



# Municipality of Magnetawan **Official Plan**

June, 2022



Municipality of  
Magnetawan

## MINISTERS APPROVAL

### OFFICIAL PLAN FOR THE MUNICIPALITY OF MAGNETAWAN

The Official Plan for the Municipality of Magnetawan which was adopted by the Council of the Corporation of the Municipality of Magnetawan, on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_ by By-law No. \*\*\*\*- \*\* is hereby approved in accordance with Section 17 of The Planning Act, R.S.O., 1990, c.P.13, as amended, as the Official Plan for the Municipality of Magnetawan.

\_\_\_\_\_  
DATE



## THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

### BY-LAW NO. \*\*\*\*-\*\*

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 "A1", "A2", "A3", "B" and "C" are 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 rescind the current Official Plan (2012) upon final approval of this Official Plan by the Minister.

Enacted and passed this \*\* day of \*\*\*\*\*, \*\*\*\*.

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MAYOR

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CLERK (SEAL)

Certified that the above is a true copy of By-law No. \*\*\*\*-\*\* as enacted and passed by the Council to the Corporation of the Municipality of Magnetawan on the \*\* day of \*\*\*\*\*, \*\*\*\*.

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CLERK

# Land Acknowledgement

The Municipality of Magnetawan recognizes all of Canada resides on traditional, unceded, and/or treaty lands of the Indigenous People of Turtle Island.

We recognize our Municipality on The Robinson Huron Treaty territory is home to many past, present and future Indigenous families. This acknowledgment of the land is a declaration of our commitment and collective responsibility to reconcile the past, and to honour and value the culture, history and relationships we have with one another.

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# 1.0 INTRODUCTION

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## 1.1 CONTEXT

The Municipality of Magnetawan covers an area of approximately 532 km<sup>2</sup> located along the shores of the Magnetawan River in the Almaguin Highlands region of the Parry Sound District. The Municipality is rich in history from its Indigenous roots through to the arrival and settlement of Europeans. The Municipality is situated within the Robinson-Huron Treaty of 1850 and Williams Treaty of 1923, and is located within Anishinabek Territory. Indigenous peoples in the area include Ojibway, Chippewa, Odawa and Pottawatomi lineage. Mohawk people from the Haudenosaunee Confederacy also reside in the area and have historical connections to both southern and eastern Ontario. The Parry Sound area is now home to many diverse First Nations, Inuit and Metis Peoples.

The Municipality of Magnetawan is a single-tier municipality situated along Highway 520, approximately 45 minutes north-west of Huntsville, and 1 hour south of North Bay. The main village of Magnetawan features a traditional downtown core surrounded by low-density residential development, mostly in the form of single detached dwellings. There are a variety of other uses located within the Village, such as commercial (e.g., Algonquin Fine Foods), institutional (e.g., the Magnetawan Historical Museum), and industrial uses. The other rural settlement area within the Municipality of Magnetawan is the Village of Ahmic Harbour, which hosts a variety of commercial/tourist, residential, and industrial uses.

According to the 2021 Census, the population of Magnetawan is 1,753. This represents a 20.7% increase from the 2016 census. According to the 2016 Census, the median age of residents within the Municipality is 57.4 years old, 17 years older than the Provincial average.

## 1.2 INTENT OF THE PLAN

This Official Plan (this Plan) comprises of comprehensive and integrated policies and schedules that provide the framework for making decisions with respect to physical change in the Municipality and its associated impacts on the welfare of the social, economic, cultural and natural environment. The purpose of this Plan is to set out a planning policy framework in accordance with the Planning Act and other relevant Provincial policies and guidelines.

This Plan is intended to form the foundation for decisions that are to be made by Council, members of the public and government agencies. The policies contained in this Plan are intended to assist Council in the decision-making process while providing members of the



public with a sense of assurance as to the future development of their lands and the lands around them. In addition, this Plan:

- i) Provides for a planning period to the year 2042
- ii) Must be read in its entirety and all relevant principles, objectives and policies are to be applied to each situation; and,
- iii) Will be implemented in a manner that is consistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

This Plan will be reviewed no less frequently than 10 years after it comes into effect, and every five years thereafter. In addition, no by-law may be passed, and no public work may be undertaken by the Municipality which does not conform with this Plan.

The Municipality will liaise with the appropriate Ministries, surrounding municipalities and Indigenous communities in managing its future growth and development.

## 1.3 STRUCTURE OF THE PLAN

This Plan contains five distinct levels of policies. They are as follows:

### 1.3.1 The Basis

The Basis (Section 2.0) describes the primary facts and issues that were considered when the Plan was prepared. This section is included in the Plan to provide an understanding of the circumstances that the policies in the Plan are intended to address.

### 1.3.2 Vision & Guiding Principles

The Vision and Guiding Principles (Section 3.0) form the foundation for the municipality's future development and the more detailed objectives and land use policies throughout the Plan. The Guiding Principles describe in very general terms, what the Municipality intends to accomplish as the result of its planning program over the lifetime of this Plan.



### 1.3.3 General Development Policies

The General Development Policies (Section 4.0) act as the primary guidelines to be used in considering all development proposals and public works projects. This section of the Plan establishes criteria or tests, which must be considered prior to the Municipality or the Planning Board approving any development proposal. The criteria relate to environmental, cultural and physical features in the Municipality. Schedule B to the Official Plan illustrates the lands where specific policies (for example wetlands or significant habitat) may apply.

### 1.3.4 Land Use Designations

Schedule A, the land use map, sets out a number of land use designations in the Municipality. The designations on Schedule A relate specifically to corresponding policies in Section 5.0 of this Plan. The policies establish the form of development that may occur on lands and lands to be protected from development within different parts of the Municipality according to the land use designations on Schedule A.

### 1.3.5 Implementation

The Implementation section (Section 8.0) describes the actions that will be taken to put the policies of this Plan into effect. It outlines how the planning process in the Municipality will work and what forms of regulation may be used to ensure that development occurs in a manner consistent with the policies of the Plan.

## 2.0 BASIS OF THE PLAN

This section of the Plan identifies the primary factors that have been considered during the preparation of the Plan. Should any of these factors change this Plan should be reviewed to determine whether major policy or land use designation changes are warranted.

- a) The first Official Plan for the Municipality of Magnetawan was adopted by Council in July 2003 and was approved by the Minister of Municipal Affairs and Housing in June 2005. It replaced the former Township of Chapman Official Plan and also covers the former Village of Magnetawan, the former Township of Croft and the former Township of Spence. This first Official Plan was updated and adopted by Council in 2012 and approved by the Ministry of Municipal Affairs and Housing in 2013. This Plan is an update of the 2012 Official Plan for the Municipality of Magnetawan.
- b) This Plan has been based in part on data collected in detailed background studies of the Municipality of Magnetawan. Sources of this information include Provincial Ministries, Statistics Canada, existing municipal information and on-site review of land use and physical conditions. As the conditions and information on which this Plan has





been formulated change, there will need to be changes to the policies contained in the Plan. The Plan will therefore be reviewed every five years or earlier should economic, social or environmental conditions dictate. It is intended that the life of this plan is 20 years, covering the years from 2022 to 2042.

- c) This Plan is also based, in part, on a series of public open houses and consultation. As required under Section 26 of the Planning Act, the Official Plan Update Project was introduced to Council on July 21, 2021. A Stakeholder Open House was held on October 20, 2021, where the project was introduced to important community groups and initial comments, concerns, and priorities for the OP/ZBL update were gathered. A Public Open House was held on November 18, 2021, to obtain preliminary input from residents. A series of surveys on various planning topics were sent out to the public through the Municipality's website.
- d) The population of the Municipality is projected to increase over the life of this Plan. It is anticipated that residential growth will occur at about 20 units per year.
- e) The Municipality of Magnetawan is experiencing development pressures primarily in the form of shoreline development and to a lesser extent, rural residential development along municipal roads. Council wishes to guide residential development to ensure that development does not result in an undue financial burden to the Municipality or adverse environmental effects.
- f) There is little industrial development in the Municipality. Commercial development, which has been previously established along the shorelines of lakes in the Municipality, has not significantly increased in recent years. In an effort to improve employment conditions and the economic situation of the residents as well as broaden the municipal assessment base, Council wishes to encourage new industrial and commercial development provided that it is compatible with the environment and surrounding land uses. Much of this development is likely to occur in the form of home-based business, agricultural and tourist operations.
- g) There are significant areas of the Municipality of Magnetawan, which contain non-renewable resources such as aggregates and peat. These resources as well as existing aggregate operations shall be protected so that they will continue to be available for future use.
- h) There are significant areas in the Municipality that are environmentally sensitive and need to be protected from incompatible land uses and activities. As the identification of environmentally sensitive areas improves, the most current mapping available will be incorporated into this Plan by Official Plan Amendment.
- i) This plan has been prepared to be consistent with the 2020 Provincial Policy Statement (PPS) and conforms to the 2011 Growth Plan for Northern Ontario). This Plan has also been developed with regard to the applicable and actionable items outlined in the Regional Economic Development Strategic Plan (RED Plan), with a specific focus on the goals related to housing.



- j) Historically much of the development in the Municipality has been comprised of seasonal residential and commercial development along the shorelines of the larger lakes. There is a recognized need to maintain the environmental quality of these lakes when considering new development. There is an increasing need to assess the cumulative impact of this development throughout the Magnetawan River System as well as other water bodies throughout the municipality.
- k) Agricultural production in the Municipality is limited by the predominance of Class 7 soils. The protection of ongoing agricultural operations and the limited amount of Class 3 soils is important to the preservation of regional food security, the economy, and human wellbeing.
- l) New public works within the Municipality will be guided by the policies of this Plan and will be planned and implemented, where applicable, in accordance with Municipal Class Environmental Assessment under the Environmental Assessment Act. It is not Council's intent to provide a significantly broader range of services than what are presently being provided by the Municipality at the present time. Development in the urban areas of the Village of Magnetawan and the Village of Ahmic Harbour will occur at a density that will preclude the need to develop a municipal sewage treatment or water supply system. Development in the urban areas of the Village of Magnetawan and the Village of Ahmic Harbour will continue to occur on private water and sewage services at a sustainable density, which will support them.
- m) In order to prevent loss of life, property damage and social disruption, new development will not be permitted where it would be subject to erosion hazards and/or the regulatory flood or where it would result in increased flood-related hazards on other properties.

## 3.0 VISION AND GUIDING PRINCIPLES

This Section of the Plan establishes the fundamental basis that will guide future development in the Municipality of Magnetawan. The vision and principles were developed based on the results from community consultation and in keeping with the Provincial Policy Statement. The policies contained in this Plan are based on realizing this vision and adhering to the guiding principles. In the event that clarification of the intent of the policies in this Plan is required, the vision and principles shall be considered.

### 3.1 ESTABLISHING A VISION

The Municipality undertook an extensive community consultation program to provide a comprehensive foundation for the direction of this Plan. Together with Provincial policies and strategic planning documents, this valuable input has directly shaped the Vision, Guiding



Principles, and general direction of this Official Plan. The Vision and Guiding Principles Section are intended to guide growth and land use planning decisions by reflecting local priorities, knowledge, preferences and aspirations. The Vision expresses an aspirational future for the Municipality, and the more detailed direction to achieve this future is articulated in the Guiding Principles. The policies of this Plan have been developed to work together to achieve the Vision and Guiding Principles as Magnetawan continues to grow and evolve to 2042.

The Vision for Magnetawan's future is articulated in the following aspirational statement:

The Municipality of Magnetawan is a community distinctive in its natural beauty, cultural heritage, and sense of community. The Municipality will be a place where people can live, work and play. The overall prosperity of Magnetawan will rely on the integration of a vibrant economy and a healthy natural environment along with a caring community that fosters a sense of belonging and supports those in need. Sustainable development will allow for desirable growth and change that respects the character of the Villages, rural, and waterfront areas of the Municipality. All residents will be valued and community well-being will be promoted.

## 3.2 GUIDING PRINCIPLES

Guiding Principles provide more detailed action statements that represent a clear commitment from the Municipality on how the Vision is to be achieved over time. While the Guiding Principles have been categorized here for clarity, they are interconnected and will contribute to achieving multiple objectives throughout the Municipality.

- a) **ENVIRONMENTAL STEWARDSHIP AND SUSTAINABILITY:** To meet the resource and service needs of current and future generations without compromising the health of the ecosystems that provide them. Protecting and enhancing the natural environment through wise management and efficient land use patterns, including a watershed approach, will promote environmental sustainability.
- b) **OPPORTUNITY-FILLED:** To encourage economic development and provide opportunities for economic growth and diversification in a manner that fosters a positive business environment in the Municipality and that is compatible with the character and environment of the Municipality.
- c) **HEALTHY, COMPLETE, AND COMPACT:** To provide opportunities for growth in the settlement areas of Magnetawan and Ahmic Harbour that will strengthen the function of the settlement areas as complete communities. A complete community is one that meets people's needs for daily living throughout their lifetime by providing convenient access to a mix of jobs, services, housing, food, public service facilities, open space, and transportation choices.





- d) **RESPONSIBLE SHORELINE DEVELOPMENT:** To control the intensity of development on the lakes in the Municipality in order to protect the natural features and visual qualities which form the basis of economic development in the Municipality. To ensure development on the lake does not exceed the biological or recreational capacity of any waterbody.
- e) **SUSTAINABLE RESOURCE USE:** To ensure that natural resource activities, including forestry, mineral exploration, aggregate extraction, hunting and fishing and other recreational activities can continue in a manner that is sustainable and to protect the quality and quantity of surface and ground water resources.
- f) **RESPONSIBLE GROWTH MANAGEMENT:** To avoid land use conflicts and premature development that may limit appropriate and desirable development in the future. Additionally, to protect agricultural uses and ensure that non-agricultural uses that may have an adverse impact on existing farm operations are not permitted.
- g) **ACCESSIBLE AND ACTIVE:** The Municipality will work to serve the needs of all residents and visitors of all ages and abilities. The Municipality will strive to provide a variety of transportation choices with priority given to walking, cycling and transit.
- h) **DIVERSE AND AFFORDABLE:** The Municipality will encourage the development of diverse and affordable housing to help attract and retain young families, to accommodate people of all ages and abilities, and to provide housing options for an aging population.
- i) **HEALTHY AND SUSTAINABLE RURAL AREAS AND FOOD SYSTEMS:** To encourage sustainable agricultural activities and promote on-farm diversified uses, agriculture-related uses, the production of value-added agricultural products and local consumption of those products.
- j) **VIBRANT ROOTS:** The Municipality will reinforce a strong sense of place by building from the diversity of its people, landscape and history to inspire innovation. This includes supporting and enhancing the community's environmental, recreational, cultural and arts facilities/amenities. It also involves recognizing, conserving and enhancing the cultural heritage resources of the Municipality, which include archaeological resources, built heritage resources and cultural heritage landscapes, as an important element in preserving the character of the Municipality. In doing so, the Municipality acknowledges the importance of the local Indigenous language, known as Anishinaabemowin in Ojibwa, and including Indigenous place names on the landscape of the Municipality, as well as providing opportunities for Indigenous placemaking and working with Indigenous peoples to celebrate and commemorate Indigenous history and/or culture in public spaces.
- k) **RESILIENT AND ADAPTABLE:** The Municipality will work to improve the resilience of the area including greenhouse gas reduction to mitigate climate change, while also working to adapt to the effects of future climate change.



## 4.0 GENERAL DEVELOPMENT POLICIES

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These policies apply to all development in the Municipality. When considering proposals for development, Official Plan Amendments, Zoning By-law Amendments, Consents, Plans of Subdivision, or any other form of development requiring approval, the following policies will, where applicable, be considered.

### 4.1 LAND USE COMPATIBILITY

Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses and features. Where there are potential compatibility concerns, Council will assess the proposal for consistency with the Provincial Policy Statement and Provincial Guidelines, including the Ministry of Environment D Series Guidelines. Consideration shall be given to the extent to which increased setbacks and other zoning regulations and/or site plan requirements can reduce the potential impacts where applicable.

### 4.2 HAZARDOUS LANDS

Hazardous lands shall not be developed unless it can be demonstrated to the satisfaction of the Municipality and/or the approval authority, and in accordance with the Provincial guidelines, that the hazard or contamination no longer exists or that development can occur without potential threat to life, property or the environment. Protecting public health and safety and considering the increasing risks associated with climate change are critical to the social wellbeing, environmental sustainability, and long-term prosperity of the Municipality. Both natural and human-made hazards, such as flood plains, unstable slopes, wildland fires and contaminated sites, can pose risks to health and safety as well as damage to property and infrastructure if not appropriately considered. Studies may be required to be completed by qualified professionals to ensure the appropriateness for development.

#### 4.2.1 Stability Hazards

Lands that have steep slopes, are prone to flooding, have erosion susceptibility or contain organic soils are all considered to be hazardous lands. The various types of hazardous lands listed above are also mapped in the Schedules forming part of this Plan. Other hazardous lands include lands where contaminants may have been spilled or placed and filled lands.



#### 4.2.2 Flood Plains

The following development criteria shall apply to development proposed within the flood plain area. The flood plain is defined by the most up to date mapping or other information provided by the Provincial or Federal government or other technical studies undertaken by a qualified professional. The delineation of flood plains will, where possible, be incorporated into the implementing zoning by-law.

Floodplains are identified as those lands that are susceptible to flooding during the regulatory flood. In the Municipality of Magnetawan, the regulatory flood is the higher of:

- a) that area that would be flooded with an average frequency of once in 100 years or for which there is a 1% change of occurrence in any given year; and,
- b) that area that would be flooded under a storm-centered event modeled on a particularly intense storm that occurred in Timmins and which could occur within this area.

If engineered floodplain mapping becomes available, it will be incorporated into the Official Plan and Zoning By-law by amendment to each document.

A study by a qualified hydrological engineer to determine potential impact of new development on the flood elevation and flow velocities shall be required.

Flood elevations have been defined by the MNDMNRF for certain lakes as follows:

- Lake Cecebe      284.67 CGD
- Ahmic Lake      281.97 CGD

Areas below these flood elevations shall be subject to the Flood Plains policies of this Plan.

The Municipality will not support the placement or removal of fill below such elevations unless a site-specific report by a qualified engineer has demonstrated to Council's satisfaction that there will not be significant impacts upon up-stream or down-stream lands.

The implementing Zoning By-law will identify specific floodplain elevations in the Municipality through comprehensive mapping where this information is available. In addition, conditions may be placed on the creation of new lots requiring site-specific zones to provide elevations and setbacks to ensure adequate flood protection utilizing a one-zone floodway in which no new development shall be permitted.







#### **4.2.3 Mine Hazards**

For mine hazards, site evaluations by a qualified geotechnical professional must be completed.

#### **4.2.4 Brownfields**

Prior to any development approval on lands known to be contaminated, a Phase I, and if necessary, a Phase II Environmental Site Assessment shall be completed, and a record of site condition must be obtained.

Where applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated have been submitted, approval or condition of final approval will require the proponent to file a Record of Site Condition on the Environmental Site Registry to show that the site has been assessed and if necessary, remediated in accordance with the requirements of Ontario Regulation 153.04 such that the site is suitable for the intended future use. Mandatory filing of a Record of Site Condition on the Registry is required for any change to a more sensitive land use such as a change of use from industrial to residential or parkland.

### **4.3 WATER QUALITY**

Preservation of water quality is a significant consideration in reviewing any development proposal adjacent to a watercourse or lake. The following development criteria shall apply to development affecting the water quality of surface and ground water resources throughout the entire Municipality:

- a) Changes to the natural drainage should be avoided;
- b) A sewage tile field and the spreading of agricultural or bio-solid nutrients, except where specifically provided for through a Nutrient Management Plan, shall not be permitted within 30 metres of:
  - i. A private well; or
  - ii. A waterbody, top of bank, or wetland unless;
    - 1. Phosphorous management is implemented; and,
    - 2. Sufficient lot depth is not available or terrain or site conditions exist which make other locations on the lot more suitable; or
    - 3. To replace an existing sewage tile field.



- c) A setback for other development will be established from each side of a stream, river, pond, lake or wetland necessary to maintain existing water quality. The width and depth of this setback shall be determined in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry, and other agencies as required, which shall consider the nature of the development, soil type, types and amounts of vegetation cover, slope of the land, existing drainage patterns and fish and wildlife. In general, unless an EIS recommends a different setback, the following setbacks are proposed:
- 30 metres from coldwater streams;
  - 20 metres from cool water streams; and
  - 15 metres from a warm water stream.

If development is proposed within 120 metres of an unclassified stream, wetland or waterbody, an EIS is required to assess any potential impact to the stream, wetland or waterbody, and to recommend the appropriate mitigation measures and setbacks.

- a) No alteration of the natural vegetation grade or drainage shall occur within the setback; and,
- b) The cutting of trees within the setback shall be regulated by Site Plan Control or as a condition of consent or subdivision. The cutting of trees shall be permitted in the setback where lands are designated Rural where a Nutrient Management Plan has been prepared and provides a lesser setback.
- c) The implementing Zoning By-law shall require setbacks for all structural development (except permitted shoreline structures) from all watercourses and waterbodies. As a condition of development approval, a natural shoreline vegetation buffer shall be preserved within at least 20 metres of all water courses and water bodies wherever possible, except for the removal of hazardous trees and a narrow area to allow a pathway to the shoreline. Council may require a larger setback depending on site-specific conditions and the sensitivity of the adjacent natural heritage features.

#### 4.3.1 At Capacity and Near Capacity Lakes

The following lakes are considered *at* or *near* capacity:

At Capacity:

Horn Lake

Near Capacity:

Cecebe Lake  
Whalley Lake  
Keiler Lake  
Old Man's Lake Bells Lake  
Simmons Lake  
Crawford Lake





Neighick (Beaver) Lake  
Ahmic Lake

In the case of lakes **at capacity**, land use changes (including lot creation), which would result in a more intensive use will not be permitted except under one of the following special circumstances:

- a) separate existing habitable dwellings, each of which is on a lot that is capable of supporting a class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- b) where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity;
- c) where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake; and,
- d) where the proposed site can meet the additional site-specific soils criteria in the Lake Capacity Assessment Handbook and where certain municipal planning tools and agreements are in place such as a Development Permit System under the Planning Act, and/or site plan control under the Planning Act, and site alteration and tree-cutting by-laws under the Municipal Act to implement those criteria.

There is an additional criterion accepted by MECP for situations where there are deep soils native to the site (undisturbed and over 3m depth), meeting a specified chemical composition and hydrologic condition. This approach requires site-specific soils investigations by a qualified professional and, if meeting the criteria, would require long-term monitoring and use of planning tools that would ensure long-term maintenance of specified conditions. The MN DMNR and MECP will be consulted if this criterion is considered.

In the case of lakes that are **near capacity**, ongoing monitoring of these lakes shall occur in consultation with MECP. Applications for land use changes (including lot creation), which would result in a more intensive use on lakes that are near capacity, shall include supplemental technical information related to stormwater runoff and/or septic/servicing design. The scope of such technical information shall be at the discretion of the Municipality.



## 4.4 STORMWATER MANAGEMENT

It shall be the policy of this Plan that for any development or redevelopment proposal, stormwater runoff shall be controlled and the potential impact on the natural environment shall be minimized. No development or redevelopment proposal, including a plan of subdivision or a block of land being developed for residential, commercial, institutional or industrial purposes, shall be permitted if such development will have a significant adverse impact on local and area-wide drainage patterns. A suitable method of accommodating surface water runoff shall be developed and implemented as a condition of approval according to the following policies:

- a) Where development would result in a significant increase in stormwater run-off, the Municipality shall require the proponent to complete stormwater management works that will ensure that off-site surface water quality and quantity is not adversely impacted by the development. Direct outfalls to surface waters should be avoided and wherever possible developments shall utilize infiltration as a method for stormwater management.
- b) Stormwater management facilities shall be designed and constructed to protect the receiving watercourse and adjacent lands from potential adverse impacts resulting from stormwater runoff including the degradation of water quality, increase in flood potential, interference or reduction of the drainage capacity of an existing watercourse, erosion and sedimentation, or damage or destruction of fish habitat or other environmentally sensitive feature or function.
- c) The post-development rate of stormwater flow from a development site should not exceed the pre-development rate.
- d) The preparation of a stormwater management plan for a development proposal shall be the responsibility of the developer and shall be prepared and stamped by a professional engineer. Such a study may be subject to a peer review by a professional engineer selected by the municipality, the costs of which will be the responsibility of the proponent.
- e) As a condition of draft approval for plans of subdivision or condominium, a stormwater management plan shall be submitted for review and approval by the Municipality. In cases of new industrial, commercial and institutional development, the stormwater management plan will form part of the information submitted for site plan approval. A stormwater management plan may also be a condition of the MTO where a provincial highway may be affected by stormwater runoff.
- f) An open drainage channel, a stormwater detention/retention facility and adjacent lands which form part of a stormwater management system for a subdivision or other development proposal shall not necessarily be acceptable as part of the parkland dedication requirements under the Planning Act. Such lands shall be landscaped to the satisfaction of the Municipality and shall be a suitable width and grade to permit maintenance operations.





- g) The retention of existing tree cover or natural vegetation, particularly along watercourses and valleys, and the provision of significant grassed and open space areas, shall be encouraged to facilitate absorption of stormwater into the ground.





## 4.5 NATURAL RESOURCE MANAGEMENT

### 4.5.1 Natural Heritage

The Municipality is located within Ontario EcoRegion 5E.

Natural heritage features and areas shall be protected in the Municipality for the long term. Natural heritage features and areas will also be recognized for the environmental, economic and social benefits they provide 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. The Municipality will strive to identify a continuous natural heritage system throughout the Municipality to preserve important ecological functions and features.

Linkages between natural heritage features and areas include much of the undeveloped rural landscape in the Municipality. For this reason, they are not shown on the Schedules to this Plan. Given the limited development planned for the rural areas these linkages should continue to function. Where development is proposed in the Municipality, linkages that may extend beyond the adjacent lands described above shall be considered.

#### 4.5.1.1 Woodlands

The Municipality will permit commercial logging of woodlands only in accordance with sustainable forestry practices.

#### 4.5.1.2 Significant Wildlife Habitat

Development and site alteration are not permitted in significant wildlife habitat, unless it can be demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Development and site alteration shall not be permitted on adjacent lands (as described in Section X.X) to Significant Wildlife Habitat 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 their ecological functions.



#### **4.5.1.3 Endangered and Threatened Species**

Large portions of the Municipality are potential habitat for Species at Risk. The Municipality recognizes the importance and value of the endangered and threatened species and supports their protection. The species that occupy habitat of endangered and threatened species are listed on the Province's official Species at Risk list, as updated and amended from time to time. The Province administers the Endangered Species Act, 2007 (ESA) to protect and conserve Species at Risk and their habitats. Under the ESA, the Province is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on Species at Risk and their habitats.

The habitat of endangered species and threatened species is not shown on any land use schedule or as an overlay since habitat is dynamic and species and habitat information is limited or not published. The most recent and accurate information available from the Province at the time of development application will be utilized.

Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Where new development is proposed, a Species at Risk Assessment is required. The Assessment must demonstrate that there will be no negative impacts on the habitat and indicate whether a permit or Notice of Activity is required from the Province.

Where development is proposed within or adjacent to these areas, the approval authority shall require the submission of an Environmental Impact Study.

Development and site alteration should preserve, enhance and restore endangered or threatened terrestrial and aquatic habitat where appropriate and feasible. The Environmental Impact Study shall also make recommendations with respect to appropriate performance standards and mitigation techniques.

#### **4.5.1.4 Deer Habitat**

The Ministry of Natural Resources has identified large portions of the Municipality as significant deer habitat area. These areas are generally shown on Schedule B and include Deer Yards (Stratum 1) and Deer Wintering Areas (Stratum 2). It is recognized that these areas may change over time. Development in these areas must be sensitive to the impact of the development on deer wintering areas. These areas are generally described as areas having dense conifer cover and lands having woody deciduous vegetation within 30 metres of dense conifer vegetation. The removal of vegetation in these areas will be minimized.



Within the significant deer habitat areas shown on Schedule B new lots should avoid areas of dense conifer cover or be of a sufficient size to provide a suitable development area including access and services, outside the most significant deer wintering habitat areas described above. The minimum lot size shall be 90 metres frontage and 90 metres depth.

Exceptions to the minimum lot size requirements may be considered by the Municipality where more than one legal detached dwelling that is structurally sound exists as of the approval of this Plan, it is demonstrated to the appropriate approval authority that each dwelling can be adequately serviced, and a site evaluation has been completed by a qualified biologist that documents habitat conditions and demonstrates that winter deer habitat is not present on the property.

Where deer habitat is located within shoreline areas, development shall be situated in locations that will not result in the removal of significant amounts of shoreline vegetation or affect shoreline habitat. Site-specific zoning and site plan control will be used to site development in the most appropriate areas to ensure minimal impact on the natural habitat.

Where deer wintering habitat is restricted to a narrow fringe along the lakeshore there should be a minimum of 120 metres shoreline frontage. Where any development is proposed within deer wintering habitat, Council will require the submission of an Environmental Impact Study (EIS) including a wildlife habitat assessment prepared by a qualified biologist. The recommendations of that report will be implemented through site-specific zoning and site plan control to ensure that no negative impacts will occur.

#### **4.5.1.5 Fish Habitat**

Lakes, rivers, streams, ponds and many wetlands provide fish habitat. Intermittent and seasonally flooded areas can also provide important habitat for some fish species at certain times of the year. In addition, in-water structures such as logs, stumps and other woody debris, pools and riffle areas, riparian and aquatic vegetation and ground water recharge areas provide habitat. Fish habitat also includes watercourses that act as corridors for fish to move from one area to another. Fish habitat provides food, cover and conditions for successful reproduction and support of their lifecycle. All types of fish species (warm, cool and cold-water) require specific habitats for spawning, rearing and foraging.

Water resources and vegetation abutting watercourses will be maintained in a natural condition in order to protect aquatic life, habitat, and functions.





#### **4.5.1.5.1 Fish Habitat Classification Mapping**

The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) has undertaken Fish Habitat Classification Mapping identifying locations of the following types of fish habitat along the shoreline of waterways in the Municipality:

- a) Critical Habitat (Type 1) – are those, which have high productive capacity, are rare, highly sensitive to development, or have a critical role in sustaining fisheries (e.g., spawning and nursery areas for some species, and ground water discharge areas);
- b) Important Habitat (Type 2) – are moderately sensitive to development and although important to the fish populations, are not considered critical (e.g., feeding areas and open water habitats of lakes and rivers);
- c) Marginal Areas (Type 3) – have low productive capability or are highly degraded, and do not currently contribute directly to fish productivity, such as channelized stream that has been altered); and
- d) Unknown Habitat – refers to areas where no information currently exists.

Schedule B outlines areas that have been identified as Type 1 fish habitat. These areas require the highest level of protection because of their specific sensitivity and importance to local fish populations. Type 2 habitats are less susceptible to development impacts. Unknown fish habitat includes areas where the type of fish habitat has not been determined and until a fish habitat assessment is conducted it should be assumed that the habitat present is Type 1.

Larger scale Fish Habitat Classification mapping is available at the Municipal Offices for all properties within or adjacent to a shoreline and shall be consulted when development applications are being considered. Where the Ministry of Northern Development, Mines, Natural Resources and Forestry has not evaluated the shoreline in terms of fish habitat, it shall be treated as Type 1 Fish Habitat, pending further assessment.

#### **4.5.1.5.2 Fish Habitat Protection**

New lots fronting onto Type 1 fish habitat areas shown on Schedule B shall be sufficiently large to provide an area of at least 10 metres of frontage that is outside of the Type 1 fish habitat area.

To support the protection of fish habitat, new development, excluding shoreline and minor accessory structures, shall generally be set back:

- a) 30 metres from cold-water lakes streams (encouraged), with a minimum of 20 metres;



- b) A minimum of 20 metres from cool water lakes and streams; and,
- c) A minimum of 15 metres from other lakes and streams.

Where development is proposed within 120 metres of unclassified fish habitat, a Fish Habitat Assessment shall be required.

Where there is no reasonable alternative to locating waterfront activity areas outside of the identified fish habitat areas or areas of unknown fish habitat or where setbacks cannot be met, development may only be permitted where it is demonstrated through a Fish Habitat Assessment conducted by a qualified professional and to the satisfaction of the approval authority that there will be no negative impact. The only exception would be where the Department of Fisheries and Oceans has previously authorized a "Harmful Alteration, Disruption or Destruction" of fish habitat as provided for under the federal Fisheries Act. Proponents of development in these areas may be required to submit a Fish Habitat Assessment from a qualified professional identifying the nature of the fish habitat and limits of the fish habitat areas and providing recommendations regarding preservation of the habitat as well as agency approval.

#### **4.5.1.5.3 Fish Habitat Assessments**

Most shoreline development and site alteration applications are adjacent to fish habitat. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on lands adjacent to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts to fish habitat or its ecological functions.

MNRF's 2010 Natural Heritage Reference Manual recommends that adjacent lands should generally be considered those areas within 120 metres of fish habitat with the exception of inland lake trout lakes that at are capacity for development, where the adjacent lands are considered to be 300 metres.

Type 1 or unknown fish habitats should be treated as an area of concern and habitat may have to be verified by a qualified specialist before approval of development is granted adjacent to such habitat. If harmful alteration of fish habitat is proposed, then the applicant must receive the necessary approvals from the Federal Department with jurisdiction.

A Fish Habitat Assessment undertaken by a qualified professional at the appropriate time of year and using recognized protocols shall generally be required for development within or adjacent to Type 1 and/or Unknown habitat. Development may be exempted from this requirement provided that:





- a) The development satisfies Federal and Provincial requirements or has been specifically authorized by the appropriate approval authority (e.g., MNMNR, DFO, Parks Canada); and
- b) Setback, vegetation buffer, stormwater management, and slope related policies of this Plan are met and the proposal is not for major development.

#### **4.5.1.5.4 Lake Trout Lakes**

The Municipality has one sensitive cold-water lake trout lakes classified by the Provincial Ministry with jurisdiction within its boundaries. At the time of approval of this Plan, Horn Lake is the only lake identified as a lake trout lake and is deemed to be “at capacity” for development.

The following policies shall apply to any lake trout lake identified as being at capacity:

- a) Lot creation should generally not be approved within 300 metres of an at capacity lake trout lake except in the following circumstances:
  - a. The tile fields on each new lot are set back at least 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres to the lake;
  - b. All new tile fields are located such that they would drain into the drainage basin of another waterbody that is not at capacity; or
  - c. To separate existing habitable dwellings, each on a lot capable of supporting a Class 4 sewage system, provided that the land use would not change.

#### **4.5.1.6 Wetlands**

Development and site alteration (including peat extraction) are not permitted in significant wetlands in Ecoregion 5E. Development and site alteration shall not be permitted on lands adjacent to significant wetlands 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 wetlands or their ecological functions.

There are two Provincially significant wetlands within the Municipality, the Distress River Wetland and the Bear Lake Wetland. These areas are to be protected and maintained in a natural state. While existing agricultural uses are permitted within Provincially significant wetlands, the preservation of existing vegetation and the maintenance of the natural drainage of these wetlands should be given priority when considering any uses. Development and site alteration are not permitted in the Distress River Wetland or the Bear Lake Wetland or any wetlands that are determined to be Provincially significant.



No development or site alteration will be permitted in or within 120 metres of any areas identified as potential provincially significant wetlands until an evaluation is completed by a qualified wetland evaluator using the Ontario Wetland Evaluation System: Northern Manual to conform its significance, as well as to address any significant impacts through completion of an Environmental Impact Study.

The boundaries of wetland areas shall be determined in the field. Where development is proposed in or within 120 metres of any Provincially significant wetlands shown on Schedule B, the proponent shall submit an Environmental Impact Study. Council will permit site alteration or development within the 120 metre buffer area only where it has been demonstrated that there will be no negative impact on the wetland or its ecological functions.

Where studies support the identification of additional Provincially significant wetlands after this Plan is adopted, Schedule B will be modified to illustrate those wetlands without an amendment to this Plan.

Locally significant wetlands are shown as "Other Wetlands" on Schedule B. Wherever possible these areas should be left in their natural state. Where it can be demonstrated to the satisfaction of Council that there is no reasonable alternative for the logical development of lands other than to develop a portion of a locally significant wetland, the Municipality will impose site plan control to ensure that the appropriate mitigation measures are employed to minimize the impact on the wetland.

#### **4.5.2 Water**

The Municipality shall protect, improve or restore the quality and quantity of water by:

- a) Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development
- b) Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
- c) Evaluation and preparing for the impacts of a changing climate to water resource systems at the watershed level;
- d) Identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;
- e) Maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;





- f) Implementing necessary restrictions on development and site alteration to:
- g) Protect, improve or restore vulnerable surface or ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
- h) Planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- i) Ensuring consideration of environmental lake capacity, where applicable; and
- j) Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.
- k) 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.
- l) 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 function.

## 4.6 ADJACENT LANDS

For the purposes of this Plan, adjacent lands are defined as all lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objective. Unless demonstrated otherwise, for the purposes of this Official Plan, adjacent lands are defined as all lands within:

- 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 0.8 ha, or 30 metres of any other wetland
- 30 metres along the shoreline and 120 metres inland from the boundary of Type 1 (or unevaluated) Fish Habitat;
- 300 metres from lake trout lakes at capacity
- 120 metres from the boundary of Significant Wildlife Habitat;
- 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest; and
- 120 metres from the habitat of an endangered or threatened species.





## 4.7 ENVIRONMENTAL IMPACT STUDIES

An Environmental Impact Study (EIS) shall employ the most current and acceptable techniques and reflect a watershed approach for the determination of developmental impacts on the lake(s) and surrounding ecosystems, and shall include or address the following matters:

- a) provide a description of the proposed undertaking or development objective;
- b) describe the boundaries of the natural features and ecological functions of the area(s) potentially affected directly and/or indirectly by the undertaking;
- c) describe the sensitivity of the features and functions to development;
- d) identify lands that support environmental attributes and/or functions that may qualify the lands for designation within the Environmental Protection designation;
- e) identify the direct and indirect impacts to the ecosystem that might be caused by the undertaking;
- f) identify any environmental hazards (i.e. slope, flooding, contaminants) that need to be addressed or protected;
- g) identify any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- h) in the case of development within 300 metres of a lake, the EIS shall also provide a Lake Impact Assessment prepared to the satisfaction of the Municipality in consultation with the Ministry of Environment, Conservation and Parks (MECP) and the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF). The purpose of the Lake Impact Assessment is to demonstrate that the proposed development will not impair the water quality of the lake or compromise MECP water quality objectives.
- i) prepare a Management Plan (MP) identifying how the adverse effects will be avoided or minimized over the construction period and life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The MP shall also establish drainage infiltration systems as well as buffers and setbacks adjacent to watercourses, lakes, wetlands and vegetation to protect the natural feature and its attributes and/or function from the effect of development.
- j) The EIS shall be undertaken by qualified professionals and shall contain specific detailed information regarding the hydrogeological, hydrological and biological functions and linkages related to the following features:
  - Wetlands;
  - Portions of the habitat of endangered and threatened species;
  - Fish habitat;



- Significant forest areas;
  - Valley and stream corridors;
  - Significant wildlife habitat; and
  - Areas of Natural and Scientific Interest.
- k) A scoped EIS shall address all of the issues that would be studied in a detailed EIS, however the studies may take the form of a letter or a checklist prepared by a qualified professional provided there is little or no impact associated with the proposed development; and
- l) Prior to approving a development on the basis of an EIS, Council, in consultation with other appropriate agencies, shall be satisfied that the proposed use will:
- i. Not discharge any substance that could harm air quality, groundwater, soil, surface water and plant and animal life or human health;
  - ii. Be supplied by an adequate supply of water and that the groundwater taking associated with the use will no harm existing water supplies and plant and animal life;
  - iii. Not cause erosion or siltation of watercourse or changes to watercourse morphology;
  - iv. Not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
  - v. Not cause an increase in flood potential on or off site;
  - vi. Maintain, enhance or restore the natural condition of affected watercourses and protect aquatic habitat;
  - vii. Not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas; and,
  - viii. Enhance and restore endangered terrestrial and aquatic habitat where appropriate and feasible.
- m) The EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that have been identified.
- n) In general, an EIS will be required if the proposed development is located in, or adjacent to, significant natural heritage features as defined in this Plan or the PPS.
- o) The Municipality, in consultation with the appropriate Ministry or other agency, may adopt guidelines for the preparation, review and evaluation of Environmental Impact Studies.



- p) As part of any pre-consultation, the Municipality may waive the requirement for a detailed EIS or may recommend a scoped EIS where there is a relatively low risk of negative environmental impact and the development and/or site alteration is completed in accordance with applicable regulations and best management practices. Lower risk activities may be defined in a guideline document but could include additions to a single detached dwelling, construction of accessory buildings, minor site alterations, or minor changes in an existing land use.

## 4.8 CULTURAL HERITAGE

Cultural heritage is an important component of the Municipality's history and community identity and contributes to the creation of a sense of place and overall community belonging. As such, it is the intent of this Plan that significant cultural heritage resources will be identified, conserved and enhanced whenever practical and that all new development occur in a manner that respects the rich cultural heritage of the area, including heritage buildings and structures, cultural heritage landscapes, and archaeological resources. The Municipality shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

All development shall be designed in a manner that is sensitive to the cultural landscapes in the Municipality. Historic buildings, trails and roadways shall be preserved wherever possible. New structures developing in the area of these features shall be designed to reflect the surrounding landscape and built form. Council will use site plan control to ensure that new development is sited and designed to complement the historic and natural character of the Municipality.

Council will encourage the preservation of the Magnetawan Waterway and the Nipissing Road to promote the history of the area and attract additional investment in tourism in the region.

The Municipality, may, at their discretion:

- Establish a Municipal cultural heritage, heritage district or architectural advisory committee to advise and assist Council in matters related to cultural heritage;
- Develop and maintain Cultural Heritage Management plans and/or Archaeological Management Plans for land use planning, of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and areas of archaeological potential
- Develop and maintain a cultural heritage resource database or inventory, where inventoried heritage resources may be considered for designation under the Ontario Heritage Act;
- Pass by-laws in accordance with the Ontario Heritage Act to designate buildings, districts and sites of historical, cultural or architectural merit or uniqueness; and/or



- Cooperate with other Municipalities or agencies to establish archives for the storage, protection and analysis of historic maps, documents, publications and records of significance.

The Municipality may use Community Improvement Plans and associated financial incentives to assist in their efforts to preserve and protect cultural heritage.

#### **4.8.1 Built Heritage and Cultural Heritage Landscapes**

Built heritage resources include buildings, structures, monuments, installations or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers. Many of the older buildings in the Village and some of the oldest structures on Ahmic Lake reflect a history that defines the culture of the community.

Cultural heritage landscapes are a defined geographical area that may have been modified by human activity and are identified as having cultural heritage value or interest by a community, including an Indigenous community. Examples include Knoepfli Falls and the locks in the Village of Magnetawan. In considering development on or adjacent to heritage features, the following policies will apply:

- a) Significant built heritage resources and significant cultural heritage landscapes, as identified by the Municipality, the District and/or Provincial, Federal or international authorities, will be conserved.
- b) Development and site alteration will not be permitted on or immediately adjacent to heritage properties designated under the Ontario Heritage Act except where proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the designated area, property or building will be conserved. Mitigation measures and/or alternative development approaches may be required in order to conserve heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

A Cultural Heritage Impact Assessment by a qualified professional will be required whenever significant cultural heritage resources may be impacted by a proposed development. Such an assessment will include a description of:

- i. The proposed development
- ii. The cultural heritage resource(s) to be affected by the development
- iii. The impacts on the cultural heritage resource(s) of the proposed development



- iv. The measures necessary to mitigate the negative impacts of the development on the cultural heritage resource(s)
  - v. How the proposed development will relate, in terms of height, bulk, massing and presence with identified heritage buildings on the property and in the area; and,
  - vi. How the policies of any Municipal Cultural Heritage Conservation Plan have been incorporated or satisfied, where one has been prepared.
- c) Where Council has chosen to pass a by-law, in accordance with the Ontario Heritage Act to designate a building, property or area, the following criteria, in addition to the provincial criteria listed in Ontario Regulations 9/06, will be considered:
- i. the building or property is strongly associated with the life of a person who played an integral role in the development of the Municipality and/or is recognized locally, nationally or internationally;
  - ii. the building or property is the location of, or is associated in a significant way, with a significant local, national or international event;
  - iii. the building has an architectural style that is distinctive and representative of a period of history and/or is the work of a recognized architect;
  - iv. the building or property is considered to be an easily recognizable landmark in the Municipality and contributes to the character of the community.
  - v. The neighbourhood contains a collection of buildings and properties described above and which collectively contribute to the character of the community.
- d) Council shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.







- e) Council recognizes that there exist archaeological remains of prehistoric and historic habitation, and areas containing archaeological potential within the boundaries of the Municipality. Areas of archaeological potential are determined through the use of the Provincial "Criteria for Evaluating Archaeological Potential" checklist, or its successor, or criteria developed based on the known archaeological record within the Municipality and developed by a licensed archaeologist. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.
- f) The Magnetawan River was a major transportation link between the Ottawa Valley and Georgian Bay, used by Indigenous peoples and early European settlers. While few archeological sites have been identified throughout the river valley, there is a high probability that these sites exist.
- g) Council recognizes that, within the boundaries of the Municipality, there may be marine archaeological remains from the prehistoric period through the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artifacts from the contents of boats and belongings of crew or passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value. The remains may currently be under water or were, at one time, under water but are no longer submerged.

In considering applications for new development, the following policies will apply:

- a) Development and site alteration shall not be permitted on lands containing known archeological resources unless significant archaeological resources have been conserved.
- b) An archaeological assessment is required where there is a known archaeological site, or there is high archaeological potential on or adjacent to the subject property. For example, when development is proposed within the Magnetawan river valley in areas where there is an identifiable rise in elevation, at the outlet of major streams or where there are falls or rapids in the waterway, an archeological assessment is required.
- c) Archaeological assessment reports shall be conducted by professional licensed archaeologists and in compliance with guidelines set out by the Province, as well as licensing requirements referenced under the Ontario Heritage Act.
- d) Where assessments identify previously unknown archeological resources, the municipality shall archive the information as part of a heritage resource information base. Only a licensed archaeologist will conduct site alterations.
- e) Where archeological sites are found in the Municipality they shall be reported to the appropriate Provincial agency. Based on the Archaeological Assessment, Council may:





- i. require the site to be preserved in-situ;
  - ii. require that portions of the site remain preserved through the development process; or
- f) require that artifacts found on the site be removed by a licensed archeologist and preserved for public education. Where significant archaeological resources are discovered an appropriate mitigation strategy will be developed and conducted to the satisfaction of the Province. In circumstances where significant archaeological resources belonged to Indigenous communities, the appropriate Indigenous communities will be notified of the findings, and where preservation on site is proposed, the proponent and the consultant archaeologist must consult with the appropriate Indigenous community to identify approaches of commemoration and/or preservation.
- g) An archaeological assessment by a professional licensed consultant archaeologist is required when a known or suspected cemetery or burial site may be affected by a proposed development.
- h) The Municipality may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
- i) Indigenous communities may have an Archaeological Protocol that they may use when engaged in consultation regarding an Archaeological Assessment.
- j) For the purposes of heritage conservation planning, the Municipality will obtain available archaeological site data locations from the provincial archaeological database of the Ministry of Heritage, Sport, Tourism and Culture Industries under the provisions of a municipal-provincial data sharing agreement.

## 4.9 AGGREGATE AND MINERAL RESOURCES

This Plan recognizes that mineral resources are a fixed location non-renewable resource found throughout the Municipality. The policies of this Plan are intended to ensure the long-term protection and appropriate management of mineral aggregate resources. It is also recognized that a balance must be struck between the competing priorities for the protection of the aggregate resources, the protection of existing priorities for the protection of the aggregate resources, the protection of existing established sensitive uses and the need to address other goals of the Official Plan in accommodating growth and prosperity in the Municipality.

The Municipality shall participate in the Province's licensing process under the Aggregate Resources Act as it pertains to the land use and the site plans that are required as a part of that



process. Areas of interest relate to noise, dust, odours, vibration, water quality and quantity impacts, transportation, and impacts on the natural environment.

New or expanding mineral aggregate operations shall not negatively impact on existing sensitive land uses, unless appropriately mitigated in accordance with the policies of this Plan.

#### **4.9.1 Resource Areas**

Areas that are currently licensed under the Aggregate Resources Act for mineral aggregate operations as well as lands having high aggregate or mineral resource potential are identified on Schedule A. Permitted uses include sand, gravel, quarry and mining operations. Accessory uses such as drilling, blasting, crushing, screening, washing and blending aggregate, aggregate recycling, aggregate storage, weigh scales, associated buildings and concrete and asphalt batch plants may also be permitted. These associated operations will only be permitted where they are compatible with other uses permitted and will not hinder the rehabilitation of these areas for other land uses.

#### **4.9.2 Rehabilitation**

Aggregate extraction is a temporary land use. The Aggregate Resources Act requires that when aggregate extraction is completed in each section of a pit or quarry, the site is rehabilitated for one of a wide range of end land uses. Rehabilitation is carefully planned, and will be in accordance with the Aggregate Resources Act and the following:

- a) Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.
- b) Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.
- c) For rehabilitation of new mineral aggregate operation sites, the following apply:
  - i. The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity will be maintained or enhanced;
  - ii. If there are any natural heritage features on the site, or if such features existed on the site at the time of the application:
    - 1. The health, diversity and size of these key natural heritage features will be maintained or enhanced; and



2. Any permitted extraction of mineral aggregate resources that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
  3. Rehabilitation will be implemented so that the connectivity of the natural heritage features on the site and on the adjacent lands will be maintained or enhanced.
- iii. Except as provided above, final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account the applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies.

Rural uses, excluding residential, will generally be permitted, provided it can be shown that aggregate extraction is not feasible, or the proposed land use serves a greater public interest, or the rural use would not preclude aggregate extraction in the future.

#### 4.9.3 Adjacent Lands

Areas having significant mineral aggregate resource potential are identified on Schedule A as 'Aggregate and Mineral Resources'. Development on or adjacent to these areas for purposes other than resource extraction will only be permitted in accordance with the underlying land use designation, and only where it can be shown that the proposed development has a greater public interest than the extraction of the resource and the development will not adversely affect the availability of the resource and long-term viability of the aggregate industry in the future.

Development on or adjacent to lands identified as 'Existing ARA License' on Schedule A, which would preclude or hinder the establishment of new mineral aggregate 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.

Where development is proposed within or adjacent to the 'Aggregate and Mineral Resource' overlay, or adjacent to areas identified as 'Existing ARA License' or known mineral aggregate operations, a technical study will be required to demonstrate that the above criteria have been satisfied.

Adjacent lands are considered to be:

- 300 metres for pits and sand, gravel or clay deposits; and
- 500 metres for quarries and bedrock deposits.



These distances should be applied reciprocally for the establishment of new aggregate operations in proximity to sensitive land uses.

#### 4.9.4 Technical Study Requirements

Where it has been determined by the Municipality that a supporting technical study is required to assess the impact of a sensitive land use on a mineral aggregate resource operation or deposit, or for the establishment or expansion of a new mineral aggregate operation adjacent to existing sensitive land uses, the following information should be included:

- a) Introduction outlining the proposed development, site description and adjacent land uses, the scope of the study, and an overview of the existing policy environment and aggregate use analysis;
- b) Review of topography and drainage;
- c) Geological setting;
- d) Aggregate resource mapping, including the location, type, quality and extent of the deposit;
- e) Site inspection findings;
- f) Data review of Provincial well records;
- g) Compatibility analysis, including impact of existing buildings and sensitive land uses, impact on traffic, impact on the quality and quantity of groundwater, and impact on adjacent natural heritage features;
- h) Constraint assessment, including proximity to existing uses, sensitive species or habitats, economic viability of the deposit, size and potential tonnage of the deposit, and distance to existing pits or quarries;
- i) Mitigation measures, including relocation or redesign, establishment of building setbacks and buffer strips, identification of development restrictions, establishment of noise attenuation features, alterations or improvements to be made to haul routes; and
- j) Figures showing location of aggregate deposits, operations and sensitive land uses, size and location of any new lot to be created, topography and drainage, air photos, location of existing wells and/or test wells.
- k) Supporting studies must be completed by a qualified professional(s) and may be subject to peer review at the applicant's expense.
- l) Mitigation measures may be implemented through conditions on the license and/or site plan under the Aggregate Resources Act at the time of licensing by the Province, regulations in a site-specific Zoning By-Law for the property and/or provisions in a development agreement or Site Plan agreement.





#### **4.9.5 Mines and Mine Hazards**

To minimize risk to public safety, the creation of new lots within 1 kilometre of mine hazards will be subject to review by the Province. Mine hazards can be identified through the Abandoned Mines Information System (AMIS).

### **4.10 SEWAGE DISPOSAL AND WATER SYSTEMS**

No development shall be permitted unless it can be shown to the satisfaction of the Municipality that there is an adequate water supply and sewage disposal system to service the development. In addition, no development shall be permitted unless Council is satisfied that the development will not have an adverse impact on neighbouring wells and sewage disposal systems and on surface and groundwater quality.

Generally, throughout the Municipality the minimum servicing requirement shall be a private sewage treatment system on an individual lot basis. Private sewage treatment systems shall be approved by the appropriate agency pursuant to the Ontario Building Code Act or the Ontario Water Resources Act. It is a goal of this Plan that new private sewage systems utilize the most current technologies available.

Prior to the approval of all new development, the proponent shall provide confirmation that arrangements can or have been made for the treatment of the hauled sewage generated from the development at a duly licensed facility

In considering impacts on ground water quality and quantity, the Municipality shall consider the cumulative impacts of development on the sustainability of ground water resources.

Where a new development of five or more residential units is proposed, the applicant shall provide a report on the servicing options, including communal services, to the satisfaction of the Municipality and the Ministry of Environment or its designate. The Communal services become the responsibility of the municipality for all aspects of maintenance and operation and become municipal services. Where the communal system is to service a condominium development, a "responsibility agreement" must be entered into between the Municipality and the developer. Partial services will not be permitted.

Where a new residential development of five or more units, or commercial, industrial or institutional development generating more than 10,000 litres of effluent per day is proposed, the applicant may be required to undertake a report, prepared in accordance with the requirements of the Ministry of the Environment's D-5 Guideline: Planning for Sewage and Water Services, for the review and approval of the Ministry of the Environment addressing the following:



- a) groundwater quantity and quality;
- b) potential interference with other wells;
- c) site and soil suitability for sewage disposal; and,
- d) the most appropriate type of services for the project.

There are no municipal sewage treatment or water supply systems in the Municipality. In order to avoid the need to provide municipal sanitary and water systems the Municipality will consider the cumulative impact of development on ground water and will require studies to assess ground water impacts for development of three or more residential units.

## 4.11 CROWN LANDS

This Plan recognizes that the Province has the ultimate jurisdiction for determining the use of Crown land. Council encourages the preservation of Crown lands in the Municipality for the use and enjoyment of residents and tourists. The use of lands within the Conservation Reserves is governed by plans for these areas prepared by the Ministry of Natural Resources.

Where resource activities on Crown Lands have off-site impacts on municipal roads and services the Municipality will make efforts to ensure that the impact is minimized and that those who benefit from the services offset additional municipal costs. For example, the Municipality may pass by-laws to prohibit the use of municipal roads as haul routes unless an agreement respecting the maintenance and repair of the municipal road is completed.

When forest management plans are being prepared, they should recognize the impacts of forestry operations on the tourism industry and visual amenities of the Municipality.

## 4.12 MINIMUM DISTANCE SEPARATION FORMULA

Development shall comply with the Minimum Distance Separation Formulae I or II (MDS I or MDS II) of the Ministry of Agriculture, Food and Rural Affairs, as may be amended from time to time. MDS I shall be used to calculate the Minimum Distance Separation for new development and land division from existing livestock facilities. MDS II shall be used to calculate the Minimum Distance Separation for new or expanding livestock facilities from existing or approved development. Council may vary the requirement for MDS calculations.

MDS calculations are based on the maximum capacity of a future livestock operation on the retained and abutting lands or buildings. For the purpose of determining the maximum capacity, or a livestock operation, calculations shall be in accordance with the floor area requirements defined by Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for the most restrictive type of animal that could reasonably be housed in any existing structures.



Any development requiring planning approval shall meet the requirements of the Minimum Distance Separation Formulae (MDS). The MDS formulae will be incorporated into the Municipality's comprehensive Zoning By-law. The MDS formulae will not be applied to development occurring on an existing lot of record or after a catastrophe.

## 4.13 STEEP SLOPES

Where new lots are proposed in the Shoreline Areas and other visually prominent areas of the Municipality, Council may require larger lot sizes and greater setbacks to ensure that the development of the lands does not change the visual character of the area and does not pose a danger to the future inhabitants.

When considering applications for lot creation or rezoning in these areas an on-site review and/or an engineering report may be required to determine the severity of the slope and the suitability of the lands for development.

Blasting of steep slopes in the Shoreline Areas will not be permitted unless it will be done to lower the profile of a building with approval of the Municipality.

## 4.14 COMMUNITY IMPROVEMENT

- a) Community Improvement Plan (CIPs) passed under Section 28 of the Planning Act may contain a variety of initiatives and activities, including comprehensive improvement of a designated area, single purpose improvement projects (e.g., road reconstruction), as well as improvements to individual sites, buildings or structures. All programs are intended to maximize efficiencies in the use of existing public services and facilities while enhancing the quality of the physical and social environment through the development, redevelopment, preservation and rehabilitation of certain areas of the Municipality;
- b) Undertaking comprehensive community improvement programs with respect to identified projects or designated community improvement areas; and,
- c) Increasing employment, economic activity and investment in the Municipality.

The use of Community Improvement Plans will also be encouraged for lakes and watersheds. In these areas, CIPs can serve as a tool to foster land and lake stewardship practices. Such plans are expected to be developed in conjunction with the community affected, and may include area-specific policies which will be inserted by amendment into the Official Plan.



The entire Municipality of Magnetawan is designated as a Community Improvement Project Area under Section 28(2) of the Planning Act. CIPs may be prepared and adopted for specific areas to accomplish one or more of the following objectives:

- a) maintain and improve municipal services including roads, sidewalks and street lighting;
- b) maintain and improve the transportation network to ensure adequate traffic flow, pedestrian circulation and parking facilities;
- c) encourage the renovation, repair, rehabilitation, redevelopment or other improvement of lands and/or buildings, including environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities;
- d) encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings;
- e) maintain and improve the physical and aesthetic amenities of streetscapes;
- f) encourage the development of an adequate supply of affordable housing which meets the needs of local residents
- g) encourage infill, intensification and redevelopment within existing settlement areas;
- h) promote and encourage the rehabilitation, re-use and redevelopment of brownfield sites;
- i) encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space, recreational and heritage facilities and amenities;
- j) encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, encourage physical improvements to minimize the incompatibility;
- k) encourage activities which contribute to and promote a strong economic base and economic development including commercial, industrial, recreational and tourism activity and job creation;
- l) improve environmental and/or social conditions, as well as community quality, safety and stability;
- m) promote cultural and tourism development

The Municipality may designate by by-law one or more Community Improvement Project Area(s), the boundary of which may be part, or all, of the Municipality.

For an area to be designated as a Community Improvement Project Area, it must satisfy at least one, and preferably more than one of the following general criteria:



- a) deficiencies in physical infrastructure including but not limited to roadways, sidewalks, curbs, streetscapes and/or street lighting, and municipal parking facilities;
- b) deterioration or deficiencies in recreational or community facilities including public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
- c) a portion of a community lies within a flood susceptible area or has natural drainage characteristics that require such measures as flood proofing or stormwater management be undertaken to alleviate storm related situations;
- d) the area contains human-made hazards which should be eliminated in order to ensure a greater degree of public safety and to further enhance the community function;
- e) demonstrated problem or deficiency associated with the circulation and/or access of traffic;
- f) a shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
- g) buildings, building facades, and/or property are in need of maintenance preservation, restoration, repair, rehabilitation, energy efficiency or renewable energy improvements, or redevelopment;
- h) vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base and stabilize and increase economic and community activity;
- i) non-conforming, conflicting, encroaching or incompatible land uses or activities threaten to disrupt the predominant land use and/or economic function of the area;
- j) commercial areas with high vacancy rates and/or poor overall visual quality of the built environment, including but not limited to, building facades, streetscapes, public amenity areas and urban design;
- k) presence of buildings and/or lands of architectural or heritage significance;
- l) known or suspected environmental contamination;
- m) other significant barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,
- n) other significant environmental, social or community economic development reasons for community improvement.

Priority for the designation of CIP project areas and the preparation and adoption of CIPs shall be given to:

- a) existing built-up areas;
- b) those areas where the greatest number of criteria for designation of Community Improvement Project Areas are present; and/or,



- c) those areas where one or more of the criteria for designation of Community Improvement Project Areas is particularly acute and/or;
- d) those areas where one or more of the criteria for designation of Community Improvement Project Areas exists across the entire Municipality or a large part of the Municipality.

Community Improvement Plans shall meet the minimum requirements of the Planning Act for public consultation.

In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, the Municipality may undertake a range of actions including:

- a) municipal acquisition of land and/or buildings, and the subsequent:
- b) clearance, grading, or environmental remediation of these properties; • repair, rehabilitation, construction or improvement of these properties;
- c) sale, lease, or other disposition of these properties to any person or governmental authority;
- d) other preparation of land or buildings for community improvement.
- e) provision of public funds such as grants and loans to owners and tenants of land and buildings and their assignees;
- f) programs and measures to promote energy efficient development, redevelopment and retrofit projects;
- g) application for financial assistance from and participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purposes of community improvement;
- h) coordination of public and private redevelopment and rehabilitation by providing administrative and liaison assistance;
- i) preparation of a Municipal Housing Statement;
- j) support of heritage conservation and improvement through means available under the Ontario Heritage Act;
- k) provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
- l) continued enforcement of the Zoning By-Law, Property Standards By-law and other related municipal by-laws and policies; and,
- m) coordinate streetscaping improvements with the installation/upgrading of municipal services, e.g., sewer installation, road and sidewalk reconstruction.





## 4.15 HOUSING

The policies of this section, in addition to those throughout this Plan, are intended to provide opportunities for a range of housing types and densities to be built throughout the Municipality in response to the varying needs of the population based on demographic, income, market and special needs considerations.

Affordable housing and a variety of housing types are encouraged throughout the Municipality, as well as support services for seniors and those with special needs.

### 4.15.1 Affordable and Accessible Housing

Additional residential units, semi-detached, duplex, townhouse and low-rise apartment units will provide the bulk of affordable housing opportunities. These units will typically be located within settlement areas of the Villages of Magnetawan and Ahmic Harbour, but may also occur in the rural areas where permitted by this Plan and servicing levels have been demonstrated. Additional residential units will be the most likely means of increasing housing affordability in the rural area.

- a) The Municipality may consider incentive measures to ensure the provision of affordable units through the development approval process, such as:
  - i. Reduced application fees.
  - ii. Exploring opportunities for fast-tracking development applications that are providing affordable and/or accessible housing.
  - iii. Deferred or exempted development charges.
  - iv. Alternative development standards, where appropriate (e.g., reduced parking requirements for projects that provide affordable and accessible housing).
  - v. Partnering with the private sector and other levels of government to implement housing programs that assist in the creation of affordable and accessible housing.
  - vi. Other means of providing affordable units where appropriate and feasible to do so. The municipality shall link such incentives to agreements on specific affordable rents or housing prices.
- b) The Municipality shall actively discourage the conversion of affordable rental housing stock to a condominium if such conversion results in a reduction in the amount of rental housing units available to an unacceptable level
- c) Direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs



- d) Promote densities for new housing which effectively use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.
- e) The following planning strategies may be considered in an effort to achieve accessible, assisted and/or affordable housing objectives:
  - i. Promote higher density housing forms, where housing is more affordable due to reduced per unit land costs. Higher density housing forms shall only be supported in appropriate locations.
  - ii. Encourage the development of a range of dwelling unit types and sizes, where housing is considered more affordable due to lower construction and maintenance costs.
  - iii. Encourage the inclusion of accessible, assisted and/or affordable housing units within subdivisions and larger scale developments.
  - iv. Ensure that the provisions of the Zoning By-Law are sufficiently flexible to permit a range of innovative housing types and sizes, including additional residential units, garden suites, cohousing, tiny homes, communal housing and life-lease housing.
  - v. Encourage the creation, renovation and rehabilitation of residential uses above commercial uses where appropriate within settlement areas.
  - vi. Support affordable and accessible independent living options that address the needs of an aging population and persons with disabilities.
  - vii. Support, where appropriate, the conversion of single-detached dwellings, into multiple dwellings, subject to an appropriate approval process.
- f) The Municipality may, where deemed necessary, develop an Affordable Housing Community Improvement Plan.
- g) Municipally owned land that is surplus to the needs of the Municipality and is appropriate for residential development may be given priority for sale or lease for the development of affordable housing.
- h) Council will seek opportunities to participate in future Federal and Provincial affordable housing programs for low to moderate income households and, through partnership with the Parry Sound District Social Services Administration Board engage in stakeholder consultations on the development of Local Housing and Homelessness plans.
- i) The Municipality will establish and implement minimum targets for the provision of housing which is affordable to low- and moderate-income households.





#### 4.15.2 Targets for Affordable Housing

- a) In the case of ownership housing, affordable housing means the least expensive of:
  - i. Housing for which the purchase price results in annual accommodation costs which do not exceed thirty percent (30%) of gross annual household income for low- and moderate-income households; or
  - ii. Housing which the purchase price is at least ten percent (10%) below the average purchase price of a resale unit in the Municipality.
- b) In the case of rental housing, affordable housing means the least expensive of:
  - i. A unit for which the rent does not exceed thirty percent (30%) of gross annual household income for low- and moderate-income households; or
  - ii. A unit for which the rent is at or below the average market rent of a unit in the Municipality.
- c) For the purposes of the above Section, "low- and moderate-income household" means, in the case of ownership housing, households with incomes in the lowest sixty percent (60%) of the income distribution of the Municipality. In the case of rental housing, households with incomes in the lowest sixty percent (60%) for income distribution for renter households for the Municipality are considered a "low- and moderate-income household". The Municipality will endeavour to provide affordable housing units for current and potential residents.

#### 4.15.3 Additional Residential Units

Additional residential units can provide an effective form of intensification and increase the availability of affordable housing choices for residents. Additional residential units are defined as a dwelling unit which is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot or in an accessory structure.

- a) Additional residential units are permitted in a single detached dwelling, semi-detached dwelling or townhome dwelling provided that the physical character of the dwelling unit is not substantially altered.
- b) Additional residential units will be subject to site plan control.
- c) Pursuant to this policy, the implementing Zoning By-Law shall further define additional residential units and establish zone provisions which would consider the following criteria:
  - i. A maximum of two additional residential units per single detached, semi-detached, or row/townhouse dwelling will be permitted;



- ii. Additional residential units may be contained within the primary residential dwelling or in a building accessory thereto. A maximum of one additional residential unit may be permitted in an accessory building.
- iii. Mobile homes are not permitted as additional residential units;
- iv. Additional residential units will not be permitted in waterfront areas/developments on private roads which are not maintained by the Municipality and where emergency access may be limited;
- v. Additional residential units are prohibited within a floodplain, within shoreline structures, and in areas adjacent to lakes that have been determined to be at development capacity;
- d) Adequate servicing must be available to service the additional residential units though individual, privately owned systems;
- e) Additional residential units must demonstrate an adequate source of potable water;
- f) Additional residential units must demonstrate to the satisfaction of North Bay Mattawa Conservation Authority, or the appropriate approval authority, the capacity to service the additional units via private sanitary sewage;
- g) Severance to subdivide an additional residential unit from the primary residential dwelling will not be permitted unless it meets the relevant policies of this Plan for the creation of a new lot;
- h) Additional residential units must comply with the requirements of the Ontario Building Code, Ontario Fire Code, the Municipality's Comprehensive Zoning By-Law and Property Standards By-Law;
- i) Existing Garden Suites may be considered as additional residential units provided, they conform to these policies and the Zoning By-Law;
- j) Additional residential units are not permitted where the residential use on a property is not the primary use.

## 4.16 GARDEN SUITES

Garden suites are portable, self-contained dwellings without a basement. As defined by the Planning Act, a garden suite is a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. They must generally be located within or in proximity to the farm buildings and/or main residence on a property. Servicing is typically connected to the principal residence services, of which, sufficient capacity to service the garden suite must exist.

A maximum of one garden suite may be permitted in land use designations where a residence is a permitted primary use. The Municipality will require a temporary use by-law to be passed to



allow the temporary use of land for garden suites. This by-law must not exceed 20 years, but the Municipality may, by by-law, grant further periods of not more than three years each. At the end of 20 years, consideration by Council could be given to making a garden suite permanent.

In adopting a temporary use by-law, the Municipality will have regard for:

- a) Compatibility with the surrounding land uses, and approved development;
- b) Access and parking for the intended temporary use;
- c) The means of servicing for the proposed garden suite;
- d) An assessment of the impact of the intended temporary use on the social, physical, and economic well-being of the Municipality.

## 4.17 GROUP HOMES

Where a group home is a permitted use, it shall be defined as a supervised single housekeeping unit in a residential dwelling for the accommodation persons, exclusive of staff, who by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being licensed under government regulations. Group homes located in settlement areas should be located in close proximity to the central business area, major transportation roads and community facilities where possible and have access to public transit and/or the active transportation system where they exist. The Municipality may provide additional regulations for group homes the implementing Zoning By-Law. For the purpose of the zoning regulations, group homes may be categorized by type. In general, the types shall be established by reference to the appropriate provincial legislation and may form the basis for zoning regulations. The Municipality may pass a by-law providing for the registration of group homes in accordance with the Municipal Act.

## 4.18 ACCESSIBLE HOMES

In order to provide housing stock that is safer and more accommodating to the diverse range of ages and abilities of people who live and visit our communities, universal design features are encouraged in the construction of new residential developments. A universally designed home extends a person's ability to live in place longer and is marketable to a larger group, including those with accessibility needs and those without. New neighbourhoods will be encouraged to provide a mix of housing types and integrated mixed-use developments, including accessible housing and integrated services. Residential developments that offer innovative design features, construction techniques, or tenure arrangements, which broaden the range of available housing alternatives, shall be considered. The location and development of accessible, assisted and/or affordable housing units will have regard for the proximity of transit



and active transportation routes, schools, recreation facilities, open space, commercial areas and other amenities.

## 4.19 TINY HOMES

A Tiny Home is a small, private and self-contained dwelling unit with living and dining areas, kitchen and bathroom facilities, and a sleeping area, and is intended for year-round use. A tiny home can be the primary dwelling unit on a lot or a separate structure on a property that already has an existing house. Despite their size, tiny homes must still comply with the health and safety requirements of Ontario's Building Code, municipal zoning and other local by-laws. Tiny homes must also have necessary servicing such as water and sewage.

- a) For the purposes of this Plan, a tiny home must be constructed on a foundation and be the minimum size as required by the Ontario Building Code (17.5 square metres). A tiny home is also defined as having a maximum size of 37 square metres.
- b) Permanent tiny homes may be permitted in all designations where a single-detached dwelling is a permitted use, subject to the provisions of the implementing Zoning By-Law and Ontario Building Code. For clarity, mobile tiny homes and/or those on a chassis are not permitted.
- c) Additional residential units are not permitted within a tiny home, but the maximum of one additional residential unit may be permitted in an accessory structure provided all other requirements the Ontario Building Code can be met.
- d) New tiny home communities by way of plan of subdivision or condominium will be subject to Section 7.2 of this Plan.

## 4.20 SHORT-TERM ACCOMMODATIONS

This Plan recognizes that there are a variety of commercial accommodation uses within the Municipality including bed and breakfast establishments, care homes and dwellings rented for short term periods. Such commercial accommodations may be considered appropriate in some residential areas, provided they are adequately regulated to avoid land use conflicts with the surrounding area. Unlike accommodation uses in commercial areas, residential neighbourhoods and waterfront shoreline areas require special attention to ensure the quiet and undisturbed enjoyment of residential living which people expect.

- a) Any building used for short-term accommodation purposes shall be considered a commercial use and shall only be permitted where recognized under the implementing Zoning By-Law. It is the foundation of this Plan that such uses should not be considered conventional residential uses and that appropriate regulations shall be established.





- b) Conventional residential rental accommodation in a residential dwelling for periods of thirty (30) days or greater shall not be considered a commercial accommodation use, and shall be considered a principal residential use. The provisions of this Plan for short-term accommodation uses do not apply to such leased conventional residential dwelling units.
- c) The implementing Zoning By-Law may establish appropriate provisions related to the scale of short-term accommodation uses, parking requirements, separation distances (to limit the density or clustering of STAs), setbacks and buffering. The location, size and scale of the short-term accommodation use shall be regulated in a manner, which is considered compatible with surrounding uses. Certain types of commercial accommodation uses identified under the introductory paragraph shall be distinguished from short term accommodation uses, and may only be permitted by site-specific Amendment to the Zoning By-Law or in zones where they are specifically listed as a permitted use.
- d) In accordance with the Municipal Act 2001, Council may pass a by-law to require a business license for the operation of short-term accommodation uses.

## 4.21 HOME INDUSTRIES

Home industries are permitted as an accessory use in all areas where they are compatible with adjacent land uses and are generally permitted where residential uses are a permitted primary use, subject to the provisions of the implementing Zoning By-Law. Home industries must meet the following criteria:

- a) Home industries are commercial or industrial activities which shall be limited, small scale, and only operated in land use designations where such is permitted.
- b) Home industry uses shall be clearly secondary, incidental and subordinate to the main residential use of the property, and shall be compatible with adjacent land uses.
- c) Generally only residents of the household from which the home industry is conducted shall be employed in the home industry.
- d) Adequate off-street parking shall be provided on the same lot.
- e) Home industries must not create a new traffic hazard or worsen an existing traffic hazard, and must comply with the policies of Section 10.2.
- f) Home industries shall not include the commercial cultivation or processing of cannabis.

Regulations shall be included in the implementing Zoning By-Law to govern the establishment and operation of home industries, which may be permitted without the need for a Zoning By-Law Amendment.



## 4.22 PLANNING FOR A CHANGING CLIMATE

Council will promote forms of green development that are designed to mitigate greenhouse gas emissions and will encourage a variety of climate change adaptation techniques throughout the development process. As such, the following policies will be encouraged with all development and redevelopment:

- a) A compact urban form is encouraged in order to maximize the efficiency of infrastructure. Mixed use development in appropriate locations, including the Community designation, and live-work relationships are also promoted to reduce automobile use.
- b) Increasing residential densities within appropriate areas that are in close proximity to goods, services, and employment.
- c) The design of buildings and layout of new lots should maximize direct access to sunlight during the winter, increasing energy efficiency, and minimizing energy consumption associated with heating. Similarly, vegetation chosen for new developments that will reduce energy consumption of buildings for cooling should also be considered.
- d) The use of energy efficient building design and fixtures should be considered.
- e) Community design, facilities, and infrastructure that provide for cycling and walking from home to sources of goods, services and employment is preferred.
- f) Green technologies and construction methods will be used whenever possible and feasible for new construction and the replacement of civic infrastructure.
- g) Innovative design that optimizes potential for alternative energy technologies, energy production and conservation is encouraged.

## 4.23 DARK SKIES

Through the use of Site Plan Control, the Municipality may regulate lighting in an effort to preserve the dark sky in Magnetawan. Lighting shall be designed so that it is sensitive to the dark sky, surrounding uses and wildlife.

The following policies apply throughout the Municipality:

- a) Dark sky lighting policies shall be implemented by By-Law and will apply to all development, including residential, commercial, industrial and institutional uses, and are implemented primarily through Site Plan Control.
- b) New and existing development is encouraged to provide exterior lighting that avoids light trespass, and does not impose glare on neighbouring properties. In all cases, lighting must be designed to direct downwards rather than outwards.



- c) Exterior lighting shall not interfere with water navigation.
- d) The intensity of light on both existing and new development should be reduced where possible to minimize the impact on surrounding properties. Exterior flood lights are not permitted.
- e) Full cut-off dark sky compliant lighting will be required for all new development and, where appropriate, redevelopment. Low level lighting is encouraged.
- f) In the case of major development, a detailed lighting plan will be required.

## 5.0 LAND USE DESIGNATIONS

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The policies in this Section of the Plan should be read in conjunction with Schedule A, the Land Use and Transportation Plan. These policies apply to specific designations of lands and roads shown on Schedule A. The land use designations shown on Schedule A include:

- Community;
- Employment Areas;
- Environmental Protection;
- Rural; and,
- Shoreline

Prior to the lands being used in accordance with the policies in this Section of the Plan, consideration shall be given to the General Development Policies in Section 4.

### 5.1 COMMUNITY AREAS

The Village of Magnetawan and Village of Ahmic Harbour are historic settlement nodes that have developed as permanent communities and are identified on Schedule A as Community Areas. For the purposes of interpreting the Provincial Policy Statement, they are considered rural settlement areas.

#### 5.1.1 Goals

To support the ongoing viability of the rural settlement areas in the Municipality, consisting of the Villages of Magnetawan and Ahmic Harbour; to promote the sustainable, efficient use of land in these areas in developing healthy communities including the protection of significant environmental features.



### 5.1.2 Objectives

- a) To direct the majority of new permanent residential and employment growth to the Community Areas.
- b) To permit development through infilling and minor expansions of existing residential areas.
- c) To establish, maintain and enhance commercial and employment uses that provide a range of job opportunities with a broad range of commercial and service facilities
- d) To promote barrier-free access to employment uses, tourist facilities, parks and open spaces and local businesses in order to expand opportunities for residents and visitors to participate in the Municipality's economy;
- e) To encourage the development of those community facilities that will attract new employees and employers to locate in the Municipality's Community Areas.

### 5.1.3 Permitted Uses

The permitted uses within this designation are residential, commercial, small-scale industrial and open space. Additional residential units are also permitted, subject to the policies of Section 4.15.3 of this Plan and the provisions of the implementing Zoning By-law. This Plan encourages a revitalization of the Community Areas through infilling of residential opportunities and through the development of commercial uses that support the community and adjacent surrounding seasonal and rural uses. Land use within the Community Areas will develop according to the following policies.

- a) The Village of Magnetawan and Village of Ahmic Harbour will develop on the basis of private sewage and water services. New lots shall be a minimum of 1.0 ha (2.47 acres) unless an assessment has been conducted to determine that smaller lot sizes will not affect the long-term ability of the aquifer to sustain future development. Notwithstanding this provision, the reconfiguration of lots forming part of the original village surveys can occur through consent, lot additions and deeming by-laws in a manner that will provide for sustainable private servicing and intensification of these communities. Partial services will not be permitted.
- b) A mix of residential, commercial, light industrial and open space uses is encouraged within the Community Areas. The Zoning By-law will provide detailed regulations for such uses located in this area. In considering applications to permit new uses, Council shall be satisfied that the proposed use
  - i. is compatible with surrounding land uses;
  - ii. will not result in traffic or noise problems; and,





- iii. will not adversely affect adjacent private sewage or water systems.
- c) New lots shall only occur on roads that are publicly maintained year-round or within a plan of condominium having access onto a publicly maintained road.
- d) Small-scale commercial uses that service the immediate community and the tourism industry are encouraged to locate in the Community Areas. Council will encourage the redevelopment of the waterfront lands within the Community Areas for larger scale tourist facilities including accommodation and retail uses where the lots are of an adequate size to accommodate the appropriate servicing and comply with the policies in Section 4.0.
- e) New roads developed in the Community Areas shall be hard surfaced according to standards established by the Municipality.
- f) New commercial uses may be established through redevelopment of existing residential uses fronting onto Highway 520 and Sparks Street in Village of Magnetawan and George and Ahmic Streets in the Village of Ahmic Harbour.
- g) Small Scale industrial uses that serve the community and surrounding areas will be permitted in the Community Areas by Zoning By-Law amendment provided the use is conducted in an enclosed building and does not emit noise, smoke or odours that would be incompatible with the residential and tourist commercial uses in the community and comply with the MECP D-Series Guidelines for land use compatibility.
- h) Council will support the revitalization and enhancement of the Villages of Magnetawan and Ahmic Harbour. The Municipality will work with the community and property owners to continually improve the appearance and historic character of these communities. Improvements to municipal infrastructure such as sidewalks and parklands will occur as funding becomes available. Council may also prepare Community Improvement Plans for these areas that will encourage revitalization through municipal incentives.

## 5.2 EMPLOYMENT AREAS

Lands designated as Employment Areas are intended to promote employment land districts or clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

It is the intention of this Plan that an adequate land inventory will be available to accommodate the development of future employment uses within the Municipality.

### 5.2.1 Goal

To expand opportunities for economic development and the growth of year-round employment opportunities in the Municipality



### **5.2.2 Objective**

To designate sufficient lands for employment uses and to provide opportunities and options for a variety of employment uses throughout the Municipality.

### **5.2.3 Permitted Uses**

A range of employment uses including light manufacturing, processing, warehousing wholesaling of bulk products, repairing and servicing of equipment, transportation, storage yards, building contractor's yards and similar uses including accessory uses shall be permitted. Accessory uses include such uses as a caretaker's residence, public utilities, and offices ancillary to the principal use on the same property shall be permitted. Accessory uses shall not interfere with the primary industrial use on the site. Automobile wrecking and salvage yards and other noxious uses will not be permitted within the Village.

Permitted commercial and other business uses shall include service stations, service centres, auto sale establishments, recreational vehicle sales and service establishments, farm equipment sales and service establishments, garden centres, commercial greenhouses, professional and business offices, data processing centres, call centres, commercial or technical schools, and research facilities., Restaurants including drive-through restaurants, retail sales outlets, and athletic clubs which support the permitted industrial uses are also permitted.

### **5.2.4 Prohibited Uses**

Within employment areas planned for industrial or manufacturing uses, residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility are prohibited.

No employment use shall be permitted which, by the nature of the material used, waste produced, or product manufactured is considered to be hazardous by the Medical Officer of Health. All uses shall comply with all government health and environmental standards with respect to the emission of fumes, noise, odours, dust, vibration, or any other form of pollution.

### **5.2.5 Land Use Compatibility**

The encroachment of sensitive land uses and industrial uses on one another shall not be permitted. A separation distance in accordance with the MECP's D-Series Guidelines will be incorporated between sensitive uses and industrial uses or other facilities that by their nature are incompatible with sensitive uses.





### 5.2.6 Development Requirements

The clustering together of new industrial uses and other compatible business uses is promoted. New employment use proposals shall be evaluated with the following criteria:

- a) The physical suitability and soil capacity for the proposed use;
- b) The impact of the proposed development on the natural environment, the character and scenic qualities of the Municipality;
- c) The compatibility of the proposed use with surrounding land uses;
- d) Appropriate servicing and
- e) Provision of interior street design and possible exterior street improvement and realignment.

New development, the expansion of existing development, or redevelopment within the Employment Areas shall require the submission of a site development plan by the developer. Such development plan shall have regard for proper site planning considerations and performance, including the following:

- a) Adequate off-street parking and loading facilities shall be required for all permitted uses in accordance with the requirements of the Zoning By-Law;
- b) Landscaping shall ensure visual compatibility with adjacent properties and streets, and fencing may be required for safety or security purposes;
- c) Access points shall be limited in number and designed in such a manner so as to minimize traffic congestion, and ensure safe ingress and egress at the site, and shall be approved by the appropriate authority having jurisdiction;
- d) Standards for open storage areas, including maximum area, location and screening, shall be established in the Zoning By-Law and implemented on the site; and
- e) Adequate buffering, to include noise attenuation and visual screening measures, shall be provided for the purpose of reducing or eliminating the impacts of a permitted use on any adjacent sensitive land use.





### **5.2.7 Conversion**

Council may permit the conversion of lands within the Employment Areas designation to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not for employment purposes over the long term and that there is a need for the conversion. In accordance with Section 22 (7.3) of the Planning Act, there is no right of appeal if Council refuses or fails to approve an amendment to remove lands from an area of employment, even if other land is proposed to be added. The employment areas and policies are to be reviewed every five years to confirm or amend the policies.

### **5.2.8 Buffering**

Where an employment use abuts a residential use, adequate buffering shall be provided between the uses. Buffering may include grass strips, berms, fences, tree and shrub planting, landscaping or any combination which is sufficient for that purpose. Such a buffer is intended to enhance the required separation distances in accordance with the MECP Guidelines.

### **5.2.9 Access**

Access to employment uses should be primarily through non-residential areas. Employment uses shall have frontage onto a municipal road that is maintained year-round. The use of local roads to employment uses by trucks shall be discouraged.

### **5.2.10 Private Services**

Employment uses shall generally be serviced with private water supply and sanitary sewage disposal systems, subject to compliance with provincial regulations and the appropriate studies and agreements.

### **5.2.11 Communal Services**

The Municipality may consider the use of private communal water services, in accordance with Section 1.6.6 of the PPS, subject to compliance with provincial regulations and the appropriate studies and agreements.

### **5.2.12 Zoning By-Law**

Uses permitted in the Employment Area designation may be included in separate zone classifications in the implementing Zoning By-Law.



## 5.3 RURAL AREAS

Rural areas comprise most of the land mass within the Municipality. They are the places where residents live, work, and play. The Rural Areas are characterized by inland lakes, expansive forests, rocks, pastures, meadows, wetlands, and watercourses. These areas are also home to many people, with low density rural residential development occurring sporadically throughout the Municipality. The Rural Areas are a diverse area with a variety of other non-residential land uses, including agriculture, aggregate extraction, mining, hunt camps, forestry and forest management, and recreational tourism.

### 5.3.1 Goal

To provide opportunities for viable rural land uses while maintaining the overall character of the rural landscape, and ensuring the protection of natural features and resources.

### 5.3.2 Objective

To guide rural land uses in a manner that reflects the character of the rural area, respects heritage features and systems, and encourages the wise use or management of natural resources, tourism, and resource-based recreational activities.

### 5.3.3 Permitted Uses

Permitted uses include agriculture, on-farm diversified uses, agriculture related uses and uses that produce value added agricultural products from the farm operation, forest management, conservation, parkland, fishery resource management, mineral exploration and mining, residential dwellings, group homes, home occupations, home industries, pits and quarries, wayside pits and quarries and portable asphalt plants, commercial fur harvesting, hunt camps, small scale industrial and commercial developments, waste disposal sites and accessory uses.

#### 5.3.3.1 Residential

Limited new permanent residential development shall be permitted in the Rural Areas, preferably in close proximity to other residential uses as infilling on existing, publicly maintained roadways where school busing and municipal winter maintenance is presently being provided. Proposed development or redevelopment shall be consistent with the rural character of the Municipality. Scattered or isolated development that would result in an increase in municipal servicing costs shall be discouraged.

Additional residential units may be permitted, subject to the policies of Section 4.15.3 of this Plan.



The creation of new lots shall comply with the implementing Zoning By-Law.

#### **5.3.3.2 Agriculture**

Due to the importance of farmland in the Municipality existing agricultural operations shall be preserved and promoted.

Agricultural uses are encouraged to incorporate value-added operations along with rural related commercial and industrial uses (i.e., on-farm diversified uses and agriculture-related uses), operated in conjunction with agricultural operations.

Livestock operations in excess of 4 nutrient units and defined by the Nutrient Management Act shall be required to prepare a Nutrient Management Plan prior to expanding.

Where new residential lots are proposed on lands where existing or former agricultural lands may have had an impact on the groundwater supply, the approval authority shall require a water supply assessment to demonstrate that the water supply has not been contaminated from agricultural use.

Development of agricultural lands for non-farm uses shall only occur where the following criteria have been satisfied:

- a) the lands do not contain farm buildings in good condition
- b) new dwellings and other non-agricultural developments shall comply with the Minimum Distance Separation Formulae I except where they are located on existing lots of record; and
- c) development in the vicinity of agricultural operations shall not adversely affect neighbouring farming operations.

#### **5.3.4 Industrial Development**

New industrial development may be permitted in the Rural area through the process of rezoning and will be subject to Site Plan Control. This type of development will be limited to those uses that:

- a) require extensive amounts of space;
- b) do not constitute a threat to groundwater resources in the event of a leak or spill;
- c) are considered incompatible in the more developed areas and the shoreline areas of the Municipality;
- d) can operate on private sewage and water systems; and,



- e) are considered dry industries. Dry industries are defined as those in which the disposal of less than 10,000 litres per day of the domestic waste of employees is permitted and treated within septic systems and into which the discharge of industrial liquid wastes, wash or cooling water or process wastes is prohibited.

Industrial uses permitted within the Rural area shall include agriculturally and resource related industrial uses, processing and storage of agricultural commodities, including light manufacturing, processing of semi-manufactured goods, assembly of manufactured goods, warehousing, wholesale distribution centres, transportation terminals, professional or business offices, servicing and storing of goods and raw materials and research facilities. Limited retail sales of products manufactured on the same premises may be permitted as an accessory use.

Accessory commercial uses will be permitted subject to appropriate provisions in the implementing Zoning By-law. An essential residence for the owner, caretaker or security officials may be permitted subject to the inclusion of appropriate provisions in the implementing Zoning By-law.

Industrial uses shall have frontage on a maintained municipal roadway or Provincial Highway and shall be located so as to conform to the Ministry of the Environment's D-Series Guidelines for separation distances related to the land use compatibility and sensitive land uses. Council shall ensure that noise and visual impacts associated with industrial uses do not adversely impact on the Shoreline areas in accordance with Section 4.1. Preference will be given to locations in close proximity to other industrial uses in the Municipality.

Outside storage should be screened from view. In addition, buffering and setbacks of the industrial development may be required as a condition of approval from Council.

The development of pits and quarries for commercial purposes is permitted in areas designated as Rural and may be permitted subject to rezoning and the related policies of this Plan. Wayside pits and quarries will not require rezoning but shall meet the General Development Policies in Section 4 of this Plan. Applications for new pits or quarries will require the submission of an Environmental Impact Assessment in accordance with Section 4.9 of this Plan.

### **5.3.5 Commercial Tourist Camps**

Commercial Tourist Camps may be permitted in Rural areas subject to rezoning and Site Plan approval. Council shall ensure that such uses are well screened from surrounding lands and roadways and at least 1000 metres from shoreline areas. These uses shall include sufficient on-site recreational facilities.



Tourist operations focused on the remote wilderness may be permitted to develop in remote areas without road access subject to Council being satisfied that appropriate safety and environmental measures are secured.

### **5.3.6 Highway Commercial Development**

Commercial uses directly related to the traveling or vacationing public shall be permitted in Rural areas adjacent to Provincial Highways. These uses will be subject to an amendment to the Zoning By-law and Site Plan Control and the prior approval of the Ministry of Transportation.

### **5.3.7 Waste Disposal Sites**

Only those sites approved by MECP and the Municipality shall be used for the disposal or storage of solid or liquid waste. All such sites shall be operated according to the standards established by the Ministry of the Environment and the Municipality's approved Waste Management Master Plan.

New developments utilizing private sewage disposal and water supplies shall not locate within 500 metres of the perimeter of the fill area of an existing or former waste disposal site unless it has been demonstrated through the preparation of technical studies that there are no potential impacts associated with gas migration and ground water contamination.

### **5.3.8 Aggregate Extraction**

Wayside pits and quarries and portable asphalt plants used on public authority contracts are permitted without an amendment to this Plan or the implementing Zoning By-law except in areas of existing sensitive development and in accordance with the policies of the Environmental Protection designation and the other General Development policies as they relate to Environmental Features shown on Schedule B.

All new mineral aggregate operations and/or expansions to existing mineral aggregate operations onto lands that are not zoned to permit the use shall require an Amendment to the Zoning By-law. Similarly, lands currently licensed for extraction but not zoned shall not be permitted to expand their licensed area or construct any accessory building without first obtaining a zoning amendment. All such applications shall be supported by technical studies that address the impact of a sensitive land use on a mineral aggregate resource operation or deposit, or for the establishment or expansion of a new mineral aggregate operation adjacent to existing sensitive land uses, as outlined in Section X.X of this Plan.

The required studies shall assess the impacts of the proposed pit or quarry on all lands within 1000 metres of the site or as determined by the Municipality.





It is recognized that new or expanding aggregate operations require the approval of the Minister of Natural Resources pursuant to the Aggregate Resources Act. Where an application under that Act has been forwarded to the Municipality for review and comment, Council will consider the application only after it has held the required public meeting pursuant to the Planning Act.

## **5.4 ENVIRONMENTAL PROTECTION AREAS**

The Environmental Protection Areas designation as shown on Schedule A, applies to lands, which possess physical characteristics, which would cause severe property damage or loss of life if development were permitted. The physical characteristics include flood and erosion susceptibility, organic soils and extreme slopes. The areas also include important natural heritage features such as wildlife habitat, fish spawning areas and wetlands.

### **5.4.1 Goals**

Significant natural heritage features, areas and ecological functions in the Municipality will be protected and enhanced and to ensure that new development which has or may have a detrimental impact upon the environment will not be permitted.

Property damage or loss of life will be prevented by only developing those areas without significant risk.

### **5.4.2 Objectives**

- a) to identify significant environmental features and associated ecological functions and ensure their protection;
- b) To require that development be planned and designed to protect, maintain and enhance water related resources within the watersheds in the Municipality; and
- c) To protect and improve water quality and hydrological characteristics, functions, processes of watercourses, lakes, aquifers and wetlands that have been impacted by human activity.
- d) To prevent property damage and loss of life by prohibiting development on lands with flood and erosion susceptibility, organic soils and extreme slopes.

### **5.4.3 Permitted Uses**

The uses and activities permitted within areas designated as Environmental Protection shall be limited to conservation, forestry, wildlife areas, fishery resource management, public or private parks, and outdoor recreational activities which can be developed without adverse environmental impacts.



#### **5.4.4 Construction Restrictions**

No buildings, structures, site alteration, or the placing or removal of fill of any kind whether it originates on site or elsewhere shall be permitted in Environmental Protection areas except for structures or fill are to be used in flood or erosion control and have been approved by Council or senior levels of government.

#### **5.4.5 Setbacks**

Building setbacks may be imposed from the boundaries of Environmental Protection areas as found in the implementing Zoning By-law or otherwise as the result of an approved Environmental Impact Assessment. The severity of the hazard or the sensitivity of the environment shall be the determining factor.

#### **5.4.6 Mineral Extraction**

While generally not acceptable, there may be site-specific circumstances, under which the removal or placement of mineral aggregate material in conjunction with lands designated, as Environmental Protection will be considered. Approval would be granted through the Aggregate Resources Act and a rezoning to permit mineral aggregate extraction, after Council has determined that the operation will not alter the floodplain or any environmentally sensitive area so as to cause detrimental impacts.

#### **5.4.7 Non-Conforming Uses**

The expansion of existing non-conforming uses located within areas designated, as Environmental Protection shall generally not be permitted. However, Council may consider allowing expansion or replacement if it is satisfactorily demonstrated that this would not result in increased flood hazards, or adverse impacts on wetlands, or other significant environmental values. In such circumstances, Council may require flood proofing measures or mitigation measures to preclude adverse environmental impacts.

#### **5.4.8 Floodplains**

When there is doubt that the Environmental Protection mapping adequately reflects the flood hazard, an applicant for new development may be required to obtain a detailed engineering study to more accurately determine the level and extent of the regulatory flood. Such a study must consider the cumulative impacts of the development on the flood plain upstream and downstream from the development. Where such studies result in changes to mapping, an Official Plan Amendment will not be required.



New development is not permitted within areas subject to regulatory flood except for flood erosion control structures, or structures, like docks, which by their nature must be located on a shoreline.

## 5.5 SHORELINE AREAS

All of the shoreline areas in the Municipality are designated as Shoreline with the exception of those within the Community Areas designation. This designation is not intended to anticipate that all of the shoreline will become developed for permitted uses. Rather, it is intended to reflect that the shoreline areas are an ecological unit that must be considered in its entirety.

### 5.5.1 Goal

To ensure sustainable development practices and maintain and enhance where possible water quality, protect the ecological, natural, visual and aesthetic character of the lakes and shorelines, and protect the recreational, social, accessible and environmental qualities of the lakes and rivers while promoting opportunities for sustainable recreation and tourism development.

### 5.5.2 Objectives

- a) To protect the visual qualities of the lakes and rivers and to protect or enhance the natural shoreline character;
- b) To protect wetlands, wildlife habitat areas and fish habitat from incompatible development;
- c) To maintain or improve the ecological, scenic or recreational character of the Municipality's lakes and rivers and those lands that are visually connected to the shoreline;
- d) To ensure that shoreline development does not have an adverse impact on the quality of lake water and, wherever possible, to rehabilitate and naturalize shoreline areas that are currently developed;
- e) To encourage an increased awareness of the sensitivity of the environment and environmental stewardship of shorelines;
- f) To ensure that development, redevelopment and the increased use of shoreline properties does not result in additional environmental impacts;
- g) To promote the maintenance or enhancement of native vegetation buffer areas in all shoreline areas;
- h) To promote the use of septic systems with soils that have a demonstrated ability to effectively eliminate phosphorus in all shoreline development;



- i) To exercise appropriate municipal development control in order to achieve a consistently higher standard of accessible site, building and landscape design in the shoreline areas;
- j) To ensure that the Municipality plays an active role in the development of government owned lands in the shoreline area and that these lands are developed in accordance with the policies of this Plan;
- k) To encourage and support the development of lake management plans that identify and protect the unique social, cultural and ecological values of different lakes in the Municipality; and
- l) To provide opportunities to improve and enhance the quality of tourist facilities and the variety of tourism related businesses in the Municipality.

### 5.5.3 Permitted Uses

Permitted uses in areas designated Shoreline on Schedule 'A' shall include detached dwellings, commercial tourist resorts with associated commercial uses, lodges, motels, hotels, marinas, and recreational activities.

Additional residential units may be permitted, subject to the policies of Section 4.15.3 of this Plan.

### 5.5.4 Development Standards

- a) Unless otherwise specified, new lots should be no smaller than 1.0 ha in area with 90 metres of water frontage. Larger lots may be required in areas where environmental or physical constraints exist on the lands and on narrow channels (less than 120 metres) or small water bodies less than 40 ha, in deer wintering or in or adjacent to sensitive fish habitat. Lot lines should follow existing features and terrain and should be configured so that conflicts between abutting properties will be avoided.
- b) Horn Lake has been identified as a lake trout lake that is at capacity. New development including additional lot creation or redevelopment of existing developed lots that would result in more intensive use, shall generally not be permitted except as provided for in Section 4.3.
- c) It is a policy of this Plan to permit one additional cottage and accessory buildings where the parcel may otherwise be eligible for a severance and the additional buildings are located in conformity with the provisions of the Plan as if the lots were separated. Site specific zoning may be used to enable the additional dwelling and prevent the further division of the lands.
- d) Tourist commercial developments may be permitted on the basis of 2 metres frontage per person that can be accommodated on the property and a maximum density that does not exceed 10 units per hectare (4 units per acre) where a unit is defined as a rental cottage or a camp site, or room in a hotel,



motel or lodge. The minimum lot frontage shall be 180 metres and the minimum area 2.0 ha.

- e) Densities up to 25 per cent in excess of these requirements may be permitted through an amendment to the zoning by-law subject to the developer entering into a Site Plan Agreement with the Municipality, wherein additional facilities such as a golf course, swimming pools or other land based recreational facilities are provided.
- f) Densities permitted for developments based on fractional ownership shall be based on the nature and built form of the development. Developments in the form of individual cottages shall meet the frontage and density requirements for residential uses. Developments in the form of tourist resorts with communal facilities and commercial services shall be based on the policies for tourist commercial developments.
- g) Tourist commercial activities shall have frontage on a maintained municipal roadway or Provincial Highway and be buffered from dwellings on neighbouring properties.
- h) New tourist commercial developments will require an amendment to the Zoning By-law.
- i) No development should be permitted which would result in a waterbody being developed to a point of being over capacity as estimated by MECP or the MNDMNR or as demonstrated by a Lakeshore Capacity Assessment completed in accordance with the Lakeshore Capacity Assessment Handbook. Any development within 300 metres of a waterbody shall be deemed to have an impact on the waterbody.
- j) The assimilative capacity of lakes in the Municipality according to the biological carrying capacity is shown in Appendix No.1 to this Plan. This Appendix will be updated without amendment to this Plan as more current studies are completed.
- k) Should development be proposed which may bring a lake near the estimated capacity, Council shall only consider such a proposal after the developer has submitted an impact report prepared by a qualified professional to satisfy the concerns of Council. In such instances approval of the development may be subject to additional requirements contained in the Zoning By-law, site plan approval or subdivision agreements.
- l) In no case shall any development exceed the capacity of the waterbody to sustain additional development from either a biological and a recreational perspective. For the purpose of this Plan, development shall include new lot creation or additions to commercial operations. These policies shall not restrict residential development on existing lots of record.
- m) Biological Carrying Capacity shall be based on development that does not result in the lake reaching its capacity to accommodate additional



development. This will be determined using the principles and methodology in the Lakeshore Capacity Assessment Handbook or any successor document.

- n) Once the capacity of a lake is established in accordance with this Plan, no more than 20 per cent of that remaining capacity shall be permitted in any calendar year on lakes that can still accommodate development.
- o) Development in Shoreline areas shall generally occur as a single tier of development adjacent to the shoreline.
- p) A limited amount of second tier development in the form of residential back lots may occur in areas where there is public access to the waterfront by means of a shoreline reserve, a public access or park area, or boat launch facility. Public access should be physically suitable and of adequate size to meet the needs of the development and should be provided within 300 metres of the proposed lots. Where such lots are approved, they should have a minimum frontage of 100 metres and a minimum lot area of 1.0 ha (2.5 acres).
- q) The effect of any proposed second tier development shall be considered with respect to both the recreational and biological carrying capacity of the adjacent waterbody and therefore no second tier development would be permitted on lakes at or near capacity, which would not meet one of the special circumstances listed in (q).
- r) Residential development may take the form of cluster developments where the residential development is set back from the waterfront and the waterfront area is maintained as open space for the use of abutting landowners. In such instances the density of the development shall not exceed 10 metres of frontage on the waterbody per unit or 2.5 units per gross hectare (1 unit per acre). This development shall occur by plan of subdivision or condominium.
- s) It is the intent of this Plan that new development in the Shoreline Area be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area's unique character. Creating lands that are suitable for development by blasting or filling the natural landscape or dredging the lake bottom shall not be permitted.
- t) Council supports the preparation of Lake Management Plans and Strategies that assess issues such as recreational carrying capacity, water quality, shoreline development, vegetation retention and health, shoreline erosion, cottage conversion and septic system maintenance and inspection and other issues important to lake communities. Such Plans are also encouraged to establish monitoring programs and/or remediation programs to be primarily implemented by local residents and stakeholders such as the Municipality, the County and the Province.
- u) Council will consider amendments to the Official Plan or Zoning By-Law where Lake Management Plans or Strategies formulate policies to reveal new planning issues not already addressed by this Plan. Where all or part of a Lake



Management Plan or Strategy is proposed to be incorporated by an amendment to this Plan and/or the Zoning By-Law, the following requirements must be met:

- i. It must be prepared by a qualified professional(s);
  - ii. It must demonstrate that an extensive program of public consultation has been facilitated;
  - iii. It must be consistent with the Provincial Policy Statement, as well as applicable Provincial guidelines and regulations; and,
  - iv. It must be consistent with the Vision and Principles of the Magnetawan Official Plan as well as the Objectives for the Shoreline designation.
- v) As part of the assessment of a proposed amendment to the Official Plan and/or zoning by-law, Council may undertake peer reviews of Lake Management Plans or Strategies and their associated background or technical studies. Costs incurred as a result of a third-party peer review of the Lake Management Plan will be borne by the proponent.
- w) In considering applications for waterfront development Council shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources. These measures will be addressed in archaeological assessment (land or marine) reports.







## 6.0 TRANSPORTATION

### 6.1 PROVINCIAL HIGHWAYS

Council will encourage the continued upgrading of Highways 124, 510 and 520 through the Municipality. Development adjacent to these roads should not reduce the effectiveness of these routes by reducing existing speed limits or creating traffic hazards. Properties must qualify for an entrance and sign permits, building and land use permits, and meet the minimum geometric and safety requirements of the Ministry of Transportation for access prior to any site development.

New entrances to Highways 124, 510 and 520 will not be permitted where an alternative access to a side road is available. New entrances will be permitted where no alternative access exists and where safety and operational criteria can be met to the satisfaction of the Ministry of Transportation.

In addition to all the applicable municipal requirements, all proposed development located adjacent to and in vicinity of a provincial highway within the Ministry of Transportation's permit control area under the Public Transportation and Highway Improvement Act will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning.

Any outdoor storage and loading areas associate with commercial and industrial uses that back onto provincial highways are to be visually screened or appropriately located so as to not be visible to the traveling public.

### 6.2 MUNICIPAL ROADS

It is not a policy of Council to maintain those roads that are not presently maintained municipal roads, nor will the Municipality necessarily assume them. The Municipality may assume, open and maintain new municipal roads only when:

- a) the roads have been constructed to the current standards of the Municipality; and,
- b) the benefits, financial and otherwise, of assuming and maintaining the road outweigh the municipal costs.

Where seasonal development is approved on the basis of seasonal road access or access over an unmaintained municipal road allowance, Council may permit the development only where the owner enters into an agreement that acknowledges that municipal services to the lands may



not be available and that the Municipality assumes no liability to provide services to the development. A limited services agreement is to be registered on title.

## 6.3 PRIVATE ROADS

Existing private roads may continue to be used but may not be extended unless all current property owners are in agreement.

Council may permit the creation of new private roads in the Municipality by plan of condominium.

New development of seasonal residences on existing private roads may be permitted where it is considered infilling between existing residential units. No new development of permanent residences may be permitted on existing private roads.

## 6.4 MAGNETAWAN RIVER WATERWAY

Council recognizes the importance of maintaining navigation on the Magnetawan River system to the economy and culture in the Municipality. The Municipality will seek opportunities to protect and improve navigation and infrastructure supporting the waterway as a major transportation link in the community. Council will seek to ensure that existing portage routes remain in public ownership.

## 6.5 TRAILS

The Municipality currently contains a number of portages, trail and corridor systems that support a wide range of linear recreational activities including canoeing, snowmobiling, ATV's, walking, biking, and skiing. The trail and portage systems and the activities that they support are significant components of the Municipality's tourism infrastructure. As such, it is a goal of this Plan to identify, protect, improve and expand the network of portages, trail and corridor systems for the Municipality and for the broader regional economic benefits. The existing trail systems, including the "Park to Park", Seguin, and the Nipissing Trails are shown on Schedule "B" to this Plan

The Municipality is also the home of a number of TOPS snowmobile trails, which also provide a significant contribution to the local economy. It is a policy of this Plan that any proposed development abutting the trail systems shall be required to consider the impact of the development on the continued functioning of the trail and identify potential impacts and mitigation measures with respect to ensuring the continued operation of the trail. It is also a



policy of this Plan that any proposed development adjacent to the trail systems shall consider possible linkages to the system.

Many of these routes are shown conceptually on Schedule "A". The location of these routes may change without an amendment to this Plan. Crossings of Provincial Highways will require the approval of the Ministry of Transportation. Crossings of waterway may require the approval of the Ministry of Natural Resources, the Ministry of the Environment and/or the Department of Fisheries and Oceans.

## 6.6 HERITAGE ROUTES

Council supports the development of Heritage Routes that weave through the Municipality, providing linkages for hiking, cycling, and car touring and highlighting cultural heritage resources. Selected Heritage Routes are identified and identified on Schedule "C". At present, Nipissing Road is the only designated Heritage Route in the Municipality.

In support of developing the Heritage Routes, Council may:

- a) prepare guidelines or standards to protect cultural heritage features and resources along heritage routes. The design guidelines will provide protection for existing trees and landscape features, and will ensure that the general heritage appeal and viewsapes are protected and enhanced;
- b) coordinate clear and consistent signage along the Heritage Routes that may serve wayfinding and/or educational purposes;
- c) cooperate with the adjacent municipalities to ensure Heritage Route signage is coordinated with any other local signage.
- d) support the development of appropriate scenic lookouts and other complementary uses along Heritage Routes, provided that such uses:
  - i. are small in scale;
  - ii. are in keeping with, and complementary to the passive recreational character of the Route;
  - iii. have minimal impact on the surrounding public and/or private land uses;
  - iv. have no significant negative impacts on the natural environment or on cultural heritage resources; and
  - v. will not require the extension of the municipal water supply or sanitary sewage services; and,
- e) enhance cycling and driving conditions along the Heritage Route corridors. Wherever possible, linkages to other recreational driving routes and cycling/hiking trails in the Region should be achieved.



To support the tourism role of Heritage Routes, the Municipality will promote the Heritage Routes and include the Magnetawan Heritage Routes in its promotional materials and activities.

## **6.7 ROAD ALLOWANCES**

The Municipality will not stop up or sell unmaintained road allowances where there is any possibility that there is a potential future public use for the lands. Road allowances leading to water will not be sold to abutting property owners unless there is other public access to the water in the immediate area.

The sale of shore road allowances may be permitted by the Municipality where there are no environmental, cultural, or other public interests that may be affected by the sale of these lands.

## **6.8 COMMUNICATION TOWERS**

While recognizing the authority of the Federal government with respect to communication facilities, Council will require public consultation and consideration of the visual impacts of communication towers prior to such facilities being located in the Municipality. Communication towers should avoid locations that are visually prominent from lakeshore areas and areas that have historic or cultural significance.

## **6.9 UTILITY CORRIDORS**

The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. As such, electric power facilities are permitted in all land use designations without an amendment to the Plan.



## 7.0 LAND DIVISION

### 7.1 SEVERANCES

Applications for land division through the consent process shall only be considered if the proposal is minor in nature, does not result in unnecessary expansion of the present level of municipal services, is in compliance with the Objectives and General Development policies of this Plan and the applicable Land Use policies for the designation in which the land is located.

#### 7.1.1 Evaluation Criteria

Every severance application received by the Municipality for the purpose of creating a new lot shall meet the following criteria:

- a) A registered plan of subdivision is not necessary for the orderly development of the lands, provided there is registered legal description;
- b) the lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements;
- c) the proposed lot must front on a publicly maintained road, or a registered right-of-way or condominium road that has direct access to a publicly-maintained road;
- d) Proposed lots on seasonally maintained, privately maintained roads (including those by Plan of Condominium), or a registered right-of-way will require a limited services agreement;
- e) lots for hunt camps, fishing camps, wilderness tourist camps or similar uses may be permitted on unmaintained municipal road allowances or on private rights-of-way to publicly-maintained roads provided that the appropriate agreements (e.g. limited services agreement) are in place to ensure that the Municipality has no liability with respect to the use of these roads;
- f) notwithstanding subsection c), lots created for seasonal or recreational purposes may be permitted where the access to the lot is by a navigable waterbody provided that Council is satisfied that there are sufficient facilities for mainland parking and docking;
- g) the lot must have an entrance in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;
- h) the lot size, soil and drainage conditions must allow for an adequate building site and to allow for the provision of an adequate means of sewage disposal and water supply, which meets the requirements of the Building Code, the lot must have safe access and a building site that is outside of any flood plain or other hazard land;
- i) any lot for permanent residential use shall be located on a year-round maintained municipal road or Provincial highway;



- j) in the Rural designation, new lots created by consent shall be limited to the following:
  - i. A maximum of two (2) lots may be created by consent per land holding.
  - ii. New lots must comply with the regulations as set out in the implementing Zoning By-law.
  - iii. All new lots within the Rural designation must meet the character of the surrounding rural landscape, as defined in Section 5.3.
- k) the creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.
- l) any severance proposal on land adjacent to livestock operations shall meet the Minimum Distance Separation Formula I in accordance with the MDS Guidelines and shall demonstrate that the proposed water supply has not been contaminated from agricultural purposes.
- m) The creation of any lot shall be required to abide by all relevant policies in this Plan and the implementing Zoning By-Law.

## 7.2 SUBDIVISIONS AND CONDOMINIUMS

Where three or more lots are to be created from a single parcel of land existing as of the date of adoption of this Plan, a plan of subdivision or vacant land condominium shall generally be required. Exceptions to this policy may be considered where there are no residual lands resulting from the development and there is no need to extend municipal services including roads.

In considering a proposed plan of subdivision or condominium, Council shall ensure that all costs associated with the development of the land are borne by the developer.

All roads within a plan of subdivision shall be constructed to Municipal standards and shall be dedicated to the Municipality. Subdivisions for permanent residential purposes within the Communities shall have hard surfaces. Road standards for vacant land condominium developments may be less than those required for municipal roads.

Prior to considering a plan of subdivision or condominium, Council and the approval authority shall require the applicant to submit professional reports addressing the Development Criteria in Section 4 of this Plan.

## 7.3 PARKLAND DEDICATION

The minimum parkland dedication as part of a plan of subdivision or consent shall not include lands which are unsuitable for parkland development.



Where possible, parkland shall be taken on lands adjacent to a waterbody.

Where the Municipality takes cash in lieu of parkland, the Municipality shall base the amount of cash taken on 5 per cent of the value of the land immediately prior to draft plan approval. Alternatively, the Municipality may pass a by-law to establish standard parkland dedication fees that represent a reasonable estimate of 5 per cent of the value of certain lands prior to the date of draft approval.

## 8.0 IMPLEMENTATION

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The following policies are intended to provide direction for the decisions of Council and the use of By-laws, Regulations and Development Agreements that will implement policies outlined in this Plan.

### 8.1 INDIGENOUS PEOPLES AND THE DUTY TO CONSULT

The Municipality of Magnetawan is located on Anishinabek territory and is home to Ojibway, Chippewa, Odawa and Pottawatomi lineage. Mohawk people from the Haudenosaunee Confederacy also reside in the area, and the region is now home to many diverse First Nations, Inuit and Metis people.

In the spirit of reconciliation, in acknowledging the “free, prior and informed consent” as set out in the United Nations Declaration on the Rights of Indigenous Peoples as applied and interpreted by Courts of competent jurisdiction, and the right to carry out traditional pursuits in a respectful and unrestricted manner, the Municipality of Magnetawan will work to build relationships with the of the Magnetawan Atik Anishnaabe and other Indigenous peoples and community. “Free, prior and informed consent” involves consulting prior to development and gaining consent before moving forward, where appropriate.

In the spirit of reconciliation and the Aboriginal and treaty rights as set out under Section 25 of the Constitution Act, 1982, the Municipality shall work with of the Magnetawan Atik Anishnaabe and other Indigenous peoples and communities on building a constructive and cooperative relationship based on mutual respect.

Under this Plan, the Municipality will continue efforts to engage with regional Indigenous Communities on protocols for land use and development approvals. This approach will balance the growth and development requirements of the PPS while acknowledging the traditional





knowledge and cultural heritage of the Magnetawan Atik Anishnaabe and other Indigenous communities.

The Municipality acknowledges the value of the traditional knowledge and cultural heritage of Indigenous communities and will encourage further partnerships to achieve the objectives of this Plan, support mutual learning and understanding and strengthen relationships. Involvement and engagement with Indigenous communities will occur as early as reasonably possible on future planning proposals.

## **8.2 PRE-CONSULTATION**

Prior to the submission of any development application for which the Municipality is the approval authority, applicants shall pre-consult with staff in the Municipality or a Planning Consultant retained by the Municipality in accordance with the provisions of this Plan and the Municipality's Pre-consultation By-law. The pre-consultation process is intended to address the requirements for a completed application and may require more than one pre-consultation meeting and involve other agencies and Municipal Departments. The Municipality is required to adopt a Pre-Consultation By-law.

In preparation for pre-consultation, prospective applicants shall have reviewed this Official Plan and Municipality's Zoning By-law with respect to their development proposal. Furthermore prospective applicants are expected to provide concept sketches of sufficient and reasonable detail to facilitate an effective pre-consultation meeting.

## **8.3 COMPLETE APPLICATION**

In accordance with the provisions of subsection 22(6.1), 34(10.4) of the Planning Act, any application submitted to the Municipality of Magnetawan in support of a development proposal must be deemed to be a complete application and be accompanied by the appropriate fee, before any processing will begin. Any required background reports, studies documents and materials must be prepared and submitted to the satisfaction of the Municipality. Should it be determined that through the review process, that the submission is incomplete, inadequate or further issues need to be addressed, additional information may be required. The authority to deem an application complete may be delegated to Staff by By-Law. A checklist may be utilized to assist in ensuring the appropriate reports and studies are submitted to deem an application complete.



## 8.4 ZONING BY-LAW

The policies of this Plan will be implemented through a new comprehensive Zoning By-law adopted under Section 34 of the Planning Act.

### 8.4.1 Non-Conforming Uses

Legally existing uses that do not comply with the Land Use designations outlined in this Plan may be zoned to permit the continuation of the use and may provide for limited expansion provided that the Development Policies of this Plan are met.

Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan.

### 8.4.2 Temporary Uses

Council may pass a By-law to allow the temporary use of lands that do not comply with the Land Use designations in this Plan provided that:

- i. the temporary use does not require major capital investment or alteration to the existing landscape;
- ii. the proposed use is compatible with surrounding land uses;
- iii. the proposed use does not require the extension of municipal services;
- iv. the developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted;
- v. the By-law shall specify a maximum time period for the use to be permitted; and,
- vi. the proposed use will not have a negative impact on natural heritage features such as, but not limited to, wetlands, fish habitat and deer wintering areas.

### 8.4.3 Archaeological Resources

In the interest of conserving the integrity of archaeological resources, Council may adopt zoning by-laws to prohibit any land-use activities or the erection of buildings and structures on a site that contains a significant archaeological resource as permitted under Section 43(1)(3.3) of the *Planning Act*.

## 8.5 SITE PLAN CONTROL

The Municipality may utilize Site Plan Control to ensure that development in the Municipality is attractive and compatible with adjacent uses. Site Plan Control will be applied to all commercial



and industrial development in the Municipality. Where special environmental features are required to mitigate impacts of residential development, the Municipality may use Site Plan Control for residential developments. The entire Municipality shall be designated as a Site Plan Control Area.

Council may delegate Site Plan Approval to Staff by By-Law in order to ensure that the process does not create undue delay or additional costs in the development process.

As a condition of Site Plan approval, Council may require the dedication of lands adjacent to existing roadways in order to ensure that the minimum road allowance of 20 metres is obtained.

## **8.6 HOLDING PROVISIONS**

Council may utilize Holding provisions as provided for under Section 36 of the Planning Act in order to establish zoning provisions prior to completing technical, administrative, or financial aspects of a development. Where Council uses a Holding provision, the use of land may be restricted to existing uses until one or more of the following conditions have been fulfilled:

- i. a site plan agreement or subdivision agreement as may be required, has been executed between the municipality and the developer;
- ii. all engineering plans and arrangements with respect to municipal services have been completed; and,
- iii. the financial requirements of the municipality have been satisfied.

## **8.7 PUBLIC MEETINGS**

Council shall hold public meetings for planning applications in accordance with the requirements of the Planning Act. However, Council may eliminate the requirement for public Notice of a meeting for an Official Plan Amendment or Zoning By-law Amendment which:

- i. changes section numbers or the order of text but does not add or delete sections;
- ii. consolidates amendments, which have previously been approved;
- iii. corrects typographic, grammatical or mapping errors which do not effect the intent or application of the policies or provisions of the plan; and/or
- iv. rewords policies or re-illustrates mapping for the purpose of clarification only without changing the intent or purpose of the policies or mapping.

Council will establish administrative policies for ensuring that Notices of Public Meetings are given in a manner that recognizes the high proportion of seasonal residents in the Municipality.



## 8.8 MAINTENANCE AND OCCUPANCY BY-LAW

The objective of implementing a Property Standards By-law is to maintain property values and the enjoyment of private property. Council may pass a By-law under the Building Code Act to establish minimum standards for:

- i. the physical condition of buildings and structures use;
- ii. the physical condition of lands; and
- iii. the adequacy of sanitary facilities.

## 8.9 SIGNS

Council may pass a By-law under the Municipal Act to regulate the placement and design of signs in the Municipality. Council may appoint a Committee or a staff person to review proposals for signs and ensure that they meet a high level of design standard and placement in the Municipality. Signs located adjacent to Provincial Highways require the approval of the Ministry of Transportation. The Municipality will seek cooperation from the Ministry of Transportation when dealing with signs adjacent to Provincial Highways.

## 8.10 SITE ALTERATION

In order to protect the scenic characteristics and natural features of the shoreline areas Council may pass a Site Alteration By-law pursuant to the Section 142 of the Municipal Act. This By-law would require any blasting, placement or removal of fill or alteration of grade to be approved by the Municipality.

All applicants for permits to alter a site would be reviewed based on the policies of this Plan. Permits may contain conditions relating to preservation of vegetation, rehabilitation and the best management practices.

## 8.11 AMENDMENTS TO THE PLAN

An amendment to Schedule 'A' or the text of this Plan is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to Schedule 'A' with a view of designating additional areas for a particular use or changing the designated uses of a particular area, or changing the policies of this Plan, Council shall ensure that the following criteria are consistent with the Provincial Policy Statement (2020):

- a) the need for the proposed use;



- b) the extent to which the existing areas which are designated for the use are developed, and the nature and adequacy of such existing development;
- c) the physical suitability of the land for such proposed use;
- d) the location of the areas under consideration with respect to:
  - i. the adequacy of the existing and proposed roadway system;
  - ii. the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;
  - iii. the adequacy of the water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports which Council shall request from the developer and subject to the approval the Ministry of the Environment, the Medical Officer of Health and any other appropriate authority deemed advisable;
  - iv. the compatibility of such proposed use with uses in the surrounding area;
  - v. the potential effect of the proposed use on the financial position of the Municipality; and,
- e) the impacts of the proposed use on the natural environment.
- f) Provincial Legislation and regulations, including but not limited to Section 2 of the Planning Act, and provincial Policies implemented under Section 3 of the Planning Act, and other Provincial policies and guidelines issued from time to time.

## 8.12 TECHNICAL REPORTS

Where this Plan requires the submission of any technical report such as a Hydrogeological Report or Environmental Impact Study, it is the responsibility of the proponent to prepare such reports at their own costs. All technical reports shall be prepared by professionals having the appropriate qualifications to complete the required studies. When Council or Staff is reviewing technical reports, they may retain independent experts to undertake a peer review of those reports. The costs of the peer review will be the responsibility of the proponent.

## 8.13 MONITORING

Following adoption of this Plan, Staff shall prepare an annual report outlining how the Plan is being implemented. This report shall include:

- a) the number of lots created in each designation and the proportion of lots created in the Communities in relation to the Rural Areas and the Shoreline Development Areas;



- b) the number of building permits issued for residential, industrial and commercial buildings;
- c) a summary of applications for rezoning and amendments to this Plan;
- d) population growth in the municipality; and
- e) the costs of any changes in the level of services provided by the Municipality as the result of development.

The Municipality will monitor water quality results obtained from all analyses received to determine if any significant changes to water quality are occurring as the result of development.

## 8.14 PLAN REVIEW

Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the Basis, Objectives and Policies of the Plan shall be reviewed at least once every five years at a meeting of Council in accordance with Section 26 of the *Planning Act*. Should economic or social changes occur which necessitate an earlier review, or should the monitoring of the Plan identify areas that need further consideration, Council may direct such a review to be undertaken.

- a) The five year review shall consist of an assessment of:
  - i. the continuing relevance of the assumptions used to develop this Plan as found in Section 2 the Basis of this document;
  - ii. the degree to which the objectives of this Plan have been met;
  - iii. the effectiveness of the policies in the Plan in solving problems and realizing objectives;
  - iv. the effectiveness of policy guidelines in protecting water quality, heritage resources, natural resources and habitat and the environment within the Municipality; and,
  - v. plans and policies of other levels of government.

## 8.15 DELEGATION OF AUTHORITY

In an effort to streamline planning decisions and in accordance with Section 39.2 of the *Planning Act*, Council may, by by-law, delegate decisions dealing with minor amendments to Zoning By-Laws to a committee of Council or to an individual who is an officer, employee or agent of the municipality.

For clarity, By-Laws that are minor in nature may include, but are not necessarily limited to:

- a) the removal of a holding symbol.



- b) the authorization of a Temporary Use By-Law applicable to land, buildings or structures.
- c) other minor Zoning By-Law Amendments as may be deemed appropriate by the Municipality.

A delegation of authority made by Council may be subject to conditions and may be withdrawn in respect of one or more of the By-Laws described above, as outlined in the Delegation of Authority By-Law.

## 9.0 INTERPRETATION

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### 9.1 LAND USE DESIGNATIONS

It is intended that the boundaries of the Land Use categories shown on Schedule 'A' of this Plan, shall be considered as general only, and are not intended to define the exact limits of such areas except in the case of roads, railways, and other physical barriers that provide definitive boundaries. Minor adjustments may be made to these boundaries for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Other than minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform with this Plan.

### 9.2 USES

Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. Specific uses and related regulations shall be defined for land use designations by the implementing Zoning By-law.

### 9.3 ACCESSORY USES

Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.

### 9.4 APPROVAL AUTHORITY

It is intended that wherever the words "Council" or "Municipality" appear with respect to being the approval authority that the policies apply if another authority, such as MMAH and the Planning Board, has that approval.