

Report to Council

To: Mayor and Members of Council, Municipality of Magnetawan

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

Subject: Proposed Zoning By-law Amendment, Part Lot 15, Concession 5, Former Township of Croft, Municipality of Magnetawan

File: EcoVue Project No: 25-2125-02

Date: June 26, 2025

1.0 Recommendation

It is our recommendation that:

1. Council receive this report dated June 26, 2025 from EcoVue Consulting Services regarding Stockdale application; and
2. Council approve the application to amend Municipality of Magnetawan Zoning By-law No. 2001-26 to change the zoning of the severed parcel created through consent application No. B02/2025 from Rural (RU) to Rural Residential (RR).

2.0 The Application

Thomas Stockdale (Applicant) applied for a consent to sever a portion of the property at Lot 15, Concession 5, former Township of Croft, Municipality of Magnetawan. Through application B02/2025, the consent was given conditional approval through a decision of the Committee of Adjustment on May 14, 2025. The conditions imposed by the Committee included the following:

That the Applicant apply for and be approved for a Zoning Amendment to rezone the proposed severed lot from Rural to Rural Residential to bring the proposed severed lot into compliance with the Zoning By-law.

Pursuant to the above condition, the Applicant has applied to amend Magnetawan Zoning By-law No. 2001-26 (ZBA) to change the zoning of the severed parcel from Rural (RU) to Rural Residential (RR). The RR zoning will permit the use of the severed parcel as a residential lot. In addition, it will be possible for the severed parcel to comply with all standards in the RR zone.

The intent of the consent application was to split the property among members of the Applicant's family. The severed parcel will be conveyed to the Applicant while the remainder of the property will remain in the ownership of Mr. Stockdale's brother and other family members. The severed parcel comprises approximately one third of the property.

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. The property has frontage on the 15-16 Concession Road which is a year-round maintained public road.

The severed parcel has an area of approximately 6.82 hectares and a frontage of approximately 169.99 metres and is located in the northern part of the property. The remainder of the lands has an area of approximately 13.64 hectares and frontage of approximately 389.98 metres.

No buildings or structures are located on either the severed parcel or the remaining lands. However, there is a future intent to use the severed parcel for residential purposes. The proposed ZBA will apply a zoning category to the severed parcel which permits the residential use and zoning standards with which the lot will comply.

3.0 Planning Analysis

The proposed ZBA must be consistent with and conform to provincial and municipal planning policies that apply to the proposal. The requirements of these policies in relation to the proposed ZBA are discussed in the remainder of this report.

3.1 Provincial Planning Statement (2024)

Through Subsection 3 (5) of the *Planning Act, R.S.O. 1990, c. P. 13* (Act), the proposed ZBA 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.

3.1.1 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 ZBA will provide a rural lot that is consistent with rural character and provide an additional residential opportunity.

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 proposed ZBA is intended to maintain the resource based recreational use of the property. A condition of approval of the consent requires that confirmation be provided to the Municipality that the proposed lot can accommodate sewage and water services (i.e. septic permit).

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. As indicated above, the conditions of the consent approval require the Applicant to provide confirmation that the lot can be provided with private sewage 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.

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 to 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 (SWH) and through Section 4.1.5.(d) of the PPS and the relevant sections of the MMOP, development may not be permitted within SWH unless it is demonstrated that there will be no negative impact.

Given its size and the lack of dense coniferous vegetation on the severed parcel, it is expected that important habitat areas can be avoided in the development of the lot. This matter is discussed further below.

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

Based upon our review, the proposed ZBA is consistent with the PPS.

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 ZBA represents a modest amount of growth and economic activity. Provided that the conditions of the consent are fulfilled and the Municipality is satisfied that deer wintering habitat will not be impacted by development of the lot, the ZBA should not have a negative impact on significant environmental features and functions.

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

3.2 Municipality of Magnetawan 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. The proposed ZBA must conform to the relevant policies in 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 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 water frontage.

The subject property is located on a peninsula between Ahmic Lake and Beaver Lake. Ahmic Lake is identified in Appendix 1 of the MMOP as having some capacity for development 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 mapping, it appears that the location of the severed parcel can maintain this separation distance. Therefore, the policies in Section 4.3 should not restrict the further development of the severed parcel.

Section 4.4 of the MMOP contains policies for the protection of natural heritage features including significant wildlife habitat and requires that new development should have no negative impact. The policy requires the preparation of an Environmental Impact Assessment for development occurring on lands adjacent to significant features. .

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 above policy indicates that for new lots, areas of dense conifer cover should be avoided and the development area including access and services should be located outside of the most significant deer wintering habitat.

The size of the severed parcel exceeds the minimum lot size noted above by a substantial amount. The lot frontage is 169.9 metres and the depth is 401.26 metres. A review of vegetative cover on the severed parcel indicates that it does not contain dense coniferous cover and does not appear to contain woody vegetation within 30 metres of dense coniferous cover. Therefore the severed parcel is unlikely to be classified as deer wintering habitat.

While policy Section 4.6 requires the preparation of an Environmental Impact Assessment if development is proposed within significant deer wintering habitat, it appears that habitat can be avoided in the development of the severed parcel. The intent of this policy should be able to be fulfilled if areas of deer wintering habitat, mainly areas of dense conifer cover, are avoided in the development of the severed parcel. Given the size of the lot and its habitat characteristics, it should be possible to locate the development outside of areas of significant habitat.

At the time the development is proposed for the severed parcel the Municipality should work with the owner to delineate an acceptable building envelope that will avoid deer wintering habitat areas.

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. The conditions of approval of the consent require confirmation from the North Bay Mattawa Conservation Authority that the parcel can be adequately serviced with private sewage disposal.

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).

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 severed parcel will not meet the lot area requirement for the Rural zone in the Zoning By-law. The proposed ZBA will change the zoning category so that the severed parcel will comply with the standards of the applicable zone. The Rural Residential use proposed through the ZBA is permitted in the Rural Area designation through the above provisions.

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

In view of the above, our opinion is that the proposed ZBA will provide an appropriate zoning standard for the severed parcel and it will conform to the applicable policies of the MMOP.

3.3 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 4.6 of the MMZB includes provisions for the RU zoning category. The severed parcel can meet all requirements of the RU zone except for lot area. Therefore, a ZBA is required.

Section 4.1 provides the standards for the RR zone. Permitted uses in Section 4.1.1 include detached dwelling, home occupation, bed and breakfast establishment, and resource management uses.

The standards for the RR zone are provided in Section 4.1.2 as follows:

- i) *Minimum Lot Area – 1 ha*
- ii) *Minimum Lot Frontage – 60 m.*
- iii) *Minimum Front Yard – 15 m*
- iv) *Minimum Interior Side Yard – 7.5 m*
- v) *Minimum Exterior Side Yard – 15 m*
- vi) *Minimum Rear Yard – 7.5 m*
- vii) *Maximum Lot Coverage – 5%*
- viii) *Maximum Building Height – 10.5 m*

The proposed future use of the severed parcel is for a single detached dwelling which is permitted in the RR zone. The severed parcel has an area of approximately 6.82 hectares which exceeds the 1.0 hectare area requirement for the RR zone. The frontage of the severed parcel of approximately 169.9 metres exceeds the RR frontage requirement of 60 metres. The other standards of the RR zone are related to the development of the property and can be met when the severed parcel develops.

The intent of the RR zoning in the MMZB is to provide standards for appropriately sized residential lots in the Municipality and to ensure that lots can accommodate buildings and structures while maintaining separation from other properties.

Since there is an intent to use the severed parcel for a single detached use, the proposed ZBA which will rezone the severed parcel to the RR zone provides appropriate standards for the use and the future development of the lot. The residential use is permitted in the Rural Official Plan designation.

Therefore, in view of the above considerations, the proposed ZBA will comply with the intent of the MMZB.

3.0 Summary and Conclusions

The proposed ZBA is required as a condition of consent of the subject property in order to provide appropriate zoning standards for the future rural residential use of the severed parcel.

The residential use of the property is permitted through the Rural Official Plan designation. The proposed ZBA is consistent with provincial requirements, and conforms to the provisions of the MMOP.

The proposed ZBA will provide an appropriate zoning category for the rural residential use of the severed parcel. The severed parcel meets or exceeds all standards in the RR category. It includes sufficient area to locate a dwelling and associated facilities. In view of the vegetative characteristics of the severed parcel, it should have sufficient area to avoid significant deer wintering habitat. Furthermore, through the conditions of consent approval, it will be determined if private sewage services can be accommodated on the lot. The severed parcel will be an appropriately sized lot that is appropriate for a rural residential use and complies with the requirements of the RR zone.

An appropriate building envelope should be identified by the Municipality that delineates the location of buildings, the septic system and other facilities and avoids significant deer habitat at the time the lot develops.

In view of the above, we recommend that the application to amend the MMZB for the severed parcel to change the zoning category from Rural to Rural Residential be approved.

Respectfully submitted,

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