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April 18, 2022

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

Dear Ms. Fournier:

Re: Draft Official Plan, version 1.2

Further to my letter of February 28, 2022 on behalf of my client the Temagami Lakes Association, the TLA and I would like to provide Council, staff, and your planning consultants with additional comments on how the draft Official Plan deals with lot creation.

These comments arise from more detailed review of the relevant parts of the present and draft Plans, and broader discussion among the TLA community following my February 28 letter. They add to and elaborate on my earlier letter, but do not change or retract anything it. Concurrent with this letter, TLA's President, Paul Tamburro, is providing Council with a briefer submission summarizing TLA's additional suggestions.

Our starting point is that the following are not adequately reflected in the draft Plan, or at least, they have not been continued from the present Plan and we are not sure why.

- ▶ The Tenets for Temagami include: "All other future development will occur on islands, the number and location to be determined by the revised official plan, which will be sensitive to current ecological standards." Because the "other" exception referenced applies only to lands in the Urban Neighbourhood, the quoted statement applies to *all* future development in the Lake Temagami Neighbourhood.

The Tenets' clarity on this point remains in some parts of the draft Plan, but has got lost in others. My February 28 letter noted this with respect to Schedule A (Residential Waterfront designation on the mainland) and section D.2.6.10 (Northeast Arm development). We have now identified additional sections that should be clearer with regard to the distinctions between mainland and islands, Crown land and private land.

- ▶ In 2004, the Ontario Municipal Board approved the first Official Plan of the enlarged Municipality (case PL040429), on the basis of a settlement between the Municipality, the Province, the TLA, and the Lake Temagami Residents Group. Among the Board modifications to the Plan was the following addition to section 2.15:

A clear set of policies is required to establish: the principles of lot creation; lot intensity; and, lot density in Neighbourhoods. Policies for each Neighbourhood shall be developed through the Lot Creation and Development Plan study that will be incorporated into the Official Plan by amendment.

The Board emphasized that this change was "fundamental" to the settlement.

While I do not have access to the 2004 Plan, evidently section 2.15 in the present Plan is the corresponding section, and the above words appear verbatim in that section. The present Plan also contains numerous other references to lot creation and development studies being undertaken in the future in all neighbourhoods (see particularly sections A1.3.5, A1.9, 2.8.2, 2.15, 5.1, 5.3.6, 9.9).

Although the present Plan is not absolutely clear, it appears that the intended purpose of such studies was for the potential division of Crown lands, not private lands, at least in the Lake Temagami Neighbourhood. In discussing whether this commitment should be maintained, our focus is on the Lake Temagami Neighbourhood, not other neighbourhoods, especially given that the original commitment arose from advocacy with respect to the Lake Temagami Neighbourhood only.

We recognize that in 2007 the Municipality did initiate a Lot Creation and Development Study along the lines initially envisioned. We know that the study was interrupted in 2008 by the Ministry of Natural Resources ban on Crown land disposition on lake trout lakes, described below. And we know that it was then redirected to focus on three warmwater lakes, Brophy, Marian, and Olive, that are all in the draft Plan's Rural Neighbourhood - and that for whatever reasons, no results were ever incorporated into the Official Plan and no development ever proceeded.

The draft Plan refers to a "Lot Creation and Development Plan" in the Urban Neighbourhood (section E.12.3.1), as if it has already been completed, but to our knowledge neither it nor any other such plan has ever been undertaken, other than the abortive plan for three lakes mentioned above. The only other reference is to a "Lot Creation and Development Plan Study" as being a possible supporting study requirement for an application (section L.23.1.3), which doesn't make sense in this historical context.

- ▶ In 2008, the ban of the then Ministry of Natural Resources on Crown land disposition on lakes with naturally sustaining lake trout populations became permanent. This is recognized in the present Plan. As well, sections 2.15 and 5.1 of the present Plan indicate that the lot creation and development plan study would be carried out if and when the complete ban is lifted.

The draft Plan does not acknowledge the disposition ban, except for a very tangential reference in section H.5.1.3. Section H.5 is more oriented towards Provincial policies for *private* lot development on *at-capacity* lake trout lakes. The draft Plan appears to fail to differentiate between the quite different lake trout policies applicable to Crown land lot creation and private land development. And while Lake Temagami and Cross Lake are naturally-sustaining lake trout lakes and so fall under the Crown land ban, as indicated in

my February 28 letter we do not know whether they would be considered at-capacity for private land development purposes.

- ▶ My February 28 letter noted that the cap on number of new lots in section 5.3.7.1 does not appear in the draft Plan, and asked why.
- ▶ As well, the prohibition on plans of subdivision in the Lake Temagami Neighbourhood in section 5.3.3 does not appear in the draft Plan. We would like to know why.

In our opinion, the new Plan should clearly and unambiguously state the following policies with respect to the Lake Temagami Neighbourhood, and ensure that any other policies not entirely consistent with these points are modified to be consistent.

1. No lots will be created, whether by subdivision or consent, on Crown or patented lands within the Skyline Reserve or on the islands of Cross Lake.
2. The Municipality recognizes that it is the policy of the Province not to dispose of any Crown lands on lakes with naturally reproducing lake trout populations, including Lake Temagami. Should the Province at any time decide to change this policy such that Crown island disposition would be permitted in some circumstances, prior to that change taking effect the Municipality, in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry, will undertake a Crown Island Lot Creation and Development Study for Lake Temagami, and incorporate the applicable results into the Official Plan.
3. The Crown Island Lot Creation and Development Study will establish the conditions and locational criteria for new lot creation, based on:
 - a sound technical foundation relying on specific and measurable ecological standards and values,
 - locally recognized principles of environmental, economic, and social sustainability, and
 - consistency with existing development character. (Note - wording mostly from present Plan, section 2.8.2.).
4. The total number of new lots that may be created on Lake Temagami, whether from Crown or patented lands on islands, will not exceed five lots per calendar year, and unused amounts may not be carried forward. Dispositions of Crown islands as single lots will be included in this total. Given this policy and the land division policies of section L.8, any lot creation on islands will normally be by consent. This policy may be reconsidered and varied by the Crown Island Lot Creation and Development Study.

While TLA regrets that the originally contemplated Lot Creation and Development Plan Study was never undertaken as required by the OMB and committed to in the Official Plan, we agree that it would be premature to require such a study at this time. As well, if any study is deferred to such time as MNDMNR's land disposition policies may change, it would then be able to reflect the relevant policies, knowledge, and community preferences of that future time.

As well, we recommend the following more specific changes consistent with the above comments.

Section D.2.5.2 The first sentence is locationally imprecise, and leaves open the inference that mainland development in other locations is somehow less unacceptable. Given what we have recommended above, there should be no need to refer to mainland development at all. We recommend the first sentence be revised to, "There shall be no new development on **Islands [list names/numbers]**, in order to preserve **the pristine nature of these islands and their environs**".

Section E.4.3.1 We recommend this be revised to, "New residential development **shall take** the form of single unit development on islands".

Section E.13 We recommend the following be added to this section:

Immediately following any disposition of Crown land, the Municipality will amend the Official Plan to change the designation of the land from Crown Land to the designation appropriate to its intended use. Such an amendment will be considered to be a technical amendment not subject to the notice and consultation requirements of section L.6.

Section E.13.3.2 We recommend the following sentence be added: "**However, despite any other policy of this Plan, the Municipality does not support any patent or other Crown land disposition within the Skyline Reserve.**"

Section L.23.1.3 Reference to "Lot Creation and Development Plan Study" as a possible supporting study should be removed.

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I hope these comments will assist staff, consultants, and Council in their consideration of the draft Plan. 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