



311 George St. N. Suite 200
Peterborough, ON K9J 3H3

T 705.876.8340 | F 705.742.8343

www.ecovueconsulting.com

Staff Report

To: Mayor and Council, Municipality of Magnetawan

From: Kent Randall & Aditya Srinivas (EcoVue Consulting),
Municipal Planning Consultants

Subject: Application for Zoning By-law Amendment 2022-Z03 (Woods)

Property Location: Part of Lot 24, Concession 9, Municipality of Magnetawan (Croft)
6502 Highway 124

EcoVue File No.: 22-2125-05

Date: September 21, 2022

1.0 Recommendation

It is recommended that Council receive the report dated September 21, 2022 from EcoVue Consulting Services regarding application 2022-Z03 (Woods).

It is recommended that Council **defer** the proposed Zoning By-law Amendment (ZBA) application 2022-Z03 (Woods) in order to clarify discrepancies with the existing mapping and provisions of the Official Plan and Zoning By-law.

2.0 Proposal and Background

The lands subject to this application are located in Part of Lot 24, Concession 9, in the Geographic Township of Croft, now in the Municipality of Magnetawan. The lands are known municipally as 6502 Highway 124. The subject property is approximately 0.11 hectares (0.28 acres) with approximately 42 metres of road frontage on Highway 124. The property contains one (1) trailer which the owner uses for seasonal habitation.

The purpose of the application is to rezone the subject lands from Village Residential (RV) Zone to Village Residential Exception (RV-**) Zone in order to permit the trailer for temporary habitation, in accordance with the requirements of the Municipality of Magnetawan Trailer Licensing By-law 2019-25, on the subject property. As noted, the trailer is currently being used for habitation on the site, in contravention of the Municipality of Magnetawan Zoning By-law, which only permits habitation of trailers within the Rural, Rural Residential, and Agricultural Zones, subject to licensing. The trailer is accessed via the existing driveway onto Highway 124. There are no other buildings or structures on the property.

A portion of a locally significant wetland located is also located on the rear portion of the lot.

The subject property is also located within a row of lots on Highway 124 that are zoned the RV Zone, but appear to be located outside of the designated Ahmic Harbour Village, as delineated on Schedule "A" to the Municipality of Magnetawan Official Plan.



3.0 Policy Analysis

3.1 Provincial Policy Statement (2020)

3.1.1 Rural Lands and Areas in Municipalities

The subject property is not located within a settlement area and is therefore subject to Section 1.1.4 (Rural Areas in Municipalities) and Section 1.1.5 (Rural Lands in Municipalities) of the Provincial Policy Statement (PPS).

Section 1.1.4.1 states “*healthy, integrated and viable rural areas should be supported by: a) building upon rural character, and leveraging rural amenities and assets*”. Additionally, Section 1.1.5.2 states “*on rural lands located in municipalities, permitted uses are: c) residential development...[and]...d) other rural land uses.*”

The subject application proposes to permit a trailer which has historically been used illegally as a temporary dwelling. It is our opinion that a recreational trailer on the subject property does function as “residential development”, and cannot be considered as resource-based recreational use as there is no associated recreational resource (i.e. lake, ski hill, golf course or other recreational amenity) on the site. Additionally, a trailer on the site is not consistent with the rural character or the surrounding uses, which predominantly consist of permanent rural residential uses in the form of single detached dwellings.

Furthermore, the proposed development will not conform to the Municipality of Magnetawan Official Plan which only permits “*permanent residential development*” within the Rural Areas designation, as discussed below. As such, it is our opinion that the subject trailer is not consistent with the permitted uses within Rural Areas, as discussed in the PPS.

Given the above, it is our opinion that the proposed development is not consistent with the PPS.

3.2 Municipality of Magnetawan Official Plan

The subject property is designated as Rural Areas according to Schedule ‘A’ – Land Use in the Municipality of Magnetawan Official Plan (MMOP).

The Rural Areas designation intends to protect agriculture and maintain rural character while promoting limited development in appropriate areas.

Section 5.2 of the MMOP addresses policies related to the Rural designation. When speaking to permitted residential uses, Section 5.2.1 (Rural Areas – Permitted Uses) states that

Permitted uses include agriculture, farm 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.



Therefore, the Rural Areas designation does not appear permit temporary recreational accommodation in the form of travel trailers, or other portable living spaces. Also, such a use cannot be categorized as any of the above-listed permitted uses.

From residential perspective, Section 5.2.2 states that “[l]imited new **permanent** residential development shall be permitted in the Rural Areas, preferably in close proximity to other residential uses as infilling on existing roadways where school busing and municipal winter maintenance is presently being provided”. In other words, residential development within the Rural Areas must be in the form of permanent residential development.

As discussed, the application proposes to permit the use of a travel trailer for a non-permanent, recreational use. Therefore, it is our opinion that the use of the trailer for temporary accommodation is not contemplated or permitted as a residential use within the Rural Areas designation. Furthermore, the proposed development will not be consistent with the surrounding area which predominantly consists of permanent rural residential dwellings. As such, it is our opinion that the proposed development is not in keeping with the rural character of the subject area.

Section 4.4 of the MMOP (General Development Policies – Natural Heritage and Resource Management) states that “[n]ew development or alterations shall have no negative impact on the natural features or ecological functions of [...] a [...] significant natural heritage feature or function. Where development is proposed within or adjacent to these areas, the approval authority shall require the submission of an Environmental Impact Assessment.”

Furthermore, Section 4.5 states that

[w]herever possible [Locally Significant Wetlands] 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.

Additionally, according to Section 4.10, adjacent lands are defined as all lands within “120 metres of the boundary of a(n)...unclassified wetland in excess of 0.8 ha (or) 50 metres of the boundary of other wetlands”.

The subject property is adjacent to a locally significant wetland, as identified on Schedule “B” to the MOP which is designated as Environmental Protection. Additionally, as per provincial mapping, the majority of the property is located within these wetlands. As per the above policies, the property is considered “adjacent land” and may potentially consist of sensitive features.

As such, the subject lands are required to be assessed in order to determine the actual wetland boundary and to identify if there are any sensitive features in close proximity to the proposed development. Therefore, until these features are examined on the site, the proposal does not conform to Section 4.5 of the MOP. The applicant must provide details related to the setback from the wetland boundary.

Given the above, it is our opinion that the proposed development does not conform to the MMOP.



3.3 Municipality of Magnetawan Zoning By-law No. 2001-26

According to Schedule 'C' of the Municipality of Magnetawan Zoning By-law (MZBL), the subject property is zoned Village Residential (RV) Zone. The uses permitted within the RV Zone include detached and semi-detached dwellings, duplex dwellings, converted dwellings, home occupations and bed and breakfast establishments. As noted herein, the proposed use on the subject property will be a trailer for human habitation **as a principal use**, which is not a permitted use within the RV Zone.

Although Section 3.32 of the MZBL permits licensed trailers within the Rural, Rural Residential and Agricultural Zones, it should be noted that the Municipality is currently in the process of updating their Zoning By-law with the intention of removing this section during the revision. As noted above, the overarching policies of the MOP discussed herein do not permit or support the use of trailers for long-term (even if temporary) habitable space.

Having said that, staff and the undersigned acknowledge that the subject property is not located within the Ahmic Harbour Village, and is possibly better suited within the Rural Residential (RR) Zone. If the subject property were to be rezoned to the RR Zone, the applicant would be permitted to establish the trailer use "as of right", provided a trailer license is obtained under By-law 2019-25. However, the applicant is seeking to rezone the lot strictly to permit the use of the trailer. In our opinion, this cannot be supported under the current policies.

Given the existing discrepancies between the Official Plan and the Zoning By-law, from both a text and mapping perspective, staff and the undersigned are discussing possible housekeeping amendments to address these issues. Furthermore, a decision on this application might have implications for future ZBA applications to permit trailer occupation. Therefore, we are respectfully requesting that Council defer a decision on this application until such time that Council and staff can determine an approach to rectifying the inconsistent OP/ZBL mapping and provisions.

4.0 Summary

It is our opinion that the rezoning of the subject lands from the Village Residential (RV) Zone to the Village Residential Exception (RV-**) Zone is not consistent with the PPS, does not conform to the Municipality of Magnetawan Official Plan, and does not meet the intent of the Municipality of Magnetawan Zoning By-law. In our opinion, permitting habitation within a trailer as a principal use through site-specific zoning does not represent good planning.

Therefore, it is recommended that the proposed Zoning By-law Amendment application as set out in application 2022-Z03, be **deferred**, until such time that staff and Council determine the approach for OP/ZBL inconsistencies and mapping.

Respectfully Submitted,



ECOVUE CONSULTING SERVICES INC.

A handwritten signature in blue ink that reads "J. Kent Randall".

J. Kent Randall B.E.S. MCIP RPP
Municipal Planning Consultant



A handwritten signature in black ink that reads "Aditya Srinivas".

Aditya Srinivas B.Sc.
Junior Planner