, in accordance with MOE Guidelines may also be required.

Where a Servicing Options Study concludes that multiple lot development may proceed by individual drilled wells and septic systems, lot sizes shall be a minimum average of one (1.0) ha with no lot being smaller than eight tenths (0.8) ha, unless a smaller lot size can otherwise be supported by the aforementioned studies.

The minimum lot size for new single lot creation proposed on a private septic system and individual drilled well will also be encouraged to have a minimum lot size of one (1.0) ha unless a smaller lot size can otherwise be supported by the aforementioned technical studies.

New lots proposed to be serviced by an individual surface water supply and private septic system may have a lesser minimum lot size, unless otherwise specified by the policies of this Plan.

### **2.9.1 Urban Neighbourhood**

Full municipal sewage and water services; followed by communal and private services is the hierarchy of the preferred forms of servicing in the Village of Temagami and Temagami North. In this area, development will be permitted to connect to the central sewage and water systems only if sufficient reserve water and sewage capacity will be available to accommodate the development.

Development proposals for in excess of five residential lots shall be accompanied by a Servicing Options Study to determine the most appropriate long term servicing scheme for the development.

Provided there is a supporting Servicing Options Study prepared according to Ministry of Environment guidelines, communal water or sewage systems that service more than five freehold residential lots may be considered for development in areas where the municipal sewage system cannot reasonably be provided due to cost, and where site conditions are suitable for the long term operation of the systems. Such systems shall only be permitted with the approval of the Health Unit and/or the MOE.

Where such communal systems service more than five freehold residential lots, the Municipality shall assume ownership of the system once it has been constructed and approved by the Health Unit and/or the MOE. Further, where such communal systems service more than five non-freehold residential units or more than five condominium units, the property owner and the Municipality shall enter into a Responsibility Agreement with financial securities from the property owner to ensure the long term operation and maintenance of the system.

Specifically, the proponent of a private communal sewage system shall enter into a Responsibility Agreement with the municipality before development occurs. Such an

agreement is a legal agreement between the proponent and the Municipality that stipulates the conditions under which the communal services will be constructed, operated and maintained, as well as the actions to be undertaken by the Municipality in the event of default. The agreement shall also specify the amount of up-front funds required for any remedial measures that may be necessary in the event of default.

Until full services become available, partial services will be discouraged except where necessary, to address failed services or because of physical constraints, and provided that:

- the development is infilling, or development of existing lots of record;
- the uses are limited to those that would not normally require excessive amounts of water or generate large volumes of waste water;
- the proposed servicing system complies with the standards of the appropriate approval authority; and
- where possible, lots for residential development are of a size and shape that would permit the lots to be divided to create two or more suitably sized lots served with full municipal services, when such services become available.

Individual on-site water supply and sewage disposal systems are permitted for Rural and Remote residential development in the Urban Neighbourhood. A study proving the viability of private servicing systems for developments that are greater than five lots is required, in accordance with the requirements of this Section.

## **2.9.2 Rural Neighbourhoods**

In areas outside of the Urban Neighbourhood, development is expected to proceed on the basis of individual on-site water supply and sewage disposal systems. Land use permits for off-site sewage systems for existing lots are recognised as necessary in these areas if the off site sewage system cannot be located on the same lot as the dwelling it is intended to serve. New lots shall not be created unless an approved sewage disposal system can be accommodated on the lot. A study proving the viability of private servicing systems for developments that are greater than five lots is required, in accordance with the requirements of this Section.

Prior to approving a new lot or lots or issuing a building permit for an existing lot, the Municipality shall be assured by the proper authority that adequate and approved water supply and sewage disposal systems to service the proposed development can be provided.

Prior to issuing an occupancy permit, the Municipality shall be satisfied that the ultimate water supply and sewage disposal systems have been installed, approved by the appropriate approval authority and connected to the proposed development.



Because of evolving technology in the field of private sewage disposal systems, the Municipality does not wish to limit the types of systems that might be considered. However, the Municipality must be satisfied that any proposed sewage disposal system has the approval of the appropriate approval authority and that sufficient data exists, relevant to the Temagami area, to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.

## **2.10 WASTE MANAGEMENT**

It is a policy of the Municipality to make adequate provision for the management and recycling of waste materials through the provision of a waste management facility and participation in a recycling program. Waste management facilities including active and defunct sites are identified on Schedule B to this Plan. Land in proximity to land formerly used for waste disposal purposes may be used in accordance with the applicable land use designation and the land use policies of this Plan. It is the general intent of the Municipality that, given the amount of vacant land available, development be located no closer than 500 m from an active or closed waste management facility. However, the Municipality shall prohibit development within 30 metres of a waste management facility and restrict development within 500 metres of a waste management facility if the facility has any adverse environmental effects or poses a risk to public health and safety.

Where development is proposed within 500 m of lands used for waste disposal purposes, the Municipality shall require the proponent to prepare a report in accordance with provincial legislation, policy and guidelines to demonstrate the site is suitable for the development proposed. The Municipality may also consult with the Ministry of Environment regarding any action necessary to identify and mitigate any potential environmental concerns.

The reuse of a closed land fill site within 25 years of the date of its closure will require the approval of the Ministry of the Environment.

## **2.11 POTENTIALLY CONTAMINATED SITES**

For the purpose of this Plan, Potentially Contaminated Sites include land, buildings and/or structures where it is reasonable to suspect that substances, either individually or collectively, are present that may pose a danger to public health, safety and/or the environment.

If the site of a proposed use is known or suspected to be contaminated due to its previous use, the Municipality will not approve the development until the proponent has demonstrated that the site has been assessed and if necessary, remediated in accordance with the requirements of O. Reg. 153/04 as amended. The proponent shall have a Record

of Site Condition prepared by a qualified professional as defined by O. Reg. 153/04 and placed on the Brownfields Environmental Site Registry prior to the issuance of any final planning approval for the site's development.

## **2.12 TRANSPORTATION**

The road system within the Municipality is composed of a hierarchy of provincial highways, municipal public roads, and private roads (Crown access/unassumed Roads). In addition, there are numerous Lake Access Points, Recreational Trails, and Canoe Routes (including portages and campsites). Each type of road, lake access point, trail and canoe route varies in its function, the type and volume of traffic it handles and the speed of traffic it can accommodate. As a result, designs and standards also vary. The transportation network provides a basis for the local economy by allowing the safe and efficient movement of people and goods from one place to another. In addition, it provides access to individual properties and allows for sightseeing.

Standards are generally established for each type of public road to address safety, speed and site visibility, uniformity from place to place, road life and traffic volumes. In addition, standards are important for the provision of emergency services as well as ease of maintenance, particularly in the winter. Crown access and unassumed private roads have historically provided access to individual waterfront properties or to remote properties for uses such as hunt camps or resource extraction. The standards and maintenance of Crown roads and unassumed private roads varies greatly. The Municipality supports the planning, design and operation of an integrated transportation network in the municipality comprised of provincial highways, municipal roads, Crown access roads, private roads, lake access points, recreational trails and canoe routes. However, the existing network of Crown access roads and private roads will remain unassumed by the Municipality and will not be maintained by the Municipality.

The appearance of the municipal rural and unassumed Crown access roads and private roads contributes to the character of the Municipality, which is highly valued by residents. Scenic drives and other recreational opportunities from these roads also make an important contribution to the tourism sector by drawing visitors into and through the area. Provided that safety and road function can be maintained, it is beneficial and desirable to retain the character of these roads.

Generally, a public, year round maintained road is the best means by which to provide public access, public services and emergency services to individual properties. This is the primary means of access within the community and the rural area. However, in the waterfront area and remote areas, there is a tradition of seasonal cottage development with unassumed Crown access and private roads or water access. In the past, the standard levels

of access and public services were not considered necessary in seasonal residential areas. As a result, an extensive network of unassumed Crown access and private roads, as well as lake access points, providing access to shoreline properties have been constructed within the municipality over time.

Although services along these unassumed Crown access roads, private roads and lake access points will be limited, their benefits lie in their scenic qualities, their ability to minimise environmental impacts and their maintenance does not require municipal funding. Where unassumed Crown access roads, private roads and lake access points exist or are proposed, the Municipality must be cautious and not assume liability for such roads and it should be recognised that the level of public service will continue to be limited where there is only water access, unassumed Crown road access or private road access.

The transportation network is designed to facilitate the movement of people and goods within and through the Municipality, and to take advantage of, and provide access to the natural environment features that are so important to the economy.

The transportation network and hierarchy is generally illustrated on Schedule C to this Plan. The Municipality will continue to encourage and develop a safe and efficient road network, which has regard for natural and cultural heritage resources, environmentally sensitive area and the character of the neighbourhood and the municipality.

### **2.12.1 Provincial Highways**

Highway 11 provides the main road link, and Highway No. 64 provides a secondary road link, within and through the Municipality. These highways provide access to many of the tourist commercial establishments. Highway 11 forms the commercial backbone in the Village of Temagami.

The potential exists for Highway 11 to be expanded to 4-lanes south of North Bay. Those improvements could increase the volume and type of traffic along Highway 11 within the Municipality. The Municipality shall monitor the plans to expand Highway 11 and shall address any potential impacts, as required.

For any development abutting a provincial highway or development that is located within the permit control area of a provincial highway, a Ministry of Transportation permit will be required prior to any construction or grading being undertaken. Greater lot frontages or setbacks than otherwise required by this Plan or the Zoning By-law may be necessary for internal roadways or common entrances road improvements. Road widening may be required for development abutting these roadways. In addition, site plan approval may be required prior to construction. Owners of property abutting or adjacent to provincial highways should pre-consult with the Ministry of Transportation before any formal submission of development applications are submitted to the Municipality of Temagami.

## 2.12.2 Municipal Roads

All municipal roads shall be constructed to the appropriate standard and shall be subject to environmental assessment requirements, specifically those expressed in the Municipal Class Environmental Assessment. The Municipality will develop appropriate road standards policies. There shall be a continuing program of municipal improvement to existing municipal roads. Priorities for the improvement of existing municipal roads should be based on Roads Needs studies that shall be conducted from time to time. The Municipality may consider alternate standards in particular circumstances where the function of the road will not be negatively affected and where public health and safety will be safeguarded.

Municipal roads are divided into two categories, those located within the Urban Neighbourhood areas of the Village of Temagami and Temagami North and those located in the rural areas. While the urban roads will be maintained on a year round basis, some roads in the rural area may only be maintained on a seasonal basis.

Every effort should be made to preserve the character and scenic amenity of a roadway, while ensuring that the function and safety of that roadway will be maintained.

Where new roads are proposed, such roads will be located and designed to co-ordinate with existing roads and provide for connections to abutting parcels which have development potential. In this regard, roads should be linked, wherever possible and appropriate and blocks of land should be provided, where necessary, to facilitate future access to abutting properties.

The establishment of new public seasonally maintained roads will be discouraged.

Safe and appropriate access to properties, as may be further detailed in specific policies in this Plan, will be provided to the satisfaction of the Municipality. The Municipality or the MTO may require improvements at the expense of the proponent, in order to ensure that safe and appropriate access is provided.

Where property abuts a municipal or provincial road, the Municipality and/or the MTO may require the dedication of land for road widening purposes. Such dedications may be requested at the time consideration is being given to development applications such as:

- plans of subdivision or condominium;
- consent to sever land; and
- site plan approval.

As authorised by the Planning Act, the dedication of a widening of a municipal road allowance, to a standard width of 20 metres may be required along all or part of the abutting lot line. This required road allowance width may be increased as necessary to 26

metres, in order to address matters such as additional turning lanes, curve alignments, sidewalks, utilities, road cuts and embankment slopes. Dedication of an additional area may also be required along all or part of the abutting lot line for:

- dedication of sight triangles and turning lanes primarily at intersections of public roads to meet municipal standards; and
- dedication of areas necessary to construct grade improvements, separation or road alignments, where the proposed development would result in the need for such improvements due to traffic volumes or to eliminate hazards.

Road widening of municipal road allowances will generally be dedicated in equal widths from the centre line on each side of the road allowance. Exceptions to this may be considered where:

- topographic constraints exist;
- an alternate decision would be consistent with the prevailing pattern of dedication;
- heritage features and natural or environmentally sensitive areas would be preserved;
- a landowner owns both sides of the road allowance; or
- local municipal services are a constraint.

Development and maintenance of municipally owned roads will be at the discretion of the Municipality. There will be no commitment or requirement for the Municipality to maintain open, but unimproved road allowances. Conversely, nothing in this section will limit the Municipality's ability to open, improve or maintain any road, as identified in a Road Needs Study.

New public roads shall not be used as a means of access to lakes except by amendment to this Plan and in accordance with the policies of Section 2.12.5.

### **2.12.3 Private Roads**

The Temagami area has many existing or abandoned forest access roads primarily associated with past and current logging and mining operation which, when combined with portages and other recreational trails are an important feature in the area. This existing network of unassumed roads, primarily on Crown land provides access to residential properties.

All roads within the Municipality of Temagami not owned and maintained by the MTO (or its designate), or owned and maintained by the Municipality, as set out in Sections 2.12.1 and 2.12.2 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.

Private roads will not be assumed and will not be maintained by the Municipality, as set out in Section 2.24 unless the Municipality considers it clearly to be in the public interest. Where the Municipality deems such an assumption to be appropriate,

- a minimum right of way of 20 metres, or where required due to terrain or environmental considerations, 26 metres, will be dedicated to the Municipality; and
- prior to assumption, the road will be improved to municipal standards with the benefiting landowner(s) bearing the cost.

The Municipality shall be cautious not to assume liability for such roads and it should be recognised that the level of public services will continue to be limited where there is only water access or private road access. Such limitation should be recognised in zoning by-laws or municipal agreements, such as site plan control agreements.

The location of private roads on public road allowances for the provision of access should not be permitted. However, where temporary use of a public road allowance is deemed advisable and acceptable by the Municipality, the benefiting landowner(s) shall enter into an agreement with the Municipality to address such matters as financial contribution, liability insurance, road standards, stormwater management and construction mitigation measures and rehabilitation.

The Ministry of Natural Resources is encouraged to consult with the Municipality when contemplating granting permission for new private roads and Crown access points within the Municipality. In addition, when access is proposed over Crown land, the proponent shall be required to obtain a written assurance for the Ministry of Natural Resources that the Ministry has no objection to the continuing use of Crown land for access by the proponent.

#### **2.12.4 Lake Access Points**

Lake access points provide the link between the road network and the lake transportation network. The Municipality of Temagami shall endeavour to control lake access points in accordance with the policies set out in this Plan in order to:

- protect the sensitive character of the lake communities within the Municipality of Temagami; and
- mitigate the potential impact of development on key natural resources.

In addition, any improvements made to lake access points through the Public Works Department shall follow the policies of this Plan, and in particular the Neighbourhood policies.

It is the policy of the Municipality that any lake access point that provides the sole access to development on a lake shall remain open and available to the users of the lake.

For clarity, the term lake access point in the context of this section and Section 2.12.5 does not include a pedestrian access point provided within a lakeshore plan of subdivision for the use of residents of lots that do not have direct access to the water.

### **2.12.5 New Lake Access Points**

New lake access points from a municipally owned and maintained road and from a municipally owned or Crown managed land will require an amendment to this Plan. New lake access points shall remain open, maintained and available to the users of the lake. In that regard, the Municipality shall consider the economic viability and the need for any new access point that is to be maintained by the Municipality. New lake access points may also require an amendment to the Temagami Land Use Plan and be required to follow the MNR Class EA for Small Scale Projects, as well as the MNR Field Environmental Planning Procedures.

### **2.12.6 Recreation Trails**

Existing trails in the Municipality include hiking trails (day hike and overnight hike), cross-country ski trails (backcountry and track-set), ATV trails, mountain biking, dog sledding trails, and groomed Ontario Federation of Snowmobile Clubs (OFSC) snowmobile trails. Other trail opportunities exist which are not groomed or maintained and include snowshoeing on lakes and portages or snowmobiling and ATViing on other trails and forest access roads. It should be noted that many of these trails are part of the Teme-Augama Anishnabai and Temagami First Nation heritage.

Trail-related recreation may provide additional tourism opportunities since only snowmobile trails and short distance hiking and ski trails have developed significantly in the Municipality.

The Municipality supports trail-related recreation provided that the uses respect the sensitive character of the Temagami area. Co-operation between trail users is encouraged by the Municipality to ensure maximum use and benefit from the trail system.

New snowmobile trail access points to lakes shall be kept to a maximum width of 3 metres and shall enter lakes at an oblique angle to minimise visual impact. New snowmobile trails shall be subject to review and inspection by the Municipality, in conjunction with the Ministry of Natural Resources. Tree cutting at access points and along trails shall be limited to that required for trail maintenance.

New Ontario Federation of Snowmobile Clubs trails shall not have any negative impact on environmentally sensitive areas. Recreational trails on provincial highway rights-of-way shall not be permitted and any proposed crossings of provincial highway rights of way shall require the prior approval of the Ministry of Transportation, and the issuance of a Ministry of Transportation permit.

### **2.12.7 Designated Canoe Routes and Camp Sites**

The Temagami area contains over 2,000 km of canoe routes, many of which are MNR designated. The network includes lakes, rivers, streams, portages and trails. The network is such that there are many alternative routes from which to select. This has the effect of increasing opportunities and the number of canoeists that can potentially use the area while maintaining a relatively low level of use. Designated canoe routes are shown on Schedule C – Transportation to this Plan.

Maintenance of portages and campsites and the general availability of campsites are critical to maintaining a high quality wilderness and semi-wilderness experience for canoeists. As such, the Municipality encourages the Ministry of Natural Resources to maintain the camp sites and to enforce the maximum length of stay policies established by the Ministry.

The Municipality recognises the economic and public benefit of campsites. It encourages the creation of partnerships for the management, maintenance, development and use of campsites, to provide superior camping opportunities. The Municipality is prepared to assist directly or indirectly in meeting the above objectives.

It is the Municipality's intent that no new campsites be located closer than 500 metres to a lake access point or within 500 metres of an existing residential dwelling or vacant patented lot, or existing campsite.

### **2.13 NOISE, VIBRATION, ODOUR AND OTHER CONTAMINANTS**

The Municipality shall require the proponent of development in proximity to existing or proposed sources of noise and/or vibration, odour or other contaminants to evaluate the potential negative impacts of such sound and/or vibration, odour or other contaminants on the proposed future land use. Such sources may include highways and rail lines, industrial facilities and pits and quarries. In determining the exact distances for the application of this policy, the Municipality shall have regard to provincial legislation, guidelines and regulations in place at the time of the application and the following:

- within 20 to 1,000 metres of industrial facilities, depending on the industry;
- within 300 metres of a highway or rail line; and
- within 300 to 1,000 metres of a pit or quarry, depending on the type of operation.



If a development is expected to be subject to noise and/or vibration, odour or other contaminants the proponent shall be required to complete relevant technical studies to prevent adverse effects and to the satisfaction of the Municipality to support the feasibility of the proposal.

## **2.14 CULTURAL HERITAGE RESOURCES**

Cultural Heritage resources are those human-modified features, either in a cultural or natural setting, which are indicative of past human activity, events, or achievements. Such resources may include archaeological sites, artefacts, structures, heritage buildings, cultural heritage landscapes and heritage districts of archaeological or historical significance. Identified cultural heritage areas are shown on Schedule B to this Plan. Over time, through research and study, new cultural heritage features may be identified or existing cultural heritage features may be refined. Any such information, when reviewed and approved by the appropriate governmental authorities, may be used to inform Council when evaluating development applications.

Cultural heritage resources include, but are not restricted to archaeological sites, aboriginal and non-aboriginal cemeteries and burial sites with historic significance, buildings and structural remains of historical and architectural value, and human-made rural village or urban districts or landscapes.

The identification, acquisition, restoration, repatriation and conservation of the historical, cultural, architectural and archaeological assets within the Municipality are encouraged. The Municipality views these assets as important factors in drawing tourists to the area. The Municipality will also encourage the repatriation of archaeological artefacts to the Teme-Augama Anishnabai and Temagami First Nations.

Archaeological assessments conducted by archaeologists licensed under the Ontario Heritage Act, shall be required as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential (moderate to high) based on standard criteria and/or available potential mapping. Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with the technical guidelines and licensing requirements developed under the Ontario Heritage Act. The Band Council of the First Nation will be notified of, and receive copies of, any archaeological assessments that are undertaken in support of planning applications within the Municipality.

Development on lands containing known archaeological sites or on areas of archaeological potential should occur in such a manner that destruction or alteration of the resources is avoided. Where this is not possible, the development proponent shall conserve the

resources through removal and documentation in accordance with the Ontario Heritage Act and Cemeteries Act.

The Municipality shall consult appropriate government agencies, including the Ministry of Consumer and Commercial Regulations and the Heritage Operations Unit of the Ministry of Tourism, Culture and Recreation when an identified cemetery, marked or unmarked human burial is affected by land use development. The provisions of both the Heritage Act and the Cemeteries Act shall apply.

The Ontario Heritage Act may also be used to designate individual properties, structures and conservation districts as areas of archaeological and historical significance. As well, the Act may be used to establish a Local Archaeological Conservation Advisory Committee (LACAC) to advise and assist Council on cultural heritage conservation matters.

Available cultural heritage resource databases shall be used for municipal planning and municipal plans review purposes. Such databases include cultural heritage resource mapping developed as part of the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, the Temagami Cultural Heritage Master Plan document, and the provincial registered archaeological sites database.

## **2.15 INTERIM DEVELOPMENT POLICY**

The Municipality is actively involved in acquiring Crown land for cottage lot development. This plan establishes policies to guide the creation of new lots from Crown land subject to MNR's land disposition process. The Municipality's policy is to allow continued, meaningful negotiations with the MNR on the issue of Crown land disposition on lake trout lakes.

Should the disposition of Crown land on lake trout lakes be permitted by the Ministry of Natural Resources, a Lot Creation and Development Plan Study shall be carried out for those designated lake trout lakes where new lots will be created, prior to development taking place. The results of such a study shall be incorporated into this Plan, by amendment.

The Municipality shall continue to work with the MNR, MOE and MMAH in the implementation of this policy and any new policies that may come into effect.

A clear set of policies is required to establish: the principles of lot creation from Crown land; lot intensity; and lot density in the Neighbourhoods. Policies for new lot creation in each Neighbourhood shall be developed through the Lot Creation and Development Plan study process that will be incorporated into the Official Plan by amendment. Over time and based on the demand for new lots and other factors, the Municipality may undertake

more than one Lot Creation and Development Plan Study for one or more lakes in one or more Rural Neighbourhood.

Section 9 of this Plan provides further details regarding the implementation of the Lot Creation and Development Plan. Interim rules, as outlined below and subject to all other applicable policies in this Plan, shall apply and are tied firmly to the completion of the Lot Creation and Development Plan.

- A total of five new lots may be created from both Crown land and/or patented land in each Rural Neighbourhood and within the Urban Neighbourhood in areas designated 'Integrated Management Area', during any 1 year period. Patented land will have priority over Crown land, subject to the policies of this Plan. A Municipal procedure will be developed to implement this policy.
- The rate of lot creation in the Lake Temagami Neighbourhood is not cumulative from year to year
- The rate of lot creation in the Marten River, Matabitchuan and Backcountry Neighbourhoods and within the Urban Neighbourhood in areas designated 'Integrated Management Area', is cumulative from year to year.
- The rate of lot creation in the Urban Neighbourhood shall be determined, based on the capacity of the municipal water and sewage systems.

When a Lot Creation and Development Plan is being submitted to the MNR for the purpose of lot creation from Crown land, MNR may require studies and other forms of assessment for review.

## **2.16 NEIGHBOURHOOD PLANNING AREAS**

The Municipality has many characteristics deemed desirable for residential and recreational uses and for casual visitor uses. It is recognised that there is potential for carefully planned residential, commercial, industrial and institutional development throughout the Municipality. However, development potential does not necessarily equate to the right to develop. Substantial care must be exercised in approving new developments in order to preserve a sustainable natural environment as well as to ensure a positive economic environment while conserving wilderness and semi-wilderness values.

In recognition of the need to provide specific land use planning guidance for all areas of the Municipality, particularly those areas where activity may occur, the Municipality has been divided into five Neighbourhood Planning Areas. The Neighbourhoods are illustrated on Schedules A-1 and A-2 to this Plan, and are as follows:

- Urban Neighbourhood;

- Lake Temagami Neighbourhood;
- Marten River Neighbourhood;
- Matabitchuan Neighbourhood; and
- Backcountry Neighbourhood.

The following Sections 4 through 8 set out the detailed policies for each Neighbourhood. The policies for each Neighbourhood, combined with the general policies of Section 2, the Implementation and Interpretation policies of Sections 9 and 10 respectively and the Schedules to this Plan are meant to provide the reader with all the information relevant to a parcel of land or area within a specific Neighbourhood. As a result, a number of policies, with or without minor variations that apply to each Neighbourhood are repeated within each Neighbourhood section.

## **2.17 WATERFRONT DEVELOPMENT**

It is a goal of the Municipality to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The principle of development in the vegetative buffer shall be minimal disturbance on the ground, shrub and canopy layers.

Natural vegetation within the setback shall be disturbed as little as possible, consistent with passage, safety and provision of views and ventilation. Rehabilitation of vegetation shall take place when it has been disturbed due to construction.

In order to implement these policies and to protect the natural shoreline, the Municipality may use the policies of this Plan, the provisions and standards in the Zoning By-law, site plan control and the issuance of building permits. As a guide, the following policies shall apply to the natural shoreline:

- While the Zoning By-law establishes a minimum lot frontage, a wider lot should be considered as part of a Lot Creation and Development Plan Study and in other instances where the extra width will better respond to the natural landscape, site specific natural environment conditions and the character of the shoreline and waterbody;
- Lot lines should follow existing features and terrain and should be configured to minimise conflicts with abutting properties at the shoreline;
- The natural waterfront landscape should prevail with the buildings blending into the landscape;
- Native species should be used for buffers or where vegetation is being restored;
- Rockfaces, steep slopes, vistas and panoramas should be conserved;
- Buildings should not exceed the height of the tree canopy;

- Building mass and coverage should be limited in relation to the lot size and frontage;
- Site alterations on lots should be limited and the maximum amount of natural vegetation should be retained on a lot;
- The Municipality shall ensure that best management practices and interim measures are utilized during construction projects adjacent to the waterfront in order to reduce sedimentation and erosion;
- Roads, trails, temporary construction accesses should generally follow the contours of the land, fit into the landscape and wherever possible not run directly perpendicular to the waterbody;
- A setback from the flood elevation or the normal or controlled high-water mark shall be set out in the Zoning By-law, in order to:
  - Protect the riparian and littoral zones and associated habitats;
  - Protect adjacent surface water quality from phosphorous loading;
  - Prevent erosion, siltation and nutrient migration;
  - Maintain shoreline character and appearance; and
  - Minimise the visual impact of development.
- An access trail and a viewing/ventilation corridor are permitted within the natural vegetative buffer/setback, in accordance with the provisions of Section 2.22, provided they are carefully designed and include a site plan drawing accompanying the building permit application.
- Within the setback area, a Shoreline Activity Area is permitted. The Shoreline Activity Area is a portion or cumulative portions of a shoreline frontage of a lot where accessory shoreline structures such as boathouses, docks, pumphouses, gazebos and decks are permitted, as well as access to the water for activities such as swimming or boat launching. To maintain an appropriate balance between a natural shoreline and built form, the Shoreline Activity Area should be focused within a defined area and be limited in extent. The extent of the Shoreline Activity Area shall be a function of the shoreline frontage and the primary use of the lot and shall be set out in the Zoning By-law.

## **2.18 AGRICULTURE**

No prime agricultural areas have been identified within the Municipality. However, some agricultural and agriculture-related uses including the production of maple syrup and keeping of trail riding horses and similar uses occur. Agricultural uses, secondary uses and agriculture-related uses are permitted in the Municipality outside the Urban Neighbourhood - Temagami. New land uses, including the creation of lots, and new or expanding livestock

facilities, shall comply with the Minimum Distance Separation formulae, as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

## **2.19 LAND USE COMPATIBILITY**

Sensitive land uses such as residences, day care centres, educational and health facilities shall be appropriately buffered and/or separated from major facilities in order to prevent adverse effects from odour, dust, traffic, pests, litter visual impact, noise, and other contaminants. Major facilities include highway and rail corridors, sewage disposal facilities, waste disposal sites, aggregate and mining activities and other industrial uses. Where there is substantial public investment in essential facilities, these facilities should be protected from new sensitive uses to ensure their continued viability and to avoid public expense to mitigate land use conflicts. The new use, whether it is a sensitive land use or a major facility, shall generally provide the appropriate buffering or separation. In doing so, the proponent shall have regard for current guidelines and regulations of the Ministry of the Environment and any other federal or provincial ministry or agency having jurisdiction. In approving such development, the Municipality shall also have regard for the guidelines and regulations.

## **2.20 DEVELOPMENT CONSTRAINTS**

Development constraints are natural features or man-made situations that present impediments, restrictions or limitations to development. In some cases, if development occurs within a specific area of constraint, it may result in a hazard to life, health or property.

Where necessary, limitations on development must be imposed to protect the environment, minimise the visual impact of development and preserve the character and aesthetics of the area. Restrictions or limits to development must also be imposed to ensure safety, avoid conflicts between different land uses and mitigate adverse effects as defined by the Environmental Protection Act. Often, development can be sited or designed to mitigate the influence of a constraint.

Within Temagami certain natural hazards exist including defined flood elevations for some waterbodies such as Lake Temagami (294.20 m ASL), Rabbit Lake (292.34 m ASL), Net Lake (298.0 m ASL), Snake Lake (292.5 m ASL), Cassels Lake (292.5 m ASL) and Lady Evelyn Lake (289.09 m ASL) and high water marks for other waterbodies. Development, excluding boathouses and structures associated with flood control shall not be permitted below defined flood elevations or below the high water mark. The MNR and Ontario Power Generation shall be consulted for technical advice when proposing development that may be impacted by flooding or fluctuating water levels.

Lots with steep slopes often present desirable development sites due to the views and panoramas offered. However, if development on steep slopes is not undertaken carefully, it can result in substantial alterations of the natural landscape, visual intrusion due to the prominence and location of development, interruption of the skyline, erosion, slope instability, damage to fish and wildlife habitat and a significant increase in stormwater runoff. Along the shoreline, steep slopes often present constraints with respect to locating water lines, locating shoreline structures and obtaining access from the water or locating an access route for construction. Therefore, the Zoning By-law will establish special standards to deal with development on steep slopes. . Studies may be required to avoid potential negative impacts from development and other site disturbances.

Narrow waterbodies are confined areas of waterbodies and include bays, channels and rivers. The confined nature of narrow waterbodies results in a public perception of increased density and less private recreational space for boating and swimming. This raises compatibility issues related to the location of shoreline structures, visual impact, impact on views, noise lighting, privacy and navigation. Therefore, the Zoning By-law will establish special standards to deal with development on narrow waterbodies.

Within Temagami certain mine hazards exist in the form of abandoned mine sites and rehabilitated mine sites, as shown on Schedule B to this Plan. Development on, abutting or adjacent to lands affected by mine hazards or former mineral resource operations shall be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed. A proponent of development within 1 km. of an abandoned mine is encouraged to contact the Ministry of Northern Development and Mines to obtain technical information related to the site and for advice on establishing setback distances for the proposed development.

## **2.21 COMMUNITY IMPROVEMENT**

Community improvement project areas may be designated by by-law and a community improvement plan prepared, based on consideration of the following:

- The community improvement project area is located within the boundaries of a designated neighbourhood of this Plan;
- The area has been identified as one where the uses may be incompatible or buildings are approaching the end of their functional life, or have deteriorated, and should either be rehabilitated or restored for sequential uses in keeping with the nature of the area or demolished to allow for redevelopment of the site for a use more compatible with the area;
- The area contains vacant and under used land, building or structures which could be developed in a manner which reinforces the functional role of the area or provides for the enhancement of the municipal tax base;

- The area has been identified as being deficient in terms of the level of municipal services, because it no longer meets current development standards, is characterised as inefficient for a service delivery perspective, or exhibits signs of ageing;
- The area has been identified as being deficient or in need of enhancement in terms of neighbourhood and/or community parkland, recreational, or community facilities;
- The area contains man-made hazards such as poor street and intersection design, barriers dividing the community, or flood control issues which should be eliminated; and
- The area has business uses, which require upgrading, streetscape improvements and/or improved off-street parking and loading facilities to aid the area's economic viability.

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.

The Council may, by by-law, designate land in the Municipality as a 'Community Improvement Project Area' and will prepare a plan for that project area. The following matters should be considered in the preparation of a community improvement project plan:

- The basis for the selection of the project area;
- The boundary of the area;
- The land use designations and intent of the Official Plan;
- The nature of existing land uses, the physical condition of the buildings and structures;
- The existing level of services and the nature of improvements proposed to municipal infrastructure, such as roads, water supply, sanitary and stormwater sewers, public utilities, and other community and recreational facilities;
- The identification of properties proposed for acquisition and/or rehabilitation;
- The phasing of improvements to permit a logical sequence of events to occur without creating unnecessary hardship for area residents and/or businesses; and
- The estimated costs, means of financing, and the potential for stimulating private sector investment and an improved municipal tax base.

## **2.22 VEGETATIVE BUFFER**

It is the intent of this Plan that all vegetation in the vegetative buffer be preserved and maintained in its natural state. The purpose of the vegetative buffer is to screen the view of buildings and structures on the lot from the water and to help mitigate the potential impact



of development on the lot on fish habitat, fish spawning areas, water quality and other aquatic features. 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 (see Glossary of Terms) from the shoreline to the main building on the lot may be cut through the vegetative buffer, as can a ventilation/viewing corridor (see Glossary of Terms). 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. When the access trail and the ventilation/view are one and the same, the maximum width shall be approximately 6.0 metres. These policies are intended to minimize the visual impact of buildings and structures, when viewed from the water.

### **2.23 Alternate Energy Generation Systems**

Private wind and solar energy generation systems are encouraged by the Municipality, particularly for those residential lots and non-residential facilities that are not on the 'power grid'. In selecting the type and colour of the generation system and the installation location, care should be taken to minimize possible visual impacts on nearby properties.

### **2.24 DEVELOPMENT ON PRIVATE ROADS**

The Municipality may permit remote residential development on the basis of private road access in the following circumstances:

- Where two abutting patented lots located on a private road existed in the past and 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. New development on those lots is subject to the policies of this Plan, the provisions of the Zoning By-law and, as appropriate, an approved water supply and sewage disposal system;
- Where an existing patented lot with private road access in the Marten River, Matabitchuan or Backcountry Neighbourhood can be severed so that both the new lot or lots, to a maximum of three (3) new lots and the retained lot meet all the zoning standards for a lot in the Remote Residential (R2) Zone, as set out in the Zoning By-law;
- Where the private road is part of the land owned by a condominium corporation, a fractional ownership development or other similar type of ownership tenure development; and

- A new lot or a cluster of up to 4 lots created from Crown land in the Marten River, Matabitchuan or Backcountry Neighbourhood that are not accessible from an approved Lake Access Point.

Plans of subdivision based on private road access are not permitted.

For lots created on the basis of private road access, the Municipality shall consider limiting municipal liability with respect to providing access and services through a site plan control or similar development agreement and register such document on the title of the lots. Further, such agreement should include the following conditions:

- the owner acknowledges and agrees that the lot in question does not front on an improved municipal public road;
- the owner acknowledges and agrees that the Municipality does not and is not required to maintain or snowplough the said road;
- the owner acknowledges and agrees that the Municipality will not take over or assume a private road as a municipal public road unless it has been built to the municipal road standard;
- notwithstanding that a private road is improved to an acceptable municipal road standard, the Municipality is under no obligation to assume ownership and/or responsibility for the maintenance of the road; and
- the owner acknowledges and agrees that the Municipality is not liable for any injuries, losses or damages as a consequence of the Municipality issuing a building permit.

### 3.0 CROWN LAND POLICIES

Crown land is managed by the Province of Ontario and is under the administration of the Ministry of Natural Resources. The Ministry has the ultimate authority over the use of Crown land and the issuance of Land Use Permits, Letters of Authority, Licences of Occupation, Leases and Patents. Through various Crown Land planning, resource management and land disposition processes, the Municipality has the opportunity to influence how Crown land is managed. As well, and as enabled by Section 6(2) of the Planning Act, the Ministry before carrying out or authorizing any undertaking that the ministry considers will directly affect the municipality, shall consult with, and have regard for, the established planning policies of the municipality.

The alienation of Crown land by the Ministry of Natural Resources without consideration for the Municipal policies and standards that will subsequently apply to the land or for the administrative or financial capabilities of the Municipality may have a significant and potentially negative impact on the Municipality.

In carrying out its mandate, the Ministry of Natural Resources is encouraged to have regard for the policies of this Plan and any subsequent amendments thereto that have been the subject of extensive public consultation. As a guide to the Ministry of Natural Resources, the following points are viewed by the Municipality as critical to the long-term implementation of the policies of this Plan:

- To harmonise, to the extent possible, Municipal objectives with the Teme-Augama Anishnabai and Temagami First Nation objectives.
- Proposed new lots or ‘use areas’ created through Patents, Land Use Permits, Leases or Letters of Authority or Licences of Occupation meet the minimum standards of the Zoning By-law and this Plan;
- Proposed new uses should be consistent with the policies in the relevant Neighbourhood Sections and General Policies, as set out in this Plan;
- The new lot or ‘use area’ can be serviced with approved water supply and it has been demonstrated that the lot can be serviced with Class IV sewage disposal systems;
- The new lots or ‘use areas’ that have water access obtain such access from an existing approved public access point, as identified in this Plan;
- Where access to the lot is by water, adequate long term parking and docking facilities shall be secured to the satisfaction of the Municipality;
- Where new lots or ‘use areas’ obtain access from roads across Crown land, the Ministry of Natural Resources should provide a right-of-way across Crown land or enter into an agreement with the lot owner permitting the use of Crown land for access and should advise the user of the Municipal policy that it will not provide or be responsible for access;

- The new lots will not result in the need for unnecessary and/or uneconomical expansion of infrastructure by the municipality; and
- The lots or ‘use areas’ conform to the standards of this Plan regarding the distance from public access points and the distance from other lots or ‘use areas’.

In addition, a plan should be provided to the municipality prior to the sale being approved. The sketch should be to scale and should show existing boundaries and any adjacent features such as road allowances or water bodies to ensure the lot will meet the provisions of the Official Plan and Zoning By-law. Prior to final sale, a draft survey plan should be submitted to the municipality for review.

Notwithstanding these statements, the Municipality recognises that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR (1997) is the governing land use planning document for Crown land except in the geographic township of Sisk. The Municipality will only consider an amendment to this Plan for Crown land areas, if the Ministry of Natural Resources first approves an amendment to the Temagami Land Use Plan (if required), the North Bay District Land Use Guidelines and the Ontario Lands for Life Land Use Strategy or any relevant resource management plan.

It is acknowledged that new provincial parks and conservation reserves can be established by the Province of Ontario without the requirement for an official plan amendment or zoning by-law amendment and activity within these Crown Land areas is not subject to municipal regulation. MNR, however, will continue to work with the municipality to identify and address any concerns.

### **3.1 MUNICIPAL OBJECTIVES**

The following objectives are intended to guide Municipal discussions with the Ministry of Natural Resources throughout MNR’s planning process with regard to Crown land, the creation of new access roads and lake access points, the issuance of land use permits and patents and the approval of amendments to the Temagami Land Use Plan to permit new development. In addition, the MNR support for these objectives will ensure that the Municipality can respond to the MNR in a timely fashion on land use matters when called upon to do so. It is the hope of the Municipality that no decision or decisions, either individually or cumulatively, be made that would compromise the ability of the Municipality to achieve these long-term objectives:

- To recognise and protect land with sensitive natural features;
- To protect the quality of lake water;
- To recognise and protect land with high potential for recreation, forestry and mining;
- To encourage the proper management of resources in order to minimise negative environmental impact;

- To harmonise, to the extent possible, municipal objectives with the Temagami First Nation and the Teme-Augama Anishnabai objectives;
- To conserve the wilderness or semi-wilderness character of the Municipality so that in the future everyone can enjoy the existing character of the Temagami area;
- To ensure that new development conforms to the provisions of this Plan and the implementing Zoning By-law;
- To ensure new development will contribute to the long term health and safety of the residents and the financial and economic well being of the municipality; and
- To establish a partnership between the Municipality and the MNR to co-ordinate their respective activities and policies to ensure effective and efficient administration of land.
- To encourage private parking agreements on Crown land be made available to individuals who access their properties from Crown land.

## **3.2 GENERAL POLICIES**

The three land use designations in the TLUP represent an attempt to achieve a sustainable working balance between social, economic and environment concerns that enables the forest, mining, and recreation industries to achieve their goals in a sustainable way. In addition, activities related to wildlife habitat management and the protection of fisheries habitat are permitted. Activities to ensure the protection of natural and cultural heritage values or features and the promotion of cultural and heritage values or features and landscapes are also permitted.

These activities are essential contributors to the sustainability of the Temagami community. While they are beyond the scope of Municipal jurisdiction, the Municipality must maintain an awareness of them in its decision making and use its influence with MNR when required.

All existing legal commercial recreational and tourism facilities and infrastructure are permitted and shall be recognised in this Plan and in the Zoning By-law.

### **3.2.1 Lake Access**

With the exception of the Town Waterfront Access Point, all existing approved access points, as shown on Schedule C to this Plan, are on Crown Land. Wherever desirable and affordable, the Municipality will work with the Ministry of Natural Resources to obtain appropriate tenure to approved lake access points. The Municipality will pursue management agreements with the Ministry of Natural Resources for lake access points where neither a patent nor a land use permit can be secured.

### 3.2.1.1. Approved Lake Access Points

Sixteen lake access points currently approved by the Ministry of Natural Resources and maintained by either the Ministry of Natural Resources or the Municipality of Temagami are identified on Schedules C1 and C2 to this Plan. Additional lake access points are located throughout the Municipality however, they shall not be considered as approved for the purposes of this Plan.

Certain uses and facilities are permitted at the approved access points. The uses or facilities permitted at each approved access point are dependent on the site characteristics of the individual access point. The uses or facilities permitted include:

- Camping (CP);
- Municipal maintenance (M);
- Commercial lodge pick up and retail deliveries (C);
- A large parking lot with multiple trailer ramps (AP1);
- A small parking lot with one trailer ramp (AP2);
- A small parking lot with no trailer ramp (AP3);
- Transit of industrial/building supplies (I);
- Sanitary facilities (S);
- Dockage (D);and
- Garbage collection facilities (G).

The approved access points, as shown on Schedule C to this Plan, and the uses or facilities permitted at each are as follows:

- Finlayson Provincial Park
  - ◆ AP1, CP, S, D
- Strathcona Road
  - ◆ AP1, C, I, M, D
- Lake Temagami Access Road
  - ◆ AP1, C, I, M, S, D, G
- Town Waterfront
  - ◆ AP1, C, M, D, G
- Baie Jeanne
  - ◆ AP2 (10 spaces), CP, S
- Cross Lake (subject to the conditions of settlement with the First Nation)
  - ◆ AP2 (10 spaces)

- Rabbit Lake
  - ◆ Southwest Bay, Houghton Landing - M, AP2, C
  - ◆ Lowell Lake Road, Camp 16 - AP2, CP
- Snake Island Lake
  - ◆ Temagami Boat Livery – AP2, C, M
- Cassels Lake
  - ◆ Northshore – AP2
- Red Cedar Lake
  - ◆ Loon Bay, MTO maintained - AP1, C
- Hangstone Lake
  - ◆ located in McCallum Township (outside of Municipality)
- Marion Lake
  - ◆ Marion Lake (150m south of gas station) - AP2
- Jumping Caribou Lake
  - ◆ Raynor’s Road - AP3
- Marten River
  - ◆ Marten River Provincial Park - AP1
- Herridge Lake
  - ◆ Herridge Lake Access Point- AP2, D
- Wilson Lake
  - ◆ Wilson Lake Access Point, north side of camp- AP3, D

Boat launching facilities should be designed to be functional and be as unobtrusive as possible.

Parking areas must be screened with a vegetative buffer from the main body of the lake.

Illegal access points are to be closed.

New snowmobile trails accessing Lake Temagami/Cross Lake are to be no wider than three (3) metres and zoned exclusively for winter snowmobile use.

No new private structures should be permitted.

No long term camping or overnight camping should be permitted.

### **3.2.1.2. New Lake Access Points**

Should consideration be given to the establishment of new public motorised lake access points in the Urban, Marten River, Matabitchuan and Backcountry Neighbourhoods, the following should be given full consideration:

- The need for the additional access point;
- The ability of the site to be developed without any significant visual impact that cannot be mitigated;
- The potential for environmental impacts;
- The uses or facilities to be permitted; and
- The availability of existing municipal road accesses to the proposed access point.

If MNR grants approval for a new lake access point, the following policies shall apply:

- Approval by the Municipality of an amendment to this Plan;
- The Municipality shall consider obtaining a patent for the site and operating the facility; and
- Municipal approval of a detailed site plan.

No new public motorised road and/or access point should be permitted within 2 km of the shore of Lake Temagami and Cross Lake.

Existing gates are to be maintained and new ones installed to prevent new public access roads to Lake Temagami and Cross Lake.

## **3.3 LAND USE DESIGNATIONS**

Within the Municipality of Temagami, Crown land outside of provincial parks and the Urban Neighbourhood has been divided into three land use designations:

- Integrated Management Area
- Special Management Area
- Protected Area

These land use designations are consistent with the Land Use Zones identified in the Temagami Land Use Plan for the Temagami Comprehensive Planning Area prepared by the Ministry of Natural Resources. The Municipality of Temagami supports the land use zones and policies in the Temagami Land Use Plan. The policies are intended to guide the Municipality's discussions with MNR regarding the use of Crown land within the Municipality.

Each of the four Rural Neighbourhoods (Lake Temagami Neighbourhood, Marten River Neighbourhood, Matabitchuan Neighbourhood and Backcountry Neighbourhood) includes



two or three of these land use designations, along with other land use designations that apply to patented, land use permits or leased land.

To assist the individual who has an interest in a specific parcel of land or area within a Neighbourhood, the policies governing Crown land in the Integrated Management, Special Management or Protected Areas have been repeated in each of the Neighbourhood sections. In some instances, there are minor variations in the policies to reflect specific features or characteristics of the Neighbourhood

## 4.0 URBAN NEIGHBOURHOOD

### 4.1 INTRODUCTION

This section should be read in conjunction with the other sections of this Plan, as set out in Section 1.5.

The boundary of the Urban Neighbourhood, as shown on Schedule A-1 encompasses the urban area of the Village of Temagami, Temagami North and a rural area around these two urban areas and along the Highway #11 corridor. This rural area is designated Tourist Commercial, Industrial, Mineral Aggregate, Future Development, Integrated Management Area, Special Management Area or Protected Area.

The village of Temagami is the service, shopping and commercial centre of the Municipality. The village contains services such as the Municipal offices, ambulance and fire stations, the elementary school and other community facilities, as identified on Schedule A-3. Located approximately 5 km north of the village, is a residential community known as Temagami North, as identified on Schedule A-4.

Schedule A3 and A4 show the Settlement Area Boundary of the Village of Temagami and Temagami North, which for the purposes of this plan, are to be considered settlement areas as per the Provincial Policy Statement.

### 4.2 PRINCIPLES AND GOALS

This section sets out land use principles and goals for the Urban Neighbourhood that will help to create a climate that further advances opportunities for economic growth and social development. These principles are based on proper planning but have the flexibility necessary to recognise the changing nature of a global economy and how it affects communities.

#### 4.2.1 Land Use

It is the goal of the Municipality that land uses within the Urban Neighbourhood will be distributed in an efficient and cost-effective manner while ensuring compatibility between adjacent land uses. In doing so, a number of land use designations and zones shall be established to implement the goals, objectives and policies of this Plan.

It is the goal of the Municipality to have the majority of all new development take place in the settlement areas of the Urban Neighbourhood. Mainland development on land adjacent to Lake Temagami, as shown on Schedule A-3 is permitted, subject to the policies of this Plan and the provisions of the Zoning By-law. Mainland development proposals on the shoreline of Lake Temagami in the Urban Neighbourhood, as shown on Schedule A-1 shall

be considered by the Municipality in the context of the underlying land use designation and the overall goals and objectives of this Plan..

#### **4.2.2 Economic**

It is the goal of the Municipality to provide the tools that will permit a broad based and diverse economy. Opportunities exist for further development of home based industry, home occupations, commercial and institutional uses and light and heavy industry. New technology in communications, e-commerce and value-added technology in the natural resources sectors will provide opportunities for a diverse economy that will result in a more stable urban population. The urban community also recognises the importance of tourism in all its various forms and that there is an abundance of possibilities to service this sector.

#### **4.2.3 Environmental**

It is the goal of the Municipality to ensure that the Urban Neighbourhood has the appropriate land use policies to secure the proper service levels for the delivery of potable water and treatment of sewage while at the same time minimising or eliminating downstream effects. The potential for growth in the Urban Neighbourhood must also be recognised and anticipated so that these services will be able to meet future demands. The Urban Neighbourhood should also enhance the green areas in residential neighbourhoods as well as in the downtown core.

#### **4.2.4 Social**

The Urban Neighbourhood is diverse. An economically and socially diverse community is important in creating stability so that those who choose to live in the community can support the retail sectors, the schools, churches, service clubs and volunteer organisations. A stable community supports the institutions that help to define its character.

It is the goal of the Municipality to ensure that the community facilities required to support the existing and future residents is provided, for the most part, in the settlement areas of the Urban Neighbourhood.

### **4.3 GENERAL POLICIES**

#### **4.3.1 Crown Land**

Crown land is managed by the Province of Ontario and is under the administration of the Ministry of Natural Resources. The Ministry has the ultimate authority over the use of Crown land and the issuance of Land Use Permits, Letters of Authority, Licences of Occupation, Leases and Patents. This situation is expected to continue throughout the planning period.

In carrying out its mandate, the Ministry of Natural Resources is encouraged to have regard for the policies of this Plan. The Ministry of Natural Resources should have particular regard for: the size, location, density and means of access to new patented land for commercial tourist and private residential development; the Municipality's objectives with respect to the establishment of new roads and access points; the amount of development permitted; and the rate of change.

Notwithstanding these statements, the Municipality recognises that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR (1997) is the governing land use planning document except in the geographic township of Sisk. The Municipality will only consider an amendment to this Plan for areas currently designated as Crown land, if the Ministry of Natural Resources first approves an amendment to the Temagami Land Use Plan (if required), North Bay District Land Use Guidelines and the Ontario Lands for Life Land Use Strategy or any relevant resource management plan.

Crown land within the Urban Neighbourhood is managed subject to the policies in the Temagami Land Use Plan. The Temagami Land Use Plan 'zones' within the Urban Neighbourhood include Development Area, Integrated Management Area, and Special Management Area. In some instances, this Plan reflects the land use 'zones' in the Temagami Land Use Plan in that lands are designated Future Development, Integrated Management Area, or Special Management Area. The sole purpose of the Temagami Land Use Plan designations in this Plan is to recognize the authority of the Temagami Land Use Plan as the governing Plan affecting these lands, most, if not all of which are Crown Lands.

#### **4.3.2 Permitted Uses**

Permitted uses within the Urban Neighbourhood include a broad range of residential, commercial, industrial, institutional and community uses to meet the needs of existing and future residents and visitors.

#### **4.3.3 Rural and Remote Residential**

The Municipality is actively involved in acquiring Crown land for cottage lot development. This plan establishes policies to guide the creation of new lots from Crown land subject to MNR's land disposition process. The Municipality's policy is to allow continued, meaningful negotiations with the MNR on the issue of Crown land disposition on lake trout lakes.

Should the disposition of Crown land on lake trout lakes be permitted by the Ministry of Natural Resources, a Lot Creation and Development Plan Study shall be carried out for those designated lake trout lakes where new lots will be created, prior to development taking place. The results of such a study shall be incorporated into this Plan, by amendment.

Some Rural Residential and Remote Residential development exists within the Urban Neighbourhood. These properties may not be serviced with municipal water or sewers and may be located on Municipal roads. New lots of a similar type, may be created by consent or plan of subdivision or by patent from Crown land within the Urban Neighbourhood, only within the Integrated Management Area land use designation.

Certain accessory uses are permitted on Remote Residential dwelling lots in addition to a boathouse and include sleep cabins, a home occupation, a home industry, a bed and breakfast, a detached garage, in accordance with the provisions of the Zoning By-law.

In addition, on a Rural Residential lot located on a maintained municipal road, a bed and breakfast establishment without sleep cabin(s) and with or without a home occupation is permitted.

#### **4.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a municipal road, open and maintained on a year round basis. The lots may have municipal or private water supply and sewage disposal systems, depending on their location or may be serviced with communal servicing systems. The creation of new lots by consents or letters patent from Crown land are permitted throughout the Neighbourhood. Plans of subdivision or condominium are permitted. All rural residential lots shall conform to the following policies:

- the intended use of the lot or lots conform to the intent and policies of the Plan;
- prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreational lakes that propose access from Highway # 11;
- the lot or lots are not within 500m of a known sanitary landfill site;
- the applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features, otherwise the Municipality will not approve the consent;
- the soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;
- where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent being granted;

- the fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the area are not negatively impacted by the development;
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- the lot shall be subject to site plan control which shall include:
  - Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilisation of existing vegetation and topography to minimise visual impacts;
  - Buildings and structures located in the shoreline activity area;
  - Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - Rehabilitation of vegetation disturbed due to construction; and
  - Mitigation techniques to minimise impacts on surrounding development and uses.

The above policies do not apply to the conversion of leased lots to patented lots, providing the use is in conformity with the use permitted in this Plan.

#### **4.3.3.2 Remote Residential**

New lots will be created in accordance with the policies of this Plan. The lots shall have approved private water supply and sewage disposal systems in accordance with the requirements of Section 2.9. The creation of new Remote Residential lots, by consent on private lands and by letters patent from Crown land are permitted provided they conform to the following policies:

##### **Lot Creation Through Consents on Private Land**

- the intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;
- the Municipality will not assume responsibility for access, snow removal, road maintenance, as set out in Section 2 of this Plan and service by school busses will not be available;
- the Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;
- in creating the lot, regard shall be had to any natural heritage features identified in this Plan;
- the applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the

anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features. Otherwise, the Municipality will not approve the consent or;

- the soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system;
- where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent being granted;
- the fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;
- the lot is not within 500m of a known sanitary landfill site;
- the lot is not within 500m of an existing tourist lodge;
- where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- the lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilization of existing vegetation and topography to minimize visual impacts;
  - Buildings and structures located in the shoreline activity area;
  - Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - ◆ Rehabilitation of vegetation disturbed due to construction;
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses;

#### **Locational Criteria for Tenure Created From Crown Land**

In addition to the above policies, the following policies also apply to tenure created by the Crown for residential uses:

- the lot shall be subject to a Zoning By-law amendment; and
- the lot shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of Crown land tenure lots to patented lots existing on the date this Plan comes into effect, providing the use is in conformity with the use permitted in this Plan and the Zoning By-law.

#### **4.3.4 Sleep Cabins**

Sleep cabins are permitted on Rural and Remote Residential lots within the Urban Neighbourhood where a residential dwelling exists and in conformity with the following policies and provisions of the Zoning By-law.

One sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have both bathroom and kitchen facilities, subject to conforming to the policies of Section 4.3.5.

The size and number of sleep cabins on a lot affects the intensity of use on the property. In order to reduce visual impact, sleep cabins should be located no closer to the lake than the main residential dwelling or the minimum front yard setback specified in the Zoning By-law whichever is the lesser. Cabins to provide additional sleeping accommodation are not permitted in the Urban Neighbourhood except in association with remote residential and rural residential development. Sleep cabins are permitted in accordance with Section 4.3.5.

#### **4.3.5 Number of Sleep Cabins Permitted on a Lot**

The maximum number of sleep cabins permitted on a remote residential or rural residential lot in the Urban Neighbourhood is set out in the Zoning By-law.

The total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot.

For the purpose of this section, a boathouse with sleeping accommodations, as set out in Section 4.3.8, is deemed to be a sleep cabin.

One sleep cabin may have bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot so that the severed and retained lots conform to the provisions and standards of the Zoning By-law.

#### **4.3.6 Home Occupations**

Home occupations shall only be carried out in a residential dwelling and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

One employee who does not reside on the property may be employed in the home occupation except on a remote residential or rural residential lot where a maximum of two non-residents of the property may be employed. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law or in the case of a water access lot, adequate docking facilities. Sale of goods or the



provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor may it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Urban Neighbourhood shall be set out in the Zoning By-law and may differ between remote residential and rural residential lots and other types of lots. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

#### **4.3.7 Home Industry**

Home industries such as electrical, carpentry and plumbing shops may be permitted in an accessory building to a single detached dwelling unit. In addition, a contractor's yard is permitted as a home industry on a Rural Residential or Remote Residential lot in the Urban Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the adequacy of on-site parking and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

#### **4.3.8 Shoreline Structures**

Boathouses, both water based and land based, pumphouses, saunas and storage units have the potential for significant visual impact. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water.

In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial) and sleeping quarters in the upper level on remote residential and rural residential lots. A boathouse with sleeping accommodations shall be deemed to be a sleeping cabin for the purpose of Section 4.3.5. Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities. Boathouses are not intended to function as a self-contained living unit.

Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical, and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake.

#### **4.3.9 Institutional**

A range of institutional uses are permitted within the Urban Neighbourhood, either in areas designated Institutional or as permitted uses in other land use designations.

#### **4.3.10 Services and Utilities**

Full municipal sewage and water services are the preferred forms of servicing in the Urban Neighbourhood, the extent of which is shown as the Settlement Area Boundary on Schedules A-3 and A-4. In these areas, development will be permitted only if sufficient reserve water and sewage capacity will be available to accommodate the development.

For the purpose of this Plan, Temagami Shores, Finlayson Provincial Park and Leisure Island Boathouses are deemed to be within the Settlement Area Boundary and are more specifically described as follows:

- Temagami Shores Inn and Resort– Strathcona RP NR1075, Parts 1 & 2 Parcel 21093NIP, together with Right of Way; and, Strathcona Township, Parcel 18497 NIP, RP 36R10311, Parts 1,2,3,5; RP 36R9321, Parts 1,2,3,4; RP 36R8983, Parts 1,2,, Parcels 28037, 28747, 27278 NIP;
- Finlayson Provincial Park - Strathcona Township - as defined by regulation under the Provincial Parks Act; and
- Leisure Island Houseboats - Strathy Location ETW 340pt Parcel 15224.

Prior to issuing occupancy permits, the Municipality shall be satisfied that the ultimate water supply and sewage disposal systems have been installed, approved by the appropriate approval authority and connected to the proposed development, in accordance with the requirements of Section 2.9.

Private and communal sewage disposal systems may be considered for multiple unit/lot residential development such as in rural residential and remote residential areas where the municipal sewage system cannot reasonably be provided due to cost, and where site conditions are suitable for the communal sewage disposal system over the long term.

Until full services become available, partial services will be discouraged except where necessary to address failed services, or because of physical constraints, and provided that:

- the development is infilling, or development of existing lots of record;
- the uses are limited to those that would not normally require excessive amounts of water or generate large volumes of waste water;
- the proposed servicing system complies with the standards of the appropriate approval authority; and
- where possible, lots for residential development are of a size and shape to permit the lots to be divided to create two or more suitably sized lots served with full municipal services.

Because of evolving technology in the field of private sewage disposal systems, the Municipality does not wish to limit the types of systems that might be considered. However, the Municipality must be satisfied that any proposed sewage disposal system has the approval of the appropriate approval authority and that sufficient data exists, relevant to the Temagami area, to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.

Approved private water supply and sewage disposal systems are permitted for rural and remote residential uses and are the responsibility of the owner.

#### **4.3.11 Telecommunications and Utility Infrastructure**

Telecommunications and utility infrastructure is permitted throughout the Urban Neighbourhood. Where possible the Municipality requests such infrastructure be as unobtrusive as possible in keeping with the semi-wilderness character of the area.

#### **4.3.12 Urban Design**

The Municipality is committed to strengthening the visual identity of the Municipality, particularly in the downtown core while maintaining the potential for diversity in style, density and form of development. All types of commercial development are encouraged to exhibit a high standard of physical design. The Municipality encourages both proposals for new development and redevelopment in commercial areas to consider the following urban design principles:

- strengthen the visual identity of the downtown core;
- consistent building setbacks along Highway #11;

- appropriate signage for pedestrian and vehicular movement;
- promote pedestrian friendly designs;
- provide parking in rear of buildings where possible;
- uniformity in architectural style;
- barrier-free design standards;
- the use of native trees for shade / landscaping purposes;
- the use of local building materials such as rock and wood; and
- uniformity of landscape architecture elements and site furnishings (i.e., trash receptacles, benches, lighting, signage).

The Municipality may further study landscaping and beautification options desired to provide a plan to establish an urban setting which reflects pride, vitality, sensitivity, attention to heritage, and natural endowments which are attractive to visitors to the area.

#### **4.3.13 Bed and Breakfast Establishments**

A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling on a lot serviced by a maintained municipal road provided the physical character of the dwelling is not substantially altered and the dwelling can be accessed from a publicly maintained road. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

#### **4.3.14 Mainland Development**

Development on the mainland, adjacent to Lake Temagami, is permitted within the Schedule A-3 portion of the Urban Neighbourhood, provided that such development is serviced by the Municipal sewage treatment facility and water system, in accordance with Section 4.3.10. Partial or communal services may be considered in accordance with Section 2.9 and Section 4.3.10 of this Plan. Development will take place in accordance with the appropriate land use designations, as shown on Schedules A-1, and A-3.

#### **4.3.15 Aesthetic Viewscape Management Area**

The Municipality recognises that the Urban Neighbourhood has high recreational values. It is the policy of the Municipality to be aware of the Ministry of Natural Resources prescriptions to establish and protect Aesthetic Viewscape Management Areas around the

recreational lakes, canoe routes/boating lakes and railway lines, highways, municipally maintained roads, and designated tourism roads, and to define the AVMA physical limits on these lakes.

#### **4.3.16 Land Designated for Development**

Within the Urban Neighbourhood, vacant land has been designated for future development in various types of land uses. Each of these land uses requires certain levels of service/site characteristics such as access to municipal services, maximum road grades and depth of soil overburden. All of the land designated for future development may not be able to be provided with the level of service or have all the site characteristics necessary to permit the development of the future land uses. The Municipality shall carry out detailed studies, when needs dictate, to establish the extent of development that might reasonably be expected to occur in these areas. Should it be found that the amount of land designated for development is inadequate to accommodate development, then consideration shall first be given to the areas designated Future Development within the settlement areas, as shown on Schedules A-3 and A-4 as the source of additional development land, as set out in Section 4.4.9.

#### **4.3.17 Transit of Industrial/Building Supplies at Lake Access Points**

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building supplies and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point

Where lots or sites are accessible by an existing road, industrial goods and/or equipment shall be transported to those lots or sites by road. Goods, supplies or equipment that can be transported by an existing road access to their delivery destination will not be allowed as limited industrial activities at access points.

### **4.4 LAND USE DESIGNATIONS**

#### **4.4.1 Residential**

The majority of new residential development in the Municipality will take place on municipal roads in the Village of Temagami and Temagami North. Generally, new urban

residential development will take place on land currently designated Residential. However, a limited amount of rural residential and remote residential development, appropriately zoned, is permitted in the Integrated Management Area land use designation, as set out in Sections 4.3.3 and 4.4.10. The Future Development areas shall be the first areas considered for the expansion of the Residential land use designation. Such expansion shall proceed by way of amendment to this Plan, in accordance with the policies of Section 4.4.9.

It is the intent of the Municipality that a broad range of housing types and tenure be permitted in the Residential land use designation to meet the current and long-term needs of the Municipality. However, it is anticipated that the majority of future demand will be for new low density units. It is the policy of the Municipality that these units, except for rural and remote residential units, be serviced with municipal water and sewerage systems wherever feasible.

The Residential land use designation recognises the existing and future residential areas in the Village of Temagami & Temagami North urbanised areas as shown on Schedules A-3 and A-4. Schedules A-3 and A-4 do not identify low, medium and high density residential areas. Nor does it identify existing Rural or Remote residential development, as set out in Section 4.3.3. New low and medium density residential uses are permitted within the Residential land use designation without amendment to this Plan, subject to satisfying the policies set out in this Section. New Mobile Home Park residential uses shall proceed by way of amendment to this Plan.

In addition to residential uses, public and institutional uses such as churches, day care centres, libraries, schools, senior citizens housing and parks, public recreational facilities and Neighbourhood Commercial uses are permitted in the Residential land use designation but not in areas zoned for Rural or Remote Residential uses. Bed and breakfast establishments are also permitted in low density residential areas.

#### **4.4.1.1 Low Density Residential**

Low density residential uses include single detached, semi-detached, duplex dwelling units, 'garden suites' and accessory apartments, in accordance with Section 2.2.2. However, uses accessory to a single detached dwelling are limited to an accessory apartment or a garden suite or a bed and breakfast and a home occupation.

New development shall proceed by consent or by plan of subdivision or condominium and may require a rezoning. In considering whether a plan of subdivision is required, the Municipality shall have regard for the following:

- the suitability of the land for the purposes for which it is to be used;
- the number, dimension and shapes of the proposed lots;
- the type of access provided;

- the type of services provided;
- conservation of natural resources; and
- the area of land that is to be conveyed or dedicated for public purposes

#### **4.4.1.2 Medium Density Residential**

Medium density residential uses include townhouses, low profile apartment buildings and similar multiple attached dwelling unit buildings.

New development shall proceed by consent or plan of subdivision or condominium, or a rezoning and shall be subject to site plan approval.

When considering proposals for new medium density residential development, the Municipality shall have regard for the following criteria:

- the compatibility of the proposed development and the adjacent land uses;
- the screening, planting and/or fencing proposed to buffer the medium density residential development from adjacent land uses;
- the suitability of the adjacent road network to accommodate the additional traffic;
- the suitability of the proposed access points from the adjacent roads;
- the ability of the site to accommodate the proposed residential units, associated parking and on site amenities;
- the method by which stormwater runoff from the site will be managed; and
- the treatment and preservation of existing vegetation.

To assist the Municipality in its consideration of the proposal, the proponent shall provide a draft site plan illustrating the location of the proposed buildings, parking areas, driveways, landscaped areas and other information to indicate how the proposal addresses the above criteria, at the time of application.

#### **4.4.1.3 High Density Residential**

High density residential uses include apartment buildings with various forms of tenure, seniors facilities and nursing homes over three (3) storeys in height.

Development shall proceed by way of consent or plan of subdivision or condominium, official plan and zoning by-law amendments and site plan control.

When considering proposals for new high density development, the Municipality shall have regard for the following criteria:

- the compatibility of the proposed development and the adjacent land uses;
- the screening, planting and/or fencing proposed to buffer the high density development from adjacent land uses;
- the suitability of the adjacent road network to accommodate the additional traffic;

- the availability of municipal water capacity and sewage disposal capacity;
- the suitability of the proposed access points from the adjacent roads;
- the ability of the site to accommodate the proposed residential building, accessory buildings, resident and visitor parking and on site amenities;
- the method by which stormwater runoff from the site will be managed; and
- the treatment and preservation of existing vegetation.

To assist the Municipality in its consideration of the proposal, the proponent shall provide a draft site plan illustrating the location of the proposed buildings, parking areas, driveways, landscaped areas and other information to indicate how the proposal addresses the above criteria, at the time of application.

#### **4.4.1.4 Neighbourhood Commercial**

Neighbourhood Commercial uses to serve the daily shopping needs of residents are permitted in the Residential land use designation subject to:

- the gross floor area of the commercial use or a group of commercial uses shall not exceed 300 square metres;
- no more than one commercial structure or building shall be permitted on any site;
- building height shall be limited to one storey unless residential apartments are located on the upper floor in which case the maximum building height shall be two storeys;
- parking and required loading spaces shall be located at the rear of the structure;
- full municipal services are available;
- landscaping, fencing, berming and other screening shall be provided adjacent to residential land uses;
- all required parking shall be provided on the site, cash-in-lieu shall not be accepted by the Municipality;
- driveway access shall be approved by the Municipality; and
- the facility shall be subject to site plan control.

#### **4.4.2 Mobile Home Park**

The Mobile Home Park land use designation includes mobile home or modular home dwellings, parks and recreational facilities, a community centre that may include a day care centre, all for the use of the residents of the mobile home park.

New mobile home parks or expansions to existing mobile home parks shall proceed by way of an amendment to this Plan and the Zoning By-law and shall be subject to site plan approval.



When considering proposals for Mobile Home Park development, the Municipality shall have regard for the following criteria:

- the physical characteristics of the site including landscaping, grading, soils and drainage;
- the screening, planting and/or fencing proposed to buffer the mobile home park use from adjacent uses; and
- the ability of the site to accommodate the proposed mobile homes, parking, access and on site amenities.

New mobile home parks or expansions to existing mobile home parks shall only be approved by the Municipality if the following criteria are satisfied:

- the site is serviced or will be serviced as part of the development of the site by municipal water and sewer services or an approved communal system;
- any communal system conforms to the policies of Section 2.9 of this Plan;
- the site is located on a municipal road that is open and maintained on a year round basis;
- the site has two access points from a municipal road;
- the site is serviced by existing school bus routes; and
- the maximum density shall be 17 units per hectare.

To assist the Municipality in its consideration of the proposal, the proponent shall provide a draft site plan at the time of application. The draft site plan shall illustrate the size and shape of all mobile home lots, the location of all mobile homes and all other proposed buildings, parking areas, driveways, landscaped areas and other information to indicate how the proposal addresses the above criteria.

#### **4.4.3 Urban Commercial**

Commercial development serving the residents, visitors and travellers along Highway 11, is a significant contributor to the economy of the Municipality. The commercial policies of this Plan are intended to maintain and strengthen the commercial sector over time. Support for various economic development initiatives will continue in accordance with the policies of Section 2.3 of this Plan.

The Municipality recognises that permanent year-round jobs are an important component of a healthy and vibrant community. As market conditions permit, the range of commercial services and facilities provided in the Municipality should expand. In this regard, new commercial uses not contemplated by this Plan, but which will address an identified need, shall be permitted in the appropriate commercial land use designation without amendment to this Plan, subject to satisfying the applicable policies.

The Municipality recognises that new service commercial development such as a hair salon or a doctor's office may take the form of a home occupation. The Municipality supports this form of development provided that it is in accordance with the definitions and standards of the Zoning By-law and policies of Section 4.3.6.

The Urban Commercial land use designation recognises existing and future commercial areas in the Urban Neighbourhood.

Permitted uses include retail and service commercial facilities, tourist commercial and highway commercial uses, business and professional offices, entertainment facilities, other types of commercial uses, higher density residential uses such as apartment buildings, subject to the provisions of Section 4.4.1.3, accessory apartments above commercial uses, office uses and public parking lots, as defined in the Zoning By-law.

The Urban Commercial land use designation shall provide the largest concentration and widest range of facilities and shall function as the primary service centre within the Municipality.

New commercial uses on vacant land designated Urban Commercial but not zoned for commercial uses shall proceed by way of amendment to the Zoning By-law and shall be subject to site plan approval.

Urban Commercial uses shall be serviced in accordance with the servicing policies of this Plan

#### **4.4.4 Highway Commercial**

The Highway Commercial land use designation recognises existing highway oriented recreational, tourist commercial facilities located in the Urban Neighbourhood.

Permitted uses include motels, tourist cabins, restaurants, taverns, motor vehicle sales and service outlets, service stations, tourist outfitters and other commercial uses requiring the type of exposure offered by the highway.

New Highway commercial in areas designated Highway Commercial shall proceed by way of an amendment to the Zoning By-law and shall be subject to site plan approval.

New Highway Commercial development outside areas already designated Highway Commercial shall proceed by way of amendment to this Plan and to the Zoning By-law and shall be subject to site plan approval.

In approving new Highway Commercial uses, the Municipality shall consult with the Ministry of Transportation regarding access points, sight lines, setbacks and other matters that fall within the jurisdiction of the Ministry of Transportation.

Highway Commercial uses shall be serviced in accordance with the servicing policies of this Plan.

#### **4.4.5 Tourist Commercial**

The Tourist Commercial land use designation recognises existing commercial recreational and tourist facilities that serve lake residents and visitors. Permitted uses within the Urban Neighbourhood include tourist lodges, marinas, floatplane base, restaurants and outfitters base camps. Tourist commercial uses are not residential uses.

Tourist Commercial uses shall be serviced in accordance with the servicing policies of this Plan.

##### **4.4.5.1 Expansion of Existing Tourist Commercial Uses**

In considering applications for expansion of existing Tourist Commercial uses and in addition to the relevant requirements of Section 4.4.5.2, the Municipality shall be satisfied that the existing approved water supply and sewage disposal systems are adequate to serve the expanded use or that the systems are capable of being upgraded or expanded and approved to meet the anticipated demand. The Municipality shall also be satisfied that the site area is adequate to accommodate the proposed expansion.

##### **4.4.5.2 New Tourist Commercial Uses**

New Tourist Commercial development in areas designated Tourist Commercial shall proceed by way of an amendment to the Zoning By-law and shall be subject to site plan approval.

New Tourist Commercial development outside of areas already designated Tourist Commercial shall proceed by way of an amendment to this Plan and to the Zoning By-law and be subject to site plan approval.

Approval of an Official Plan amendment to permit new Tourist Commercial uses shall be based on consideration of the following:

- consistency with the Provincial Policy Statement;
- the provisions of the Zoning By-law;
- for development on water bodies, a minimum frontage of 200 metres, measured in a straight line distance between the points where the side lot lines meet the shoreline;
- the proponent is able to demonstrate the feasibility of the water supply and sewage disposal systems and indicate the location of these facilities on the site;
- the proponent shall provide an archaeological assessment when the property demonstrates high archaeological potential;

- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- provision has been made for adequate lake access and vehicular parking;
- a study which includes an inventory of all existing natural and cultural heritage features and associated sensitivities both on the site and in the water adjacent to the site, including shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development on the site and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the amendment; and
- a preliminary site plan indicating the location of vegetation (including vegetation to be retained and removed), topography, drainage characteristics, soils, and the location of all proposed buildings (including those to be built in later phases), docks, boathouses, other shoreline structures, water intake points and sewage disposal areas shall be prepared to the satisfaction of the Municipality.

#### **4.4.5.3 Conversions of Tourist Commercial Uses to Residential Uses**

The conversion of a Tourist Commercial use, existing on the date this policy comes into force, to a residential use shall be subject to an amendment to the Zoning By-law and shall be subject to site plan approval. All other conversions from a Tourist Commercial use to a residential use shall also be subject to an Official Plan amendment. If lots are created through consent, they shall meet the lot size and frontage requirements of this Plan and the Zoning By-law and shall have permanent public access.

If a commercial property is to continue operating after the conversion of some of the property to a residential use, the retained commercial area shall continue to meet the Tourist Commercial policies of this Plan and the Tourist Commercial provisions of the Zoning By-law.

In considering this form of conversion, the Municipality shall have regard to:

- the adequacy of the proposed water supply and sewage disposal system for each proposed use and/or lot;
- the size and shape of the proposed lots; and
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.

If a Tourist Commercial use is to be converted to a residential use by way of plan of condominium, then such plan of condominium shall include all of the land associated with the Tourist Commercial use. In addition to satisfying all of the requirements of the Planning Act for a plan of condominium, the conversion shall be subject to site plan approval. The plan of condominium shall generally utilise the existing buildings and shall

not take the form of several new adjacent buildings along the shoreline that would otherwise appear to be a plan of subdivision.

#### **4.4.6 Industrial**

For most of the last century, the Temagami area has supported considerable logging, mill processing and mining activity. Logging continues in the area. However, processing is undertaken outside of the Municipality. Large scale mining activities are not currently in operation, but as yet unmined mineral resources remain in the area.

The Municipality supports various economic development initiatives in accordance with the policies of Section 2.3. It is the intent of the Municipality that industrial uses be consolidated in specific areas. Land designated for industrial use is shown on Schedule A. It is the expectation of the Municipality that this will help facilitate the creation of year-round jobs in the Municipality.

The Industrial land uses designation recognises existing and future industrial areas in the Municipality. It is the intention of the Municipality to maintain flexibility to accommodate non-hazardous (as defined by the Environmental Protection Act) and non-obnoxious (as defined by the Public Health Act) resource and non-resource related industries in designated industrial areas to minimise potential land use conflicts.

Railway lands within the former Village of Temagami shall be placed in a heavy industrial zone. In the event that ONTC should release portions of these lands, the lands may be rezoned to light industrial zone, redesignated and rezoned for commercial uses, in support of the commercial character of the neighbourhood or redesignated and rezoned for residential uses, subject to assessment and remediation where necessary, in accordance with the requirements of O. Reg. 153/04 as amended.

Permitted uses within the Industrial land use designation include a full range of non-hazardous and non-obnoxious resource and non-resource related industries including manufacturing, the processing of goods, warehousing and the servicing and storage of goods, materials and equipment. However, because of the potential impact on the municipal servicing systems, a proposal to establish an industry characterised as a 'wet industry' shall be accompanied by a servicing study that identifies the impact of the industry on the municipal water supply and sewage disposal systems.

Within the Industrial designation the outside storage of goods and materials shall be limited to those areas that are not in the direct view of the public. The outside storage of goods and materials may be screened from public view through the use of fences, berms or landscaping or the outside storage may take place in a relatively isolated area, out of public view.

Industrial uses shall be serviced in accordance with the servicing policies of this Plan.

The comprehensive Zoning By-law shall establish at least two industrial zones to implement the policies of this section.

A light industrial zone would permit uses that have grown to beyond their ability to comply with the home industry provisions of this Plan and the implementing Zoning By-law. More Light industrial uses are anticipated to occur on smaller lots and in smaller buildings than heavy industrial uses; have limited hours of operation and have lower noise levels.

A heavy industrial zone would permit contractors shops or yards, builders supply yards, warehouses, equipment or materials storage yards, transport terminals, a business office accessory to a permitted use, manufacturing plants, processing plants, autobody repair shops, welding shops, petroleum storage depots, public garages, a commercial use accessory to a permitted industrial use and other similar uses.

#### **4.4.6.1 New Industrial Development**

New industrial development outside areas designated Industrial shall require an amendment to the Official Plan and Zoning By-law and shall be subject to site plan control. New industrial development in areas designated Industrial shall require an amendment to the Zoning By-law and shall be subject to site plan control. In approving an industrial site plan, the Municipality shall have regard to the requirements of the Planning Act and shall give special consideration to the methods proposed to buffer the industrial use from adjacent uses.

Temporary industrial uses on Crown land permitted by a Forestry Management Plan or the Mining Act are not subject to the above requirements.

#### **4.4.6.2 Special Policy Area 1**

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 the applicant is able to demonstrate the ability to meet either the Health Unit or the Ministry of the Environment's requirements for a sewage disposal system. '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.

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.

#### **4.4.7 Mineral Aggregate**

The Mineral Aggregate land use designation recognises existing mineral aggregate extraction operations and areas identified as having potential aggregate resources. Where possible, priority shall be given to utilising aggregate resources outside the Urban Neighbourhood in order to minimise impacts on the greatest number of existing residents.

Uses permitted in the Mineral Aggregate land use designation include aggregate extraction, crushing, stockpiling, concrete batching plants and asphalt plants.

The establishment of a new mineral aggregate operation in the mineral aggregate designation, shall be subject to an amendment to the Zoning By-law and shall satisfy the provisions of the Aggregate Resources Act. Where the aggregate resource is located on Patented land, the proponent shall enter into an agreement with the Municipality. Such an agreement shall include:

- provisions for the sequential rehabilitation of the site as extraction proceeds and for the ultimate rehabilitation of the site after the operation ceases, including a site plan;
- specified times for blasting and crushing operations;
- visual screening;
- provision for the use and maintenance of access roads;
- the method of processing or treating waste water or other pollutants such as engine oil; and
- the requirements for certain financial guarantees related to road maintenance and pit rehabilitation.

#### **4.4.8 Parks and Open Space**

The Parks and Open Space land use designation recognises existing municipal parks, certain community and passive open space areas in the Urban Neighbourhood.

Permitted uses include active and passive parks and open space areas. Community facilities such as community centres and arenas shall be subject to a Zoning By-law amendment and site plan control.

#### **4.4.9 Future Development**

The Future Development land use designation recognises areas within the Urban Neighbourhood both inside and outside the settlement areas where the potential for development may exist, but where the lands may not be required to meet the 20 year land needs of the Municipality or where site development constraints remain unresolved. There is a need for the Municipality to evaluate the Future Development land and assess the potential for future lot creation. If for any reason development does not occur in the designated development areas and additional land is required to meet demand, the Municipality shall first consider redesignating Future Development areas within the settlement areas to meet the demand before considering redesignating Future Development areas outside the settlement areas.

In approving an Official Plan amendment to re-designate Future Development land, the Municipality shall consider the following:

- the need for additional land, if it is to be used for residential purposes;
- the use for which the land is needed and compatibility with existing and future adjacent uses;
- the need for and availability of municipal water and sewer services;
- a Servicing Options Study;
- the adequacy of road access;
- the need and cost to extend other services;
- the potential impact of the development on natural resources;
- the potential impact on the ability of the remaining Future Development land to develop in an efficient manner; and
- the Lot Creation and Development Plan.

Redesignation of Future Development lands outside the settlement areas is considered to be an expansion of the settlement area boundary, and in addition to the above matters, the Municipality shall also consider:



- whether the amendment is based on a review of population and growth projections; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
- whether the amendment utilizes opportunities to accommodate projected growth through intensification and redevelopment;
- whether the amendment is integrated with planning for infrastructure and public service facilities; and
- whether the amendment considers cross-jurisdictional issues.

The Municipality may allow the expansion of a settlement area boundary only where it has been demonstrated that:

- sufficient opportunities for growth are not available through intensification, redevelopment and designated development areas to accommodate the projected needs over the identified planning horizon; and
- the infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety.

Any existing development within the Future Development land use designation may be recognized in the implementing Zoning By-law.

The Municipality may consider rezoning land within the Future Development land use designation to permit new development related to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses on a site specific basis without the need for an amendment to this Plan and without carrying out the study referred to in this section. However, prior to approving a rezoning application, the Municipality shall be satisfied that:

- there is adequacy of road access;
- there is adequate municipal water and sewer services available; and
- the development will not negatively impact the ability of the remaining Future Development land to develop in an efficient manner.

#### **4.4.10 Integrated Management Area**

The Integrated Management Area land use designation recognises those Crown land areas where resource management activities and recreational uses may be integrated. To achieve this, resource extraction activities shall be carefully managed to ensure compatibility with the significant uses and values.

Uses permitted within the Integrated Management Area land use designation in the Urban Neighbourhood are limited to existing and new private residential development, in

accordance with the policies of Section 4.3.3 and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted.

Commercial timber harvesting, aggregate extraction and mining are permitted and they shall be carefully managed in order to ensure compatibility with other permitted uses.

Land within the Integrated Management Area land use designation may be redesignated to permit Tourist Commercial development such as lodges and shall be developed in accordance with the policies of Section 4.4.4.5, requiring an amendment to this Plan and an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Integrated Management Area land use designation is permitted within the Urban Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 4.3.3 and other relevant policies of this Plan and shall be subject to a rezoning.

Access to lakes within the Integrated Management Area shall be controlled. Access by existing municipal road or lake access point, motorboat, canoe, trail (snowmobile, cross-country ski, hiking, mountain bike, and horse) is permitted.

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Integrated Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0, 9.7 and other relevant sections of this Plan.

#### **4.4.11 Special Management Area**

The Special Management Area land use designation recognises Crown land with significant resource values and features and/or the need to control access or to manage resources according to a special land use prescription set out in the Ministry of Natural Resources Temagami Land Use Plan.

Uses permitted within the Special Management Area land use designation in the Urban Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 4.3.3 Rural and Remote Residential and Section 9.7 Development Applications, and other relevant policies of this Plan. Home occupations and

home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted.

Land within the Special Management Area may be redesignated to permit Tourist Commercial development. Commercial timber harvesting, mining and aggregate extractions are permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses and values.

New Tourist Commercial facilities such as lodges shall develop in accordance with the policies of Section 4.4.5, require an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Special Management Area land use designation is permitted within the Urban Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 4.3.3 and other relevant policies of this Plan and shall be subject to a rezoning.

Access to lakes within the Special Management Area shall be controlled in order to provide a variety of front country and back country recreational opportunities. Public access may be by road, air, motorboat, canoe or trail (snowmobile, cross-country ski, hiking, mountain bike, and horse).

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Special Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0, 9.7 and other relevant sections of this Plan.

## 5.0 LAKE TEMAGAMI NEIGHBOURHOOD

### 5.1 INTRODUCTION

The Municipality is actively involved in acquiring Crown land for cottage lot development. This plan establishes policies to guide the creation of new lots from Crown land subject to MNR's land disposition process. The Municipality's policy is to allow continued, meaningful negotiations with the MNR on the issue of Crown land disposition on lake trout lakes.

Should the disposition of Crown land on lake trout lakes be permitted by the Ministry of Natural Resources, a Lot Creation and Development Plan Study shall be carried out for those designated lake trout lakes where new lots will be created, prior to development taking place. The results of such a study shall be incorporated into this Plan, by amendment.

This section should be read in conjunction with the other sections of this Plan, as set out in Section 1.5.

The Lake Temagami Neighbourhood is shown on Schedule A-1 and includes the islands; mainland and lakes contained within the Skyline Reserve around Lake Temagami, all the islands within Lake Temagami but excludes the Bear Island Indian Reserve. In 2009, Settlement Discussions between the Teme-Augama Anishnabai and Temagami First Nation and the Federal and Provincial Governments had not been concluded. A small part of the land adjacent to Lake Temagami is within the Urban Neighbourhood of the Municipality of Temagami and is subject to the policies of Section 4 of this Plan. The policies of the Lake Temagami Neighbourhood do not apply to these lands.

Lake Temagami has, over the years, developed a distinct character that is easily recognisable to both the occasional visitor and the long-term resident. This character is based on the natural features, historical development patterns, controlled access and the availability of public recreational opportunities. The natural features include the clear water of Lake Temagami and the old growth vegetation in the Skyline Reserve and on the islands. The historical development pattern reflects virtually no mainland development but rather island development. Recreational opportunities, including canoeing, camping, fishing, and lake cruising extend beyond the Neighbourhood through a network of trails and portages. The wilderness values on the mainland and semi-wilderness values on the islands characterise the Lake Temagami Neighbourhood.

Between 1973 and 1998 the Teme-Augama Anishnabai land caution prevented the creation of new lots from Crown land. Since the lifting of the caution, new Crown lots had not been

created as recently as the year 2009. New lots were, and continue to be, created from existing parcels of patented land.

This Plan sets an interim rate for the creation of new lots from Crown land and patented land until Municipal/MNR lot creation plans may be completed.

## **5.2 PRINCIPLES AND GOALS**

The land use strategies for this Neighbourhood are based upon the Tenets for Temagami and the MNR policies for Area 39 of the Temagami Land Use Plan (TLUP). These documents describe the key features and development principles that form the basis of the policies of this section. These principles call for the conservation of wilderness and semi-wilderness values through the preservation of the skyline and its vegetation, island only development, restricted mainland development and restricted access.

The form of new development in the Lake Temagami Neighbourhood shall primarily take the form of new residential and tourist commercial lots. Mining is also permitted subject to the conditions of the Public Lands Act and regulations thereto. The transportation of industrial/building supplies may also occur at specified access points within the Lake Temagami Neighbourhood.

### **5.2.1 Land Use**

It is the fundamental principle of the Municipality that private residential development and commercial development in the Lake Temagami Neighbourhood shall only be permitted on the islands in Lake Temagami. This type of development is not permitted within the Skyline Reserve around the lake. It is also a fundamental principle that no further unauthorised access be permitted to Lake Temagami.

It is also a goal of the Municipality to preserve the natural environment of Lake Temagami while permitting some development and, therefore some change. However, the anticipated extent of change is such that the wilderness and semi-wilderness values of the Neighbourhood are sustainably conserved. Further, because the visual character presented by Lake Temagami, its islands and shoreline is critical, the Municipality, in conjunction with the permanent and non-permanent residents on Lake Temagami, have developed and adopted development principles for the Lake Temagami shoreline. These principles, commonly referred to as the Tenets for Lake Temagami, are embodied in the Skyline Reserve policies of this Plan.

Additional land use and associated goals for the Lake Temagami Neighbourhood, and the lake itself are as follows:

- to protect the ecological functions of the Lake Temagami Neighbourhood

- to ensure the protection of visual aesthetics;
- to protect fish and wildlife resources;
- to maintain high water quality;
- to ensure the character of existing development is reflected in new development;
- to encourage the development of patented land before creating new lots from Crown land;
- to support continuing Crown land management for the public good and to ensure there is local benefit;
- to ensure long term economic benefits to the area through appropriate development;
- to encourage growth consistent with the policies of this Plan;
- to establish limits to growth to ensure that resources that the economy depends on are managed for long term sustainability; and
- to establish procedures to guide new development.

### **5.2.2 Economic**

It is the goal of the Municipality that the Lake Temagami Neighbourhood have a sustainable, recreationally based economy. Improvements to the communications environment are also encouraged as a means of promoting non-traditional home occupation opportunities. Construction, repair, maintenance, and improvement work done by contractors will continue to be a mainstay of economic activity in the Lake Temagami Neighbourhood together with tourism activities such as lodges, youth camps, and public recreation. A service industrial component also exists at the lake access points to support the Neighbourhood.

### **5.2.3 Environmental**

It is the goal of the Municipality, through appropriate land use policies to maintain or improve water quality, fisheries habitat, fisheries management, natural and historical features, vistas, trails and portages and old growth vegetation.

### **5.2.4 Social**

It is the goal of the Municipality to create and/or maintain a high quality recreationally driven environment where privacy, lack of visual and auditory intrusions is paramount and the character of the Temagami area is maintained.

## **5.3 GENERAL POLICIES**

### **5.3.1 Crown Land**

Crown land is managed by the Province of Ontario and is under the administration of the Ministry of Natural Resources. The Ministry has the ultimate authority over the use of Crown land and the issuance of Land Use Permits, Letters of Authority, Licences of Occupation, Leases and Patents. This situation is expected to continue throughout the planning period.

In carrying out its mandate, the Ministry of Natural Resources is encouraged to have regard for the policies of this Plan. The Ministry of Natural Resources should have particular regard for: the size, location, density and means of access to new patented land for commercial tourist and private residential development; the Municipality's objectives with respect to the establishment of new roads and access points; the amount of development permitted; and the rate of change.

Notwithstanding these statements, the Municipality recognises that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR (1997) is the governing land use planning document for Crown land, except for the geographic township of Sisk. The Municipality will only consider an amendment to this Plan for areas currently designated as Crown land, if the proposed use conforms to the Temagami Land Use Plan or if the Ministry of Natural Resources first approves an amendment to the Temagami Land Use Plan (if required), the North Bay District Land Use Guidelines and the Ontario Lands for Life Land Use Strategy or any relevant resource management plan.

Most of the Lake Temagami Neighbourhood is Crown land and is designated Special Management Area or Protected Area in this Plan. Crown land is managed subject to the policies in the Temagami Land Use Plan. The Temagami Land Use Plan 'zones' within the Lake Temagami Neighbourhood include Protected Area, and Special Management Area. In some instances, this Plan reflects the land use 'zones' in the Temagami Land Use Plan in that lands are designated Protected Area, or Special Management Area. The sole purpose of the Temagami Land Use Plan designations in this Plan is to recognize the authority of the Temagami Land Use Plan as the governing Plan affecting these lands, most, if not all of which are Crown Lands. Crown land remains under the jurisdiction of the Ministry of Natural Resources (MNR). As a result, the policies and land use designations set out in this Plan that apply to Crown land are intended to indicate the position taken by the Municipality with regard to that land and its future disposition. The policies should be used by the public and the MNR as an indication of the Municipality's position when considering the long term planning for Crown land.

The Lake Temagami Neighbourhood is predominantly Crown land and the MNR is responsible for Crown land use and resource management plans for this Neighbourhood. Landscape-ecology principles are found within the MNR Temagami Land Use Plan, and guide the development of future resource management plans. In order to maintain biodiversity, a number of protected areas have been established to conserve representative vegetation and landform types, to provide areas for low-intensity use and to maintain, enhance, and protect those areas.

In addition, an array of guidelines has been designed to maintain critical habitat for a number of species. These guidelines guide resource management prescriptions throughout the area of concern and may include: aesthetic viewscape management areas, road-crossing standards, seasonal resource extraction prescriptions, mining prescriptions, and Forest Management Area of Concern prescriptions (AOC), such as moose calving sites, fisheries and natural heritage sites.

The Municipality will encourage, and work with, the MNR to ensure that biodiversity is maintained, sensitive species, and population levels of rare, threatened and endangered species are sustained, if not increased through the implementation of the policies of this Plan.

### **5.3.2 Permitted Uses**

Permitted uses in the Lake Temagami Neighbourhood focus on recreational, residential and tourist commercial uses and include the following.

Residential uses are limited to:

- permanent or seasonal single detached dwelling units on islands in Lake Temagami;
- residential condominiums or timeshare facilities converted from an existing tourist commercial facility;
- sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law); and
- accessory uses such as boat houses, docks and storage sheds.

However, it shall not be assumed that all islands in Lake Temagami are suitable for development. The suitability of an island or portion of an island for development will be assessed on a site by site basis in accordance with the policies of this Plan.

Tourist Commercial uses are permitted but are limited to lodges, youth camps and public recreation facilities.

Parks and conservation reserves are permitted within the Special Management Area land use designation.



Contractors' yards are permitted in accordance with Section 5.3.18 and subject to a Zoning By-law amendment and site plan control.

### **5.3.3 Rural Residential and Remote Residential**

Remote Residential development exists within the Lake Temagami Neighbourhood and a small amount of new development is anticipated on islands in the Special Management Area land use designation. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. Plans of subdivision are not permitted in this Neighbourhood. New lots shall be created by consent and letters patent from Crown land within the Lake Temagami Neighbourhood and shall be subject to the following policies.

Certain accessory uses are permitted on Remote Residential dwelling lots in addition to a boathouse and includes sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning By-law.

#### **5.3.3.1 Rural Residential**

Rural Residential lots are located on a municipal road, open and maintained on a year round basis. No Rural Residential lots exist within the Lake Temagami Neighbourhood and none shall be permitted in the future.

#### **5.3.3.2 Remote Residential**

New lots will be created in accordance with the policies of this Plan. The lots shall have approved private water supply and sewage disposal systems, in accordance with the requirements of Section 2.9. The creation of new Remote Residential lots, by consent on private lands and by letters patent from Crown land are permitted provided they conform to the following policies:

##### **Lot Creation Through Consents on Private Land**

- the intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;
- the Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;
- in creating the lot, conformity with this Plan's policies is required respecting any natural heritage features and areas identified in this Plan;
- the applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage

features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent;

- the soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system;
- the fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;
- where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
- where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;
- documentation is provided indicating that suitable dock locations are available on the lot;
- the lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - ◆ Utilization of existing vegetation and topography to minimize visual impacts;
  - Buildings and structures located in the shoreline activity area;
  - Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - ◆ Rehabilitation of vegetation disturbed due to construction; and
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses.

#### **Locational Criteria for Tenure Created From Crown Land**

In addition to the above policies, the following policies also apply to tenure created by the Crown for residential uses:

- in order to preserve the privacy of neighbouring properties and to mitigate auditory and visual intrusion, a Crown land buffer area shall be maintained between existing and new lots, as set out in the Zoning By-law. Notwithstanding the intent of the buffer policy, individual undeveloped Crown islands may be considered for single ownership development provided the other policies of this Plan and the provisions of the Zoning By-law can be met;
- the lot created by the Crown shall be located at least a minimum distance from any public access point accessible by motor vehicle, as set out in the Zoning By-law;

- the lot shall be located at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law;
- the lot shall be subject to a Zoning By-law amendment;
- the lot shall be located at least a minimum distance from other land uses/activities such as approved campsites, trails, portages, spawning areas, beaches, cultural heritage sites, as set out in the Zoning By-law;
- the lot shall be located to avoid sites on narrow boat channels and/or major canoe routes; and
- the lot shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of Crown land tenure lots to be patented lots if such tenure existed on the date this Plan comes into effect, providing the use is in conformity with the use permitted in this Plan and the Zoning By-law.

The size of a dwelling, combined with its location, will have a direct effect on the visual impact of the development. As such, the Zoning By-law may provide standards to limit dwelling size. Dwelling size may be regulated through a combination of restrictions on the total footprint, floor area, width and height, combined with building setback and landscaping standards.

#### **5.3.4 Sleep Cabins**

Sleep cabins are permitted on lots within the Lake Temagami Neighbourhood in conformity with the following policies and the provisions of the Zoning By-law.

One sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have both bathroom and kitchen facilities, subject to conforming to the policies of Section 5.3.5.

The size and number of sleep cabins on a lot affects the intensity of use on the property. In order to reduce visual impact, sleep cabins should be located no closer to the lake than the main residential dwelling or the minimum front yard setback specified in the Zoning By-law whichever is the lesser. Sleep cabins are permitted in accordance with Section 5.3.5.

#### **5.3.5 Number of Sleep Cabins Permitted on a Lot**

The maximum number of sleep cabins permitted on a residential lot in the Lake Temagami Neighbourhood is set out in the Zoning By-law.

The total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot.

One sleep cabin may have bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot. Further, the minimum lot size for a lot with a fully serviced sleep cabin is such that the severed and retained lots shall conform to the provisions and standards for the Zoning By-law.

For the purpose of this section, a boathouse with sleeping accommodations that lawfully existed as of the date this Plan came into effect is deemed to be a sleep cabin.

### **5.3.6 New Development**

New development in the Lake Temagami Neighbourhood shall primarily take the form of new residential and Tourist Commercial lots. New residential and Tourist Commercial lots are only permitted on the islands within the Lake Temagami Neighbourhood. Mining is permitted subject to the conditions of the Mining Act, Public Lands Act, and Regulations thereto. The transit of industrial/building supplies may occur at specified access points within the Lake Temagami Neighbourhood.

Should the MNR policy that precludes the creation of new lots from Crown land on Lake Temagami not come into effect or should the policy come into effect but subsequently be rescinded, it is the policy of the Municipality to prepare a Lot Creation and Development Plan that shall have as its objective the determination of the ultimate amount of use/development, both residential and commercial, which will be permitted in the Lake Temagami Neighbourhood. The goal of the process will be to ensure that the characteristics of the Temagami area are fully protected and enhanced. In the interim, the following policies shall apply.

### **5.3.7 Interim Development Policy**

The Municipality will entertain new development proposals in the Lake Temagami Neighbourhood on a case by case basis in keeping with the policies of this Plan.

The Municipality of Temagami has authority to grant consent to sever patented land within the Municipality. Applications to create new parcels on Crown land shall proceed in accordance with the MNR planning process however; the Municipality encourages the MNR to consider the policies of this Plan during its process.

#### **5.3.7.1 Number of Lots Permitted from Patented or Crown Land**

- Five (5) lots from patented or Crown land non-cumulative each calendar year for a total of five (5) per year.

- This policy does not apply to land use permits, leases of record and licences of occupation for existing improved and established residential and commercial properties on islands being converted to patents or any consent required for lot additions or minor variances to bring existing lots into compliance with the Zoning By-law.

### **5.3.8 Home Occupations**

Home occupations shall only be carried out in a residential dwelling and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate docking facilities can be provided and an unacceptable level of increased boat traffic does not result nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Lake Temagami Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople, as set out in the Zoning By-law, are permitted.

### **5.3.9 Home Industry**

Home industries such as electrical, carpentry, plumbing and contractors, except a contractor's yard (Section 5.3.18), as set out in the Zoning By-law may be permitted in an accessory building to a single detached dwelling unit on a Remote Residential lot in the Lake Temagami Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

### **5.3.10 Shoreline Structures**

The size and location of shoreline structures, including docks, decks, gazebos, boatports and boathouses, both water based and land based, pumphouses, saunas, utility structures and storage units have the potential for significant visual impact and environmental impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water. In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial). Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area.

### **5.3.11 Prohibited Uses**

Mobile homes, mobile home parks, multiple unit attached residential structures, development on the mainland unless specifically permitted by this Plan and mineral aggregate extraction in the Skyline Reserve are not permitted in the Lake Temagami Neighbourhood.

There shall be no new development on islands or the mainland in the following areas of Lake Temagami: Kokoko Bay, Pickerel Bay, Partridge Neck, and Couch Bay in order to preserve their pristine nature. There shall be no new development on Cross Lake and, no new public roads, or new permanent structures or hunt camps built on the mainland within 2 km of Cross Lake.

There shall be no new public roads within 2 km of Lake Temagami. There shall be no new permanent structures or hunt camps built on the mainland within 2 km of Lake Temagami.

### **5.3.12 Services and Utilities**

The provision and operation of services and utilities are important issues to the Municipality. Every effort shall be made to ensure the responsible planning, construction, operation and maintenance of all services. In addition, conflicts with other land uses and impacts on the natural environment, as a result of municipal services, shall be minimised.

Within the Lake Temagami Neighbourhood, development is expected to proceed on the basis of individual water supply and sewage disposal systems. Land use permits for offsite sewage works for existing lots are recognised as necessary in this area if the sewage system cannot be located on the same lot as the dwelling it is intended to serve. New lots shall not be created unless an approved sewage disposal system can be accommodated on the lot.

Prior to approving new development, the Municipality shall be satisfied that adequate and approved water supply and sewage disposal systems to service the proposed development can be provided, in accordance with Section 2.9.

It is the intent of this Plan to ensure that existing sewage disposal systems are upgraded to current standards by their owners as dwellings are upgraded and that an appropriate water supply is available for each dwelling. In order to implement this intent, confirmation that the septic system servicing the dwelling and accessory structures conform to current standards is required before certain types of improvements can be made to a lot, dwelling or accessory structures. These improvements include:

- An enlargement, renovation or addition, which increases the floor area and the number of bedrooms of a structure; or
- The development of additional plumbing fixtures; or,
- The development of a deck in the same yard as the septic system.

The Municipality also encourages as large a building setback as possible to preserve water quality and treat sewage effluent.

Prior to issuing an occupancy permit, the Municipality shall be satisfied that the ultimate water supply and sewage disposal systems have been installed, approved by the appropriate approval authority and connected to the proposed development.

Because of evolving technology in the field of private sewage disposal systems, the Municipality does not wish to limit the types of systems that might be considered. However, the Municipality must be satisfied that any proposed sewage disposal system has the approval of the appropriate approval authority and that sufficient data exists, relevant to the Temagami area, to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.

### **5.3.13 Telecommunications and Utility Infrastructure**

The Municipality will request that such infrastructure be as unobtrusive as possible in keeping with the semi-wilderness character of the area.

### **5.3.14 Parks/Conservation Reserves**

It is acknowledged that new provincial parks and conservation reserves can be established by the Province of Ontario without the requirement for an official plan amendment or zoning by-law amendment and activity within these Crown Land areas is not subject to municipal site plan control. MNR, however, will continue to work with the municipality to identify and address any concerns.

At this time, the Conservation Reserves on Temagami Island and Narrows Island are recognised and shown on Schedule B to this Plan.

### **5.3.15 Temporary Wayside Pits and Asphalt Plants**

Although the Municipality does not have jurisdiction over temporary wayside pits and asphalt plants, such pits and plants opened for the purpose of public road construction or maintenance are generally permitted without an amendment to this Plan, a rezoning or the issuance of a development permit. However, these uses are not permitted in the Protected Area land use designation, in the Skyline Reserve or in recognised environmentally sensitive areas. Furthermore, the location of temporary or wayside pits and asphalt plant operation requires an approval under the Environmental Protection Act

### **5.3.16 Bed and Breakfast Establishments**

A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling provided that the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if require, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

### **5.3.17 Skyline Reserve**

The Lake Temagami Neighbourhood has, for many years, served as a transitional area between permanent human habitation (roads, utilities, and services) and a less inhabited hinterland.



Residents and visitors alike perceive the Skyline Reserve as a dividing area between ordered civilisation and an environment where natural features and processes dominate.

Underlying this perceived and actual environment is a forestry and mining economy. Examples and remnants of those activities exist throughout the Skyline Reserve and the lands beyond.

This Plan recognises the importance of wilderness and semi-wilderness values as well as the reality that mining and forestry operations will continue to occur over most of the lands within the Municipality. The Municipality therefore encourages open and constructive dialogue so that policies and practices can be developed which respect the needs and goals of all Crown land users.

The Skyline Reserve is an area within the Lake Temagami Neighbourhood intended to create a landscape ecology area bordering Lake Temagami. This landscape ecology area is meant to:

- maintain the lake as a significant recreation and tourism resource;
- protect significant areas of unique cultural and heritage landscapes; and
- protect the high value natural lake trout fishery

In addition, the Skyline Reserve is to be maintained for its aesthetic beauty.

The Skyline Reserve is of varying depth back from the shoreline of Lake Temagami. The Skyline Reserve is defined as the line delineating Management Area 39 in the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR 1997 and as shown on Schedule A-1 to this Plan

A very small portion of mainland within the Skyline Reserve is patented. Most patented land is located on islands. The following policies are applicable to patented land within the Skyline Reserve and are intended to guide the Municipality's discussions with the Ministry of Natural Resources regarding uses permitted in the Skyline Reserve.

Outside of the highway corridor and the Urban Neighbourhood and excluding extractive uses and operations in accordance with the Temagami Land Use Plan, it is the Municipality's intent that no new land use permits be granted in the Skyline Reserve or within 2 km of the shoreline of Lake Temagami or Cross Lake, and no existing land use permits shall be converted to patents. It is also the policy of the Municipality that no new structures or hunt camps be permitted within the Skyline Reserve or within 2 km of the shore of Lake Temagami or Cross Lake. However, the Municipality recognises that the MNR may issue Land Use Permits in the Skyline Reserve in order to prevent unauthorised access to the area.

Notwithstanding the policies of Section 5.4.2 of this Plan and the above, uses permitted on patented land on islands in Lake Temagami within the Skyline Reserve, include cottages and tourist commercial uses subject to the relevant sections of this Plan.

In addition to the above, uses permitted on the mainland within the Skyline Reserve shall be limited to:

- Forest renewal and maintenance
- Hunting, trapping, and angling
- Mineral exploration, subject to the Ontario Mining Regulations
- Water based camping;
- Snowmobile, hiking, and ski trails
- Non-extractive resource use, (i.e. trapping, sugar bush, harvesting pine cones)

Uses permitted on specific parcels of land on the mainland within the Skyline Reserve shall be limited to the legal uses legally existing on those specific parcels on the date of adoption of this Plan by Council. Any new structures or modifications to the existing structures, except those deemed to be minor by the Municipality, shall be subject to site plan approval.

Prior to any development along the shoreline of Lake Temagami from Boatline Bay, through the Manitou and Mine landings and Strathcona Landing, extra scrutiny shall be taken.

The matters to be considered include:

- The physical constraints and capability of the land to accommodate the proposed use;
- Compatibility with and separation from other land uses;
- Infrastructure requirements;
- The provision of waste disposal facilities;
- Tourist and lake resident transfer needs;
- The growth of home industries on the islands;
- Tourism related service requirements;
- Health and safety issues regarding the handling of any potentially contaminating materials and wastes, including fuel and sewage; and
- The need for infrastructure to support the social and economic needs of the Lake Temagami Neighbourhood.

### **5.3.18 Contractors' Yards**

Contractors' yards may be permitted on a residential lot in the Lake Temagami Neighbourhood, subject to an amendment to the Zoning By-law and site plan approval in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a fence made of natural materials or a solid vegetative buffer from the viewing public

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and Lake Temagami, be located in the yard abutting the road;
- In the case of a water access lot, the lot shall be located no closer than 10m from the normal shoreline; and
- In the case of a water access lot, buffering shall be provided in the form of a vegetative buffer of no less than 10 metres in width from the normal shoreline.

### **5.3.19 Transit of Industrial/Building Supplies at Lake Access Points**

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building supplies and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point.

Where lots or sites are accessible by an existing road, industrial goods and/or equipment shall be transported to those lots or sites by road. Goods, supplies or equipment that can be transported by an existing road access to their delivery destination will not be allowed as limited industrial activities at access points.

## **5.4 LAND USE DESIGNATIONS**

### **5.4.1 Integrated Management Area**

There is no land designated Integrated Management Area within the Lake Temagami Neighbourhood.

### **5.4.2 Special Management Area**

The Special Management Area land use designation applies to most of the Crown land areas and patent lands within the Lake Temagami Neighbourhood. The Special

Management Area land use designation recognises Crown land with significant resource values and features and/or the need to control access or to manage resources according to a special land use prescription set out in the Ministry of Natural Resources Temagami Land Use Plan. The Special Management Area land use designation applies to all islands or parts of islands that are Crown land and are not designated Protected Area or Tourist Commercial.

Uses permitted within the Special Management Area land use designation in the Lake Temagami Neighbourhood are limited to existing and new private residential development on islands, in accordance with the policies of Section 5.3.3 Rural and Remote Residential and Section 9.7 Development Applications, and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites are also permitted.

New tourist commercial facilities such as lodges shall develop in accordance with the policies of Section 5.4.6.2 shall require an amendment to this Plan, an amendment to the Zoning By-law and be subject to site plan approval.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Special Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality and the policies of this Plan are maintained.

New private residential development shall be subject to a rezoning and site plan approval.

The islands or portions of islands within Lake Temagami that are Crown land are also subject to the Skyline Reserve policies set out in Section 5.3.17 of this Plan

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0 and 9.7 of the Plan.

### **5.4.3 Protected Area**

The Protected Area land use designation covers the Crown land within the Lake Temagami Neighbourhood, not covered by the Special Management Area land use designation. The Protected Area land use designation includes Crown land with representative 'old growth' red and white pine sites, some watersheds containing the headwaters of rivers flowing through the wilderness park, significant wetlands, provincially significant ecological and geological features and significant recreation areas and applies to a portion of Temagami Island.

Permitted uses are limited to those uses permitted in the Skyline Reserve, as set out in Section 5.3.17. Issues pertaining to access and travel in the Protected Area can be found in the Temagami Land Use Plan.

Access to the Protected Area shall be by air, snow vehicle, or water except that temporary road access can be established across Protected Areas for the purpose of resource extraction. Travel within the Protected Area shall be limited to cross-country skis, dog sleds and hiking.

Any existing tourist commercial facilities of a more substantive nature than would otherwise be permitted by the policies of this Plan may continue to operate. However, it is the intent of the Municipality of Temagami that these facilities will cease to operate in the long term and that the sites will be allowed to regenerate. Consistent with this policy, no major expansions to these facilities shall be permitted. Further, these facilities shall not be specifically recognised on the Official Plan schedules or in the Zoning By-law.

It is not the policy of the Ministry of Natural Resources to grant new land use permits or patents in the Protected Area. The Municipality of Temagami supports this approach. As a result, the Zoning By-law shall zone the Protected Area in a non-development zone, consistent with the policies of the Ministry of Natural Resources and of this Official Plan.

#### **5.4.4 Mineral Aggregate**

There is a small area designated Mineral Aggregate in the Lake Temagami Neighbourhood in recognition of the existing aggregate deposit. However, because the deposit is located within the Skyline Reserve, extraction is not permitted.

#### **5.4.5 Industrial**

There is no land designated Industrial within the Lake Temagami Neighbourhood. However, mineral exploration and mining operations are permitted subject to the regulations of the Ontario Mining Act as they apply to Lake Temagami. Industrial service uses, in accordance with Section 5.3.19 may occur at approved access points within the Lake Temagami Neighbourhood. All other new industrial uses will only be considered through an Official Plan Amendment.

#### **5.4.6 Tourist Commercial**

The Tourist Commercial land use designation recognises existing commercial recreational and tourist facilities on patented or leased land that serve lake residents and visitors. Permitted uses include youth and adult camps, tourist outfitters marinas, restaurants, tourist lodges, including the rental of houseboats and outfitters', outpost camps and floatplane bases. Tourist commercial uses are not residential uses.

Boatline Bay Marina is permitted as a tourist commercial use but the uses on the site are limited to a marina and accessory uses.

The Tourist Commercial land use designation for Camp Wanapitei recognizes the youth camp and accessory uses located on the westerly portion of the site and the tourist lodge and accessory uses located on the easterly portion of the site. These uses shall be recognized in the Zoning By-law.

Notwithstanding any other policies of this Plan, the Tourist Commercial uses on Island 1022 in Lake Temagami shall be limited to up to 8 housekeeping cabins.

Tourist Commercial uses shall be serviced in accordance with the servicing policies of this Plan.

#### **5.4.6.1 Expansion of Existing Tourist Commercial Uses**

In considering applications for expansion of existing Tourist Commercial uses and in addition to the relevant requirements of Section 5.4.6.2, the Municipality shall be satisfied that the existing approved water supply and sewage disposal systems are adequate to serve the expanded use or that the systems are capable of being upgraded or expanded and approved to meet the anticipated demand. The Municipality shall also be satisfied that the site area is adequate to accommodate the proposed expansion.

The expansion of an existing tourist commercial use, either within the existing site or though the expansion of the existing site does not require an amendment to this Plan. The expansion does not require an amendment to the Zoning By-law unless the site is enlarged beyond the area currently zoned for tourist commercial uses or the expansion introduces a use not permitted under the existing zoning, subject to the provisions of Section 3.06 of the Zoning By-law.

However, no addition to the Tourist Commercial lot shall be permitted from an adjacent Protected Area land use designation.

#### **5.4.6.2 New Tourist Commercial Uses**

New Tourist Commercial development shall proceed by way of an amendment to this Plan and to the Zoning By-law and shall be subject to site plan approval.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering an application for land use permits and patents for new Tourist Commercial uses and the associated Official Plan amendment, and to guide the provisions of the Zoning By-law, reference should be made to the following standards.

Approval of an Official Plan amendment to permit one new Tourist Commercial use per year (non-cumulative) shall be based on consideration of the following:

- Consistency with the Provincial Policy Statement;
- the provisions of the Zoning By-law;
- a minimum frontage of 200 metres, measured in a straight line distance between the points where the side lot lines meet the shoreline;
- Tourist Commercial establishments shall be located no closer together than 1 km, straight line distance;
- Tourist Commercial establishments shall be located at least 1 km, straight line distance, from any municipal road or water access point;
- Tourist Commercial establishments shall be located at least 500 m straight line distance from any residential property;
- the proponent is able to demonstrate the feasibility of the water supply and sewage disposal systems and indicate the location of these facilities on the site;
- the proponent shall provide an archaeological assessment when the property demonstrates high archaeological potential;
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- There shall be adequate access from an approved public access point and adequate vehicular parking on the mainland shall be available;
- a study which includes an inventory of all existing natural and cultural heritage features and associated sensitivities both on the site and in the water adjacent to the site, including shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development on the site and any measures proposed to mitigate the anticipated impacts of the development on the features; and
- a preliminary site plan indicating the location of vegetation (including vegetation to be retained and removed), topography, drainage characteristics, soils, and the location of all proposed buildings (including those to be built in later phases), docks, boathouses, water intake points and sewage disposal areas shall be prepared to the satisfaction of the Municipality.

#### **5.4.6.3 Conversions of Tourist Commercial Uses to Residential Uses**

The conversion of a Tourist Commercial use, existing on the date this policy comes into force, to a residential use consisting of no more than four single detached dwelling lots shall be subject to an amendment to the Zoning By-law and shall be subject to site plan approval. As such, the residential lots will retain a tourist commercial land use designation. A tourist commercial use shall not be established in conformity with the tourist commercial

land use designation unless all of the residential lots are converted to a tourist commercial use. All other conversions from a Tourist Commercial use to a residential use shall also be subject to an Official Plan amendment. The creation of residential lots by plan of subdivision is not permitted. Up to three lots plus a retained may be created by consent. If lots are created through consent, they shall satisfy the provisions of Section 5.3.3.2 (except the 200m separation distance between residential lots) and meet the lot size and frontage requirements of this Plan and the Zoning By-law.

If a commercial property is to continue operating after the conversion of some of the property to a single detached residential use, the retained commercial area shall continue to meet the Tourist Commercial policies of this Plan and the Tourist Commercial provisions of the Zoning By-law.

In considering the conversion of a tourist commercial use to a single detached residential use, the Municipality shall have regard to:

- the adequacy of the proposed water supply and sewage disposal system for each proposed use and/or lot;
- the size and shape of the proposed lots; and
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.

If a Tourist Commercial use is to be converted to a residential use by way of plan of condominium, then such plan of condominium shall include all of the land associated with the Tourist Commercial use. In addition to satisfying all of the requirements of the Planning Act for a plan of condominium, the conversion shall be subject to a rezoning and site plan approval. The plan of condominium shall not take the form of several new adjacent buildings along the shoreline that would otherwise appear to be a plan of subdivision. The density of the residential units in the condominium shall not exceed the density that would result if each residential unit were located on a separate lot that conformed to the lot size provisions of the Zoning By-law.

#### **5.4.6.4 Conversion of Youth Camps to Tourist Commercial Uses**

The conversion of a youth camp to a new use requiring a rezoning to a residential zone or a tourist commercial zone shall also be subject to site plan approval.

The conversion of a youth camp to a new use requiring a rezoning to a residential zone shall be in accordance with the provisions of Section 5.4.6.3.

The conversion of a youth camp to a new use requiring a rezoning to a tourist commercial zone shall be deemed to be the one new tourist commercial use per year (non-cumulative) permitted under Section 5.4.6.2. In considering an amendment to the Zoning By-law to



permit the conversion of a youth camp to a tourist commercial use, the Municipality shall be satisfied that:

1. There is consistency with the Provincial Policy Statement;
2. An application has been made to amend the comprehensive Zoning By-law;
3. The proponent is able to demonstrate the feasibility of water supply and sewage disposal systems and indicate the location of these on a site plan;
4. The proponent has provided an archaeological assessment when the property demonstrates high archaeological potential or has provided a letter from the appropriate agency that such an assessment is not required;
5. The proponent has demonstrated that the dock locations and number of boat slips are suitable by study and/or approval by the appropriate authority;
6. The proponent has demonstrated that there is adequate access from an approved public access point and that there is adequate vehicular parking on the mainland;
7. The proponent has carried out a study to the satisfaction of Council indicating the anticipated impact of the development on all existing natural and cultural heritage features and associated sensitivities both on the site and in the water adjacent to the site, including shoreline characteristics such as type of littoral community and physical characteristics and any measures proposed to mitigate the anticipated impacts of the development; and;
8. The proponent has provided a site plan indicating the location of all existing buildings (including an indication of those buildings to be retained and removed), proposed new buildings, boathouses, docks and structures (including those to be constructed in future phases), vegetation (including vegetation to be retained and removed), topography, drainage characteristics, soils and water intake points and sewage disposal areas.

In considering an application to permit the conversion of a youth camp to a tourist commercial use, the Municipality shall have regard for:

1. The minimum frontage of the site;
2. The distance from the site to the nearest existing tourist commercial establishment;
3. The distance from the site to a municipal road or water access point; and
4. The distance from the site to any residential property.

In addition, applications which are not generally consistent with the standards of Section 5.4.6.2 in respect of these factors may not be approved.

#### **5.4.7 Future Development**

No land is designated Future Development in the Lake Temagami Neighbourhood.

## 6.0 MARTEN RIVER NEIGHBOURHOOD

### 6.1 INTRODUCTION

The Municipality is actively involved in acquiring Crown land for cottage lot development. This plan establishes policies to guide the creation of new lots from Crown land subject to MNR's land disposition process. The Municipality's policy is to allow continued, meaningful negotiations with the MNR on the issue of Crown land disposition on lake trout lakes.

Should the disposition of Crown land on lake trout lakes be permitted by the Ministry of Natural Resources, a Lot Creation and Development Plan Study shall be carried out for those designated lake trout lakes where new lots will be created, prior to development taking place. The results of such a study shall be incorporated into this Plan, by amendment.

This section should be read in conjunction with the other sections of this Plan, as set out in Section 1.5.

The Marten River Neighbourhood is shown on Schedule A-2. The Marten River community became part of the Municipality in 1998 through the Restructuring Initiative. However, the geographic Township of Sisk is not part of the Temagami Land Use Plan. Marten River is a dispersed community of rural residential properties and tourist and highway commercial uses, linked by communities of interests.

### 6.2 PRINCIPLES AND GOALS

This section sets out a series of land use principles and goals for the Marten River Neighbourhood that will help to create a climate that further advances opportunities for economic growth and social development. These principles are based on proper planning but have the flexibility necessary to recognise the changing nature of a global economy and how it affects communities

#### 6.2.1 Land Use

It is the fundamental goal of the Municipality for the Marten River Neighbourhood to encourage Tourist Commercial development throughout the Neighbourhood and rural and remote residential development in appropriate locations.

It is also a goal of the Municipality to preserve the natural environment of the Neighbourhood while permitting some development

## **6.2.2 Economic**

It is a goal of the Municipality to strengthen the neighbourhood economy, which is based primarily on tourism commercial and rural residential development, both seasonal and permanent. There is also an active forest industry in the Marten River Neighbourhood. It is a goal of the Municipality to support a diversified economy in the Marten River Neighbourhood.

Tourist Commercial opportunities between the Camp Richfield Property and south of the Marten River Provincial Park are encouraged.

## **6.2.3 Environmental**

It is the goal of the Municipality that water management and water level controls for fisheries and recreational uses are supported through dialogue with government agencies. The location of forest access roads, timing of forestry operations, harvesting conditions and rehabilitation are issues that impact upon the recreational economy. Continued and active dialogue is encouraged and supported.

It is also the goal of the Municipality to maintain or improve the natural environment by:

- Avoiding and preventing negative environmental impacts;
- Limiting negative environmental impacts where such impacts are unavoidable;
- Encouraging a sustainable coexistence amongst the natural environment, resource extraction and rural and remote development; and
- Maintaining and/or improving existing water quality

## **6.2.4 Social**

It is the goal of the Municipality that the Marten River Neighbourhood continues to maintain its unique identity, characterised by dispersed tourist commercial and residential uses. It is recognised that this community has been well established and organised for many years.

## **6.3 GENERAL POLICIES**

### **6.3.1 Crown Land**

Crown land is managed by the Province of Ontario and is under the administration of the Ministry of Natural Resources. The Ministry has the ultimate authority over the use of Crown land and the issuance of Land Use Permits, Letters of Authority, Licences of Occupation, Leases and Patents. This situation is expected to continue throughout the planning period.

In carrying out its mandate, the Ministry of Natural Resources is encouraged to have regard for the policies of this Plan. The Ministry of Natural Resources should have particular regard for: the size, location, density and means of access to new patented land for commercial tourist and private residential development; the Municipality's objectives with respect to the establishment of new roads and access points; the amount of development permitted; and the rate of change.

Notwithstanding these statements, the Municipality recognises that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR (1997) is the governing land use planning document for Crown land except in the geographic township of Sisk. The Municipality will only consider an amendment to this Plan for areas currently designated as Crown land, if the proposed use conforms to the Temagami Land Use Plan or if the Ministry of Natural Resources first approves an amendment to the Temagami Land Use Plan (if required), the North Bay District Land Use Guidelines and the Ontario Lands for Life Land Use Strategy or any resource management plan.

In this Plan, most of the Marten River Neighbourhood is Crown Land and is designated Special Management Area or Integrated Management Area. Crown land is managed subject to the policies in the Temagami Land Use Plan. The Temagami Land Use Plan 'zones' within the Marten River Neighbourhood include Integrated Management Area, and Special Management Area. In some instances, this Plan reflects the land use 'zones' in the Temagami Land Use Plan in that lands are designated Integrated Management Area, or Special Management Area. The sole purpose of the Temagami Land Use Plan designations in this Plan is to recognize the authority of the Temagami Land Use Plan as the governing Plan affecting these lands, most, if not all of which are Crown Lands. Crown land remains under the jurisdiction of the Ministry of Natural Resources (MNR). As a result, the policies and land use designations set out in this Plan that apply to Crown land are intended to indicate the position taken by the Municipality with regard to that land and its future disposition. The policies should be used by the public and the MNR as an indication of the Municipal position when considering the long term planning for Crown land.

Since the Marten River Neighbourhood is predominantly Crown land, the MNR is responsible for Crown land use and resource management plans for this Neighbourhood. Landscape-ecology principles are found within the MNR Temagami Land Use Plan, and guide the development of future resource management plans. In order to maintain biodiversity, a series of protected areas have been established to protect representative vegetation and landform types, to provide areas for low-intensity use and to maintain, enhance, and protect those areas.

In addition, an array of guidelines has been designed to maintain critical habitat for a number of species. These guidelines guide resource management prescriptions throughout

the area of concern and may include: aesthetic viewscape management areas, road-crossing standards, seasonal resource extraction prescriptions, mining prescriptions, and forest management Area of Concern prescriptions (AOC), such as moose calving sites, fisheries, natural heritage sites.

The Municipality will encourage, and work with, the MNR to ensure that biodiversity is maintained, sensitive species, and population levels of rare, threatened and endangered species are sustained, if not increased through the implementation of the policies of this Plan.

### **6.3.2 Permitted Uses**

Permitted uses in the Marten River Neighbourhood focus on recreational, residential and Tourist Commercial uses and include the following.

Residential uses permitted within the Marten River Neighbourhood are limited to:

- Permanent or seasonal single detached dwelling units;
- Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;
- Sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law); and
- Accessory uses such as boathouses, docks and storage sheds.

Commercial uses permitted within the Marten River Neighbourhood include Tourist Commercial uses, in conformity with the policies of this Plan.

### **6.3.3 Rural Residential and Remote Residential**

Some Rural Residential and Remote Residential development exists within the Marten River Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area. Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. New lots of a similar type, created by consent or plan of subdivision or condominium or by letters patent from Crown land within the Marten River Neighbourhood are subject to the following policies.

Certain accessory uses are permitted on Remote Residential dwelling lots in addition to a boathouse and include sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning By-law.

In addition, on a Rural Residential lot located on a maintained municipal road, a bed and breakfast establishment without sleep cabin(s) and with or without a home occupation is permitted.

### **6.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a Municipal road, open and maintained on a year round basis. The lots may have private water supply and sewage disposal systems or may be serviced with communal servicing systems, in accordance with the requirements of Section 2.9. The creation of new lots by consents or letters patent from Crown land is permitted throughout the Neighbourhood. Plan of subdivision or condominium on recreation lakes immediately adjacent to Highway #11 are permitted. All lots shall conform to the following policies.

- The intended use of the lot or lots conform to the intent and policies of the Plan;
- Prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreation lakes that propose access from Highway #11;
- The lot or lots are not within 500m of a known sanitary landfill site;
- The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to adequately mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent;
- The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, as set out in Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent being granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the lot or lots are not negatively impacted by the development;
- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- The lot shall be subject to site plan control which shall include:
  - Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilisation of existing vegetation and topography to minimise visual impacts;

- Buildings and structures located in the shoreline activity area;
  - Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - Rehabilitation of vegetation disturbed due to construction; and
  - Mitigation techniques to minimise impacts on surrounding development and uses.
- The lot or lots created by the Crown shall be located at least a minimum distance from any public access point, as set out in the Zoning By-law;
  - The lot or lots shall be subject to a Zoning By-law amendment;
  - The lot or lots shall be located at least a minimum distance from other land uses/activities such as approved campsites, trails, portages, spawning areas, beaches, cultural heritage sites, as set out in the Zoning By-law; and
  - The lot shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of leased lots to patented lots, providing the use is in conformity with the use permitted in this Plan.

### **6.3.3.2 Remote Residential**

New lots will be created in accordance with the policies of this Plan. The lots shall have approved private water supply and sewage disposal systems, in accordance with the requirements of Section 2.9. The creation of new Remote Residential lots, by consent on private lands and by letters patent from Crown land, are permitted provided they conform to the following policies:

#### **Lot Creation Through Consents on Private Land**

- The intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;
- The Municipality will not assume responsibility for access, snow removal, road maintenance or service by school busses;
- The Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;
- In creating the lot, regard shall be had to any natural heritage features identified in this Plan;
- The applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily

mitigate the anticipated impacts of the development on the features. Otherwise, the Municipality will not approve the consent;

- The soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system, in accordance with the requirements of Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent being granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;
- The lot is not within 500m of a known sanitary landfill site;
- the lot shall be located at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law;
- Where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;
- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- The lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilization of existing vegetation and topography to minimize visual impacts;
  - Buildings and structures located in the shoreline activity area;
  - ◆ Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact; ;
  - ◆ Rehabilitation of vegetation disturbed due to construction; and
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses.

#### **Locational Criteria for Tenure Created From Crown Land**

In addition to the above policies, the following policies also apply to tenure created by the Crown for residential uses:

- In order to preserve the privacy of neighbouring properties and to mitigate auditory and visual intrusion, a Crown Land buffer area shall be maintained between existing and new lots, as set out in the Zoning By-law. Notwithstanding the intent of the buffer policy, individual undeveloped Crown islands may be considered for single ownership development provided the other policies of this Plan and the provisions of the Zoning By-law can be met;



- The lot created by the Crown shall be located at least a minimum distance from any public access point accessible by motor vehicle, as set out in the Zoning By-law;
- The lot shall be located at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law;
- The lot shall be subject to a Zoning By-law amendment;
- A 'Note on Title' shall be placed on the lot notifying any prospective purchaser that the Municipality shall not be responsible for providing or maintaining access to the lot across Crown land;
- The lot shall be located at least a minimum distance from other land uses/activities such as approved campsites, trails, portages, spawning areas, beaches, cultural heritage sites, as set out in the Zoning By-law;
- The lot shall be located to avoid sites on narrow boat channels and/or major canoe routes; and
- The lot shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of Crown land tenure lots to patented lots existing on the date this Plan comes into effect, providing the use is in conformity with the use permitted in this Plan and the Zoning By-law.

#### **6.3.4 Sleep Cabins**

Sleep cabins are permitted on lots within the Marten River Neighbourhood in conformity with the following policies and the provisions of the Zoning By-law.

One sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have both bathroom and kitchen facilities, subject to conforming to the policies of Section 6.3.5.

Only one severance to separate an existing serviced sleep cabin shall be allowed from the original parcel and such a severance shall be counted in the maximum lot creation numbers as stipulated in the Interim Development Policy of Section 2.15.

The size and number of sleep cabins on a lot affects the intensity of use on the property. In order to reduce visual impact, sleep cabins should be located no closer to the lake than the main residential dwelling or the minimum front yard setback specified in the Zoning By-law whichever is the lesser. Sleep cabins are permitted in accordance with Section 6.3.5.

#### **6.3.5 Number of Sleep Cabins Permitted on a Lot**

The maximum number of sleep cabins permitted on a residential lot in the Marten River Neighbourhood is set out in the Zoning By-law.

The total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot.

For the purpose of this section, a boathouse with sleeping accommodations, as set out in Section 6.3.10, is deemed to be a sleep cabin.

One sleep cabin may have bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot so that the severed and retained lots conform to the provisions and standards of the Zoning By-law.

### **6.3.6 New Development**

New development in the Marten River Neighbourhood shall primarily take the form of new residential and Tourist and Highway Commercial lots. Mining is permitted subject to the conditions of the Mining Act, Public Lands Act, and Regulations thereto. The transit of industrial/building supplies may occur at specified access points within the Marten River Neighbourhood.

Prior to the creation of new lots from Crown land on selected lakes, it is the policy of the Municipality to prepare a Lot Creation and Development Plan that shall have as its objective the determination of the ultimate amount of use/development, both residential and commercial, which will be permitted in the Marten River Neighbourhood. The goal of the process will be to ensure that the characteristics of the Marten River Neighbourhood are fully protected and enhanced. In the interim, the following policies shall apply.

### **6.3.7 Interim Development Policy**

The Municipality will entertain new development in the Marten River Neighbourhood on a case by case basis in keeping with the policies of this Plan.

The Municipality of Temagami has authority to grant consent to sever patented land within the Municipality. Applications to create new parcels on Crown land shall proceed in accordance with MNR's planning process however; the Municipality encourages the MNR to consider the policies of this Plan during its process.

#### **6.3.7.1 Number of Lots Permitted from Patented or Crown Land**

Five (5) lots from patented or Crown land per year, cumulative from calendar year to calendar year.

This policy does not apply to land use permits, leases of record and licences of occupation for existing improved and established residential and commercial properties being

converted to patents or any consents required for lot additions or minor variances to bring lots into compliance with the Zoning Bylaw.

### **6.3.8 Home Occupations**

Home occupations shall only be carried out in a residential dwelling and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor shall it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Marten River Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

### **6.3.9 Home Industry**

Home industries such as electrical, carpentry, plumbing, a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Marten River Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

### **6.3.10 Shoreline Structures**

Boathouses, both water based and land based, pumphouses, saunas, utility structures and storage units have the potential for significant visual impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water. In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial) and sleeping quarters in the upper level. A boathouse with sleeping accommodations shall be deemed to be a sleeping cabin for the purpose of Section 6.3.5. Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities. Boathouses are not intended to function as a self-contained dwelling unit. Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area.

### **6.3.11 Prohibited Uses**

Mobile homes, mobile home parks and multi unit attached residential structures are not permitted in the Marten River Neighbourhood.

### **6.3.12 Services and Utilities**

The provision and operation of services and utilities are important issues to the Municipality. Every effort shall be made to ensure the responsible planning, construction, operation and maintenance of all services. In addition, conflicts with other land uses and impacts on the natural environment, as a result of municipal services, shall be minimised.

Within the Marten River Neighbourhood, development is expected to proceed on the basis of individual water supply and sewage disposal systems. Land use permits for offsite sewage works for existing lots are recognised as necessary in this area if the off-site sewage

system cannot be located on the same lot as the dwelling it is intended to serve. New lots shall not be created unless an approved sewage disposal system can be accommodated on the lot.

Prior to approving new development, the Municipality shall be satisfied that adequate and approved water supply and sewage disposal systems to service the proposed development can be provided in accordance with the requirements of Section 2.9.

Prior to issuing an occupancy permit, the Municipality shall be satisfied that the ultimate water supply and sewage disposal systems have been installed, approved by the appropriate approval authority and connected to the proposed development.

Because of evolving technology in the field of private sewage disposal systems, the Municipality does not wish to limit the types of systems that might be considered. However, the Municipality must be satisfied that any proposed sewage disposal system has the approval of the appropriate approval authority and that sufficient data exists, relevant to the Temagami area, to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.

### **6.3.13 Telecommunications and Utility Infrastructure**

Telecommunications and utility infrastructure is permitted throughout the Marten River Neighbourhood. Where possible the Municipality will request that such infrastructure be as unobtrusive as possible in keeping with the semi-wilderness character of the area.

### **6.3.14 Parks/Conservation Reserves**

It is acknowledged that new provincial parks and conservation reserves can be established by the Province of Ontario without the requirement for an official plan amendment or zoning by-law amendment and activity within these Crown Land areas is not subject to municipal site plan control. MNR, however, will continue to work with the municipality to identify and address any concerns.

### **6.3.15 Temporary Wayside Pits and Asphalt Plants**

Although the Municipality does not have jurisdiction over temporary wayside pits and asphalt plants, such pits and plants opened for the purpose of public road construction or maintenance are generally permitted without an amendment to this Plan, a rezoning or the issuance of a development permit. However, these uses are not permitted in the Aesthetic Viewscape Management Area or in recognised environmentally sensitive areas. Further, the location of temporary or wayside pits and asphalt plant operation requires an approval under the Environmental Protection Act

### **6.3.16 Bed and Breakfast Establishments**

A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling on a lot serviced by a maintained municipal road provided the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if require, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

### **6.3.17 Aesthetic Viewscape Management Area**

The Municipality recognises that the Marten River Neighbourhood has high recreational values. It is the policy of the Municipality to develop, in conjunction with the Ministry of Natural Resources, prescriptions to establish and protect Aesthetic Viewscape Management Areas around the recreational lakes, canoe routes/boating lakes and railway lines, highways, municipally maintained roads, and designated tourism roads, and to define the AVMA physical limits on these lakes. Although it is recognised that the Nipissing Forest Management Plan does not contain AVMA prescriptions, it is the goal of this Plan that AVMA prescriptions apply to both Nipissing and Temagami Forest Management Plans.

### **6.3.18 Contractors' Yards**

Contractors' yards may be permitted on a residential lot in the Marten River Neighbourhood, as a Home Industry, subject to an amendment to the Zoning By-law and site plan approval, in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a fence made of natural materials or a solid vegetative buffer from the viewing public

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and a lake be located in the yard abutting the road;
- In the case of a water access lot, the contractor's yard shall be located no closer than 10 m from the normal shoreline; and
- Shall at all times be clearly incidental to the primary residential use of the property

### **6.3.19 Transit of Industrial/Building Supplies at Lake Access Points**

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building supplies and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point.

Where lots or sites are accessible by an existing road, industrial goods and/or equipment shall be transported to those lots or sites by road. Goods, supplies or equipment that can be transported by an existing road access to their delivery destination will not be allowed as limited industrial activities at access points.

## **6.4 LAND USE DESIGNATIONS**

### **6.4.1 Integrated Management Area**

The Integrated Management Area land use designation recognises those Crown land areas and patent lands where resource management activities and recreational uses may be integrated. To achieve this, resource extraction activities shall be carefully managed to ensure compatibility with the significant uses and values.

Uses permitted within the Integrated Management Area land use designation in the Marten River Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 6.3.3 and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted.

Commercial timber harvesting, and aggregate extraction and mining are permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses.

Land within the Integrated Management Area land use designation may be redesignated to permit Tourist Commercial development such as lodges shall develop in accordance with the policies of Section 6.4.6.2, require an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Integrated Management Area land use designation is permitted on the shore of, or on islands in the lakes within the

Marten River Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 9.7 of this Plan and shall be subject to a rezoning.

Access to lakes within the Integrated Management Area shall be controlled. Access by existing municipal road or lake access point, motorboat, canoe, trail (snowmobile, cross-country ski, hiking, mountain bike, and horse) is permitted.

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Integrated Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law and consideration should be given to the policies of Sections 3.0 and 9.7 of this Plan.

#### **6.4.2 Special Management Area**

The Special Management Area land use designation recognises Crown land areas and patent lands with significant resource values and features and/or the need to control access or to manage resources according to a special land use prescription set out in the Ministry of Natural Resources Temagami Land Use Plan.

Uses permitted within the Special Management Area land use designation in the Marten River Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 6.3.3 and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted. No new public roads and no new permanent structures are to be located within 2 km of Cross Lake.

Commercial timber harvesting, mining and aggregate extractions are permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses and values.

Land within the Special Management Area may be redesignated to permit remote Tourist Commercial development such as lodges shall develop in accordance with the policies of Section 6.4.6.2, require an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.



New residential development on existing patented land in the Special Management Area land use designation is permitted on the shore of, or on islands in the lakes within the Marten River Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 6.3.3 Rural and Remote Residential and Section 9.7 Development Applications and other relevant sections of this Plan and shall be subject to a rezoning.

Access to lakes within the Special Management Area shall be controlled in order to provide a variety of remote and backcountry recreational opportunities. Public access may be by air, motorboat, canoe or trail (snowmobile, cross-country ski, hiking, mountain bike, and horse). Access by ATV, in those locations indicated on Schedule B to this Plan, is permitted along trails, provided that site-specific resource values and features are not, or do not become, threatened.

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Special Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0 and 9.7 of this Plan.

#### **6.4.3 Protected Area**

No land is designated Protected Area within the Marten River Neighbourhood.

#### **6.4.4 Mineral Aggregate**

The Mineral Aggregate land use designation recognises existing mineral aggregate extraction operations and areas identified as having potential aggregate resources. Where possible, priority shall be given to utilising aggregate resources outside the Urban Neighbourhood in order to minimise impacts on the greatest number of existing residents.

Uses permitted in the Mineral Aggregate land use designation include aggregate extraction, crushing, stockpiling, concrete batching plants and asphalt plants.

The establishment of a new mineral aggregate operation in the mineral aggregate designation shall be subject to an amendment to the Zoning By-law and shall satisfy the provisions of the Aggregate Resources Act. Where the aggregate resource is located on

patented land, the proponent shall enter into an agreement with the Municipality. Such an agreement shall include:

- provisions for the sequential rehabilitation of the site as extraction proceeds and for the ultimate rehabilitation of the site after the operation ceases, including a site plan;
- specified times for blasting and crushing operations;
- visual screening;
- provision for the use and maintenance of access roads;
- the method of processing or treating waste water or other pollutants such as engine oil; and
- the requirements for certain financial guarantees related to road maintenance and pit rehabilitation.

#### **6.4.5 Industrial**

There is no land designated Industrial within the Marten River Neighbourhood. However, mineral exploration and mining operations are permitted subject to the regulations of the Ontario Mining Act as they apply to Marten River. Industrial service uses, in accordance with Section 6.3.19 may occur at lake approved access points within the Marten River Neighbourhood.

Industrial uses shall be serviced in accordance with the servicing policies of this Plan.

##### **6.4.5.1 New Industrial Uses**

New resource related industrial development in the Marten River Neighbourhood shall be subject to an Official Plan amendment, a Zoning By-law amendment and site plan control. In approving an industrial site plan, the Municipality shall have regard to the requirements of the Planning Act and shall give special consideration to the methods proposed to buffer the industrial use from adjacent uses.

The type of uses that may be considered by the Municipality shall include non-hazardous and non-obnoxious resource and non-resource based industries, generally along the Highway 11 corridor. Examples include manufacturing, the processing of forestry products, warehousing and the servicing and storage of goods but does not include Highway Commercial type uses. Because these future industrial uses are anticipated to be located close to Highway 11, special care shall be taken during the site plan approval process to ensure adequate screening from public view.

Industrial uses shall be serviced in accordance with the servicing policies of this Plan.

Industrial service uses, in accordance with Section 6.3.19 may occur at lake approved access points within the Marten River Neighbourhood.

The Zoning By-law shall establish one or more industrial zones to recognise the range of industrial uses permitted.

Temporary industrial uses on Crown land permitted by a Forestry Management Plan or the Mining Act are not subject to the above requirements.

#### **6.4.6 Tourist Commercial**

The Tourist Commercial land use designation recognises existing commercial recreational and tourist facilities on patented or leased land that serve lake residents and visitors. Permitted uses include youth and adult camps, tourist outfitters and tourist lodges, marinas including the rental of house boats, floatplane base, restaurants and outfitters' base and outpost camps, motels, tourist cabins and taverns. Tourist commercial uses are not residential uses.

Tourist Commercial uses shall be serviced in accordance with the servicing policies of this Plan.

##### **6.4.6.1 Expansion of Existing Tourist Commercial Uses**

In considering applications for expansion of existing Tourist Commercial uses, and in addition to the relevant requirements of Section 6.4.6.2, the Municipality shall be satisfied that the existing approved water supply and sewage disposal systems are adequate to serve the expanded use or that the systems are capable of being upgraded or expanded and approved to meet the anticipated demand. The Municipality shall also be satisfied that the site area is adequate to accommodate the proposed expansion.

The expansion of an existing tourist commercial use, either within the existing site or though the expansion of the existing site does not require an amendment to this Plan. The expansion does not require an amendment to the Zoning By-law unless the site is enlarged beyond the area currently zoned for tourist commercial uses or the expansion introduces a use not permitted under the existing zoning, subject to the provisions of Section 3.06 of the Zoning By-law.

##### **6.4.6.2 New Tourist Commercial Uses**

New Tourist Commercial development outside of areas designated Tourist Commercial shall proceed by way of an amendment to this Plan and to the Zoning By-law and be subject to site plan approval.

New Tourist Commercial development within the Tourist Commercial land use designation shall proceed by way of an amendment to the Zoning By-law and shall be subject to site plan approval.

In approving new Tourist Commercial uses, the Municipality shall consult with the Ministry of Transportation regarding access points, sight lines, setbacks and other matters that fall within the jurisdiction of the Ministry of Transportation.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering an application for land use permits and patents for new Tourist Commercial uses and the associated Official Plan amendment, and to guide the provisions of the Zoning By-law, reference should be made to the following standards.

Approval of an Official Plan amendment to permit new Tourist Commercial use shall be based on consideration of the following:

- Consistency with the Provincial Policy Statement;
- The provisions of the Zoning By-law;
- For development on water bodies, a minimum frontage of 200 metres, measured in a straight line distance between the points where the side lot lines meet the shoreline;
- Tourist Commercial establishments shall be located at least 500 m straight line distance from any residential property;
- The proponent is able to demonstrate the feasibility of the water supply and sewage disposal systems and indicate the location of these facilities on the site;
- The proponent shall provide an archaeological assessment when the property demonstrates high archaeological potential;
- Documentation from the appropriate authority that dock locations are suitable, based on any studies required by, or approval of the authority;
- There shall be adequate access from an approved public access point and adequate vehicular parking on the mainland shall be available;
- A study which includes an inventory of all existing natural and cultural heritage features and associated sensitivities both on the site and in the water adjacent to the site, including shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development on the site and any measures proposed to mitigate the anticipated impacts of the development on the features; and
- A preliminary site plan indicating the location of vegetation (including vegetation to be retained and removed), topography, drainage characteristics, soils, and the location of all proposed buildings (including those to be built in later phases), docks, boathouses, water intake points and sewage disposal areas shall be prepared to the satisfaction of the Municipality.

### **6.4.6.3 Conversions of Tourist Commercial Uses**

The conversion of a Tourist Commercial use, existing on the date this policy comes into force, to a residential use consisting of no more than four single detached dwelling lots shall be subject to an amendment to the Zoning By-law and shall be subject to site plan approval. As such, the residential lots will retain a tourist commercial land use designation. A tourist commercial use shall not be established in conformity with the tourist commercial land use designation unless all of the residential lots are converted to a tourist commercial use. All other conversions from a Tourist Commercial use to a residential use shall also be subject to an Official Plan amendment. The creation of residential lots by plan of subdivision is not permitted. Up to three lots plus a retained may be created by consent. If lots are created through consent, they shall satisfy the provisions of Section 6.3.3.2 (except the 200m separation distance between residential lots) and meet the lot size and frontage requirements of this Plan and the Zoning By-law.

If a commercial property is to continue operating after the conversion of some of the property to a single detached residential use, the retained commercial area shall continue to meet the Tourist Commercial policies of this Plan and the Tourist Commercial provisions of the Zoning By-law.

In considering the conversion of a tourist commercial use to a single detached residential use, the Municipality shall have regard to:

- The adequacy of the proposed water supply and sewage disposal system for each proposed use and/or lot;
- The size and shape of the proposed lots; and
- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.

If a Tourist Commercial use is to be converted to a residential use by way of plan of condominium, then such plan of condominium shall include all of the land associated with the Tourist Commercial use. In addition to satisfying all of the requirements of the Planning Act for a plan of condominium, the conversion shall be subject to a rezoning and site plan approval. The plan of condominium shall generally utilise the existing buildings and shall not take the form of several new adjacent buildings along the shoreline that would otherwise appear to be a plan of subdivision. The density of the residential units in the condominium shall not exceed the density that would result if each residential unit were located on a separate lot that conformed to the lot size provisions of the Zoning By-law.

#### **6.4.6.4 Conversion of Youth Camps to Tourist Commercial Uses**

The conversion of a youth camp to a commercial recreational/tourist facility is permitted subject to:

- the Municipality, in consultation with the appropriate approval authority, being satisfied that the water supply and sewage disposal systems are adequate for the proposed use; and
- adequate provision has been made for sewage and grey water pump out, if the proposed use includes the rental of houseboats.

The conversion of a youth camp to a commercial recreational/tourist facility shall not require an amendment to the Zoning By-law but shall be subject to site plan approval.

#### **6.4.7 Future Development Area**

No land is designated Future Development within the Marten River Neighbourhood.

## 7.0 MATABITCHUAN NEIGHBOURHOOD

### 7.1 INTRODUCTION

The Municipality is actively involved in acquiring Crown land for cottage lot development. This plan establishes policies to guide the creation of new lots from Crown land subject to MNR's land disposition process. The Municipality's policy is to allow continued, meaningful negotiations with the MNR on the issue of Crown land disposition on lake trout lakes.

Should the disposition of Crown land on lake trout lakes be permitted by the Ministry of Natural Resources, a Lot Creation and Development Plan Study shall be carried out for those designated lake trout lakes where new lots will be created, prior to development taking place. The results of such a study shall be incorporated into this Plan, by amendment.

This section should be read in conjunction with the other sections of this Plan, as set out in Section 1.5.

The Matabitchuan Neighbourhood, as set out on Schedule A to this Plan, became part of the Municipality in 1998. This Neighbourhood is accessed from various access points along Highway #11, Gramp's Road, Lowell Lake Road, the Temagami Boat Livery and the Cassels Lake Access Point.

The Matabitchuan Neighbourhood consists primarily of dispersed seasonal residential properties, accessed by water.

Within the Neighbourhood, Rabbit, Cassels, Snake Island and Oboshkong Lakes form a continuous navigable body of water. This system is also the ultimate receiving body for the discharge for two Municipal sewage treatment lagoons. As a result, water quality is monitored on an on-going basis. The results of this monitoring are available to the public.

In addition, a large undeveloped approved subdivision exists at the northerly end of the lake system. The full environmental and social impact of that development will not be known for many years. As a result, proposals for new multi-lot development on the Cassels and Rabbit Lakes system will require an assessment of the impact of the existing inventory of vacant lots on the natural environment.

### 7.2 PRINCIPLES AND GOALS

This section sets out a series of land use principles and goals for the Matabitchuan Neighbourhood that will help to create a climate that further advances opportunities for economic growth and social development. These principles are based on proper planning

but have the flexibility necessary to recognise the changing nature of a global economy and how it affects communities

### **7.2.1 Land Use**

It is the goal of the Municipality to preserve the wilderness and semi-wilderness values in the Matabitchuan Neighbourhood and that it continues to be characterised by dispersed residential development, tourist commercial activities and resource extraction all linked to a less developed hinterland by existing roads, trails, portages and waterways.

### **7.2.2 Economic**

It is the goal of the Municipality that the Matabitchuan Neighbourhood economy continues to be based on recreation and rural residential properties both seasonal and permanent. The Municipality also recognises that there is also an active forest industry component of the Matabitchuan Neighbourhood economy. It is a goal of the Municipality to support a diversified economy.

### **7.2.3 Environmental**

It is a goal of the Municipality to work with other government agencies to mitigate the negative impacts of water quantity and quality on the fisheries and recreational uses.

It is a goal of the Municipality to work with the forestry operators and government agencies with respect to the location of forest access roads, timing of forestry operations, harvesting conditions and rehabilitation issues which may impact the recreational experience of this neighbourhood.

### **7.2.4 Social**

It is the goal of the Municipality to create and maintain a high quality recreationally based environment in the Matabitchuan Neighbourhood where privacy and the lack of visual and auditory intrusions are paramount.

## **7.3 GENERAL POLICIES**

### **7.3.1 Crown Land**

Crown land is managed by the Province of Ontario and is under the administration of the Ministry of Natural Resources. The Ministry has the ultimate authority over the use of Crown land and the issuance of Land Use Permits, Letters of Authority, Licences of Occupation, Leases and Patents. This situation is expected to continue throughout the planning period.



In carrying out its mandate, the Ministry of Natural Resources is encouraged to have regard for the policies of this Plan. The Ministry of Natural Resources should have particular regard for: the size, location, density and means of access to new patented land for commercial tourist and private residential development; the Municipality's objectives with respect to the establishment of new roads and access points; the amount of development permitted; and the rate of change.

Notwithstanding these statements, the Municipality recognises that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR (1997) is the governing land use planning document for Crown land except in the geographic township of Sisk. The Municipality will only consider an amendment to this Plan for areas currently designated as Crown land, if the proposed use conforms to the Temagami Land Use Plan or if the Ministry of Natural Resources first approves an amendment to the Temagami Land Use Plan (if required), the North Bay District Land Use Guidelines and the Ontario Lands for Life Land Use Strategy or any relevant resource management plan.

Most of the Matabitchuan Neighbourhood is Crown land and is designated Integrated Management Area, Special Management Area or Protected Area in this Plan. Crown land is managed subject to the policies in the Temagami Land Use Plan. The Temagami Land Use Plan 'zones' within the Matabitchuan Neighbourhood include Integrated Management Area, Special Management Area and Protected Area. In some instances, this Plan reflects the land use 'zones' in the Temagami Land Use Plan in that lands are designated Integrated Management Area, Special Management Area or Protected Area. The sole purpose of the Temagami Land Use Plan designations in this Plan is to recognize the authority of the Temagami Land Use Plan as the governing Plan affecting these lands, most, if not all of which are Crown Lands. Crown land remains under the jurisdiction of the Ministry of Natural Resources (MNR). As a result, the policies and land use designations set out in this Plan that apply to Crown land are intended to indicate the position taken by the Municipality with regard to that land and its future disposition. The policies should be used by the public and the MNR as an indication of the Municipality's position when considering the long term planning for Crown land.

The Matabitchuan Neighbourhood is predominantly Crown land and the MNR is responsible for Crown land use and resource management plans for this Neighbourhood. Landscape-ecology principles are found within the MNR Temagami Land Use Plan, and guide the development of future resource management plans. In order to maintain biodiversity, a number of protected areas have been established to conserve representative vegetation and landform types, to provide areas for low-intensity use and to maintain, enhance, and protect those areas.

In addition, an array of guidelines has been designed to maintain critical habitat for a number of species. These guidelines guide resource management prescriptions throughout the area of concern and may include: aesthetic viewscape management areas, road-crossing standards, seasonal resource extraction prescriptions, mining prescriptions, and Forest Management Area of Concern prescriptions (AOC), such as moose calving sites, fisheries, natural heritage sites.

The Municipality will encourage, and work with, the MNR to ensure that biodiversity is maintained, sensitive species, and population levels of rare, threatened and endangered species are sustained, if not increased through the implementation of the policies of this Plan.

### **7.3.2 Permitted Uses**

Permitted uses in the Matabitchuan Neighbourhood focus on recreational residential and Tourist Commercial uses and include the following.

Residential uses are limited to:

- permanent or seasonal single detached dwelling units
- residential condominiums or timeshare facilities converted from an existing tourist commercial facility;
- sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law)

Commercial uses permitted within the Matabitchuan Neighbourhood include Tourist Commercial uses, in conformity with the policies of this Plan.

Mineral aggregate uses are permitted within the Matabitchuan Neighbourhood, in conformity with the policies of this Plan.

### **7.3.3 Rural Residential and Remote Residential**

Some Rural Residential and Remote Residential development exists within the Matabitchuan Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area. Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. New lots of a similar type, created by consent or plan of subdivision or condominium or by letters patent from Crown land on recreation lakes immediately adjacent to Highway #11 within the Matabitchuan Neighbourhood shall be subject to the following policies.

Certain accessory uses are permitted on Remote Residential dwelling lots in addition to a boathouse and includes sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning By-law.

In addition, on a Rural Residential lot located on a maintained municipal road, a bed and breakfast establishment without sleep cabin(s) and with or without a home occupation is permitted.

### **7.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a Municipal road, open and maintained on a year round basis. The lots may have private water supply and sewage disposal systems or may be serviced with communal servicing systems, in accordance with the requirements of Section 2.9. The creation of new lots by consent or letters patent from Crown land is permitted throughout the Neighbourhood. Plan of subdivision or condominium on recreation lakes immediately adjacent to Highway #11 are permitted. All lots shall conform to the following policies.

- The intended use of the lot or lots conform to the intent and policies of the Plan;
- Prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreation lakes that propose access from Highway #11;
- The lot or lots are not within 500m of a known sanitary landfill site;
- the applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent: and
- The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the lot or lots are not negatively impacted by the development;

- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- The lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilization of existing vegetation and topography to minimize visual impacts;
  - Buildings and structures located in the shoreline activity area;
  - ◆ Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - ◆ Rehabilitation of vegetation disturbed due to construction; and
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses.
- The lot or lots created by the Crown shall be located at least a minimum distance from any public access point, as set out in the Zoning By-law;
- The lot or lots shall be subject to a Zoning By-law amendment;
- The lot or lots shall be located at least a minimum distance from other land uses/activities such as approved campsites, trails, portages, spawning areas, beaches, cultural heritage sites, as set out in the Zoning By-law;
- The lot or lots shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of leased lots to patented lots, providing the use is in conformity with the use permitted in this Plan.

### **7.3.3.2 Remote Residential**

New lots will be created in accordance with the policies of this Plan. The lots shall have approved private water supply and sewage disposal systems, in accordance with the requirements of Section 2.9. The creation of new Remote Residential lots, by consent on private lands and by letters patent from Crown land are permitted provided they conform to the following policies:

#### **Lot Creation Through Consents on Private Land**

- the intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;
- the Municipality will not assume responsibility for access, snow removal, road maintenance or service by school busses;
- the Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;

- in creating the lot, regard shall be had to any natural heritage features identified in this Plan;
- the applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent;
- the soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system, in accordance with the requirements of Section 2.9;
- where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
- the fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;
- the lot is not within 500m of a known sanitary landfill site;
- the lot is located at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law;
- where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- the lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilization of existing vegetation and topography to minimize visual impacts;
  - Buildings and structures located in the shoreline activity area;
  - ◆ Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - ◆ Rehabilitation of vegetation disturbed due to construction; and
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses.

### **Locational Criteria for Tenure Created From Crown Land**

In addition to the above policies, the following policies also apply to tenure created by the Crown for residential uses:

- in order to preserve the privacy of neighbouring properties and to mitigate auditory and visual intrusion, a buffer area, as set out in the Zoning By-law between existing and new lots shall be retained in Crown ownership. Notwithstanding the intent of the buffer policy, individual undeveloped Crown islands may be considered for single ownership development provided the other policies of this Plan and the provisions of the Zoning By-law can be met;
- the lot created by the Crown shall be located at least a minimum distance from any public access point accessible by motor vehicle, as set out in the Zoning By-law;
- the lot shall be located at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law;
- the lot shall be subject to a Zoning By-law amendment;
- a 'Note on Title' shall be placed on the lot notifying any prospective purchaser that the Municipality shall not be responsible for providing or maintaining access to the lot across Crown land;
- the lot shall be located at least a minimum distance from other land uses/activities such as approved campsites, trails, portages, spawning areas, beaches, cultural heritage sites, as set out in the Zoning By-law;
- the lot shall be located to avoid sites on narrow boat channels and/or major canoe routes; and
- the lot shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of Crown land tenure lots to patented lots existing on the date this Plan comes into effect, providing the use is in conformity with the use permitted in this Plan and the Zoning By-law.

#### **7.3.4 Sleep Cabins**

Sleep cabins are permitted on lots within the Matabitchuan Neighbourhood in conformity with the following policies and the provisions of the Zoning By-law.

One sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have both bathroom and kitchen facilities, subject to conforming to the policies of Section 7.3.5.

Only one severance to separate an existing serviced sleep cabin shall be allowed from the original parcel and such a severance shall be counted in the maximum lot creation numbers as stipulated in the Interim Development Policy of Section 2.15.

The size and number of sleep cabins affects the intensity of use on the property. In order to reduce visual impact, sleep cabins should be located no closer to the lake than the main residential dwelling or the minimum front yard setback specified in the Zoning By-law whichever is the lesser. Sleep cabins are permitted in accordance with Section 7.3.5.

### **7.3.5 Number of Sleep Cabins Permitted on a Lot**

The maximum number of sleep cabins permitted on a residential lot in the Matabitchuan Neighbourhood is set out in the Zoning Bylaw.

The total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot.

For the purpose of this section, a boathouse with sleeping accommodations, as set out in Section 7.3.10, is deemed to be a sleep cabin.

Sleep cabins are permitted in accordance with Section 7.3.5. One sleep cabin may have bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot so that the severed and retained lots conform to the provisions and standards of the Zoning By-law.

### **7.3.6 New Development**

New development in the Matabitchuan Neighbourhood shall primarily take the form of new residential and Tourist and Highway Commercial lots. Mining is permitted subject to the conditions of the Mining Act, Public Lands Act, and Regulations thereto. The transit of industrial/building supplies may occur at specified access points within the Matabitchuan Neighbourhood.

Prior to the creation of new lots from Crown land on selected lakes, it is the policy of the Municipality to prepare a Lot Creation and Development Plan that shall have as its objective the determination of the ultimate amount of use/development, both residential and commercial, which will be permitted in the Matabitchuan Neighbourhood. The goal of the process will be to ensure that the characteristics of the Matabitchuan Neighbourhood are fully protected and enhanced. In the interim, the following policies shall apply.

### **7.3.7 Interim Development Policy**

The Municipality will entertain new development proposals in the Matabitchuan Neighbourhood on a case by case basis in keeping with the policies of this Plan.

The Municipality of Temagami has authority to grant consent to sever patented land within the Municipality. Applications to create new parcels on Crown land shall proceed in

accordance with MNR's planning process however; the Municipality encourages the MNR to consider the policies of this Plan during its process.

#### **7.3.7.1 Number of Lots Permitted from Patented or Crown Land**

- Five (5) lots from patented or Crown land per year, cumulative from calendar year to calendar year.
- This policy does not apply to land use permits, leases of record and licences of occupation for existing improved and established properties being converted to patents or any consents required for lot additions or minor variances to bring lots into compliance with the Zoning Bylaw.

#### **7.3.8 Home Occupations**

Home occupations shall only be carried out in a residential dwelling and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Matabitchuan Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of trades people and couriers, as set out in the Zoning By-law, are permitted.

#### **7.3.9 Home Industry**

Home industries such as electrical, carpentry, plumbing, a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Matabitchuan Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside



storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

### **7.3.10 Shoreline Structures**

Boathouses, both water based and land based, pumphouses, saunas utility structures and storage units have the potential for significant visual impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water.

In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial) and sleeping quarters in the upper level. A boathouse with sleeping accommodations shall be deemed to be a sleep cabin for the purpose of Section 7.3.5. Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities. Boathouses are not intended to function as a self-contained dwelling unit. Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area

### **7.3.11 Prohibited Uses**

Mobile homes, mobile home parks and multi unit attached residential structures are not permitted in the Matabitchuan Neighbourhood.

### **7.3.12 Services and Utilities**

The provision and operation of services and utilities are important issues to the Municipality. Every effort shall be made to ensure the responsible planning, construction, operation and maintenance of all services. In addition, conflicts with other land uses and impacts on the natural environment, as a result of municipal services, shall be minimised.

Within the Matabitchuan Neighbourhood, development is expected to proceed on the basis of individual water supply and sewage disposal systems. Land use permits for offsite sewage works for existing lots are recognised as necessary in these areas if the off-site sewage system cannot be located on the same lot as the dwelling it is intended to serve. New lots shall not be created unless an approved sewage disposal system can be accommodated on the lot.

Prior to approving new development, the Municipality shall be satisfied that adequate and approved water supply and sewage disposal systems to service the proposed development can be provided, in accordance with the requirements of Section 2.9.

Prior to issuing an occupancy permit, the Municipality shall be satisfied that the ultimate water supply and sewage disposal systems have been installed, approved by the appropriate approval authority and connected to the proposed development.

Because of evolving technology in the field of private sewage disposal systems, the Municipality does not wish to limit the types of systems that might be considered. However, the Municipality must be satisfied that any proposed sewage disposal system has the approval of the appropriate approval authority and that sufficient data exists, relevant to the Temagami area, to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.

### **7.3.13 Telecommunications and Utility Infrastructure**

Telecommunications and utility infrastructure is permitted throughout the Matabitchuan Neighbourhood. Where possible the Municipality will request that such infrastructure be as unobtrusive as possible in keeping with the semi-wilderness character of the area.

### **7.3.14 Parks/Conservation Reserves**

It is acknowledged that new provincial parks and conservation reserves can be established by the Province of Ontario without the requirement for an official plan amendment or zoning by-law amendment and activity within these Crown Land areas is not subject to municipal site plan control. MNR, however, will continue to work with the municipality to identify and address any concerns.

### **7.3.15 Temporary Wayside Pits and Asphalt Plants**

Although the Municipality does not have jurisdiction over temporary wayside pits and asphalt plants, such pits and plants opened for the purpose of public road construction or maintenance are generally permitted without an amendment to this Plan, a rezoning or the issuance of a development permit. However, these uses are not permitted in the Protected Area land use designation or in recognised environmentally sensitive areas. Further, the location of temporary or wayside pits and asphalt plant operation requires an approval under the Environmental Protection Act

### **7.3.16 Bed and Breakfast Establishments**

A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling on a lot serviced by a maintained municipal road provided the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if require, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

### **7.3.17 Aesthetic Viewscape Management**

Beyond the Skyline Reserve (Management Area #39), that is located in the Lake Temagami Neighbourhood, is the Aesthetic Viewscape Management Area that includes areas that may still be visible from a boat located anywhere on Lake Temagami. There is only a small portion of the Aesthetic Viewscape Management Area of Lake Temagami in the Matabitchuan Neighbourhood. The actual limit of the Aesthetic Viewscape Management Area may be determined on a site-specific basis, using ground truthing and/or GIS models, as required.

Outside of the highway corridor and the Urban Neighbourhood and excluding extractive uses and operations in accordance with the Temagami Land Use Plan, it is the Municipality's intent that no new land use permits be granted in the Skyline Reserve or within 2 km of the shoreline of Lake Temagami or Cross Lake, and no existing land use permits shall be converted to patents. It is also the policy of the Municipality that no new structures or hunt camps be permitted within the Skyline Reserve or within 2 km of the shore of Lake Temagami or Cross Lake.

The Municipality recognises that the Matabitchuan Neighbourhood has high recreational values. It is the policy of the Municipality to develop, in conjunction with the Ministry of Natural Resources, prescriptions to establish and protect Aesthetic Viewscape Management Areas around the recreational lakes, canoe routes/boating lakes and railway lines, highways, municipally maintained roads, and designated tourism roads, and to define the AVMA physical limits on these lakes.

### **7.3.18 Contractors' Yards**

Contractors' yards may be permitted on a Rural Residential or Remote Residential lot in the Matabitchuan Neighbourhood, as a Home Industry, subject to an amendment to the Zoning By-law and site plan approval, in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a fence made of natural materials or a solid vegetative buffer from the viewing public.

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and a lake be located in the yard abutting the road;
- In the case of a water access lot, the contractor's yard shall be located no closer than 10 m from the normal shoreline; and
- Shall at all times be clearly incidental to the primary residential use of the property

### **7.3.19 Transit of Industrial/Building Supplies at Lake Access Points**

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building materials and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point.

Where lots or sites are accessible by an existing road, industrial goods and/or equipment shall be transported to those lots or sites by road. Goods, supplies or equipment that can be

transported by an existing road access to their delivery destination will not be allowed as limited industrial activities at access points.

## **7.4 LAND USE DESIGNATIONS**

### **7.4.1 Integrated Management Area**

The Integrated Management Area land use designation recognises those Crown land areas and patent lands where resource management activities and recreational uses may be integrated. To achieve this, resource extraction activities shall be carefully managed to ensure compatibility with the significant uses and values.

Uses permitted within the Integrated Management Area land use designation in the Matabitchuan Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 7.3.3 and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites, provincial parks and conservation areas are also permitted.

Commercial timber harvesting, and aggregate extraction and mining are also permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses.

Land within the Integrated Management Area land use designation may be redesignated to permit Tourist Commercial development such as lodges shall develop in accordance with the policies of Section 7.4.6.2, require an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Integrated Management Area land use designation is permitted on the shore of, or on islands in the lakes within the Matabitchuan Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 9.7 of this Plan and shall be subject to a rezoning.

Access to lakes within the Integrated Management Area shall be controlled. Access by existing municipal road or lake access point, motorboat, canoe, trail (snowmobile, cross-country ski, hiking, mountain bike, and horse) is permitted.

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Integrated Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law and consideration should be given to the policies of Sections 3.0 and 9.7 and other relevant sections of this Plan.

#### **7.4.2 Special Management Area**

The Special Management Area land use designation recognises Crown land areas and patent lands with significant resource values and features and/or the need to control access or to manage resources according to a special land use prescription set out in the Ministry of Natural Resources Temagami Land Use Plan.

Uses permitted within the Special Management Area land use designation in the Matabitchuan Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 7.3.3 Rural and Remote Residential and Section 9.7 Development Applications and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted.

Commercial timber harvesting, mining and aggregate extractions are permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses and values.

Land within the Special Management Area may be redesignated to permit remote Tourist Commercial development such as lodges shall develop in accordance with the policies of Section 7.4.6.2, require an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Special Management Area land use designation is permitted on the shore of, or on islands in the lakes within the Matabitchuan Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 9.7 of this Plan and shall be subject to a rezoning.

Access to lakes within the Special Management Area shall be controlled in order to provide a variety of remote and backcountry recreational opportunities. Public access may be by air, motorboat, canoe or trail (snowmobile, cross-country ski, hiking, mountain bike, and horse). Access by ATV, in those locations indicated on Schedule B to this Plan, is permitted along trails, provided that site-specific resource values and features are not, or do not become, threatened.

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Special Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0 and 9.7 and other relevant sections of this Plan.

### **7.4.3 Protected Area**

The Protected Area land use designation includes Crown land with representative 'old growth' red and white pine sites, some watersheds containing the headwaters of rivers flowing through the wilderness park, significant wetlands, provincially significant ecological and geological features.

Permitted uses will focus on low intensity, non-consumptive recreation and tourism, such as small cabins, hunt camps and warm-up shelters for day use and campsites; along with activities to ensure the protection of significant ecological values/features.

Access to the Protected Area shall be by air, snow vehicle, or water except that temporary road access can be established across Protected Areas for the purpose of resource extraction. Travel within the Protected Area shall be limited to cross-country skis, dog sleds and hiking.

Any existing tourist commercial facilities of a more substantive nature than would otherwise be permitted by the policies of this Plan may continue to operate. However, it is the intent of the Municipality of Temagami that these facilities will cease to operate in the long term and that the sites will be allowed to regenerate. Consistent with this policy, no major expansions to these facilities shall be permitted. Further, these facilities shall not be specifically recognised on the Official Plan schedules or in the Zoning By-law.

It is not the policy of the Ministry of Natural Resources to grant new land use permits or patents in the Protected Area. The Municipality of Temagami supports this approach. As a result, the Zoning By-law shall zone the Protected Area in a non-development zone, consistent with the policies of the Ministry of Natural Resources and of this Official Plan.

### **7.4.4 Mineral Aggregate**

The Mineral Aggregate land use designation recognises Crown land, patented land and leased land with existing mineral aggregate extraction operations and areas identified as having potential aggregate resources.

Uses permitted in the Mineral Aggregate land use designation include aggregate extraction, crushing, stockpiling, concrete batching plants and asphalt plants.

The establishment of a new mineral aggregate operation in the mineral aggregate designation shall be subject to an amendment to the Zoning By-law and shall satisfy the provisions of the Aggregate Resources Act. In addition, the proponent shall enter into an agreement with the Municipality. Such an agreement shall include:

- provisions for the sequential rehabilitation of the site as extraction proceeds and for the ultimate rehabilitation of the site after the operation ceases, including a site plan;
- specified times for blasting and crushing operations;
- visual screening;
- provision for the use and maintenance of access roads;
- the method of processing or treating waste water or other pollutants such as engine oil;
- the requirements for certain financial guarantees related to road maintenance and pit rehabilitation.

#### **7.4.5 Industrial**

New resource related industrial development in the Matabitchuan Neighbourhood shall be subject to an Official Plan amendment, a Zoning By-law amendment and site plan control. In approving an industrial site plan, the Municipality shall have regard to the requirements of the Planning Act and shall give special consideration to the methods proposed to buffer the industrial use from adjacent uses.

The type of uses that may be considered by the Municipality shall include non-hazardous and non-obnoxious resource and non-resource based industries, generally along the Highway 11 corridor. Examples include manufacturing, the processing of forestry products, warehousing and the servicing and storage of goods but does not include Highway Commercial type uses. Because these future industrial uses are anticipated to be located close to Highway 11, special care shall be taken during the site plan approval process to ensure adequate screening from public view.

Industrial uses shall be serviced in accordance with the servicing policies of this Plan.

Industrial service uses, in accordance with Section 7.3.19 may occur at lake approved access points within the Matabitchuan Neighbourhood.

The Zoning By-law shall establish one or more industrial zones to recognise the range of industrial uses permitted.

Temporary industrial uses on Crown land permitted by a Forestry Management Plan or the Mining Act are not subject to the above requirements.



#### **7.4.6 Tourist Commercial**

The Tourist Commercial land use designation recognises existing commercial recreational and tourist facilities on patented or leased land that serve lake residents and visitors. Permitted uses include youth and adult camps, tourist outfitters and tourist lodges, marinas including the rental of house boats, floatplane base, restaurants and outfitters' base and outpost camps, motels, tourist cabins and taverns. Tourist commercial uses are not residential uses.

Tourist Commercial uses shall be serviced in accordance with the servicing policies of this Plan.

##### **7.4.6.1 Expansion of Existing Tourist Commercial Uses**

In considering applications for expansion of existing Tourist Commercial uses, and in addition to the relevant requirements of Section 7.4.6.2, the Municipality shall be satisfied that the existing approved water supply and sewage disposal systems are adequate to serve the expanded use or that the systems are capable of being upgraded or expanded and approved to meet the anticipated demand. The Municipality shall also be satisfied that the site area is adequate to accommodate the proposed expansion.

The expansion of an existing tourist commercial use, either within the existing site or though the expansion of the existing site does not require an amendment to this Plan. The expansion does not require an amendment to the Zoning By-law unless the site is enlarged beyond the area currently zoned for tourist commercial uses or the expansion introduces a use not permitted under the existing zoning, subject to the provisions of Section 3.06 of the Zoning By-law.

However, no addition to the Tourist Commercial lot shall be permitted from an adjacent Protected Area land use designation.

##### **7.4.6.2 New Tourist Commercial Uses**

New Tourist Commercial development outside of areas designated Tourist Commercial shall proceed by way of an amendment to this Plan and to the Zoning By-law and be subject to site plan approval.

New Tourist Commercial development within the Tourist Commercial land use designation shall proceed by way of an amendment to the Zoning By-law and shall be subject to site plan approval.

In approving new Tourist Commercial uses, the Municipality shall consult with the Ministry of Transportation regarding access points, sight lines, setbacks and other matters that fall within the jurisdiction of the Ministry of Transportation.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering an application for land use permits and patents for new Tourist Commercial uses and the associated Official Plan amendment, and to guide the provisions of the Zoning By-law, reference should be made to the following standards.

Approval of an Official Plan amendment to permit new Tourist Commercial uses shall be based on consideration of the following:

- consistency with the Provincial Policy Statement;
- the provisions of the Zoning By-law;
- for development on water bodies, a minimum frontage of 200 metres, measured in a straight line distance between the points where the side lot lines meet the shoreline;
- Tourist Commercial establishments shall be located no closer together than 1 km, straight line distance;
- Tourist Commercial establishments shall be located at least 1 km, straight line distance, from any municipal road or water access point;
- Tourist Commercial establishments shall be located at least 500 m straight line distance from any residential property;
- the proponent is able to demonstrate the feasibility of the water supply and sewage disposal systems and indicate the location of these facilities on the site;
- documentation from the appropriate authority that dock locations are suitable, based on any studies required by, or approval of the authority;
- There shall be adequate access from an approved public access point and adequate vehicular parking on the mainland shall be available;
- the proponent shall provide an archaeological assessment when the property demonstrates high archaeological potential;
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- a study which includes an inventory of all existing natural and cultural heritage features and associated sensitivities both on the site and in the water adjacent to the site, including shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development on the site and any measures proposed to mitigate the anticipated impacts of the development on the features; and
- a preliminary site plan indicating the location of vegetation (including vegetation to be retained and removed), topography, drainage characteristics, soils, and the location of all proposed buildings (including those to be built in later phases), docks, boathouses, water intake points and sewage disposal areas shall be prepared to the satisfaction of the Municipality.

### **7.4.6.3 Conversions of Tourist Commercial Uses**

The conversion of a Tourist Commercial use, existing on the date this policy comes into force, to a residential use consisting of no more than four single detached dwelling lots shall be subject to an amendment to the Zoning By-law and shall be subject to site plan approval. As such, the residential lots will retain a tourist commercial land use designation. A tourist commercial use shall not be established in conformity with the tourist commercial land use designation unless all of the residential lots are converted to a tourist commercial use. All other conversions from a Tourist Commercial use to a residential use shall be subject to an Official Plan amendment. The creation of residential lots by plan of subdivision is not permitted. Up to three lots plus a retained may be created by consent. If lots are created through consent, they shall satisfy the provisions of Section 7.3.3.2 (except the 200m separation distance between residential lots) and meet the lot size and frontage requirements of this Plan and the Zoning By-law.

If a commercial property is to continue operating after the conversion of some of the property to a single detached residential use, the retained commercial area shall continue to meet the Tourist Commercial policies of this Plan and the Tourist Commercial provisions of the Zoning By-law.

In considering the conversion of a tourist commercial use to a single detached residential use, the Municipality shall have regard to:

- the adequacy of the proposed water supply and sewage disposal system for each proposed use and/or lot;
- the size and shape of the proposed lots; and
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.

If a Tourist Commercial use is to be converted to a residential use by way of plan of condominium, then such plan of condominium shall include all of the land associated with the Tourist Commercial use. In addition to satisfying all of the requirements of the Planning Act for a plan of condominium, the conversion shall be subject to a rezoning and site plan approval. The plan of condominium shall generally utilise the existing buildings and shall not take the form of several new adjacent buildings along the shoreline that would otherwise appear to be a plan of subdivision. The density of the residential units in the condominium shall not exceed the density that would result if each residential unit were located on a separate lot that conformed to the lot size provisions of the Zoning By-law.

### **7.4.6.4 Conversion of Youth Camps to Tourist Commercial Uses**

The conversion of a youth camp to a commercial recreational/tourist facility is permitted subject to:

- the Municipality, in consultation with the appropriate approval authority, being satisfied that the water supply and sewage disposal systems are adequate for the proposed use; and
- adequate provision has been made for sewage and grey water pump out, if the proposed use includes the rental of houseboats.

The conversion of a youth camp to a commercial recreational/tourist facility shall not require an amendment to the Zoning By-law but shall be subject to site plan approval.

#### **7.4.7 Future Development Area**

No land is designated Future Development in the Matabitchuan Neighbourhood.

## 8.0 BACKCOUNTRY NEIGHBOURHOOD

### 8.1 INTRODUCTION

The Municipality is actively involved in acquiring Crown land for cottage lot development. This plan establishes policies to guide the creation of new lots from Crown land subject to MNR's land disposition process. The Municipality's policy is to allow continued, meaningful negotiations with the MNR on the issue of Crown land disposition on lake trout lakes.

Should the disposition of Crown land on lake trout lakes be permitted by the Ministry of Natural Resources<sup>4f</sup>, a Lot Creation and Development Plan Study shall be carried out for those designated lake trout lakes where new lots will be created, prior to development taking place. The results of such a study shall be incorporated into this Plan, by amendment.

This section should be read in conjunction with the other sections of this Plan, as set out in Section 1.5.

The Backcountry Neighbourhood is shown on Schedules A-1 and A-2. This area is predominantly made up of Crown land with a few isolated parcels of patented land, leases and permits associated with mining or recreational activities. Forestry and mining potential exists throughout the Backcountry Neighbourhood. The Backcountry serves as an area for remote recreation activities within the Municipality and also serves as an important transitional zone leading to more remote recreational opportunities.

The Backcountry is also characterised by an extensive network of unassumed roads associated with earlier periods of mining and forestry activity.

Many of the roads are currently used by snowmobiles, ATV's, and some vehicular activity. Management gates such as along the Red Squirrel Road and access to the Cross Lake dam have in recent years reduced vehicular access. Natural revegetation, erosion, and windthrow further reduces this network annually.

In order to address adequately the long-term development related issues in the Backcountry Neighbourhood, the Municipality may prepare a planning strategy in consultation with the Ministry of Natural Resources.

### 8.2 PRINCIPLES AND GOALS

This section sets out a series of land use principles and goals for the Backcountry Neighbourhood that will preserve the character of the Temagami area while helping to create a climate that further advances opportunities for economic growth and social

development. These principles are based on proper planning but have the flexibility necessary to recognise the changing nature of a global economy and how it affects communities.

### **8.2.1 Land Use**

It is the land use goal of the Municipality that the Backcountry Neighbourhood experience only a small amount of new remote residential and non-intensive tourist commercial development that is:

- orderly;
- consistent with an overall planning strategy;
- consistent with the existing character of the area, while maintaining the wilderness values; and
- not on Cross Lake.

### **8.2.2 Economic**

It is the goal of the Municipality to support resource extraction as the primary economic activity in the Backcountry Neighbourhood. However, numerous opportunities also exist for remote cottaging, camping, outdoor recreation and tourism activities based upon historic and recent trail networks.

### **8.2.3 Environmental**

It is the goal of the Municipality to protect and enhance the environmental quality of the Backcountry Neighbourhood while at the same time recognising that the Neighbourhood is extensively used for recreation, forestry and mining.

All activities rely upon a sustainable environment beginning with the protection of natural ecosystems that are required to maintain biologically diverse flora and fauna.

### **8.2.4 Social**

It is the goal of the Municipality to ensure that the Backcountry Neighbourhood wilderness and semi-wilderness values are protected and enhanced while at the same time permitting forestry and mining activities to occur in a co-operative and respectful manner.

The benefit to be achieved is an environment capable of sustaining values as diverse as water quality and continued forestry and recreation opportunities.

Current forestry planning practices recognise and seek to protect the natural environment values but depend upon input from other Neighbourhood users to ensure a balanced development strategy.

The Municipality encourages an open dialogue amongst all backcountry users to ensure maximum sustainable benefit is achieved.

## **8.3 GENERAL POLICIES**

### **8.3.1 Crown Land**

Crown land is managed by the Province of Ontario and is under the administration of the Ministry of Natural Resources. The Ministry has the ultimate authority over the use of Crown land and the issuance of Land Use Permits, Letters of Authority, Licences of Occupation, Leases and Patents. This situation is expected to continue throughout the planning period.

In carrying out its mandate, the Ministry of Natural Resources is encouraged to have regard for the policies of this Plan. The Ministry of Natural Resources should have particular regard for: the size, location, density and means of access to new patented land for commercial tourist and private residential development; the Municipality's objectives with respect to the establishment of new roads and access points; the amount of development permitted; and the rate of change.

Notwithstanding these statements, the Municipality recognises that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR (1997) is the governing land use planning document for Crown land except in the geographic Township of Sisk. The Municipality will only consider an amendment to this Plan for areas currently designated as Crown land, if the proposed use conforms to the Temagami Land Use Plan or if the Ministry of Natural Resources first approves an amendment to the Temagami Land Use Plan (if required), the North Bay District Land Use Guidelines or the Ontario Lands for Life Land Use Strategy and any relevant resource management plan.

Most of the Backcountry Neighbourhood is comprised of Crown Land, which is designated Integrated Management Area, Special Management Area and Protected Area. Crown land is managed subject to the policies in the Temagami Land Use Plan. The Temagami Land Use Plan 'zones' within the Backcountry Neighbourhood include Integrated Management Area, Special Management Area and Protected Area. In some instances, this Plan reflects the land use 'zones' in the Temagami Land Use Plan in that lands are designated Integrated Management Area, Special Management Area or Protected Area. The sole purpose of the Temagami Land Use Plan designations in this Plan is to recognize the authority of the Temagami Land Use Plan as the governing Plan affecting these lands, most, if not all of which are Crown Lands. The MNR and the Temagami Land Use Plan guide the development of future resource management plans. In order to maintain biodiversity, a number of protected areas have been established to conserve representative vegetation and

landform types, to provide areas for low-intensity use and to maintain, enhance and protect those areas.

In addition, an array of guidelines have been designed to maintain critical habitat for a number of species. These guidelines guide resource management prescriptions throughout the area of concern and may include: aesthetic viewscape management areas, road-crossing standards, seasonal resource extraction prescriptions, mining prescriptions, and forest management Area of Concern prescriptions (AOC), such as moose calving sites, fisheries and natural heritage sites.

The Municipality will encourage, and work with the MNR to ensure that biodiversity is maintained, sensitive species, and population levels of rare, threatened and endangered species are sustained, if not increased through the implementation of the policies of this Plan.

### **8.3.2 Permitted Uses**

Permitted uses in the Backcountry Neighbourhood focus on remote residential and tourist commercial uses and include the following.

Residential uses are limited to:

- A remote seasonal single detached dwelling unit, (in accordance with the policies of this Plan and the provisions of the Zoning By-law);
- Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;
- Sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law); and
- accessory uses such as boathouses, docks and storage sheds.

Commercial uses permitted within the Backcountry Neighbourhood are limited to remote tourist commercial uses, in conformity with the policies of this Plan.

### **8.3.3 Rural Residential and Remote Residential**

Some Rural Residential and Remote Residential development exists within the Backcountry Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area. Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. Certain accessory uses are permitted on Remote Residential dwelling lots in addition to a boathouse and includes sleep cabins, a home occupation, a home



industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning By-law.

In addition, on a Rural Residential lot located on a maintained municipal road, a bed and breakfast establishment without sleep cabin(s) and with or without a home occupation is permitted.

### **8.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a Municipal road, open and maintained on a year round basis. The lots may have private water supply and sewage disposal systems or may be serviced with communal servicing systems, in accordance with the requirements of Section 2.9. The creation of new lots by consents or letters patent from Crown land are permitted throughout the Neighbourhood. Plans of subdivision or condominium on recreation lakes immediately adjacent to Highway #11 are permitted. All lots shall conform to the following policies:

- The intended use of the lot or lots conform to the intent and policies of the Plan;
- Prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreation lakes that propose access from Highway #11;
- The lot or lots are not within 500m of a known sanitary landfill site;
- The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent,
- The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the lot or lots are not negatively impacted by the development;

- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- The lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - ◆ Utilisation of existing vegetation and topography to minimise visual impacts;
  - ◆ Buildings and structures located in the shoreline activity area;
  - ◆ Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - ◆ Rehabilitation of vegetation disturbed due to construction; and
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses.
- The lot or lots created by the Crown shall be located at least a minimum distance from any public access point, as set out in the Zoning By-law;
- The lot or lots shall be subject to a Zoning By-law amendment;
- The lot or lots shall be located at least a minimum distance from other land uses/activities such as approved campsites, trails, portages, spawning areas, beaches, cultural heritage sites, as set out in the Zoning By-law; and
- The lot or lots shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of leased lots to patented lots, providing the use is in conformity with the use permitted in this Plan.

### **8.3.3.2 Remote Residential**

New lots will be created in accordance with the policies of this Plan. The lots shall have approved private water supply and sewage disposal systems, in accordance with the requirement of Section 2.9. The creation of new Remote Residential lots, by consent on private lands and by letters patent from Crown land, are permitted provided they conform to the following policies:

#### **Lot Creation Through Consents on Private Land**

- The intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;
- The Municipality will not assume responsibility for access, snow removal, road maintenance or service by school busses;

- The Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;
- In creating the lot, regard shall be had to any natural heritage features identified in this Plan;
- The applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features. Otherwise, the Municipality will not approve the consent;
- The soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system, in accordance with the requirements of Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent being granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;
- The lot is not within 500m of a known sanitary landfill site;
- the lot shall be at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law;
- Where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;
- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- The lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilisation of existing vegetation and topography to minimise visual impacts;
  - Buildings and structures located in the shoreline activity area;
  - ◆ Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - ◆ Rehabilitation of vegetation disturbed due to construction; and
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses.

## **Locational Criteria for Tenure Created From Crown Land**

In addition to the above policies, the following policies also apply to tenure created by the Crown for residential uses:

- In order to preserve the privacy of neighbouring properties and to mitigate auditory and visual intrusion, a Crown land buffer area shall be maintained between existing and new lots, as set out in the Zoning By-law. Notwithstanding the intent of the buffer policy, individual undeveloped Crown islands may be considered for single ownership development provided the other policies of this Plan and the provisions of the Zoning By-law can be met;
- The lot created by the Crown shall be located at least a minimum distance from any public access point accessible by motor vehicle, as set out in the Zoning By-law;
- the lot shall be located at least a minimum distance from an existing tourist lodge, as set out in the Zoning By-law;
- The lot shall be subject to a Zoning By-law amendment;
- A 'Note on Title' shall be placed on the lot notifying any prospective purchaser that the Municipality shall not be responsible for providing or maintaining access to the lot across Crown land;
- The lot shall be located at least a minimum distance from other land uses/activities such as approved campsites, trails, portages, spawning areas, beaches, cultural heritage sites, as set out in the Zoning By-law;
- The lot shall be located to avoid sites on narrow boat channels and/or major canoe routes and
- The lot shall be subject to the policies of Section 9.7 of this Plan.

The above policies do not apply to the conversion of Crown land tenure lots to patented lots existing on the date this Plan comes into effect, providing the use is in conformity with the use permitted in this Plan and the Zoning By-law.

### **8.3.4 Sleep Cabins**

Sleep cabins are permitted on lots within the Backcountry Neighbourhood in conformity with the following policies and the provisions of the Zoning By-law.

One sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have both bathroom and kitchen facilities, subject to conforming with the policies of Section 8.3.5.

Only one severance to separate an existing serviced sleep cabin shall be allowed from the original parcel and such a severance shall be counted in the maximum lot creation numbers as stipulated in the Interim Development Policy of Section 2.15.

The size and number of sleep cabins on a lot affects the intensity of use on the property. In order to reduce visual impact, sleep cabins should be located no closer to the lake than the main residential dwelling or the minimum front yard setback specified in the Zoning By-law whichever is the lesser. Sleep cabins are permitted in accordance with Section 8.3.5.

### **8.3.5 Number of Sleep Cabins Permitted on a Lot**

The maximum number of sleep cabins permitted on a residential lot in the Backcountry Neighbourhood is set out in the Zoning By-law.

The total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot.

One sleep cabin may have bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot so that the severed and retained lots conform to the provisions and standards of the Zoning By-law.

### **8.3.6 New Development**

New development in the Backcountry Neighbourhood shall primarily take the form of new residential and Tourist Commercial lots. Mining is permitted subject to the conditions of the Mining Act, Public Lands Act, and Regulations thereto. The transit of industrial/building supplies may occur at specified access points within the Backcountry Neighbourhood.

Prior to the creation of new lots from Crown land on selected lakes, it is the policy of the Municipality to prepare a Lot Creation and Development Plan that shall have as its objective the determination of the ultimate amount of use/development, both residential and commercial, which will be permitted in the Backcountry Neighbourhood. The goal of the process will be to ensure that the characteristics of the Backcountry Neighbourhood are fully protected and enhanced. In the interim, the following policies shall apply.

### **8.3.7 Interim Development Policy**

The Municipality will entertain new development in the Backcountry Neighbourhood on a case by case basis in keeping with the policies of this Plan.

The Municipality of Temagami has authority to grant consent to sever patented land within the Municipality. Applications to create new parcels on Crown land shall proceed in accordance with MNR's planning process; however the Municipality encourages the MNR to consider the policies of this Plan during its process.

#### **8.3.7.1 Lots Permitted from Patented**

- Five (5) lots from patented or Crown land per year, cumulative from calendar to calendar year.
- This policy does not apply to land use permits, leases of record and licences of occupation for improved and established properties being converted to patents or any consents required for lot additions or minor variances to bring lots into compliance with the Zoning Bylaw.

#### **8.3.8 Home Occupations**

Home occupations shall only be carried out in a residential dwelling and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. Sale of goods or the provision of a service shall not result in an unacceptable level of increased boat traffic nor will it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Backcountry Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

#### **8.3.9 Home Industry**

Home industries such as electrical, carpentry, plumbing, a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Backcountry Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home

industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

### **8.3.10 Shoreline Structures**

Boathouses, both water based and land based, pump houses, saunas, utility structures and storage units have the potential for significant visual impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water. In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial) and sleeping quarters in the upper level. Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities. A boathouse with sleeping accommodations shall be deemed to be a sleep cabin for the purpose of Section 8.3.5. Boathouses are not intended to function as a self-contained dwelling unit. Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area

### **8.3.11 Prohibited Uses**

Mobile Homes, mobile home parks, and multi unit attached residential structures are not permitted in the Backcountry Neighbourhood.

There shall be no new development on Cross Lake; and, no new public roads, or new permanent structures or hunt camps built on the mainland within 2 km of Cross Lake.

### **8.3.12 Services and Utilities**

The provision and operation of services and utilities are important issues to the Municipality. Every effort shall be made to ensure the responsible planning, construction, operation and maintenance of all services. In addition, conflicts with other land uses and impacts on the natural environment, as a result of municipal services, shall be minimised.

Within the Backcountry Neighbourhood, development is expected to proceed on the basis of individual water supply and sewage disposal systems. Land use permits for offsite sewage works for existing lots are recognised as necessary in these areas if the off-site sewage system cannot be located on the same lot as the dwelling it is intended to serve. New lots shall not be created unless an approved sewage disposal system can be accommodated on the lot.

Prior to approving new development, the Municipality shall be satisfied that adequate and approved water supply and sewage disposal systems to service the proposed development can be provided, in accordance with the requirements of Section 2.9.

Prior to issuing an occupancy permit, the Municipality shall be satisfied that the ultimate water supply and sewage disposal systems have been installed, approved by the appropriate approval authority and connected to the proposed development.

Because of evolving technology in the field of private sewage disposal systems, the Municipality does not wish to limit the types of systems that might be considered. However, the Municipality must be satisfied that any proposed sewage disposal system has the approval of the appropriate approval authority and that sufficient data exists, relevant to the Temagami area, to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.

### **8.3.13 Telecommunications and Utility Infrastructure**

Telecommunications and utility infrastructure is permitted throughout the Backcountry Neighbourhood. Where possible the Municipality will request that such infrastructure be as unobtrusive as possible in keeping with the semi-wilderness character of the area.

### **8.3.14 Parks/Conservation Reserves**

The Bob Lake Conservation Reserve and the Obabika River Provincial Park are located in the Backcountry Neighbourhood. It is acknowledged that new provincial parks and conservation reserves can be established by the Province of Ontario without the requirement for an official plan amendment or zoning by-law amendment and activity within these Crown Land areas is not subject to municipal site plan control. MNR, however, will continue to work with the municipality to identify and address any concerns.



### **8.3.15 Temporary Wayside Pits and Asphalt Plants**

Although the Municipality does not have jurisdiction over temporary wayside pits and asphalt plants, such pits and plants opened for the purpose of public road construction or maintenance are generally permitted without an amendment to this Plan, a rezoning, or the issuance of a development permit. However, these uses are not permitted in the Protected Area land use designation, the area within 2 km of Lake Temagami or in recognised environmentally sensitive areas. Further, the location of temporary or wayside pits and asphalt plant operation requires an approval under the Environmental Protection Act.

### **8.3.16 Bed and Breakfast Establishments**

A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling on a lot serviced by a maintained municipal road provided the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if require, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

### **8.3.17 Aesthetic Viewscape Management**

Beyond the Skyline Reserve, (Management Area #39), that is located in the Lake Temagami Neighbourhood, is the Aesthetic Viewscape Management Area that includes areas that may still be visible from a boat located anywhere on Lake Temagami. There is only a small portion of the Aesthetic Viewscape Management Area of Lake Temagami in Backcountry Neighbourhood. The actual limit of the Aesthetic Viewscape Management Area may be determined on a site-specific basis, using ground truthing and/or GIS models, as required.

Outside of the highway corridor and the Urban Neighbourhood and excluding extractive uses and operations in accordance with the Temagami Land Use Plan, it is the Municipality's intent that no new land use permits be granted in the Skyline Reserve or within 2 km of the shoreline of Lake Temagami or Cross Lake, and no existing land use permits shall be converted to patents. It is also the policy of the Municipality that no new structures or hunt camps be permitted within the Skyline Reserve or within 2 km of the shore of Lake Temagami or Cross Lake.

The Municipality recognises that the Backcountry Neighbourhood has high recreational values. It is the policy of the Municipality to develop, in conjunction with the Ministry of Natural Resources, prescriptions to establish and protect Aesthetic Viewscape Management Areas around the recreational lakes, canoe routes/boating lakes and railway lines, highways, municipally maintained roads, and designated tourism roads, and to define the AVMA physical limits on these lakes.

### **8.3.18 Contractors' Yards**

Contractors' yards may be permitted on a residential lot in the Backcountry Neighbourhood, as a Home Industry, subject to an amendment to the Zoning By-law and site plan approval, in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a fence made of natural materials or a solid vegetative buffer from the viewing public.

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and a lake be located in the yard abutting the road;
- In the case of a water access lot, the contractor's yard shall be located no closer than 10 m from the normal shoreline; and
- Shall at all times be clearly incidental to the primary residential use of the property.

### **8.3.19 Transit of Industrial/Building Supplies at Lake Access Points**

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building materials and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point.

Where lots or sites are accessible by an existing road, industrial goods and/or equipment shall be transported to those lots or sites by road. Goods, supplies or equipment that can be

transported by an existing road access to their delivery destination will not be allowed as limited industrial activities at access points.

## **8.4 LAND USE DESIGNATIONS**

### **8.4.1 Integrated Management Area**

The Integrated Management Area land use designation recognises those Crown land areas and patent lands where resource management activities and recreational uses may be integrated. To achieve this, resource extraction activities shall be carefully managed to ensure compatibility with the significant uses and values.

Uses permitted within the Integrated Management Area land use designation in the Backcountry Neighbourhood are primarily existing and new private residential development, in accordance with the policies of Section 8.3.3 and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted.

Commercial timber harvesting, and aggregate extraction and mining are also permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses.

Land within the Integrated Management Area land use designation may be redesignated to permit Tourist Commercial development such as lodges and shall be developed in accordance with the policies of Section 8.4.6.2, requiring an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Integrated Management Area land use designation is permitted on the shore of, or on islands in the lakes within the Backcountry Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 9.7 of this Plan and shall be subject to a rezoning.

Access to lakes within the Integrated Management Area shall be controlled. Access by existing municipal road or lake access point, motorboat, canoe, trail (snowmobile, cross-country ski, hiking, mountain bike, and horse) is permitted.

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Integrated Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0 and 9.7 and other relevant sections of this Plan.

#### **8.4.2 Special Management Area**

The Special Management Area land use designation recognises Crown land areas and patented lands with significant resource values and features and/or the need to control access or to manage resources according to a special land use prescription set out in the Ministry of Natural Resources Temagami Land Use Plan.

No new public roads and no new permanent structures shall be located within 2 km of lake Temagami.

Uses permitted within the Special Management Area land use designation in the Backcountry Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 8.3.3 Rural and Remote Residential and Section 9.7 Development Applications and other relevant policies of this Plan. Home occupations and home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted.

Commercial timber harvesting, mining and aggregate extractions are permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses and values.

Land within the Special Management Area may be redesignated to permit remote Tourist Commercial development such as lodges and shall be developed in accordance with the policies of Section 8.4.6.2, requiring an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Special Management Area land use designation is permitted on the shore of, or on islands in the lakes within the Backcountry Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 9.7 of this Plan and shall be subject to a rezoning.

Access to lakes within the Special Management Area shall be controlled in order to provide a variety of remote and backcountry recreational opportunities. Public access may be by air, motorboat, canoe or trail (snowmobile, cross-country ski, hiking, mountain bike, and horse). Access by ATV, in those locations indicated on Schedule B to this Plan, is permitted along trails, provided that site-specific resource values and features are not, or do not become, threatened.

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Special Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0 and 9.7 and other relevant sections of this Plan.

### **8.4.3 Protected Area**

The Protected Area land use designation includes Crown land with representative 'old growth' red and white pine sites, some watersheds containing the headwaters of rivers flowing through the wilderness park, significant wetlands, provincially significant ecological and geological features and significant recreation areas.

Permitted uses will focus on low intensity, non-consumptive recreation and tourism, such as small cabins, hunt camps and warm-up shelters for day use and campsites; along with activities to ensure the protection of significant ecological values/features.

Access to the Protected Area shall be by air, snow vehicle, or water except that temporary road access may be established for the purpose of resource extraction. Travel within the Protected Area shall be limited to cross-country skis, dog sleds and hiking.

Any existing tourist commercial facilities of a more substantive nature than would otherwise be permitted by the policies of this Plan may continue to operate. However, it is the intent of the Municipality of Temagami that these facilities will cease to operate in the long term and that the sites will be allowed to regenerate. Consistent with this policy, no major expansions to these facilities shall be permitted. Further, these facilities shall not be specifically recognised on the Official Plan schedules or in the Zoning By-law.

It is not the policy of the Ministry of Natural Resources to grant new land use permits or patents in the Protected Area. The Municipality of Temagami supports this approach. As a result, the Zoning By-law shall zone the Protected Area in a non-development zone, consistent with the policies of the Ministry of Natural Resources and of this Official Plan.

#### **8.4.4 Mineral Aggregate**

The Mineral Aggregate land use designation recognises Crown land, patented land and leased land with existing mineral aggregate extraction operations and areas identified as having potential aggregate resources.

Uses permitted in the Mineral Aggregate land use designation include aggregate extraction, crushing, stockpiling, concrete batching plants and asphalt plants.

The establishment of a new mineral aggregate operation in the mineral aggregate designation, shall be subject to an amendment to the Zoning By-law and shall satisfy the provisions of the Aggregate Resources Act. In addition, the proponent shall enter into an agreement with the Municipality. Such an agreement shall include:

- provisions for the sequential rehabilitation of the site as extraction proceeds and for the ultimate rehabilitation of the site after the operation ceases, including a site plan;
- specified times for blasting and crushing operations;
- visual screening;
- provision for the use and maintenance of access roads;
- the method of processing or treating waste water or other pollutants such as engine oil;
- the requirements for certain financial guarantees related to road maintenance and pit rehabilitation.

#### **8.4.5 Industrial**

Mineral exploration and mining operations are permitted subject to the regulations of the Ontario Mining Act. Industrial service uses, in accordance with Section 8.3.19 may occur at approved access points within the Backcountry Neighbourhood.

Temporary industrial uses on Crown land permitted by a Forestry Management Plan or the Mining Act are not subject to the above requirements.

#### **8.4.6 Tourist Commercial**

The Tourist Commercial land use designation recognises existing commercial recreational and tourist facilities on patented or leased land that serve residents and visitors. Permitted uses include youth and adult camps, tourist outfitters and tourist lodges, and other tourist related services such as outfitters' outpost camps, float plane bases and guiding. Tourist commercial uses are not residential uses.

Tourist Commercial uses shall be serviced in accordance with the servicing policies of this Plan.

#### **8.4.6.1 Expansion of Existing Tourist Commercial Establishments**

In considering applications for expansion of existing Tourist Commercial uses, and in addition to the relevant requirements of Section 8.4.6.2, the Municipality shall be satisfied that the existing approved water supply and sewage disposal systems are adequate to serve the expanded use or that the systems are capable of being upgraded or expanded and approved to meet the anticipated demand. The Municipality shall also be satisfied that the site area is adequate to accommodate the proposed expansion.

The expansion of an existing tourist commercial use, either within the existing site or through the expansion of the existing site does not require an amendment to this Plan. The expansion does not require an amendment to the Zoning By-law unless the site is enlarged beyond the area currently zoned for tourist commercial uses or the expansion introduces a use not permitted under the existing zoning, subject to the provisions of Section 3.06 of the Zoning By-law. However, no addition to the Tourist Commercial lot shall be permitted from an adjacent Protected Area land use designation.

#### **8.4.6.2 New Tourist Commercial Uses**

New Tourist Commercial development outside of areas designated Tourist Commercial shall proceed by way of an amendment to this Plan and to the Zoning By-law and be subject to site plan approval.

New Tourist Commercial development within the Tourist Commercial land use designation shall proceed by way of an amendment to the Zoning By-law and shall be subject to site plan approval. In approving new Tourist Commercial uses, the Municipality shall consult with the Ministry of Transportation regarding access points, sight lines, setbacks and other matters that fall within the jurisdiction of the Ministry of Transportation.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering an application for land use permits and patents for new Tourist Commercial uses and the associated Official Plan amendment, and to guide the provisions of the Zoning By-law, reference should be made to the following standards.

Approval of an Official Plan amendment to permit new Tourist Commercial uses shall be based on consideration of the following:

- Consistency with the Provincial Policy Statement;
- The provisions of the Zoning By-law;
- For development on water bodies, a minimum frontage of 200 metres, measured in a straight line distance between the points where the side lot lines meet the shoreline;
- Tourist Commercial establishments shall be located no closer together than 1 km, straight line distance;

- Tourist Commercial establishments shall be located at least 1 km, straight line distance, from any municipal road or water access point;
- Tourist Commercial establishments shall be located at least 500 m straight line distance from any residential property;
- the proponent is able to demonstrate the feasibility of the water supply and sewage disposal systems and indicate the location of these facilities on the site;
- The proponent shall provide an archaeological assessment when the property demonstrates high archaeological potential;
- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- Where access to the lot is by water, adequate long term parking and docking facilities shall be secured to the satisfaction of the Municipality;
- A study which includes an inventory of all existing natural and cultural heritage features and associated sensitivities both on the site and in the water adjacent to the site, including shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development on the site and any measures proposed to mitigate the anticipated impacts of the development on the features; and
- A preliminary site plan indicating the location of vegetation (including vegetation to be retained and removed), topography, drainage characteristics, soils, and the location of all proposed buildings (including those to be built in later phases), docks, water intake points and sewage disposal areas shall be prepared to the satisfaction of the Municipality.

#### **8.4.6.3 Conversions of Tourist Commercial Uses**

The conversion of a Tourist Commercial use, existing on the date this policy comes into force, to a residential use consisting of no more than four single detached dwelling lots shall be subject to an amendment to the Zoning By-law and shall be subject to site plan approval. As such, the residential lots will retain a tourist commercial land use designation. A tourist commercial use shall not be established in conformity with the tourist commercial land use designation unless all of the residential lots are converted to a tourist commercial use. All other conversions from a Tourist Commercial use to a residential use shall be subject to an Official Plan amendment. The creation of residential lots by plan of subdivision is not permitted. Up to three lots plus a retained may be created by consent. If lots are created through consent, they shall satisfy the provisions of Section 8.3.3.2 (except the 200 m separation distance between residential lots) and meet the lot size and frontage requirements of this Plan and the Zoning By-law.

If a commercial property is to continue operating after the conversion of some of the property to a single detached residential use, the retained commercial area shall continue to



meet the Tourist Commercial policies of this Plan and the Tourist Commercial provisions of the Zoning By-law.

In considering the conversion of a tourist commercial use to a single detached residential use, the Municipality shall have regard to:

- The adequacy of the proposed water supply and sewage disposal system for each proposed use and/or lot;
- The size and shape of the proposed lots; and
- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.

If a Tourist Commercial use is to be converted to a residential use by way of plan of condominium, then such plan of condominium shall include all of the land associated with the Tourist Commercial use. In addition to satisfying all of the requirements of the Planning Act for a plan of condominium, the conversion shall be subject to a rezoning and site plan approval. The plan of condominium shall generally utilise the existing buildings and shall not take the form of several new adjacent buildings along the shoreline that would otherwise appear to be a plan of subdivision. The density of the residential units in the condominium shall not exceed the density that would result if each residential unit were located on a separate lot that conformed to the lot size provisions of the Zoning By-law.

#### **8.4.6.4 Conversion of Youth Camps to Tourist Commercial Uses**

The conversion of a youth camp to a commercial recreational/tourist facility is permitted subject to:

- The Municipality, in consultation with the appropriate approval authority, being satisfied that the water supply and sewage disposal systems are adequate for the proposed use; and
- Adequate provision has been made for sewage and grey water pumpout, if the proposed use includes the rental of houseboats.

The conversion of a youth camp to a commercial recreational/tourist facility shall not require an amendment to the Zoning By-law but shall be subject to site plan approval.

#### **8.4.7 Future Development**

There are small areas designated Future Development within the Backcountry Neighbourhood, adjacent to areas designated Future Development within the Urban Neighbourhood. The Future Development land use designation recognises areas within the Backcountry Neighbourhood but outside the settlement areas that may represent a logical extension of urban development at some time in the future but beyond the 20 year planning horizon of this Plan. It is the policy of this Plan that uses permitted within the Future

Development land use designation shall be limited to uses existing on the date that this Plan is adopted by Council. No new development shall be permitted until the land designated for development and the land designated Future Development in the Urban Neighbourhood has been developed or has been proven to be unsuitable for development to the satisfaction of Council. Further, prior to development taking place a study shall be carried out that considers the following:

- a review of population and growth projections; alternative directions for growth; and how best to accommodate this growth while protecting provincial interests;
- opportunities to accommodate projected growth through intensification and redevelopment;
- integration with planning for infrastructure and public service facilities;
- cross-jurisdictional issues;
- the need for additional development land;
- the use for which the land is needed and compatibility with existing and future adjacent uses;
- the need for and availability of municipal water and sewer services;
- a Servicing Options Study;
- the adequacy of road access;
- the need and cost to extend other services; and
- the potential impact of the development on natural resources.

Any existing development within the Future Development land use designation may be recognized in the implementing Zoning By-law.

The Municipality shall not consider expanding the settlement area boundary by redesignating and rezoning land within the Future Development land use designation to permit new development on a site specific basis without carrying out the study referred to in this section.

The Municipality may allow the expansion of a settlement area boundary only where it has been demonstrated that:

- sufficient opportunities for growth are not available through intensification, redevelopment and designated development areas to accommodate the projected needs over the identified planning horizon; and
- the infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety.

## 9.0 IMPLEMENTATION

### 9.1 GENERAL

The Council of the Corporation of the Municipality of Temagami shall implement the Official Plan with advice from the Planning Advisory Committee. This Plan shall be implemented utilising the powers conferred on the Municipality by the Planning Act; the Municipal Act and such other statutes as may be applicable. Implementation tools may include but not be limited to the following:

- Zoning By-laws, in conformity with the provisions of this Plan and the Planning Act;
- Legislation pursuant to the Municipal and Building Code Acts;
- Subdivision control and part-lot control;
- Capital works programs and the construction of public works;
- Site Plan Control;
- Development Permits;
- Building Permits issued only in conformity with the Official Plan, the Zoning By-law and the Building Code Act;
- Holding By-laws;
- Temporary Use and Interim Control Bylaws;
- Other enabling legislation including but not limited to the Environmental Assessment Act, Environmental Protection Act, the Ontario Water Resources Act;
- Studies leading to the development of policies, direction, and implementation strategies; and
- Agreements with the Ministry of Natural Resources for the use and management of Crown lands.

### 9.2 PLANNING ADMINISTRATION

In accordance with the Planning Act, Council may delegate authority given by the Minister under Planning Act to a Committee of Council or an appointed officer.

Council may also delegate authority for granting minor variances and/or consent granting authority to a Committee of Adjustment.

Council shall also appoint a Planning Advisory Committee to make recommendations to Council on planning matters. The Committee shall be composed of a maximum of seven (7) members, which shall include the Chair who shall be a member of Council. The representation on the Planning Advisory Committee shall be consistent with the intent agreed to at amalgamation. Where the full complement of members is appointed, the

committee shall be composed of the Chair, three (3) members from the Lake Temagami Neighbourhood, two (2) members from the area within the former mainland boundaries of Temagami and one (1) member from the amalgamated areas beyond Lake Temagami. Council may, as it sees fit, change the total number of Planning Advisory Committee members by by-law, without an amendment to this Plan. However, the 50% representation from Lake Temagami and proportionate representation from the other specified areas shall be maintained.

### **9.3 REVIEW AND MONITORING OF THE PLAN**

The Municipality shall review the Official Plan at regular intervals, but not less than every five years, to determine if modifications to the Plan are required. When necessary, the Plan shall be revised to reflect the changing needs of the residents of Temagami and to ensure consistency with the Provincial Policy Statement and other provincial plans, in accordance with the provisions of the Planning Act.

In addition, the Municipality may conduct annual reviews of the policies of this Plan. The annual review may consist of an assessment of:

- the continuing relevance of the assumptions used to develop this Plan;
- the degree to which the objectives of the Plan have been met; and
- the effectiveness of the policies of the Plan

### **9.4 AMENDMENTS TO THE PLAN**

As a result of the annual review, the Municipality may undertake amendments to the Plan on its own initiative. The Municipality may also consider, at the request of other levels of government, private individuals, companies or organisations, other amendments to this Plan. An amendment to this Plan is required to permit the establishment of uses other than those provided for and to change Settlement Area boundaries in accordance with the policies of this Plan. In considering an amendment to this Plan, the Municipality shall consider the following:

- Provincial Policy Statement and other Provincial Plans, legislation and regulations;
- The completion of supporting studies, information, and materials that may be required as part of a development application, in accordance with the policies for complete applications, as established by Section 9.24 of this Plan;
- The desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the General Development Policies of this Plan;
- The objectives and policies of this Plan;

- The need for the proposed use including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available for development;
- Whether the lands are within or adjacent or in close proximity to fish habitat significant wetlands, significant woodlands, significant valley lands, areas of natural and scientific interest (ANSIs), significant wildlife habitat, significant habitat of endangered and threatened species, other locally significant natural heritage features and areas, and the subsequent results of an Environmental Impact Study which is required for development and site alteration within or adjacent to these features;
- The effect on the economy and financial position of the Municipality;
- The compatibility of the proposed use with existing uses or potential uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;
- The location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required including whether or not logical extensions to services could be provided; and
- The physical suitability of the land for the proposed use.

In support of the application, the applicant shall consult with the Municipality and provide the prescribed information and any other information or material that the Municipality considers it may need, as set out in Section 9.24 of this Plan, as permitted under Section 22. (5) of the Planning Act. The application shall be processed and a public meeting held in accordance with the provisions of the Planning Act.

If Council has adopted an amendment to the Plan, but before the amendment comes into effect, adopts an amendment to the zoning by-law that does not conform to the Plan but will conform if the amendment to the Plan comes into effect, the amendment to the zoning by-law shall be deemed to have conformed with the Plan on and after the day the by-law was passed, if the Plan amendment comes into effect.

## **9.5 EXISTING USES**

It is the intent of this Plan that existing uses that do not conform to the provisions of this Plan shall, in the long term, be brought into conformity with this Plan. However, this Plan is not necessarily intended to prevent the continuation, expansion, or enlargement of uses that do not conform to the designations and provisions of this Plan. At its discretion, the Municipality may zone or grant minor variances to permit the continuation, expansion or enlargement of legally existing non-conforming uses, or as an exception to permit minor variations of existing uses to similar types of uses, provided that such expansions, enlargement or similar uses:

- have no adverse effect on the present surrounding uses;
- will not detrimentally effect the implementation of this Plan; and
- will not create or further aggravate a traffic hazard.

### **9.5.1 Non-Conforming Uses and Buildings**

Any use of land, buildings and structures that legally existed at the date of adoption of this Plan that do 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 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.

### **9.5.2 Non-Complying Lots and Buildings**

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 in general 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.

## **9.6 NOTIFICATION AND CONSULTATION**

### **9.6.1 Public Notice**

The Municipality shall provide notification of any amendment to this Plan or the Zoning By-law, in accordance with the requirements of the Planning Act. Public notice shall take into consideration the geographic and temporal considerations of all ratepayers in the Municipality.

### **9.6.2 Public Consultation**

By using a variety of techniques, the Municipality shall encourage and provide the opportunity for public participation, when the Municipality is considering changes to this Plan, in accordance with the provisions of this Plan and the requirements of the Planning Act. Equitable participation in the land use planning process will be promoted to develop a consensus around a common community of interests.

The Municipality shall establish the public consultation program it feels will best be able to deal with the matters before it, recognising that there are many non-permanent residents in the Municipality. Innovative methods to overcome barriers faced by seasonal and tourist residents will be developed to improve the municipal public consultation processes as well to facilitate the active participation of residents in the decision making process.

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.

A variety of public consultation methods may be utilised including:

- posting notices on the municipal web page under legal notices;
- focus group meetings;
- chat rooms on the Internet;
- mail outs; and
- surveys.

The Municipality shall, in its consideration of an application to amend this Plan or the Zoning By-law, solicit the views of the public on that application at a public meeting, as required by the Planning Act.

The Municipality of Temagami shall inform the public about planning and development proposals taking place in the Temagami area and shall make all information and material submitted in support of development applications available to the public.

The Municipality recognises that the provisions of the Planning Act require it to take action on a development application within a prescribed period of time, subject to the application being complete and adequate information about the proposal being available to the public and the Municipality so that informed decisions can be made.

The Municipality encourages pre-submission consultation on applications to be processed under the Planning Act.

### **9.6.3 Public Education**

Council may undertake a program of planning education for all the residents of the Municipality whenever opportunities may arise and shall be satisfied that an adequate level of public understanding of the Plan exists at the time of formal approval and with any future amendments to the Plan, as they arise.

### **9.6.4 Pre-Application Consultation**

If a person or public body files an application to amend the Official Plan or Zoning By-law or files an application for approval of a draft plan of subdivision/condominium, consent or minor variance, the person or public body shall consult with the Municipality prior to submitting a formal application, to among other things determine the information required in support of the application, as set out in Section 9.24 of this Plan and in accordance with Section 22. (3.1) of the Planning Act.

### **9.6.5 First Nation**

The Municipality shall notify the Band Council of the First Nation of a complete application for Official Plan or Zoning By-law amendment, minor variance, or land division (subdivision, condominium or consent) which is proposed within the Municipality. The Municipality may notify the First Nation of an application that has been received for pre-application consultation.

Upon the request of the First Nation, the Municipality will provide the First Nation with copies of any supporting studies or documentation submitted in support of an application. Requests for supporting studies or documentation are more likely for applications such as a large-scale plan of subdivision or a change of use. The Municipality may require proponents to provide additional copies of supporting studies or documentation for the purpose of circulation to the First Nation.

## **9.7 DEVELOPMENT APPLICATIONS**

The policies of this Plan require that certain types of development be permitted only by an amendment to this Plan. This will permit a comprehensive, consistent and thorough review of the suitability of such development throughout the Municipality.



The Ministry of Municipal Affairs and Housing has approval authority over this Official Plan and amendments thereto.

Under the Planning Act, the Municipality is the approval authority for consents, plans of subdivision and plans of condominium. The Municipality shall approve only those consents, plans of subdivision and plans of condominium that, as a minimum:

- comply with the provisions of this Plan;
- are not subject to mine hazards, on the basis of input from the Ministry of Northern Development and Mines;
- if the lands are within 300 metres of a lake or a permanently flowing stream within its watershed, consider whether the lake is at capacity for development as per the provincial Lakeshore Capacity Assessment Handbook;
- can be supplied with adequate services, in accordance with the policies of this Plan, as set out in Sections 2.9, 4.3.10, 5.3.12, 6.3.12, 7.3.12 and 8.3.12; and
- will not create a financial burden for the Municipality, as set out in Section 9.12.

#### **9.7.1 Consents to Sever Patented Land**

The Municipality of Temagami has consent granting authority to sever patented land within the Municipality. Applications to create new parcels on Crown land shall proceed in accordance with MNR's planning process however, the Municipality encourages MNR to consider the policies of each neighbourhood and this Section during its deliberations.

Consents to sever land for the purpose of creating a new building lot shall only be granted where:

- the intended use of the severed and retained parcels conform with the intent and policies of this Plan;
- generally the number of lots created does not exceed three;
- a registered plan of subdivision is not required;
- the size and dimensions of the severed and retained parcels conform to the provisions of the Zoning By-law;
- the application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands;
- the size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses;
- demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;

- the lot shall be subject to site plan control which shall include:
  - ◆ Visual screening, setbacks, protection of vegetation, and landscaping;
  - ◆ Utilization of existing vegetation and topography to minimize visual impacts;
  - ◆ Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - ◆ Buildings and structures located in the shoreline activity area;
  - ◆ Rehabilitation of vegetation disturbed due to construction; and
  - ◆ Mitigation techniques to minimise impacts on surrounding development and uses.
- adequate access to the severed and retained parcel can be provided;
- the severed parcel is not within 500 metres of a known sanitary landfill site;
- where central sewage and water facilities are not available, it has been established that the soil and drainage conditions on the severed and retained parcels are suitable or can be made suitable to permit the proper siting of buildings and the installation of an approved water supply and Class IV or VI sewage disposal systems;
- where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
- the applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features; and
- the financial impacts on the Municipality have been considered.

#### **9.7.1.1 Urban Neighbourhood**

In addition to the provisions of Section 9.7.1, consents to sever land for the purpose of creating a new building lot in the Urban Neighbourhood shall also be subject to the following:

- the severed and retained parcels front on and have access to a municipal road that is maintained on a year round basis;
- access to the severed or retained parcels shall not create, or increase, an existing traffic hazard due to limited site lines; and
- where the severed or retained parcel obtains its access from a provincial highway, approval of the access point shall be obtained from the Ministry of Transportation.

### **9.7.1.2 Rural Neighbourhoods**

Consents shall be the primary means of creating new building lots in the Rural Neighbourhoods. Plans of subdivision or condominium are not permitted, except as noted in Sections 4.3.3.1, 5.3.3.1, 6.3.3.1, 7.3.3.1 and 8.3.3.1.

In addition to the provisions of Section 9.7.1, consents to sever land for the purpose of creating a new building lot in the Rural Neighbourhoods throughout the Municipality shall also be subject to the availability of public and/or commercial lake access and adequate vehicle parking.

### **9.7.2 Plans of Subdivision**

A plan of subdivision is required when more than three residential lots are being created or when a new municipal road will be created, or when the extension of an existing municipal road will occur, or when municipal water and/or sewer services will occur. In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety and welfare of the present and future inhabitants of the Municipality. In considering an application for approval of a draft plan of subdivision, the Municipality shall have regard to, and the applicant shall provide information to address to the satisfaction of the Municipality:

- the effect of the development of the proposed subdivision or condominium on matters of provincial interest;
- whether the proposed subdivision is premature or in the public interest;
- the suitability of the land for the purposes for which it is to be used;
- the dimension and shapes of the proposed lots;
- the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be built on it and the restrictions, if any, on adjoining land;
- all existing natural and cultural heritage features and functions within and adjacent to the subject lands both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features;
- the area of land that is to be conveyed or dedicated for public purposes; and
- the financial impact on the Municipality.

Prior to filing a formal subdivision application, the applicant shall enter into pre-consultation with municipal staff and commenting agencies to ensure that all required supporting studies and documentation are identified and prepared by the applicant.

The Municipality may require that the applicant provide any other information or material that the Municipality considers it may need to adequately consider the application.

The Municipality shall attach to the approval of a plan of subdivision such conditions it deems appropriate.

### **9.7.3 Plans of Condominium**

In considering a plan of condominium, regard shall be had, among other matters, to the following:

- The Condominium Act, other provincial legislation, policies, regulations and guidelines;
- Provision of adequate sewage and water service, amenities and public facilities;
- Impact on the transportation system and adjacent land uses;
- The matters set out in Section 9.7.2 of this Plan;
- The condominium, condominium units and common elements are suitable for their intended use and implement the requirements of the implementing Zoning By-law; and
- The feasibility of the proposal with regard to the other provision of this Plan, provincial legislation, policies, regulations and guidelines and supporting studies for the use proposed.

Prior to filing a formal condominium application, the applicant shall enter into pre-consultation with municipal staff and commenting agencies to ensure that all required supporting studies and documentation are identified and prepared by the applicant.

The Municipality may require that the applicant provide any other information or material that the Municipality considers it may need to adequately consider the application.

The Municipality shall attach to the approval of a plan of condominium such conditions it deems appropriate.

### **9.7.4 Natural Heritage Features and Areas**

It is the intent of this Plan to ensure the preservation, enhancement, and conservation of the Municipality's Natural Heritage Features and Areas, as appropriate, for their valuable ecological function. Development and site alterations involving significant natural features and areas will only be permitted if it has been demonstrated that there will be no significant negative impacts on the natural heritage features or the ecological functions for which the feature is identified.

In considering any development application, regard shall be had to the potential impact of the development on Environmentally Sensitive Areas or Natural Heritage Features.

Environmentally Sensitive Areas are those natural areas containing significant wetlands, Areas of Natural or Scientific Interest, headwater areas, unique plants or wildlife,

endangered species and breeding habitats. Natural Heritage Features include significant wetlands, wildlife habitat, fish habitat, significant portions of the habitat of endangered and threatened species and significant areas of natural and scientific interest. The general location of Environmentally Sensitive Areas and Natural Heritage Features is shown on Schedule B of this Plan. These areas may be further defined through additional study. Any change to the location or configuration of the areas resulting from the additional studies does not require an amendment to this Plan.

### **9.7.5 Environmental Impact Studies**

An Environmental Impact Study is required to assist in the evaluation of development applications in proximity to Environmentally Sensitive Areas (ESA) and Natural Heritage Features (NHF). An environmental site assessment shall be required in advance of development when comprehensive mapping of natural heritage features and areas is not available.

When an application is received for any parcel of land within or adjacent to (as per Table 9.1) an ESA or NHF, the proponent shall have prepared by a qualified professional an Environmental Impact Study (EIS) or a Scoped Environmental Impact Study. For each application to amend the Official Plan or Zoning By-law, the Municipality in conjunction with the Ministry of Natural Resources shall determine if a full Environmental Impact Study or a Scoped Environmental Impact Study is required.

An Environmental Impact Study is a technical report providing:

- a baseline inventory of environmental features and functions in the ESA or NHF;
- an analysis/forecast and assessment of potential environmental effects of the proposed development; and, if necessary,
- areas to be preserved and any mitigation measures to address impacts of the proposed development on the environmental features and functions.

The specific work to be carried out through the Environmental Impact Study will vary and will be dependent on the type of development proposed and the characteristics of the ESA or NHF. The Municipality shall review a completed Environmental Impact Study and may require a peer review to confirm the findings and recommendations. Such a peer review shall be completed at the expense of the proponent.

A Scoped Environmental Impact Study is a more narrowly defined assessment and can be considered if the development is minor in nature or small scale, or the development is expected to result in minor impacts on the ESA or NHF or the development is located in a previously disturbed area.

It is not the intent of the Municipality to place undue financial burden on the proponent by requiring an Environmental Impact Study or a Scoped Environmental Impact Study.

However, the protection of the natural environment is critical to the preservation of the character of the Temagami area.

#### **9.7.6 DEVELOPMENT AND SITE ALTERATION**

The following policies apply to proposals for development and site alteration within natural heritage features and areas and adjacent to natural heritage features and areas:

- a) The Municipality shall ensure, in partnership with the Federal and Provincial governments, that locally significant and provincially significant natural heritage features and areas are protected from development and site alteration.
- b) Development and site alteration within natural heritage features and areas and adjacent to natural heritage features and areas, shall only occur in accordance with Table 9.1.
- c) Where permitted, development or site alteration proposed in or adjacent to a natural heritage feature or area (whether delineated or not as of the date of this Plan) shall require the completion of an Environmental Impact Study (EIS), prior to development or site alteration.
- d) The completion of an EIS shall be subject to the requirements, standards and guidelines of the Ministry of Natural Resources' Natural Heritage Reference Manual.
- e) Development or site alteration in, or on land adjacent to, natural heritage features and areas shall not be permitted unless it has been demonstrated to the satisfaction of the Municipality that there shall be no negative impacts on the natural heritage features and areas that cannot be adequately mitigated. The extent of adjacent land shall be defined as indicated in Table 9.1.
- f) Numerous natural heritage features and areas, such as the significant habitat of endangered and threatened species and significant wildlife habitat, are not identified on the schedule mapping at this time. These features may be identified through appropriate studies, such as an Environmental Impact Study (EIS). The policies protecting these features shall apply, notwithstanding the land use designations illustrated on Schedule A.
- g) The Municipality shall encourage that trees and vegetation are replanted to replace trees removed because of new development. The Municipality shall also encourage the conservation or replanting of riparian area vegetation, in the context of new development. Financial compensation for tree loss is not considered the preferable means of appropriate mitigation for development.
- h) For replanting, regeneration, and the creation of new habitats, the Municipality shall encourage the use of native species.

- i) The Municipality acknowledges the significance of species recovery strategies in accordance with the *Endangered Species Act* (2007), with respect to the protection and recovery of endangered and threatened species listed on the Species at Risk in Ontario list.
- j) Where components of the natural heritage features, areas, and systems are held in private ownership, nothing in this Plan shall require that these lands be free and available for public use, and the identification of land shall not oblige the Municipality or appropriate Conservation Authority, or other public agencies to purchase the land.

<b>Natural Heritage Feature</b>	<b>Boundary Definition</b>	<b>Extent of Adjacent Land</b>	<b>Conditions under which development or site alteration may be permitted in lands adjacent to the feature</b>
<b>Significant wetlands</b>	Wetland evaluation carried out according to procedures established by the MNR	120 metres	EIS demonstrates there shall be no negative impacts on the natural feature or on its ecological function.
<b>Significant habitat of endangered and threatened species</b>	As defined and approved by MNR, or identified through data from Federal and Provincial authorities.	120 metres	EIS demonstrates there shall be no negative impacts on significant habitat or on its ecological function.
<b>Significant Areas of natural and scientific interest (ANSIs)</b>	As defined by the MNR.	Life Science - 120 metres Earth Science - 50 metres	EIS demonstrates there shall be no negative impacts on the ANSI and its ecological function.
<b>Significant wildlife habitat</b>	As defined by the municipality	120 metres	EIS demonstrates there shall be no negative impacts on the significant wildlife habitat and their ecological function.
<b>Wetlands that have been evaluated and are not considered to be Provincially significant</b>	Wetland evaluation carried out according to procedures established by the MNR.	120 metres	EIS demonstrates there shall be no negative impacts on the natural features and the ecological or hydrologic functions that sustain them.

## **9.8 ZONING BY-LAW**

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.

## **9.9 LOT CREATION AND DEVELOPMENT PLAN STUDY**

It is the policy of the Municipality that a Lot Creation and Development Plan (LCDP) Study be prepared, approved by the Municipality and all relevant ministries and agencies and incorporated into this Plan for lakes where more than 6 new residential lots may be created from Crown Land. While a LCDP is not required where 6 or fewer lots are contemplated, the individual lots shall be subject to individual study by the applicant. The scope of such study shall be determined by the Municipality in consultation with the MNR but shall be consistent with the MNR Lakeshore Capacity Assessment Handbook and generally focus on bio-physical matters, as set out below and the following paragraph.

The applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features.

The LCDP is intended to support new resource based recreational development in the rural neighbourhoods of the Municipality.



The detailed terms of reference may vary for each Lot Creation and Development Plan Study, depending on the lake(s) being studied and other factors. However, each study shall generally:

- Identify the lake or lakes to be studied;
- Locate and inventory all existing development on the lake(s);
- Carry out an aquatic and terrestrial natural environment evaluation to determine areas where residential and/or tourist commercial development might occur in an environmentally sustainable manner;
- Identify one or more options for providing access to the lake(s) and carry out an aquatic and terrestrial natural environment evaluation around the access points;
- Evaluate the possible lot locations identified through the natural environment evaluation process from a land use perspective and make further recommendations on possible lot locations;
- Carry out a comprehensive public consultation process with the First Nation, lake residents and other stakeholders; and
- The results of the Study shall be incorporated into this Plan and the Zoning By-law.

## **9.10 HOLDING ZONES**

In accordance with the provisions of the Planning Act, the Municipality may zone lands to a specific zone category and include as a suffix, the holding symbol '(H)'. This identifies the specific uses of the lands at such time as the holding symbol is removed by an amendment to the Zoning By-law.

When passing a by-law to utilise the holding symbol, the by-law shall specify the uses that may be permitted while the '(H)' is in place. Generally, such uses shall be limited to existing uses and/or other uses that would not have a detrimental effect on the intended future uses of the land.

The holding symbol may be used anywhere in the Municipality in situations where the specific future use of the land is known, but development is premature until one or more of the following requirements are met:

- adequate sanitary, water, stormwater and/or transportation services and facilities are available to serve the development;
- that any adverse environmental effects or constraints have been resolved;
- that there is sufficient market demand to support the development; or

- that site plan approval has been granted by the Municipality and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act.

A by-law to remove the holding symbol shall be passed by the Municipality at such time as the above relevant requirement or requirements have been met.

### **9.11 INTERIM CONTROL BY-LAWS**

The Municipality may pass interim control by-laws pursuant to the provisions of the Planning Act where the Municipality has directed that a review or study be undertaken of land use planning policies in a defined area of the Municipality.

### **9.12 TEMPORARY USE BY-LAWS**

The Municipality may pass by-laws pursuant to the provisions of the Planning Act in order to authorise the temporary use of any land, buildings or structures for any use set out in such by-laws.

A by-law authorising a temporary use shall define the area to which it applies and set out the period of time for which the authorisation shall be in effect but shall not exceed three years from the day of passing of the by-law. The Municipality may by by-law grant further periods of not more than three years each during which the temporary use is authorised. Once the by-law or extending by-law(s) has lapsed, the use shall cease and otherwise will be in contravention of the Zoning By-law.

Prior to the approval of a temporary zoning by-law, the Municipality shall be satisfied that the following principles and criteria are met:

- the proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use provisions;
- the proposed use shall not be incompatible with adjacent land uses and the character of the surrounding area;
- the proposed use shall not require the extension or expansion of existing municipal services;
- the proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the Municipal roads;
- parking facilities required by the proposed use shall be provided entirely on-site; and
- the proposed use shall generally be beneficial to the area or the community as a whole.

Notwithstanding the policies contained in this Plan, the Municipality may authorise the temporary use of land which may not comply with the land use designation as established by the Official Plan, provided that:

- such temporary use is determined to not have any detrimental effect upon the existing land uses in the area; and
- the proposed temporary use conforms to the principles and criteria in Section 9.10 of this Plan.

### **9.13 SITE PLAN CONTROL**

The Site Plan Control process shall be administered by the Municipality.

For the purposes of this section, development means the construction, erection or placing of one or more buildings or structures on land or making additions or alterations to a building or structure that has the effect of substantially increasing the size or usability thereof, or the change in use of a building, structure or parcel of land.

Prior to submitting an application for site plan approval, the applicant shall consult with the Municipality.

Under Section 41 (7) of the Planning Act, and as a condition of granting Site Plan approval, Council may require the owner of a parcel of land to provide certain information, maintain certain works or facilities and enter into certain agreements with the Municipality. Some of the considerations that the municipality will have due regard for during the site approval process are:

- the preservation of the natural viewscape and landscape;
- the design of structures to ensure they are 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.

The entire area covered by this Plan is hereby designated as a proposed site plan control area.

The Municipality may, by by-law, designate the whole or any part of the proposed site plan control area as a site plan control area.

The Municipality may, by by-law, define any class or classes of development to be exempted from site plan control. All commercial and industrial development shall be subject to site plan control. The following classes of development shall be exempted from site plan control:

- any temporary building or structure as may be defined in the Zoning By-law;

- wayside pits;
- low density residential development containing less than three dwelling units except for dwelling units and accessory structures in the Lake Temagami, Marten River, Matabitchuan and Backcountry Neighbourhoods and rural and remote residential development in the Urban Neighbourhood; and
- any building or structure on land owned or leased by the Municipality.

The Municipality, as a condition of site plan approval, may require the conveyance of land to the Municipality for road widening or sight triangles, at no cost to the Municipality.

The following policies shall also apply to new single detached residential dwellings and new accessory buildings or structures in the Lake Temagami, Marten River, Matabitchuan and Backcountry Neighbourhoods and rural and remote residential lots in the Urban Neighbourhood that abut a waterway or abut a shoreline or marine road allowance. It is the intent of this Plan that vegetation should be maintained on residential lots wherever possible for both environmental and aesthetic reasons and that, for the same reasons, areas of vegetation removed to facilitate the construction of buildings and structures shall be re-vegetated as part of post-construction site rehabilitation. The plans for re-vegetation/site rehabilitation shall form part of a site plan agreement. While encouraged, it is not the intent of this Plan that vegetation removed from within the footprint of a new building or structure must be replaced elsewhere on the lot. Increased setbacks and buffers shall be maintained through the implementing Zoning By-law to ensure that changes to the existing character of the area are minimized.

Wherever possible, no portion of a sewage disposal system leaching bed discharging effluent to the soil shall be located closer than 20 metres from the high water mark. No vegetation downstream of the anticipated sewage effluent plume shall be removed.

All natural tree, shrub and ground cover shall be retained except where limited clearing is required to provide sites for buildings and structures, locations for sewage disposal leaching beds, trail routes, and access/view corridors to the shoreline in order to maintain and protect the natural aesthetics of the rural landscape.

The Site Plan Agreement shall address:

- the location of existing natural trees, shrubs and ground cover vegetation to be removed and retained;
- the re-vegetation plan to take place during the post-construction and the timing of such re-vegetation; and
- the location of view/ventilation/access corridors from the shoreline to the buildings and structures on the site.

#### **9.14 FINANCIAL IMPACT OF DEVELOPMENT**

It is the policy of the Municipality that new development shall bear the full cost of its share of growth related capital costs.

It is the policy of the Municipality not to undertake any actions that would place the Municipality at financial risk.

It is the policy of the Municipality to ensure that municipal costs attributable to new development are recovered through development charge levies or any other method of financing, in accordance with the Development Charges Act, the Municipal Act and/or any other applicable statutes.

It is the policy of the Municipality, in reviewing any development proposal to consider the following matters to determine its financial impact on the municipality:

- the effect of the proposal on the municipal general tax levy;
- the potential revenue-generating ability of the proposal; and
- any other financial considerations that the Municipality may deem necessary.

#### **9.15 CASH-IN-LIEU OF PARKLAND**

Cash-in-lieu of parkland is authorised under Section 42 of the Planning Act for park or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of 5% or for commercial or industrial severances at the rate of 2% of the value of land as set out in Sections 42, 51, and 53 of the Planning Act. Such monies may be placed in a special account and spent only for the acquisition of land to be used for park or other recreational purposes, including the erection or repair of buildings and the acquisition of machinery for park or other recreational purposes.

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. 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 of 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.

#### **9.16 MAINTENANCE AND OCCUPANCY BY-LAWS**

It is the policy of the Municipality to pass by-laws establishing minimum standards of maintenance and occupancy to conserve, sustain and protect the existing and future development in the municipality; prepare community improvement plans where

appropriate; and take advantage of federal and provincial programs designed to upgrade and improve built-up areas.

The maintenance and occupancy by-law, applicable to all properties in the municipality may contain requirements with respect to:

- garbage disposal;
- pest control;
- structural maintenance of buildings;
- safety of buildings;
- cleanliness of buildings;
- services to buildings;
- keeping land and waterfront properties free from rubbish, debris, weeds, abandoned vehicles, trailers, boats, barges, mechanical equipment or material;
- maintaining yards, land, parking and storage areas; and
- maintaining fences, accessory buildings and signs.

#### **9.17 PUBLIC WORKS**

The construction of public works shall be used to implement the policies of this Plan.

No public works shall be carried out and no by-law shall be passed under the provisions of the Planning Act that are not in conformity with this Plan or that will permit development that is not in conformity with this Plan.

#### **9.18 PROVINCIAL POLICIES**

There are many Provincial policies that influence growth and development in Temagami. The intent of those policies is embodied in the policies of this Plan, as modified and approved by the Minister and the Ontario Municipal Board.

In some instances the policies of this Plan are more limiting or restrictive than the associated Provincial Policy. In those instances, the policies of this Plan shall take precedence.

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.

#### **9.19 MINISTRY OF NATURAL RESOURCES, COMPREHENSIVE PLANNING PROCESS**

The majority of land within the Municipality of Temagami is Crown land. The Temagami Land Use Plan for the Temagami Comprehensive Planning Area, (MNR, 1997), is the

governing land use planning document applicable to Crown land within the Municipality of Temagami. Nothing in the Official Plan shall be interpreted as infringing on the Ministry of Natural Resources authority.

The Ministry of Natural Resources follows a comprehensive planning process for all Crown land planning matters. The process includes consultation with the public and with municipal government. It is anticipated that the Ministry of Natural Resources will use the policies of the Official Plan as a guideline for discussions with the Municipality of Temagami regarding land use decisions on Crown land within the Municipality.

## **9.20 BONUS/DENSITY TRANSFER**

The Municipality may use the bonus or density transfer provisions of this Plan to allow increases in height and density of a development beyond those generally permitted by the implementing Zoning By-law in exchange for facilities, services or matters of public health, as set out below:

- Parkland conveyance beyond the minimum requirements of this Plan and/or parkland improvements beyond the minimum standards;
- Protection and enhancement of natural features and functions, not otherwise required by the policies of this Plan;
- Provision of public areas and trails;
- Provision of public parking;
- Provision of community facilities; and
- Conservation of heritage resources.

The Municipality shall only consider bonus or density transfer in the Urban Neighbourhood and where such increase would be in conformity with the intent of this Plan and compatible with the surrounding uses.

The bonus or density transfer provisions shall not be used to increase the density or height of what is otherwise allowed as accessory uses on individual properties; for example, such as sleep cabins, boathouses, home occupations or home industries.

## **9.21 DEVELOPMENT AGREEMENTS FOR SUBDIVISIONS, CONSENTS AND CONDOMINIUMS**

Development Agreements for subdivisions, consents and condominiums may be entered into between the proponent and the Municipality to outline the concerns and responsibilities of each party.

## **9.22 SITE ALTERATIONS BY-LAW**

The Municipality may pass a Site Alterations By-law when substantial alterations to the natural landscape are proposed or development is proposed in or adjacent to natural heritage features and areas.

## **9.23 SEWER AND WATER ALLOCATIONS**

When vacant lots that have been allocated sewer and/or water capacity remain vacant, the Municipality may re-allocate water and/or sewer capacity, as required to permit other development.

Where municipal sewer and water capacity has been re-allocated from vacant lots, Council shall place these vacant lots in a Holding Zone until such time that sewer and water capacity becomes available.

Council shall not draft approve any new lot or unit development by way of consent, plan of subdivision or condominium in the municipality without first confirming there is sufficient existing sewer and water capacity available to provide the development with full municipal services. If there is capacity in only one of the two municipal systems, draft approval shall not be granted on the basis of partial services, except where necessary to address failed services, or because of physical constraints.

## **9.24 COMPLETE APPLICATION**

Certain supporting studies, information and materials shall be required as part of a development application, as identified throughout this Plan. The need, extent, and timing of such supporting studies, information and materials shall be determined by the Municipality on a site-specific basis in consideration of the site's land use context and regard to the policies of this Plan.

Applicants seeking development approval shall participate in a pre-application consultation meeting to determine the information, supporting studies, and application materials that will be required as part of a complete application.

The following information may be identified during pre-application consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance:

- Deed and/or Offer of Purchase;
- Topographic Plan of Survey;
- Site Plan (Conceptual);
- Floor Plan and/or Elevations;
- Record of Site Condition (RSC);



- Municipal Financial Impact Statement;
- Draft Plan of Subdivision;
- Condominium Description; and/or
- Other information relevant to the development and lands impacted by the proposed development.

The following supporting studies may be identified during pre-application consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance in accordance with accepted professional standards and/or guidelines, as applicable:

- Owner's authorization, where agents are making applications;
- Planning Rationale Report;
- Lot Creation and Development Plan Study
- Retail Market Impact Study;
- Urban Design Study;
- Archaeological Study;
- Hydrogeological Study;
- Groundwater Impact Study;
- Environmental Impact Study;
- Phase I Environmental Site Assessment (ESA);
- Approved Class Environmental Assessment;
- Noise and/or Vibration Study;
- Transportation Impact Study;
- On-Street Parking Study;
- Geotechnical Study;
- Functional Servicing Report;
- Stormwater Management Plan;
- Comprehensive Development Master Plan;
- Heritage Impact Study;
- Tree Survey and Protection Report including a Tree Retention Plan;
- Lot grading and Drainage Report;
- Lighting Study;
- Lakeshore Capacity Assessment as per the provincial Lakeshore Capacity Assessment Handbook;
- Aggregate Impact Assessment; and
- Other supporting studies relevant to the development and lands impacted by the proposed development.

Supporting studies may vary in scope, depending upon the size, nature and intent of the development approval application and the site's land use planning context. Applicants of development approval applications shall be advised in writing by the Municipality of the required supporting study contents during the pre-application consultation process.

At the discretion of the Municipality, supporting studies shall be peer reviewed at the cost of the development proponent.

The following additional materials may be identified during pre-application consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance:

- completed application form;
- current application fee; and
- draft proposed amendment, including schedules and text.

Under the provisions of the *Planning Act*, when the pre-application consultation process for a proposed development approval application identifies the need for information, supporting studies, and materials, the application shall not be considered complete for processing purposes until the required information, supporting studies, and materials is prepared and submitted to the satisfaction of the Municipality.

Notification of a complete application shall be given in writing to the applicant and all other parties by the Municipality in accordance with the *Planning Act*.

The Municipality shall ensure that information, supporting studies, and materials provided by an applicant as part of a complete application shall be made available to the public for review.

While the need for additional studies may emerge through the circulation of the application, it is intended that at the conclusion of the pre-consultation meeting, the potential applicant will know what studies and material needs to be filed with the application to have a complete application.

## 10.0 INTERPRETATION

### 10.1 GENERAL

Unless otherwise specified in this Plan, major deviations from the provisions of the text and Schedules A-1, A-2, A-3, A-4, B and C of this Plan shall require an amendment to this Plan.

In order to provide for flexibility in the interpretation of the numerical figures and quantities in the text, it is intended that such figures and quantities be considered to be approximate. However, the maximum number of lots set out in Section 5.3.7.1, 6.3.7.1, 7.3.7.1 and 8.3.7.1 are not flexible and are not subject to interpretation. For the purpose of the Zoning By-law, subdivision approvals, site plan approvals, consents and building permits, minor deviations may be permitted without amendment to this Plan, provided that such deviations do not alter the intent of this Plan. Minor deviations must meet the following four tests:

- Does the variance conform to the general intent of the Official Plan?
- Does the variance conform to the general intent of the Zoning Bylaw?
- Is the variance desirable for the appropriate development of the lot?
- Is the variance Minor?

The examples of permitted uses are included in this Plan to illustrate the range of activities permitted in each designation. Specific uses shall be defined in the implementing Zoning By-law but shall not alter the intent of this Plan.

In the case of a perceived discrepancy between policies, the more restrictive policy, as determined by Council, shall apply.

Unless otherwise defined or interpreted to be defined through the policies of this Plan, terms and words used in this Plan shall be interpreted as defined in the Planning Act, the Provincial Policy Statement or the Zoning By-law, where such terms are defined by said documents.

#### 10.1.1 Editorial Changes

Council may make editorial changes to the Plan without notice and without amendment to this Plan to correct grammatical or reference errors, ministry/agency change in name or function, punctuation, or to alter formatting, numbering, sequence or arrangement provisions, provided there is no change to any meaning, intent or interpretation of the Plan, including the Schedules.

## **10.2 SCHEDULES**

Schedules A-1, A-2, A-3 and A-4 demonstrate the extent of the land use designations. Where the boundaries of the land use designations abut a road, railway, transmission line, lake or watercourse, or any other physical feature, it is intended that these boundaries coincide with these features. In the backcountry area where boundaries of land use designations are not defined by identifiable physical features, boundaries shall be established by scaling from the Schedules. However, in doing so caution should be exercised. It is not the intent of this Plan that a distance scaled on a Schedule should be interpreted as a precise distance. There is some degree of flexibility in interpreting the location of a feature, if the only way of determining its location is through a measurement on a Schedule.

The boundaries between features shown on Schedules B, and C are approximate except where they coincide with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.

Changes as a result of new information shall be made to Schedules A-1, A-2, A-3, A-4, B, and C without amendment to this Plan

## **PART C-THE APPENDIX**

## GLOSSARY OF TERMS

*ATV* – All-Terrain Vehicle

*AVMA – Aesthetic Viewscape Management Area* – is an area of concern identified in the Forest Management Plan 1999-2019 where the value or feature to be protected is the aesthetic viewscape area around canoe routes/boating lakes, recreation lakes and certain roads in the Municipality. See Section 1.8 of the Plan.

*Apartments-in-House* – These are second self-contained units in detached or semi-detached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.

*Bed and Breakfast* – A home occupation within a single detached dwelling wherein not more than two rooms are rented and meals are served to overnight guests for commercial purposes.

*Boat House* – A building or structure used for the storage of private boats and equipment accessory to their use, or as an accessory building to a residential use, no part of which is to be used for commercial purposes.

*Community Improvement* – Those activities, both public and private, which plan, rehabilitate, redesign and redevelop the existing physical environment within a community improvement project area, as further defined by and within the context of the Planning Act.

*Condominium Corporation, Freehold* – A corporation in which all the units and their appurtenant common interests are held in fee simple by the owner.

*Condominium Corporation, Leasehold* – A corporation in which all the units and their appurtenant common interests are subject to leasehold interests held by the owners.

*Consent* – the authorized separation of a piece of land to form no more than (3) new adjoining properties. No formal plan of subdivision is required.

*Contractors Yard* – A portion of a rural or remote residential property used for the storage of tools and equipment and the temporary storage of surplus or in-transit

building materials. Standards are described in the Zoning By-law.

***Cottage*** – A building or structure designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for the exclusive use of one family for temporary occupancy during vacation periods and not for year-round or permanent human habitation.

***Crown Land Tenure*** – Tenure that is issued to a proponent that consists of Land Use Permits, Licenses of Occupation, Crown Leases and Letters of Authority that provides temporary tenure to Crown land.

***Cultural/Heritage Resources*** – Cultural heritage resources include, but are not restricted to, archaeological sites, aboriginal and non-aboriginal cemeteries and burials with historic significance, buildings and structural remains of historical and architectural value, and human-made rural village or urban districts or landscapes.”

***Development*** – The creation of a new lot, a change in land use or the construction of buildings and structures, requiring the approval under the Planning Act or the Public Lands Act; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the Drainage Act.

***Dwelling Unit*** – A building or part of a building that may be used as a permanent residence excluding a mobile home, but including a factory-built home that is fully serviced with sleeping accommodations, cooking facilities and plumbing fixtures.

***Environmentally Sensitive Areas (ESA's)*** – ESA's can be defined as areas having: fragile or unstable soils, regeneration problems caused by geoclimatic or biotic factors; exceptional high recreational values; critical importance to wildlife; and/or high water values and sensitivity to harvesting.

***Garden Suite*** – An additional temporary dwelling unit intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. The floor area of the garden suite shall not exceed 30 percent of the existing living area of the primary residence or 1,200 square feet in a floor area on a lot zoned residential, whichever is lesser. The units are portable so that when they are no longer required they may be removed and relocated to a new site.

***Home Industry*** – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, and such home industry is clearly

secondary to the main residential use of the property, does not change the residential character of the neighbourhood, and as further defined in the Zoning By-law.

***Home Occupation*** – Any gainful occupation which is conducted within the dwelling unit by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in the Zoning By-law.

***Institutional Use*** – The use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals, cemeteries and government buildings.

***Land Severance*** – see “*Consent*”.

***Locational Criteria*** – This is the criteria used to set the location and spatial distribution of new lots created from Crown land.

***Lot Density*** – This is a lot development standard that sets the maximum number of structures and/or bedrooms permitted on a lot based on its area. Most density provisions will be found in the zoning by-law.

***Lot Intensity*** – This is the percentage of the total area of Crown lease and patented land in a neighbourhood that is located in a specified area.

***Mobile Home*** – A dwelling that is designed to be transportable, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel or tent trailer.

***Modular Home*** – A dwelling that is composed of components substantially manufactured at an off-site location, and transported to a site for installation on a permanent foundation.

***Old Growth Forest*** – Old growth forests are those which are well past the age of maximum growth, frequently showing great horizontal and vertical density of structure and plant species composition, and possessing one or more features not seen in much younger forests such as snags, downed woody material, or arboreal lichens.

***Patented Land*** – Privately owned land that is registered under the Registry Act or



the Land Titles Act in the Land Titles Office.

**Remote** – areas that are not accessible by a municipally maintained road.

**Remote Residential Lots** – do not have direct access from a municipal road, open and maintained on a year round basis. Generally, they are accessed via water or via a private road.

**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.

**Rural Residential Lots** – have direct access from a municipal road, open and maintained on a year round basis.

**Semi-Wilderness** - Physical Characteristics of Semi-wilderness – areas with dispersed development which may have utilities, road access, and mechanized transport, but where there is limited disturbance to the natural environment. Individual on-site water and sewage systems would have approved design.

**Sewage and water systems** –

**.1 Full municipal sewage and water services:** - Piped sewage and water services that are connected to the centralized municipal water and wastewater treatment facility.

**.2 Communal Services** - Sewage works and sewage systems, and/or water works that provide for the collection or treatment of sewage or the treatment or distribution of water but which:

- are not connected to full municipal sewage and water services;
- are for the common use of more than five residential units/lots for permanent year-round use; and
- are owned, operated, and managed by:
  - the municipality; or
  - another public body; or
  - a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act, providing for municipal/public body assumption of the communal

services in the event of default by the owner.

- .3 Individual on-site systems** - Individual autonomous water supply and sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located and which do not serve more than five residential permanent year round units/lots. The sewage system is designed to receive less than 10000 l/day of domestic sewage and is regulated under the Ontario Building Code. A Class 4 sewage system is a septic tank/leaching bed system. (See also Sewage Works.)
- .4 Individual on-site Sewage Works** - individual autonomous sewage disposal works that are owned, operated and managed by the owner of the property where the sewage originates; and which do not serve more than five permanent year round residential units/lots. These sewage works are designed to receive sewage at a rate that is equal to or more than 10,000 l/day and are regulated under the Ontario Water Resources Act. These systems:
- a) have a design capacity of 10,000 l/day or more;
  - b) have, in total, a design capacity of 10,000 l/day or more where more than one of these are located on a lot or parcel of land, and
  - c) are not necessarily located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.
- .5 Partial Services** - Connection to one communal service or municipal service with the other service provided by an individual on-site system.

**Site Plan** – A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as: topographic features, parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.

**Skyline Reserve** – A contiguous area on the mainland surrounding Lake Temagami, for which policies are in place to protect the natural appearance of the landscape as viewed from the lake, and important ecological functions of the lake. It is described as Management Area #39 in the Temagami Land Use Plan. It cannot be assumed that all of the mainland landscape, which is visible from the surface of

Lake Temagami, is contained in Management Area #39. (See also AVMA)

***Sleep Cabin*** – A non-commercial structure for sleeping accommodation, which may have bathroom facilities, if approved and connected to a sewage disposal system. Cooking facilities may be permitted in one sleep cabin that is accessory to a dwelling unit on the same lot.

***Subdivision*** – The authorized separation of a piece of land into more than (3) new, adjoining properties that, based on the policies of this Plan requires a plan of subdivision. A plan of subdivision may also be required regardless of the number of new lots to be created where (3) properties have already been created by previous consents.

***Sustainable Development*** - Refers to development that meets the material and social needs of the present without compromising the ability of future generations to meet their own needs. Renewable resources must be used within the limits of regeneration and natural growth. (See Section 1.12)

***Tenets for Temagami*** – A tenet is a principle or belief held in common by members of an organization or group. The “Tenets for Temagami” are based on the principle or belief that the mainland shoreline of Lake Temagami should remain in a natural undeveloped state without permanent structures or public roads and that development should occur only on islands. They are a statement of local interest and do not comprise or reflect provincial policy for Crown land in the Temagami area.

***Tourism Services*** – Includes tourist establishments, youth and adult camps, tourist outfitters, marinas and float bases.

***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 that encroach into the 2.0 m width, to a height of approximately 3.0 m.

***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 grasses, shrubs, bushes and trees.

***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 3.0 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. However, where a Viewing/Ventilation Corridor also functions as a Trail, vegetation to a maximum width of 2.0 metres within the Viewing/Ventilation Corridor may be cleared in accordance with the provisions for a Trail.

***Wilderness*** - Physical Characteristics of Wilderness – areas with no development that have no utilities (i.e. phone or electricity) and where there is no road access, where access is by trail or water and where the common mode of transport is by non-mechanized means. There would be little disturbance in the natural environment and development would be sparse. Water and sewer facilities would be rudimentary if they exist at all.