

# DECISION

## With respect to the Municipality of Magnetawan Official Plan

### Subsection 17(34) of the *Planning Act*

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I hereby approve the repeal of the Municipality of Magnetawan Official Plan adopted by By-law 2012-16, and all subsequent amendments thereto;

Furthermore, I hereby approve the Municipality of Magnetawan Official Plan, as adopted by the Municipality of Magnetawan by By-law 2023-58, subject to the following modifications, with additions in **bold underline** and deletions in **~~bold strikethrough~~**:

1. Policy 1.2 (Intent of the Plan) is modified to state the following:

... 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 2046**
- 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, n~~No by-law may be passed, and no public work may be undertaken by the Municipality which does not conform with this Plan.

**This plan currently plans to the year 2046 and directs the majority of new residential growth to Community Areas. It is the municipality's intent to respond to anticipated growth in the Parry Sound District, as projected by the Ministry of Finance, by undertaking a growth-related amendment to reflect how the municipality will provide the appropriate range and mix of housing options to meet projected requirements in the Community Areas and Rural Areas. This may include an expansion of the boundary of the Ahmic Harbour and/or Magnetawan settlement areas, infilling and uptake of additional residential units, and the use of communal services for increased density of development. This amendment will commence prior to 2031 so any resulting lands needed for growth by 2036 would be identified and approved in advance of any risk of exhausting the current supply.**

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

2. Paragraph (b) in Policy 2.0 (Basis of the Plan) is modified to state the following:

- 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 ... It is intended that the life of this plan is 20 years, covering the years from ~~2022~~ 2026 to ~~2042~~ 2046.

The first paragraph in Policy 3.1 (Establishing A Vision) is modified to state the following:

The Municipality undertook an extensive community consultation program to provide a comprehensive foundation for the direction of this Plan... 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~~ 2046.

3. Paragraph (d) in Policy 2.0 (Basis of the Plan) is modified to state the following:
- d) The population of the Municipality is projected to increase by 500 over the life of this Plan. It is anticipated that residential growth will occur at about ~~20~~ 12 units per year, based on an average household size of 2.1 persons.
4. Policy 4.1 (Land Use Compatibility) is modified to state the following:

~~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 proposed land use changes and development, including lot creation, for consistency with the Provincial Policy Planning Statement and Provincial Guidelines for land use compatibility, including the Ministry of Environment D Series Guidelines. The Municipality will protect the long-term operational and economic viability of existing or planned industrial facilities such as pits and quarries, that are vulnerable to encroachment by sensitive land uses. ~~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.~~

Where potential adverse effects cannot be avoided, the planning and development of adjacent sensitive land uses will only be permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

Separation distances between sensitive land uses and proposed, committed and/or existing industrial facilities (including mines and mineral aggregate operations) are recommended in accordance with Provincial Guideline D-6. Minimum separation distances are based on the size and type of industry and the potential to produce point source and/or fugitive air emissions such as noise, vibration, odour and dust through normal day-to-day operations.

The guideline classifies industries as follows:

| <u>Class of Industry</u> | <u>Minimum Recommended Separation Distance</u> | <u>Minimum Recommended Influence Area</u> |
|--------------------------|------------------------------------------------|-------------------------------------------|
| <u>1</u>                 | <u>20 metres</u>                               | <u>70 metres</u>                          |
| <u>2</u>                 | <u>70 metres</u>                               | <u>300 metres</u>                         |
| <u>3</u>                 | <u>300 metres</u>                              | <u>1000 metres</u>                        |

**The minimum recommended influence areas in the D-6 guideline will be the criteria for assessing the need for a land use compatibility study. For mineral aggregate pits and quarries, in the absence of site-specific studies, the D-6 guideline should be used when a proposed sensitive land use encroaches on an existing pit and/or quarry. In these situations, the appropriate criteria are the potential influence area and recommended minimum separation distance for a Class III industrial facility as set out in Sections 4.1.1 and 4.3 of the D-6 guideline.**

5. Policy 4.2 (Hazardous Lands) is modified to state the following:

**Development and site alteration shall not be permitted within a floodway. Other** ~~H~~ 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.

**Development shall not be permitted to locate in property or lands that are unsafe due to naturally occurring processes such as flooding, or naturally occurring hazards such as unstable soils, where the use is an institutional use, an essential emergency service, or uses involving the handling of hazardous substances.**

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. **In determining where such studies may be required, the Municipality will prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.**

6. Policy 4.2.1 (Stability Hazards) is modified to state the following:

**4.2.1 ~~Stability Hazards~~ Definition**

**Lands Hazardous lands are areas that are potentially unsafe for development. Areas with natural or human-made hazards, that have steep such as unstable slopes, are prone to flooding plains, hazardous forest types for wildland fire, have erosion susceptibility or contain organic soils, soils or shorelines where an erosion hazard poses a threat to life and property, mines, former mining or mineral aggregate operations, and sites with contaminants in soil or water, 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.**

7. Policy 4.2.2 (Flood Plains) is modified to state the following:

#### 4.2.2 Flood Plains **and Erosion Hazards**

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 of other technical studies~~ undertaken by a qualified professional. The delineation of flood plains will.....flood elevation and flow velocities shall be required.

Flood elevations ~~estimates reported in 2002 have been defined by the MNDMNR~~ for certain lakes ~~were~~ 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 Municipality may require that flood elevation studies and/or erosion studies be submitted in conjunction with development applications for lands adjacent to a river, stream or lake system that might be impacted by flooding hazards and/or erosion hazards.**

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 zoning by-law amendments** to provide elevations and setbacks ~~to ensure adequate flood protection~~ utilizing a one-zone floodway in which no new development **and site alteration** shall be permitted.

**Development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.**

**Development shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and erosion hazards, unless**

it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

8. The following new policy is inserted after policy 4.2.4:

**4.2.5 Hazardous Forest Types**

**Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Such areas are assessed using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time.**

**Where there is no municipal level assessment of hazardous forest types for wildland fire, applications for approvals under the Planning Act for lands within forested areas must include an assessment of the forest fuel hazard and the risk to life and property. Development may be permitted on lands with hazardous forest types where the risk is mitigated in accordance with environmentally appropriate mitigation measures identified in standards published by MNR.**

9. Policy 4.3 (Water Quality) is modified to state the following:

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;~~
- a) Development should be set back a minimum of 30 metres from the high water mark of lakes and watercourses, with no disturbance of native soils and very limited removal of shoreline vegetation.**
- 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. 1.~~ Sufficient lot depth is not available or terrain or site conditions exist which make other locations on the lot more suitable; or
    - ~~3. 2.~~ 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) c) No alteration of the natural vegetation grade or drainage shall occur within the setback; and,~~
- ~~b) d) The cutting of trees extent of tree removal within the setback shall be regulated by in a Site Plan Control agreement, or as a condition of consent agreement, or subdivision agreement. 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.~~
- ~~e) e) The implementing Zoning By-law shall require setbacks for all structural development (except permitted shoreline structures) from all watercourses and waterbodies.~~
  - ~~f) As a condition of development approval, a natural shoreline vegetation buffer shall be preserved within at least 20 metres of all the required setback from 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.~~

10. The first paragraph in Policy 4.4 (Stormwater Management) is modified to state the following:

It shall be the policy of this Plan that ... a significant adverse impact on local and area-wide drainage patterns. In assessing the adequacy of stormwater management for proposed development or redevelopment, the impacts of a changing climate shall be taken into consideration. ...

11. The second paragraph in Policy 4.5.1.3 (Endangered and Threatened Species) is modified to state the following:

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.~~ Requests for planning approvals will include a screening for Species at Risk and an appropriate level of site assessment to determine whether habitat of endangered or threatened species is present. The most recent and accurate information available from the Province at the time of development application will be utilized.

12. The following text in Policy 4.5.1.4 (Deer Habitat) is modified as follows and relocated to the end of Policy 4.5.1.2 (Significant Wildlife Habitat). Policies 4.5.1.5 (Fish Habitat), 4.5.1.6 (Wetlands), and sub-policies thereunder, are renumbered accordingly.

The Ministry of Natural Resources has identified large portions of the Municipality as ~~significant~~ deer habitat area which is considered Significant Wildlife Habitat. 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 is subject to assessment and evaluation requirements as described in this section. ~~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 or adjacent to areas with potential for Significant Wildlife 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. Schedule B identifies some natural heritage features / areas with potential for Significant Wildlife Habitat.

13. Policy 4.5.1.5.1 (Fish Habitat Classification Mapping) is deleted in its entirety; accordingly, and further to the relocation of policy 4.5.1.4 (Deer Habitat) in modification number 11 above, policy 4.5.1.5.2 (Fish Habitat Protection) is renumbered as 4.5.1.4.1, 4.5.1.5.3 (Fish Habitat Assessments) is renumbered as 4.5.1.4.2, and 4.5.1.5.4 (Lake Trout Lakes) is renumbered as 4.5.1.4.3.
14. Policy 4.5.1.5.2 (Fish Habitat Protection), renumbered as 4.5.1.4.1, is modified to state the following:

4.5.1.~~54.21~~ Fish Habitat Protection

**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.**

**Schedule B identifies areas deemed fish habitat where policies in sections 4.5.1.4.1, 4.5.1.4.2, and if applicable 4.5.1.4.3, apply.**

**Unless an assessment verifies absence of fish habitat, N**new lots fronting onto **Type 4** 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 4** fish habitat area.

...

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

...

15. Policy 4.5.1.5.3 (Fish Habitat Assessments), renumbered as 4.5.1.4.2, is modified to state the following:

4.5.1.~~54.32~~ (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 For the purposes of the evaluation requirement under policy 4.5.1.4.1, 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 potential fish** habitat. Development may be exempted from this requirement provided that:

...

16. The third and fourth paragraphs in Policy 4.5.1.6 (Wetlands) are modified to state the following:

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 confirm its significance, as well as to address any significant impacts through completion of an Environmental Impact Study. **In general, wetlands smaller than 2 hectares (5 acres) will not be evaluated nor require an EIS, except where the Municipality determines that an evaluation and study is warranted based on known habitat values or other ecological, hydrological or social functions.**

The boundaries of wetland areas shall be determined in the field. Where development **or site alteration** 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~~ **adjacent land** only where it has been demonstrated that there will be no negative impact on the wetland or its ecological functions.

17. Policy 4.6 (Adjacent Lands) is modified to state the following:

...

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 unevaluated** wetland in excess of ~~0.8 ha~~ **2 hectares**, 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 (Earth Science ANSI) or 120 metres from the boundary of a Life Science ANSI; and
- 120 metres from the habitat of an endangered or threatened species.

18. Policy 4.8 (Built Heritage and Cultural Heritage Landscapes) is modified to state the following:

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. Protected heritage properties (e.g. designated under the Ontario Heritage Act) and significant archaeological resources as determined through provincial processes and criteria, shall be conserved. The Municipality shall engage early with Indigenous communities and ~~consider~~ ensure their interests are considered 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~~ conserve protected heritage properties, ensuring that new development is compatible with and/or does not adversely impact built heritage resources and cultural heritage landscapes, to the extent allowed under the site plan control provisions of the Planning Act. This may include requiring the owner of a protected heritage property to satisfy conditions as part of a site plan control agreement with the municipality.

19. Policy 4.8.1 (Built Heritage and Cultural Heritage Landscapes) is modified to state the following:

...In considering development on or adjacent to heritage features, the following policies will apply:

- a) ~~Significant built heritage resources and significant Protected heritage property, which may contain built heritage resources or~~ 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 within, or immediately on~~ adjacent ~~lands to, a protected~~ heritage properties ~~designated under the Ontario Heritage Act as defined in Section 8.0 of the Provincial Planning Statement~~, except where proposed development and site alteration has been evaluated and it has been demonstrated that the heritage ~~attributes interest or value~~ of the designated area, property or building will be ~~conserved retained~~. Mitigation measures and/or alternative development approaches may be required in order to conserve heritage attributes of the protected heritage property ~~that would otherwise be~~ affected by ~~the adjacent development or site alteration or development on adjacent lands~~.

A Cultural Heritage Impact Assessment ~~and conservation plan~~ by a qualified professional will be required whenever ~~significant cultural heritage resources may a~~ ~~protected heritage property might~~ be impacted by a proposed development ~~or site alteration~~. Such an assessment will include a description of:...

- c) ~~Where Council has chosen to~~ ~~In considering whether to~~ pass a by-law, in accordance with the Ontario Heritage Act to designate a building, property or area, ~~council will use 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.~~

...

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 ~~or areas of archaeological potential~~ unless ~~an assessment has been completed and~~ significant archeological 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.~~

...

- e) ~~d) 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~~

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to subsection 48 (1) of the Ontario Heritage Act. Site alteration activities shall cease, and the landowner shall engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with subsection 48 (1) of the Ontario Heritage Act.

- f) ~~e) 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~~ are associated with 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.~~

...

- i) h) The Municipality shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes. Indigenous communities may have an Archaeological Protocol that they may use when engaged in consultation regarding an Archaeological Assessment.

20. Policy 4.9 (Aggregate and Mineral Resources) is modified to state the following:

... 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.

...

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.

Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

21. Policy 4.9.1 (Resource Areas) is renamed and modified to state the following:

4.9.1 Permitted Uses in Resource Areas

Areas that are currently licensed under the Aggregate Resources Act for mineral aggregate operations ~~as well as are identified on Schedule A. Permitted uses, including accessory uses, are in accordance with the provisions of the license.~~ ~~L~~ands having high aggregate or mineral resource potential are identified on Schedule ~~A E and Schedule F~~. Permitted uses include sand, gravel, quarry and mining operations. Accessory uses to mining and aggregate extraction, 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.

22. Policy 4.9.3 (Adjacent Lands) is modified to state the following:

**4.9.3 Adjacent Lands Protection of Minerals and Mineral Aggregate Resources**

Significant areas of mineral potential and areas having known mineral deposits are identified on Schedule E. Areas having significant mineral aggregate resource potential are identified on Schedule ~~A F~~ as ~~'Aggregate and Mineral Resources'~~. Development and activities 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' areas are identified on Schedule A,~~ which would preclude or hinder the establishment of new mines or 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.

Mineral mining operations and mineral aggregate operations (including existing ARA license areas identified on Schedule A) shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Where development or a change in land use is proposed within or adjacent to the ~~'Aggregate and Mineral Resource' overlay, or adjacent to~~ areas identified as ~~'Existing ARA License' or,~~ known mines or mineral aggregate operations, areas having significant mineral aggregate potential, mineral deposits, or significant areas of mineral potential, a technical study will be required to demonstrate that the above criteria have been satisfied.

23. Policy 4.9.4 (Technical Study Requirements) is modified to state the following:

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:

...

- 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.

**Where municipal interests are reflected in technical information and site plans submitted with *Aggregate Resources Act* applications for new mineral aggregate operations, additional studies are not required.**

- 24. Policy 4.9.5 (Mines and Mine Hazards) is modified to state the following:

To minimize risk to public safety, **all development (including the creation of new lots)** within 1 kilometre of mine hazards will ~~be subject to review by the Province~~ **require consultation by the municipality with the Ministry of Energy and Mines Regional Land Use Geologist.** Mine hazards **are shown on Schedule D and** can be identified through the Abandoned Mines Information System (AMIS).

- 25. Policy 4.15.2 (Targets for Affordable Housing) is modified to add the following:

**d) To evaluate progress towards meeting the affordable housing needs of current and future residents, a minimum target for the creation of affordable units for owners and renters will be 25 per cent of all new residential units.**

**e) The Municipality will monitor the creation of new affordable residential units up until the next ten-year review and update of the official plan, at which time the official plan policies affecting the supply of land, range of housing types, and densities will be re-evaluated to determine whether any changes are needed in order to meet the affordable housing needs of current and future residents.**

- 26. Policy 4.15.3 (Additional Residential Units) is modified to state the following:

...

- 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

...

- 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; ...~~

Paragraphs (g) through (j) in Policy 4.15.3 are renumbered accordingly.

27. Policy 4.17 (Group Homes) is modified to state the following:

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 of 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.

28. Paragraph (f) in Policy 4.23 (Dark Skies) is modified to state the following:  
f) In the case of major development, a detailed lighting plan will be **required encouraged**.

29. Policy 5.3.7 (Waste Disposal Sites) is modified to state the following:

...

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 and surface water contamination by leachate, surface runoff, soil contamination and hazardous waste.

In addition to examining the above-mentioned issues, where technical studies pertain to impacts from an open (operating) landfill, the following must also be examined: odour, litter, visual impact, contaminant discharges from associated vehicular traffic, dust, noise, other air emissions, fires, vectors and vermin. Council may only approve sensitive development in the vicinity of an open landfill site when it is satisfied that the technical studies indicate that impacts will be minimal or can be mitigated.

To assist in implementing this policy, the Municipality will make available to the public a map showing the locations of open (operating) and closed (non-operating) landfills, as an appendix to the official plan. The map will include the 500 m influence/study area around the fill face to help plan for sensitive land uses.

30. Policy 5.3.8 (Aggregate extraction) is modified to state the following:

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, Existing mineral aggregate operations on 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~~ continue in accordance with the scope of the license, without the need for an official plan amendment or 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~~ 4.9.4 of this Plan.

31. The second paragraph in Policy 6.1 (Provincial Highways) is modified to state the following:

...

Development adjacent to existing and planned provincial highway corridors shall maintain corridor functionality, protect for planned expansions, and consider integration with active transportation facilities consistent with the Province-wide Cycling Network. 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.

32. The third paragraph in Policy 7.2 (Subdivisions and Condominiums) is modified to state the following:

...

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. Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots front onto a local internal street and future highway corridor expansion would be not be impeded.

33. The second paragraph in Policy 7.3 (Parkland Dedication) is deleted and replaced with the following:

The municipality will take parkland or cash in lieu of parkland in accordance with sections 42 and 51.1 of the *Planning Act* and its parkland dedication by-law as applicable.

34. Policy 8.1 (Indigenous Peoples and the Duty to Consult) is modified to state the following:

...

In the spirit of reconciliation and the Aboriginal and treaty rights as set out under Section ~~25~~ 35 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 will coordinate with Indigenous communities on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.~~

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.

35. Policy 8.2 (Pre-Consultation) is modified to state the following:

~~Council shall permit applicants to 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 before submitting an application under the Planning Act.~~ 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.

36. Policy 8.5 (Site Plan Control) is modified to state the following:

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 within 120 metres of a wetland or waterbody (lakes, rivers and streams), or where the number of dwelling units on a parcel of land will exceed 10. The Municipality may also use Site Plan Control where the development meets the definition of a land lease community home under the Planning Act. The entire Municipality shall be designated as a Site Plan Control Area.

~~Council may delegate Site Plan Approval to Staff~~ shall appoint by By-Law an officer, employee or agent of the municipality as the person authorised to approve site plans and/or drawings under subsection 41 (4) of the Planning Act as that person may

~~determine 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 the Municipality** may require the dedication of lands adjacent to existing roadways in order to ensure that the minimum road allowance of 20 metres is obtained.

37. References to “Ministry of Northern Development, Mines, Natural Resources and Forestry”, “Ministry of Natural Resources” or “MNR” in policy 4.3 (c) and 4.11 are modified to read “Ministry of Environment, Conservation and Parks”.

38. Schedule ‘A’ is modified as follows:

The area on Schedule ‘A’ labelled as “Aggregate & Mineral Resource Area” and delineated with cross-hatching, together with the associated label in the legend, are deleted in their entirety.

The official plan is further modified by adding Schedule ‘E’ – Mineral Deposits and Significant Areas of Mineral Potential, attached hereto as Appendix 1.

The official plan is further modified by adding Schedule ‘F’ – Mineral Aggregate Resources, attached hereto as Appendix 2.

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Dated at Toronto this 15<sup>th</sup> day of May, 2026

  
Sean Fraser, Assistant Deputy Minister  
Municipal and Housing Operations Division  
Ministry of Municipal Affairs and Housing