

Planning Report

To: Mayor and Members of Council, Municipality of Magnetawan

From: Kent Randall and Chris Conti (EcoVue Consulting), Township Planning Consultants

Subject: Proposed Consent, Part Lot 15, Concession 5, Former Township of Croft, Municipality of Magnetawan

File: EcoVue Project No: 25-2125-02

Date: April 30, 2025

1.0 Recommendation

We recommend that Council receive the report dated April 30, 2025 from EcoVue Consulting Services regarding the "Stockdale" application and that Council approve the application and that the provisional consent be given subject to the following conditions:

1. The Applicant shall provide a draft reference plan of survey to the Municipality of Magnetawan for review prior to registration.
2. The Applicant 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 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. That prior to final approval of the consent the Applicant provide information acceptable to the Municipality demonstrating that the subject parcel can accommodate a dwelling, septic system and associated facilities without causing negative impacts on the deer wintering area

and that there are no potential issues regarding Minimum Distance Separation from agricultural facilities.

6. That prior to final approval of the consent, the Applicant shall obtain approval of a minor variance from the provisions of Zoning By-law No. Frontage for lot area in a Rural (RU) zone.

2.0 The Application

Thomas Stockdale (Applicant) has applied for a consent to sever a portion of the property at Lot 15, Concession 5, former Township of Croft, Municipality of Magnetawan. The property is currently owned by Mr. Stockdale and his brother, Richard Stockdale, and the family of their cousin who recently passed away.

The intent of the application is to split the property among the owners with approximately one-third being conveyed to the Applicant while the other two thirds will be retained by Richard Stockdale and the cousin's family. The Applicant intends to retain the proposed severed parcel and at present does not intend to change its use. The proposed retained parcel is intended to remain in the ownership of the other two owners who intend to sell it. Thomas Stockdale (Applicant) has applied for the consent with agreement of the other owners.

The subject property is part of a peninsula of land that partially separates Ahmic Lake from Beaver Lake. However, it does not include waterfront on either lake. It has an area of approximately 20.46 hectares and frontage of approximately 509.96 metres. The proposed severed parcel consists of the northern third of the property. It has an area of approximately 6.82 hectares and a frontage of approximately 169.99 metres. The retained parcel has an area of approximately 13.64 hectares and frontage of approximately 389.98 metres.

The property has frontage on the 15-16 Concession Road which is a year-round maintained public road. Both the severed and retained parcels will have frontage on this road. The retained parcel will also have frontage on Hickory Lane which is a private road.

No buildings or structures are located on the subject property and no construction is currently being proposed. The effect of the application will be to separate approximately one third of the subject property which will be conveyed to the Applicant. The retained parcel will remain in the ownership of the other two parties.

3.0 Planning Analysis

3.1 The Planning Act

The authority for municipalities to grant severances emanates from Section 53 (1) of the 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 above requirements as they apply to the proposal, including conformity with the applicable Official Plan and Zoning By-law as required in sections 51 (24) (c) and (g) above, are addressed in the remainder of this report where appropriate.

3.2 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 that applies to the proposal.

3.2.1 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 consent is consistent with this policy since it will create a large lot that that meets most zoning requirements and will be compatible with others in the area and the rural character. The proposed use of the property is also consistent with rural character and is intended to maintain its natural assets.

3.2.2 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 policies in this section also require new lots to comply with Minimum Distance Separation (MDS) requirements.

The intent of the proposal is to maintain the resource based recreational use of the property. While the application is not currently proposing residential use, the consent will result in an additional lot that may be suitable for the location of a residence. Provided that appropriate information i demonstrates that the proposed lot can accommodate sewage and water services (i.e. septic permit), the consent will be consistent with this policy. The proposed lot must also comply with MDS requirements if there are any agricultural facilities in the vicinity.

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 Provincial Planning Statement.

Section 3.6.4 of the Provincial Planning Statement provides for the use of individual private septic and water services where municipal services and communal services are not available. If development is proposed on the property, it is expected that private services can be provided.

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.

In addition, Section 4.1.5 (d) states that development and site alteration are not permitted in significant wildlife habitat unless it is demonstrated that there will be no negative impact on the natural feature or their ecological functions.

According to Schedule B of the Municipality of Magnetawan Official Plan (MMOP) the property is within a Deer Wintering Area. Section 4.6 of the MMOP indicates that Deer Wintering Areas may be considered as Significant Wildlife Habitat and through Section 4.1.5.(d) of the PPS and the relevant sections of the MMOP, development may not be permitted unless it is demonstrated that there will be no negative impact on the Deer Wintering Area. While at present there is no intent to change the use of the property or construct any new buildings, the consent represents development and the Municipality should be satisfied that the property can be developed without negative impact on the Deer Wintering Area. As a condition of approval of the consent the Applicant should submit information acceptable to the Municipality to demonstrate that the lot can be developed with a single detached dwelling without causing negative impact on the Deer Wintering Area. This matter is discussed later in this report.

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.

3.3 Growth Plan for Northern Ontario

The area covered by the Growth Plan for Northern Ontario includes the subject property. The Growth Plan for Northern Ontario sets out a number of policies which promote community development, economic growth and the protection of the environment.

The proposed consent may represent a modest amount of growth and economic activity. Provided the recommendations in this report are applied to the approval of the consent, the proposal should not have a negative impact on significant environmental features and functions.

Based upon these factors, the proposed consent will conform to the Growth Plan for Northern Ontario.

3.3 Official Plan

The Municipality of Magnetawan Official Plan (MMOP) includes policies regarding the development and use of lands, and the protection of environmental features within the Municipality. It also includes policies which apply specifically to lot creation. Furthermore, as noted in Section 51 (24) (c) of the Act, the proposed consent must conform to the requirements of the applicable Official Plan which in this case is the MMOP.

The subject property is designated Rural in the MMOP. The Rural designation allows for the existing use of the property and also permits some limited residential use.

Section 4.3 includes policies for the protection of surface water quality. The policies apply mainly to the development of shoreline lots and set out setback requirements for septic systems for lakes that are "at or near capacity". As noted earlier, the subject parcel does not contain waterfront. The subject property is located on a peninsula between Ahmic Lake or Beaver Lake, Ahmic Lake is identified in Appendix 1 of the MMOP as having some capacity, but Beaver Lake, also called Neighick Lake, is identified as having limited capacity. Based upon Section 4.3, a 300 m. setback may be required for the septic system from Beaver Lake. However, based upon provincial mapping it appears that the proposed severed parcel is close to 300 m. from the Beaver Lake shoreline, and therefore, it is expected that this requirement will be met. The policies in Section 4.3 should not restrict the further development of the subject parcel if it is proposed in the future.

Section 4.4 of the MMOP contains policies for the protection of natural heritage features. It states in part:

New development or alterations shall have no negative impact on the natural features or ecological functions of significant habitat of endangered or threatened species, other significant wildlife habitat, fish habitat, a provincially significant wetland or other 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.

The policies in Section 4.6 of the MMOP apply specifically to deer habitat. In Section 4.6 it states that the areas identified as deer habitat are shown generally on Schedule B of the MMOP and they may change over time. In addition it states:

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.

It further states that where development is proposed within significant deer wintering habitat Council will require the submission of an Environmental Impact Assessment Report including a wildlife habitat assessment prepared by a qualified biologist to ensure that there is no negative impact.

The subject parcel is sufficiently large that it may be possible to locate a dwelling, septic system and associated facilities on the lot without encroaching into areas of dense conifer cover. Prior to final approval of the consent the Municipality should be in receipt of sufficient information to be satisfied that the subject lot can be developed with a dwelling, septic system, etc., without negatively impacting significant deer wintering habitat. This may involve simply confirming that areas of dense

conifer cover will not be removed with development of the lot, or if that is not possible, then an Environmental Impact Assessment Report will be required to demonstrate that there will be no negative impact on significant deer habitat.

Section 4.15 of the MMOP states that for new development Council must be satisfied that there is adequate water supply and sewage disposal service for the proposal. Private sewage disposal and water service is the general standard in the Municipality. Prior to final approval of the consent the Applicant should provide sufficient information to satisfy the Municipality that the subject lot can be appropriately serviced.

Section 4.17 of the MMOP includes policies for maintain Minimum Distance separation between sensitive land uses and agricultural operations. It appears that no agricultural facilities are located in the vicinity of the subject property and therefore there may be no need for an MDS calculation. However, this requirement should be addressed by the Applicant prior to final approval of the consent.

As noted earlier, the subject property is designated Rural Area in the MMOP. Section 5.2 provides policies for Rural Areas which include the permitted uses set out in Section 5.2.1. They mainly include agriculture, recreational uses and resource-based uses. However, residential dwellings are a permitted use.

It states in Section 5.2.2:

Limited 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. Scattered or isolated development that would result in an increase in municipal servicing costs shall be discouraged.... New lots should have a minimum lot size of 1.0 hectares (2.47 acres).

While no residential use of the property is currently proposed, it is permitted in the Rural Area designation through the above provisions. There is other residential development in the area along the shoreline of Beaver Lake and Ahmic Lake, so residential use of the severed parcel could be considered infilling and would not be an isolated development. The severed parcel meets the size

requirement noted above. However, as discussed later in this report the proposed lot will not meet the lot area requirement for the Rural zone in the Zoning By-law.

Policies for land divisions are included in Section 7.0 of the MMOP and 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 consent does not require a plan of subdivision, the severed parcel meets most lot size requirements except for the lot area requirement for the Rural zone. If development of the severed parcel occurs, it is expected that all setback requirements can be met..

Section 7.1.1 (e) requires that lots must have road access in a location that avoids traffic hazards. The proposed severed parcel will have frontage on Magnetawan Concession Road 15-16. It is expected that access can be provided to there that avoids traffic hazards.

In Section 7.1.1 (f) the OP 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;

It is expected that the proposed lot can accommodate an adequate building site and an adequate means of sewage disposal and water supply. Through the conditions of approval of the consent, the Applicant must provide satisfactory information to the Municipality that the above requirements can be satisfied.

Section 7.1.1 (h) requires that lots for permanent residential use must be located on a year round maintained municipal road or a provincial highway. The proposed severed parcel will be located on a municipal road that is maintained year round.

Section 7.1.1 (i) states the following:

in the Rural designation, new lots created by consent shall be limited to the following:

i) The Township will permit the creation of up to eight new lots per year. The new lots must comply with the regulations as set out in the implementing Zoning By-law.

ii) two lots per original hundred acre lot;

iii) one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and

iv) infilling between existing residences within 300 metres of each other on the same side of a municipal road or Provincial highway.

Pursuant to Section i)i) the proposed lot will comply with most of the applicable regulations in the Zoning By-law. It does not meet the lot area requirement, but can be dealt with through approval of a variance for the subject parcel.

Based upon the submitted information, the current ownership of the property has been in place since 1976 and prior to that was owned by the Applicant's aunt. We do not have information that other consents have been granted that might be affected by Sections ii) or iii) above and restrict approval of the subject application.

Based upon the above factors, our opinion is that the application conforms to the applicable parts of Section 7.1.1 of the OP.

Section 7.3 provides requirements for parkland dedication. These requirements will be dealt with through the recommended conditions of approval of the consent.

In view of the above our opinion is that the proposed consent conforms to Section 7.0 of the MMOP.

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

In view of the above, our opinion is that the proposed consent will conform to the applicable policies of the MMOP.

3.4 Municipality of Magnetawan Zoning By-law

The subject property is zoned Rural (RU) 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 severed and retained parcels will comply with the above requirement.

Section 4.6 of the MMZB includes provisions for the Rural zoning category. In Section 4.6.1 the MMZB identifies the permitted uses in the RU zone which include detached dwelling, duplex dwelling, semi detached dwelling, farm, hunt camp, lodging or boarding house, resource management activities and a variety of other uses.

Section 4.6.2 provides the property standards for the RS zone which include the following:

- i) *Minimum Lot Area - 10.0 ha*
- ii) *Minimum Lot Frontage - 134 m.*
- iii) *Minimum Front Yard - 15 m*
- iv) *Minimum Interior Side Yard - 15 m*
- v) *Minimum Exterior Side Yard - 15 m*
- vi) *Minimum Rear Yard - 15.0 m*
- vii) *Maximum Lot Coverage - 25%*
- viii) *Maximum Building Height - 10.5 m*
- ix) *No Kennel to be located within 120 metres of a residential dwelling on another lot.*

The proposed severed parcel exceeds the frontage requirement and should meet or exceed all of the other above-noted standards except for lot area. While the size of the lot is substantial at 6,8 hectares it is deficient in meeting the area requirement of 10 hectares for the RU zoning category. Given that the intent of the consent is to divide the ownership of the property among the existing owners and there is no current intent to change the use of the property, our opinion is that creation of the proposed lot with reduced area is acceptable and will still result in an appropriate lot for the RU zone. However, a variance will be required for lot area prior to final approval of the consent.

The proposed retained parcel complies with all of the standards for the RU zone and does not require any variances.

In view of the above considerations, the proposed consent will comply with the intent of the MMZB.

3.0 Summary and Conclusions

Based upon the submitted documents, the Applicant is proposing to sever a large rural lot from a property that has been owned by members of his family for many years. There is no intent at present to change the recreational use of the property or to construct any buildings or structures. The intent is only to provide for separate ownership of the severed and retained parcels.

The proposed severed parcel conforms to most provincial requirements, and to the provisions of the MMOP and MMZB. As discussed in this report, because the proposed consent creates an additional development opportunity for the severed parcel, the submission of additional information is required to address the potential development of the lot, potential impacts on deer wintering habitat and MDS requirements.

The proposed severed and retained parcels meet all size requirements in the MMOP, and the retained parcel meets all standards in the MMZB. However, the proposed severed parcel is deficient with regard to one zoning standard for the RU zone, that is for lot area. This deficiency can be dealt with through approval of a minor variance, which we recommend be applied as a requirement of approval of the consent.

In view of the above, and based upon the recommended conditions our opinion is that the proposal conforms to the relevant provisions of the MMOP and the MMZB. Furthermore, it has regard for the requirements of Section 51 (24) of the Act it and does not raise any significant concerns.

The recommendation included at the beginning of this report includes the required standard conditions for approval of the consent and also deals with additional requirements which have been discussed above.

Respectfully submitted,

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