

**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: February 21, 2024

SUBJECT Zoning By-law Amendment Application – Langford  
499 Rosskopf Road, Municipality of Magnetawan

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**Recommendation**

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

**THAT** Council receive the Staff Report dated February 21, 2024 respecting the Zoning By-law Amendment application for 499 Rosskopf Road (Langford); and,

**THAT** Council approved the Zoning By-law Amendment and pass a By-law;

**Proposal / Background**

A Zoning By-law Amendment application has been submitted by E.J. Williams Surveying Limited (c/o Ted Williams) on behalf of the property owners, Mark and Lila Langford. The subject property is municipally known as 499 Rosskopf Road in the Municipality of Magnetawan and is legally described as Chapman CON 1 PT LOTS 26 and 27. The location of the subject property is shown in Figure 1.

The purpose and effect of the proposed Zoning By-law Amendment application is to rezone a portion of the subject property from the Rural (RU) Zone to the Rural Residential (RR) Zone to satisfy a condition of provisional Consent (B007/23). The new lot that was provisionally approved by the Central Almaguin Planning Board does not meet the minimum lot area of the Rural (RU) Zone, and therefore a rezoning is required. The condition also required that a building envelope be established on the Severed Lot that is appropriately setback from the adjacent aggregate operation. Council previously passed a resolution in support of the Consent application.

The Consent application that was provisionally approved was to create one new lot on the subject property. The proposed lot configuration for the subject property is shown on Figure 2. The portion of the subject property that is subject to the Zoning By-law Amendment is the Severed Lot which is identified on Figure 2. The Severed Lot does not meet the minimum lot



## **Area Context**

The following is a summary of the surrounding land uses:

**North:** Shoreline residential lots on Lake Cecebe.  
**East:** Lake Cecebe.  
**South:** Rural residential lots.  
**West:** Rural 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 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, which includes resource-based recreational uses; and residential development, including lot creation that is locally appropriate. Residential development on the Severed Lot is permitted.

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 Severed Lot is an appropriate size for Rural Lands.

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 proposed Severed Lot is vacant, however would be serviced by private on-site sewage and water services in the future when the property is developed.

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 states that natural heritage features shall be protected for the long term. There are no natural heritage features identified on Severed Lot 1.

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 Severed Lot is located outside of hazardous lands and hazardous sites and not affected by a dynamic beach hazard, flooding hazard or erosion hazard.

The proposed Zoning By-law Amendment satisfies a condition of provisional Consent and 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. Schedule A (Land Use Map) of the Official Plan identifies the subject lands as being designated Rural, Shoreline, Environmental Protection and being within the Aggregate & Mineral Resources Overlay. A portion of the subject property also contains a Wetland area and an area of mapped Fish Habitat in accordance with Schedule B of the Official Plan. The Severed Lot is primarily designated Rural with a very small piece in the northeast corner designated shoreline.

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 Severed Lot is located outside of any of these environmental areas.

Section 4.14 of the Official Plan provides policy direction for mineral aggregate resources Resource Areas. Specifically, Policy 4.14.1 states "*Where development is proposed in or adjacent to an area of known mineral or aggregate resources, the development shall be set back and buffered sufficiently to ensure that it would not preclude or hinder the establishment of new operations, expansion of existing operations or access to the resources, except where the following conditions are met:*

- 1) the resource use would not be feasible;*
- 2) the proposed land used or development serves a greater long term public interest; and,*
- 3) issues of public health, public safety and environmental impact are addressed.*

The Severed Lot is located approximately 400 metres from the existing gravel pit area on the Retained Lot. Staff are satisfied that this setback is sufficient for the new residential lot and represents a sufficient separation distance. Further, the Severed Lot is separated from the existing gravel pit area by existing tree cover providing a buffer. The Severed Lot is also located close to the lake and therefore the site may not be appropriate for future aggregate operations. In order to satisfy the condition of Consent, it is recommended that buildings and structures not be permitted within 25 metres of the southern lot line, abutting Poplar Lane, to provide a greater setback from the Retained Lot for future development; and to require an area of 20 metres to be maintained with the existing tree cover to ensure a buffer is preserved long term.

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. Section 5.2.2 requires that new lots have a minimum lot area of 1 hectare (2.47 acres). The Severed Lot is 1.5 hectares and meets the minimum lot size requirement.

The proposed Zoning By-law Amendment satisfies a condition of provisional Consent and confirms to the Official Plan.

### Municipality of Magnetawan Zoning By-law

The purpose and effect of the proposed Zoning By-law Amendment application is to rezone a portion of the subject property from the Rural (RU) Zone to the Rural Residential (RR) Zone to satisfy a condition of provisional Consent (B007/23). The new lot that was provisionally approved by the Central Almaguin Planning Board does not meet the minimum lot area of the RU Zone, and therefore a rezoning is required. The condition also required that a building envelope be established on the Severed Lot that is appropriately setback from the adjacent aggregate operation. Council previously passed a resolution in support of the Consent application.

The Severed Lot is primarily located within the Rural (RU) Zone and a small portion is located within the Environmental Protection (EP) Zone. The Severed Lot has a lot area of 1.5 hectares and therefore does not meet the minimum required lot area of the Rural (RU) Zone of 10 hectares (Section 4.6.2). The proposed Zoning By-law is to rezone the Severed Lot to the Rural Residential (RR) Zone which has a minimum required lot area of 1 hectare (Section 4.1.2). Based on the size of the Severed Lot, it is appropriate that the Rural Residential (RR) Zone be applied as the minimum lot area and lot frontage complies.

In regards to the part of the condition that relates to the adjacent gravel pit area, the Severed Lot is located approximately 400 metres from the existing gravel pit area on the Retained Lot. Staff are satisfied that this setback is sufficient for the new residential lot and represents a sufficient separation distance. Further, the Severed Lot is separated from the existing gravel pit area by existing tree cover providing a buffer. The Severed Lot is also located close to the Lake and therefore the site may not be appropriate for future aggregate operations. In order to satisfy the condition of Consent, it is recommended that buildings and structures not be permitted within 25 metres of the southern lot line, abutting Poplar Lane, to provide a greater setback from the Retained Lot for future development; and to require an area of 20 metres to be maintained with the existing tree cover to ensure a buffer is preserved long term.

The Draft Zoning By-law Amendment is included as Attachment 1 to this Report.

### Comments from Departments

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

Road Department:

Fire Chief:

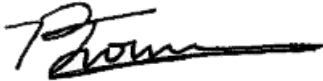
Building Department:

By-law Department:

**Summary**

The 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 application satisfies a condition of provisional Consent for the owner and establishes a Rural Residential (RR) Zone on the Severed Lot to reflect the lot size of 1.5 hectares.

Respectively submitted,



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