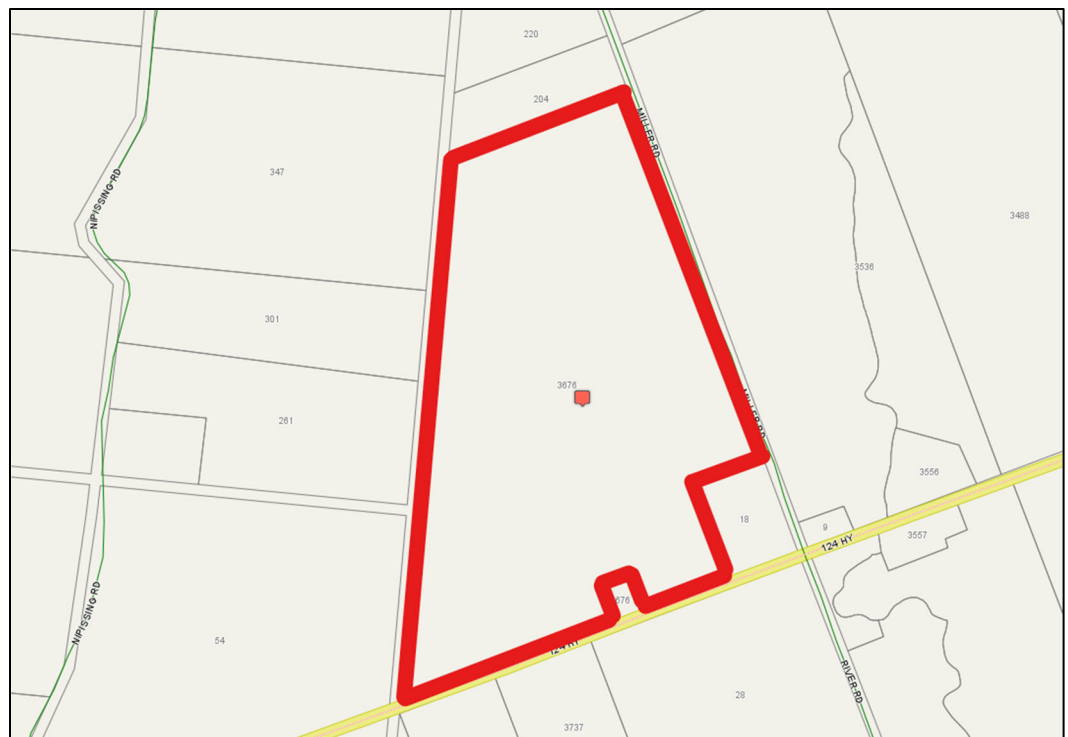


3676 B

HIGHWAY 124



10/23/2023

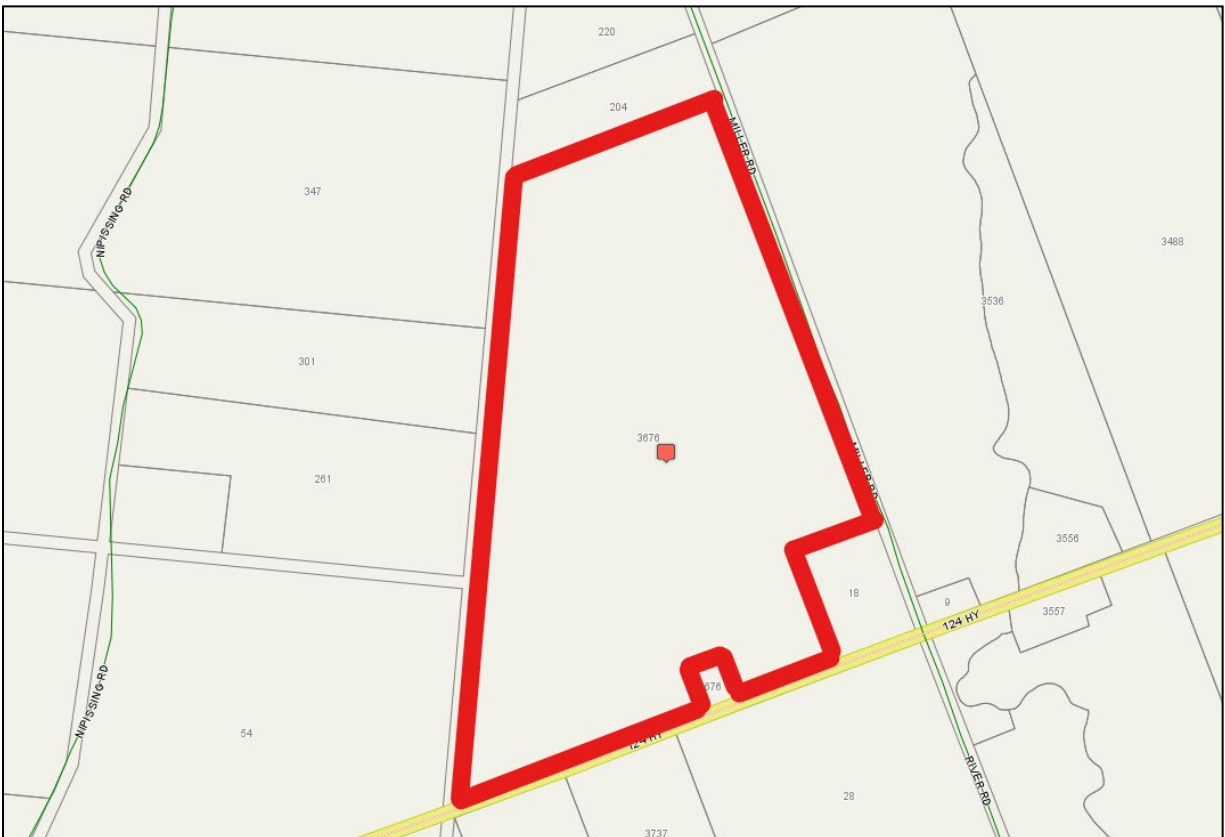
PLANNING JUSTIFICATION REPORT

PREPARED BY:

Plan Muskoka
www.planmuskoka.com

1.0 INTRODUCTION

Plan Muskoka has been retained by Luke and Nicole Eisses, as their agent, to review proposed Consent and Zoning By-law Amendment applications for their property located at 3676 B Highway 141 in the Municipality of Magnetawan. The purpose of this report is to provide planning justification for staff and Council's consideration regarding the applications, which will be filed with the Municipality of Magnetawan and the Central Almaguin Planning Board.



**Figure 1: Key Map Showing Location of Subject Lands
(Municipality of Magnetawan Community Map)**

2.0 SITE CHARACTERISTICS

The subject lands are located at 3676 B Highway 124 and are generally described as Part of Lots 26 and 27, Concession 9, Chapman. The property is approximately 48.8 hectares in lot area with 560 metres of frontage on Highway 124 and 708 metres of frontage on Miller Road. The lands are presently developed with a dwelling and accessory agricultural buildings. The subject lands have generally flat topography and

consist primarily of open meadow areas with mature vegetation along the interior property boundaries. Surrounding the property are primarily rural and rural residential uses. A municipal public works yard is located adjacent to the subject lands at the intersection of Miller Road and Highway 124 and an institutional use (Chapman Valley Gospel Hall) is located further to the east on the opposite side of Miller Road. A Provincially Significant Wetland is located to the south and west, falling on a small area in the southwestern corner of the subject lands.

The subject lands are designated Rural and Environmental Protection according to Schedule A of the Municipality of Magnetawan Official Plan and are zoned Rural (RU) and Environmental Protection (EP) by the Municipality of Magnetawan Comprehensive Zoning By-law 2001-26.

3.0 PROPOSAL

The applicant wishes to create one new vacant rural residential lot, as shown in Figure 2 below. The proposed severed lot would have an area of 1.0 hectare with approximately 145 metres of frontage on Miller Road. The retained lands would have an area of approximately 47.8 hectares with 563 metres of frontage on Miller Road and maintain all the existing frontage on Highway 124.

To implement the proposed lot creation, a Zoning By-law Amendment application will be filed with the Municipality of Magnetawan to rezone the proposed severed lot from the Rural (RU) Zone to a Rural Residential (RR) Zone.

4.0 PLANNING FRAMEWORK

To come to a professional opinion regarding the consistency and conformity of the proposed development, and if the proposal represents good planning, a review of all relevant planning documents is required. These documents consist of the Provincial Policy Statement (2020), the Growth Plan of Northern Ontario (2011), the Municipality of Magnetawan Official Plan, and the Municipality of Magnetawan Comprehensive Zoning By-law 2001-26, as amended.

Therefore, the purpose of this report is to examine the proposal and make a determination as to if the proposal is consistent, is in conformity, and/or complies with all the above-mentioned documents.

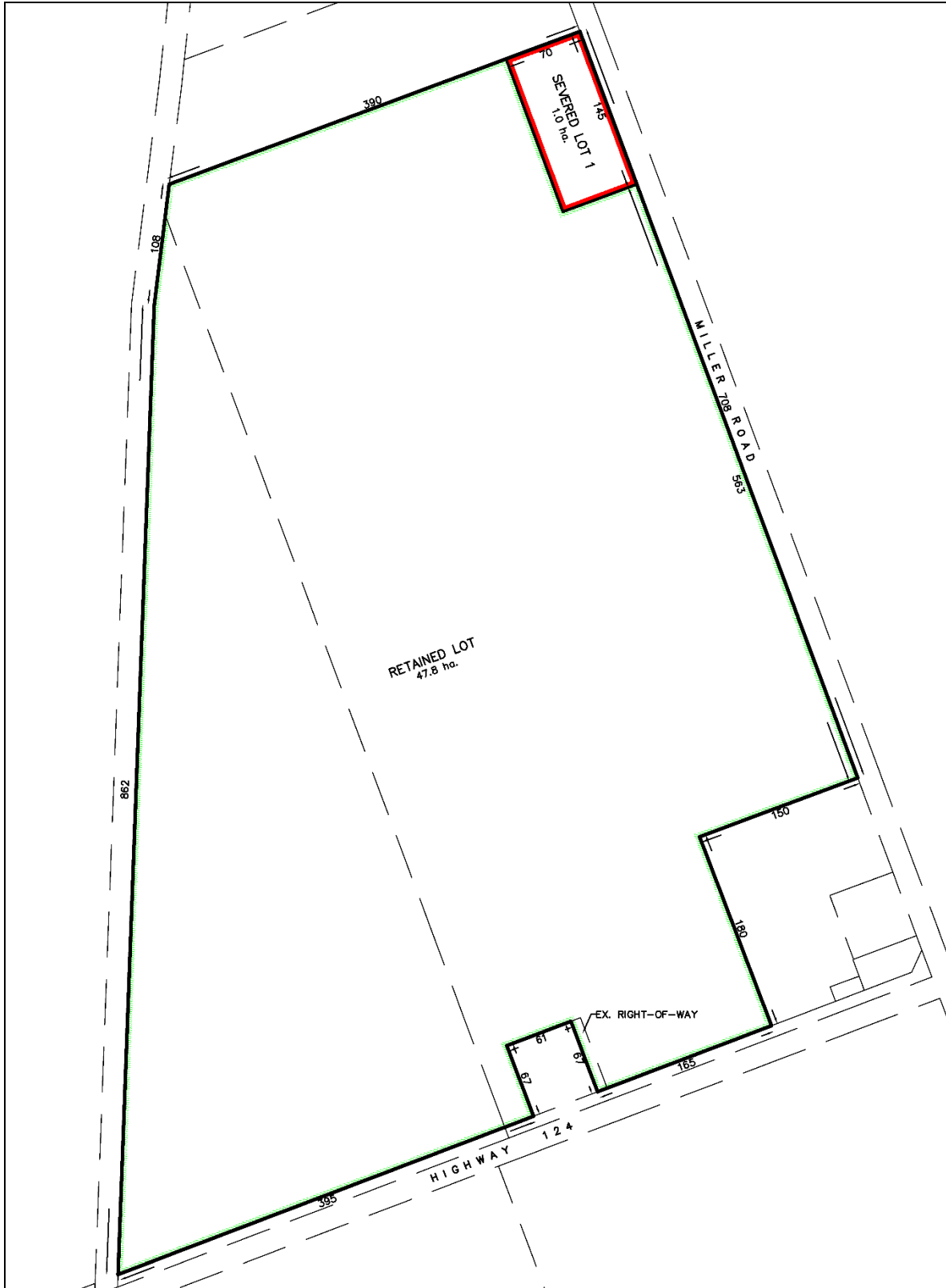


Figure 2: Proposed Lot Configuration (Plan Muskoka)

4.1 PROVINCIAL PLANS

Section 3 (5) of the *Planning Act* states:

"A decision of a council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,

- a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
- b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be."*

As such, the determination must be made that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan of Northern Ontario (2011) in order for the Municipality of Magnetawan Council to approve the proposed zoning by-law amendment application and for the Central Almaguin Planning Board to make the decision to approve the proposed consent application.

Sections 4.1.1 and 4.1.2 of this report will review the proposed development for consistency with those documents.

4.1.1 PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (2020) (the 'PPS') is a broad-range policy document that provides direction for development across all of Ontario.

The subject property, being outside of any settlement area, is considered to be within the Rural Area of Ontario, as defined in the PPS. Furthermore, being located outside any Prime Agricultural Area of Ontario, the subject lands are deemed to be 'Rural Lands' within the policy framework of the PPS.

Section 1.1.4.1 of the PPS states that *"healthy, integrated and viable rural areas should be supported by:*

- a) building upon rural character, and leveraging rural amenities and assets; ...*

- d) *encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e) *using rural infrastructure and public service facilities efficiently; ..."*

The lot sizes and low-density land use proposed reflect the existing rural character of the area, and the creation of one additional lot does not require the expansion of existing municipal infrastructure and services.

Section 1.1.5.2 of the PPS permits *"residential development, including lot creation, that is locally appropriate"* on rural lands, which matches the description of the existing and proposed use of the lots. Furthermore, Section 1.1.5.4 of the PPS states that *"development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted."* Rural residential development is found throughout the Municipality of Magnetawan, forming part of the rural landscape of the area. The proposed lot, being on a year-round maintained public road with existing utilities and services, such as school bussing, is to be serviced by rural service levels and is therefore promoted by the PPS.

Section 1.1.5.5 of the PPS states that *"development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure."* As the proposed lot is located on an existing public road with utilities readily available, there is no expansion of services required to accommodate the proposed development.

Section 1.6.6.4 of the PPS states that *"where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts."* The subject lands are not serviced by municipal water and sewer services, nor are there any private communal sewage and water services available for the lands. The proposed severed lot will be serviced by private individual water and sewage systems, consistent with all surrounding properties in the area, which is the typical form of servicing found in the Municipality of Magnetawan. Given the proposed use, there is no expected negative impact to the existing services of the lands in the long-term.

Section 2.1.4 of the PPS states that *"development and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E."* Furthermore, Section 2.2.2 states that *"development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. ..."* A review of the available natural heritage mapping from the Ministry of Natural Resources and Forestry (the 'MNR') indicates the presence of a provincially significant wetland on a small area in the southwest corner of the subject lands and on adjacent lands, as illustrated in Figure 3 below. The mapping also illustrates a stream that crosses Miller Road into the centre of the subject lands.

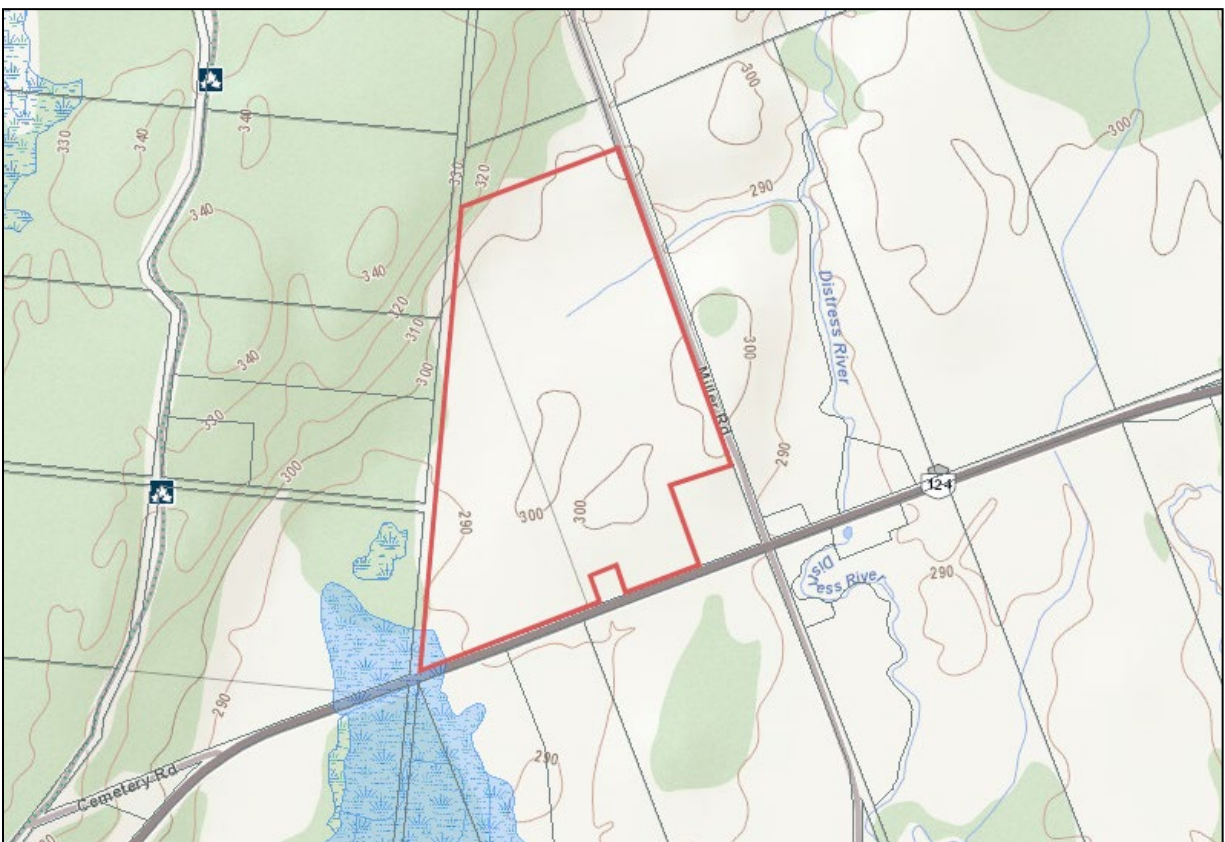


Figure 3: Map Illustrating Natural Heritage Features (MNR Make a Map)

No new development is proposed within or adjacent to the stream or PSW as they will continue to form part of the already developed retained lands. Given the distance between these features and the proposed severed lot, there is ample area to site development on the new lot while maintaining sufficient setbacks from the watercourse and wetland areas both on site and on adjacent lands, in accordance with provincial regulations.

In light of the analysis above, it is my professional opinion that the proposed development is consistent with the Provincial Policy Statement (2020).

4.1.2 GROWTH PLAN FOR NORTHERN ONTARIO (2011)

The Growth Plan for Northern Ontario (2011) (the '**Growth Plan**') is described as, in part, an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan. Section 1.4 of the Growth Plan states several guiding principles for growth in northern Ontario, the most relevant being *"1. Creating a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents"* and *"5. Demonstrating leadership in sustainable growth and environmental management."* This application, which seeks to provide additional housing opportunities in the Municipality of Magnetawan, conforms to the above-noted guiding principles.

Section 4.2.1 of the Growth Plan states that all municipalities should prepare long-term community strategies that are designed to achieve:

- a. *economic, social and environmental sustainability*
- b. *accommodation of the diverse needs of all residents, now and in the future*
- c. *optimized use of existing infrastructure*
- d. *a high quality of place*
- e. *a vibrant, welcoming and inclusive community identity that builds on unique local features*
- f. *local implementation of regional economic plans, where such plans have been completed.*

The proposed lot creation will provide a wider range of residential tenure choice and more affordable rural housing options while utilizing existing municipal infrastructure.

Section 5.2.1 states that *"infrastructure planning, land-use planning, and infrastructure investments will be co-ordinated to implement this Plan. Infrastructure includes, but is not limited to: transportation systems, water and wastewater infrastructure, waste management systems, energy infrastructure, community infrastructure, and information and communications technology infrastructure."* Further, Section 5.2.4 states that *"infrastructure planning and investments will contribute to a culture of conservation by, wherever feasible, utilizing approaches and technologies that reduce energy and water use, increase efficiencies, and promote intensification and brownfield site redevelopment."* The proposed lot creation

would permit the construction of an additional dwelling on a new lot, where only one dwelling is permitted today, thereby increasing efficiencies and optimizing the use of existing services.

Considering the above analysis, it is my professional opinion that the proposed development conforms with the policies of the Growth Plan for Northern Ontario (2011).

4.2 MUNICIPALITY OF MAGNETAWAN OFFICIAL PLAN

The Municipality of Magnetawan Official Plan (the 'Official Plan') builds off provincial policies, establishing guiding principles and objectives that are more specific to the local municipality. The primary intent of the Official Plan is to guide development to suitable areas and to protect the physical and natural resources of the municipality (Section 1.1). Section 2.4 of the Official Plan states that *"the Municipality of Magnetawan is experiencing development pressures primarily in the form of shoreline development and to a lesser extent, for rural residential development along municipal roads. Council wishes to guide residential development to ensure that development does not result in an undue financial burden to the Municipality or adverse environmental effects."* This, among other Objectives, forms the basis upon which land use designations and policies to guide future development are established.

The subject lands are designated Rural and Environmental Protection according to Schedule A of the Official Plan.

Section 5.2.1 of the Official Plan states that permitted uses within the Rural designation include residential dwellings, as is proposed for the severed lot. Further to this, Section 5.2.2 states that *"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. Residential subdivisions are not permitted in the Rural Areas."* The proposed severed lot fronts onto Miller Road, which is a year-round maintained road with school busing and utilities readily available. Therefore, no expansion of existing services or municipal infrastructure is required to service the new lot.

Section 5.2.2 further states that *"new lots should have a minimum lot size of 1.0 hectares (2.47 acres)."* The proposed severed lot conforms with this standard.

Section 7.0 of the Official Plan contains land division policies, with Section 7.1 stating that *"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 creation of one new lot that conforms with the policies of the Official Plan and complies with the standards of the Zoning By-law is minor, particularly considering the significant size of the retained lot. As stated throughout this report, no expansion of municipal services is required to support the proposed lot.

Section 7.1.1 provides criteria for evaluating consent applications. A brief comment on each criterion is included below:

a) *a registered plan of subdivision is not necessary for the orderly development of the lands;*

As the proposal is extremely limited in nature, being the creation of one new lot with no new infrastructure required, a plan of subdivision is not necessary.

b) *the lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements;*

The proposed lot meets the minimum 1.0 hectare lot area required under the Rural land use designation, and a zoning by-law amendment application will be filed to implement the proposed Rural Residential lot standards and use.

c) *the proposed lot must front on a publicly maintained road or, within the Shoreline designation, between existing lots on an existing private road with a registered right-of-way to a municipally maintained road or be a condominium unit, which may be created on private roads having access to a municipal year round road;*

The proposed severed lot has frontage on Miller Road, which is a year-round maintained public road.

d) *lots for hunt camps, fishing camps, wilderness tourist camps or similar uses may be permitted on unmaintained municipal road allowances or on private right of ways to*

publicly maintained roads provided that the appropriate agreements are in place to ensure that the Municipality has no liability with respect to the use of these roads;

Not applicable.

e) the lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;

The subject property's frontage on Miller Road is straight, with no curves or other hazards that would impact access. Further, an entrance permit will be required to demonstrate appropriate access at the time the severed lot is developed.

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 proposed lot size conforms with the minimum standard established for new rural lots in the Official Plan and has a suitable building envelope that meets all required setbacks in the Zoning By-law. The proposed severed lot is located outside of any hazard lands; therefore, it is not anticipated that there would be any issue with siting the required private individual sewage disposal and water supply. The applicant will also be required to obtain approval from the North Bay Mattawa Conservation Authority to demonstrate an appropriate location and sizing for an on-site sewage system before a permit for new construction can be issued.

g) notwithstanding subsection c), lots created for seasonal or recreational purposes may be permitted where the access to the lot is by a navigable waterbody provided that Council is satisfied that there are sufficient facilities for mainland parking and docking;

Not applicable.

h) any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway;

Miller Road is a year-round maintained municipal road.

- i) *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.*

During the pre-consultation process, no concerns were identified by municipal staff with respect to the limit on new lots created per year. The proposed severed lot will be rezoned to comply with the Rural Residential zone established in the comprehensive Zoning By-law. As the subject lands are presently 120 acres in area and no lots have been severed from the parcel since the time of the approval of the Official Plan, the proposed lot creation conforms to the consent policies.

- j) *the creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.*

The retained lands will continue to have significant frontage on both Miller Road and Highway 124.

- k) *any severance proposal on land adjacent to livestock operations shall meet the Minimum Distance Separation Formula I in accordance with the MDS Guidelines and shall demonstrate that the proposed water supply has not been contaminated from agricultural purposes.*

There do not appear to be any livestock facilities in close proximity to the severed lot that would trigger the Minimum Separation Distance requirements.

Lastly, Section 4.0 of the Official Plan contains general development policies applicable to all development in the Municipality. As illustrated in Figure 3, constraint mapping identifies a stream crossing the subject lands. Further, Schedule B of the Official Plan illustrates that the subject lands are partially within and adjacent to a Provincially

Significant Wetland ('PSW'), and a Candidate Life ANSI is located to the south of the subject lands on the opposite side of Highway 124.

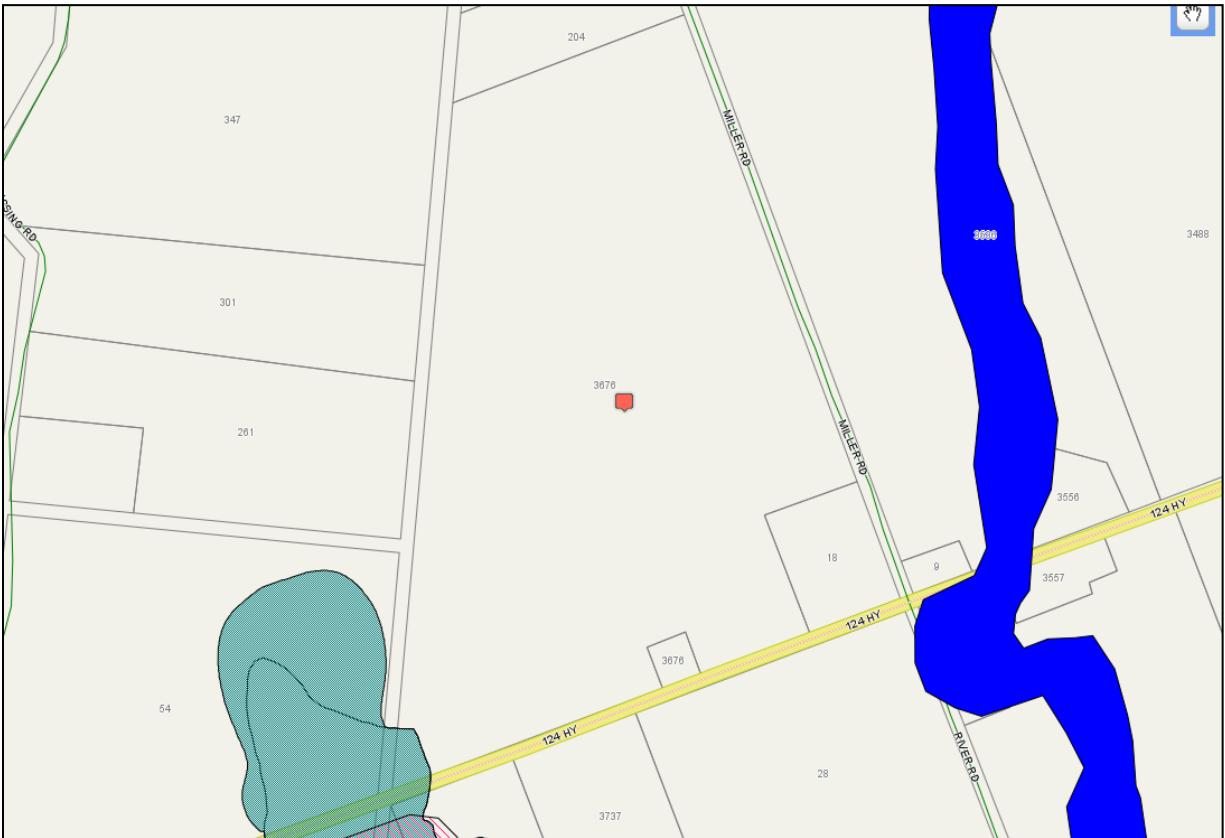


Figure 4: Map Illustrating Provincially Significant Wetland (Green Crosshatch) and Candidate Life Science ANSI (Red Hatch) (Municipality of Magnetawan Community Map)

Section 4.3 states that *"preservation of water quality is a significant consideration in reviewing any development proposal adjacent to a watercourse or lake. Septic systems shall be located at least 30 metres from a watercourse or waterbody"* A review of the provincial natural heritage mapping indicates that the stream on the subject lands is located approximately 100 metres from the nearest boundary of the proposed severed lot; therefore, there is sufficient distance to site a new septic system on the severed lot without encroaching into the 30 metre setback.

Section 4.4 of the Official Plan states, in part, that *"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."* Section 4.5 further directs that *"there are two Provincially significant wetlands within the*

Municipality, the Distress River wetland and the Bear Lake wetland. These areas are to be protected and maintained in a natural state. ... Development and site alteration will not be permitted in the Distress River Wetland or the Bear Lake Wetland or any wetlands that are determined to be provincially significant in the future. The boundaries of wetland areas shall be determined in the field. Where development is proposed in or within 120 metres of any Provincially significant wetlands shown on Schedule B, the proponent shall submit an Environmental Impact Assessment Report. Council will permit site alteration or development in or within the 120 metre buffer area only where it has been demonstrated that there will be no negative impact on the ecological features and functions of the wetland."

Lastly, Section 4.4 defines "adjacent lands" as *"the lands adjacent to a natural heritage feature within which potential impacts of a development proposal must be considered. 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 wetland in excess of 0.8 ha;*
- 50 metres of the boundary of other wetlands;*
- 30 metres of any watercourse;*
- 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest; ..."*

As illustrated in Figure 4 above, the PSW is located on a small portion of the southwestern property boundary only. The proposed severed lot is located more than 900 metres away from the PSW, well beyond the 120 metre buffer. Likewise, as the ANSI is located on the south side of Highway 124, the proposed severed lot and any new development will be located approximately 1,000 metres from the identified boundary of the ANSI. Therefore, no negative impacts are expected from the proposed lot creation, nor is an assessment warranted.

Based on the above analysis, it is my professional opinion that the proposed development conforms to the Municipality of Magnetawan Official Plan.

4.3 MUNICIPALITY OF MAGNETAWAN ZONING BY-LAW 2001-26

The Municipality of Magnetawan Zoning By-law 2001-26 (the 'Zoning By-law') implements the Official Plan with provisions and regulations that control development form and -function. The subject lands are presently zoned Rural (RU) and Environmental Protection (EP) in the Zoning By-law. In order to facilitate the proposed lot creation,

application will be made to rezone the severed lot from the RU zone to the Rural Residential (RR) zone. No changes to the existing EP zone are proposed.

Section 4.1.1 of the Zoning By-law states that permitted uses of the RR zone include detached dwelling, home occupation, bed and breakfast establishment and resource management uses. Therefore, the proposed residential land use is permitted on the severed lot.

The table below indicates the relevant required provisions of the RR zone and how the proposed severed and retained lots measure against those provisions.

RR ZONE REGULATION	REQUIRED	SEVERED LOT
Minimum Lot Area (4.1.2)	1.0 hectare	1.0 hectare
Minimum Lot Frontage (4.1.2)	60 metres	145 metres
Minimum Front Yard (4.1.2)	15 metres	n/a
Minimum Interior Side Yard (4.1.2)	7.5 metres	n/a
Minimum Rear Yard (4.1.2)	7.5 metres	n/a
Maximum Lot Coverage (4.1.2)	5%	n/a

As is indicated in the table above, all relevant regulations of the Zoning By-Law are met by the proposal for the severed lot.

Further, the retained lands will continue to comply with the permitted uses and significantly exceed the minimum lot area and frontage requirements of the existing RU zone, as indicated in the table below.

RU ZONE REGULATION	REQUIRED	RETAINED LOT
Minimum Lot Area (4.6.2)	10 hectares	47.8 hectare
Minimum Lot Frontage (4.6.2)	134 metres	563 metres (Miller Road) 560 metres (Highway 124)

Minimum Front Yard (4.6.2)	15.0 metres	~25 metres
Minimum Interior Side Yard (4.1.2)	15.0 metres	~125 metres
Minimum Exterior Side Yard (4.6.2)	15.0 metres	~270 metres
Minimum Rear Yard (4.1.2)	15.0 metres	~700 metres
Maximum Lot Coverage (4.1.2)	25%	<1%

As such, it is my professional opinion that the proposed development complies with the Municipality of Magnetawan Zoning By-law 2001-26.

5.0 SUMMARY AND CONCLUSIONS

The subject lands are located at 3676 B Highway 124 and are generally described as Part of Lots 26 and 27, Concession 9, Chapman. The property is approximately 48.8 hectares in lot area with 560 metres of frontage on Highway 124 and 708 metres of frontage on Miller Road. The lands are presently developed with a dwelling and accessory agricultural buildings.

The applicant wishes to create one new vacant rural residential lot. The proposed severed lot would have an area of 1.0 hectare with approximately 145 metres of frontage on Miller Road. The retained lands would have an area of approximately 47.8 hectares with 563 metres of frontage on Miller Road and maintain all the existing frontage on Highway 124.

To implement the proposed lot creation, a Zoning By-law Amendment application will be filed with the Municipality of Magnetawan to rezone the proposed severed lot from the Rural (RU) Zone to a Rural Residential (RR) Zone.

Based on the analysis provided in this report, it is my professional planning opinion that the proposed development:

- i. is consistent with the Provincial Policy Statement (2020),
- ii. is consistent with the Growth Plan for Northern Ontario (2011),

- iii. conforms to the Municipality of Magnetawan Official Plan, and,
- iv. complies to the Municipality of Magnetawan Zoning By-law 2001-26.

Furthermore, the proposal, in my professional opinion, represents good planning.

PLAN MUSKOKA



Savas Varadas, MCIP, RPP
Principal

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VERSION	DESCRIPTION	DD/MM/YYYY
1	Issued for Submission	23/10/2023

CURRICULUM VITAE OF SAVAS VARADAS

ACADEMIC BACKGROUND

SEPTEMBER 1999 – MAY 2003

UNIVERSITY OF WATERLOO

Bachelor of Environmental Studies
Honours Planning – Geography Minor

PROFESSIONAL EXPERIENCE

SEPTEMBER 2015 – PRESENT
(~8 YEARS)

PLAN MUSKOKA

Planning and Development Consulting

Huntsville, Ontario
Principal

Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Site Plan Approvals, Consents, and Development Permits. Also, consulting services have been provided for Project Management, FIT Application Zoning Certificates, Professional Evidence at the Ontario Land Tribunal (previously LPAT/OMB), and Zoning Analysis Reporting

APRIL 2004 – AUGUST 2015
(11 YEARS, 5 MONTHS)

WAYNE SIMPSON AND ASSOCIATES

Planning and Development Consultants

Huntsville, Ontario
Planner – Senior Planner

Planning Consulting for a wide range of Planning Act applications and Land Development related projects, such as Official Plan and Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, Consents, Development Permits, Project Management, FIT Application Zoning Certificates, Professional Evidence at the Ontario Municipal Board, and Zoning Analysis Reporting

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