

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 Zoning By-law Amendment Application – Goodjohn
1388 Ahmic Lake Road, Municipality of Magnetawan

Recommendation

Based on the land use planning analysis contained in this Staff Report, MHBC Planning Limited recommends:

THAT Council receive the Staff Report dated April 10, 2024 respecting the Zoning By-law Amendment application for 1388 Ahmic Lake Road (Goodjohn); and,

THAT Council approves the Zoning By-law Amendment and passes a By-law.

Proposal /Background

A Zoning By-law Amendment application has been submitted by John Jackson Planner Inc. (Agent) on behalf of the property owner, Mark Goodjohn. The subject property is municipally known as 1388 Ahmic Lake Road in the Municipality of Magnetawan and is legally described as Part Lots 19 and 20, Concession 3 and 4, Geographic Township of Croft, Municipality of Magnetawan, District of Parry Sound. The location of the subject property is shown in Figure 1.

Figure 1: Location of Subject Property



The subject property is currently located within the Shoreline Residential (RS) Zone and the Environmental Protection (EP) Zone. The purpose and effect of the proposed Zoning By-law Amendment application is to rezone the subject property to refine the boundary of the Environmental Protection (EP) Zone mapping following the submission of an Environmental Impact Study. The application is to facilitate the applicant in establishing a building envelope for a proposed residential dwelling, dock and boathouse along the shoreline on the subject property.

The subject property is currently vacant and appears to contain an existing driveway as shown in the aerial photography. An aerial image of the subject property is shown in Figure 2. The boundary of the subject property appears to include lands that are now flooded along the shoreline.

Figure 2: Aerial Image of Subject Property



Area Context

The following is a summary of the surrounding land uses:

- North:** Existing shoreline residential
- East:** Existing shoreline residential
- South:** Existing rural residential and shoreline residential
- West:** Existing rural residential and shoreline residential

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 all planning decisions are consistent with the PPS.

The subject property is located on Rural Lands within the Municipality. Section 1.1.5.2 of the PPS includes permitted uses on Rural Lands. The proposed use is considered as a resource-based recreational use (recreational dwelling) on the shoreline and is a permitted use 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 Proposed Zoning By-law Amendment is compatible with the existing rural landscape of the surrounding lands and can be sustained by rural service levels.

Section 1.6.6.4 provides policies that apply to development serviced by individual on-site sewage and water services. The PPS 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 subject property will be serviced by private on-site sewage and water services when it is developed with the future proposed residential use.

Section 2.0 of the PPS contains policies related to the wise use and management of resources. Ontario’s long-term prosperity, environmental health, and social well-being is dependent on protecting water and natural heritage features. Section 2.1 of the PPS further states that natural heritage features shall be protected for the long term. Accordingly, an Environmental Impact Study (EIS) was prepared by FRi Ecological Services, dated October 2023, to assess the potential impact of proposed development on the subject property, including the refinement of the Environmental Protection (EP) Zone mapping to accurately reflect the natural heritage features identified on the subject property. Currently, the EP Zone mapping encompasses the majority of the subject property and there is limited areas for development.

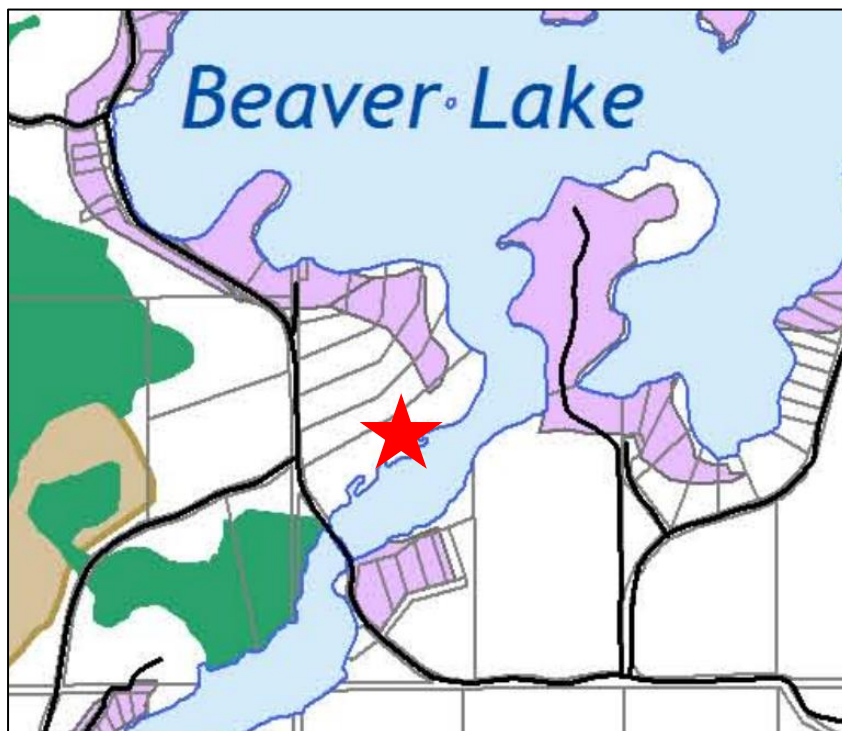
Section 2.1.6 of the PPS states that “*development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements*”. The EIS identified areas of wetlands and fish habitat on the subject property. The conclusions of the EIS provide support to refine the EP Zone mapping to provide a building envelope for a future residential dwelling on the property, as well as a dock and boathouse on the northern portion of the subject property. The previous EP Zone mapping was overestimated and the site specific study confirmed the appropriate EP Zone boundary based on a review of the relevant policies and natural heritages features present.

The proposed Zoning By-law Amendment is consistent with the PPS.

Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides policy direction on 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 property as being designated "Rural" and a small portion "Shoreline". The proposed future residential use is entirely located within the Rural designation. Figure 3 includes an excerpt of Schedule A of the Official Plan.

Figure 3: Excerpt of Schedule A of Official Plan



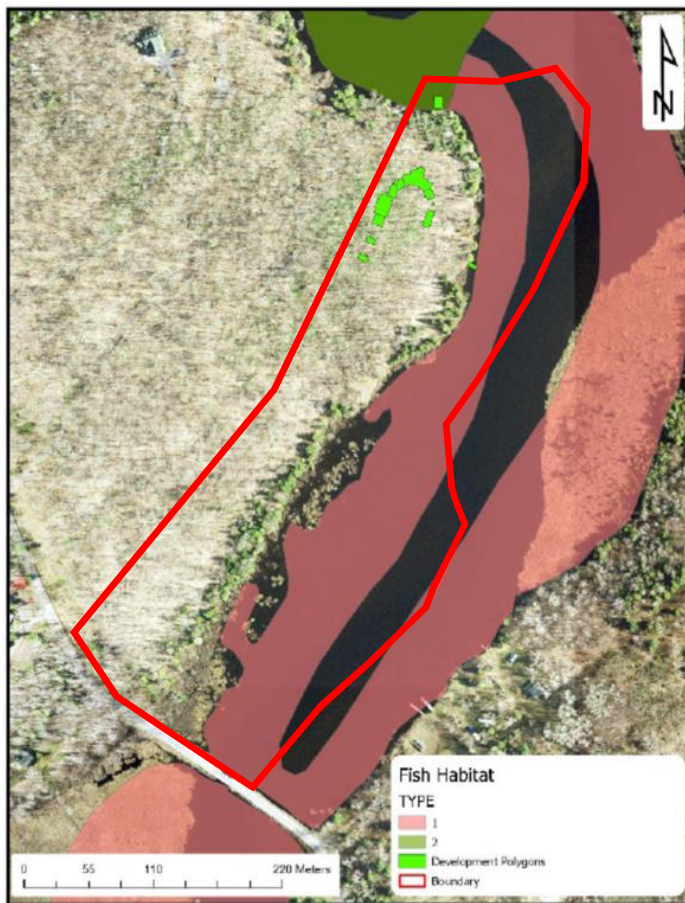
Section 5.2 of the Official Plan contains policies for Rural Areas in the Municipality and states that the permitted uses include agriculture and residential dwellings provided they are in close proximity to other residential uses and existing roadways. The subject property is bound by neighbouring residential uses and will be accessed by an existing roadway via Ahmic Lake Road.

Section 4.4 of the Official Plan states that new development or site alteration 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. The Official Plan does not identify any natural heritage features on the subject property, however the EIS that was completed identified unevaluated wetlands on the subject property and fish habitat along the shoreline.

Section 4.7 of the Official Plan states that Type 1 Fish Habitat must be protected to ensure a healthy population of sports fish in the Municipality and the watershed. Setbacks of 30 meters from cool or cold-water streams and 15 metres from other streams are required. The proposed future residential use falls outside of the

delineated boundary of the Type 1 Fish Habitat which was identified in the EIS. The boundary of the Type 1 Fish Habitat and Type 2 Fish Habitat is shown on Figure 4.

Figure 4: Location of Fish Habitat



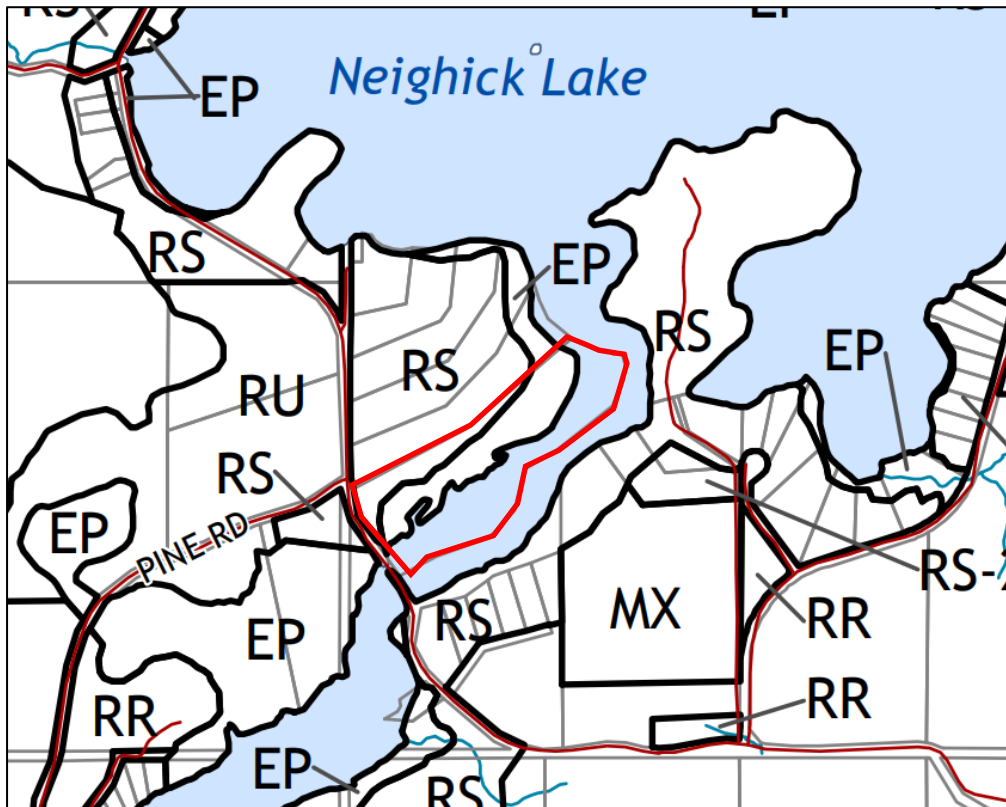
The EIS completed on the subject property has identified unevaluated wetlands and Fish Habitat on the subject property and along the shoreline. The conclusions of the EIS support the refinement of the EP Zone mapping that allows for a building envelope for a future residential dwelling; and established an area on the north portion of the shoreline for a future dock and boathouse. The location of the proposed residential dwelling and proposed dock and boathouse are shown in green on Figure 4 and are located outside the wetland features, and located outside the Type 1 Fish Habitat that has been identified.

The proposed Zoning By-law Amendment conforms to the Official Plan.

Municipality of Magnetawan Zoning By-law

The subject property is currently located within the Shoreline Residential (RS) Zone and the Environmental Protection (EP) Zone. The current zoning is shown in Figure 4.

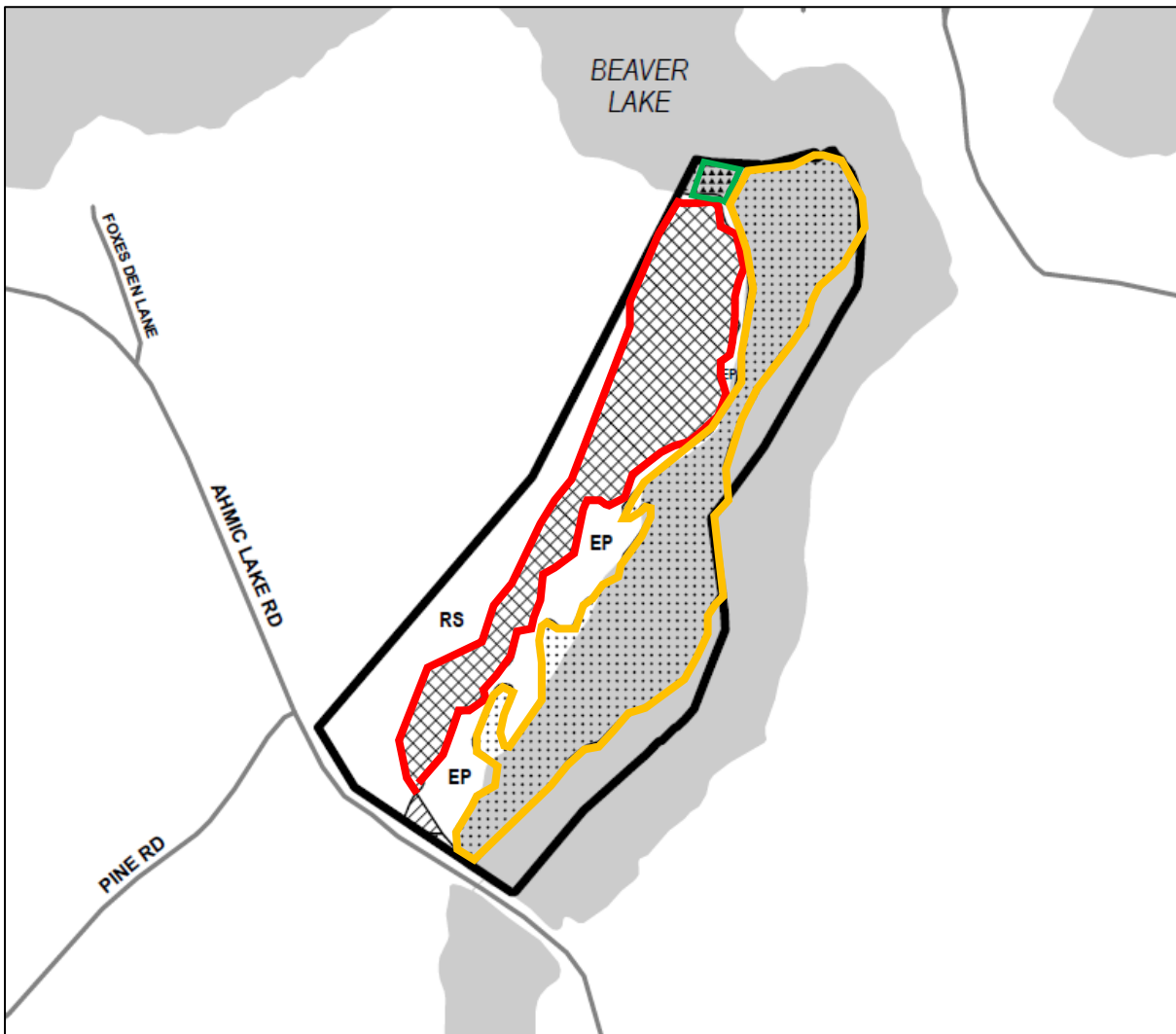
Figure 4: Excerpt of Zoning By-law



The purpose and effect of the proposed Zoning By-law Amendment application is to rezone the subject property to refine the boundary of the Environmental Protection (EP) Zone mapping following the submission of an Environmental Impact Study. The application is to facilitate the applicant in establishing a building envelope for a proposed residential dwelling, dock and boathouse along the shoreline on the subject property.

The Draft Zoning By-law Amendment is included as Attachment 1 to this Report. The portion of the subject property to be rezoned from the EP Zone to the RS Zone it outlined in red on Figure 5. The only portion of the subject property where future shoreline structures are permitted is outlined in green on Figure 5. Additional EP Zone mapping as recommended in the EIS is outlined in orange on Figure 5.

Figure 5: Updated Zone Mapping



The proposed amendment includes a refinement to the EP Zone mapping in accordance with the results of the EIS, resulting in an enlarged RS Zone to provide a suitable building envelope for a residential dwelling, well and septic system. Further, the proposed amendment establishes a specific area on the subject property where a future dock and boathouse is permitted. The remaining shoreline of the subject property is to be protected and no shoreline structures are permitted. The proposed Zoning By-law Amendment is supported by the EIS.

Comments from Departments

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

Road Department: No comments received as of the date of this report.

Fire Chief: No comments received as of the date of this report.

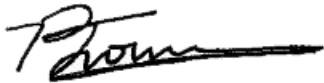
Building Department: No comments received as of the date of this report.

By-law Department: No concerns.

Summary

The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Municipality's Official Plan, is appropriate and represents good planning. The proposed Zoning By-law implements the findings of an EIS that was prepared to establish building envelopes on the subject property for a residential dwelling, dock and boathouse.

Respectfully submitted,



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Planning Consultant
MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Planning Consultant
MHBC Planning

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. [REDACTED]

Being a By-law to amend By-law No. 2001-26, as amended, the Zoning By-law for the Corporation of the Municipality of Magnetawan with respect to lands located at Part Lots 19 and 20, Concession 3 and 4, Geographic Township of Croft, Municipality of Magnetawan, District of Parry Sound, municipally known as 1388 Ahmic Lake Road.

WHEREAS the Council of the Corporation of the Municipality of Magnetawan is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the *Planning Act*, R.S.O. 1990;

AND WHEREAS the owner of the subject lands has filed an application with the Municipality of Magnetawan to amend By-law 2001-26, as amended;

AND WHEREAS the Council of the Corporation of the Municipality of Magnetawan deems it advisable to amend By-law No. 2001-26, as amended, to rezone a portion of the subject property to refine the Environmental Protection (EP) Zone mapping;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. Schedule 'A-1', to Zoning By-law No. 2001-26 as amended, is further amended by zoning a portion of the lands legally described as Part Lots 19 and 20, Concession 3 and 4, Geographic Township of Croft, Municipality of Magnetawan, District of Parry Sound, municipally known as 1388 Ahmic Lake Road, from the Environmental Protection (EP) Zone to the Shoreline Residential (RS) Zone, and to add additional Environmental Protection (EP) Zone mapping along the shoreline, as shown on Schedule 'A' attached forming part of this By-law.
2. Section 4.16.4 of By-law 2001-26 is hereby amended by adding the following new Section after 4.16.4.1:

“4.16.4.2 Environmental Protection Exception Two (EP-2) Zone (Part Lots 19 and 20, Concession 3 and 4, Geographic Township of Croft, Municipality of Magnetawan, District of Parry Sound, municipally known as 1388 Ahmic Lake Road)

Shoreline structures shall only be permitted within the EP-2 Zone on the subject property, subject to the provisions of the Zoning By-law.”

This By-law shall take effect on the date of its passage, subject to the provisions of Section 34 (30) and (31) of the *Planning Act* (Ontario).

READ A FIRST AND SECOND TIME on the 10th day of April, 2024.

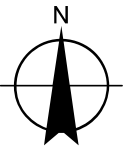
READ A THIRD TIME and finally passed this 10th day of April, 2024.

Sam Dunnett, Mayor

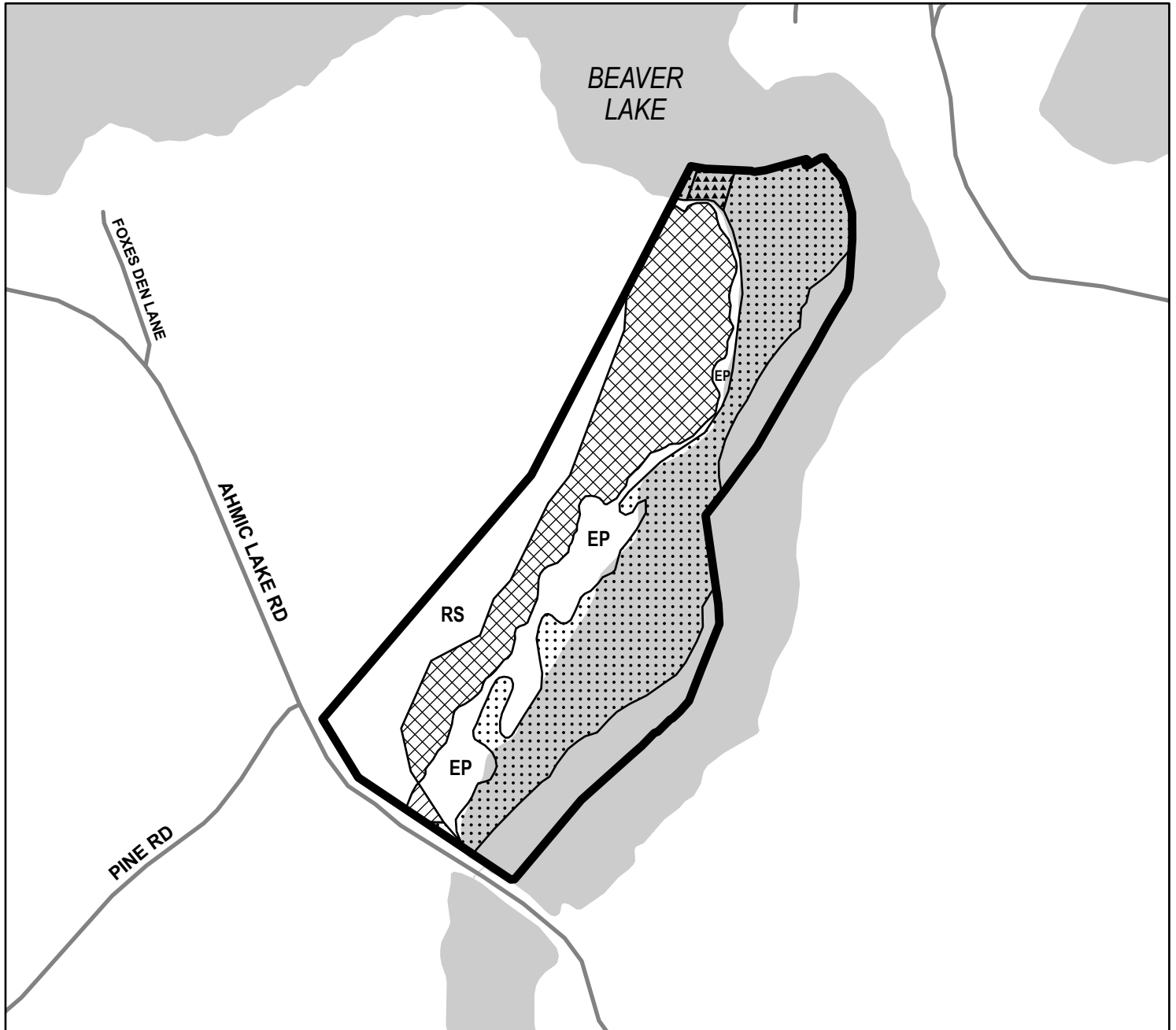
Kerstin Vroom, CAO/Clerk





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SCHEDULE 'A' to Zoning By-law Amendment



1388 Ahmic Lake Road
Part Lots 19 and 20, Concession 3 and 4
Municipality of Magnetawan
District of Parry Sound



-  Lands to be rezoned from the Environmental Protection (EP) Zone to the Shoreline Residential (RS) Zone
-  Lands to be rezoned from the the Shoreline Residential (RS) Zone to the Environmental Protection (EP) Zone
-  Lands to be zoned Environmental Protection (EP) Zone
-  Lands to be zoned Environmental Protection Exception 2 (EP-2) Zone

This is Schedule 'A' to Zoning By-law _____
Passed this _____ day of March, 2024

Sam Dunnett/Mayor

Kerstin Vroom/Clerk