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BARRISTERS & SOLICITORS

May 11, 2004

VIA FACSIMILE AND COURIER

Ministry of Municipal Affairs & Housing
Northeastern Municipal Services Office
159 Cedar Street, Suite 401
Sudbury, ON P3E 6A5

**Attention: Heather Robertson, Manager
Community Planning & Development**

Dear Sirs/Madams:

**Re: Municipality of Temagami
Official Plan
File No. 48-OP-4801**

We act for The Lake Temagami Residents Group Inc. Our client is an incorporated cottagers' group, with membership drawn primarily from the North and Northwest Arms of Lake Temagami. Our client has a longstanding and significant interest in planning issues affecting the Municipality of Temagami, and in particular, planning issues which directly affect Lake Temagami itself. Our client has been an active participant in the planning process which culminated, on August 15, 2002, with the Municipality's adoption of a new Official Plan. Our comments on this Official Plan were sent to you by letter dated September 5, 2002.

We have reviewed the decision made by your Ministry with respect to this Official Plan on April 8, 2004. While we believe that the Official Plan, as modified, is an improvement over the draft document originally proposed, a number of serious concerns remain. We are therefore writing to appeal the proposed Official Plan to the Ontario Municipal Board, pursuant to the provisions of the *Planning Act*. Our client's specific concerns are:

1. The proposed Official Plan fails to treat the North and Northwest Arms of Lake Temagami as separate neighbourhoods, and in doing so it fails to recognize the current and historical differences that have existed between these portions of the Lake and others. The proposed Official Plan fails to recognize these distinctions, even though it would appear to acknowledge the (eventual) appropriateness of a "neighbourhood approach". More specifically:

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- Although Section 2.16 of the Plan embraces a neighbourhood approach for specific areas of the Municipality, it does not implement a neighbourhood approach to planning for Lake Temagami. This is a departure from the existing planning policies, which recognize the distinctive character areas on the lake and implement policies that respond to the subtle differences. This approach has been replaced by a set of policies for the entire lake with a quota system limiting the number of lots that can be created in any one year. Application of general policies will adversely impact the stated goal of the policies which is to "ensure the character of existing development is reflected in new development".
 - Section 2.15 of the Official Plan acknowledges that area specific policies are required to preserve the unique characteristics of areas. It includes a commitment to prepare lot creation and development policies that will be incorporated in the Plan by amendment at some point the future. These policies should be drafted now and included as part of the Official Plan policies, not deferred to an unspecified time. The plan defines the Temagami experience as "a continuum of experiences" (Section 1.2.1). Implementing one set of policies for the entire lake with no regard for differences in neighbourhoods, fails to protect this value.
 - Section 5.1 of the Plan addresses the distinct "image" of Lake Temagami that has developed over the years. Use of the word "image" is inappropriate. It should be replaced with the word "character". Use of the appropriate word will establish this section as the rationale for a neighbourhood approach to planning for Lake Temagami.
 - Sections 3.0 Crown Land Policies and 5.3.3.2 Remote Residential contemplate the creation of lots from crown land. Development of crown land would have a significant impact on the character of the neighbourhoods in Lake Temagami and should be subject to an Official Plan amendment.
2. The suggested standards and restrictions relating to development in this portion of the Lake are not strict enough. Our client is concerned that these policies will eventually lead to the enactment of zoning provisions which will not adequately protect the unique nature of this community. More specifically:
- Under Sections 5.3.4 and 5.3.5, sleeping cabins are still allowed to have kitchens, effectively allowing the establishment of two dwellings on each lot; this will allow an intensification of density on the lake. The policies stipulating that sleeping cabins containing kitchens must be sited to allow a severance in the future creates the expectation that such severances will be permitted.

- Section 5.3.10 permits sleeping accommodation in two storey boathouses. Development of this type of structure will result in a change in the character of development on Lake Temagami. Such development will intensify at the shoreline and it is contrary to the stated policy of the Plan to minimize visual impacts, and screen boathouses from adjacent dwellings and passing traffic.

3. The proposed Official Plan allows significant commercial intrusions into the North and Northwest Arms of Lake Temagami. Historically and currently, the only commercial uses in this portion of the Lake have been canoe tripping camps and adult "wilderness experience" camps. Our client believes that the permissive policies of the adopted Official Plan may denigrate the environment of this community. The same impact would occur if the current commercial uses permitted in this area were allowed to expand. More specifically:

- Section 5.3.16 has been modified to allow bed and breakfast establishments on water access lots;
- Sections 5.3.9 and 5.3.18 still permit home industries and contractors' yards in all areas of the lake; outdoor storage is allowed for contractors yards with a simple and inadequate 10m setback from the shoreline. While the need for contractors' yards on the lake is recognized, allowing them as a home industry on any residential lot is too permissive.
- Section 5.4.6.4 allows the conversion of a youth camp to a tourist commercial use, with the only requirement being suitable servicing and a site plan. The conversion, expansion of or establishment of new uses should be supported by a lakeshore capacity study demonstrating that there will not be negative impacts. Section 5.4.6.4 allows such conversions without imposing the requirements established for new tourist commercial uses. The policies in Section 5.4.6.2, with the additions suggested above, should apply to the conversion of these types of properties.
- Section 5.3.12 contemplates the development of in ground swimming pools. This is out of character with the wilderness character that is to be maintained on the lake.
- Section 5.3.13 should be reworded to discourage telecommunication infrastructure on the lake. One of the most prominent forms of urban intrusion in wilderness areas is the proliferation of various types of towers.

- Section 5.4.6.2 regulating new tourist commercial uses, does not include any policies addressing minimum lot size, buffering, setbacks, dockage or unit density. These issues should be addressed to preserve the wilderness character and prevent conflicts with neighbouring properties.
- Section 5.4.6.3. Conversion of Tourist Commercial Uses to Residential Uses should require that any conversion must result in development that will meet the standards set for residential development on the lake.
- Additional clarification is required of Section 9.18 that permits density transfers in specific situations. What are the specific situations? What is meant by increases in intensity? How will this affect the density of development allowed on Lake Temagami?

The couriered version of this letter will enclose our firm cheque in the amount of \$125.00, made payable to the Ministry. We look forward to your acknowledgment of this appeal in due course.

Yours truly,



C. J. Tzekas

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