



**The Corporation of the
Township of Nairn and Hyman**

**TERMS OF REFERENCE
FOR THE FIVE-YEAR REVIEW
OF THE OFFICIAL PLAN**

1.0 INTRODUCTION AND BACKGROUND

The Official Plan for the Township of Nairn and Hyman is a legal document containing the objectives and policies established primarily to provide guidance for the physical development of the Township of Nairn and Hyman while having regard to relevant social, economic and environmental matters. This is the first official plan review for the municipality.

1.1 Existing Municipal Policy

The first Official Plan for the Corporation of the Township of Nairn and Hyman was adopted by Council on January 29, 2001 and was approved by the Ministry of Municipal Affairs and Housing on July 22, 2002. The municipality now wishes to undertake a five-year review of the Official Plan.

1.2 Geographic Location

The Corporation of the Township of Nairn and Hyman is located in northern Ontario and is approximately 55 kilometers west of the City of Greater Sudbury and 20 kilometers east of the Town of Espanola.

1.2.2 Study Area

The limits for the study area for the five (5) year official plan review will be the municipal boundaries of the Township of Nairn and Hyman.

1.3 Key Characteristics of Community

The Township of Nairn and Hyman is a small community with a population of approximately 493 people. This rural township is located on the Highway 17 corridor abutting the City of Greater Sudbury. The economic mainstay of the township is closely affiliated with the forest industry. Nairn Centre is the only urban settlement area of an otherwise rural township area.

1.4 Provincial Policy

Since the existing Official Plan was approved in 2002, the plan needs to be reviewed to be consistent with the Provincial Policy Statement which came into force on March 1, 2005 as it would apply to the Township.

1.4.2 Zoning

The consultant will be expected to up-date the Township's zoning by-law concurrently with the updated official plan.

2.0 Program Purpose/Objectives

The municipality is undertaking a five (5) year review of the Official Plan.

2.1 Purpose

The overall purpose of this project is to undertake a 5-year review of the Official Plan for the Township of Nairn and Hyman, complete with text and schedules which can be easily administered by the municipality.

This process is intended to review and update the current Official Plan to reflect new policy and regulatory initiatives and address emerging issues and trends in sustainable community planning for the future.

Council hopes that an updated official plan policy framework, which conforms to the Planning Act and Provincial Policy Statements, will clarify the Township's future development goals and objectives, simplify implementation of the Plan and reduce the need for direct provincial involvement in local decision-making.

2.2 Project Scope

The scope of the official plan review program will include the following tasks, as itemized in the following subsections.

2.2.1 Zoning By-law Update

There have been a number of changes to the comprehensive zoning by-law for the Township of Nairn and Hyman since it was approved in 2002. Although the Township of Nairn and Hyman has made every effort to ensure that the zoning conforms to the Official Plan, there may be instances where conflicts exist between the current zoning and current official plan policies. The consultant will be expected to up-date the zoning by-law concurrently with the updated official plan.

2.2.2 Regard for Provincial Interest and Consistency with the Provincial Policy Statement

As required under the Planning Act, the Township of Nairn and Hyman wants to ensure that the updated Official Plan has regard to provincial interests and is consistent with the Provincial Policy Statement under the Planning Act.

2.3 Deliverables

The following subsections outlines Council's expectations for deliverables from the consultant throughout the process of updating the Official Plan for the Township of Nairn and Hyman.

2.3.1 Draft Updated Official Plan

The consultant will prepare and submit a draft updated Official Plan complete with text and schedules for Council's review. Once Council is generally satisfied with a draft of a new Official Plan, it will be used as the basis of a public meeting to solicit the views of the public.

2.3.2 Updated Official Plan

The consultant will prepare and submit a final version of the updated Official Plan, complete with text and schedules suitable for adoption, to Council by the date set out in subsection 2.4 of this Terms of Reference.

2.3.3 Background Reports

Copies of all Background Report(s) prepared with respect to the updated Official Plan program will be provided to the Township of Nairn and Hyman and the Ministry of Municipal Affairs and Housing by the consultant. It is expected that the Background Report(s) will include a report to Council by the consultant which supports the final version of the recommended updated Official Plan.

2.3.4 Supporting Documentation

Copies of all supporting documentation prepared with respect to the Official Plan program, will be provided to the Township of Nairn and Hyman by the consultant.

2.3.5 Data

Copies of all data collected and information on the manner in which it was analyzed, for the updated Official Plan program, will be provided to the Township of Nairn and Hyman by the consultant.

2.3.6 Maps/Presentation Displays

Copies of all the maps and presentation displays used for public meetings etc. for the updated Official Plan program, will be provided to the Township of Nairn and Hyman by the consultant.

2.4 Timelines and Project Budget

The municipality expects the project to start on or before October 1, 2010 and to be in a position to submit the updated Official Plan for approval on or before October 1, 2011.

This project also includes the preparation of an amendment to Comprehensive Zoning By-law for the municipality.

3.0 Role and Responsibilities of Council

The duties of Council shall be to:

- a) Hold a special meeting of Council, open to the public, to discuss revisions to the Official Plan that may be required;
- b) Conduct the call for consultant proposals;
- c) Select a consultant to produce an updated Official Plan;
- d) Liaise with the consultant to ensure that the updated Official Plan closely reflects the local conditions and desires;
- e) Ensure that the consultant's work is carried out in an efficient manner;
- f) Chair the mandatory public open house and public meeting, as well as any additional public meetings during the review of the updated Official Plan;
- g) Adopt the updated Official Plan;
- h) Liaise with the Ministry of Municipal Affairs and Housing to ensure that provincial issues are dealt with appropriately in the updated Official Plan;
- i) Liaise with other agencies as required;
- j) Regularly communicate with the Ministry of Municipal Affairs and Housing (Northeastern Municipal Services Office in Sudbury) on progress.

3.1 Meetings

Meetings should be held at the following stages in the work program.

- a) An introductory meeting of the consultant with the Council, municipal staff and the Ministry of Municipal Affairs and Housing staff including representatives from the MAH's partner ministries to discuss the study program in detail and to identify problem areas and concerns ("core team" meeting).
- b) One public meeting of the consultant with Council to discuss and present the results of the Background Studies together with general policy options and issues.
- c) One meeting between Council, the consultant and the Ministry of Municipal Affairs and Housing if required, to discuss the initial draft of the updated Official Plan. This meeting will serve to discuss the draft document and the recommended changes from the province.

- d) One mandatory public open house session (as required under the Planning Act) and public meeting to receive direction from Council for the preparation of the final draft of the updated Official Plan.
- e) One open house and mandatory public meeting (as required under the Planning Act) to present the final draft of the updated Official Plan to the Council and the public.
- f) One public meeting post-adoption to discuss a response to Ministry of Municipal Affairs and Housing's draft decision on the updated Official Plan.

3.2 Ministry of Municipal Affairs and Housing

Council requires that the Ministry of Municipal Affairs and Housing, being the approval authority for the Township of Nairn and Hyman's updated Official Plan, will be involved on an early and ongoing basis throughout the updated Official Plan program. Council prefers early pre consultation with the Ministry of Municipal Affairs and Housing to address provincial concerns early in the process.

3.3 Local Agencies and Non-Government Organizations

Council expects broad local consultation in the Official Plan program. It is Council's desire to develop an updated Official Plan representative of community interests, and reduce the likelihood of the adopted plan being appealed to the Ontario Municipal Board. The consultant should indicate what groups it would involve in the Official Plan program, and how it would involve them.

3.4 Research

Council requests that the consultant outlines in the proposal the type of research it expects to undertake to prepare the Background Report(s) and address the issues identified by Council. The consultant should at a minimum address the type and method of research it will conduct:

- primary research (interviews, focus groups)
- secondary research/review of available literature, and how/where literature will be obtained.

3.5 Major issues to be investigated

The following major issues have been identified and represent issues that the consultant is to investigate and provide professional policy guidance and opinion in addition to an update of population projections and land needs.

In addition to the basic task of a comprehensive periodic review and updating of the Official Plan the following specific tasks must be undertaken. The actual detailed design and method of how the program is completed will be the responsibility of the

consultant to describe in detail in his/her proposal.

- a) Review existing land development policy to divert future development from private roads or unopened road allowances to year round publicly maintained roads.
- b) Creation of a strategy for strengthening, maintaining or diversifying the Township's economic base.
- c) Develop appropriate updated Official Plan policies to reflect the entire set of the provincial policy statement accompanied by up-to-date mapping and background information as required.
- d) Provide appropriate policies for the present and future development of rural, residential, commercial, industrial, agricultural and recreational land uses within the context of the Planning Area and Provincial policy.
- e) Review development of structures such as docks and boathouses on the bed and the shoreline of the lakes and rivers and recommend clear policies to ensure the environmental and natural quality of these areas is sustained in the long-term.
- f) Ensure that the natural resources and hazardous areas are protected from unplanned growth and development by providing accurate mapping along with accompanying policies.
- g) The municipality will provide available digital files concerning mapping, digitized zoning schedules, assessment maps and Official Plan schedules for use by the consultant in preparing the necessary amendments to the Schedules or for the preparation of any additional mapping that may be necessary. The mapping to be prepared by the consultant will identify those areas to be protected due to environmental significance, agricultural capability, aggregate deposits, wetlands, fish and wildlife habitat, etc. The consultant should retrieve any available mapping from provincial and other government agencies that will help to identify environmentally significant areas. MAH's partner ministries will each provide updated mapping, where available, to the Township and its consultant as part of the Core Team Meeting/Draft document preparation process. This mapping/data would not be restricted to environmental matters, but could also include mineral significance mapping, aggregate resource mapping, etc. All products produced for the municipality as part of this contract shall be the property of the Township.
- h) Review the use of resort commercial tourist establishments for year round occupancy and determine the environmental, economic and social impacts of this type of use.

- i) Review the policy of permitting the use of travel trailers in any residential zone and determine the environmental, economic and social impacts of this policy
- j) Preparation of digital base mapping for the planning area.
- k) As part of the review of local issues, explore the range of possible *Planning Act* tools that can be used if implementing policies are included in the municipal official plan, for example:
 - Local Appeal Body
 - Community Improvement Plan
 - Holding Provision By-law
 - Increased Density Provisions By-law
 - Site Plan Control
 - reduction of payment in lieu of parkland if sustainability criteria are met (subdivisions)
 - Development Permit System
- l) Review existing *Planning Act* application processes, and include policies in the updated Official Plan that require specific additional information or materials be submitted to the municipality as part of a complete application for Official Plan Amendments, Zoning By-law Amendments, Subdivision applications, and/or Consent applications.

3.6 Draft Official Plan Review

Council requires that at least one draft version of the plan be submitted to Council, staff and the Ministry of Municipal Affairs and Housing for review and comment prior to submission of the final version of the updated Official Plan for adoption. If major revisions are required to the draft, council may request one additional draft of the updated official plan, be prepared and submitted at the consultant's cost.

It is expected that copies of the draft will be made available to individuals or organizations, in addition to those mentioned above, that Council wishes to consult with in the preparation of the updated Official Plan.

3.7 Official Plan Adoption

On completion of the final draft by the consultant and prior to adoption, the Council must hold a statutory public meeting to solicit the views of the public.

The consultant shall be in attendance to present the final draft to Council and to assist the Council with the public meeting. If Council feels any further revisions are necessary, the consultant shall revise the draft.

Once Council is satisfied with the updated Official Plan, it will be adopted by by-law and forwarded to the Ministry of Municipal Affairs and Housing for approval. The consultant will be required to forward the updated Official Plan and adopting by-law to MAH and also the other prescribed information as per the Planning Act and its regulations.

3.8 Reproductions

The consultant is expected to provide:

- a) Fifteen (15) copies of the background study, land use maps, and any other background reports or materials for discussion to the municipality.
- b) Three (3) copies of the background study and early consultation draft of the Official Plan to the Ministry of Municipal Affairs and Housing (electronic format acceptable).
- c) The municipality wishes to notify all property owners of each of the planned open house sessions by sending flyers suitable for bulk mail delivery. These flyers would include a summary of what would be discussed at the planned sessions. Also included would be the date, time and location of a structured public meeting which would allow the public to voice their comments or concerns on the contents of the draft official plan at the open house. The consultant would also be responsible for providing displays along with accompanying summaries of the background study and draft official plan at the sessions.
- d) Eighteen (18) working copies of the completed final draft of the Official Plan with appropriate schedules and suitable for adoption of Council and submission to the Ministry of Municipal Affairs and Housing. Also, the original and two certified duplicate originals of the Official Plan must be provided
- e) Five (5) copies of the approved Official Plan with appropriate and suitable schedules with any modifications incorporated.
- f) Provide one (1) C.D. of the draft and final version of the Official Plan which would include the mapping schedules and any other background data used in the preparation of the Official Plan policies. Electronic copies of the Official Plan should be in the Microsoft Word and PDF formats).
- g) The new Official Plan policies are to be incorporated with the existing policies and the final draft of the Official Plan and the appropriate schedules are to be in a new consolidated format suitable for adoption and submission by the municipality.

Draft documents presented in fulfilment of project requirements need not be bound, may be photocopies and may be accompanied by full-sized maps in order to keep costs reasonable.

3.9 Distribution of Documents

- a) All documents and revisions to documents shall be forwarded by the consultant in sufficient time so that they will be received by the Council at least two weeks prior to the date of the meeting at which documents and revisions are to be discussed. For the statutory public meeting, fifteen (15) copies of the final draft plan must be provided by the consultant at least twenty (20) days before the meeting.
- b) Draft circulation of the plan to the Ministry of Municipal Affairs and Housing and local agencies shall be forwarded by the consultant.
- c) At the same time as the documents are being sent to the Council, ten (10) copies of each final document shall be sent by the consultant directly to:

The Ministry of Municipal Affairs and Housing
Northeastern Municipal Services Office
Suite 401, 159 Cedar Street
Sudbury, Ontario
P3E 6A5

4.0 General

- a) All mapping to be digital and textual requirements must be in appropriate metric units of measurement.
- b) All information, data, reports, mapping, literature or hardware developed or acquired by the consultant in the course of the study and having application to this study shall become the property of the municipality immediately at the end of the project and shall be delivered to the municipality with final billing unless the municipality provides the consultant with explicit written direction to the contrary.
- c) This program does not include analysis of any objections to the plan or preparation for testimony at Ontario Municipal Board hearings.
- d) A contingency allowance approach should not be used in making cost estimates. Cost overrun at conclusion of the program should also be avoided. Problems with costs may be considered provided they are identified early in the program and clearly justified.

- e) Regular payments will be conditional upon the receipt of invoices associated with the progress of the program.

5.0 Consultant Proposals

The consultant selected by the municipality shall prepare a proposal which clearly indicates how the consultant will carry out the work set out in the Terms of Reference. The consultant's proposal must contain at least, but is not necessarily limited to, the following:

- a) A research design indicating the methodological approach that will be used in conducting the official plan program and specifying the degree of involvement by the municipality and the public.
- b) A work flowchart showing the timing of the phases in the program (with completion date) and meetings. This should include any suggested revisions to the program outlined in these terms and an explanation of the reasons for the suggested changes.
- c) Names, qualifications, and experience of staff to be assigned to the project.
- d) Maximum total cost of the program broken down by phases, with meetings, printing costs and disbursements listed separately.
- e) Identify cost of providing updates to the digital base mapping as a component of the total cost of the project.
- f) Per diem rates for key personnel involved in the assignment and an estimate of the number of days that the project staff will spend on the assignment and in the study area.
- g) A copy of any recent official plan prepared by the firm similar to that being requested above and the status of its approval.

5.1 Conditions of Submission

No payment will be made for the preparation and submission of the proposals.

There is no commitment to accept the lowest, or any bid received.

The consultant, at its own expense, may be required to make a presentation to the municipality as part of the consultant selection process.

6.0 Monitoring

Council recognizes that only through continuous contact will it and the consultant produce a satisfactory document. However, monthly meetings are costly. Therefore the consultant is required to submit a brief written report once a month including those months when a meeting is scheduled. The report shall outline the following items:

- a) Work currently under way.
- b) Whether the project is on schedule. Reasons for delay.
- c) Date of next meeting with Council.
- d) What is expected of Council at the next meeting and in the interim.

A copy of the monthly report submitted to the Council shall be forwarded to the Ministry addresses provided in Section 3.9 above.

7.0 Reference Material

- the Planning Act.
- Provincial Policy Statement.
- Official Plan, 2002
- Comprehensive Zoning By-law By-law 2002-12.
- Community Profile, 1999
- Available Provincial mapping.

8.0 Contract

The consultant shall enter into a contract with the municipality. The contract shall indicate that work to be undertaken shall be done to the satisfaction of the Council and the municipality according to the terms or reference and for the amount agreed upon by the two parties. The contract shall also indicate that no additional money shall be paid to the consultant for any additional work for which prior authorization has not been given in writing.

8.1 Changing the Contract

The contract may be revised provided a completed analysis of the effect of any proposed change is submitted and agreed upon in writing by both parties (resolution of council). This analysis would include an assessment of the impact of the proposed change on target dates and costs.

Questions on this proposal call may be referred to:

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Nairn Centre, Ontario
P0M 2L0

Phone: 705-869-4232

Fax: 705-869-5248

9.0 Conflict Resolution

If a dispute should arise between the Corporation of the Township of Nairn and Hyman and the consultant with respect to interpretation of the contractual agreement between the municipality and the consultant, both parties agree to first attempt to negotiate a solution to the disagreement between them, and second (if a negotiated agreement cannot be reached), agree to mediation of the dispute, before proceeding with other options.