

September 12, 2024

Erica Kellogg, Deputy Clerk Planning and Development
Municipality of Magnetawan
4304 Hwy #520, P.O. Box 70
Magnetawan, ON
POA 1P0

Dear Ms. Kellogg:

Reference: Zoning By-law Amendment – Cordua, 184 Silver Lake Rd., Spence, Municipality of Magnetawan, District of Parry Sound

Please find enclosed a Zoning By-law Amendment application package being submitted on behalf of our clients, Brandon and Ashley Cordua. The subject property is located at 184 Silver Lake Road, Magnetawan (Spence).

The purpose of this Zoning By-law Amendment application is to permit a non-compliant lot area and frontage for the severed lot, and to permit a non-compliant lot area for the retained lot of this property. The Zoning By-law Amendment is required as a condition of the approval of the subsequent consent application for this property.

The package includes the following items:

- a completed application form;
- a Planning Justification Report;
- the fee in the amount of \$250.00 will be provided by the Owner; and

This report has been assembled in sections for ease of compliance review as follows:

- Section A: Site Plan Sketch
- Section B: Comprehensive Policy Review

Overview

The subject property is located at 184 Silver Lake Road on Bell's Lake in the Geographic Township of Spence within the municipal boundaries of the Township of Magnetawan. The location of the subject property is shown on Figure 1.

Figure 1. Property Location



Property Characteristics

The original subject property is 1.38 ha (3.42 acres) in area with 183 m (600.4 ft) of frontage on Bell's Lake. The consent application is proposed to sever one new shoreline lot from the existing property. The proposed severed lot will have approximately 80 m (263') of shoreline frontage and an area of approximately 0.47 ha (1.17 ac). The retained lot will maintain approximately 104 m (340 ft.) of shoreline frontage and an area of approximately 0.91 ha (2.25 ac). Access to the properties will be provided via an existing entrance and a proposed entrance on Silver Lake Road, a public year-round maintained road.

The subject properties are designated Shoreline Area, as on Schedule A of the Municipality of Magnetawan’s Official Plan. Schedule B identifies the properties to be within a Deer Wintering Yard (Stratum 1) shown in Figure 2. Lake Shore Capacity classifies Bell’s Lake as a “limited capacity” lake with respect to water quality. The implementing Zoning By-law recognizes the lands as Shoreline Residential (RS) as illustrated in Figure 3.

The retained lot is developed with an existing detached dwelling. The severed lot is currently vacant with a proposed shoreline residential use of the property.

Figure 2. Environmental Features (Official Plan Schedule B)

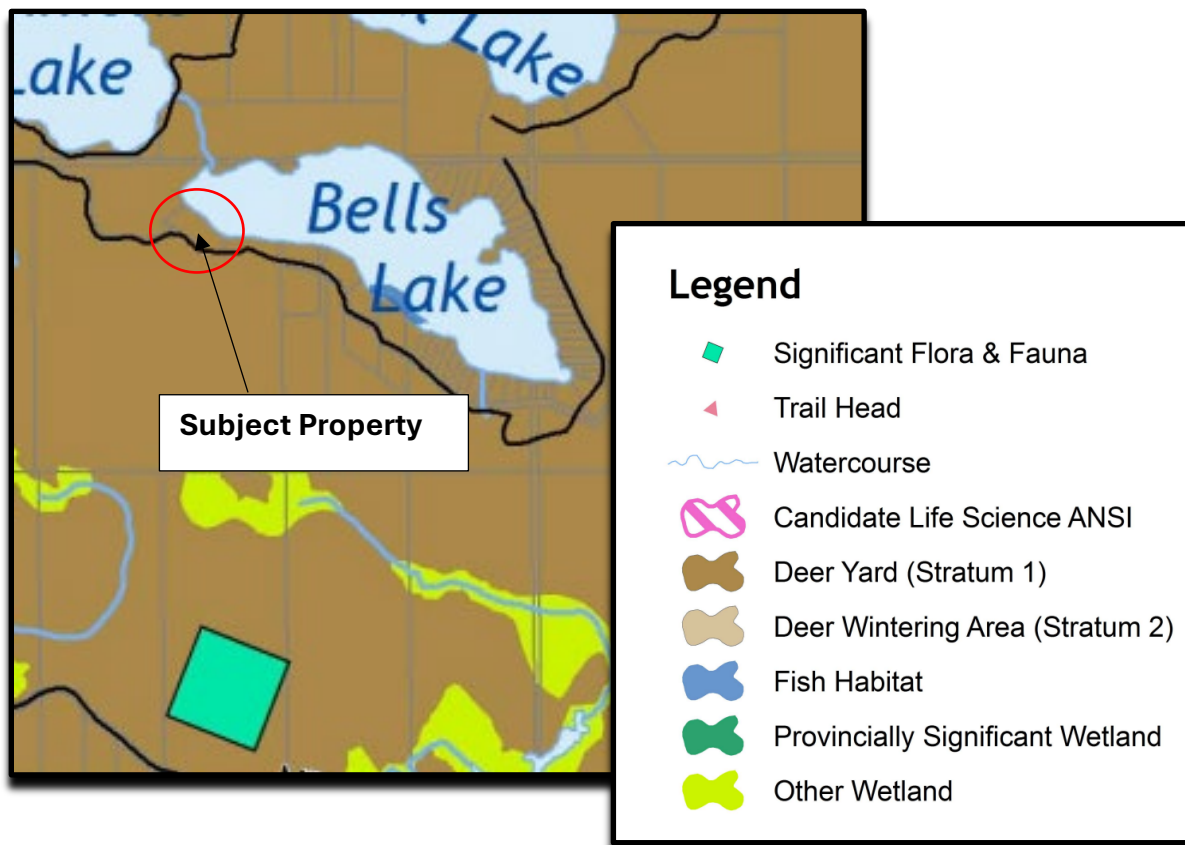
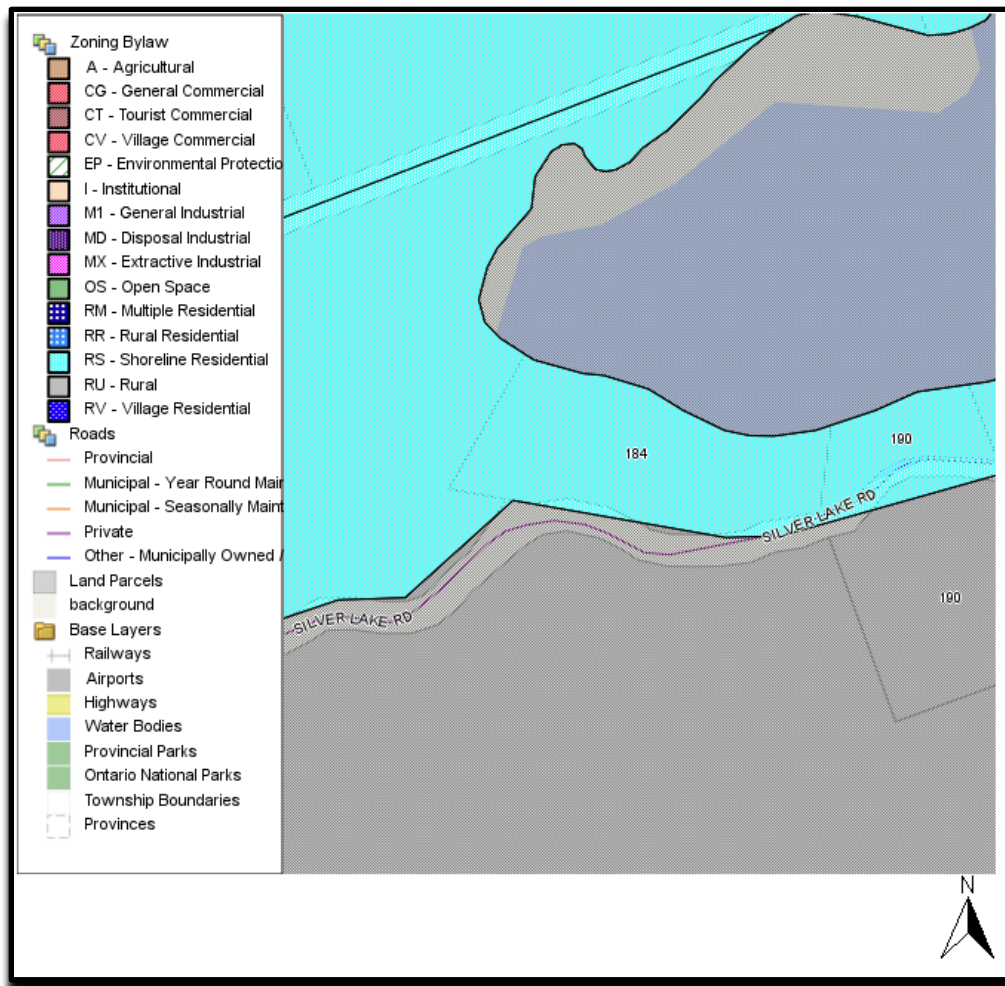


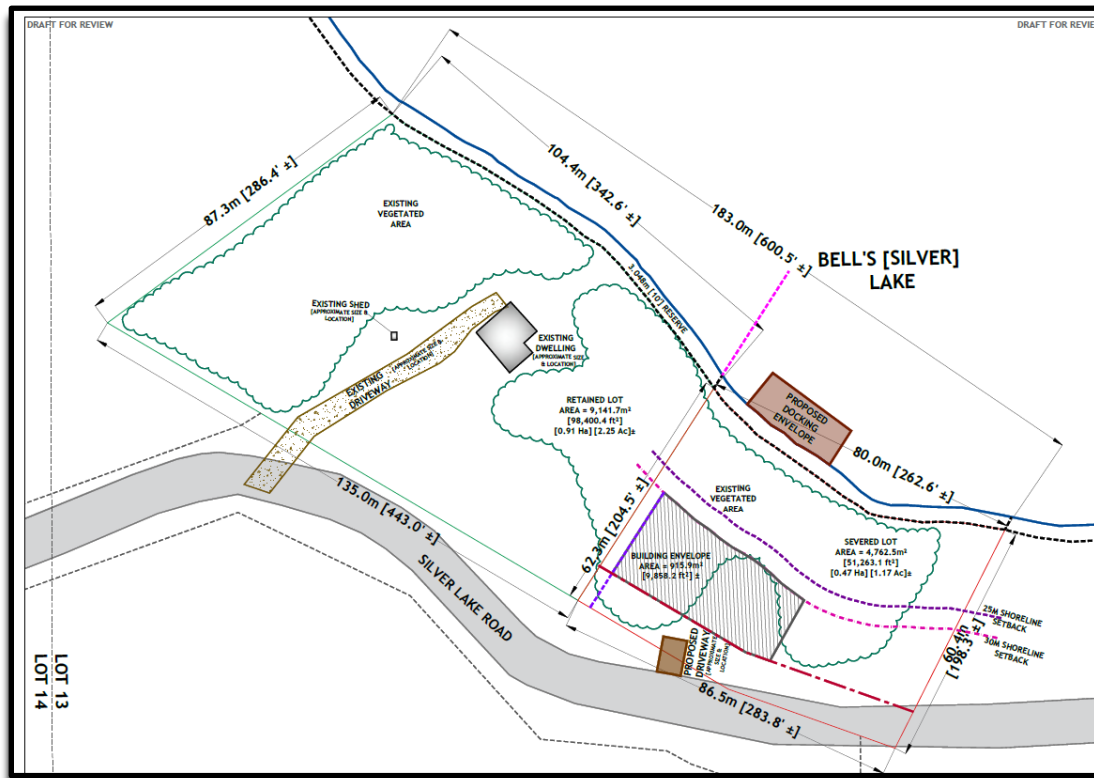
Figure 3. Existing Zoning Map



Proposed Zoning By-law Amendment

The subject property is zoned Shoreline Residential (RS) in Comprehensive Zoning By-law 2001-26. The RS zone requires a minimum lot area of 1.0 ha (2.47 acres) and 90 m (295.28 ft) of frontage. The proposed retained lot will have 0.91 ha (2.25 acres) of lot area with 104 m (341.2 ft) of frontage on Bell's Lake. The proposed severed lot will have 0.47 ha (1.16 acres) of lot area with 80 m (262.47 ft) of frontage. Figure 4 is the severance sketch that illustrates the lot configuration and frontage measurements.

Figure 4. Severance Sketch



The 80 m (262.47 ft) of lot frontage for the severed lot on Bells' Lake does not comply with the RS zoning provision of a minimum shoreline frontage of 90 m (295.28 ft). Both the retained and severed lots do not comply with the RS zoning provision for a minimum lot area of 1.0 ha. A zoning by-law amendment is required to recognize these non-compliant areas. It is proposed that the subject lands be rezoned from 'Shoreline Residential' (RS) to 'Shoreline Residential Exception X' (RS-X). The exception X will permit the following:

- The minimum lot area of the retained lot shall be permitted to be 0.91 ha
- The minimum lot area of the severed lot shall be permitted to be 0.47 ha
- The minimum frontage of the severed lot shall be permitted to be 80 m

Conclusion

In summary, the zoning by-law amendment application demonstrated in the Policy Review found in Section B below, is consistent with the applicable policies outlined in the PPS and generally conforms with the Growth Plan for Northern Ontario and the Municipality of Magnetawan Official Plan.

As a resolution for approval of the consent, a scoped EIS and Lake Capacity/Water Quality Impact Assessment was undertaken by Michalski Nielsen Associates Limited (MNAL) to address the properties constraints. The review included Deer Wintering Habitat, Species at Risk Potential and Fish Habitat. The report from MNAL supports this amendment, provided the future development on the severed lot be subject to Site Plan Control to appropriately implement their recommendations.

Based on this review, it is my opinion that the proposed development is appropriate, is in the public interest and represents good planning.

Please advise us if you require any additional information.

Yours truly,

PLANSCAPE INC.

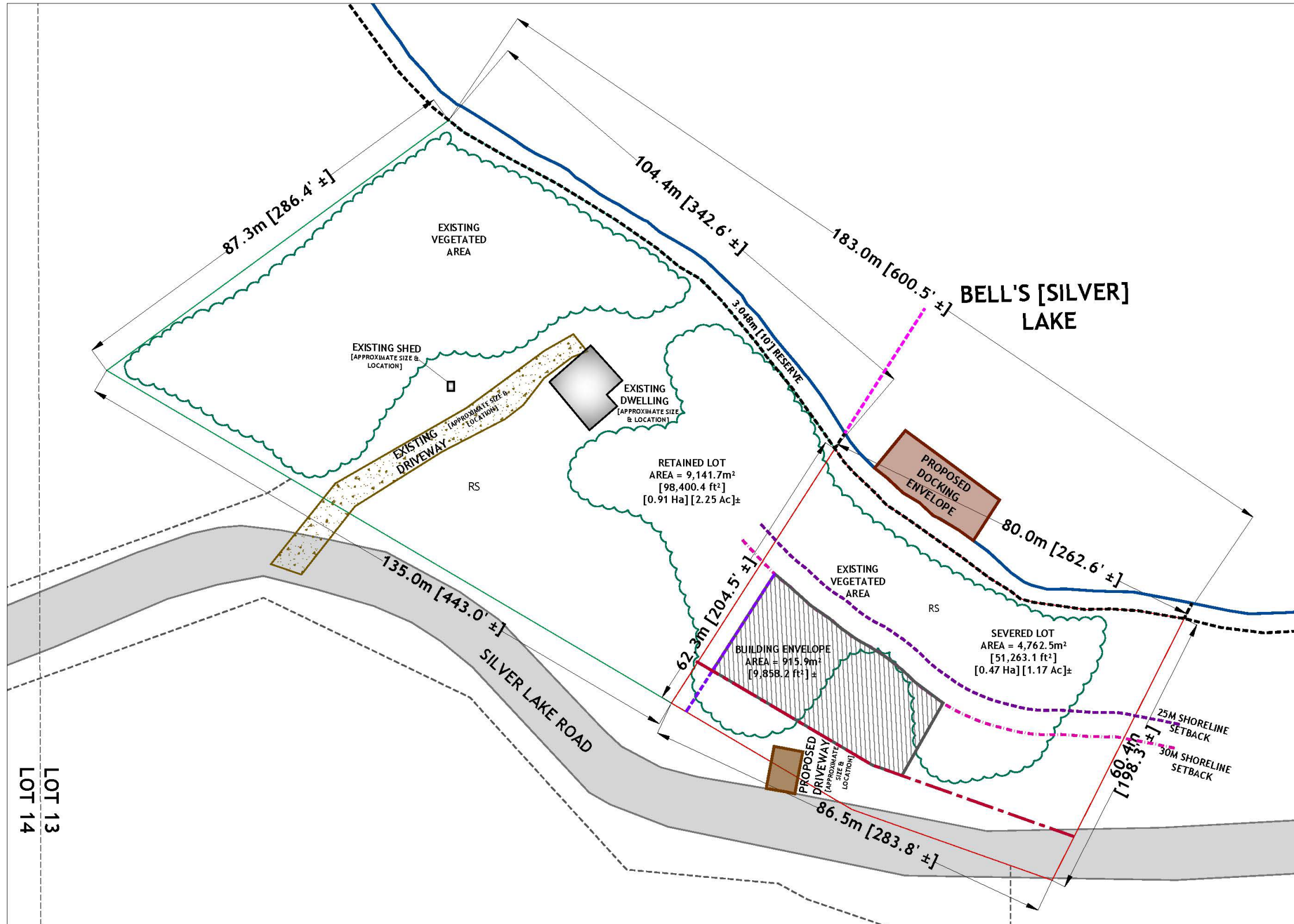


Debbie Vandenakker, MCIP, RPP, PMP
Senior Planner



Ryan Lloyd, BES
Planner

SECTION A: Zoning Sketch



ZONING SKETCH
 184 SILVER LAKE ROAD
 PARTS 8 TO 13 PLAN 42R-12527
 PART OF LOT 13, CONCESSION 14
 GEOGRAPHIC TOWNSHIP OF SPENCE
 TOWNSHIP OF MAGNETAWAN
 DISTRICT OF PARRY SOUND
 CORDUA

DISCLAIMER
 THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY.
 BASE MAPPING CREATED FROM SCANNED PLAN 42R-12527 & 42R-2703 and MNRF AIR PHOTO & MAKE A TOPOGRAPHIC MAP
 ALL INFORMATION CONTAINED WITHIN IS APPROXIMATE.
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE TREATED AS SUCH.

Existing Zoning: Shoreline Residential (RS)
 Proposed Zoning: Shoreline Residential with Exception X (RS-X)

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SCALE	PROJECT NO.	DATE INITIATED	BY
1 : 750	167500	APRIL 30, 2024	JT

NO.	DATE	REVISIONS	BY
1.			
2.			
3.			
4.			

BASE MAP SOURCE:
 D.E. MAGEE O.L.S - 42R-12527 (1992)

SECTION B: Comprehensive Policy Review

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) identifies provincial planning interests. Development applications are required to be consistent with provincial policy statements. The property is located on “Rural lands” within the “Rural Area” as defined by the PPS. The rural policy section of the PPS recognizes the importance, diversity and character of Ontario’s rural areas. The Rural Areas and Rural Lands policies envision development, including recreational uses that can be adequately serviced.

Section 1.1.4 describes the importance of Rural Areas in Municipalities, and states: “1.1.4.1 Healthy, integrated and viable rural areas should be supported by: a) building upon rural character and leveraging rural amenities and assets; ... and e) using rural infrastructure and public service facilities efficiently.

Section 1.1.5 applies to the development on “Rural Lands” within municipalities, and specifically states: “1.1.5.2 On Rural Lands ... permitted uses are ... b) resource-based recreational uses (including recreational dwellings)”. “1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted”.

The proposed lots and potential recreation dwelling are designed to ensure a low-density form of development that is consistent with the character of the surrounding area. The application is consistent with the direction provided by the Provincial Policy Statement.

Growth Plan for Northern Ontario (2011)

Released in 2011, the Growth Plan for Northern Ontario outlines a comprehensive strategy to foster economic prosperity, environmental sustainability, and community development in the region. It emphasizes the importance of leveraging existing and potential competitive advantages to position Northern Ontario for success in the global economy. The plan is intended to be read in conjunction with other relevant Provincial policies.

In reviewing the Growth Plan for Northern Ontario, the creation of a severance on the subject property aligns with several of the Plans overarching goals and priorities.

Municipality of Magnetawan - Official Plan 2012

The property is in the Shoreline Area, as identified on Schedule A of the Municipality of Magnetawan’s Official Plan. Schedule B identified the property to be within Deer Wintering Area

(Stratum 1) and Appendix 1 classifies Bell’s Lake as “limited capacity” for Lake Shore Capacity. The following identifies relevant policies from the Plan.

Section 4.6 to 4.8 are policies relating to Natural Heritage Features of Deer Habitat, Fish Habitat and Habitat of Threatened and Endangered Species.

Section	Provision	Compliance Notes
4.6	<p>Within the significant deer habitat areas shown on Schedule B new lots should avoid areas of dense conifer cover or be of a sufficient size to provide a suitable development area including access and services, outside the most significant deer wintering habitat areas described above. The minimum lot size shall be 90 metres frontage and 90 metres depth.</p> <p>Exceptions to the minimum lot size requirements may be considered by the Municipality where more than one legal detached dwelling that is structurally sound exists as of the approval of this Plan, it is demonstrated to the appropriate approval authority that each dwelling can be adequately serviced, and a site evaluation has been completed by a qualified biologist that documents habitat conditions and demonstrates that winter deer habitat is not present on the property.</p> <p>In shoreline areas, development shall be situated in locations that will not result in the removal of significant amounts of shoreline vegetation or affect shoreline habitat. Site-specific zoning and site plan control will be used to site development in the most appropriate areas to ensure minimal impact on the natural habitat.</p>	<p>Comments from the Scoped EIS conclude that a smaller frontage would not impact deer wintering area provided the shoreline or near shore vegetation is generally undisturbed aside from a walking path. The tree cover within 30 m of the shore can still provide cover. Additionally, the lot is large enough to retain natural vegetation.</p>
4.7	<p>New lots fronting onto Type 1 fish habitat areas shown on Schedule B shall be sufficiently large to provide an area of at least 10 metres of frontage that is outside of the significant habitat area.</p>	<p>The current Official Plan does not identify the shoreline as Fish Habitat Type 1 but the MNAL report reflects on new policy direction of the proposed Official Plan in Section 4.5.1.5 that</p>

Section	Provision	Compliance Notes
	Larger scale Fish Habitat Classification mapping is available at the Municipal Offices for all properties within or adjacent to a shoreline and shall be consulted when development applications are being considered.	unidentified fish habitat should be assumed as type 1. The MNAL report proposed a development envelope for a future dock location and recommendations for design to protect habitat area for fish species and potential snapping turtles.
4.8	No development or site alteration shall be permitted in significant Habitat of Endangered or Threatened Species. Where development is proposed adjacent to significant Habitat of Endangered or Threatened Species an Environmental Impact Assessment shall be required in accordance with Section 4.9, and it shall be demonstrated by a qualified professional that the proposed development will have no negative impact on the Habitat of Endangered or Threatened Species or on the natural features or the ecological functions of the area as identified. The Environmental Impact Assessment shall also make recommendations with respect to appropriate performance standards and mitigation techniques.	A comprehensive site review was completed. Generally, the severed lot does not contain wetlands, vernal pools, watercourses, rock barrens or other natural features of value to location identified threatened and endangered species and concludes that the proposal would not negatively impact species habitat. Both habitats for potential snapping turtles and woodland birds were considered and mitigation recommendations are included in the MNAL report.

Section 4.15 outlines policy pertaining to Sewage Disposal and Water Systems.

Section	Provision	Compliance Notes
4.15	No development shall be permitted unless it can be shown to the satisfaction of the Municipality that there is an adequate water supply and sewage disposal system to service the development. In addition, no development shall be permitted unless Council is satisfied that the development will not have an adverse impact on neighbouring wells and sewage disposal systems and on surface and groundwater quality.	<p>The NBMCA has commented that retained lot has adequate space for eventual sewage system replacement when needed. Also, the severed lot has a suitable site for a new system and future development.</p> <p>The MNAL report has identified ideal soil conditions and proposed a 50 m waterfront setback for any proposed sewage system.</p>

Section	Provision	Compliance Notes
	<p>Generally, throughout the Municipality the minimum servicing requirement shall be a private sewage treatment system on an individual lot basis. Private sewage treatment systems shall be approved by the appropriate agency pursuant to the Ontario Building Code Act or the Ontario Water Resources Act. It is a goal of this Plan that new private sewage systems utilize the most current technologies available.</p> <p>Prior to the approval of all new development, the proponent shall provide confirmation that arrangements can or have been made for the treatment of the hauled sewage generated from the development at a duly licensed facility</p>	

Section 5.4 is specific policy for Shoreline Land Use Designation.

Section	Provision	Compliance Notes
<p>5.4.1 Permitted Uses</p>	<p>Permitted uses in areas designated Shoreline on Schedule 'A' shall include detached dwellings, commercial tourist resorts with associated commercial uses, lodges, motels, hotels, marinas, and recreational activities.</p>	<p>A future detached dwelling is permitted on the proposed new lot.</p>
<p>5.4.2 Development Standards</p>	<p>Unless otherwise specified, new lots should be no smaller than 1.0 ha (2.5 acres) in area with 90 metres (300 feet) of water frontage. Larger lots may be required in areas where environmental or physical constraints exist on the lands and on narrow channels (less than 120 metres (400 ft.)) or small water bodies less than 40 ha (100 acres), in deer wintering or in or adjacent to sensitive fish habitat. Lot lines should follow existing features and terrain and should be configured so that conflicts between abutting properties will be avoided.</p>	<p>Communication during the pre-consultation indicated the municipality was supportive of the severance given the historical nature (character) of the property and surrounding neighbourhood. As the submitted EIS (MNAL report) is supportive of this configuration, we understand the municipality would support the undersized lot. Smaller lots may be considered.</p>
<p>5.4</p>	<p>No development should be permitted which would result in a waterbody being developed to a point of being over</p>	<p>The MNAL report comprehensively reviewed Bells Lake with no concerns that an additional lot and future</p>

Section	Provision	Compliance Notes
	capacity as estimated by the Ministry of the Environment or Ministry of Natural Resources or as demonstrated by a Lakeshore Capacity Assessment completed in accordance with the Lakeshore Capacity Assessment Handbook. Any development within 300 metres of a waterbody shall be deemed to have an impact on the waterbody.	dwelling will negatively impact the water quality, provided the recommendations are properly implemented through the applicable planning tools (e.g. site plan control).

The pre-consultation with Magnetawan classified Silver Lake Road as a private road where policy **Section 6.3** would apply.

Section	Provision	Compliance Notes
6.3	Council will not permit the creation of new private roads in the Municipality unless those roads are created by plan of condominium. New development of seasonal residences on existing private roads may be permitted where it is considered infilling between existing residential units. No new development of permanent residences may be permitted on existing private roads	It is our opinion (confirmed by staff) that this application is an infill situation, thereby complying with policy direction. The intention is for a future seasonal residential dwelling and could be considered to have access from the waterfront and the private road of Silver Lake Rd.

Provided the recommendations of the MNAL report are implemented through the appropriate planning tools (e.g. site plan control), the proposed zoning by-law application meets the general intent of the Official Plan for the Municipality of Magnetawan.

Municipality of Magnetawan Zoning By-law 2001-26

The subject property is zoned Shoreline Residential (RS) in the municipality’s Zoning By-law No. 2001-26.

The table below shows the relevant zoning provisions and proposed retained and severed lot information available.

Provision	Shoreline Residential (RS)	Proposed Retained	Proposed Severed
Minimum Lot Area	1.0 ha	0.91 ha	0.47 ha
Minimum Lot Frontage	90 m	104 m	80 m
Minimum Front Yard Setback	15 m	20.1 m	To Comply
Minimum Side yard	3.5 m	4.6 m	To Comply
Minimum Rear Yard	10 m	4.6 m	To Comply
Maximum Lot Coverage	15 %	10%	To Comply

The scoped Environmental Impact Statement and Lake Capacity/Water Quality Impact Assessment by Michalski Nielsen Limited notes that despite having a reduced frontage, the lots are demonstrated to be of considerable size and frontage to ensure a severance is environmentally appropriate.

A suitable building envelope was also identified in the report that allows for the sustainable development of a shoreline residential dwelling. The envelope has very moderate slopes and can be easily accessed by a driveway developed off of Silver Lake Road. The envelope also has a large setback from the shoreline for a proposed septic system, ensuring minimal impact from a water quality perspective.