

Planning Justification Report

Consent Applications

Trails End Lane & Ahmic Lake Road Municipality of Magnetawan

Date: October 2024

Prepared For: Jacob VanderBreggen

Prepared By: Melissa Markham, MCIP, RPP Melissa Markham Planning & Associates

Table of Contents

1
2
2
3
3
6
6
7
10
10
10

Description of Proposal

Melissa Markham Planning & Associates has been retained by the owners of 30 Trails End Lane and an unaddressed parcel of land to the west (along Ahmic Lake Road), to assist with applications for consent. The properties are located on Ahmic Lake in the Municipality of Magnetawan. 30 Trails End Lane is currently accessed from an existing private right-of-way and the unaddressed lands and new lot are proposed to have access from Ahmic Lake Road.

The purpose of this report is to provide a planning analysis regarding the appropriateness of the applications to sever a portion of each of the lands to facilitate the creation of one new lot on Ahmic Lake, as shown in red on the below sketch.

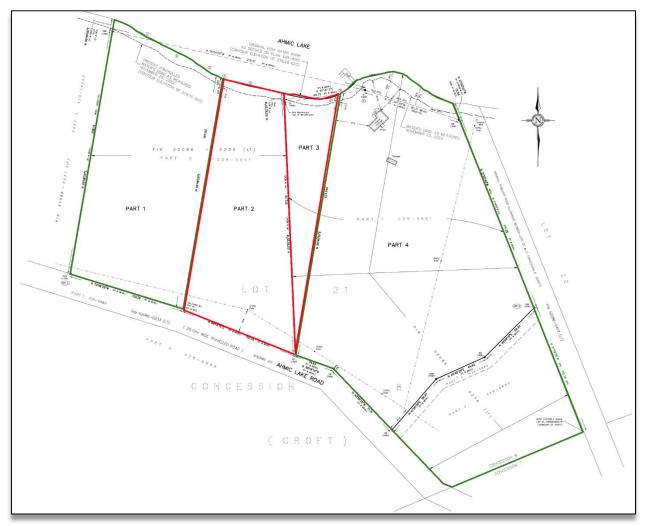


Figure 1: Proposed Sketch

The subject lands are designated Shoreline and Rural in the Municipality of Magnetawan Official Plan. The subject lands are zoned Shoreline Residential (RS) in the Municipality of Magnetawan Zoning By-law 2001-26.

A Pre-consultation Report, dated September 17, 2024, was provided by the municipality's planning consultants (EcoVue Consulting) regarding the proposed applications. The comments provided that the lots will meet the size requirements and appear to be of sufficient size to accommodate development.

The following is an overview of the subject lands and provincial and municipal policies related to the applications.

Subject Lands

Legal

PIN 52086-0234

The lands are legally described as PT LT 21 CON 8, Croft; PT 1 42R9551, PT 2 & 3 42R6889; Subject to PT 2 42R6889; Magnetawan. A copy of the parcel register and surveys have been attached to this document.

PIN 52086-0235

The lands are legally described as PT LT 21 CON 8, Croft; PT 2 42R9551; Magnetawan. A copy of the parcel register and survey have been attached to this document.



Figure 2: PIN Map Source: Land Registry Office Parry Sound (LRO 42)

Property Description

The subject lands, known municipally as 30 Trails End Lane, have a total area of approximately 5.56 ha (13.7 acres). The property is developed with a dwelling, temporary shed enclosure and dock.

The subject lands to the west along Ahmic Lake Road, with no municipal address, have a total lot area of 3.6 ha (8.9 acres). The property is currently vacant.



Figure 3: Air Photo Map (2024) Source: Ontario Government, MNRF

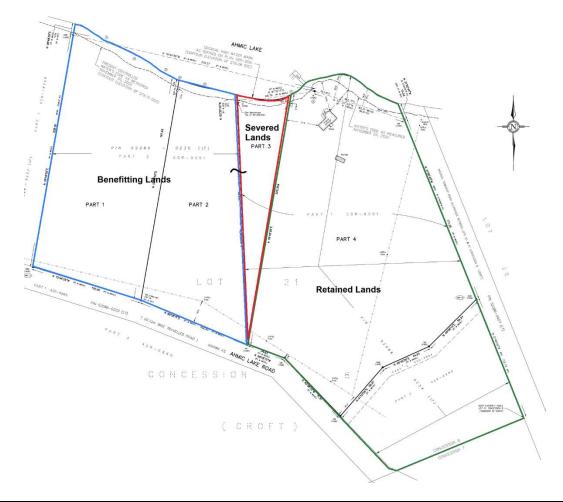
Surrounding Area

Adjacent lots along Ahmic Lake Road and Trails End Lane are residential and appear to be developed with dwellings, accessory buildings and shoreline structures.

Proposed Severances

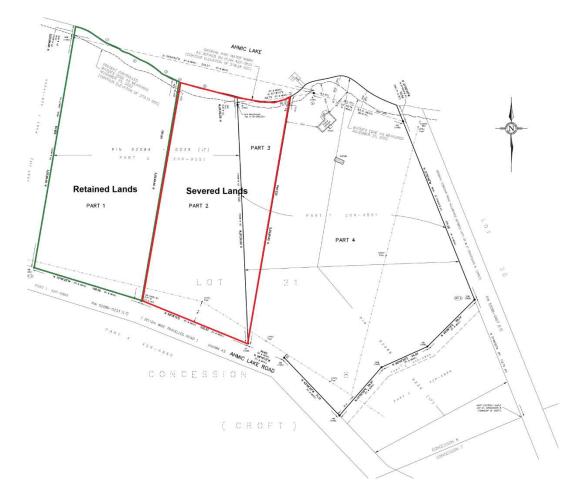
Consent applications are being submitted to sever a portion of 30 Trails End Lane to provide a lot addition to the adjacent lands to the west, under the same ownership, in order to sever a lot having a lot area and frontage that complies with the policies and by-law. The applications are outlined below.

30 Trails End Lane (Consent Application #1)



Affected Lands	Lot Area (approx.)	Frontage (Ahmic Lake)
Subject Lands	5.56 ha	142 m
Benefitting Lands	3.6 ha	158 m
Severed Lands	0.5 ha	46 m
Retained Lands	5 ha	96 m
Resultant Benefitting Lands	4.1 ha	202 m

Ahmic Lake Road, no address (Consent Application #2)



Affected Lands	Lot Area (approx.)	Frontage (Ahmic Lake)
Subject Lands	4.1 ha	202 m
Severed Lands	2 ha	100 m
Retained Lands	2 ha	104 m

Planning Analysis

Provincial Planning Statement, 2024

The Provincial Planning Statement ("PPS") sets the policy foundation for regulating the development and use of land in Ontario, and provides policy direction on matters of provincial interest related to land use planning and development.

The subject lands are located within Rural Lands, which are included in Rural Areas in the PPS.

2.5 Rural Areas in Municipalities

- 1. Healthy, integrated and viable rural areas should be supported by:
 - a) building upon rural character, and leveraging rural amenities and assets;
 - b) promoting regeneration, including the redevelopment of brownfield sites;
 - c) accommodating an appropriate range and mix of housing in rural settlement areas;
 - *d) using rural infrastructure and public service facilities efficiently;*
 - e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - *g)* conserving biodiversity and considering the ecological benefits provided by nature; and
 - *h)* providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.

The applications propose the creation of one new lot on Ahmic Lake. The lot is in character with the existing development.

2.6 Rural Lands in Municipalities

- 1. On rural lands located in municipalities, permitted uses are:
 - a) the management or use of resources;
 - *b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);*
 - c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;
 - d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
 - e) home occupations and home industries;
 - f) cemeteries; and
 - g) other rural land uses.
- 2. Development that can be sustained by rural service levels should be promoted.

The application proposes a new lot for resource-based recreational use, which is a recreational dwelling. The proposed new lot can be sustained by rural service levels which is appropriate for these lands.

Section 5.2 of the PPS provides that development shall generally be directed to areas outside of hazardous lands which are impacted by flooding. Ahmic Lake has an identified floodplain at an elevation of 281.97 CGD. Pre-consultation comments provided that a detailed site plan will be required as a condition of consent to identify an appropriate building envelopment outside of this floodplain. Available topographic mapping for these lands provides that the majority of the lands are above the floodplain elevation.

The applications are consistent with the Provincial Planning Statement, 2024.

Municipality of Magnetawan Official Plan

The subject lands are designated Shoreline and Rural in the Municipality of Magnetawan Official Plan. No constraints have been identified on the subject lands and Ahmic Lake is not identified as being over capacity.

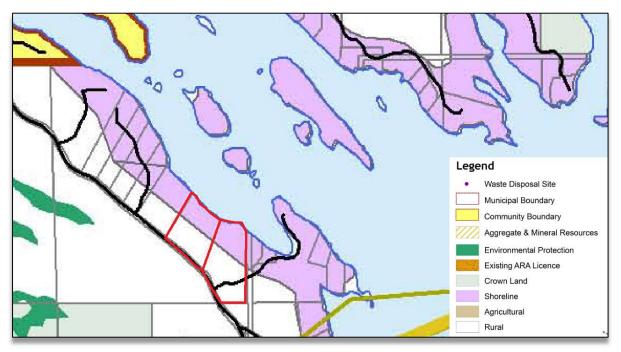


Figure 4: Schedule A Land Use Source: Municipality of Magnetawan Official Plan

Section 5.2.1 & 5.4.1 of the Official Plan provides that residential dwellings are permitted in both Rural Areas and in the Shoreline designation. The minimum lot area requirements in the Official Plan, Section 5.2.2 for Rural and Section 5.4.2 for the Shoreline designation, are 1.0ha (2.5 acres), the Shoreline designation also requires a minimum 90 metres (300 feet) of water frontage. The proposed new and resultant lots will conform with the Official Plan regarding use, lot area and lot frontage requirements.

Section 5.4.5 of the Official Plan provides that no development should be permitted which would result in a waterbody being developed to a point of being over capacity, and any development within 300 metres of a waterbody shall be deemed to have an impact on the waterbody. Ahmic Lake is identified on Appendix 1 to the Official Plan as developable with a cautionary approach. The Lakeshore Capacity Assessment Handbook provides that lakeshore capacity assessment is a planning tool that is used to predict how much development can take place along the shorelines of inland lakes without impairing water quality, by affecting levels of phosphorus. While there is still capacity available for development along Ahmic Lake any future development will need to maintain the setback from the lake and vegetation along the shoreline in conformity with the Official Plan.

Section 4.2.2 of the Official Plan provides that the floodplain of Ahmic Lake is 281.97 CGD. Through a review of topographic mapping, provided by the Ministry of Natural Resources, the contour mapping at the shoreline identifies an elevation of 280 GSC, with a slight slope towards the middle of the lands, see below Figure 5. An appropriate building envelope can be identified on the subject lands above the floodplain.



Figure 5: Topographic Map Source: Ontario Government, MNRF

Section 7.1 of the Official Plan provides policies relating to severances. The following criteria is set out in Section 7.1.1:

- a) a registered plan of subdivision is not necessary for the orderly development of the lands;
- *b)* the lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements;

- 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-ofway 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;
- 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;
- e) the lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;
- 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;
- 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;
- h) any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway;
- *i) in the Rural designation, new lots created by consent shall be limited to the following:*
 - *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.*
- *j)* the creation of any lot will not have the effect of preventing access to or land locking 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.

The proposed consent applications will have the effect of creating one new lot on Ahmic Lake. A registered plan of subdivision is not necessary for the orderly development of the lands, the lot size and setback requirements will meet the by-law. The proposed new lot will have frontage on Ahmic Lake Road, a municipal year-round maintained road. An adequate building area can be sited on the lands, and pre-consultation comments from staff provided that a detailed site plan will be required as a condition of approval. The proposed applications conform to the criteria of the Official Plan for consent.

The proposed applications conform with the Municipality of Magnetawan Official Plan.

Municipality of Magnetawan Zoning By-law 2001-26

The Subject Lands are zoned Shoreline Residential (RS). Section 4.2.1 of the By-law permits detached dwellings within this zone. While no development is proposed through these applications, it is intended that these lands will be developed for residential use in the future.

Section 4.2.2 of the By-law provides that the minimum lot area within an RS zone is 1.0 ha and the minimum lot frontage is 90m. The proposed new and resultant lots will comply with the minimum lot area and frontage regulations of the by-law.

The proposed applications comply with Zoning By-law 2001-26.

Summary

The proposed applications for consent are in character with the area. The applications are consistent with the PPS 2024, conform to the Municipality of Magnetawan Official Plan and comply with the Municipality of Magnetawan Zoning By-law. The applications represent good planning.

Regards,

m/.m/adham

Melissa Markham, MCIP, RPP

Attachments

Appendix I – Parcel Registers Appendix II – Surveys Appendix III – Proposed Consent Sketch Appendix I

Parcel Registers

	Ontario	ServiceOr			PAGE 1 OF 1 PREPARED FOR MMPlanning ON 2024/10/10 AT 13:46:39	ONLAND			
PROPERTY DES	PROPERTY DESCRIPTION: PCL 22871 SEC SS; PT LT 21 CON 8 CROFT PT 1 42R9551, PT 2 & 3 42R6889; S/T PT 2 42R6889 AS IN LT144521; MAGNETAWAN								
PROPERTY REN	MARKS:	CROWN GRANT SEE LP	5557.						
<u>ESTATE/OUAL:</u> FEE SIMPLE ABSOLUTE	IFIER:		<u>RECENTLY:</u> FIRST CONVE	RSION FROM BOOK	<u>PIN CREATION DATE:</u> 2006/04/24				
<u>OWNERS' NAME</u> VANDERBREGGI VANDERBREGGI	EN, JACOBUS		<u>CAPACITY</u> SH JTEN JTEN	HARE					
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD			
** PRINTOUT	INCLUDES AL	L DOCUMENT TYPES (DE	LETED INSTRUMENTS NO	PT INCLUDED) **					
42R6889	1980/12/23	PLAN REFERENCE				С			
LT144520	1985/04/11	NOTICE AGREEMENT				С			
42R9551	1987/08/09	PLAN REFERENCE				с			
LT216777	1996/12/23	NOTICE				С			
GB124935	2019/10/01	TRANSFER	\$705 , 000	GIBSON, DOUGLAS STEWART	VANDERBREGGEN, JACOBUS	с			
RE	MARKS: PLANNI	NG ACT STATEMENTS.		GIBSON, SUSAN MARGUERITE	VANDERBREGGEN, KATELYN				
GB124937	2019/10/01	CHARGE	\$1,103,750	VANDERBREGGEN, JACOBUS	THE TORONTO-DOMINION BANK	с			

THE TORONTO-DOMINION BANK

С

GB130151

2020/05/08

CHARGE

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY. NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

VANDERBREGGEN, KATELYN VANDERBREGGEN, JACOBUS

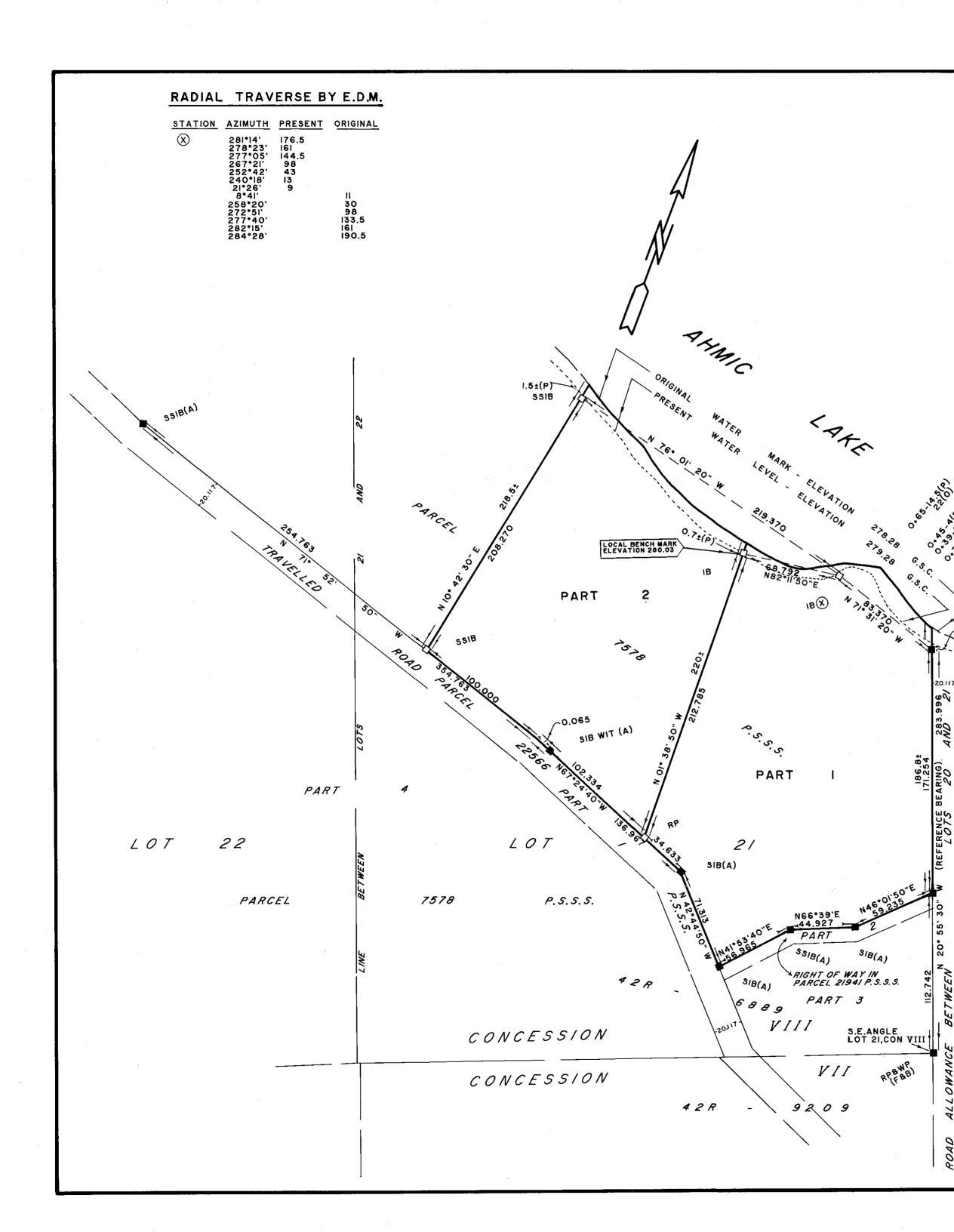
VANDERBREGGEN, KATELYN

\$1,103,750 VANDERBREGGEN, JACOBUS

	Ontario	ServiceOn			PAGE 1 OF 1 PREPARED FOR MMPlanning ON 2024/10/10 AT 13:46:50	ONLAND
PROPERTY DES	CRIPTION:	PCL 22872 SEC SS; !	PT LT 21 CON 8 CROFT	T PT 2 42R9551; MAGNETAWAN		
PROPERTY REM	IARKS:	CROWN GRANT SEE LPS	5557.			
ESTATE/OUALIFIER:RECENTLY:PIN CREATION DATE:FEE SIMPLEFIRST CONVERSION FROM BOOK2006/04/24ABSOLUTEFIRST CONVERSION FROM BOOK2006/04/24						
OWNERS' NAME VANDERBREGGE			<u>CAPACITY</u> SH ROWN			
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT	INCLUDES AL.	L DOCUMENT TYPES (DE	LETED INSTRUMENTS N	PT INCLUDED) **		1
LT144520	1985/04/11	NOTICE AGREEMENT				с
42R9551	1987/08/09	PLAN REFERENCE				с
LT216777	1996/12/23	NOTICE				С
GB124936	2019/10/01	TRANSFER	\$200,000	GIBSON, DOUGLAS STEWART GIBSON, SUSAN MARGUERITE	VANDERBREGGEN, JACOBUS	с
REI	MARKS: PLANNI	ING ACT STATEMENTS.				
GB124937	2019/10/01	CHARGE		VANDERBREGGEN, JACOBUS VANDERBREGGEN, KATELYN VANDERBREGGEN, JACOBUS	THE TORONTO-DOMINION BANK	с

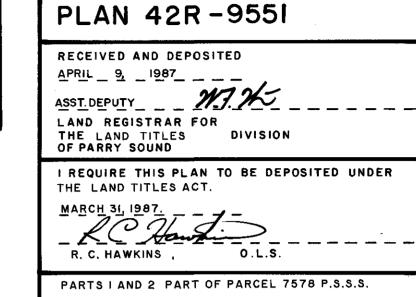
Appendix II

Surveys



METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



LEGEND

SIB&WP (F&B)

SSIB(A)

0

 \searrow

20.117 996

283. ND

ERENCE 2075

0

7

ROAD

- DENOTES FOUND MONUMENT
- DENOTES PLANTED MONUMENT Ο
- DENOTES PRESENT WATER LEVEL (P)
- (0)DENOTES ORIGINAL WATER MARK
- (A) DENOTES PLAN 42R-6889
- DENOTES WOOD POST WP
- F&B DENOTES PLAN OF SURVEY DATED MARCH 17,1964 BY FITZMAURICE & BOYER,O.L.S.

CAUTION THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

NOTE

BEARINGS ARE ASTRONOMIC DERIVED FROM THE EAST LIMIT OF LOT 21, CONCESSION VIII AS SHOWN ON PLAN 42R-6889 N 20*55'30" W REFERENCE BEARING

THE LIMIT OF AHMIC LAKE AS SHOWN HEREON IS THE BEST AVAILABLE EVIDENCE OF THE ORIGINAL HIGH WATER MARK OR WATER'S EDGE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF CROFT

GEODETIC BENCH MARK Nº 190-S - ELEVATION 282.94 ASSUMED

ORIGINAL WATER MARK - ELEVATION 278.28 PRESENT WATER LEVEL - ELEVATION 279.28

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

I. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT, AND THE REGULATIONS MADE THEREUNDER.

2. THE SURVEY WAS COMPLETED ON THE 27TH DAY OF MARCH, 1987.

MARCH 31, 1987. PARRY SOUND, ONTARIO. R.C. HAWKINS

DAI R.C. Hanking

METRES

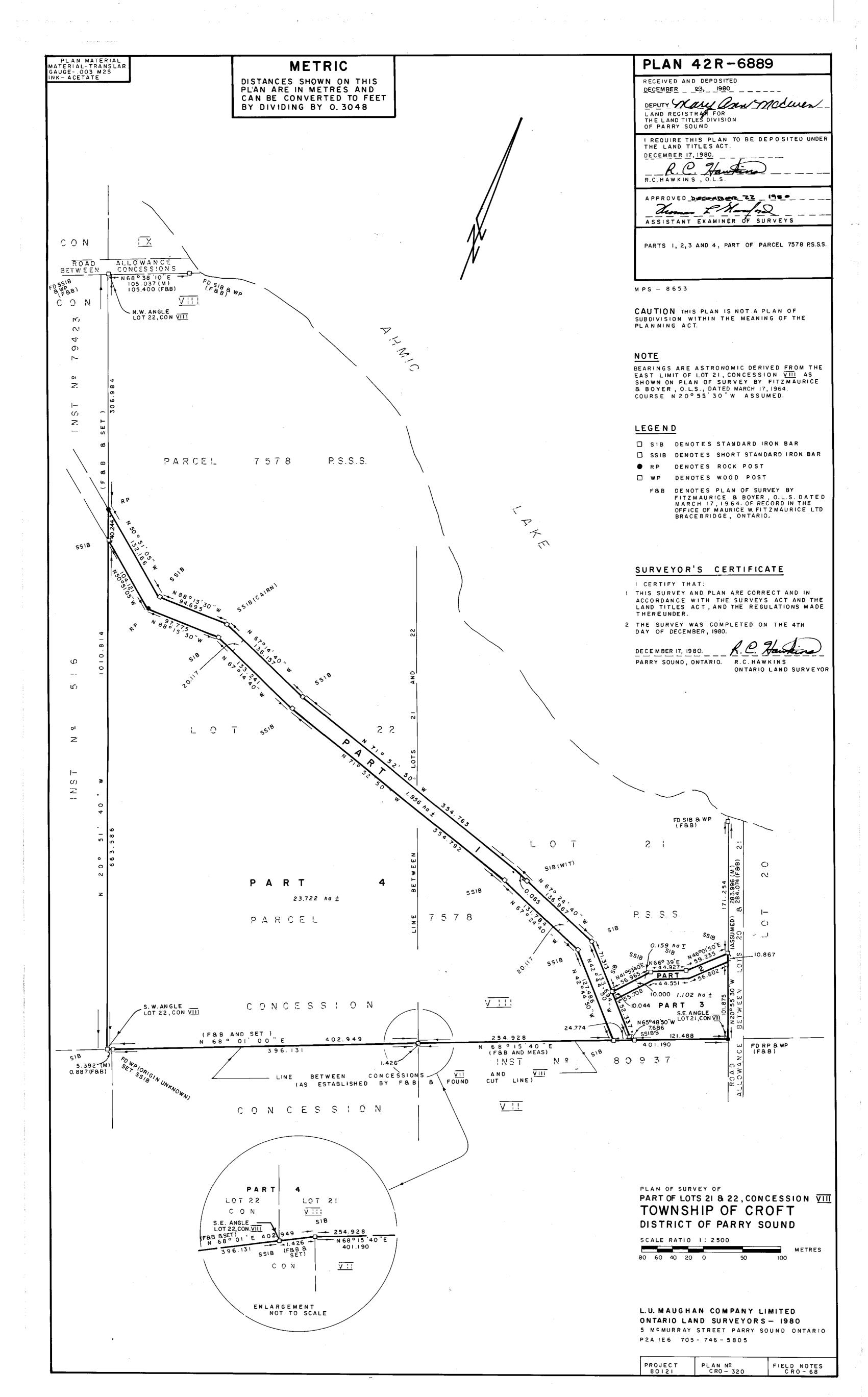
ONTARIO LAND SURVEYOR

PLAN OF SURVEY OF PART OF LOT 21, CONCESSION VIII

TOWNSHIP OF CROFT DISTRICT OF PARRY SOUND SCALE RATIO 1: 2000

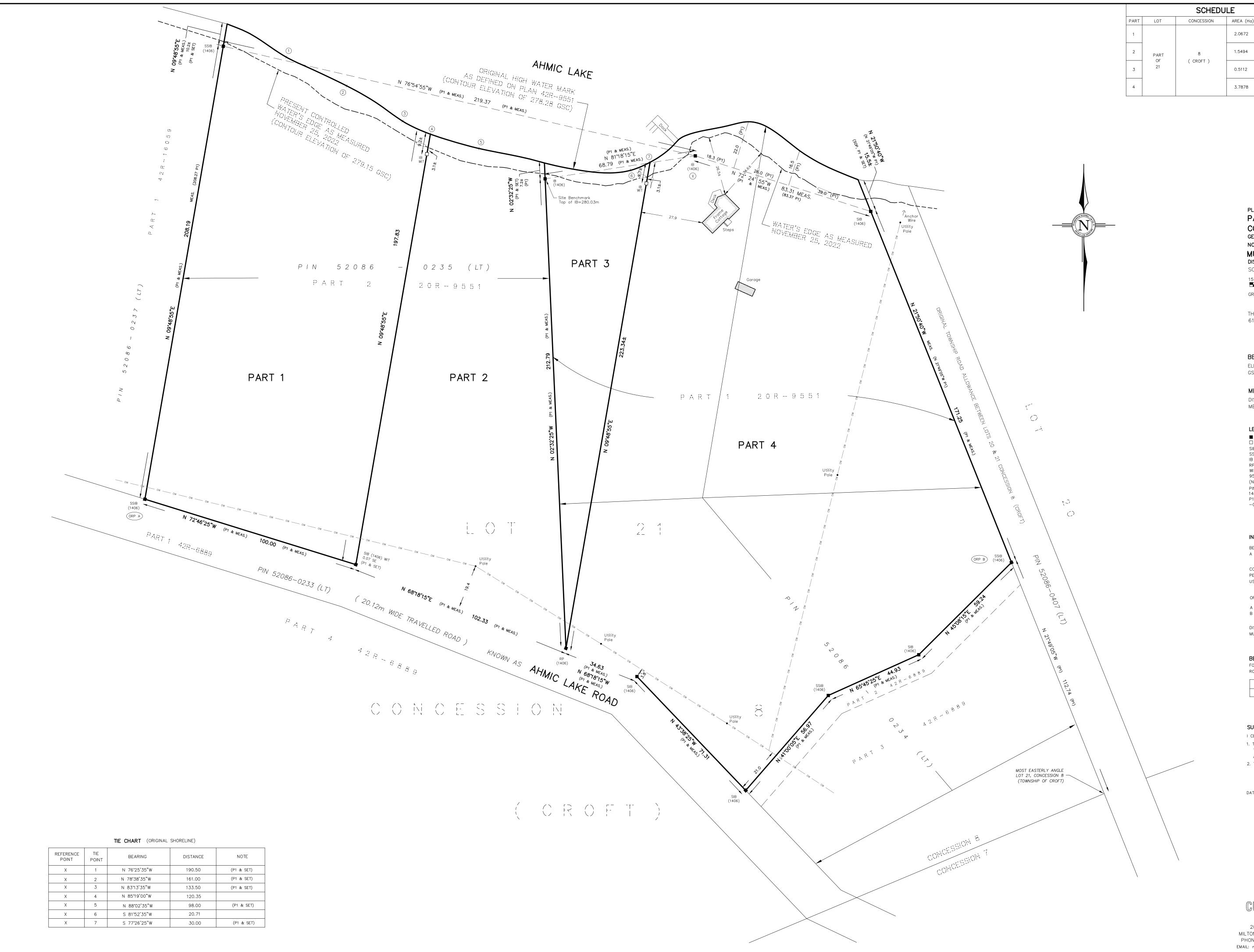
40 20 60 100 L.U. MAUGHAN COMPANY LIMITED ONTARIO LAND SURVEYORS - 1987 5 MCMURRAY STREET PARRY SOUND ONTARIO

•	5 - 746 - 5805	
PROJECT	PLAN	FIELD NOTES
87007	CRO - 372	CRO - 58



Appendix III

Proposed Consent Sketch



TIE CHART (ORIGINAL SHORELINE)							
REFERENCE POINT	TIE POINT	BEARING	DISTANCE	NOTE			
Х	1	N 76°25'35"W	190.50	(P1 & SET)			
X	2	N 78°38'35"W	161.00	(P1 & SET)			
X	3	N 83°13'35"W	133.50	(P1 & SET)			
X	4	N 85°19'00"W	120.35				
X	5	N 88°02'35"W	98.00	(P1 & SET)			
X	6	S 81°52'35"W	20.71				
X	7	S 77°26'25"W	30.00	(P1 & SET)			

SCHEDULE

)	PIN
	ALL OF 52086–0235

2.0672 1.5494 0.5112 PART OF 52086-0234 3.7878

PLAN OF SURVEY OF PART OF LOT 21 CONCESSION 8 GEOGRAPHIC TOWNSHIP OF CROFT NOW IN MUNICIPALITY OF MAGENETAWAN DISTRICT OF PARRY SOUND SCALE 1:750 45 metres

THE INTENDED PLOT SIZE OF THIS PLAN IS 914mm IN WIDTH BY

610mm IN HEIGHT AT A SCALE OF 1:750

BENCHMARK NOTE:

GRAPHIC SCALE

ELEVATIONS AS INDICATED HEREON ARE GEODETIC AND ARE RELATED TO GSC BENCHMARK 190-S HAVING AN ELEVATION OF 282.94 METRES.

METRIC NOTE:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

	DENOTES	SURVEY MONUMENT FOUND
	"	SURVEY MONUMENT SET
SIB	n	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
IB	"	IRON BAR
RP	"	ROCK POST
WIT	"	WITNESS
950	**	CUNNINGHAM McCONNELL LIMITED
(NI)	"	NO IDENTIFICATION
PIN	"	PROPERTY IDENTIFIER NUMBER
1406	"	L.U. MAUGHAN CO. LTD., O.L.S.
P1	n	PLAN 42R-9551
-OW-	_ "	OVERHEAD WIRE(S)

INTEGRATION DATA

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A AND B, UTM ZONE 17, NAD 83 (CSRS) 2010.

COORDINATES ARE UTM ZONE 17, NAD 83 (CSRS) 2010, TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

ORP #	NORTHING	EASTING
A	5056321.04	596458.59
B	5056292.43	596850.79

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999687.

BEARING COMPARISONS:

FOR THE	PURPOSE	S OF	COMPA	RISON	S, PREV	IOUS	SUR	/EYS	HAVE	BEEN	I
ROTATED	TO UTM	BEARI	NGS B`	Y THE	ANGLES	SHO	WN B	ELOW	Ι.		
	AN		ROTA				ST BI		201		

PLAN	ROTATION FOR NORTHEAST BEARINGS
P1	– 0 ° 58' 35"

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH

THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE __th DAY OF _____, 2023.

DATE: _____

ROBERT D. McCONNELL ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO THE AOLS PLAN SUBMISSION FORM NUMBER

CUNNINGHAM McCONNELL LIMITED ONTARIO LAND SURVEYORS

1200 SPEERS ROAD, UNIT 38 OAKVILLE, ONTARIO L6L 2X4 205 MAIN STREET MILTON, ONTARIO L9T 1N7 PHONE (905) 878-6672 PHONE (905) 845-3497 EMAIL: milton.office@cmlsurveyors.ca EMAIL: infooak@cmIsurveyors.ca 0.L.S. FILE # 127-22-1