

# Planning Report

**To:** Mayor and Members of Council, Municipality of Magnetawan

**From:** Chris Conti (EcoVue Consulting), Township Planning Consultants

**Subject:** Proposed Consents 30 Trails End Lane, Lot 21, Concession 8, Former Township of Croft, Municipality of Magnetawan

**File:** EcoVue Project No: 24-2125-06

**Date:** January 29, 2025

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## 1.0 Recommendation

We recommend that Council receive the report dated January 29, 2025 from EcoVue Consulting Services regarding application #B003/2025 (VanderBreggen) and that Council approve the application and that the provisional consent be given subject to the following conditions:

1. The Applicants shall provide a draft reference plan of survey to the Municipality of Magnetawan for review prior to registration.
2. The Applicants shall provide a draft copy of the deeds (with all schedules) to be approved by the Municipality prior to registration.
3. A parkland dedication fee shall be paid in accordance with Section 51.1 (1) of the Planning Act acceptable to the Municipality of Magnetawan in cash or certified cheque.
4. All taxes, municipal, legal, and planning fees associated with the processing of this application including fees under By-law 2011-11, 2011-16 and current Municipal Fees & Charges By-law shall be paid.
5. Prior to final approval of the consents, the Applicants shall provide information acceptable to the Municipality about developments of the proposed lots, including site plans for the

development of the two undeveloped lots created through the consents. The site plans should demonstrate that the lots can accommodate a dwelling, septic system, well and associated facilities in such a way that maintains appropriate setbacks and, buffers from the floodline and the shoreline of Ahmic Lake. The site plans shall also include the elevation of openings to habitable buildings and other requirements as set out in the Magnetawan Official Plan and the Magnetawan Zoning By-law including maintaining a 20 metre wide buffer of natural vegetation along the shoreline of Ahmic Lake.

6. The Municipality shall be satisfied with regard to the proposed road access and entrances to the lots.

## **2.0 Background**

Jacobus and Katelyn VanderBreggen (Applicants) have submitted applications for two consents for a property at Lot 21, Concession 8, former Township of Croft, known municipally as 30 Trail's End Lane, Municipality of Magnetawan (subject property). The applications are supported by a Planning Justification Report prepared by Melissa Markham Planning and Associates. .

The subject property is located on the southern shoreline in the western part of Ahmic Lake to the east of Ahmic Harbour. The property has an area of approximately 9.1 hectares and a total shoreline frontage of approximately 300 metres and is currently composed of two parcels. .

The easterly parcel has an area of approximately 5.5 hectares and a shoreline frontage of approximately 142 metres. The westerly parcel has an area of approximately 3.6 hectares and a shoreline frontage of approximately 158 metres.

The first proposed consent would sever a portion of the western area of the easterly parcel and provide an addition to the area of the westerly parcel. The proposed severed parcel in the first consent has an area of approximately 0.5112 hectares and shoreline frontage of approximately 46

metres. The retained land will be the easterly area of the eastern parcel with an area of approximately 5 hectares and a shoreline frontage of 96 metres.

The purpose of the second consent is to sever the eastern part of the westerly parcel. The proposed westerly severed parcel will have an area of approximately 2 hectares and a shoreline frontage of approximately 100 metres.

The end result of the two consents will be three parcels with area and frontages as follows:

<b>Parcel</b>	<b>Area</b>	<b>Frontage</b>
Easterly Lot (the retained parcel from consent #1)	5 hectares	96 metres
Middle Lot (severed parcel from consent #1 and retained from consent #2)	2.0 hectares	100 metres
Westerly Lot (Severed parcel from consent #2)	2.0 hectares	104 metres

A cottage is located on the easterly lot and the other proposed parcels are vacant. Ahmic Lake Road borders the southern boundary of the subject property and it is expected that it will provide access to the lots.

The subject property is designated Shoreline and Rural in the Municipality of Magnetawan Official Plan (MMOP). The waterfront portions of the property is within the Shoreline designation and it extends back from the lake for approximately half of the length of the property. The remainder of the property which fronts on Ahmic Lake Road is in the Rural designation.

The subject property is zoned Shoreline Residential (RS) in the Municipality of Magnetawan Zoning By-law 2001-26 (MMZB).

The Official Plan designations and the zoning of the property permit residential use. All three parcels resulting from the two consents will meet the requirements for shoreline lots and all may be suitable for seasonal residential development.

## 2.0 Planning Analysis

### 2.1 The Planning Act

The authority for municipalities to grant severances emanates from Section 53 (1) of the *Planning Act*, R.S.O., 1990, c.P. 13 (Act) which states:

*(1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).*

Severances are required to have regard for matters in Section 51 (24) of the Act through reference in Section 53 (12). Section 51 (24) states the following:

*(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

*(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

*(b) whether the proposed subdivision is premature or in the public interest;*

*(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

*(d) the suitability of the land for the purposes for which it is to be subdivided;*

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act,*

*2006, 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

The applications for consent must address the above requirements including through sections 51 (24) (c) and (g), the applicable Official Plan and Zoning By-law.

The proposed consents are not expected to cause concern for matters of provincial interest. The remaining requirements, noted above, as they apply to the proposal are addressed in the remainder of this report where appropriate.

## **2.2 Provincial Planning Statement (2024)**

Through Subsection 3 (5) of the Act, the proposed consent must be consistent with policy statements issued under Subsection 3 (1). The Provincial Planning Statement (PPS) which came into effect on October 20, 2024 is the relevant policy statement which applies to the proposal.

### **3.1.1 Rural Areas in Municipalities**

The policies in section 2.5 of the PPS require building on rural character and leveraging rural amenities and assets in order to support healthy, integrated and viable rural areas. The proposed consents are consistent with this policy since they will create an additional shoreline lot that meets the zoning requirements and will be compatible with other properties in the area. The proposed use of the property is permitted by planning policies and is consistent with rural character.

### **3.1.2 Rural Lands in Municipalities**

Section 2.6 of the PPS applies to rural lands in municipalities. The permitted uses for rural lands include resource-based recreational uses including recreational dwellings, and residential uses, including lot creation where conditions are suitable for the provision of appropriate sewage and water services. .

The intent of the proposal is to maintain the resource based recreational use of the property through the creation of an additional waterfront lot. Provided that appropriate information demonstrates that the proposed lot can accommodate sewage and water services (i.e. septic permit), and maintain required setbacks, the consent will be consistent with this policy.

### **3.2.3 Sewage, Water and Stormwater**

Policies for the planning of sewage, water and stormwater systems are set out in section 3.6 of the PPS. Section 3.6.4 provides for the use of individual private septic and water services where municipal services and communal services are not available. Development of the proposed lots is expected to be based on the use of private services.

### **3.2.4 Natural Heritage**

Section 4.1 of the PPS includes natural heritage policies. Section 4.1.2 states the following:

*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 proposal is creating an additional lot on Ahmic Lake which is a natural surface water feature. However, provisions in the MMOP and MMZB include measures to address and mitigate potential impacts. These provisions are discussed later in this report.

The proposed consent will provide for additional shoreline development on lots that meet the requirements of the MMOP and MMZB. Provided that the appropriate policies are addressed, the proposal is not expected to affect biodiversity or result in negative ecological affects.

Section 4.2.1 of the PPS provides policies to “protect, improve and restore the quality and quantity of water...” which includes in Section 4.2.1 (g) “ensuring the consideration of lake capacity where applicable....” For development proposals adjacent to Ahmic Lake water quality and lake capacity must be taken into account. These issues can be addressed through the requirements of the MMOP and the MMZB.

Section 5.2 of the PPS includes policies for natural hazards. Section 5.2.2 (b) generally directs development away from hazardous lands adjacent to streams, rivers and small inland lake systems

that are impacted by flooding hazards. The policies of the MMOP and MMZB include provisions to avoid flood hazards from Ahmic Lake.

The remainder of the policies in the PPS are not directly relevant to the proposal.

Based upon our review, the proposed consent will be consistent with the PPS provided the conditions recommended in this report are applied to the approval.

### **2.3 Official Plan**

As noted in Section 51 (24) (c) of the Act, the proposed consent must conform to the requirements of the applicable Official Plan.

As stated earlier in this report, the subject property is designated as Rural and Shoreline in the MMOP. The shoreline designation applies to the waterfront area of all of the proposed lots. Both the Rural designation and the Shoreline designation permit residential dwellings.

Section 4.2.2 of the MMOP sets out requirements to avoid flood hazards when locating development adjacent to lakes and watercourses. It states in part:

*In the case of flood plains, a study by a qualified hydrological engineer to determine potential impact of new development on the flood elevation and flow velocities shall be required. Specifically for lakes like Ahmic and Cecebe the floodplain is defined by the following elevations:*

*Lake Cecebe 284.67 CGD*

*Ahmic Lake 281.97 CGD*

*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 on up-stream or down-stream lands.*



From review of available broad scale provincial topographic mapping there appears to be sufficient area on the lots to avoid the flood elevation with the placement of fill and the location of buildings. The planning justification report submitted for the proposal maintains that there is sufficient area on the lots to locate dwellings and associated facilities while avoiding the floodplain and maintaining appropriate setbacks. However, the owner should submit site plans prior to final approval of the consents demonstrating that development will avoid the floodplain and that the proposed development complies with the above policy.

Section 4.3 of the MMOP includes requirements to protect surface water quality which include requirements for a 30 metre setback for septic systems from the lake and for maintaining natural vegetation along the waterfront. It also include additional restrictions for lakes which are “at of near capacity”. However, Ahmic Lake is classified in Appendix 1 of the MMOP as “developable with a cautionary approach”.

In view of the substantial size of the lots, there should be sufficient area to maintain setbacks for septic systems as required. However, prior to final approval of the consents, the owner should submit site plans to demonstrate conformity with this policy which shall form the basis of the development of the lots.

Furthermore, it is expected that the analysis of lake capacity for Ahmic Lake and its classification as developable with a cautionary approach would allow for some minor additional lot creation.

Section 4.15 of the MMOP requires confirmation that there is adequate water supply and a septic disposal system available to service the proposed development and that development will not have an adverse impact on neighbouring wells and surface and groundwater quality. Prior to final approval of the consents, the owner should provide information acceptable to the Municipality that the development of the lots will not have an adverse impact on wells and surface and groundwater quality.

Section 5.0 of the MMOP includes policies for Rural Areas. Section 5.3.6 restricts development in floodplains including in the floodplain area of Lake Cecebe and Ahmic Lake. It is expected that portions of the parcels in closest proximity to Ahmic Lake will be within the floodplain elevation of 481.97 C.G.D. noted in Section 4.2 . As stated earlier, there appears to be sufficient area to avoid construction and filling in the floodplain of the lots. Prior to approval of construction, the Applicants should provide plans for the development of the lots which demonstrate to the satisfaction of the Municipality that filling and construction will not occur in the floodplain area.

Portions of the subject property are designated as Shoreline. Section 5.4 of the OP provides policies for the Shoreline designation. The permitted uses include detached dwellings which is the current use of the easterly parcel and is the intended use of the other two lots resulting from the consents.

Section 5.4.2 sets out development standards for Shoreline properties. It states in part:

*Unless otherwise specified, new lots should be no smaller than 1.0 ha (2.5 acres) in area with 90 metres (300 feet) of water frontage.*

As indicated earlier in this report, the three lots resulting from the consents will meet these size requirements.

Section 5.4.5 requires that no development should be permitted which would result in a lake being over capacity. It further states that the assimilative capacity of lakes according to their biological carrying capacity is provided in Appendix 1.

As noted previously, Ahmic Lake is identified in Appendix 1 as being “developable with a cautionary approach”. Based upon this classification we understand that there is still capacity available for some development on the shoreline of Ahmic Lake. However, there should be compliance with requirements of the MMOP for maintaining setbacks from the lake and maintaining vegetation along the shoreline in conjunction with development of the lots.

Policies which apply specifically to severances are included in Section 7 of the OP. In Section 7.1 the OP states:

*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.*

The proposed consents will result in minor expansion of the shoreline residential use. The lots will comply with size requirements. Therefore, it is expected that the proposed consents can be considered minor in nature and will conform to the applicable provisions of the MMOP.

Criteria for severances are set out in Section 7.1.1. They include that the proposal must not require a plan of subdivision and that the lot size and setback requirements will satisfy the specific requirements of the MMOP and the zoning by-law. .

The proposed consents do not require a plan of subdivision. The parcels resulting from the consent will meet lot size requirements.

The subject property abuts Ahmic Lake Road which is expected to provide access to the lots. It is a municipal road which is maintained year round. Therefore the proposed lots will comply with Section 7.1.1 (c) of the MMOP.

Section 7.1.1.(e) requires lots to have road access where traffic hazards are appropriate. Prior to final approval of the severances, the owner should be required to satisfy the Municipality that road access can be provided safely.

In Section 7.1.1 (f) the MMOP states:

*(f) 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;*

The above policy should be addressed through the submission of site plans prior to final approval of the consents.

Based upon the above considerations, it appears that the application will conform to the applicable parts of Section 7.1.1 of the MMOP.

The remainder of the policies in the MMOP do not directly apply to the proposed consent.

In view of the above, based upon the submission of acceptable plans for development of the lots, the proposed consent will conform to the Official Plan.

#### **2.4 Municipality of Magnetawan Zoning By-law**

The subject property is zoned Shoreline Residential (RS) in the Municipality of Magnetawan Zoning By-law 2001-26 (MMZB).

Section 3.5 of the MMZB provides a requirement for the dimension and shape of lots and states:

*No lot shall have a lot depth exceeding 5 times the lot width.*

The proposed lots will meet the above requirement.

Section 3.6 of the MMZB provides requirements for the development of additional dwelling units on lots. According to this section additional dwelling units may be permitted on lots in the Shoreline Residential zone. If additional dwelling units are proposed on the lots that will be created through the consents, they must comply with the requirements in this section, including demonstrating that the additional unit can be serviced appropriately with a sewage disposal system.

Section 3.14 of the MMZB sets out requirements for minimum elevation of openings to buildings. It states that no opening to habitable buildings adjacent to Ahmic Lake shall be located below 283.16 metres C.G.D.

Section 3.26 of the MMZB requires 20 metre minimum setbacks for most buildings and structures from the high water mark of watercourses. Also, Section 3.36 provides setback and elevation requirements for septic systems.

These are requirements that must be applied when construction is proposed on the proposed lots. These requirements should be implemented through the submission of site plans prior to final approval which should form the basis of development of the lots..

Section 4.2 of the MMZB includes provisions for the Shoreline Residential zoning category. In Section 4.2.1 the MMZB identifies the permitted uses in the RS zone which include “detached dwelling”.

Section 4.2.2 provides the property standards for the RS zone which include the following:

- i) *Minimum Lot Area – 1.0 ha*
- ii) *Minimum Lot Frontage – 90 m*
- iii) *Minimum Front Yard – 15 m*
- iv) *Minimum Interior Side Yard – 3.5 m*
- v) *Minimum Exterior Side Yard – 7.5 m*
- vi) *Minimum Rear Yard – 10.0 m*
- vii) *Maximum Lot Coverage – 15%*
- viii) *Maximum Building Height – 10.7 m*

- ix) *Minimum Ground Floor Area – 65.0 mx) Minimum Natural Vegetation Area or Landscaped Open Space – 70% of front yard.*

The proposed lots will comply with the above-noted size and frontage requirements. New construction should comply with the other requirements noted above.

In view of the above, our opinion is that the proposed consents will comply with the MMZB.

### **3.0 Summary and Conclusions**

Based upon the submitted documents, the Applicants are proposing two consents which will result in the creation of three shoreline lots from two existing parcels.

The proposed lots will meet the size requirements for shoreline lots in the Official Plan and Zoning By-law. The size of the lots should be large enough and ground elevations seem to be suitable so that buildings, septic systems and other facilities can be located on the lots in compliance with the requirements of the MMOP and MMZB. The most easterly lot is already developed with a dwelling and associated facilities, but the other two proposed lots are vacant. The ability of the two undeveloped lots to accommodate buildings and associated facilities should be demonstrated through the submission of site plans prior to final approval of the consents. These site plans should then form the basis for development of the lots when construction occurs.

In view of the above, and subject to information acceptable to the Municipality being provided as required in the recommended conditions of approval, our opinion is that the proposal will conform to the MMOP and comply with the MMZB. Furthermore, the proposed consents will have regard for the requirements of Section 51 (24) of the Act.

We recommend that the applications be approved and that the conditions included in the recommendations at the beginning of this report be applied to the approval.

Respectfully submitted,

**ECOVUE CONSULTING SERVICES INC.**

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