



The Corporation of the City of Temiskaming Shores
Special Meeting of Council
Tuesday, October 16, 2018
6:00 P.M.
City Hall – Council Chambers – 325 Farr Drive

Agenda

1. **Call to Order**

2. **Roll Call**

3. **Approval of Agenda**

Draft Motion

Be it resolved that City Council approves the agenda as printed/amended.

4. **Declaration of Special Council Meeting**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores declares this meeting a “Special Meeting of Council” in accordance to Section 7 of Procedural By-law No. 2008-160.

5. **Disclosure of Pecuniary Interest and General Nature**

6. **New Business**

- a) **Administrative Report CGP-023-2018 – Zoning By-law Amendment – 415 Lakeshore Road (Beach Gardens)**

Draft Motion

Be it resolved that That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CGP-023-2018;

That Council agrees to amend the provisions of the City of Temiskaming Shores Zoning By-law 2017-154 to permit the zone change from High Density Residential Exception 6 Hold 4 (R4-6(H4)) to Medium Density Residential (R3), Medium Density Residential Exception 17 (R3-17) and Medium Density Residential Exception 18 (R3-18);

That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 for consideration at the October 16, 2018 Special Council Meeting

b) Administrative Report PPP-008-2018 – Appointment of Volunteer Firefighter

Draft Motion

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PPP-008-2018; and

That Council hereby appoints Spencer Wilson as a Volunteer Firefighter to the Temiskaming Shores Fire Department in accordance with the *Recruitment and Retention Program*.

7. By-laws

Draft Motion

Be it resolved that:

By-law No. 2018-154 Being a by-law to the City of Temiskaming Shores Comprehensive Zoning By-law No. 2017-154 (415 Lakeshore Road – Beach Gardens)

be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that By-law No. 2018-154 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

8. Adjournment

Draft Motion

Be it resolved that City Council adjourns at _____ p.m.

Mayor – Carman Kidd

Clerk – David B. Treen

Subject: Zoning By-law Amendment:
ZBA-2018-03 – 2373775 Ontario Inc., 415 Lakeshore Road (Beach Gardens)

Agenda Date: October 16, 2018

Report No.: CGP-023-2018

Attachments

- Appendix 01:** Planning Report
- Appendix 02:** Application and Public Notice
- Appendix 03:** Public Comments
- Appendix 04:** Scoped Environmental Impact Study (2013) and Species at Risk Review (January 2018)
- Appendix 05:** Letter of Acceptance and Approval for stage 3 Archaeological Assessment on the peninsula area from the Ministry of Tourism, Culture and Sport
- Appendix 06:** Draft Site Plan and Lot Grading Plan
- Appendix 07:** Draft By-law to amend City of Temiskaming Shores Zoning By-law 2017-154

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CGP-023-2018;
2. That Council agrees to amend the provisions of the City of Temiskaming Shores Zoning By-law 2017-154 to permit the zone change from High Density Residential Exception 6 Hold 4 (R4-6(H4)) to Medium Density Residential (R3), Medium Density Residential Exception 17 (R3-17) and Medium Density Residential Exception 18 (R3-18);
3. That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 for consideration at the October 16, 2018 Special Council Meeting

Background

Between 2013 and 2014 this property was subject to an Official Plan amendment, Zoning By-law amendment, and Plan of Condominium, all of which were approved, to permit the development of 74 units split between four multi-unit buildings each containing 13 units for a total of 52 units, and nineteen single detached residential units. The applications were approved and the draft approval for the Plan of Condominium was issued on February 14, 2017. This development did not proceed and the draft approval of the Plan of Condominium lapsed on February 14, 2017.

The applicant is requesting the City approve a Zoning By-law amendment to rezone the property from High Density Residential Exception 6 Hold 4 (R4-6(H4)) to Medium Density Residential (R3), Medium Density Residential Exception 17 (R3-17) and Medium Density Residential Exception 18 (R3-18) to permit the proposed development. The proposed development of the property consists of a total of eighteen residential dwelling units as follows: two single detached dwellings; four semi-detached dwellings containing two units each (total of eight units); and two street townhouses containing four units each (total of eight units).

The proposal includes each of the units being located on its own freehold property, and the divisions are proposed to be created using the part-lot control exemption provisions in Section 50(7) of the Planning Act. The part-lot control exemption is generally used to separate multi-unit dwellings located on a lot or block in a plan of subdivision. It allows for the installation of foundations and interior partitions prior to surveying, while going through the plan of subdivision process requires the surveying and registration of the plan of subdivision prior to any construction. For multi-unit dwellings, it is more difficult to construct the interior partitions based on the established survey lines than it is to construct the interior partitions based on the established survey lines.

Analysis

The public meeting was held on October 9, 2018. One member of the public made oral submissions at the public meeting. Two written comments were received prior to the public meeting. These comments are addressed in the Planning Report attached as Appendix 01.

The planning report attached as Appendix 01 provides information regarding the application within the policy framework.

It is the opinion of the undersigned that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (2014), does not conflict with the Northern Ontario Growth Plan, complies with the City of Temiskaming Shores Official Plan, and represents good planning. It is recommended that Council adopt the proposed Zoning By-law amendment.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Staffing implications related to this matter are limited to normal administrative functions and duties.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and approved by:

Reviewed and submitted for
Council's consideration by:

"original signed by"

"original signed by"

"original signed by"

Jennifer Pye
Planner

Shelly Zubyck
Director of Corporate Services

Christopher W. Oslund
City Manager



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Planning Report

Zoning By-law Amendment Application: ZBA-2018-03

Applicant: 2373775 Ontario Inc.

Property: 415 Lakeshore Road (Beach Gardens)

Roll No.: 5418-010-008-076.00 / 5418-010-008-077.00

October 12, 2018

Subject Land

415 Lakeshore Road; Plan M79NB Part of Block C and Part of Lot 5; Parcels 9064SST, 4904SST, and 7950NND; Locally known as Beach Gardens

Background and Purpose of the Application

Between 2013 and 2014 this property was subject to an Official Plan amendment, Zoning By-law amendment, and Plan of Condominium, all of which were approved, to permit the development of a total of 74 units split between four multi-unit buildings each containing 13 units for a total of 52 units, and nineteen single detached residential units. The applications were all approved and the draft approval for the Plan of Condominium was issued on February 14, 2017. This development did not proceed and the draft approval of the Plan of Condominium lapsed on February 14, 2017.

The applicant is requesting to rezone the property from High Density Residential Exception 6 Hold 4 (R4-6(H4)) to Medium Density Residential Exception 17 (R3-17) and Medium Density Residential Exception 18 (R3-18) to permit the proposed eighteen-unit development. The eighteen units would be arranged as follows: on the east side of the proposed road there would be one single detached dwelling, then two sets of street townhouses each containing four units, and another single detached dwelling; on the east side of the proposed road there would be four sets of semi-detached dwellings each containing two units.

The exception zones would apply to particular areas of the property to apply the recommendations of the species at risk study initially completed in 2013. The Exception 17 provision would apply to the most northerly area of the property and would require a 30m (100') setback from the shoreline, and the Exception 18 provision would apply to the remaining waterfront properties and would require a 20m (66') setback from the shoreline. It should be noted that this restriction would not apply to shoreline structures permitted under the accessory structure provisions of the Zoning By-law.

The property is currently vacant and is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan.

Statutory Public Notice

The complete application was received on September 18, 2018. Notice of the complete application and public hearing was advertised in the Temiskaming Speaker on September 19, 2018 and was sent to public agencies in accordance with the statutory notice requirements of the Planning Act. The notice was also mailed to property owners within 120m of the subject land.

The public hearing was held on October 9, 2018. One member of the public made oral submissions at the hearing and two written comments have been received as of the date of this report.

Site Analysis

The property has an area of approximately 3.1 hectares (7.6 acres) and is located on the east side of Lakeshore Road, between Lakeshore Road and Lake Temiskaming.

Servicing

There is an existing sewer line crossing the property through an easement running north-south. Through preconsultation, and consultation on the previous development proposal, it was indicated that this sewer line would need to be replaced to accommodate new development on the property. The developers will be upgrading the sewer main prior to development occurring.

The municipal water mains dead-end at the north edge of the property, and just south of the south property line of the adjacent property to the south. As part of the development, the water mains will be extended and connected and these two dead-ends will be eliminated.

The water and sewer mains will be run in the existing easement crossing the property. The easement is proposed to run on the west side of the proposed road.

Access

The property has existing access driveways to both Lakeshore Road and Beach Boulevard. If approved, the proposed development would include a new road connecting to Lakeshore Road to service the development. Each of the proposed lots would have individual access to the new road and the road would end in a cul-de-sac at the south end of the property. The developers would be responsible for constructing the road to the City's standards, and the City would assume the road upon completion, in accordance with any requirements set out in the development agreement.

Existing Land Use

The property is currently vacant.

Adjacent Land Uses

North: Residential
South: Residential
East: Lake Temiskaming
West: Lakeshore Road and Residential

Planning Analysis

Provincial Policy Statement (2014)

The property is located within the established settlement area boundary for the City within an established residential neighbourhood along an arterial road.

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*

1.1.3 Settlement Areas

The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

1.1.3.2 *Land use patterns within settlement areas shall be based on:*

- a) *densities and a mix of land uses which:*
 - 1. *efficiently use land and resources;*
 - 2. *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - 3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. *support active transportation;*
 - 5. *are transit-supportive, where transit is planned, exists or may be developed;*
 - 6. *are freight supportive; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

The subject property is located within a built-up residential area. The proposed development represents a mix of housing densities and includes single-detached residential units, semi-detached residential units, and attached street townhouse style residential units. This development proposes a higher density than that of the adjacent neighbourhood and represents infilling of a currently underutilized property. The property is located on Lakeshore Road, which has been identified as an arterial road, and the South Temiskaming Active Travel Trail (STATO) runs along this portion of Lakeshore Road. The Temiskaming Transit route also runs along this arterial and stops are located in close proximity to this property.

1.4 *Housing*

1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

- a) *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- b) *permitting and facilitating:*
 - 1. *all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
 - 2. *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*
- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The proposed residential development of the property includes a mix of housing types and densities that are not prevalent in the City.

1.5 *Public Spaces, Recreation, Parks, Trails and Open Space*

1.5.1 *Healthy, active communities should be promoted by:*

- a) *planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) *planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*
- c) *providing opportunities for public access to shorelines; and*
- d) *recognizing provincial parks, conservation reserves, and other protected area, and minimizing negative impacts on these areas.*

The subject property is located in close proximity to a municipal recreation area, including sports fields, the skate park, the STATO Trail and the boardwalk, various play structures, and the waterfront area. These facilities accessible via the STATO Trail along Lakeshore Road.

1.6 *Infrastructure and Public Service Facilities*

1.6.3 *Before consideration is given to developing new infrastructure and public service facilities:*

- a) *the use of existing infrastructure and public service facilities should be optimized; and*
- b) *opportunities for adaptive re-use should be considered, wherever feasible.*

1.6.6 *Sewage, Water and Stormwater*

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*

The proposed development will be serviced by municipal water and sanitary sewer services. As previously mentioned, the existing sewer main crossing the property will be upgraded to accommodate the proposed development, and the developers have entered into a cost-sharing agreement with the City whereby the City will cover a portion of the cost of the upgrade. The water mains will also be extended across the property to service each of the units within the proposed development.

1.6.6.7 *Planning for stormwater management shall:*

- a) *minimize, or, where possible, prevent increases in contaminant loads;*
- b) *minimize changes in water balance and erosion;*
- c) *not increase risks to human health and safety and property damage*
- d) *maximize the extent and function of vegetative and pervious surfaces; and*
- e) *promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.*

The proposed method for stormwater management includes overland flow with a series of swales to direct the water and to increase the time for infiltration. The previous development included a stormwater management system complete with a stormceptor interceptor to manage the flow and filter contaminants. During the public meeting for the proposed development the applicant's engineer indicated that the previous development was much more intense than the current proposal and included much more impervious surface area (roofs, driveways, walkways, parking areas, etc.). It was indicated that the proposed stormwater management methods meet their design criteria and are in keeping with similar residential developments in the City. The City's Public Works Department is in agreement with the proposed method for stormwater management.

2.0 *Wise Use and Management of Resources*

2.1 *Natural Heritage*

2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

The previous development proposal for the site included the submission of a Species at Risk assessment, and the Ministry of Natural Resources and Forestry recommended that this study be reviewed and newly-listed species be considered for the proposed development. The updated study was completed in January of 2018 and one newly-listed species was included. It was determined that development could be considered and was recommended that revegetation of areas not included in the development occur quickly following development and that the recommendations of the initial study completed in 2013 apply to the proposed development. One of the recommendations of the initial study was to include a 30m setback from the shoreline along the most northerly portion of the property as the shoreline material could support walleye spawning. It was also recommended that the remainder of the property include a 20m setback. The maintenance of existing cavity trees was also recommended, as well as a vegetative buffer along the shoreline.

2.6 *Cultural Heritage and Archaeology*

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

Through the previous development proposal the applicants undertook Stage 4 archaeological assessments on certain areas of the property, which were eventually cleared for development by the Ministry of Tourism, Culture and Sport (MTCS). The peninsula area of the property was not included in the previous Stage 3 and 4 assessments and it was recommended by MTCS that this area be conserved and protected as it was a potential area of archaeological significance. As the current proposal seeks to separate the property into individual lots, MTCS recommended that the area continue to be preserved, or conversely that archaeological be completed in order to clear the area to permit development. The applicants engaged the services of a consultant archaeologist who completed a Stage 3 assessment and determined that the area was no culturally significant and development would be suitable. This report was filed with MTCS and has been approved and entered into their registry.

Based on the above information it is my opinion that the proposed development demonstrates consistency with the Provincial Policy Statement (2014).

Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario was developed under the Places to Grow Act to ensure greater growth occurs in an economically and environmentally sustainable manner.

A review of the Growth Plan for Northern Ontario confirms the proposal does not conflict with any of the Growth Plan policies.

City of Temiskaming Shores Official Plan

The property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan.

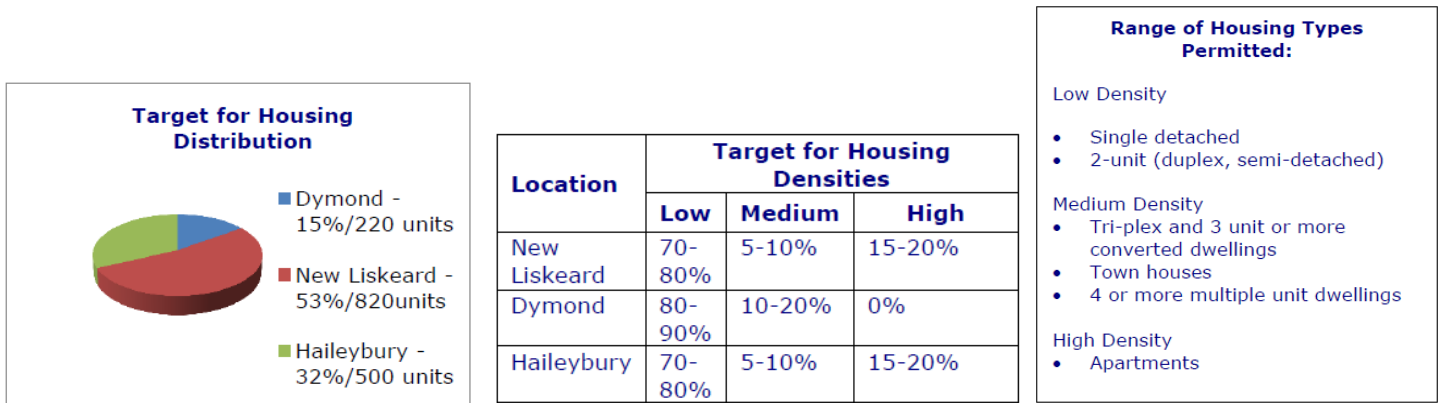
3. *Housing and Growth Management*

3.3 *Objectives*

To facilitate measures for residential intensification.

3.5 Targets

The intent of the Official Plan is to provide an adequate supply of land to accommodate an appropriate range and mix of employment opportunities, and a range of housing types and densities designed to meet the City's population, housing and employment projections. The following targets and range of permitted uses are illustrated as part [of] the policy direction of the Plan:



The proposed development includes a total of eighteen residential units that are to be spread between single-detached dwellings, semi-detached dwellings, and street townhouse style dwellings. This represents a mix of units and densities, and the property is located in New Liskeard which is the primary area identified for intensification.

4. Community Development

4.5 Residential Neighbourhood

4.5.1 The scope of permitted land uses may include low, medium and high density housing types (see Housing and Growth Management); special needs housing; public service facilities appropriate to and compatible with a residential neighbourhood such as schools, places of worship, libraries, daycare facilities; and infrastructure designed and scaled to service a residential neighbourhood. Neighbourhood serving commercial uses may be permitted where a need is established, the use is compatible, and the access road has sufficient capacity. Examples include a convenience store, and a dry cleaning outlet.

The property is located within an existing, established residential neighbourhood. The type of development proposed includes a mix of forms, including detached dwellings, semi-detached dwellings, and attached townhouse-style dwellings. A total of eighteen units are proposed on the property.

5. Infrastructure and Public Service Facilities

5.4 Water, Wastewater and Stormwater

5.4.1 The systems for water distribution and treatment, wastewater collection and treatment, and stormwater collection and treatment and release will be designed, built and operated in a manner which protects public health and safety, minimizes negative impacts on the natural environment, meets the requirements of the approval authority and meets current and projected needs to support development in accordance with the Community Development policies of this Plan (see Section 3).

5.4.2 All development applications will be evaluated to determine whether the City water, wastewater and storm water services adequate servicing to support the proposed development (see also Wellhead and Intake Protection Zones). Proponents will be required to undertake an assessment of the reserve capacity for municipal sewage and water services as part of the evaluation. Development will not be approved where the servicing capacity is insufficient.

- 5.4.4 *Stormwater facilities will be designed and constructed using best management practices (see also Section 4.9 Urban Design Principles and Planning Resource Kit) including the prevention of increased contaminant loads, minimizing changes in water balance and erosion, maximizing the use of vegetation, stormwater attenuation and re-use and by not increasing risks to human health and safety and property damage.*

The proposed development would be serviced with the municipal water and sanitary sewer system. Existing sewer infrastructure runs through the property and the portion of the sewer main that crossing the property is proposed to be upgraded by the developer through a cost-sharing agreement with the City. The existing water mains that dead end to the north and south of the property will be extended and connected and the two dead ends would be eliminated. The stormwater management proposed for the development includes lot grading and a series of swales to direct and abate the flow of stormwater. The City's Public Works Department has agreed to this system.

5.6 *Transportation*

5.6.2 *City Roads*

- a. *The City's road network consists of arterial, collector and local streets. Arterial roads are designed to carry the greatest volume of traffic over the longest distances, to ensure the efficient movement of people and goods. Direct access from adjacent properties will be permitted where such access will not introduce traffic safety or capacity concerns.*

The property has existing access from both Lakeshore Road North and Beach Boulevard. Though the proposed development the access to Beach Boulevard would be solely dedicated to the most northerly property (containing one of the single-detached dwellings), and the access from Lakeshore Road would be used to create a new, local road to service the development. Each of the properties would have direct access to this new road, with only one point of access being provided to Lakeshore Road.

10. *Natural Environment*

10.10 *Flood Hazard Constraint Area*

- 10.10.1 *Development located in or adjacent to a flood hazard constraint area will be administered along the shoreline of Lake Temiskaming and on other river, stream and small inland lakes in the City.*
- 10.10.2 *For the purposes of this Plan, the flood elevation for Lake Temiskaming is 181.7 CGD.*
- 10.10.3 *Development within the flood hazard constraint area may be permitted provided the buildings and structures within the underlying land use designation are constructed to minimize damage in the event of flooding (e.g. flood proofing, ensuring building openings are above the flood elevation of 181.7 CGD, requiring that safe vehicular and pedestrian movement and access for maintenance and repair of protection works is available during times of flooding hazards).*

The property is located on the lakeshore, and part of the development proposal includes a grading plan showing the location of the 181.7CGD elevations on the property. All of the residential units proposed for the property will be located above the 181.7CGD elevation, and the proposed road will also be above this elevation to ensure safe passage in the event of a flood.

Based on the above information it is my opinion that the proposed development demonstrates consistency with the City of Temiskaming Shores Official Plan.

City of Temiskaming Shores Zoning By-law

The property is currently zoned High Density Residential Exception 6 Hold 4 (R4-6(H4)) in the City of Temiskaming Shores Official Plan. The purpose of the application is to rezone the property to Medium Density

Residential (R3), Medium Density Residential Exception 17 (R3-17) and Medium Density Residential Exception 18 (R3-18) to permit the proposed development, with the purpose of the exception zones being to recognize the waterfront setback recommendations of the 2013 Species at Risk study.

Part of the development proposal includes using the part-lot control exemption provisions of the Planning Act to separate each of the units onto its own property, and because of this individual ownership structure, with each separate unit proposed to be on its own freehold lot, the R3 zone is the most appropriate zone.

Comments Received from the Agency Circulation and Public Notification Process

The application was circulated to municipal departments, agencies, and the public. The following comments were received:

Director of Public Works – No comments received, however the Public Works Department has been heavily involved in consultations on the project and will continue to be involved in the development and review of the development agreement.

Chief Building Official – *My only concern would be to make sure that the cul-de-sac meets the requirements of 3.2.5.6 “Access Route Design.”*

Fire Chief – *I have no objections to this application.*

Director of Recreation – No comments received.

Director of Corporate Services – No comments received.

City Manager – No comments received.

Clerk – *The Clerk’s Office has no objections to ZBA-2018-03.*

Economic Development and Funding Application Coordinator – *No concerns. Glad to see this project moving forward!*

Tax Collector / Treasurer – *I have no concerns with this application.*

Public Comments:

- Billie and Tim Richer, 465 Lakeshore Road North – submitted a written inquiry requesting information on the proposed road and any possible sewage upgrades that may affect their property. They were also wondering if the City has had any discussions regarding methods to limit headlight intrusion onto their property from the proposed road.
 - Comments from the Planning Department: The requested information was provided to Mr. and Mrs. Richer, including the site plan and grading plan. It was indicated that no impacts would be realized on their property due to the sewage upgrades, and also that the roadway appears to be further to the east on the property than was proposed for the previous development. No further comments were received from Mr. and Mrs. Richer.
- Peter Ramsay, 444 Agnes Avenue (Friends of the Waterfront) – submitted written comments stating opposition to the proposed amendment due to the proposed stormwater management and lot grading proposal. Mr. Ramsay indicates that his concerns from the previous development proposal were addressed through the site plan control agreement for that proposal (the site plan control agreement was tied to a development agreement and did not reach the approval stage). Mr. Ramsay also submitted his initial comments on the previous development proposal in which he indicates that his primary concerns are stormwater runoff, the inclusion of a buffer zone/planting strip along the waterfront, and requests an environmental impact study be completed.
 - Comments from the Planning Department: The applicant’s Engineer attended the public meeting and addressed the comments related to the stormwater management proposal, indicating that the proposed lot grading and swale measures meet their design criteria and is similar to methods used for other residential development areas throughout the City. It was also indicated that the previous proposal

included a greater area of impervious surfaces (roofs, parking areas, driveways, walkways, etc) and was a much higher-density development than the current proposal. As previously noted, the City's Public Works Department supports the proposed method of stormwater management.

- Rod Mathews, 455 Lakeshore Road North – attended the public meeting and voiced concerns related to headlights from the vehicles on the proposed road, and stormwater runoff from the property.
 - Comments from the Planning Department: These comments have been addressed above.

Recommendation

Based on the information presented in this report, in my opinion, the proposed Zoning By-law amendment is consistent with the Provincial Policy Statement (2014); does not conflict with the Northern Ontario Growth Plan; complies with the City of Temiskaming Shores Official Plan; and represents good planning.

It is therefore recommended that Council approve the Zoning By-law Amendment application.

Respectfully submitted,

Jennifer Pye
Planner



The City of Temiskaming Shores
P.O. Box 2050
325 Farr Drive
Haileybury, Ontario P0J 1K0
705-672-3363

**Application for Zoning By-law Amendment
Under Section 34 of the Planning Act**

Fee for Application to Amend the Zoning By-law: \$750 + \$100 advertising fee + 13% HST = \$960.50

Please read before completing this application

This application reflects the mandatory information that is prescribed in the Schedules to Ontario Regulation 545/06 made under the Planning Act, RSO, 1990, as amended, as well as information required by the City of Temiskaming Shores to assist in the assessment of the proposal.

In addition to completing this form, the Applicant is required to submit the fee, a detailed site plan and any additional information or studies that may be necessary to assess the proposal.

Failure to submit the required information will delay the consideration of this Application. An application which is not considered complete under the Planning Act is not subject to the timelines of the Act.

Applicants are encouraged to consult with the Municipality prior to completing the application.

OFFICE USE ONLY	
File No.:	<u>ZBA-2018-03</u>
Date Received:	<u>September 18, 2018</u>
Roll No.: 5418-	<u>010-008-076.00/077.00</u>

1. Owner Information

Name of Owner: 2373775 Ontario Inc.

Mailing Address: Box 1551, New Liskeard ON P0J 1P0

Email Address: patrick.rivard@firstgeneral.ca Phone: 705-647-5613

If more than one registered owner, please provide information below (attach separate sheet if necessary):

Name of Owner: _____

Mailing Address: _____

Email Address: _____ Phone: _____

2. Applicant/Agent Information (if applicant is not the owner or applicant is an agent acting on behalf of the owner):

Name of Agent: _____

Mailing Address: _____

Email Address: _____ Phone: _____

3. Please specify to whom all communications should be sent:

Owner Applicant/Agent

4. Property Information

a. Location of the subject land:

Dymond New Liskeard Haileybury

Municipal Address 415 Lakeshore Road
Legal Description (concession and lot numbers, reference plan and lot/part numbers) 2373775 Ontario Inc o/a Beach Gardens

b. Date the subject land was acquired by the current owner: 2012

c. Names and addresses of the holders of any mortgages, charges, or other encumbrances of the subject land:

d. Are there any easements or restrictive covenants affecting the subject land?

Yes No

If yes, describe the easement or covenant and its effect:

As per location of water / sewer services

e. Dimensions of subject land:

Lot Area: See site plan Road Frontage: See site plan
 Water Frontage: See site plan Lot Depth: See site plan

f. Existing use(s) of the subject land (check all that apply):

- Residential Commercial Industrial
 Institutional Agricultural Vacant
 Mixed Use (specify): _____
 Other (specify): _____

g. Length of time the existing uses of the subject land have continued: _____

h. Are there any buildings or structures existing on the subject land?

- Yes No

If yes, complete the table below (attach a separate sheet if necessary):

	Building 1	Building 2	Building 3	Building 4	Building 5
Type or use of building					
Height of building (m)					
Setback from front lot line (m)					
Setback from rear lot line (m)					
Setback from side lot line one side (m)					
Setback from side lot line other side (m)					
Setback from shoreline (m)					
Dimensions (m) or floor area (m ²)					
Date constructed					
Is building to remain or be removed?					

i. Has the subject land ever been used for commercial or industrial purposes?

- Yes No

If yes, has a Record of Site Condition ever been completed in accordance with Ontario Regulation 153/04?

- Yes No

j. Existing use(s) of abutting properties:

North: residential East: Lake Temiskaming
 South: residential West: Lakeshore Road

k. Are any of the following uses or features on the subject land or within 500m (unless otherwise specified)?

Use or Feature	On the subject land	Within 500 metres of subject land (indicate approximate distance)
An agricultural operation including livestock or stockyard	<input type="checkbox"/>	<input type="checkbox"/> _____
A landfill	<input type="checkbox"/>	<input type="checkbox"/> _____
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	<input type="checkbox"/> _____
A provincially significant wetland (Class 1, 2 or 3 wetland)	<input type="checkbox"/>	<input type="checkbox"/> _____
A provincially significant wetland within 120 metres of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____
A waterbody, watercourse, river, or stream	<input type="checkbox"/>	<input checked="" type="checkbox"/> _____
A rehabilitated mine site	<input type="checkbox"/>	<input type="checkbox"/> _____
A non-operating mine site within 1 kilometre of the subject land	<input type="checkbox"/>	<input type="checkbox"/> _____
An active mine site, gravel pit or quarry	<input type="checkbox"/>	<input type="checkbox"/> _____
An industrial or commercial use (specify)	<input type="checkbox"/>	<input type="checkbox"/> _____
An active railway line	<input type="checkbox"/>	<input checked="" type="checkbox"/> _____
Utility corridor(s)	<input type="checkbox"/>	<input type="checkbox"/> _____
Provincial Highway	NA	<input type="checkbox"/> _____

5. Planning Information

a. Current Official Plan Designation(s): Residential neighbourhood

b. Explain how the application conforms with the Official Plan:

Residential uses are permitted; different forms and densities of houses are encouraged

c. Current Zoning: High density residential ex. 6 hold 4

d. Nature and extent of the rezoning being requested:

rezone to medium density residential (R3) to permit various forms of housing on the site

e. Reason why rezoning is being requested:

to accommodate proper development

f. Is the subject land within an area where the municipality has predetermined the minimum and maximum density requirements or the minimum and maximum height requirements?

Yes No

If yes, provide a statement of these requirements:

g. Is the subject land within an area where zoning with conditions may apply?

Yes No

If yes, explain how the application conforms to the Official Policies related to zoning with conditions:

h. Does the application propose to change the boundary of a settlement area or establish a new area of settlement?

Yes No

If yes, provide details of the current Official Plan policies or Official Plan Amendment dealing with the alteration or establishment of an area of settlement:

i. Does the application propose to remove land from an area of employment?

Yes No

If yes, provide details of the current Official Plan policies or Official Plan Amendment dealing with the removal of land from an area of employment:

6. Proposed Use of Property

a. Proposed use(s) of the subject land (check all that apply):

- Residential Commercial Industrial
 Institutional Agricultural Vacant
 Mixed Use (specify): _____
 Other (specify): _____

b. Are any buildings proposed to be constructed on the property?

Yes No

If yes, complete the table below (attach a separate sheet if necessary):

	Building 1	Building 2	Building 3	Building 4	Building 5
Type or use of building	See site plan for all info				
Height of building (m)					
Setback from front lot line (m)					
Setback from rear lot line (m)					
Setback from side lot line one side (m)					
Setback from side lot line other side (m)					
Setback from shoreline (m)					
Dimensions (m) or floor area (m ²)					

7. Access and Servicing

a. What type of access is proposed for the subject land?

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Private Road |
| <input checked="" type="checkbox"/> Municipal Road, maintained all year | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Municipal Road, maintained seasonally | <input type="checkbox"/> Water Access |
| <input type="checkbox"/> Other (specify): _____ | |

i. If access to the subject land will be by water only, describe the docking and parking facilities to be used and the approximate distance to these facilities from the subject land and the nearest public road:

b. What type of water supply is proposed for the subject land?

- Publicly owned and operated piped water supply (City water)
- Privately owned and operated individual well
- Privately owned and operated communal well
- Lake or other water body
- Water service not proposed
- Other (specify): _____

c. What type of sewage disposal is proposed for the subject land?

- Publicly owned and operated sanitary sewage system (City sewer)
- Privately owned and operated individual septic system
- Privately owned and operated communal septic system
- Privy
- Sewage disposal service not proposed
- Other (specify): _____

i. If the proposed amendment would permit development on a privately owned and operated individual or communal septic system, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report prepared by a qualified professional are required to be submitted:

- Title and date of servicing options report: _____
- Title and date of hydrogeological report: _____

d. What type of storm drainage is proposed for the subject land?

Storm sewer

Ditches

Swales

Other (specify): _____

8. Previous Applications

Has the subject land ever been the subject of any of the following applications under the Planning Act (if the answer to any of the following is yes, please provide the file number and status of the application if known):

Unknown

Official Plan Amendment Yes No File No.: OPA2013-02 (NL)/54-DP-120060 Status: Approved under previous OP

Zoning By-law Amendment Yes No File No.: ZBA-2013-02 (NL)/ZBA-2014-03 (NL) Status: approved under previous ZBA

Minor Variance Yes No File No.: _____ Status: _____

Plan of Subdivision Yes No File No.: 100-090-54-DP-120061 Status: approval lapsed

Consent Yes No File No.: _____ Status: _____

Site Plan Control Yes No File No.: SPCA-2014-01 Status: Not completed

Minister's Zoning Order Yes No File No.: _____ Status: _____

9. Concurrent Applications

Is the subject land currently the subject of any of the following applications under the Planning Act (if the answer to any of the following is yes, please provide the file number and status of the application if known):

Official Plan Amendment Yes No File No.: _____ Status: _____

Zoning By-law Amendment Yes No File No.: _____ Status: _____

Minor Variance Yes No File No.: _____ Status: _____

Plan of Subdivision Yes No File No.: _____ Status: _____

Consent Yes No File No.: _____ Status: _____

Site Plan Control Yes No File No.: _____ Status: _____

10. Provincial Policies

a. Is the proposed zoning by-law amendment consistent with the policy statements issued under subsection 3(1) of the Planning Act?

Yes No

i. If yes, explain how the zoning by-law amendment is consistent with the policy statements issued under subsection 3(1) of the Planning Act:

- in field development
- STATO trail in front of development
- provide for a mix of housing densities
- on municipal services

b. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

i. If yes, explain how the zoning by-law amendment conforms or does not conflict with the provincial plan or plans:

does not conflict with Northern Ontario's growth plan.

11. Public Consultation Strategy

Detail the proposed strategy for consulting with the public with respect to the application:

Follow Planning Act requirements

Other (please specify):

12. Additional Studies or Information

Additional studies or information may be required by the Municipality to support the application. The application may not be considered a complete application unless these studies have been completed. Applicants are advised to pre-consult with the Municipality to determine what additional studies or information is required.

List of additional studies or information required by the Municipality (to be provided by the Municipality):

- species at risk review and update
- updated archaeological assessment
- storm water plan
-

13. Sketch

The application shall be accompanied by a site plan showing the following information:

- The boundaries of the subject land;
- The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- The approximate location of all natural and artificial features (for example: buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks, etc.) that:
 - Are located on the subject land and on land that is adjacent to the subject land, and
 - In the applicant's opinion, may affect the application;
- The current uses of land that is adjacent to the subject land;
- The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- If access to the subject land will be by water only, the location of the parking and docking facilities to be used;
- The location and nature of any easement affecting the subject land.

14. Applicant/Agent Authorization

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We, _____ are the registered owners of the subject land and I/we hereby authorize _____ to make this application on my/our behalf and to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: _____ Owner's Signature: _____

Date: _____ Owner's Signature: _____

15. Authorization for Site Visits

I/We authorize Municipal Staff and Council and/or Committee members, as necessary, to enter the subject property to gather information necessary in the assessment of the application.



Applicant Initial

Applicant Initial

16. Notice re: Use and Disclosure of Personal Information

In accordance with the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, I/We acknowledge and understand that any information collected on this form and any supplemental information submitted as part of this application can be disclosed to any person or public body.



Applicant Initial

Applicant Initial


17. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, Patrick Rivard of the City of Temiskaming Shores
in the District of Temiskaming make oath and say
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Sworn (or declared) before me

at the _____
in the _____
this _____ day of _____, 20_____



Signature of Applicant



A Commissioner for Taking Affidavits

Jennifer Lynn Pye, a Commissioner
etc., Province of Ontario, for the
Corporation of the City of Temiskaming
Shores. Expires June 26, 2021.

The City of Temiskaming Shores has received the following application to amend the City of Temiskaming Shores Zoning By-law:

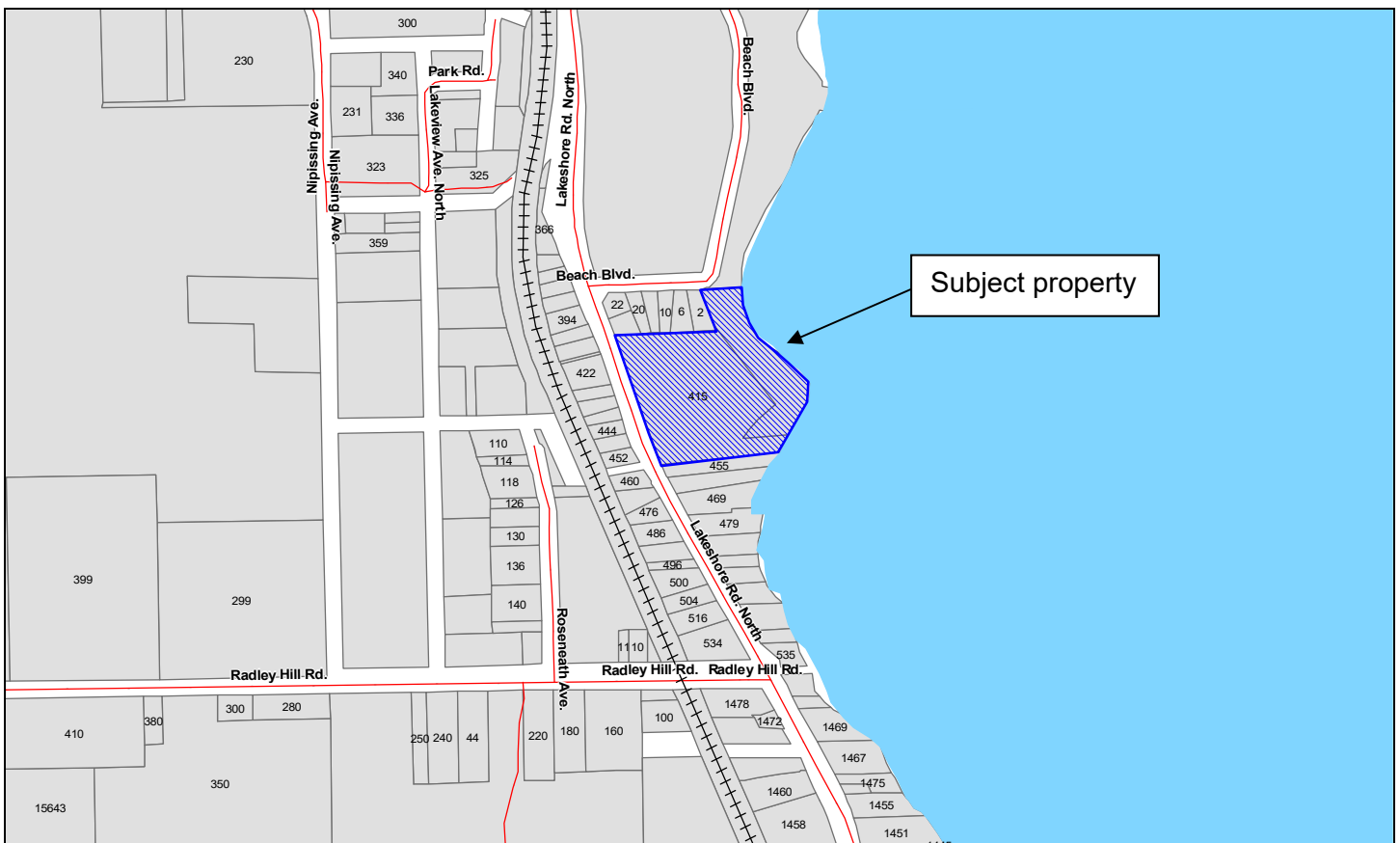
File #: ZBA-2018-03
Owner: 2373775 Ontario Inc.
Property: 415 Lakeshore Road

A public hearing will be held to consider the Zoning By-law Amendment application:

Date: Tuesday, October 9, 2018
Time: 6:00 p.m.
Place: Council Chambers at City Hall, 325 Farr Drive, Haileybury

The application proposes to rezone the subject land from **High Density Residential Exception 6 Hold 4 (R4-6(H4))** to **Medium Density Residential (R3)** to permit the development of eighteen (18) individually-owned residential units on the property. The plan proposes two single-detached dwellings, four semi-detached dwelling buildings each containing two units (eight units total), and two street townhouse dwelling buildings each containing four units (eight units total). A road to be assumed by the City will be extended into the property from Lakeshore Road with dwellings located on either side. A subsequent part-lot control application is anticipated in order to separate each dwelling onto individual properties once the foundations are installed.

The property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan.



Any person may attend the public meeting and/or make written or verbal presentation to express support of, or opposition to, this application. If you are aware of any person who may be affected by this application, who has not received a copy of this notice, it would be appreciated if you would inform them of the application.

Written comments on this application may be forwarded to the City prior to the hearing.

If you are receiving this notice as the owner of a multi-unit residential building, please post this notice in a location that is visible to all of the residents.

If you wish to be notified of the decision of the City of Temiskaming Shores on the proposed Zoning By-law Amendment, you must make a written request to the City of Temiskaming Shores at the address below.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the City of Temiskaming Shores to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Additional information pertaining to the application is available for review between 8:30 a.m. and 4:30 p.m. at City Hall, or by contacting the undersigned.

Dated this 19th day of September, 2018.

Jennifer Pye
Planner
City of Temiskaming Shores
325 Farr Drive
PO Box 2050
Haileybury, ON P0J 1K0
Tel: 705-672-3363 ext. 4105
Fax: 705-672-2911
jpye@temiskamingshores.ca

From: [Tim Richer](#)
To: [Jennifer Pye](#)
Subject: 415 Lakeshore Rd
Date: Monday, September 24, 2018 12:34:32 PM

Hi Jennifer,

I was wondering if you could please send us more information regarding the road that is being developed into the property, and any possible sew upgrades that may affect our property.

When the Condos were being developed in the past we did express a concern regarding the road, and head lights into our home. We are just wondering if this as been discussed by the city for they will be taking responsibility of the road on the property.

Thanks,

Billie & Tim Richer

From: [Peter Ramsay](#)
To: [Jennifer Pye](#)
Subject: 415 Lakeshore Road zoning amendment
Date: Thursday, September 27, 2018 9:36:11 AM
Attachments: [2018_09_27_09_24_35.pdf](#)

Jennifer, I hope the attached qualifies as a "written presentation" expressing my opposition to the zoning application. If not, or if you have any suggestions, please advise. Hopefully this is adequate forwarding of my comments. If not please advise and I will have it delivered.

I spoke to Jamie Hawken at EXP at its open house. He was the engineer who replied to my submission at the previous hearing. He said that he was not involved this time, but that the specifications etc. were in their file for treatment of surface water run off.

Thank you

Peter R. Ramsay

Ramsay Law Office

pramsay@ramsaylaw.ca

705-647-4010

PETER R. RAMSAY
444 Agnes Ave., P.O. Box 160,
New Liskeard, ON P0J 1P0

September 27, 2018

City of Temiskaming Shores,
325 Farr Drive, Box 2050,
Haileybury, ON P0J 1K0

Att: Jennifer Pye, Planner

Dear Sirs,

re: 415 Lakeshore Road, Zoning Bylaw Amendment File No. ZBA-2018-03

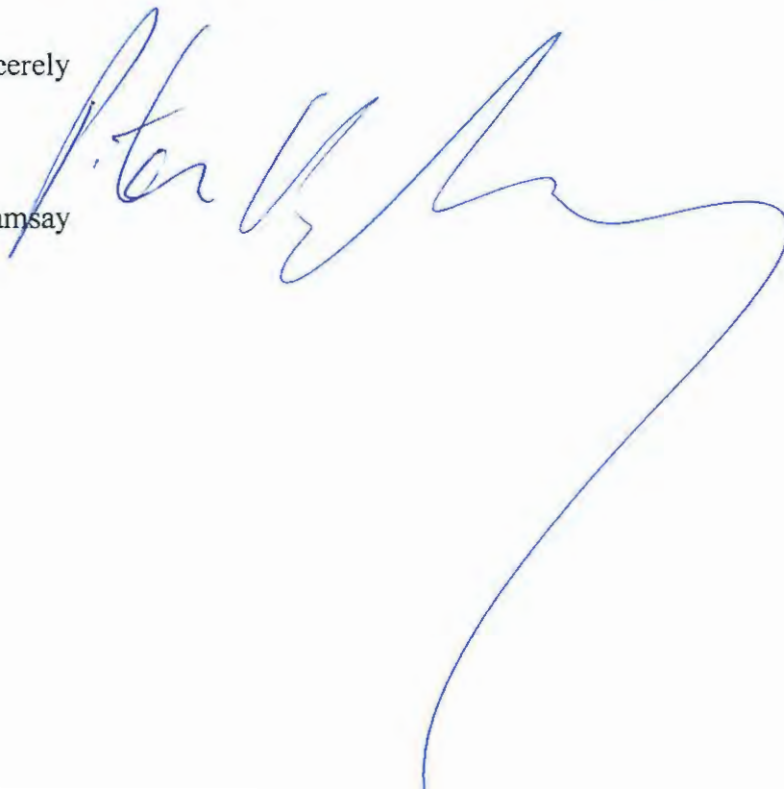
Attached is a copy of the presentation I made at the previous zoning bylaw meeting for File NO. ZBA-2013-02 (NL) with respect to my concerns about storm water runoff and waterfront protection. I believe the same concerns are equally relevant in connection with the new proposal and zoning amendment.

Subsequent to the 2013 meeting, the City prepared a Site Plan Control Agreement for this property and the prior project and while I understand it was never completed, the draft did satisfy my concerns set out in the attached submission.

I strongly request and recommend that Council require a similar Site Plan Control Agreement as a condition of approving the Zoning Bylaw Amendment and proceed to prepare and implement and register on the title to the subject property such a Site Plan Control Agreement.

Yours Sincerely

Peter R Ramsay



PETER R RAMSAY

444 Agnes Ave., Box 160,
New Liskeard, ON P0J 1P0

May 21, 2013

RE: Zoning Bylaw Amendment No. ZBA-2013-02(NL)

My concerns with the proposed development all relate to the water quality of Lake Temiskaming and therefore I am directing myself to the proposed bylaw:

1. Storm Water Runoff: in 2007 French Planning Associates on behalf of a local group, Friends of the Waterfront, prepared a Planning Review and Recommendations of New Liskeard Waterfront, copies of which were presented to Council at that time. In that report in 2 places the planner raised concerns about the stormwater outflows flowing into the Lake and their affect on water quality; in particular he commented on the discharge from the parking lots of the Waterfront Inn and Fitness Centre (pgs 4 & 14). 74 condo units and streets and walkways and parking areas are going to create considerable runoff.

I recommend that the proposed bylaw be revised to require a comprehensive storm water management plan that will divert or treat stormwater runoff or otherwise mitigate the effect on Lake Temiskaming.

2. Many zoning bylaws dealing with waterfront development require a buffer zone/ planting strip along the waterfront to deal with runoff not caught by the storm water system. Hudson Township in connection with development on Twin Lake and surrounding lakes requires a 5 meter vegetation strip along the lake front.

I recommend a similar provision should be included in the bylaw amendment.

3. Our greatest resource is Lake Temiskaming. I recommend that the bylaw should also include the requirement for an **Environmental Impact Study** specifically to:

- a) identify impacts
- b) provide appropriate mitigation measures to lessen these impacts;
- c) include a long term monitoring plan to ensure the engineered infrastructure is maintained and effective in the long term.

While these concerns might be addressed in a site development agreement, that is not open to public participation. Including them also in the zoning bylaw makes them subject to enforcement not only by the City but by ratepayers also.

Please consider this to be my formal objection to the proposed bylaw, based on the foregoing concerns.

H:\PRR\Friends of Waterfront\zoning objection 2013.wpd

Scoped Environmental Impact Study

Beach Gardens Property, 415 Lakeshore Road

Registered Plan M-79 NB, Lot 5 Block C

Restructured Municipality of the City of Temiskaming Shores, District of Nipissing



Since 1996

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1.0 Introduction

This report addresses concerns raised by the Ontario Ministry of Natural Resources (OMNR) with respect to natural heritage values including significant habitat for species at risk, significant wildlife habitat and fish habitat. Based on Ministry of Municipal Affairs and Housing letter dated March 15, 2013, species and their habitats were evaluated for presence and if present the potential impacts determined and appropriate mitigation suggested.

1.1 Site Description

The 3.10 hectare property, formerly known as Beach Gardens, is described as Registered Plan M-79 NB, Lot 5 Block C, Lot 8 Concession 1, Geographic Township of Dymond, Restructured Municipality of the City of Temiskaming Shores, District of Nipissing. The property is bounded by Beach Boulevard to the north, Lakeshore Road to the west, residential homes to the south and Lake Temiskaming to the east (Figure 1).



Figure 1: Property, formerly known as Beach Gardens, the boundary outlined in red. Inset shows the general location in the Municipality.

1.2 Proposed Development

A mixed phased residential condominium development consisting of 18 single detached homes and four 4-storey apartment blocks is proposed for the site. The existing structures including a three-storey home and a number of cabins and other outbuildings will be removed to accommodate the new development.

2.0 Field Investigations

Field investigations were carried out on May 28th, June 12th and June 28th on the property and the surrounding 120 metres where access was possible. For private property areas within the 120 metres, observations were made from the edge of the Beach Gardens property. The weather was generally

warm and overcast to sunny on all occasions with no precipitation at any time. Ecosites were determined in order to ascertain whether suitable habitat existed for the species noted by OMNR, including species at risk which are known to occur in the general area.

Following the preliminary habitat investigation, species specific surveys were completed where appropriate and the results are described in sections 3 and 4.

2.1 Habitat Survey

2.1.1 Ecosites

The soil type and vegetation communities (ecosites) were assessed using the *Ecosites of Ontario* (April 2009 Working Draft). Three different communities were delineated and are shown in the figure below (Figure 2).



Figure 2: Ecosites and their boundaries on the Beach Gardens property.

Community 1: G088Tt Fresh, Clayey: Aspen-Birch Hardwood

This community is present along the shoreline at the northern edge of the property. It is relatively small, approximately 0.28 ha and is dominated by mature trees including balsam poplar (*Populus balsamifera*) and ash (*Fraxinus* spp.) It includes the riparian area adjacent potential spawning habitat, and is for the most part covered with well-established vegetation including diverse ground cover and mature trees.



Figure 3 & 4: G088Tt Fresh, Clayey: Aspen-Birch Hardwood ecosite

Community 2: G078N Fresh, Clayey: Meadow

This community is present on just under half of the property. It consists of old field habitat with a few trees and shrubs at the margins; there was evidence of recent ploughing (within the last year) although nothing was planted. The field area is dominated by species typically found in abandoned disturbed sites including cow vetch (*Vicia cracca*), Canada thistle (*Cirsium arvense*) and grasses (*Poa* spp.). Based on the species composition, the site was potentially suitable for Bobolink.



Figure 5 & 6: G078N Fresh, Clayey: Meadow

Community 3: G196N Fine, Clean Fill

This anthropogenic community includes a majority of the shoreline and the areas where existing and demolished buildings stand or stood. Vegetation included a number of mature trees namely bur oak (*Quercus macrocarpa*), red oak (*Quercus rubra*), white spruce (*Picea glauca*) and willow (*Salix* spp). Herbaceous vegetation included tall buttercup (*Ranunculus acris*), yarrow (*Achillea millefolium*) and

common fleabane (*Erigeron philadelphicus*). This area includes the driveway/campsite road and the area adjacent the existing residence. Based on known species ranges and life histories, this ecosite had the potential to provide habitat for Barn Swallows, bats (multiple species) and Chimney Swift.



Figure 7 & 8: G196N Fine, Clean Fill ecosite

3.0 Significant Habitat of Endangered/Threatened Species

Following delineation of the ecosites on the property, the ecosites were assessed for their suitability to provide habitat for a number of wildlife species.

There are a number of human-influenced spaces on the property resulting from the previous commercial use as a garden centre and campground. Although these areas and structures are artificial, they are known to be used by certain species at risk and therefore were evaluated for their significance.

Investigations of the interior and exterior of all existing structures was completed where it was safe to do so. These included the residential home (exterior only), 2 garages and 11 outbuildings and the results are summarized below for each species.

3.1 Bobolink

Suitable habitat (based on species composition) is present in particular at the western half of the property away from the water. The old field is comprised of grasses and some herbaceous vegetation in approximately a 50% - 50% combination for the westerly and northerly portions; with a smaller area of 90% grasses and moderate to heavy thatch in the south westerly part of the field area. This smaller area appeared to be most suitable for Bobolink. The 50% grass/50% herbaceous part of the field appeared to have been ploughed the previous spring or fall. The entire field area is small (~1.1 ha) relative to the patch sizes reported in literature where generally Bobolinks are found in areas >10 ha, and presence and nest success is positively correlated with increasing patch size.

The first of three visits was completed on May 28th from 8:50 am to 9:00 am and no birds were detected; neither visually nor by sound. At the time of the survey there was low to moderate road noise, little to no wind, an air temperature of 12°C and clear skies.

The second of three visits was completed on June 12th from 8:30 am to 8:40 am, the air temperature was 15°C with mostly cloudy skies. No birds were detected; neither visually nor by sound. At the time of the survey there was moderate road noise and equipment noise as the adjacent neighbour was cutting their lawn.

The third survey was completed June 28th from 8:42 am to 8:52 am, the air temperature was 16°C and mostly cloudy skies. No birds were detected; neither visually nor by sound. At the time of the survey, there was low road noise and some intermittent mowing noise to the north.

Although the site is within range of Bobolinks and the species composition of the field is suitable for nesting and foraging Bobolinks, birds were not detected during appropriately executed surveys and therefore we conclude are not present at the site. It is suspected that the very small habitat patch size and proximity to other more suitable (larger) fields is the reason birds were not using the site.

3.2 Barn Swallow

Barn swallows are known to build nests on barns, bridges and other buildings especially in open areas near water. Based on the availability of old buildings on the site and the proximity to Lake Temiskaming, there was potential for barn swallow nesting on the property. Each existing structure, including the residential home, 2 garages and 11 outbuildings were thoroughly examined inside and out for any evidence of nesting barn swallows. No swallow nests were found nor were any barn swallows noted during the first field visit. No birds were observed on subsequent visits. Based on these field investigations, we have concluded that no significant habitat exists at the site for barn swallows.

3.3. Bats

Similar to barn swallows, bats are known to roost on buildings during the daytime. All of the existing structures on the site were surveyed for roosting bats including the interiors of the structures where access was possible. No roosting bats were observed on any of the existing structures.

In addition, all large trees and potential cavity trees were examined for their potential to provide suitable roosts for bats. No suitable roosts were discovered; two small diameter cavity trees were being utilized by European Starlings for nesting.

3.4 Lake Sturgeon

Lake sturgeon are present in Lake Temiskaming and are known to spawn in rivers flowing into the lake. Lake sturgeon are listed as threatened on Ontario's Species at Risk list and currently receive both species and habitat protection under the Endangered Species Act, 2007.

Juvenile and adult fishes forage on the bottom in areas that provide abundant invertebrate prey items. The three distinct areas of fish habitat fronting the Beach Gardens property have low potential to provide significant habitat for lake sturgeon based on their life history; in particular they do not function as spawning or nursery habitat. They may provide opportunities for foraging, however this habitat type is not limiting for lake sturgeon in Lake Temiskaming nor is it of high quality at this site based on the small size and past human disturbance.

No significant habitat for lake sturgeon was discovered during field investigations on or within 120 metres of the property. Specific suggested mitigation to avoid potential impacts to lake sturgeon are listed in the Mitigation section.

4.0 Significant Wildlife Habitat

4.1 Snapping Turtle

Initial desktop investigations suggested potentially suitable nesting habitat for snapping turtles along the shoreline. Subsequent field investigations confirmed the absence of suitable habitat on the property, as all of the shoreline is either reinforced with gabion baskets, rock and concrete infill or heavily vegetated, all of which are unsuitable for nesting turtles. When water levels are lower a portion of the coarse sand bottom is exposed but wave action, proximity to the water table and the fluctuating (regulated) water levels make this area extremely unsuitable for nesting.

The adjacent landowner to the immediate south of the property (within 120 metres), has what appears to be an artificial beach which may be used by turtles. It is highly unlikely this beach area would produce successful nests based on the suspected use and maintenance of the beach area. Therefore, no significant habitat for snapping turtles exists on or within 120 metres of the site.

4.2 Monarch Butterfly

Monarchs rely on common milkweed (*Asclepias syriaca*) to lay their eggs and the resultant caterpillar eats milkweed leaves exclusively. Common milkweed is most often found in disturbed sites growing in a variety of soils. No common milkweed plants were noted on or within 120 metres of the site (where access was possible). Adult butterflies require nectar from wildflowers. While there were a number of wildflowers growing in the old field portion of the property, they were not abundant on the more disturbed portions of the site. No monarchs were seen during field investigations. Based on the absence of milkweed and the absence of adult butterflies, it is highly unlikely this site supports a seasonal concentration area for monarchs.

4.3 Migratory Birds

Although not specifically required, the Forest Bird Monitoring Protocol was followed and two listening stations were established to identify the avian species on the property. No species of special concern were noted during the monitoring. European Starlings and Common Ravens were confirmed breeding on the property. A list of birds heard or observed during the 10 minute listening period is included in the appendices. General mitigation for migratory birds is included in the Mitigation section of this report.



Figure 9: Dead standing cavity tree with nesting Starlings (*Sturnus vulgaris*) immediately adjacent lake in ecosite G196N.

5.0 Fish Habitat

Lake Temiskaming is home to 30 species of fish including lake sturgeon, northern pike, lake trout, walleye, smallmouth bass, bullhead, carp, ling, perch and whitefish (www.temiskamingshores.ca, June 25, 2013).

The suitability of the shoreline at the Beach Gardens property to provide specialized fish habitat was evaluated. The entire length of shoreline was walked both in and out of the water (where possible) and the substrate and riparian areas were assessed for the potential to provide habitat for fishes, in particular spawning, nursery, cover and foraging habitat. A 'view box' was used to observe the substrate in deeper water where it was otherwise not possible because of the turbidity of the lake water. The results are detailed below and suggested mitigation is included in the Mitigation section.



Figure 10: Approximate fish habitat locations, approximate boundaries delineated based on what was visible/accessible.

5.1 Small Cobble and Coarse Sand Habitat

A portion of the shoreline habitat consisted of small cobble underlain by coarse sands (Figure 3). This begins at the northern edge of the property and extends at least 2 metres from the shoreline and is about 10 centimetres deep. Further from the shoreline larger rocks are interspersed with the cobble. This cobble substrate is present for roughly 70 metres of shoreline. Based on correspondence with the Ministry of Natural Resources Management Biologist C. McCrudden, this cobble has the potential to provide spawning habitat for walleye (personal communication, June 10, 2013).

The adjacent riparian area is predominantly clay soils with well-established ground cover and mature trees.



Figure 11 & 12: Small cobble & coarse sand substrate; potential walleye spawning habitat.

5.2 Large Rock, Infill Materials

South of the cobble, the shoreline height above the water rises, in part from what appears to be infilling. A variety of human-created materials including large concrete chunks and bricks, along with rocks and boulders dominate this area. This habitat type extends for approximately 100 metres along the shoreline, ending close to the tip of the small peninsula of land near the middle of the property. This habitat is highly altered, however, the variety of structure could provide shelter and foraging habitat for some species of fish. It likely does not provide specialized fish habitat.

The riparian area is generally shallow mineral soils (coarse sand) underlain by large rocks and potentially infill materials based on what is evident at the shoreline. There are a few mature balsam poplar (*Abies balsamea*) and bur oak (*Quercus macrocarpa*) trees within 20 metres of the high-water mark; ground vegetation includes unmaintained lawn species including grasses, dandelion and wild strawberry. The existing access road runs through most of this area.

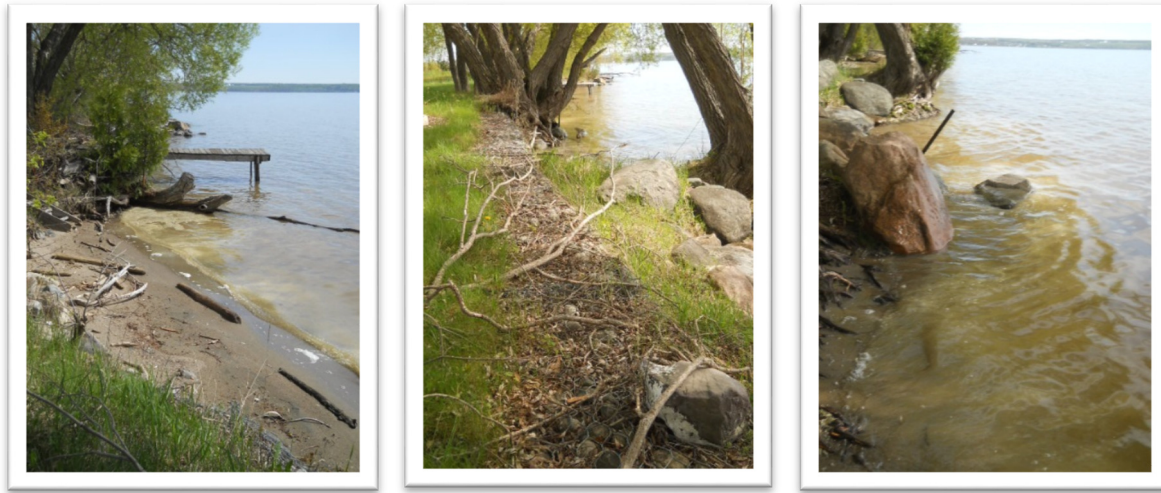


Figure 13 & 14: Large rocks and infill materials are present along the central shoreline portion of the property

5.3 Fine Sand

At the southern extent of the property's shoreline, fine sands with the occasional large rock or boulder are present. This habitat extends the approximate remaining 100 metres of shoreline on the property. This area has the potential to provide foraging habitat for small fishes, including forage fish. It likely does not provide specialized fish habitat.

The adjacent riparian area includes seven mature multi-stemmed willows (*Salix* spp.) immediately adjacent the shore, and ground vegetation of unmaintained pioneer and lawn species. There are the remains of an old building and gravel parking lot/campsite pad within 20 metres of shore.



Figures 15 & 16: Fine sand substrates adjacent the willow-lined shore; with occasional large rocks. Gabion baskets (middle photo) are present for a portion of this habitat type, set back from the shoreline.

5.4 Lake Trout

Lake trout are listed as a species present in Lake Temiskaming. Further clarification on the presence and habitat of this species in the lake was sought from OMNR. They indicated that lake trout are actively fished for and caught at the mouth of the Kipawa River and are thought to migrate downstream into L. Temiskaming. To their knowledge, there is no lake trout specific habitat in Temiskaming, nor are lake trout reproducing in this lake (C. McCrudden, personal communication, June 27, 2013). Development of the Beach Gardens site will have no impact on lake trout or their habitat based on their known life history in L. Temiskaming.

6.0 Natural Heritage Values Summary

The following is a summary of the natural heritage values on or within 120 metres of the property.

Natural Heritage Value	Present on Site	Present within 120 metres	Mitigation Required
Significant Habitat of Threatened/Endangered Species	No	No	No
Significant Wildlife Habitat	No	No	No
Fish Habitat	No	Yes	Yes

Based on our field investigations, significant habitat of endangered and threatened species and significant wildlife habitat are not present on or within 120 metres of the site and therefore no mitigation is required. The property is situated on Lake Temiskaming which is known to be fish habitat for a number of species. The lake area immediately adjacent the property was evaluated for specialized

fish habitat. The small cobble / coarse sand habitat was confirmed to be potentially suitable spawning habitat for walleye/sauger by OMNR. Suggested mitigation for this habitat is included below.

7.0 Mitigation

7.1 General Mitigation

The Beach Gardens site currently provides breeding habitat for a number of migratory birds. It is suggested that in order to avoid destruction of nests or eggs, site preparation and vegetation clearing activities should occur outside of the breeding bird window, generally May 1 through August 31. It is recommended to contact the local OMNR office for specific dates.

It is suggested that all existing living and dead cavity trees remain to continue to provide habitat for nesting birds and potentially bats where they do not pose a safety risk.

7.2 Vegetated Buffer

The following recommendations for a vegetated buffer are intended to protect the potential specialized fish habitat (walleye spawning) and general fish habitat adjacent the property. Recognizing that the planned development will likely increase the amount of impervious surfaces on the site, the following suggested mitigation should address concerns associated with fish habitat.

A 30 metre vegetated buffer, consistent with the Natural Heritage Reference Manual (2010), is recommended adjacent the Small Cobble and Coarse Sand Habitat. The southerly extent of the recommended 30 metre buffer is approximately even (east-west) with the northwest lot line (see Figure 10). This riparian area is predominantly clay soils with well-established vegetation. It likely contributes indirectly to fish habitat by providing shade and forage items as well as erosion protection for the adjacent spawning habitat.

A 20 metre vegetated buffer is recommended for the remaining shore land where sandy soils are present. This area is currently dominated by herbaceous groundcover including grasses and some mature trees; the existing access road is situated at the back edge of the suggested 20 metre buffer. There is no specialized fish habitat adjacent this section of shore land.

Suggested mitigation includes:

- Enhance existing riparian vegetation with similar native plantings while maintaining a view-scape of the lake to increase sediment and nutrient retention; shrubs and grasses are recommended for their high retention ability
- Maintain a 30 metre vegetated buffer adjacent the Small Cobble and Coarse Sand Habitat and a 20 metre vegetated buffer adjacent the remainder of the property fronting the lake
- Other than upgrading the existing access road and removal of old infrastructure, no development or clearing activities should be permitted in the vegetated buffer
- Construction equipment and material storage should be avoided in the 20 and 30 metre vegetated buffer
- Appropriate sediment control measures should be employed during construction i.e. properly installed sediment fencing
- Ensure appropriate stormwater treatment occurs before the water enters the lake

- Existing vegetation should be left intact where possible as the established root systems will function most effectively in the uptake of nutrients and provide the best defense against erosion

The proposed redevelopment of the Beach Gardens property is not expected to have any significant negative impacts on the natural heritage features identified in this report if the suggested mitigation measures are implemented.

Respectfully yours,

A handwritten signature in cursive script that reads "Rebecca Geauvreau".

Rebecca Geauvreau

Biologist, FRi Ecological Services
July 2, 2013

Appendix A: Avian species observed and heard during field investigations.

Species	Heard	Observed	Evidence of Nesting	Comment
Red-eyed Vireo	✓			
Chipping Sparrow	✓	✓		
American Robin	✓	✓	✓	Saw juvenile
Common Yellowthroat	✓	✓		
Common Raven	✓	✓	✓	Nest in large white spruce, nestlings were fledged June 12 th
Starling	✓	✓	✓	Observed adults bringing insects to cavity; two locations
Merlin	✓			Flying overhead
Grey Catbird		✓		
Tree Swallow		✓		Foraging over field
Eastern Phoebe	✓	✓		
Ovenbird		✓		
Bluejay	✓	✓		
Yellow-bellied Sapsucker	✓	✓		
Field Sparrow	✓	✓		
American Goldfinch		✓		
Song Sparrow	✓	✓		
White Throated Sparrow	✓			
Common Grackle	✓	✓		
Savannah Sparrow	✓	✓		

Appendix B: Author's Qualifications

Rebecca S. Geauvreau

Biologist, FRi Ecological Services
rebecca.geauvreau@fricorp.com

Professional Profile

Ms. Geauvreau is a biologist with FRi Ecological Services with a broad range of experience in natural resource management and natural heritage assessments. Her career has included positions in both the public and private sector over the past ten years. Her areas of specialization include species at risk and natural heritage studies.

Education

Bachelor of Science, Biology, University of Toronto, 1999

Fish and Wildlife Technician Diploma, Sault College, 2001

Bachelor of Education, Lakehead University, 2002

Representative Projects

FRi Ecological Services

Environmental Impact Studies

Responsible for completing environmental impact studies for municipal and private development applications. These studies include original field investigations and reporting related to natural heritage features including suggested mitigation for the same.

Endangered Species Act Authorizations

Experience developing and negotiating ESA authorizations including C permits and associated mitigation and overall benefit plans. Responsible for executing species at risk field investigations according to approved protocols as required by the Ontario Ministry of Natural Resources to support the development of overall benefit authorizations.

Natural Environment Level 1 & 2 Reports

Responsible for leading original field investigations in support of Natural Environment Level 1 & 2 reports as required by the Aggregate Resources Act for aggregate permit and license applications. Investigations incorporated evaluating and reporting on natural heritage features including significant wildlife habitat, significant habitat of threatened/endangered species, significant wetlands, fish habitat and areas of natural and scientific interest.

Natural Sciences Investigations for Ministry of Transportation Projects

Responsible for conducting desktop and field investigations related to natural sciences for highway projects in the Northeast Region.

Ministry of Natural Resources

Natural Heritage Features Assessment and Review

Responsible for site investigations and decisions related to the review of development proposals, aggregate applications and other proposed activities that had the potential to impact natural heritage features. Recommended mitigation and monitoring for these projects.

Ontario Wetland Evaluation System Wetland Evaluations

Responsible for evaluating wetlands using provincial standard OWES. Conducted boundary reviews, file updates and recommendations for planning applications.

Species at Risk Assessments

Whip-poor-will Surveys

Responsible for conducting nocturnal surveys for a variety of development and aggregate applications. Recommended mitigation and overall benefit for authorizations related to whip-poor-will and their habitat.

Bobolink Surveys

Experienced conducting field surveys to assess the presence and breeding status of Bobolink and their habitats. Recommended mitigation, avoidance measures and overall benefit for authorizations related to Bobolink and their habitat.

Blanding's Turtle Habitat Use and Movement Survey

Responsible for designing and implementing a radio telemetry & vegetation study; included hibernacula and nest site surveys for the purpose of delineating and protecting significant habitat.

Eastern Hog-nosed Snake & Massasauga surveys

Site investigations of potential habitat for the purpose of species and habitat identification and protection.

Peregrine Falcon Surveys

Monitored known nest sites, identified new sites and recommended appropriate protection to mitigate forestry, aggregate and development activities.

Lake Sturgeon Assessment and Radio Telemetry Project

Responsible for implementing a yearly assessment program for two lake sturgeon spawning populations in the Lake Nipissing area. Surgically implanted radio transmitters in adult fish; tracked movements using boats and receiver. Documented habitat use for the purpose of protecting important fish habitat.

Woodland Caribou Calving Surveys and Caribou Winter Habitat Use Surveys

Responsible for vegetation community mapping (ELC) at known and potential calving sites; documented use and success related to sites. Winter habitat use surveys involved on the ground site investigations for specific habitat types related to vegetation community as well as aerial surveys for animals.

Courses and Certificates

Ontario Wetland Evaluation System Certificate

Provincial Ecological Land Classification Course

Electrofishing Course

Small Vessel Operator Proficiency Certificate

Species at Risk Review

Beach Gardens Property, 415 Lakeshore Road
Registered Plan M-79 NB, Lot 5 Block C

Restructured Municipality of the City of Temiskaming Shores, District of
Nipissing

January 2018

Introduction

FRi Ecological Services (FRi) was retained to complete a species at risk desktop review and summary memo for a property located at 415 Lakeshore Road, in the City of Temiskaming Shores (Figure 1). The property, locally known as 'Beach Gardens' is approximately 3.1 hectares and has 250 metres of frontage on Lake Temiskaming.



Figure 1: Location of the Beach Gardens property, 415 Lakeshore Road

In 2013, FRi completed a Scoped Environmental Impact Study for the subject property¹; completing original field investigations in May through June, followed by scoped reporting. The report addressed those species at risk listed on O. Reg. 230/08, of the *Endangered Species Act (2007)*, whose range overlapped the study area. Species-specific surveys were conducted for those species that were confirmed present or where the habitat on or adjacent the site was deemed suitable.

At the time of the field investigations and reporting, the existing conditions were described (ecosites) and associated potential and confirmed habitat were identified for species at risk, other wildlife and fish.

¹ Scoped Environmental Impact Study, Beach Gardens Property, 415 Lakeshore Road. FRi Ecological Services, July 2013.

This report provides an updated species at risk and habitat screening based on the most recent SARO list and the habitat conditions at the site. It is a desktop exercise and reflects the best information available at the time of writing.

Approach

Existing Conditions Assessment

The present existing conditions at the site were assessed through available aerial and satellite imagery as well as correspondence with the property owner. The three (3) ecosites determined present in 2013 included G088Tt Fresh, Clayey: Aspen-Birch Hardwood, G078N Fresh, Clayey: Meadow and G196N Fine, Clean Fill. In 2013, the anthropogenic ecosite had a number of outbuildings and a home which were part of the historic land use at the site; a campground, cottage rentals and market garden stall.



Figure 2: Ecosites and existing conditions at the time of the 2013 field investigations and reporting. Note the buildings and trees.

According to the property owner, as of December 2017, there are no buildings remaining on the site, and most of the trees have been cut and cleared except for those trees along the lake shore. Despite the removal of the anthropogenic structures and some of the trees within the G196N ecosite, the ecosites and the habitat they provide have not changed. From the available imagery (April 2016), it appears that there are a couple of conifer trees remaining and the majority of deciduous trees that were present on both the interior and lakeshore remain.



Figure 3: Imagery from Google Earth, April 2016; note the house and outbuildings are gone; trees remaining include those deciduous along the lake shore and a few interior mature trees

Species at Risk Presence and Habitat Assessment

In 2013 species at risk and habitat assessed were based on consultation with the North Bay District's Species at Risk Tool² (Dymond Township) and the species noted in a March 2013 letter from the Ministry of Municipal Affairs and Housing (MMAH)³ for which Ministry of Natural Resources (now MNRF) provided species for consideration.

The following species and habitats were considered in 2013: Barn Swallow, Bobolink, bats (Little Brown Myotis & Northern Myotis) and Lake Sturgeon. It was determined through species specific surveys and available habitat that the species were either not present e.g. Bobolink, or the habitat was not suitable e.g. Northern myotis, or would not be impacted e.g. lake sturgeon.

² North Bay District Ministry of Natural Resources. Species at Risk Tool v 1.0. 2012.

³ Ministry of Municipal Affairs and Housing.

The Species at Risk in Ontario lists⁴ from January 23, 2013 and June 27, 2014 (consolidated dates), were compared to the current list SARO list (June 2, 2017). Any endangered or threatened species not listed in 2013 were considered for this assessment. The SARO list has changed since the initial report; species have been added, up-listed and likewise down-listed.

Gypsy Cuckoo Bumble Bee

There is a single species newly listed as endangered that required consideration because of its generalist approach and wide-range in Ontario and Canada. The Gypsy Cuckoo Bumble Bee is a bee that is parasitic on other bumble bees. It belongs to a family of bees that invade the nests of other bees, subdue their queen and take over the worker bees. The gypsy cuckoo bumblebee lays her eggs and the worker bees from the invaded colony take care of the eggs of their invader.

The gypsy cuckoo bumblebee is a habitat generalist; it uses the nests of its host (usually the Yellow-banded Bumble Bee or the Rusty-patched bumblebee in Ontario) which are commonly found in abandoned underground rodent burrows and rotten logs. They feed on the nectar of wildflowers; in particular flowering plants in and near forested habitat.⁵

The subject property is in the Nipissing District where the gypsy cuckoo bumble has been historically recorded; search efforts for the species are lacking in Northern Ontario so there isn't good information on which to base definitive conclusions. The species persistence is dependent on its hosts; declining host-bee populations are likely to have the biggest impact on the gypsy cuckoo bumble bee. Pesticide use (neonicotinoids) are having a significant impact on all bee populations, including the host bees.

Extensive searches of Southern Ontario have resulted in very few records of the gypsy cuckoo bumble bee. The last known record is from 2008, where a single specimen was confirmed in Pinery Provincial Park.

Based on the evidence from both COSEWIC (Committee on the Status of Endangered Wildlife in Canada) and COSSARO (Committee on the Status of Species at Risk in Ontario) that suggests the gypsy cuckoo bumble bee is quite limited and even locally extirpated in Ontario, it is unlikely the bumble bee will be impacted by the proposed development on the subject property.

⁴ <https://www.ontario.ca/laws/regulation/080230>

⁵ COSEWIC. 2014. COSEWIC assessment and status report on the Gypsy Cuckoo Bumble *Bombus bohemicus* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 56 pp. (www.registrelep-sararegistry.gc.ca/default_e.cfm).

Conclusions and Recommendations

The Ministry of Natural Resources and Forestry North Bay District was interested in a review of the current species at risk list and whether species or their habitat may be affected by the proposed development. A thorough review of the available information was conducted including:

- A review of the current SARO list cross-referenced with the existing habitat on the property,
- An assessment for any new species at risk and/or habitat potential based on the desktop information
 - Review of information sources included e-Bird, Crown Land Use Policy Atlas⁶, Atlas of the Breeding Birds of Ontario (OBBA) data summaries⁷, e-Bird⁸, Ontario Reptile and Amphibian Atlas⁹, Natural Heritage Information Centre (NHIC) database – 1 km squares, Land Information Ontario (LIO) feature classes, Google Earth aerial images, eFRI aerial imagery

Based on this review and existing conditions assessment, there are no new habitats for the species at risk that were previously considered by the scoped environmental impact assessment report. Also, there are no new records of species at risk whose range overlaps the study area.

A single newly listed species was considered because of its broad range and historic records in Northern Ontario. Despite the general suitability of the subject property to provide habitat, it is highly unlikely that the gypsy cuckoo bumble bee is present, since it was last detected in Ontario in 2008. Additional general mitigation is suggested below.

In the interest of mitigating the general footprint of the proposed development, where field habitat will be replaced by compacted surfaces e.g. houses, driveway, parking; the areas not included in the development should be revegetated immediately with wildflowers and other flowering plants which provide food for bees. Pesticides are known to be detrimental to bee populations and their use should be discouraged or prohibited where possible e.g. condominium agreement. These suggested mitigation are consistent with recommendations in the 2013 scoped environmental impact assessment report.

⁶ Crown Land Use Policy Atlas (CLUPA). Ministry of Natural Resources and Forestry.

⁷ Atlas of the Breeding Birds of Ontario. 2001 – 2005. Bird Studies Canada, Environment Canada, Ontario Field Ornithologists, Ontario Ministry of Natural Resources, and Ontario Nature. Editors: Michael D. Cadman, Donald A. Sutherland, Gregor G. Beck, Denis Lepage, and Andrew R. Couturier. 728 pages

⁸ <http://ebird.org/content/ebird/>

⁹ Ontario Reptile and Amphibian Atlas. http://www.ontarionature.org/protect/species/herpetofaunal_atlas.php

It is our opinion that there are no new species or habitats that will be impacted by the proposed development based on the existing conditions of the subject property and the current SARO list.

Respectfully submitted,



Rebecca Geauvreau

Species at Risk Biologist, FRi Ecological Services

Ministry of Tourism, Culture and Sport

Archaeology Programs Unit
Programs and Services Branch
Culture Division
401 Bay Street, Suite 1700
Toronto ON M7A 0A7
Tel.: (807) 475-1628
Email: Paige.Campbell@ontario.ca

Ministère du Tourisme, de la Culture et du Sport

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Email: Paige.Campbell@ontario.ca



Oct 9, 2018

James Ryan Primrose (P208)
Woodland Heritage Northeast Limited
17 Wellington New Liskeard ON P0J 1P0

RE: Review and Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "STAGE 3 ARCHAEOLOGICAL ASSESSMENT OF THE WHITE SITE (CiGw-1), 415 LAKESHORE ROAD, SOUTHEAST CORNER OF LOT 8 CONCESSION 1, DYMOND TOWNSHIP, CITY OF TEMISKAMING SHORES, DISTRICT OF TIMISKAMING, ONTARIO", Dated Sep 4, 2018, Filed with MTCS Toronto Office on Sep 21, 2018, MTCS Project Information Form Number P208-0181-2018, MTCS File Number 54SB003

Dear Mr. Primrose:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c 0.18.¹ This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 Standards and Guidelines for Consultant Archaeologists set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.

The report documents the assessment of the study area as depicted in Map 9 of the above titled report and recommends the following:

The following has been excerpted from Section 3.0 – Stage 3 Recommendations:

1. At the conclusion of Stage 3 archaeological assessment of the peninsula area of the White Site (CiGw-1), the site was found to have low cultural heritage value or interest (CHVI) based upon the absence of an intact, autochthonous archaeological deposit and the recent origins of the cultural remains. As such, it is recommended that no further archaeological resource assessment work be required in the peninsula area of the White Site, at 415 Lakeshore Road, in the southeast corner of Lot 8 Concession 1, Dymond Township, City of Temiskaming Shores, District of Timiskaming, Ontario.

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no

representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

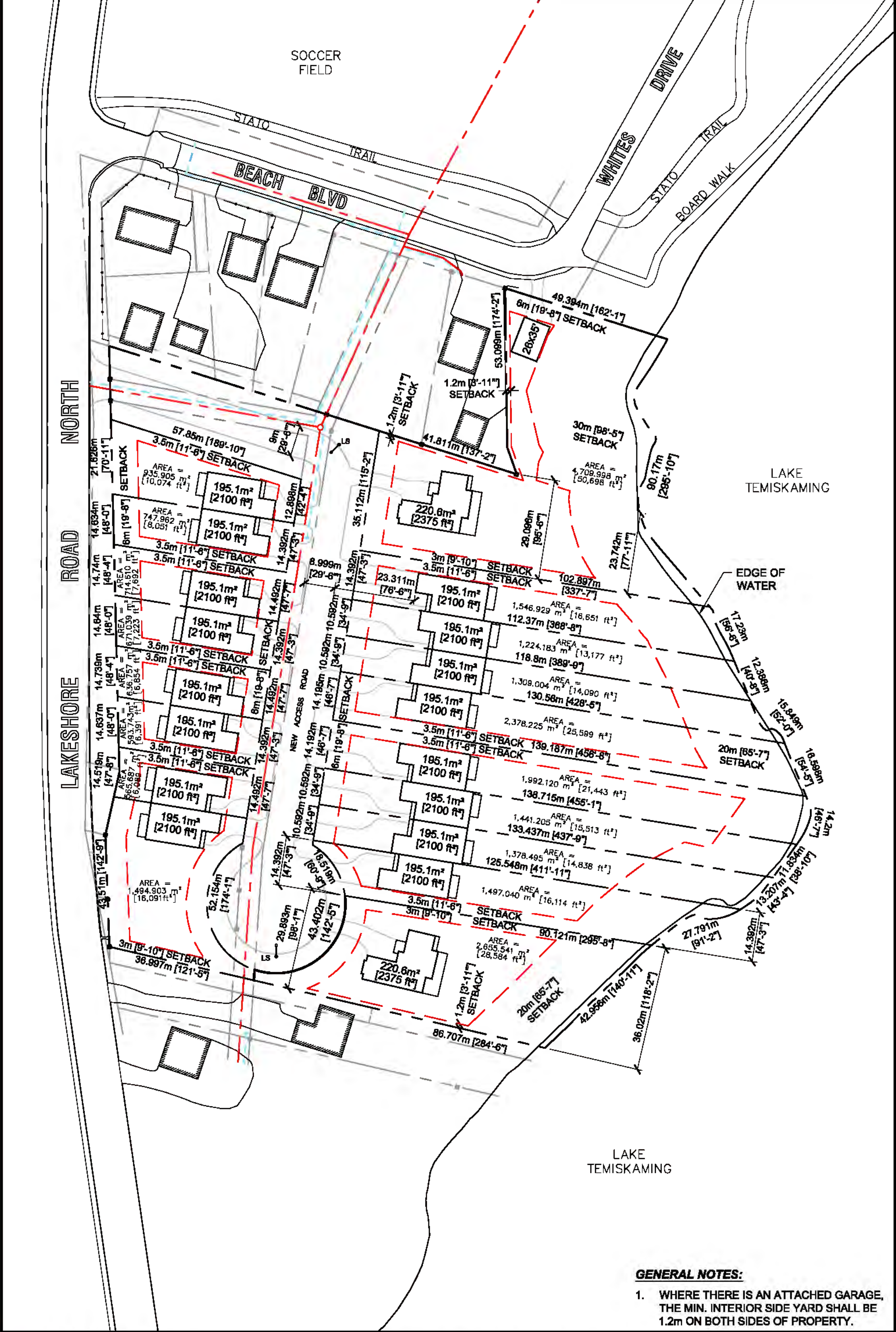
Sincerely,

Paige Campbell
Archaeology Review Officer

cc. Archaeology Licensing Officer
Patrick Rivard, First General Temiskaming (Rivard Bros Ltd)
Jennifer Pye, The City of Temiskaming Shores

¹In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

2016-08-19 1:11:14 PM D:\RIVARC\PROJECTS\18003 RIVARD BROS BEACH GARDENS\RV DWG\CAD DWG\18003_SITEPLAN_PROPOSED.DWG



GENERAL NOTES:

- WHERE THERE IS AN ATTACHED GARAGE, THE MIN. INTERIOR SIDE YARD SHALL BE 1.2m ON BOTH SIDES OF PROPERTY.

rivarc
 — DRAFTING & DESIGN —
 sean@rivarc.ca | 705.648.3155 | rivarc.ca



Plan Orientation | **Drawing Title**
GENERAL PROPERTY LAYOUT
Project Title
 RIVARD BROS. BEACH GARDENS
 LAKESHORE RD NORTH, NEW LISKEARD, ON

Scale 1:1000
Sheet Size 11 x 17"
Issue 11
Drawn By SWR

Project No. 18003
Date 18.09.19
Drawing No.
SK1

The Corporation of the City of Temiskaming Shores

By-law No. 2018-154

**Being a by-law to enact a Zoning by-law Amendment
to rezone property from High Density Residential Exception 6 Hold 4 (R4-6(H4))
to Medium Density Residential (R3),
Medium Density Residential Exception 17 (R3-17),
and Medium Density Residential Exception 18 (R3-18)
in the City of Temiskaming Shores Zoning By-law 2017-154
415 Lakeshore Road
Roll No. 5418-010-008-076.00 and 5418-010-008-077.00**

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, the Council of a Municipality may enact by-laws to authorize the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

And whereas By-law No. 2017-154 regulates the use of land and the use and erection of buildings and structures within the City of Temiskaming Shores;

And whereas Council considered Administrative Report No. CGP-023-2018 at the Special Council meeting held on October 16, 2018 and directed staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law No. 2017-154 to change the zoning on the property from High Density Residential Exception 6 Hold 4 (R4-6(H4)) to Medium Density Residential (R3), Medium Density Residential Exception 17 (R3-17) and Medium Density Residential Exception 18 (R3-18);

Now therefore the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. Schedule Changes

- a) Schedule "F3" of By-law No. 2017-154 is hereby amended by rezoning 415 Lakeshore Road from the High Density Residential Exception 6 Hold 4 (R4-6(H4)) Zone to the Medium Density Residential (R3), Medium Density Residential Exception 17 (R3-17), and Medium Density Residential Exception 18 (R3-18) zones, as shown on Schedule "1" to this By-law,.

2. Text Changes

- a) Section 4.25.3 is amended to require, in the R3-17 Zone, a minimum setback of 30m from the high-water mark.
 - b) Section 4.25.3 is amended to require, in the R3-18 Zone, a minimum setback of 20m from the high-water mark.
3. That all other provisions of By-law No. 2017-154 shall continue to apply.
 4. That the passing of this by-law shall be subject to the provisions of the *Planning Act*.

5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

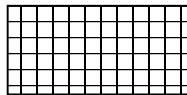
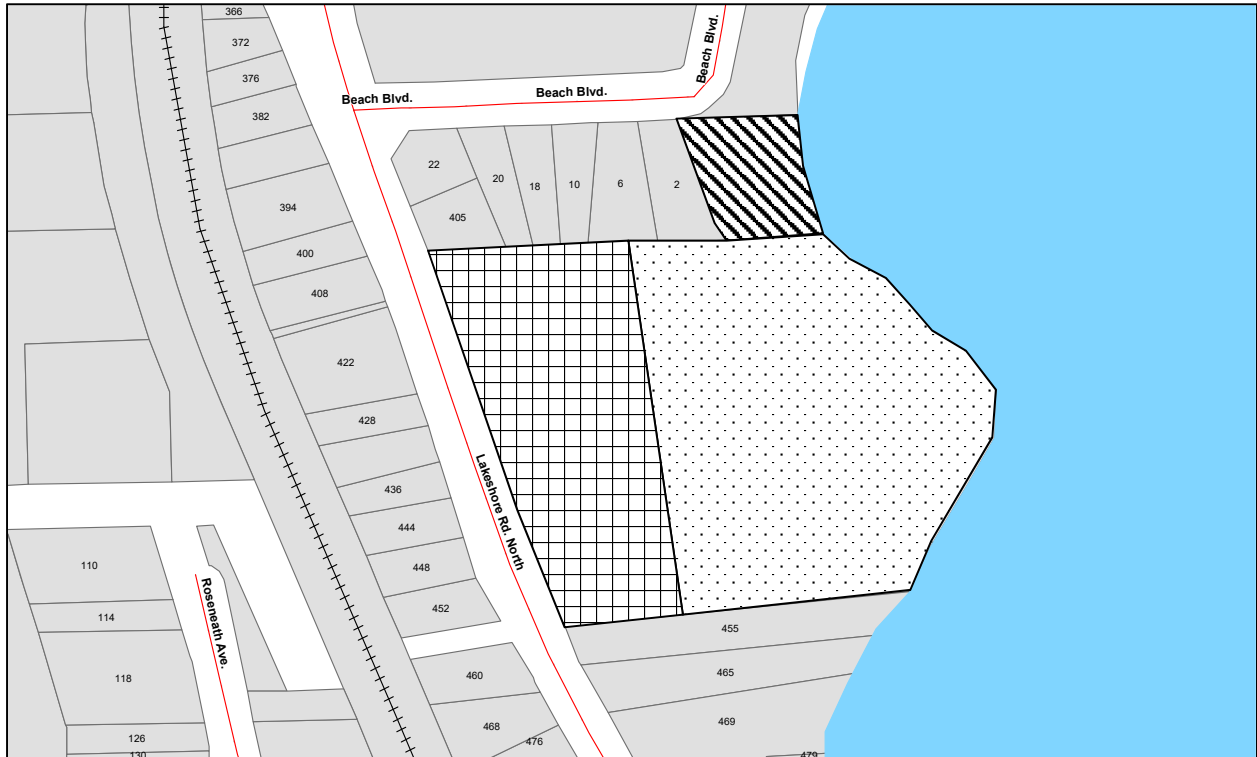
Read a first, second and third time and finally passed this 16th day of October, 2018.

Mayor

Clerk

Schedule "1" to By-law 2018-154

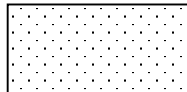
City of Temiskaming Shores



Rezoned from the High Density Residential Exception 6 Hold 4 (R4-6(H4)) Zone to the Medium Density Residential (R3) Zone



Rezoned from the High Density Residential Exception 6 Hold 4 (R4-6(H4)) Zone to the Medium Density Residential Exception 17 (R3-17) Zone



Rezoned from the High Density Residential Exception 6 Hold 4 (R4-6(H4)) Zone to the Medium Density Residential Exception 18 (R3-18) Zone

Based on the above, I am pleased to recommend Spencer Wilson as Volunteer Firefighter to the Temiskaming Shores Fire Department in accordance with the Recruitment and Retention Program.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Financial implications include the provision of appropriate Volunteer Firefighter Honorariums which have been included in the 2018 Fire and Emergency Management Services Operational Budget. All costs associated with the appointment would include the provision of dress uniforms and protective equipment that would be drawn from the fire departments 2018 and 2019 operational budgets.

Staffing implications associated with the proposed appointment are limited to normal administrative functions and duties, and the requirement to fill a vacant position at Station #2. Adequate staffing levels are established based on availability and the ability of fire department personnel to respond.

Current fire station staffing levels are as follows:

- 25 members Station #1.
- 24 members Station #2, and
- 24 members Station #3.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and submitted for
Council's consideration by:

"original signed by"

"original signed by"

Timothy H. Uttley
Fire Chief

Christopher W. Oslund
City Manager