

## **STAFF REPORT**

TO: Erica Kellogg, Deputy Clerk – Planning & Development  
Municipality of Magnetawan

FROM: Patrick Townes, BA, BEd and Jamie Robinson, BES, MCIP, RPP  
MHBC Planning Limited

DATE: April 10, 2024

SUBJECT Consent Application – 354 Simmons Lake Road (Antonik)  
Municipality of Magnetawan

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### **Recommendation**

That Council recommend to the Planning Board, that the Consent application for the subject lands located at 354 Simmons Lake Road (Antonik), be provisionally approved subject to the following conditions:

1. That the applicant meet all financial requirements of the Municipality, including the payment of the balance of any outstanding taxes, including penalties and interest be paid;
2. That a draft survey of the proposed retained and severed lots be provided to the Municipality for review and approval;
3. That a registrable description of the severed lot and a copy of the Reference Plan be deposited to the Land Registry office and be submitted to the Municipality;
4. That the owner demonstrate that the existing development on the subject property complies to the standards of the RS Zone;
5. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed retained lot can be adequately serviced by an individual on-site septic system and an individual on-site water system;
6. That the applicant pay to the Municipality a parkland contribution fee for each residential lot to be created as cash-in-lieu of a parkland contribution pursuant to Section 53 (13) of the Planning Act, R.S.O. 1990 c. P. 13; and,
7. That the conditions of Consent be fulfilled within two years from the date of the giving of the notice by the Central Almaguin Planning Board;

## **Proposal /Background**

An application for Consent has been submitted by Robert Antonik, the owner of the subject lands located at 354 Simmons Lake Road in the Municipality of Magnetawan. The subject lands are legally described as Part Lot 12, Concession 1, Registered Plan 42R-4538, former Township of Croft, District of Parry Sound. The location of the subject lands are outlined on Figure 1.

*Figure 1: Subject Lands*



The subject lands are currently developed with an existing detached dwelling that is serviced by an existing septic system and water services. The purpose of the application is to create one (1) new shoreline residential lot on the subject lands. The proposed Consent application sketch is shown in Figure 2. The proposed retained lot is to be vacant and located on the west portion of the subject lands and the proposed severed lot contains an existing dwelling on the east portion of the subject lands.

Figure 2: Proposed Lot Configuration



A summary of the proposed retained lot and proposed severed lot is provided in Table 1.

Table 1: Proposed Lot Statistics

Proposed Lot	Lot Area	Lot Frontage
Retained Lot	2.83 ha	143 m
Severed Lot	2.43 ha	109 m

The subject lands are designated Shoreline and Rural on Schedule A – Land Use in the Official Plan. The subject lands are also entirely within Deer Yard (Stratum 1), as shown on Schedule B - Environmental Features in the Official Plan. The subject lands are zoned Shoreline Residential (RS) in the Zoning By-law.

The subject lands are accessed via Simmons Lake Road which is a private road as identified on Schedule C – Transportation of the Official Plan.

The existing detached dwelling is to be located on the severed lot, on the eastern portion of the subject lands.

### **Area Context**

The subject lands have lot frontage on Newel Lake on the north portion of the subject lands. The surrounding land uses in the general area include the following:

- North:** Newell Lake and shoreline residential lots  
**East:** Newell Lake and shoreline residential lots  
**South:** Bells Lake and shoreline residential lots  
**West:** Simmons Lake and shoreline residential lots

### **Policy Analysis**

#### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) is a document that provides policy direction on matters of Provincial interest concerning land use planning. Ontario has a policy led planning system and the PPS sets the foundation for regulating the development and use of land in the Province. Policies are set out to provide for appropriate development while also protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. When making land use planning decisions, Planning Authorities must ensure that decisions are consistent with the PPS.

The subject lands are located outside of a settlement area and are considered by the PPS to be 'Rural Lands'. The PPS, specifically Section 1.1.5.2, recognizes limited residential development, including lot creation that is locally appropriate, as permitted uses on Rural Lands. The existing and proposed development on the subject lands is considered resource based recreational uses and are permitted in the context of the PPS.

Section 1.1.5.4 of the PPS indicates that *development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted*. The future shoreline residential use on the retained lot would be compatible with the surrounding land uses and would not negatively impact the character of the area. The proposed retained lot would be serviced by individual on-site sewage and water services which is the typical servicing approach for this area of the Municipality.

Section 1.6.6.4 provides policies that apply to development serviced by individual on-site sewage and water services. It states that individual on-site sewage services and individual on-site water services may be used for a new development provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The severed lot contains existing development that is serviced and the proposed retained lot is to be vacant for future development to be privately serviced.

Section 2.0 of the PPS contains policies related to the wise use and management of resources. Section 2.1 of the PPS includes policies for natural heritage features and areas. It states that natural features and areas shall be protected for the long term. The subject lands are identified as a Deer Yard (Stratum 1). The Municipality's Official Plan includes policies regarding these areas.

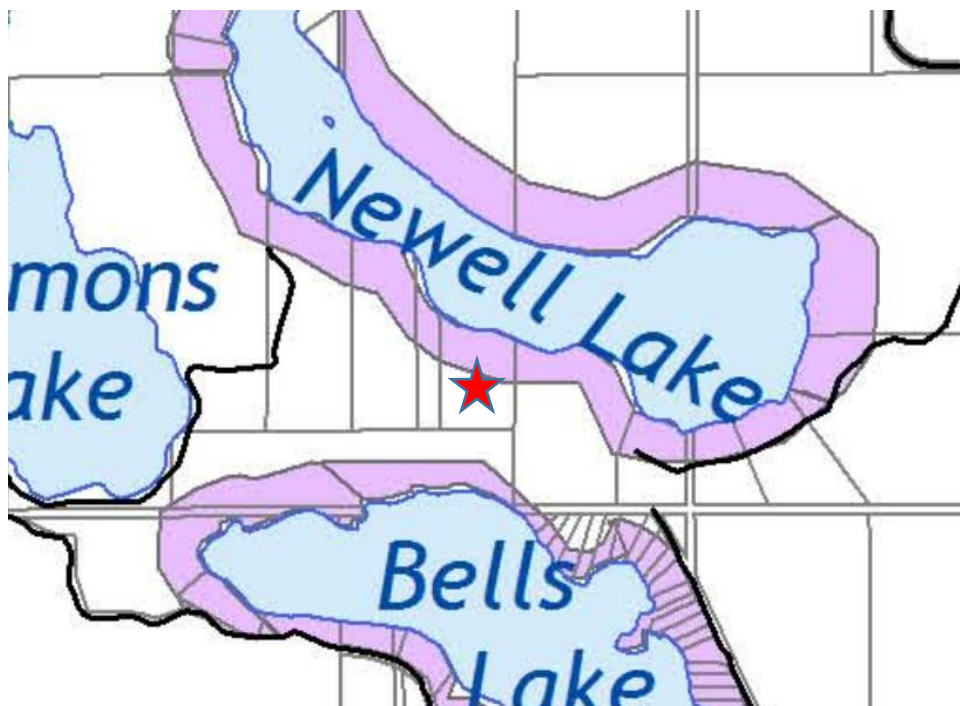
Section 3.0 of the PPS contains policies related to directing development away from natural or human made hazards. In accordance with Section 3.1, the subject lands are located outside of hazardous areas, hazardous sites and are not affected by a dynamic beach hazard, flooding hazard or erosion hazard.

Subject to the recommended conditions of provisional Consent, the proposed Consent application is consistent with the PPS.

### Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides direction pertaining to growth and development within Magnetawan. The policies in the Plan address the environment, cultural and built heritage, natural resources, and servicing and transportation. The subject lands are designated as Shoreline and Rural on Schedule A – Land Use of the Official Plan. The subject lands have lot frontage on the Newell Lake and are representative of the Shoreline designation and associated policies. The subject lands are shown on Figure 3.

Figure 3: Excerpt of Schedule A – Land Use



The permitted uses within the Shoreline designation are included in Section 5.4.1 of the Official Plan, which include detached dwellings. The existing and proposed uses for the proposed lots are permitted and conform to the Official Plan. New lots should

be no smaller than 1 hectare in lot area and no less than 90 metres of lot frontage on a lake. The proposed lots meet these requirements.

Section 4.6 of the Official Plan includes policies regarding deer habitat. The subject lands are identified as containing a Deer yard (Stratum 1). 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.

In shoreline areas, development shall be situated in locations that will not result in the removal of significant amounts of shoreline vegetation or affect shoreline habitat. Site-specific zoning and site plan control will be used to site development in the most appropriate areas to ensure minimal impact on the natural habitat. The Municipality has the ability to apply Site Plan Control to development on the proposed lots.

Section 7.1.1 of the Official Plan contains criteria that are applicable to Consent applications. Table 2 summarizes the Consent policies and the relevance to the proposed Consent application.

*Table 2: Official Plan Section 7.1.1 Summary*

<b>Policy 7.1.1 Severance Criteria</b>	<b>Does the Application Conform?</b>
a) A registered plan of subdivision is not necessary for the orderly development of the lands.	A registered plan of subdivision is not required for the creation of one new shoreline residential lot.
b) The lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements.	The proposed retained and severed lot meet the minimum requirements for lots in the Shoreline designation and zone.
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 subject lands and the proposed lots are located on Simmons Lake Road, which is identified as a Private Road. This road has a deeded right-of-way and the proposed lots are located between existing lots. Simmons Lake Road connects to 15-16 Side Road which is a municipal year round road. The proposed Consent conforms to this policy.
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	Not Applicable.

<p>that the appropriate agreements are in place to ensure that the Municipality has no liability with respect to the use of these roads.</p>	
<p>e) The lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;</p>	<p>There does not appear to be any traffic hazards where the proposed severed lot is to be accessed off Simmons Lake Road.</p>
<p>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.</p>	
<p>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.</p>	<p>Not Applicable.</p>
<p>h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.</p>	<p>The proposed Consent conforms to c) above.</p>
<p>i) In the Rural designation, new lots created by consent shall be limited to the following:</p> <ul style="list-style-type: none"> <li>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.</li> <li>ii. two lots per original hundred acre lot;</li> <li>iii. one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and</li> <li>iv. infilling between existing residences within 300 metres of</li> </ul>	<p>Not applicable.</p>

each other on the same side of a municipal road or Provincial highway	
j) The creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.	The proposed lots do not result in land lock or prevent the access to any other parcel of land.
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.	Not applicable.

Subject to the recommended conditions of provisional Consent, the proposed Consent application conforms to the Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are zoned Shoreline Residential in the Zoning By-law. Table 3 provides a summary of the proposed lots in relation to the minimum requirements for the SR Zone.

*Table 3 - Shoreline Residential Zone Standard Summary*

Shoreline Residential (RS) 4.2.2	Zone Provision	Proposed Retained Lot	Proposed Severed Lot
Lot Frontage (min)	90 m	+/- 143 m	+/- 109 m
Lot Area (min)	1.0 ha	2.83 ha	2.43 ha

As shown in Table 3, the proposed severed and retained lots comply with the minimum lot frontage and lot area requirements of the RS Zone. The existing development on the proposed severed lot also appears to meet the standards of the SR Zone.

**Comments from Departments**

Please note that no comments were received at the time this Staff Report was prepared.

Road Department:

Fire Chief:

Building Department:

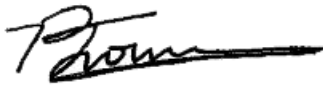
By-law Department:



**Summary**

The Consent Application proposes to create one shoreline residential lots is consistent with the Provincial Policy Statement and conforms to the Consent criteria in the Municipality’s Official Plan, subject to the recommended conditions. It is recommended that Council support the proposed application and recommend that the Planning Board approve the application, subject to the recommended conditions of provisional Consent contained in this Report.

Respectively submitted,



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