

THE CORPORATION  
OF THE  
MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2012-16

The Council of the Corporation of the Municipality of Magnetawan in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended, hereby ENACTS as follows:

1. THAT the Official Plan for the Municipality of Magnetawan, being the attached text and Schedules "A", "B", "C", "C1" and "D" is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Official Plan for the Municipality of Magnetawan and to provide such information as required by Section 17 (7) of The Planning Act, R.S.O., 1990, c.P.13, as amended.
3. This By-law shall repeal the current Official Plan - 2002 upon final approval of this Official Plan by the Minister.

By-law adopted this 11<sup>th</sup> day of July 2012.



MAYOR



CLERK

JUN - 3 2013

**Ministry of  
Municipal Affairs  
and Housing**

Municipal Services Office  
North (Sudbury)  
159 Cedar Street, Suite 401  
Sudbury ON P3E 6A5  
Telephone: 705 564-0120  
Toll Free: 1 800-461-1193  
Fax: 705 564-6863

**Ministère des  
Affaires municipales  
et du Logement**

Bureau des services aux municipalités  
du Nord (Sudbury)  
159, rue Cedar, bureau 401  
Sudbury ON P3E 6A5  
Téléphone : 705 564-0120  
Sans frais : 1 800 461-1193  
Télécopieur : 705 564-6863



May 28, 2013

By Email and Regular Mail

Mayor Sam Dunnett and Council  
Municipality of Magnetawan  
P.O. Box 70  
4304 Highway 520  
Magnetawan, Ontario P0A 1P0

Attn: Roger Labelle, CAO/Clerk

**Re: Approval of the Official Plan of the Municipality of Magnetawan  
MAH File No.: 49-OP-4907**

This is to advise you of the approval, with modifications, of the Official Plan of the Municipality of Magnetawan, as adopted by By-law No. 2012-16 on July 11, 2012. Copies of the Notice of Decision and Decision are attached for your information and use.

The last date of appeal to the decision on this planning application is **Monday June 17, 2013**. After the appeal period has expired, and provided no appeals to the decision have been received, we will forward a duplicate original copy of the approved Official Plan of the Municipality of Magnetawan as modified.

We are also required under the Environmental Bill of Rights to post the decision, with the last date of appeal, on the Environmental Bill of Rights Registry for additional public information. The posting of the decision on the Registry coincides with the Notice of Decision date.

We are especially appreciative of your co-operation throughout the process and the positive working relationship with the Municipal Services Office staff in Sudbury. If you have any questions or concerns, please contact Matt Alexander, Planner at 1-800-461-1193, ext. 46845 or directly at 705-564-6845.

Sincerely,

Bridget Schulte-Hostedde, MCIP, RPP  
Manager (A), Community Planning and Development  
Municipal Services Office – North

cc. Jim Dymont, MHBC Planning  
encl.

Council MTG. of June 12 2013  
Agenda Item # 7.5

File No.: 49-OP-4907  
Municipality: Municipality of Magnetawan

Date of Decision: May 17, 2013  
Date of Notice: May 28, 2013  
Last Date of Appeal: June 17, 2013

Subject Lands: Entire Municipality

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## NOTICE OF DECISION

### With respect to an Official Plan Section 17(34) of the Planning Act

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A decision was made on the date noted above to modify and approve as modified the Official Plan of the Municipality of Magnetawan as adopted by By-law 2012-16. This new Official Plan replaces the Official Plan for the Municipality of Magnetawan which was approved by this Ministry on June 29, 2005.

#### **Purpose and Effect of the Official Plan**

The new Official Plan reflects current local development trends and land use planning needs in both the settlement areas and the rural areas of the municipality. Modifications were made to ensure the plan's consistency with the 2005 Provincial Policy Statement and to reflect the legislative direction of the *Planning Act*. A copy of the decision is attached.

#### **When and How to File An Appeal**

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Area Planner, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

#### **Who Can File An Appeal**

Only individuals, corporations or public bodies may appeal the decision of the Ministry of Municipal Affairs and Housing to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before

the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council, or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

#### **When the Decision is Final**

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

#### **Other Related Applications: N/A**

#### **Getting Additional Information**

Additional information about the application is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below or from the Municipality of Magnetawan.

#### **Mailing Address for Filing a Notice of Appeal**

Ministry of Municipal Affairs and Housing  
**Municipal Services Office – North (Sudbury)**  
159 Cedar Street, Suite 401,  
Sudbury ON P3E 6A5

Submit notice of appeal to the attention of  
Matthew Alexander, Planner  
Municipal Services Office – North (Sudbury)  
Tele: (705) 564-6845 Fax: (705) 564-6863

**DECISION**  
with respect to the Official Plan  
of the  
Municipality of Magnetawan  
Subsection 17(34) of the *Planning Act*

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I hereby approve the repeal of the Official Plan for the Municipality of Magnetawan pursuant to By-law 2012-16, in so far as this Official Plan is approved;

I hereby modify and approve, as modified, the Official Plan for the Municipality of Magnetawan adopted by the Municipality of Magnetawan by By-law No. 2012-16 as follows:

1. PAGE 12, PART 4: GENERAL DEVELOPMENT POLICIES, Section 4.5 is modified by deleting the words, "in or" in the second and third sentences of the second paragraph.
2. PAGE 21, PART 4: GENERAL DEVELOPMENT POLICIES, Section 4.15 is modified by deleting the words, "and the Ministry of Environment or its designate", by adding the words, "**in accordance with MOE's D-5-3 Guideline. Communal services for multi-lot/unit freehold residential development will only be approved as part of a condominium.**" after the word "Municipality" in the fifth paragraph, and by adding the sentence, "**Such agreements will include provisions for the posting of financial securities to ensure the on-going maintenance and operation of the services by the condominium corporation. The purpose of the agreement is to ensure that communal services do not become the responsibility of the municipality and thus become municipal services unless it is clearly in the public interest to do so.**" after the third sentence in the fifth paragraph.
3. PAGE 33, PART 5: LAND USE DESIGNATION, Section 5.4.2 Development Standards is modified by:
  - a. deleting, "It is a policy of this Plan to permit";
  - b. inserting the words, "**may be permitted**" after the words, "accessory buildings";
  - c. deleting the word, "may" in the second sentence and replacing it with the word, "**will**" and by deleting the words, "and prevent the further division of the lands".
  - d. adding the following to the end of the paragraph: "**An additional dwelling is considered a 'unit' for the purposes of the Lakeshore Capacity Assessment Handbook. Approval of an additional dwelling is subject to all applicable official plan policies including natural heritage policies and lake capacity policies. The approval of an additional dwelling does not indicate support for a future severance of the parcel.**"





JUL 05 2012

**MEMORANDUM**

**To:** Roger Labelle Municipality of Magnetawan  
**Copy:** Matthew Alexander, MMAH  
**From:** Jim Dymont  
**Date:** June 27, 2012  
**Re:** Magnetawan Official Plan - Final Minor Modifications  
**Our File No:** 3958

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I had a discussion with Matt Alexander, Planner at Ministry of Municipal Affairs and Housing regarding our response to the Ministry comments on the Official Plan. We discussed a number of matters that Mr. Alexander could be improved by some minor language changes in a few policies in the draft Official Plan. Since council is not going to adopt the draft until July 11, 2012 I have taken an opportunity to make a number of minor modifications in order to address the Ministry's comments. This will assist in speeding up the approval process and reduce the number of modifications made to the Plan by the Ministry. Attached to this memo are the proposed wording changes. I believe that Council will understand these to be minor changes and will not require further consultation. I have described them briefly below.

**Crown Lands**

The language dealing with Crown Lands is intended to ensure that where extractive activities are occurring on Crown Lands the Municipality may seek a remedy for impacts on municipal roads for shipping aggregates. The remedy would be to pass a By-law under the Municipal Act to limit the use of the road unless there was an agreement with the user. The Ministry was concerned that the policies alluded to the ability of the Municipality to limit the use on Crown Lands. We have revised the wording to clarify what the intent of the policy is. The revision has no impact on the application of the policy.

**MDS**

When we changed the MDS policies in the Official Plan there was a conflict between two sections of the Official Plan, one saying that MDS did not apply to existing vacant lots and the other, Section 5.13 which indicated that new uses would require to meet MDS. We have corrected that inconsistency to ensure that new development on existing lots is not subject to MDS 1. We have also deleted the reference to new development occurring within 300 metres of livestock operation being required to comply with MDS. The Provincial policy states that all development must comply with

MDS. While it is highly unlikely that any agricultural operation in Magnetawan would achieve an MDS distance of 300 metres or greater, deleting the reference to 300 metres provides greater flexibility for the Municipality.

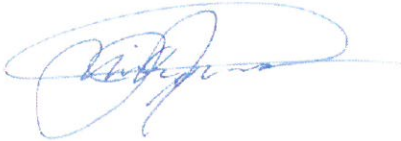
### **Family Compounds**

We had some discussion regarding the ability to develop a family compound, being more than one dwelling unit on a property within the Shoreline area. Following our discussion Mr. Alexander was satisfied that the policies would be consistent with Provincial Policy subject to ensuring that further severances could not be permitted on the other lands since the density from the entire property was essentially being transferred to one site. To address this issue we have added a provision that site specific zoning will be used to ensure that lots are not created which would then place the "family compound" in a non-complying situation.

I trust that Council will be satisfied with these modifications and that the Plan may be approved in its final form on July 11, 2012.

If you have any questions regarding this matter, please do not hesitate to contact me.

### **MERIDIAN PLANNING CONSULTANTS**



Jim Dymont, BES, MCIP, RPP