

LOT CREATION AND DEVELOPMENT STUDY
FINAL TERMS OF REFERENCE
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June 17, 2007

1. PREAMBLE

1.1 Purpose

This is the Terms of Reference for the Municipality of Temagami Lot Creation and Development Plan Study. The purpose of the study is to promote development consistent with the policies of the Official Plan, the Provincial Policy Statement and other provincial initiatives. The intent of the study is to identify areas within the rural and urban neighbourhoods where it is technically feasible and desirable for development (residential, commercial and employment/industrial) to occur in the future. Further, within the lakes identified for development, specific areas suitable for development and areas not suitable for development are to be identified. The results of the study shall be incorporated into the Temagami Official Plan and Temagami Zoning By-law.

1.2 Context

1.2.1 Provincial Policy Statement

The study shall be completed within the context of the Provincial Policy Statement (PPS). In that regard, special note shall be made to the relevant portions of Sections 1.1.1 a) and c), 1.1.4.1 b), d) and g), 1.71, 2.1, 2.2, 2.4 and 2.6.2, as outlined below. However, when carrying out the study, considerations shall be given to all other relevant provisions of the PPS.

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;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting cost-effective development standards to minimize land consumption and servicing costs

1.1.4.1 In rural areas located in municipalities

- b) development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure;
- d) development that is compatible with the rural landscape and can be sustained by the rural service levels should be promoted;
- g) recreational, tourism and other economic opportunities should be promoted

1.7 Long-term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) optimizing the long-term availability and use of land, resources, infrastructure and public services;

f) providing opportunities for sustainable tourism development

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Development and site alteration shall not be permitted in:

a) significant habitat of endangered and threatened species

2.1.4 Development and site alteration shall not be permitted in:

a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;

d) significant wildlife habitat, and

e) significant areas of natural and scientific interest

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological function.

2.1.5 Development and site alterations shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological function.

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

c) identifying surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed,

d) implement necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas, and

2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions.

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface

water features, sensitive ground water features, and their hydrologic functions

2.4 Mineral and Petroleum

2.4.1 Minerals and petroleum resources shall be protected for the long term.

2.4.2 Protection of Long Term Supply

2.4.2.1 Mineral mining operations and petroleum resource operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

2.4.2.2 In areas adjacent to or in known mineral deposits or known petroleum resources, and in significant areas of mineral potential and significant areas of petroleum potential, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

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

2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preserving the site.

1.2.2 Planning Act of Ontario

As called for in the Official Plan, the results of the LC&DPS will be incorporated into that document by amendment, in accordance with the requirements of the Planning Act. During the course of the Study, the consultant shall be cognizant of the fact that the final Study product will form the basis of the amendment and shall ensure that all necessary background work is done to adequately support the amendment.

1.2.3 Official Plan

1.2.3.1 During the Development of Alternatives phase of the Temagami Official Plan study, certain growth and development issues came to light that could not be addressed within the original scope of that study including the technical studies necessary to identify the lakes where growth would or would not be permitted and the locations on the development lakes where development could occur. The background information required to better understand and help address these issues had not been collected in the Background Review and Analysis phase. To go back and collect the information meant a significant delay in completing the Official Plan and associated Zoning By-law. There was considerable urgency in completing these documents as the vast majority of the Municipality was not subject to an existing Official Plan or Zoning By-law. As a result, Council directed that:

- the Official Plan study proceed to completion, as originally envisaged;
- a Lot Creation and Development Plan Study (LC&DPS) be completed as soon as practical after the completion of the Official Plan and Zoning By-law; and
- the results of the LC&DPS would be incorporated into the Official Plan, as appropriate and the Zoning By-law would be amended, as necessary.

1.2.3.2 To reinforce Council’s commitment to carry out the LC&DPS, the policies of the Official Plan, approved by the Ministry of Municipal Affairs on April 22nd, 2004 require that the Municipality carry out the study.

1.2.3.3 A small number of policies in the Plan, including Section 2.15 Interim Development Policy, Section 5.3.7 Interim Development Policy, Section 6.3.7 Interim Development Policy, Section 7.3.7 Interim Development Policy and Section 8.3.7 Interim Development Policy were acknowledged and identified as ‘interim’ and subject to amendment, based on the conclusions reached at the end of the LC&DPS. It is recognized that the conclusions reached in the LC&DPS may also require amendments to other sections of the Official Plan such as Section 2.12.3 Crown Access and Unassumed Roads. All references to the LC&DPS contained in the Official Plan are summarized in Appendix 1 to this Terms of Reference.

1.2.3.4 The consultant shall be responsible for the preparation of drafts and the final Official Plan amendment suitable for adoption by Council. This shall include liaison with the Ministry of Municipal Affairs (the approval body), other ministries, agencies, stakeholders and the public. While the consultant shall be prepared to defend the amendment at any subsequent Ontario Municipal Board Hearing, preparation for, and attendance at any such hearing is beyond the scope of this assignment.

1.2.4 Zoning By-law

Subsequent to the adoption of the Official plan, the Municipality prepared and adopted an implementing comprehensive Zoning By-law. While not specifically indicated in the By-law, it is recognized by the Municipality that there will need to be an amendment to that document, paralleling the Official Plan amendment.

The consultant shall be responsible for the preparation of drafts and the final Zoning By-law amendment suitable for adoption by Council.

1.2.5 Study Area

The study shall encompass the entire Municipality. However, in order to limit the initial scope of the study, within the rural neighbourhoods the following lakes shall initially be considered for possible lot development: Lake Temagami, Net Lake, Cassels Lake, Rabbit Lake, Jumping Caribou Lake, Lowell Lake and Herridge Lake and the following lakes with direct access from Highways 11 or 64 - Red Cedar Lake, Marian Lake, Olive Lake, Granite Lake, Angus Lake and Wilson Lake. The consultant shall also include Marten River. As the study progresses it may be necessary to include additional lakes in the analysis.

1.2.6 The Environment and the Economy

Council recognizes that to remain financially strong some growth must occur within the Municipality. However, one of the primary features that has attracted growth in the past and will continue to attract growth in the future is the wilderness and semi-wilderness character of the community. Therefore, any development that is permitted must occur in the context of a balance between growth and preserving the natural environment.

1.2.7 Experiences in Other Jurisdictions

As part of the background work for the LC&DPS, the consultant shall identify other municipalities in Ontario that have carried out similar studies, obtain and review those studies. In addition, the consultant shall contact those municipalities and/or their consultants and discuss the process followed, technical information gathered and other information relevant to this study. Specifically, the District Municipality of Muskoka, the Municipalities of Dysart et al, Pickle Lake and Elliot Lake, the Township of Limerick and the other municipalities that participated in the NOMA Land Development Sub-Committee in 1997 shall be contacted.

2. BACKGROUND

2.1 History of Planning in Temagami

2.1.1 The Official Plan approved by the Ministry of Municipal Affairs in April 2004 is the first official plan to apply to any land within the current municipality of Temagami. Restricted Area Zoning By-law 81-62 came into effect in December 1981. This By-law applied to the former Township of Temagami which included the communities of Temagami and Temagami North and the surrounding rural area comprised all of the Geographic Townships of Strathy and Best and part of the Geographic Townships of Cassels, Chambers, Briggs, Joan, Phyllis and Strathcona. A small portion of Cassels Lake and Lake Temagami are found within this geographic area. The remainder of the unorganized townships that now comprises the Municipality of Temagami were covered by Minister's Orders

2.1.2 Throughout the 1980's and early 1990's, residents of the former Township of Temagami and the islands of the unorganised areas of Lake Temagami, worked together on the Joint Planning Board to address land use planning matters. In 1993, the relationship between the former Township of Temagami, the Temagami Lakes Association, and the Lake Temagami Permanent Residents Association, progressed to the point where informal discussions about the amalgamation of the unorganised portion of the Temagami Planning Area with the Municipality began. A statement of land use principles known as the Tenets for Temagami was developed and agreed upon in 1994 as a basis for formal discussions regarding local governance. A local government study was completed in late 1995. On January 1st, 1998, the Municipality of Temagami was created as a "Town", by order of the Temagami/West Nipissing Restructuring Commission. The new Municipality of Temagami extended far beyond the former Township of Temagami and the Lake Temagami area and included all or part of 26 geographic townships.

2.2 Tenets

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

amongst other things, limits development on Lake Temagami to 'island only development'. The principles contained in the Tenets are included in the Official Plan for the Lake Temagami Neighbourhood. Through the policies of the Official Plan, other elements of the Tenets were applied to various areas where appropriate but beyond Lake Temagami did not include the 'island only development' principle. Regardless of the results of the study, the principle of 'island only development' on Lake Temagami shall be maintained.

2.3 Land Claim

There are ongoing negotiations with First Nations regarding land claims. At this time, the negotiations have progressed to a point where an area known as the 'set aside lands' has been identified as the area within which the extent of the land claim will be resolved. These 'set aside' lands will not form part of the study area. The Municipality will provide the consultant with a map indicating the extent of the 'set aside lands'. The Municipality will also consult with the local Aboriginal community throughout the study and provide the opportunity for a member to sit on the Steering Committee.

2.4 Patented Mining Claims

There are extensive mining claims throughout the Municipality of Temagami. Some of these are patented mining claims that include surface rights. As such, these mining claims should be considered as 'patented land' which has certain limited development rights under the provisions of the Official Plan and Zoning By-law. When carrying out the evaluation of the identified lakes and adjacent shoreline, the consultant shall be aware of any relevant patented mining claims and evaluate the shoreline area of those mining claims. The consultant shall also determine if patented mining claims without surface rights can be modified to include surface rights and if so, the process that must be followed.

3. STUDY TIMING

The Municipality wishes to complete the study as expeditiously as possible. However, the Municipality intends to carry out a thorough public consultation process. The fact that many of the landowners in Temagami are seasonal residents will impact the overall timing of the project. In addition, the consultant may need to collect natural environment data over several seasons. Within that context, the consultant shall be prepared to provide the Municipality with the results of the shoreline biophysical analysis, the results of the analysis of development on roads not maintained on a year round basis by the MTO or the Municipality, a summary of the experiences of other municipalities that have dealt with the same issues so that this information may be presented to the public during the summer of 2007. During the summer of 2008, the consultant shall be prepared to present the draft and final Official Plan and Zoning By-law amendments to the public.

4. COMMUNICATIONS

4.1 Administrative Structure

- 4.1.1 The Municipality will establish a Steering Committee (SC) to oversee the project and will report to, and make recommendations to Council on a regular basis. The Steering Committee will include the Mayor (ex-officio), 2 councillors, the CAO,

the Municipal Planning Coordinator, the Consultant and may include a representative from the local Aboriginal community. The SC will meet at milestone points in the project.

- 4.1.2 A Technical Advisory Committee (TAC) will also be struck to review and comment on technical information prepared by the consultant. The TAC will include the Ministries of Municipal Affairs, Natural Resources and Northern Development and Mines, other ministries and agencies deemed appropriate, 2 members of Council who sit on the SC, staff from the Municipality and the consultant. While the Municipality envisages the TAC meeting 3 times during the course of the study (project initiation, review of technical work and review of implementing amendments), the consultant may propose additional meetings as part of the consultant's proposal.
- 4.1.3 During the course of the study, TAC sub-committees may be established to deal with specific topics. These sub-committees may seek input from and/or participation by local residents who have relevant expertise/knowledge.

4.2 Consultation

- 4.2.1 The Municipality also intends to establish a Citizen Advisory Committee (CAC) comprised of representatives from a number of identified resident groups, other stakeholders; municipal staff and the consultant. It is anticipated that the CAC will meet 3 times during the project (project initiation, review of technical work and review of implementing amendments). The purpose of this Committee is to provide input and advice to the Steering Committee more comprehensively and in greater depth than would otherwise be possible through meetings with the general public. The Committee will not participate in the final decision making process.
- 4.2.2 At this time, the following groups/associations have been identified. The Lake Temagami Neighbourhood: TLA, LTG, CPTWE, LATEMPRA, TEMTOA, AYCTL. The Urban Neighbourhood: The Chamber of Commerce and Outfitters Alliance. The Matabitchuan Neighbourhood: CALA. The Marten River Neighbourhood: Marten River Tourist Operators Association and the JCLPOA. In addition, two positions on the CAC will be advertised to general public – one member from the urban area and one from Marten River/Matabitchuan/Backcountry Neighbourhoods. These two members will be non-voting.
- 4.2.3 In addition to the above noted Committees, the Municipality intends to hold 2 rounds of public meetings to:
- i. Present a summary of the natural environment work carried out and the conclusions reached by the consultant in the summer of 2007; and
 - ii. Present a draft of the implementing Official Plan and Zoning By-law amendments in the summer of 2008.
- 4.2.4 The Municipality will also hold one statutory public meeting in accordance with the requirement of the Planning Act to present the final versions of the implementing Official Plan and Zoning By-law amendments. The statutory public meeting will be held at a single location in the Municipality.
- 4.2.5 All input from groups and associations shall be in written form. Any verbal comments made by representatives of a group or association during the course of CAC meetings or at any of the public meetings shall be summarized in writing and submitted to the Municipality. This and any other written submissions shall

be viewed as the formal response of the group or association. Members of the public who make verbal comments at any of the public meetings will be encouraged to provide the Municipality with a written summary of the comments.

- 4.2.6 All resident or stakeholder groups or associations who wish to sit on the CAC or otherwise participate in the study shall register with the Municipality, indicate who is authorized to speak on behalf of the group/association, indicate primary and secondary contact persons, establish how members will be contacted (directly by the Municipality or through primary/secondary contact persons), provide a list of registered members and a copy of its constitution and Board members.
- 4.2.7 `Written submissions can be made by email
- 4.2.8 The Municipality will respond to all written input either in writing or by email. In addition to acknowledging receipt of the input, the Municipality will indicate the next point in the study process where the input will be dealt with. If possible, a date, time and location will be provided.
- 4.2.9 Each of the two rounds of public meetings will be comprised of three meetings, one held in the Lake Temagami Neighbourhood, one held in the Marten River Neighbourhood and one held in the Urban Neighbourhood.
- 4.2.10 The consultant is expected to attend all meetings of the SC, TAC, CAC and public meetings/open houses unless it is agreed in advance with the Municipality that attendance is not required.

5. CURRENT ISSUES

- 5.1 Identified issues that are to be addressed by the consultant are:
 - i. Locations on the identified lakes where, based on a macro level of evaluation, development (residential or commercial) may be able to proceed in an environmentally sound manner;
 - ii. The identification of existing patented land within those areas and the potential for these lots (if any) to be severed;
 - iii. The potential for the severance and/or intensification of other patented lots on those lakes and the potential impact that those severances or intensifications might have on the identified potential development areas;
 - iv. Any limitations on the rate of growth that the consultant might recommend either on an individual lake basis or on a broader basis;
 - v. The development capacity of the individual lakes being considered;
 - vi. The development potential of surveyed but not patented MNR lots that might be located on those lakes;
 - vii. The infrastructure capacity within the Urban Neighbourhood and how that may impact the location and amount of growth, including any phasing or staging;
 - viii. Development on provincial highways or municipally owned and maintained roads and/or development on 'other roads' and trails, in accordance with the provisions of Section 2.15 of the Official Plan, as set out in Section 7 of this Terms of Reference. 'Other roads' are defined in this Terms of Reference as roads that are not owned and maintained by

the MTO or the Town of Temagami and include, but are not limited to private roads, Crown roads, Crown access roads, access roads, etc.

- ix. There is an interim limit of 5 new lots per year from patented or Crown land in each of the rural neighbourhood. Should there continue to be a maximum number of new lots created (by neighbourhood) and if so, what should the number be, should the number be cumulative and should a priority be given to lots created by the severance of existing patented land or new lots created from Crown Land?
- x. Should the new lots created in each rural neighbourhood be distributed in some manner and if so, how will this be achieved?
- xi. What is the current development potential in the rural neighbourhoods based on existing undeveloped lots or large lots that could reasonably be divided into 2 or more lots?
- xii. Sustainable development – at what point do we stop? Intensity - # patented properties /acre or /km? Develop a system to measure the intensity of development and a level of maximum development capacity
- xiii. Identify each type of cottage experience (rural living) – municipal road, water access, ATV Trail, Canoe-in, Hike-in, Condo's etc.
- xiv. Identify Brownfields – potential for re-development

5.2 It should be noted that during the initial stages of the study other issues might come to light. Should this happen, the Municipality will determine if the issue should be addressed as part of this study and the Municipality and consultant will agree on the method by which the issue will be addressed including any impacts on the timing or the budget of the study.

6. STUDY SCOPE

There are three fundamental components to the study:

- The Remote and Rural Area development evaluation process;
- The Private Road development evaluation process; and
- The Urban Area development evaluation process.

A proposed methodology for each component is illustrated graphically in Flow Charts 1, 2 and 3. The methodologies may change during the course of the study, in response to changing circumstances and/or the results of previous elements of the work programs. Further, the consultant may wish to propose modifications.

6.1 Remote and Rural Area Development Evaluation Process

- 6.1.1 While the Municipality would like the study to evaluate the development potential of all lakes within Temagami, it is not practical to do so. As a result, coldwater fisheries lakes where the dissolved oxygen level is less than the minimum established by the MNR shall be excluded from further consideration.
- 6.1.2 Within the rural neighbourhoods the following areas shall initially be considered for possible lot development: Lake Temagami, Net Lake, Cassels Lake, Rabbit Lake, Jumping Caribou Lake, Lowell Lake and Herridge Lake and the following lakes with direct access from Highways 11 or 64 - Red Cedar Lake, Marian Lake, Olive Lake, Granite Lake, Angus Lake, Wilson Lake and Marten River.

The general methodology to be followed by the consultant is set out in Flow Chart 1 attached to this Terms of Reference and is generally described as follows:

- 1 The areas to be studied are identified in the second paragraph of this section of the Terms of Reference;
- 2 Three components of the work program will be carried out concurrently;
 - Identify and document criteria that establish the different types of cottaging experiences such as access by public road, water only access, fly-in, canoe-in.
 - Carry out and document a natural environment evaluation of the study area to determine the areas where development might occur without damaging the natural environment. In carrying out this work the principle of 'island only development' on Lake Temagami must be respected.
 - Using available resources, estimate and document the market demand for the different types of cottaging experiences
- 3 The documentation prepared in the previous task should be in a form suitable for public review and comment by the public and agencies. The material shall be circulated to the Technical Advisory Committee and to the TLA, LTG, CPTWE, LATEMPRA, TEMTOA, AYCTL, CALA, JCLPOA and the Marten River Tourist Operators Association, through the Citizen Advisory Committee (CAC). One meeting will be held with the TAC and one meeting will be held with the CAC to review the material and receive input. Finally, the consultant shall attend one meeting for residents of the rural neighbourhoods. The consultant shall summarize and respond to the comments to Council in tabular form. In addition, the consultant shall recommend to Council any additional work that should be carried out to address the comments made.
- 4 It is expected that at this point in this component of the study, that the evaluation of development on private roads may have progressed to the stage that a decision has been made whether or not development should be permitted on 'other roads'. Should the decision be that development will be permitted on 'other roads', then additional study areas will be identified with 'other road' access and subjected to the application of the cottaging experience criteria, the natural environment evaluation and the market demand analysis. Should the decision to permit development on 'other roads' occur later in the study, additional development areas will be considered at that time.
- 5 Based on the application of the criteria that establish cottaging experiences and the natural environment evaluation, the consultant shall identify General Development Areas. General Development Areas are areas within which one or more lots can be created, providing a range of cottaging experiences while maintaining the integrity of the natural environment.
- 6 At the same time, the amount and spatial distribution of development will be estimated, based on the market demand work previously carried out. As part of this component of the work, the existing Official Plan policies

dealing with spatial distribution of new residential and tourist commercial lots shall be reviewed, confirmed or revisions proposed by the consultant.

- 7 In addition, the consultant shall make general comments on the adequacy of other municipal services such as landfill capacity to serve the anticipated growth.
 - 8 Utilizing the information produced in the two previous tasks, the consultant shall make a recommendation on growth limits for development, by cottaging type and for tourist commercial facilities. At the discretion of Council, the consultant may be asked to provide a proposed phasing or staging of development in 5, 10 and 20 year increments.
 - 9 All material prepared by the consultant since the previous round of public consultation will be presented to the public and agencies for review and comment, as set out in the earlier public consultation task in this Terms-of-Reference. All comments received will be summarized by the consultant in tabular form and any refinements/revisions recommended by the consultant in response to the input will be provide to PAC and Council in a tabular form.
 - 10 Upon receiving direction from Council, the consultant shall prepared for PAC and Council consideration draft Official Plan polices and associated zoning standards for lake based development, non-lake based development and development on 'other roads' (as appropriate). The consultant shall meet with PAC and Council to review the amendments and receive direction for modifications prior to release to the public and agencies.
 - 11 The consultant will prepare material suitable for presentation to the public and attend public meetings to receive input. The consultant will also attend meetings with agencies and stakeholders. All input received during the consultation process will be summarized in tabular form, including responses by the consultant and recommendations for modifications to the documents.
 - 12 Upon receiving direction from Council, the consultant will produce the final documents in a form suitable for adoption by Council at or following the statutory public meeting. Once adopted by Council, the consultant will provide sufficient copies for submission to the Ministry of Municipal Affairs and Housing.
- 6.2 Private Road Development Evaluation Process**

6.2.1 The Official Plan requires that the LC&DP Study address the issue of development on roads not maintained on a year round basis by the MTO or the Municipality, referred to as 'other roads' in this Terms of Reference. The general work program to be followed is set out on Flow Chart 2 attached to this Terms of Reference. The consultant shall recommend a public consultation process associated with this work but as a minimum, public meetings are anticipated after the Cost/Benefit Analysis is completed and when the draft Official Plan policies are available. In addition to the flow chart, the Official Plan provides some guidance to the consultant regarding the work that needs to be completed - 'the consultant shall prepare a Road Needs Analysis that includes:

- The preparation of a road map of all non-municipal assumed and municipal assumed and provincially maintained roads in the municipality; and, the number of vacant existing lots of record on these same roads;

- An inventory of the land use types, location and extent of existing development on non-municipal assumed roads and private right-of-ways;
- The historical conversions from seasonal to principle residence;
- A financial analysis evaluating the municipal debt load; the principles of “user pay”; cost of existing services per household related to road types;
- A comparison of the annual tax revenues generated from occupied and vacant properties on non-municipal roads with those from properties on roads that are municipally assumed and maintained (eg. on a per kilometre and per household basis); also, identify revenues from other sources, for example, government agencies, resource-related businesses and industries
- A per km. costs for new road construction, maintenance of existing roads;
- A cost comparison to deliver services such as garbage collection, hydro, telephone, police, ambulance, fire, school bussing on municipal roads compared to non-municipal roads.

6.2.2 The road needs analysis will be followed by a Roads Strategy for the Municipality. The consultant will prepare draft detailed policy direction and expectations of the Municipality around issues and considerations, but not limited to the following, such as:

- proximity to settlement areas, emergency services,
- road closures, road maintenance and ownership, minimum road construction and maintenance standards for new and existing roads, minimum requirements for municipal assumption of roads,
- assumption of risk and liabilities, legal consequences etc.,
- guidelines for new lot creation
- provincial interests

6.2.3 If development on other roads is substantiated by the aforementioned work, the Roads Strategy will be a component of the Official Plan Amendment to incorporate and implement the Lot Creation and Development Plan study.’

6.2.4 Other lakes may be added to the evaluation process if the results of this component of the LC&DP Study support development on private roads.

6.3 Urban Area Development Evaluation Process

There is a need to evaluate the land designated for development within the Urban Neighbourhood to determine if the land is suitable for development in a cost effective manner. Further, the amount of land suitable for development, by type (residential, commercial, industrial) to meet the long term needs of Temagami is to be calculated. If there is insufficient land designated and suitable for development, then additional land will be evaluated and added to the inventory of designated, undeveloped land through an amendment to the Official plan. The Municipality may choose to pre-zone some, or all of the future commercial and/or industrial land. The work program to be followed is set out in Flow Chart 3, attached to this Terms of Reference and is generally described as follows:

- Identify and calculate the area of all vacant land designated for development, by land use designation in order to obtain an inventory of the gross area of land available for development in each land use category.

Land designated Future Development shall initially be inventoried in a separate category;

- Evaluate the identified vacant land to determine its suitability for development. This evaluation will include, but not necessarily be limited to:
 - Land that may be environmentally contaminated due to past uses on the land. At this stage, it is not necessary to undertake field work to determine if the land is contaminated. It may be necessary to carry out a Phase 1 Environmental Audit of the land at a later stage in the study.
 - Determine the proximity to, and ease with which the land can be serviced with municipal water and sewer services and municipal roads.
 - Evaluate the compatibility of the proposed use of the vacant, designated land with existing uses in close proximity with a view to determining if considering a redesignation to a more compatible land use is warranted.
- Based on the evaluation of the vacant land, identify land suitable for development and land not suitable for development or to be developed in the latter stages of the planning period.
- In order to meet the requirements of the Provincial Policy Statement, it will be necessary to determine the need for residential, commercial and industrial land throughout the planning period. Population projections will be prepared and converted into equivalent dwelling units to determine the amount of residential land required. An appropriate amount of commercial and industrial land will be calculated in order to provide the community with a balance of live/work opportunities.
- A comparison of designated and available land will be compared to the long term need for land, by type, calculated in the previous task to determine if additional land needs to be designated.
- If additional land needs to be designated for development in order to accommodate future growth, the consultant will identify possible parcels of land and evaluate the parcels for development suitability. This exercise may initially involve more land than is necessary in order to provide options for Council to consider. If lands were identified earlier in the study that should be redesignated to a different land use, those lands shall be considered as part of this work task.
- If necessary, the consultant shall prepare alternative development scenarios for consideration by Council. These scenarios will be accompanied by an evaluation of each scenario, including serviceability, relative cost to develop and other strengths and weaknesses.
- In addition, the consultant shall make general comments on the adequacy of other municipal services such as landfill capacity to serve the anticipated growth.
- Based on direction from Council, the consultant shall prepare a draft Official Plan amendment. This amendment may include both schedule and policy changes.
- The draft Official Plan amendment, which may be consolidated with the amendments associated with Remote and Rural Development Evaluation Process and the Private Road Development Evaluation Process into one

comprehensive amendment, will be circulated for public review and comment.

- Based on input received from the public and agencies and direction from Council, the consultant shall prepare the final draft of the amendment and attend the statutory public meeting held under the provisions of the Planning Act.
- Upon adoption by Council, the consultant shall provide sufficient copies of the Official Plan amendment for submission to the Ministry for approval.

7. DATA COLLECTION

- 7.1 The consultant shall collect whatever technical information is necessary to complete the study. Some information is available from the Municipality and the MNR. Other technical information maybe available through other sources or the consultant may have to carry out primary research to generate the required information.
- 7.2 During the course of the study, circumstances may arise that require the collection and analysis of information or that require technical expertise not contemplated by this Terms of Reference or the consultant’s proposal. Should such a situation arise, the Municipality and the prime consultants shall agree upon the need for such additional work and /or consultant and the associated additional cost before any such work is undertaken or consultant retained.

8. STUDY COMPONENTS

- 8.1 All major components of the study carried out by the consultant shall:
- Clearly state the matters to be addressed;
 - Clearly state the criteria to be used in that component of the study and why those criteria were chosen;
 - Ensure that all components of the consultant’s work is fact based and fully documented.
- 8.2 All studies/reports prepared by the consultant shall follow the process outlined below
- Consultant draft –Internal review
 - Circulate for comment (public, agencies, ministries)
 - Comments received put into spreadsheets
 - Consultant response – put into spreadsheets
 - Modify, as appropriate- through spreadsheet – tracked changes version – once satisfied, go to clean draft
 - Finalize after receiving authorization from the Municipality
- 8.3 All draft and final documents shall be dated and identified as Draft 1, Draft 2, etc. and all modifications from draft to draft document or draft to final document shall be in the form of ‘tracked changes’ to facilitate the identification of changes to the document.

9. DELIVERABLES

All information/data collected and produced by the consultant shall be properly documented. As a minimum, the consultant shall provide to the Municipality with the following:

- A report containing all environmental information/data used to evaluate the development potential of shoreline areas including, but not limited to water quality data, existing lots/cottages on the lakes under consideration and whether they are seasonal or permanent residences, the biophysical analysis of shoreline areas identified as having development potential, any constraint analysis carried out, Development Capabilities Ratings (including the rationale behind the ratings) and proposed development standards, in the context of the natural environment.
- Minutes of all meetings attended by the consultant (within one week of the meeting date).
- A book containing all written submissions received by the Municipality at various stages of the study and the consultant's response to each submission.
- A draft of the implementing official plan and zoning by-law amendments.
- A final copy of the official plan and zoning by-law amendments suitable for adoption by Council.

10. OMB HEARING

The consultant shall be prepared to defend all work carried out and all recommendations made to the Municipality at any subsequent Ontario Municipal Board hearing. Preparation for and attendance at such hearing is beyond the scope of this study.

February 5, 2007

APENDIX 1

Official Plan References

To

Lot Creation and Development Plan

The following excerpts from the Official Plan include all the references made to the Lot Creation and Development Plan in the document.

Section 2 – General policies

Section 2.8 - Studies

Section 2.8.2 – Municipal Implementation Studies

A Lot Creation and Development Study may be completed that will establish the conditions and the locational criteria for new lots and develop a process whereby the Municipality can maintain a three (3) year supply of marketable lots in each neighbourhood.

Section 2.15 – Interim Development Policy

A clear set of rules is required to establish: the rate of lot creation; lot intensity; and lot density in the Rural Neighbourhoods. Rules for each Neighbourhood shall be developed through the Lot Creation and Development Plan study that will form a secondary implementation plan regarding this matter and will be incorporated into the Official Plan by amendment. Section 9 of this Plan provides further details regarding the implementation of the Lot Creation and Development Plan. Interim rules, as outlined below and subject to all other applicable policies in this Plan, shall apply and are tied firmly to the completion of the Lot Creation and Development Plan.

It is also the municipality's desire to study the issue of development on private roads, as part of the Lot Creation and Development Plan, in order to have some options available regarding the possibility of limited development on private roads if supported by the study findings.

Therefore, in addition to other matters to be studied as part of the Lot Creation and Development Plan, the Municipality will undertake a comprehensive road needs analysis that includes but is not limited to such topics as:

- a road map of all non-municipal assumed and municipal assumed and provincially maintained roads in the municipality; and, the no. of vacant existing lots of record on these same roads;
- the land use types, location and extent of existing development on non-municipal assumed roads and private right-of-ways;
- history of conversions from seasonal to principle residence;
- financial analysis - municipal debt load; principles of "user pay"; cost of existing services per household related to road types;

- a comparison of the annual tax revenues generated from occupied and vacant properties on non-municipal roads with those from properties on roads that are municipally assumed and maintained (eg. on a per kilometre and per household basis); also, identify revenues from other sources, for example, government agencies, resource-related businesses and industries
- per km. costs for new road construction, maintenance of existing roads;
- cost comparison to deliver services such as garbage collection, hydro, telephone, police, ambulance, fire, school bussing on municipal roads compared to non-municipal roads.

The road needs analysis will be followed by a Roads Strategy for the municipality that gives clear, well articulated, detailed policy direction and expectations of the municipality around issues and considerations, but not limited to the following, such as:

- proximity to settlement areas, emergency services,
- road closures, road maintenance and ownership, minimum road construction and maintenance standards for new and existing roads, minimum requirements for municipal assumption of roads,
- assumption of risk and liabilities, legal consequences etc.,
- guidelines for new lot creation
- provincial interests

If development on private roads is substantiated by the aforementioned study, the Roads Strategy will be a component of the Official Plan Amendment to incorporate and implement the Lot Creation and Development Plan for Rural Neighbourhoods of the municipality.

Section 4 - Urban Neighbourhood

Section 4.4 – Land Use Designations

Section 4.4.9 - Future Development

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

- the need for additional land, if it is to be used for residential purposes;
- the use for which the land is needed and compatibility with existing and future adjacent uses;
- the need for and availability of municipal water and sewer services;
- a Servicing Options Study;
- the adequacy of road access;
- the need and cost to extend other services;
- the potential impact of the development on natural resources;

- the potential impact on the ability of the remaining Future Development land to develop in an efficient manner; and
- the Lot Creation and Development Plan.

Section 5 – Lake Temagami Neighbourhood

Section 5.3 – General Policies

Section 5.3.6 – New Development

It is the policy of the Municipality to prepare a Lot Creation and Development Plan that shall have as its objective the determination of the ultimate amount of use/development, both residential and commercial, which will be permitted in the Lake Temagami Neighbourhood. The goal of the process will be to ensure that the characteristics of the Temagami area are fully protected and enhanced. In the interim, the following policies shall apply.

Note: The same policy is contained in Section 6 – Marten River Neighbourhood, Section 7 – Matabitchuan Neighbourhood and Section 8 – Backcountry Neighbourhood.