

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: October 16, 2024

SUBJECT Zoning By-law Amendment Application – Rocky Reef Road
Plan 181 and 42R-11082 , 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 October 16, 2024 respecting the Zoning By-law Amendment application for Plan 181 and 42R-11082 on Rocky Reef Road; 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 the property owners, Jonathan Moore, Jennifer Sills, Andrew Moore and Stacey Lancaster. The subject property does not have a municipal address and is legally described as Croft, Plan 181 and 42R-11082, 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 creation of a building envelope for a proposed driveway, residential dwelling and dock along the shoreline on the subject property.

The subject property is currently vacant 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. For the purpose of the report, the outline of the subject property only includes the non-flooded lands.

Figure 2: Aerial Image of Subject Property



Area Context

The following is a summary of the surrounding land uses:

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

Policy Analysis

Provincial Policy Statement

This application is going to be heard by Council on October 16, 2024, which is prior to the Provincial Planning Statement (PPS, 2024) coming into effect on October 20, 2024. For the purposes of this application, the policy analysis has been completed against the Provincial Policy Statement (PPS, 2020) as it is the policy in effect on the day of the public meeting and the date of the potential decision.

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 August 2024, 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 and recommended setbacks for future development. Currently, the EP Zone mapping encompasses the entire front portion of the subject property along the shoreline 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

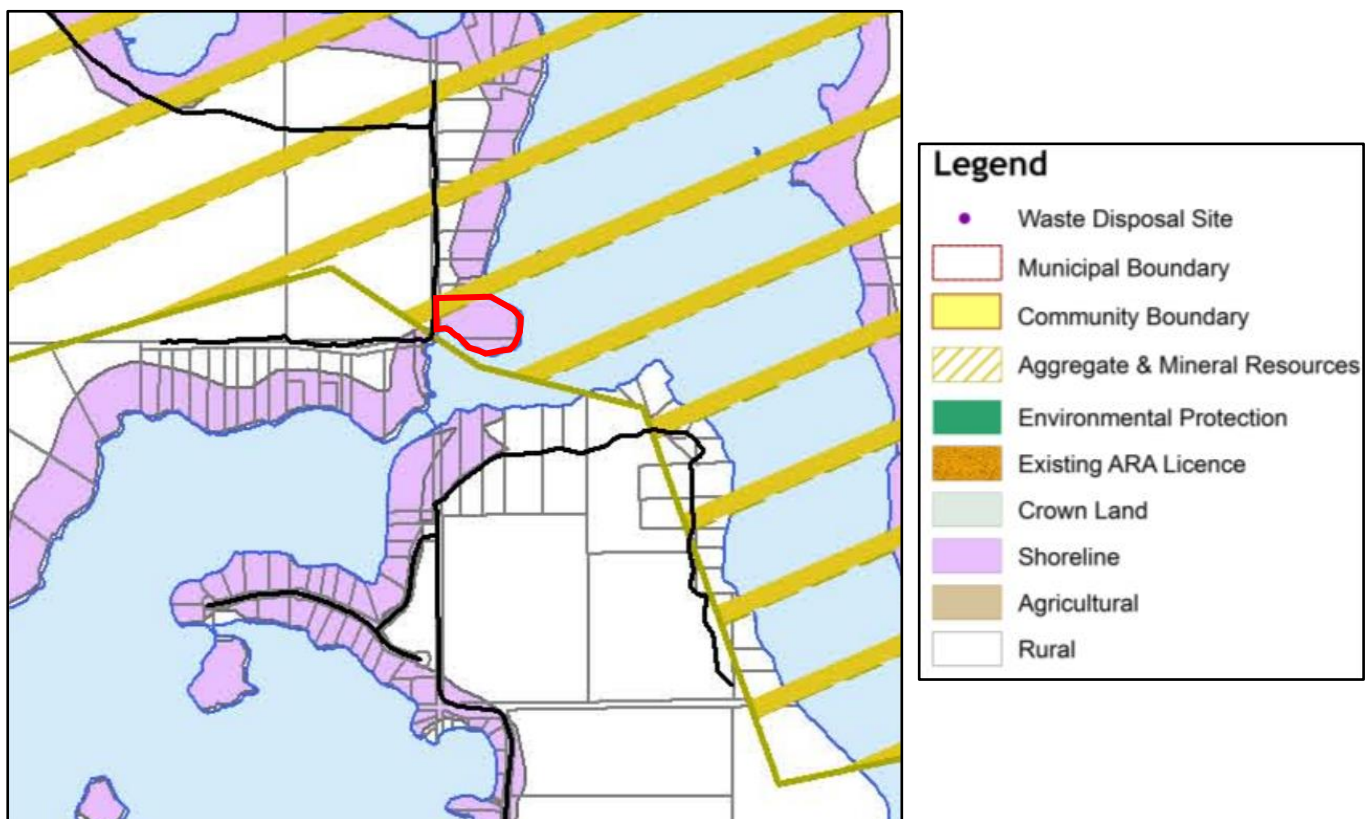
property. The conclusions of the EIS provide support to refine the EP Zone mapping to provide a building envelope for a future residential dwelling on the property, as well as a dock (and shoreline structures) on the expanded Shoreline Residential (RS) Zone zoning on the subject property. The previous 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 Shoreline. Figure 3 includes an excerpt of Schedule A of the Official Plan.

Figure 3: Excerpt of Schedule A of Official Plan



Section 5.4 of the Official Plan contains policies for Shoreline Areas in the Municipality and Section 5.4.1 states that the permitted uses include residential dwellings and recreational activities. The subject property is bound by neighbouring residential uses and will be accessed by an existing roadway via Rocky Reef Road.

Section 4.14 of the Municipality's Official Plan discusses aggregate and mineral resources and states:

Development of these areas for purposes other than resource extraction is not permitted except where it can be shown that the proposed development has a greater public interest than the extraction of the resource and will not adversely

effect the availability of the resource and long-term viability of the aggregate industry in the future.

The subject property is currently designated and zoned for residential uses. The property is adjacent to other shoreline residential areas and the proposed land use is compatible with adjacent residential uses.

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 identifies Fish Habitat on Schedule B on the south and north shore of the subject property. This application was supported by a scoped EIS prepared by FriCorp, dated August 2024, which identified that the subject property has poor connectivity to adjacent conifer or mixed wood stands thus does not offer significant features for deer wintering. The EIS that was completed identified an unevaluated wetland feature on the shoreline area of the subject property. This area is shown on Figure 4.

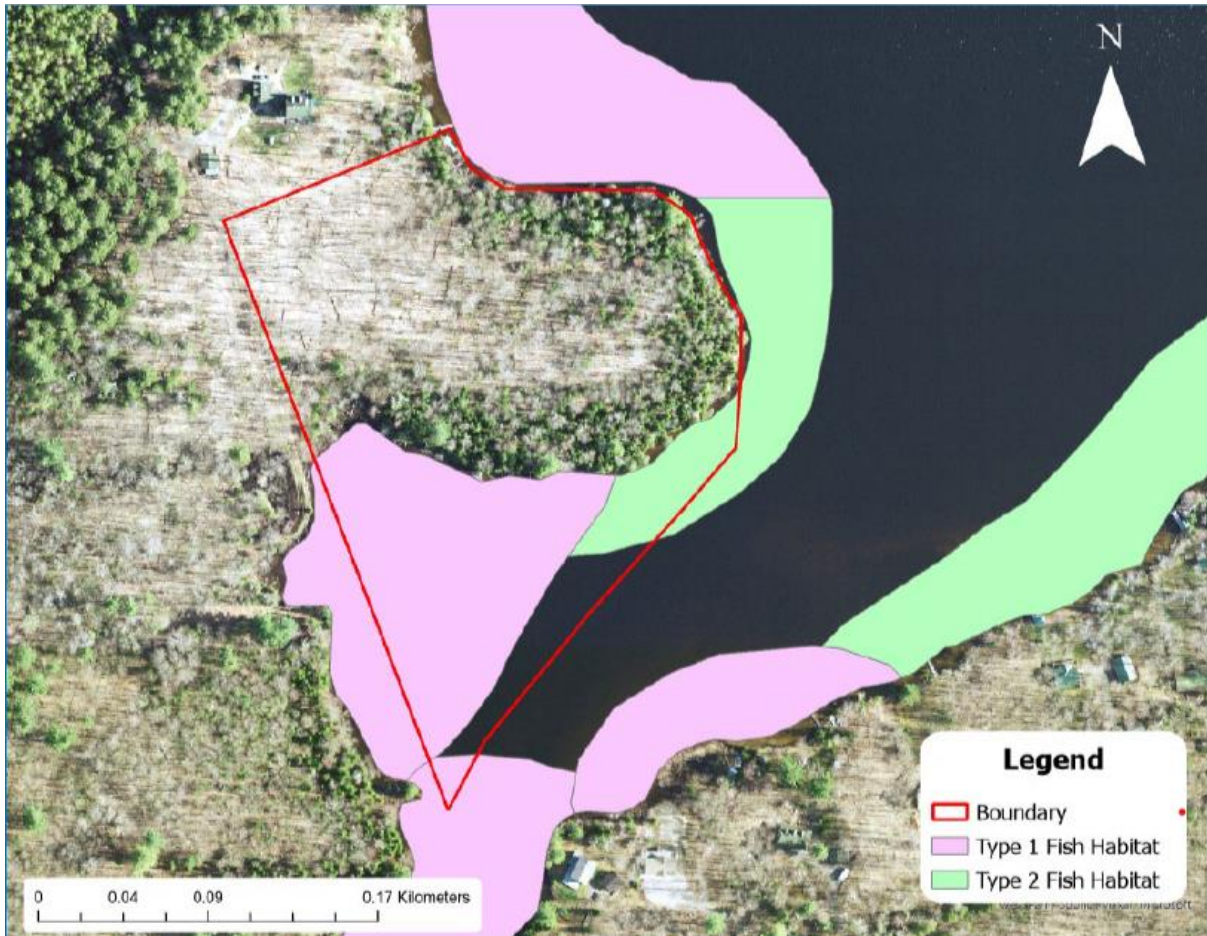
Figure 4: Location of Wetland Areas



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 EIS prepared by FriCorp outlines the areas at the shoreline

of the subject property that is Type 1 and Type 2 Fish Habitat. The boundary of the Type 1 Fish Habitat and Type 2 Fish Habitat is shown on Figure 5.

Figure 5: Location of Fish Habitat



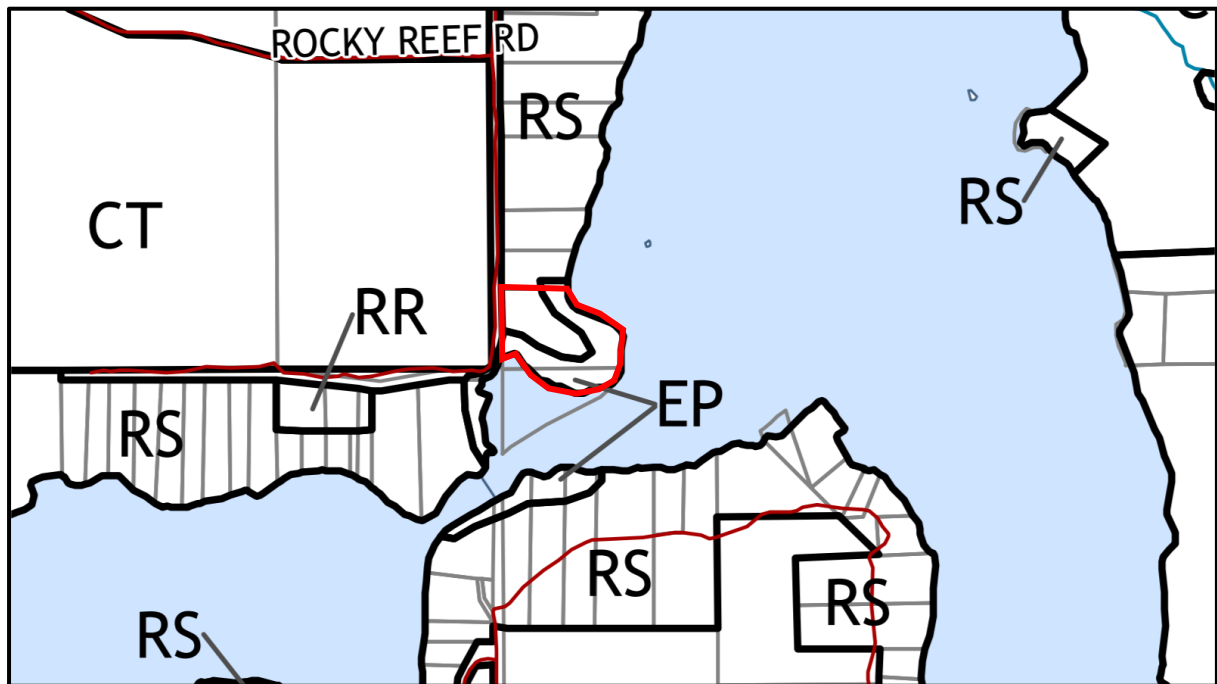
The EIS completed on the subject property evaluated the fish habitat along the shoreline. The conclusions of the EIS recommend that minimum development setbacks be established from the features that were identified – 30 metres for Type 1 Fish Habitat and 20 metres for Type 2 fish Habitat. By mapping the EP Zone on the subject property (inclusive of the required setbacks), a building envelope for future development on the subject property and along the shoreline has been established.

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 7.

Figure 6: Schedule A-1 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 creation of a building envelope for a proposed driveway, residential dwelling and dock along the shoreline on the subject property.



The EIS includes a number of recommendations for future development, to ensure that the proposed development on the subject property does not have negative impacts on the surrounding environmental features and to protect the water quality of the lake. The EIS recommends the following:

- 1) Minimum setbacks for future development be established – 30 metres from the Type 1 Fish Habitat and wetland feature and 20 metres from the Type 2 Fish Habitat;
- 2) A minimum setback of 30 metre from the water's edge for a septic system;
- 3) A minimum setback of 20 metres for buildings and structures from the water's edge on the portion of the shoreline not subject to the EP Zone; and,
- 4) The establishment of a shoreline access/activity area on the portion of the shoreline not subject to the EP Zone;

In order to implement item #1 above, the recommended setback areas have been zoned EP in the draft Zoning By-law Amendment. Figure 7 includes an excerpt of the proposed zoning on the subject property. The EP Zone implements the recommendations of the EIS and development is not permitted within these areas.

Figure 7: Proposed Zoning



-  Lands to be Zoned Shoreline Residential Exception x (RS-x) Zone
-  Lands to be Zoned Environmental Protection (EP) Zone

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

Mayor

Clerk

Items #2 to #4 are implemented through the site specific RS Zone on the subject property. The recommended site specific zoning includes the following in order to implement the recommendations of the EIS:

- a) The minimum front yard setback from the water's edge for all buildings and structures shall be 20 metres;
- b) The minimum front yard setback from water's edge for a septic system shall be 30 metres;
- c) A vegetation preservation area shall be required for the lands located within 20 metres of the water's edge and a 3 metre wide pathway for access to the water's edge shall be permitted along with a 80 square metre shoreline activity area; and,
- d) Shoreline structures, including a dock, are permitted in accordance with the other provisions of the By-law.

The conclusions of the EIS support the refinement of the EP Zone mapping to include the recommended setbacks from the unevaluated wetland feature and the Type 1 Fish Habitat as the new EP Zone. By mapping the EP Zone, a building envelope for future

development on the subject property and along the shoreline has been established that will not result in negative impacts to the feature or water quality of the lake.

Comments from Departments

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

Road Department: Entrance permit application would apply due to Municipality owned access.

Fire Chief: Limited service may be provided for these properties. As it is a privately maintained road and/or private road, it may not always be maintained in an acceptable condition to provide access for fire apparatus.

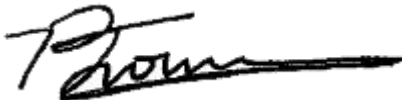
Building Department: Minimum opening elevation 3.14 would apply as per current Zoning By-law

By-law Department: No comments

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.

Respectfully submitted,



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