

THE MUNICIPALITY OF MAGNETAWAN

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: March 13, 2024

SUBJECT Consent Application – 3676B Highway 124, Municipality of
Magnetawan, Roll No. 494401000211800

Recommendation

Subject to the review and analysis of this report, it is recommended that Council support the proposed Consent Application that seeks to create one (1) new rural residential lot for a total of two (2) lots on the subject lands located at 3676 B Highway 124 in the Municipality of Magnetawan. It is recommended that Council support the application and recommend approval to the Planning Board, subject to the recommended conditions of provisional Consent provided below:

1. That the applicant meet all the financial requirements of the Municipality;
2. That a registrable description of the Severed Lot be submitted to the Municipality;
3. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed Severed Lot can be adequately serviced by an individual on-site septic system and an individual on-site water system;
4. That one copy of a Registered Reference Plan of the proposed Severed Lot prepared by an Ontario Land Surveyor be submitted to the Municipality of Magnetawan for review and approval which conforms substantially with the application as submitted;
5. That the Applicant submit a Zoning By-law Amendment to rezone the proposed Severed Lot to address the deficient lot area;
6. That the Applicant obtain an entrance permit from the Municipality for the proposed Severed Lot;

7. Confirmation that there are no livestock in the surrounding area that would have an impact on the proposed severed and retained lot with respect to the Minimum Distance Separation (MDS) requirements.
8. 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;
9. 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 Luke and Nicole Eisses, property owners of the subject lands located at 3676 B Highway 124 in the Municipality of Magnetawan. The location of the subject lands are shown in **Figure 1**.

The subject lands are currently developed with an existing dwelling and accessory agricultural buildings. The purpose of the application is to create one (1) new rural residential lot on the subject lands. The proposed Consent application sketch submitted by the Applicant is shown in **Figure 2**.

Figure 1 – Location of the Subject Lands



Figure 2 – Proposed Lot Configuration



A summary of the proposed Severed and Retained Lots are summarized in **Table 1**.

Table 1 - Proposed Lot Statistics

Proposed Lot	Lot Area	Lot Frontage
Retained Lot	47.8 hectares	+/- 563 metres (Highway 124)
Severed Lot #1	1 hectare	+/- 145 metres (Miller Road)

The subject lands are designated 'Rural' and 'Environmental Protection' in the Official Plan. The subject lands also contain a portion of lands designated as 'Provincially Significant Wetland' in the southwest corner of the subject lands, as shown on Schedule B (Environmental Features) in the Official Plan. The subject lands are zoned 'Rural (RU)' and 'Environmental Protection (EP)' in the Zoning By-law.

The subject lands are accessed via Highway 124 which is a Provincial highway as identified on Schedule C (Transportation) of the Official Plan. The subject lands are also bordered by Miller Road.

Area Context

The subject lands have lot frontage on Highway 124 on the south portion of the subject lands and frontage on Miller Road on the east portion of the subject lands. The surrounding land uses in the general area are the following:

North: Existing rural and rural residential uses;

East: Municipal public works yard, rural uses, and Institutional uses (The Chapman Valley Gospel Church);

South: Existing rural residential uses; and,

West: Existing rural and residential uses.

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 proposed Severed Lot is to be used for future rural residential uses. The Retained Lot is to contain the existing rural residential use. The uses of the Retained and Severed Lot are permitted uses in accordance with Section 1.1.5.2 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 rural residential use on the Severed Lot would be compatible with the surrounding rural land uses and would not negatively impact the character of the area. The proposed Severed 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 proposed Severed Lot would be serviced by private on-site sewage and water services. A condition of provisional consent should be included that requires confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that a well and septic can be accommodated on the proposed Severed Lot.

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 proposed Severed Lot does not contain any mapped natural heritage features or within adjacent lands.

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.

Provided the recommended conditions of provisional Consent are satisfied, the proposed Consent application is consistent with the policies contained in 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. Schedule A (Land Use Map) of the Official Plan identifies the subject lands as being designated 'Rural' and 'Environmental Protection' as shown in **Figure 3**. The southwest corner of the subject lands have also been identified as a 'Provincially Significant Wetland' on Schedule B (Environmental Features) as shown in **Figure 4**.

Figure 3 - Official Plan (Schedule A) Excerpt

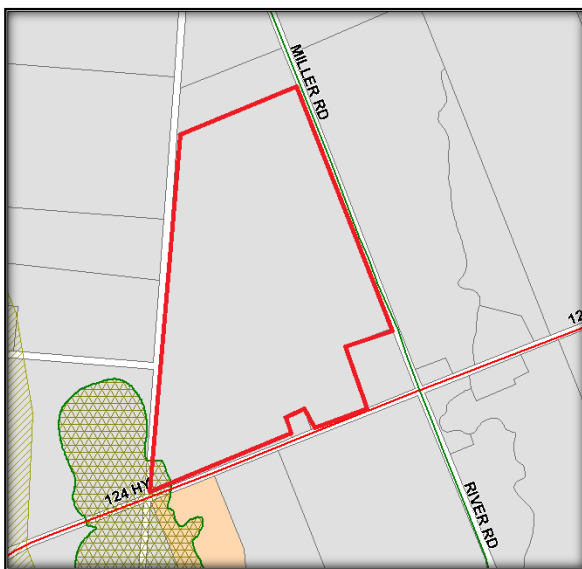
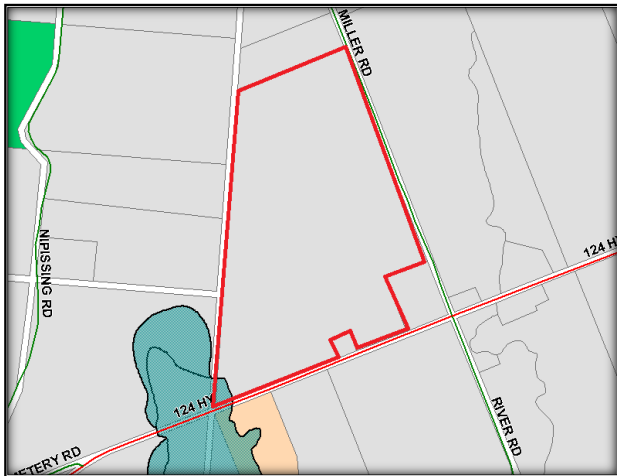


Figure 4 - Official Plan (Schedule B) Excerpt



A small portion of the proposed Retained Lot is identified as a 'Provincially Significant Wetland' as outlined on Schedule B of the Municipality's Official Plan. The Retained Lot already is developed and the proposed Severed Lot is more than 120 metres from the feature. There are no anticipated impacts on the wetland feature as a result of the Consent application.

Section 5.2.1 of the Official Plan contains policies for Rural Areas in the Municipality and states that the permitted uses include agriculture and residential dwellings, among other uses. The existing residential use on the Retained Lot and future rural residential development on the Severed Lot are permitted uses within the 'Rural' designation.

Section 5.2.2 contains policy direction regard residential development and states that limited new permanent residential development shall be permitted in the Rural Area, preferably in close proximity to other residential uses as infilling on existing roadways where school busing and municipal winter maintenance is presently being provided. The proposed Severed Lot is located on a municipally maintained road, in proximity to other residential uses and does not require the extension of municipal services.

Section 5.2.2 also requires that new lots have a minimum lot area of 1 hectare (2.47 acres) within the 'Rural' designation. The proposed Severed Lot is to be 1 hectare in lot area and conforms the minimum requirement for new lots within the Rural designation. It is noted that the minimum required lot area for the Rural (RU) Zone is 10 hectares. As a result, a Zoning By-law Amendment application has been included as a condition of provisional Consent to recognize this deficiency and to rezone the Severed Lot to the Rural Residential (RR) Zone which has a minimum lot area of 1 hectare.

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 for one new lot and one retained lot.

Table 2 - Official Plan Section 7.7.1 Summary

Policy 7.7.1 Severance Criteria	Does the Application Conform?
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 a single lot.
b) The lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements.	<p>Section 5.2.2 of the Official Plan requires a minimum lot area of 1 hectare for new residential lots. The proposed Severed and Retained Lots exceed this requirement.</p> <p>The Severed Lot does not meet the minimum lot area requirement for the Rural (RU) Zone of 10 hectares, therefore a condition of provisional Consent has been included to require a Zoning By-law Amendment to rezone the Severed Lot to the Rural Residential (RR) Zone which has a minimum lot area of 1 hectare.</p>
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 Retained Lot has lot frontage on Highway 124, which is a Provincial Highway. The proposed Severed Lot has lot frontage on Miller Road, which is a Municipal Road that is maintained year round.
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;	There does not appear to be any traffic hazards where the proposed severed lot is to be accessed off Miller Road. An entrance permit should be obtained for the proposed Severed Lot, if required by the Municipality.

<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>The proposed Severed Lot appears to be of sufficient size. Approval from the North Bay Mattawa Conservation Authority (NBMCA) is required to confirm that the Severed Lot can be adequately serviced by on-site septic systems and on-site water services. It is recommended that this be included as a condition of Consent.</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>N/A</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 severed lot is to be accessed off Miller Road which is a year round Municipal Road.</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"> 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 	<p>The subject lands are located within the Rural designation. To date, there has not been eight new lots created in 2024.</p> <p>It is our understanding that there have been three lots created from the subject lands previously.</p> <p>In accordance with subsection iii., the subject lands are eligible for the creation of one new lot because the subject lands existed in 1989 prior to the adoption of the Official Plan; and have a lot area of greater than 50 acres.</p>
<p>j) The creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.</p>	<p>The proposed Severed Lot does not land lock or prevent the access to any other parcel of land.</p>

<p>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.</p>	<p>To our knowledge, the subject lands do not appear to be adjacent to livestock operations that would trigger an MDS calculation.</p> <p>Council shall be satisfied that there are no livestock facilities in the area. If there are, a MDS calculation shall be completed prior to consideration of the application by the Planning Board. A condition of provisional Consent has been included to address this requirement.</p>
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As summarized in **Table 2**, the proposed Consent application conforms to the severance policies in Section 7.1.1 of the Official Plan, subject to the recommended conditions.

Provided the conditions are satisfied, the proposed Consent application would be in conformity with the Municipality’s Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are zoned ‘Rural (RU)’ and ‘Environmental Protection (EP)’ in the Municipality’s Zoning By-law. **Table 3** provides a summary of the proposed lots in relation to the minimum requirements for the Rural (RU) Zone.

Table 3 - Rural Residential Zone Standard Summary

Rural (RU) 4.6.2	Zone Provision	Proposed Retained Lot	Proposed Severed Lot
Lot Frontage (min)	134 metres	+/- 563 metres (Hwy 124)	+/- 145 metres (Miller Road)
Lot Area (min)	10 hectares (RU)	47.8 hectares	1 hectare

As shown in **Table 3**, the proposed Severed Lot does not comply with the minimum lot area requirement of 10 hectares for the Rural (RU) Zone. As a result, a Zoning By-law Amendment is required and recommended as a condition of Consent, to rezone the Severed Lot to the Rural Residential (RR) Zone which has a minimum lot area of 1 hectare.

Comments from Departments

Public Works

- Applicants will require an Entrance Permit and a culvert for the proposed Severed Lot.

Fire Chief

- No Concerns.

Building Department

- No Concerns.

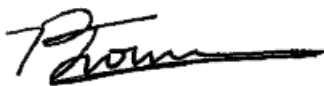
By-law Department

- No Concerns

Summary

The Consent Application proposes to create one (1) new Severed Lot and one (1) Retained Lot. The proposed Consent application 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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