

Anthony Usher Planning Consultant

63 Deloraine Avenue, Toronto, Ontario M5M 2A8

(416) 425-5964

auplan@bellnet.ca

February 28, 2022

Ms. Suzie Fournier
Clerk
Municipality of Temagami
Box 220
Temagami, Ontario
P0H 2H0

Dear Ms. Fournier:

Re: Draft Official Plan, version 1.2

On behalf of my client the Temagami Lakes Association, I would like to provide Council, staff, and your planning consultants with my comments on the latest Official Plan draft. The TLA and I compliment the Municipality and your consultants on their progress.

The TLA strongly supports a new, up-to-date Official Plan. The Association commends the simplification and streamlining evident in the latest draft, including the consolidation of neighbourhoods. TLA's overall planning objective that guides these comments is to maintain the integrity of the Lake Temagami Neighbourhood, and of the long-established planning policies that have contributed to protecting the Neighbourhood's very special environment and unique development character. TLA is also mindful that that must be achieved within the larger context of environmental protection and economic and social development in the Municipality as a whole.

This letter focuses on TLA's and my priority issues. In some cases, we do not have enough information yet to make a specific recommendation. In other cases, we are asking questions and suggesting areas for improvement, while leaving how best to address those in the next draft to the Municipality's good judgement. Where we have a specific recommendation for change, it's in ***bold italics***.

Concurrent with this letter, TLA's President, Paul Tamburro, is providing Council with a briefer submission highlighting TLA's top concerns.

To keep my submission a bit simpler, I have also emailed MHBC directly regarding some technical details that do not affect policy, as well as minor corrections and suggestions that do not represent TLA priorities.

Schedule A

There is a small number of patented lots on Lake Temagami's mainland shorelands. On the current Plan's Schedule A, these are designated Special Management Area along with the Crown-owned shoreline. However, the draft Schedule A shows patented lots within the Lake Temagami

Neighbourhood mainland, which is also the Skyline Reserve, as Residential Waterfront - Lake Temagami (same as the island lots) if they touch the lake, or Rural if they don't. At the same time, the draft Plan text, like the present plan, clearly prohibits any development on these lots.

Your consultants have confirmed that this is a mapping error that will be fixed.

The question, then, is how to properly designate these lots. The Crown-owned shoreline is now to be designated Crown Land, which inherently cannot include these lots. So, these lots would appear to require some special designation that recognizes they are private lands fully subject to the Plan, and at the same time prevents any development consistent with both current and draft policy.

There are two exceptions (unless I've missed others) to the above, the existing Boatline Bay Marina and Camp Wanapitei, which are appropriately designated Tourist Commercial and are recognized in section E.7.7.

Therefore, we recommend that ***these lots be designated Skyline Reserve - Special Management and that an appropriate new section for this designation be added to Section E.*** The new section would explain the purpose, and the policies that already restrict development on private lands within the Skyline Reserve would be moved there.

Section A.3.1.2 - references to Crown land planning policy

The policies of the Temagami Land Use Plan (TLUP) and other historic Crown land planning documents are incorporated into the Crown Land Use Policy Atlas (CLUPA). This website provides the current policies of the Ministry of Northern Development, Mines, Natural Resources, and Forestry (MNDMNRF) for all Crown lands.

It is appropriate to refer to CLUPA as the *source* of current MNDMNRF planning policy for Crown lands in the Municipality. Whether it is appropriate for the Official Plan to *depend* on CLUPA for the Official Plan's policies over Crown land, is another question. CLUPA is subject to change at any time, with virtually no constraint on Ministerial ability to do so. Obviously the Official Plan should generally aim to be consistent with CLUPA, as the Plan does not have authority over Crown lands, while keeping in mind that any Plan policy over a parcel that the Crown chooses to privatize will become legally effective once privatization happens. But in my view, the Official Plan should establish its own policies over Crown land that, while aiming to be consistent with CLUPA, would require Plan amendment to change and could not be changed simply by changes in CLUPA.

Section A.3.1.2 - references to infringement

The second last sentence equates infringements on MNDMNRF authority over Crown lands and resources, with infringements on the rights of the Indigenous community of Temagami. Aboriginal and treaty rights and their protection are unique, under the Constitution, in Canadian law and jurisprudence, and in the Provincial Policy Statement, not to mention in historical and contemporary reality. They should be treated independently of, and not equated with, any other recognition of rights external to the Official Plan.

Section A.3.1.2 and Appendix 1 - references to Tenets for Temagami

The Tenets for (not Tenants of) Temagami appear to apply to the whole of the Lake Temagami Neighbourhood, plus that part of the Urban Neighbourhood within the Lake Temagami Skyline Reserve (further discussed below), and that part of the proposed Rural Neighbourhood consisting of Cross Lake and its Skyline Reserve. The document also appears to apply to both public and private lands. Therefore, it is incorrect for the draft Plan to say the Tenets are "additional details regarding Crown Land Management".

The Tenets were agreed between TLA, LaTemPRA, and the predecessor Township of Temagami in 1994, and were the foundation upon which the Municipality was created. They should continue to be recognized in the new Plan, and their historical importance described and recognized. As the Tenets apply in part to private land and the predecessor Municipality was a party thereto, we would like to see the new Plan continue to indicate support for the Tenets, along the same lines as section A1.6 of the present Plan.

However, like TLUP and other Crown land plans, the Tenets should be recognized as the *basis* for current policy, not as Plan policy themselves. TLA would like to see the complete Tenets included in the document, but does not object to their being included in an appendix.

The current text of section A.3.1.2 suggests that the complete Tenets are intended to be included in Appendix 1, along with other unidentified material pertaining to Crown lands. However, the appendix is not included in this draft.

Section B.2 - Vision

The vision statement is too generic and could appear in almost any official plan - there is nothing "Temagami" about it.

The TLA Planning Committee has come up with an alternative Vision intended to reflect the perspectives and interests of the whole community. I am pleased to endorse and recommend that Vision:

The primary goal of this Official Plan is to secure a sustainable future for the community of permanent and seasonal residents. This will be achieved by giving equal weight to three long-term objectives: economic prosperity, social well-being and environmental stewardship.

Land use planning will embrace and enhance Temagami's unique characteristics, especially the pristine health and natural beauty of its lakes and surrounding lands. These physical features together with its rich heritage of diverse peoples define Temagami today, speak to its meaningful history, and guarantee its bright future.

Section B.3 - Principles and Objectives

Section B.3.1.1(b) - implies there is some tradeoff or balancing between the two parts of the sentence - these are two separate objectives, each should stand on its own.

Sections B.3.2.1(d), B.3.2.1(e) - consideration should be given to separate statements regarding Indigenous relationships/partnerships, to emphasize their importance.

Section C.1.1.1 - population

We have no idea where the figure of 1,412 permanent residents comes from.

As MHBC's Background Report notes, the 2016 Census (i.e., permanent) population was 802. The 2021 Census, released while this letter was being prepared, indicates 862.

The 806 dwellings, 375 occupied by permanent residents, comes from the 2016 Census. (The 2021 figures are 928 and 432 respectively.)

In my experience, in municipalities with large seasonal populations Census dwelling figures are somewhat suspect and should be used with great care. Dwellings not designed for year-round use, which are the large majority of the Municipality's seasonal dwellings, would not generally be considered as "dwellings" by the Census, although Statistics Canada's definitions, and how they get applied in the field in a place like rural Temagami, are less than clear in this regard.

In my view the only figure of value from the above is that there are *approximately* 375 (2016)/432 (2021) dwellings occupied by permanent residents, which reasonably squares with the permanent resident population.

The only way to obtain a sound estimate of *total* dwellings, is from assessment and tax data.

To conclude that there are $806-375=431$ seasonal dwellings is wrong. TLA and CAO Craig Davidson collaborated on a dwelling estimate in 2020. This concluded that there are approximately:

- 300 dwellings in the settlement areas, largely permanent residences,
- 750 dwellings on Lake Temagami, of which 27 are permanent residences,
- 296 dwellings in the other rural portions of the Municipality, of which 48 are permanent residences,
- for an approximate total of 1,346 dwellings of which 375 are permanent residences and 971 are seasonally occupied.

No source is provided for the estimated peak summer population of 9,000. This estimate appears to include in addition to permanent residents: cottage owners, cottage guests, cottage renters, youth camp staff, youth camp campers, commercial tourist accommodation staff, commercial tourist accommodation guests, Provincial Park staff, Provincial Park campers, Crown land campers, other seasonal workers in the tourism industry, and perhaps others I have forgotten about. Within this disparate group, the variation in commitment and attachment to and interest in the Municipality varies enormously. In my view, this figure is highly unreliable and of very little value for planning purposes.

Finally, should not the permanent population of Bear Island and total community memberships of TFN and TAA be mentioned and recognized? Though not part of the Municipality, the Reserve is entirely surrounded by it, the Municipality is within TFN/TAA's traditional lands, and TFN/TAA

have a unique relationship with the Municipality.

Section C.1.2.1 - permanent population target

Assuming the 2016 and 2021 Census populations as a starting point, on what basis would a 2045 target be established?

Section C.1.2.2 - location of population growth

Yes, there are a few permanent residences in non-road-accessible locations on Lake Temagami and possibly in other rural areas. However, these are and always will be outliers. That after over a century of seasonal residential development on Lake Temagami, only 27 dwellings (less than 4%) have converted to permanent occupancy, does not suggest a numerically significant upward trend.

Lake Temagami's island lots and other non-road-accessible locations should not be part of any *objective* for population growth. This section should clarify that permanent population growth is *intended* to occur in the Urban Neighbourhood and other road-accessible locations.

The statement, "Seasonal population growth may be accommodated in . . . expansions in the tourism market" is confusing. This implies that tourist accommodation is a locale for population growth. As indicated above, discussions of the tourism sector and the Municipality's population of permanent and seasonal residents should be kept entirely separate from each other.

Section C.1.2.4 - new housing lands

It should be made clear that this policy applies to the Urban Neighbourhood only.

Section C.1.3.3 - Urban Neighbourhood expansion and Crown land acquisition

It should be made clear that the Municipality intends that any expansion be confined within the present Urban Neighbourhood. If that is not the Municipality's intention, we would be very concerned about any possibility of expansion of the Urban Neighbourhood at the expense of the Lake Temagami Neighbourhood.

Section D.2.1 and Schedule A - Lake Temagami Neighbourhood boundary

The Tenets for Temagami were clearly intended to include and apply equally to Cross Lake.

The two lakes are a single connected, navigable water body.

The mainland and islands of Cross Lake are entirely Crown, except for one residential lot.

The present Official Plan applies similar policies to Cross Lake as to Lake Temagami, and these are proposed to continue into the draft Plan.

No change in policy intent, only wording adjustments, would be required to extend the policies of

section D.2 to Cross Lake (with the exception of the Skyline Reserve definition, discussed below under section D.2.6.4). Section D.3.4.2 would then belong in section D.2.

Therefore, we recommend that ***the Lake Temagami Neighbourhood be extended to include Cross Lake, its islands, and its Skyline Reserve.***

Section D.2.2 - Lake Temagami Neighbourhood Goals

We recommend the following addition:

- ▶ ***To implement the Tenets for Temagami.***

Section D.2.3 - cap on new lots

We notice that the policy of section 5.3.7.1 of the present Plan, which caps the number of new lots created each year, does not appear in the draft Plan. We would like to know why.

Section D.2.6.4 and Schedule D - Skyline Reserve definition

The Skyline Reserve dates back to 1935, and has been formally recognized in Crown land planning since at least the 1970s. Its importance to the community as a whole was reaffirmed in the Tenets for Temagami in 1994. This background should be recognized in the Plan.

Reference to a specific management area in TLUP as the basis for defining the Skyline Reserve is inappropriate. The management area mapping for the original TLUP is inaccessible. Whether management area 39 in TLUP corresponds to one or more current management areas in CLUPA is also information not accessible. The Reserve should be delineated on its own terms in the Plan, with appropriate regard paid to its historical background.

As noted earlier, the Tenets for Temagami suggest that the Skyline Reserve as understood therein extends into the Urban Neighbourhood. However, as also noted earlier, the draft Plan schedules show the Skyline Reserve and Lake Temagami Neighbourhood external boundaries as one and the same. We have no way of verifying whether the "map of Lake Temagami" illustrating the Reserve as referred to in the Tenets (but also not accessible) - and the inaccessible TLUP map of management area 39 - and the Reserve as shown on Schedule D (not Schedule A1) - show the same or different lands.

As well, the Tenets indicate the Skyline Reserve includes Cross Lake. As the mainland shoreline of Cross Lake is entirely Crown (possibly except for the only private lot on Cross Lake, whether it's mainland or island is not clear from available mapping), and the present and draft Plans already apply Skyline Reserve policies to this lake, there is no reason not to include Cross Lake in the defined Reserve.

Accordingly, we recommend this section be revised as follows - assuming that the Lake Temagami portion of the Skyline Reserve is properly shown on Schedule D, which may not be the case:

The Skyline Reserve is of varying depth back from the shoreline of Lake Temagami

and Cross Lake. It consists of the entire mainland shorelands of Lake Temagami and Cross Lake within the Lake Temagami Neighbourhood, and is shown on Schedule D to this Plan. Its external boundary reflects Crown forest management dating back to 1935, as currently expressed in the Crown Land Use Policy Atlas. Its continuation as a planning policy applying to both Crown and private land was reaffirmed in the Tenets for Temagami.

Sections D.2.6.6 and D.2.6.7 - Skyline Reserve permissions

Section D.2.6.6 should acknowledge the two continuing Tourist Commercial designations.

Regarding section D.2.6.7, so that there is no potential for confusion with the section D.2.6.6 permissions which effectively only apply to private lands, it should be made clear that D.2.6.7 applies to Crown land only,

Section D.2.6.10 - Skyline Reserve - Northeast Arm development

The geographical references are confusing because:

- they start at Boatline Bay, then move to the southwest (Manitou Landing), further southwest (Mine Landing), and then back northeast (Strathcona Landing),
- all four place names are locally known but are unofficial,
- they leave open the question as to whether the intent is to provide extra scrutiny - while implicitly suggesting development is possible - at the four locations only, or along the entire south shore of the Northeast Arm from Mine Landing to the boundary of the Lake Temagami Neighbourhood (essentially, Strathcona Landing).

Consideration should be given to showing whatever is intended on a schedule, instead of through words.

While extra scrutiny of any proposed development certainly is appropriate, the policy leaves the implication that despite sections D.2.6.6 and D.2.6.7, development is being invited at certain, or all, locations along the south shore of the Northeast Arm. If the intention is to recognize the four existing development locations as exceptions to D.2.6.6 and D.2.6.7 where any additional development would be permitted only within the existing developed areas and under the strictest conditions, then that should be clarified. If the intention is to in any way go beyond that, that will be of the greatest concern to TLA.

Section E.4.1 - Residential Waterfront, Lake Temagami - applicability

For clarity, we recommend this be reworded: "The Residential Waterfront - Lake Temagami land use designation applies to Patented Land on the ***islands*** of Lake Temagami ***and Cross Lake, excepting lands designated Tourist Commercial***".

Section E.4.2.1 - Residential Waterfront, Lake Temagami - permitted uses

Since secondary dwelling units are itemized as a permitted use in the Urban Neighbourhood in section E.1.2.1, should not cabin secondary dwelling units be itemized as a permitted use here?

As well, contractor's yards have been omitted.

We recommend this be reworded: "Permitted uses include existing and new low density residential uses on islands **including the following accessory uses: cabin secondary dwelling units, home** occupations, home industries, **and contractor's yards.**"

Section E.4.3.5 - Residential Waterfront, Lake Temagami - site plan approval

The current site plan control bylaw requires site plan approval as a precondition to almost all types of building permits (within the scope of section 41(1) of the *Planning Act*) in the Lake Temagami Neighbourhood, so essentially all development approvals in the Neighbourhood require implementation through site plan control. Please clarify whether the present site plan control regime is consistent with this section, or does the Municipality anticipate any changes to the bylaw?

Section E.6 - Lake Service

This designation does not exist in the present Plan, nor is any area so designated in the draft Plan. We would appreciate some explanation of what is the purpose of this new designation and why it is being proposed.

Section E.7.5 - tourist commercial conversions

We support the general direction of these policies, but would like to see them more strongly stated. We are also concerned about ambiguous terminology which could become a source of debate between an applicant and the Municipality. Accordingly, we recommend the following revisions:

E.7.5.1: *The Official Plan does not support the conversion of a Tourist Commercial use to a residential use.* Tourism has an important role to the local economy and the conversion of Tourist Commercial uses to residential use can negatively impact the tourism economy.

E.7.5.2: Where the conversion of a Tourist Commercial use is proposed, an amendment to the Official Plan shall be required. In support of the amendment, it must be demonstrated that there is a surplus supply of Tourist Commercial land ***in the Municipality/in the subject Neighbourhood [we leave this to the consultants' and Council's good judgement]*** over the short and long term in order to justify the conversion.

E.7.5.4: Consideration of the conversion of part of a ***lot on which a*** Tourist Commercial use ***is located*** to residential ***use*** may be given, if it can be demonstrated that the lands to be converted are surplus to the tourist commercial use and it can be demonstrated that the conversion does not negatively impact the ***integrity and viability of the existing Tourist Commercial operation and the*** ability of the ***remainder of the*** lot to continue to be used for Tourist Commercial uses.

Section E.14 - Crown Land - Protected Area

We assume that this designation is intended to be one and the same as regulated provincial parks and conservation reserves. If so, that should be stated. If not, that should be explained.

Section F.1.2 - shoreline setbacks

Section F.1.2.5 requires that the zoning bylaw prescribe a shoreline setback, but provides no numerical guidance on what that setback should be.

Most lake country official plans provide such guidance. We appreciate that traditionally, official plans focused on policy direction without providing numbers, leaving it to the zoning bylaw to prescribe numerical standards. However, in my experience, that tradition has been overturned by Provincial policy direction, the practice of the Province and other approval authorities in approving official plans, and Ontario Land Tribunal and predecessor jurisprudence. The reality is that if numerical guidance is not provided in the official plan, the municipality is left in a weaker position to defend the numerical prescription in its zoning bylaw when the latter is challenged.

Therefore, in my opinion, it is best current practice to include policy direction on what the setback should be. As well:

- ▶ Sections E.4.3.2 and E.5.3.1 already provide specific minimum numbers, for minimum lot areas and frontages in the two Residential Waterfront designations.
- ▶ MHBC's draft Background Report recommended the Plan include direction for a minimum setback for septic system components over and above the 15 m required by the Building Code, although it is not clear whether the authors intended a specific number be included in the Plan. This does not appear to have been followed through in the draft Plan.

The Province's Lakeshore Capacity Assessment Handbook says, "Throughout the Precambrian Shield soil cover is typically thin and fractured bedrock is common. For lakes in this environment, irrespective of whether or not they are at capacity for shoreline development, MOE and MNR recommends [sic] a minimum of 30 metre setback or a 30 metre nondevelopment zone from water bodies" (p. 36).

The current setback requirements in the zoning bylaw are well below this (15 m for the dwelling, the greater of 15 m or the current dwelling setback for cabins, and 3 m for most accessory buildings). Lake country official plans and zoning bylaws now commonly implement the Provincial recommendation, while in some cases, making some allowance for existing development or local conditions.

Therefore, we recommend that a new section or sections be inserted before or after F.1.2.1, as follows. The first paragraph is what is now the last bullet of F.1.2.5, with only corrections highlighted.

A setback from the flood elevation or the normal or controlled **high water** mark shall be set out in the Zoning By-law, in order to:

- Protect the upland, shoreline and *nearshore habitats*;
- Protect adjacent surface water quality from *phosphorus* loading;
- Prevent erosion, siltation and nutrient migration;
- Maintain shoreline character and appearance; and,
- Minimize the visual impact of development.

The minimum setback shall generally be 30 m for dwellings, sleep cabins, standard and cabin secondary dwelling units, leaching beds and other treatment components of sewage systems, and all other accessory buildings and structures, except that there shall be no setback requirement for docks, boathouses, pumphouses, gazebos, and decks where otherwise permitted. No new lot shall be created unless it can accommodate development on the basis of these standards.

However, on a lot that existed on and whose boundaries have not been altered since [the date the Plan is approved], and that is not vacant, the minimum setback shall generally be 15 m, excepting 30 m for leaching beds and other treatment components of sewage systems, and nil for the aforementioned shoreline structures. On such lots, the Committee of Adjustment may permit a reduced setback that would allow an existing noncomplying building to be enlarged or replaced provided there is no reduction in the least distance from the building to the shoreline, and it may permit a reduced setback that would allow an existing leaching bed to be enlarged or replaced where due to the size, shape, or topography of the lot, there is no feasible alternative. Otherwise, it is expected that the Zoning By-law setbacks will be strictly adhered to.

The Zoning By-law will also provide for appropriate variation from these standards in the Urban Neighbourhood.

Section F.1.2 - other general shoreline policies

In section F.1.2.3, we would like to know how the Municipality would use the issue of building permits as an implementation device, over and above that permits must comply with the zoning bylaw and site plan agreements. If the latter is all that is meant, it need not be said inasmuch as the zoning bylaw must in turn conform with the Official Plan. It does not need to be repeated throughout the Plan that building permits further implement every part of the Official Plan that gets implemented through zoning or site plan control.

The list of instruments does not include minor variance approvals, which are a common form of planning approval on Lake Temagami. Nor does it include consent conditions and agreements.

We are also concerned that "may use" is too discretionary and the policy is internally contradictory. Does it make sense to say that the Municipality "may use" the instruments listed, and in the next breath say that the following policies "shall apply"? And are "shall" and "as a guide" compatible within the same action?

In section F.1.2.5, we are unsure whether these best practices will be required or not, given the uncertain direction of F.1.2.3. This uncertainty is added to by the variation between "should" and

"shall" throughout this policy.

In section F.1.2.8, "shall encourage" is weak and, I believe, internally inconsistent wording. The policy requires the Municipality to do something with each planning approval, but that could be as little as handing the applicant a brochure. Again, there is a lack of clear direction when compared to policies in other lake country plans, such as Section C2.6.5 of the Muskoka District Official Plan.

In F.1.2.8, the first two best management practices are appropriate to Lake Temagami and other rural waterfront areas, while the rest would clearly only be appropriate for multi-lot development in the settlement areas and possibly rural development not on water, but no distinction is made. There are other obvious and well-known practices appropriate to rural waterfront that are not recognized here. Nor is there any recognition of the challenging environments on the shorelines of Lake Temagami and the other lakes with their very limited (if any) soil cover.

Finally, it is important to recognize that while strict regulation of new development and redevelopment on the waterfront is essential to protecting water quality and lake trout habitat, the largest human contribution of phosphorus loadings to the lakes is from existing development not subject to any planning approvals. Therefore, we recommend the following policy be added to section F.1.2: ***"The Municipality will consider adopting and implementing a reinspection program for individual on-site sewage systems, on waterfront lots in the Lake Temagami and Rural neighbourhoods."***

Section H.3.1.3 - stormwater plan requirements

This section is unclear. Any shovel stuck in the ground near water will result in some degree of sedimentation and stormwater contamination.

Clear language is required as to when a stormwater plan or report would be required. We would expect that this would not ever be required for residential development in the Lake Temagami Neighbourhood.

Section H.5 - lake trout lakes

Normally, one would expect the Official Plan to identify the Municipality's lake trout lakes, subdivided into those that are at-capacity and those that are not, through either or both of a list in the text and symbols on a schedule. We believe this should be added.

Section J.1.2 - stormwater management

These types of policies one would normally expect to be applied in settlement areas only. This should be clarified.

Section J.4.3.3 - approved access points

We understand the Cross Lake access point has been closed by MNDMNR, so it should be removed from the list. You will no doubt want to confirm this with the Ministry.

Section J.4.4.1 - new lake access points

We assume this is intended to apply to all three neighbourhoods, so we recommend the introductory sentence read, "Should consideration be given to the establishment of new public motorized **lake access points, the following** should be given full consideration".

Section K.4.3 - secondary dwelling units in rural areas

As this section deals with both standard secondary dwelling units and cabin secondary dwelling units, and as it also intended to apply to rural areas in all three neighbourhoods, we recommend it be titled "**Secondary Dwelling Units in Rural Areas**".

Regarding section K.4.3.1, OPA 3 was adopted only a few months ago, after extensive discussion with and input from TLA. TLA supported the final version. We are therefore greatly concerned to see that standard secondary dwelling units would now be permitted on Lake Temagami, contrary to OPA 3. We don't have any issue that the draft Plan no longer refers separately to rural residential lots and remote residential lots, but the wording should have been adjusted appropriately to accommodate that change.

We therefore recommend that the second last sentence read, "**Cabin secondary dwelling units** are permitted in the rural area on residential lots, **and standard secondary dwelling units are permitted on such lots outside the Lake Temagami Neighbourhood**, subject to the policies of this Plan".

As well, we recommend that the first sentence of section K.4.3.2 read, "Standard secondary dwelling units may be permitted in single detached dwellings or in a building or structure accessory to a single detached dwelling within the rural area on residential lots **outside the Lake Temagami Neighbourhood**".

Section K.4.4 - cabin secondary dwelling units and sleep cabins

Again, we are concerned about changes from the recently-adopted OPA 3.

Regarding section K.4.4.1: Consistent with the format of the present Plan which includes a Glossary, though not a legal part of the Plan, OPA 3 included precise definitions of "cabin secondary dwelling unit" and "sleep cabin". The definitions provided in K.4.4.1 are a good deal less precise and omit key elements previously agreed to. As well, perhaps inadvertently, the "sleep cabin" definition does not allow "either kitchen or bathroom but not both", as has traditionally been permitted in the Municipality.

It is the prerogative of the consultants and the Municipality not to include a definitions section in the new Plan, but that does not keep precise definitions from being included in the text wherever needed.

We recommend that section K.4.4.1 be replaced with **the exact definitions of "cabin secondary dwelling unit" and "sleep cabin" in OPA 3**, with the exception of the sentences indicated they shall be constructed in accordance with the Building Code, which we recommended not be

included during our review of OPA 3 and which are still unnecessary.

Regarding section K.4.4.2, the consultants may want to consider that with regard to where cabin secondary dwelling units are permitted, this section, section K.4.3.1, and section K.4.3.2 all say more or less, but not exactly, the same thing.

Regarding section K.4.4.8, as the proposed draft Plan would be a new Official Plan, surely the grandfathering date should not be rolled over to the effective date of the new Plan. We recommend it be revised to read, "For the purpose of this section, a boathouse with sleeping accommodations that lawfully existed **on April 18, 2013** is deemed to be a sleep cabin".

Section K.5.1.2 - home occupations

This section has been taken directly from the second paragraph of section 5.3.8 of the present Plan, as recently amended by OPA 4. So it's fine for the Lake Temagami Neighbourhood, but does not properly apply to road-accessible areas of the Municipality. As this section now applies to the entire Municipality, it also needs to borrow from sections counterpart to 5.3.8 in the present Plan.

Section K.6.1.1 - home industries

Again, this has been taken directly from the first paragraph of section 5.3.9 of the present Plan, without regard for other neighbourhoods, though the policy now applies to the entire Municipality.

Section K.7.1.3 - contractor's yards

To be consistent with the present Plan, the water body reference should be generalized. We recommend the second bullet read, "In the case of a lot fronting on both a public road and **a lake**, be located in the yard abutting the road".

Section K.9 and Appendix 5 - wildland fire

While the wording as such is fine, it does not properly relate to or explain Appendix 5.

- ▶ As currently written the draft Plan legally includes the appendixes. Normal practice is that wildland fire risk mapping is not legally part of an Official Plan.
- ▶ The map itself should label the categories as "extreme", "high", etc. without the additional descriptors. The latter are not required to implement policy, mean nothing to the public, and are not explained on the map or in the text.

Section L.6.2.2 - public consultation programs

The term "tourist resident" is a contradiction and is not conventionally used. We recommend that "**and tourist**" be deleted from the second sentence.

Section L.8.6.1 - condominium requirements

A condominium description could be proposed anywhere, including the Lake Temagami Neighbourhood and other rural areas. Therefore, we recommend that **paragraph L.8.5.1(a) (additional subdivision requirements) be repeated in section L.8.6.1.**

Sections L.13.1.3 and L.13.1.6 - site plan control

The policies of section F are going to be implemented probably by site plan control more than any other instrument. Therefore, we believe that section L.13.1.3 should at least crossreference the kinds of considerations highlighted in section F. As well, section L.13.1.6 could be interpreted as suggesting the Municipality is not giving itself authority to address points not mentioned, which would exclude many of the considerations in section F.

Section L.23.1.3 - supporting studies

The draft Plan does not provide any definition or scope of what should constitute an Environmental Impact Statement, or refer the reader to any other document establishing those, beyond that it should be "in accordance with accepted professional standards and/or guidelines, as applicable".

Certainly, we do not expect the Plan to include specifications for every one of the 30+ study types listed here. However:

- ▶ For waterfront development outside the settlement areas, the EIS is most often the single most important determinative study.
- ▶ It is debatable what "accepted professional standards" are for EISs, inasmuch as there is no professional body for those who would normally be considered "qualified persons" to conduct EISs.

For these reasons, lake country Official Plans customarily include direction on the purpose and scope of an EIS (under whatever name the municipality chooses to call it). We believe this Plan should either do that, or alternatively at least refer to section 13 of the Natural Heritage Reference Manual.

* * *

I hope these comments will assist staff, consultants, and Council in their consideration of the proposals. We would be pleased to discuss these points further with your consultants at any time.

Yours sincerely,

[original signed by]

Anthony Usher, RPP

cc. Jamie Robinson
Patrick Townes