

THE MUNICIPALITY OF MAGNETAWAN

PLANNING REPORT

TO: Erica Kelogg, Acting Deputy Clerk – Planning & Development
Municipality of MagnetawanMunicipality of Magnetawan

FROM: Jamie Robinson, BES, MCIP, RPP & Jonathan Pauk, MCIP, RPP
MHBC Planning

DATE: July 12, 2023

SUBJECT: Consent Application – Plan M230 Lots 1 & 2 PCL 11172SS, Concession
4, Part Lots 27 & 28, Plan PSR-593 Part 1 REM PCL 10917
75 & 85 Audrey Smith Road, Robert & Janet Zwierschke
Roll Nos: 494401000138800 & 494401000146600

Recommendation:

That the Council for the Municipality of Magnetawan provide comments to the Planning Board in regards to the proposed Consent Application pertaining to 75 & 85 Audrey Smith Road by recommending that the Consent Application for a boundary adjustment be approved, subject to the following conditions of provisional consent:

1. That the Applicant meet all financial requirements of the Municipality;
2. That a registrable description of the proposed reconfigured lots be submitted to the Municipality;
3. That a draft survey of the subject properties be provided to the Municipality for review and approval;
4. That the applicant obtain final approval of all necessary Minor Variances to the satisfaction of the Municipality;
5. That the foregoing conditions be fulfilled within two years of the date of the notice of the decision of the Planning Board.

Proposal / Background

Property owners Robert and Janet Zwierschke have submitted a consent application to adjust the lot boundaries of the properties located at 75 & 85 Audrey Smith Road. The application proposes to sever and convey a portion of land from the subject property at 75 Audrey Smith Road (Retained Lot) and add it to the property located to the north, known as 85 Audrey Smith Road (Beneficiary Lot). The purpose of the proposed

boundary adjustment is to increase the lot area and frontage of 85 Audrey Smith Road in order to permit a larger developable area for a boathouse outside of the area zoned Environmental Protection along the shoreline. At this time, no site plan for this development has been provided to detail the location, size or siting of the boathouse. There are no new buildings or structures proposed as part of the application. The proposed Retained and Beneficiary Lots are to continue to be accessed via Audrey Smith Road.

The subject properties are each developed with a dwelling and the proposed lots are intended to continue to be used for seasonal residential purposes. The location of the subject properties is shown in Figure 1.

Figure 1: Subject Properties



The Retained Lot (75 Audrey Smith Road) has a lot area of approximately 2,857 square metres (0.28 hectares) with approximately 61 metres of lot frontage on Lake Cecebe. The Beneficiary Lot has a lot area of approximately 42,630 square metres (4.263 hectares) with approximately 143 metres of lot frontage on Lake Cecebe. Both properties are designated Shoreline and are partially within the Aggregate and Mineral Resources overlay in the Municipality’s Official Plan. The property located at 85 Audry Smith Road contains an area of mapped fish habitat along a portion of the shoreline. The Retained Lot is zoned Shoreline Residential (RS), and the Beneficiary Lot is zoned Shoreline Residential (RS) and Environmental Protection (EP) in the Municipality’s Zoning By-law.

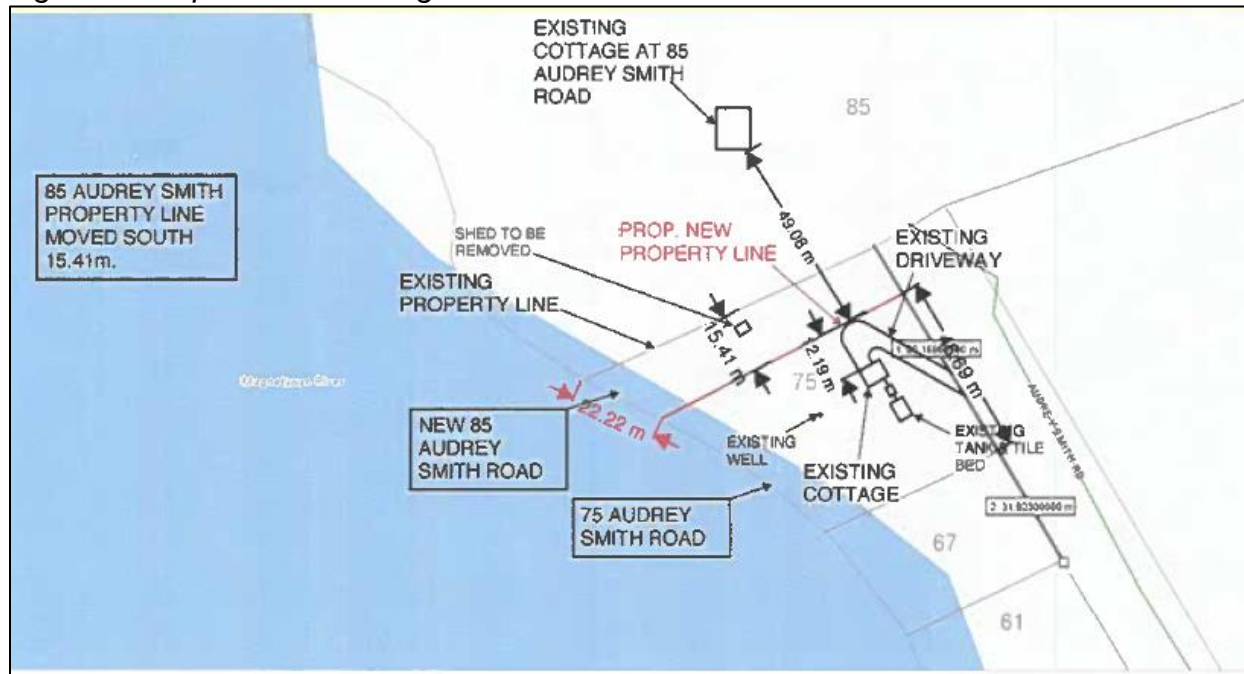
Table 1 identifies the proposed lot frontage, lot area and proposed uses of the Beneficiary Lot and Retained Lot. These measurements are based on the drawing submitted with the Consent application.

Table 1: Proposal Summary

Lot	Area	Lot Frontage	Proposed Use
Retained Lot	3,103 square metres (0.3 hectares)	50.9 metres	Seasonal Dwelling (existing)
Beneficiary Lot	42,4270 square metres (4.2 hectares)	187.2 metres	Seasonal Dwelling (existing)

The proposed lot configuration provided by the Applicant is shown in Figure 2.

Figure 2: Proposed Lot Configuration



Area Context

- North:** Shoreline Residential properties fronting onto Lake Cecebe
- East:** Residential properties, Highway 520
- South:** Shoreline Residential properties fronting onto Lake Cecebe
- West:** Lake Cecebe

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 decisions are consistent with the PPS.

The Subject Property is located outside of the Magnetawan Village Settlement Area and is considered to be Rural Lands. The PPS, specifically Section 1.1.5.2, recognizes resource-based recreational uses, (including recreational dwellings) and residential development, including lot creation, which is locally appropriate, as permitted uses on rural lands. The existing residential uses on the Retained Lot and Beneficiary Lot are permitted uses.

Section 1.6.6.4 provides policies that apply to development on individual well and septic. It 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. Section 1.6.6.6 states that planning authorities may allow for lot creation, based on confirmation that adequate servicing can be accommodated. Both the Retained and Beneficiary lots are currently serviced with dwellings that are serviced by private services and there are no lots proposed as a result of the proposed consent application.

Section 2 of the PPS contains policies that address the wise use and management of resources, including the protection of natural heritage features and functions.

Section 2.1.6 states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Section 2.1.8 provides policies for adjacent lands. Development is not permitted on adjacent lands, unless it is demonstrated that there is no negative impacts to the natural features or their functions.

A portion of the property located at 85 Audrey Smith Road (Beneficiary Lot) contains an area of Fish Habitat along the shoreline in accordance with Schedule B of the Municipality's Official Plan.

The subject properties are developed with existing dwellings and there is no new development or shoreline works proposed as part of the proposed lot line adjustment and as such, an EIS has not been required. The Fish Habitat is zoned environmental protection in the Zoning By-law. Should any buildings or structure be proposed in or adjacent to the EP zoned lands, further planning approval may be required.

On the basis that the proposed lot addition, only changes lot boundaries and does not convey additional development rights, the proposal is consistent with the fish habitat and adjacent lands policies of the PPS.

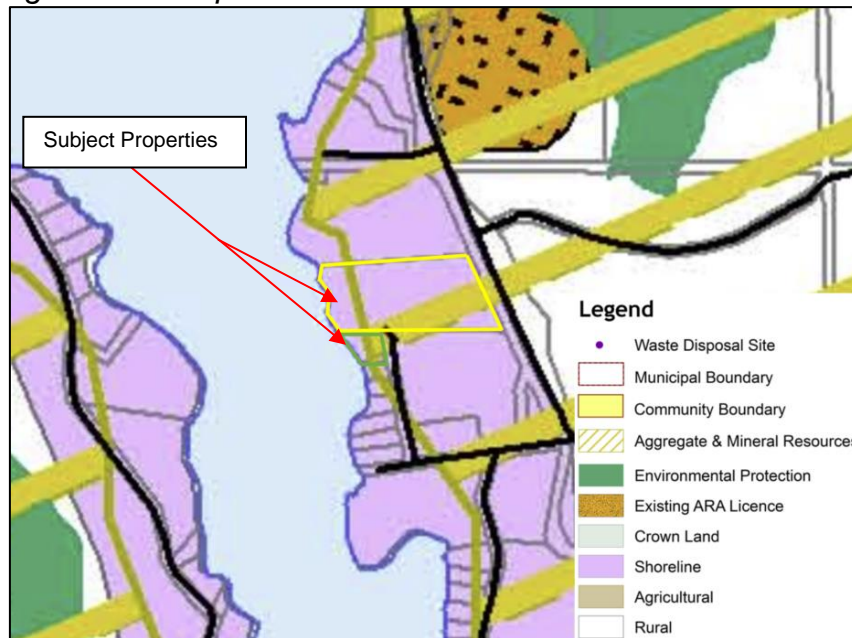
Section 3 of the PPS addresses matters relating to protecting public health and safety through natural and human-made hazards. There are no identified natural or human-made hazards that would impact the subject property or adjacent lands.

Subject to the Applicant fulfilling the conditions of consent, the proposed application is considered to be consistent with the PPS.

Municipality of Magnetawan Official Plan

Schedule A (Land Use Map) to the Official Plan identifies the Subject Properties as being designated Shoreline and partially within the Aggregate and Mineral Resources overlay, as shown in Figure 3.

Figure 3: Excerpt from Official Plan – Schedule A



In accordance with Schedule B (Natural Heritage Features) of the Official Plan, there is an area mapped as a Fish Habitat along the shoreline of the Beneficiary Lot (85 Audrey Smith Road), as shown in Figure 3.

Section 4.4 of the Official Plan states that new development or site alterations 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. As mentioned, a portion of the shoreline of the Beneficiary Lot is identified as Fish Habitat.

There is no new development or shoreline works proposed as part of the consent application and there are no negative impacts anticipated to the area mapped as fish habitat.

Section 5.2.8 contains policies that apply to lands where aggregate resources are located. Although there are lands in proximity of the site that are identified in Aggregate and Mineral Resources overlay, there are a number of residential lots in the area and the extraction to the resource in proximity to the site would not be feasible.

Section 5.4.1 of the Official Plan establishes permitted uses and detached dwellings are a permitted use in the Shoreline designation. The Retained and Beneficiary lots are proposed to continue to be used as residential uses in conformity with Section 5.4.1 of the Official Plan.

Section 7.1.1 of the Official Plan contains criteria that are applicable to consent applications. Table 2 below summarizes the consent policies.

Table 2: Official Plan Section 7.7.1 Summary

Policy 7.7.1 Severance Criteria	Does the Application Conform?
a) A registered plan of subdivision is not necessary for the orderly development of the lands.	A Plan of Subdivision is required where 3 or more lots are proposed (Section 7.2.1). There are no new lots proposed as part of the consent application.
b) The lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements.	The Retained Lot is zoned Shoreline Residential (RS), and the Beneficiary Lot is zoned Shoreline Residential (RS) and Environmental Protection (EP). The minimum required lot frontage is 90 metres and the minimum lot area requirement is 1.0 hectare. The proposed Beneficiary Lot exceeds minimum lot standards for the RS Zone. However, the proposed Retained Lot does not comply with the minimum lot area or lot frontage requirements. To ensure Zoning By-law compliance, it is recommended that the Applicant submit and obtain approval for all necessary Minor Variances to the satisfaction of the Municipality.

<p>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-of-way 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.</p>	<p>The subject properties are to continue to be accessed by a municipally maintained road (Audrey Smith Road).</p>
<p>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.</p>	<p>This policy is not applicable as the proposed lots are not for hunt camps, fish camps etc.</p>
<p>e) The lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;</p>	<p>The existing accesses and driveways are to continue to provide access to the subject properties. There are no traffic hazards anticipated as a result of the consent application.</p>
<p>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.</p>	<p>The proposed Retained and Beneficiary Lots contain existing sewage and water services.</p>
<p>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.</p>	<p>This policy is not applicable as access to the subject properties is via a municipally maintained road.</p>
<p>h) Any lot for permanent residential use shall be located on a year round</p>	<p>The subject properties are accessed by a municipally maintained road.</p>

maintained municipal road or Provincial highway.	
<p>i) In the Rural designation, new lots created by consent shall be limited to the following:</p> <ul style="list-style-type: none"> 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 	The subject properties are designated Shoreline and are not located within the Rural designation, therefore this policy does not apply.
j) The creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.	The proposed consent application for a boundary adjustment, does not propose to create any new lots. The subject properties do not prevent access to any other parcel of land, nor do they land lock any other parcel, as a result of the consent application.
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 subject lands are not adjacent to livestock operations, nor are any new lot proposed. MDS calculations are not required for the consent application.

The proposed Consent application conforms to the Municipality's Official Plan.

Municipality of Magnetawan Zoning By-law

The Retained Lot is zoned Shoreline Residential (RS), and the Beneficiary Lot is zoned Shoreline Residential (RS) and Environmental Protection (EP) in the Municipality's Zoning By-law.

Table 3 provides a summary of the proposed lots in relation to the minimum requirements for the Shoreline Residential (RS) Zone.

Table 3: Zone Standards

Zoning By-law Requirements			Lot Configuration	
Shoreline (RS) Zone			Proposed Retained Lot	Proposed Beneficiary Lot
Minimum Area	Lot	1.0 hectares	3,103 square metres (0.3hectares)	42,470 square metres (4.2 hectares)
Minimum Frontage	Lot	90 metres	50.9 metres	187.2 metres

The proposed Retained Lot located at 75 Audrey Smith Road will not comply with the minimum lot standards for lot frontage and lot area for the Shoreline Residential (RS) Zone. As mentioned, a condition of consent has been recommended to require the Applicant obtain approval for a Minor Variance to recognize the existing lot deficiencies to bring the proposed Retained Lot into compliance with the Zoning By-law.

Subject to the Applicant satisfying the recommended conditions of consent contained within this Report, the proposed lots would comply to the Zoning By-law

Comments from Departments

Public Works

- No comments or concerns.

Fire Chief

- No comments or concerns.

Building Department

- No comments or concerns.

By-law Department

- No comments or concerns.

Summary

Based on a review of the Application and subject to satisfaction of all of the recommended conditions identified in this Report, the proposed Consent application for a boundary adjustment would be consistent with the Provincial Policy Statement and would conform to the policies of the Municipality of Magnetawan Official Plan.

It is our opinion, the Consent Application should be conditionally approved. Should the Planning Board decide to provisionally approve the application, the recommended conditions of provisional consent should be applied.

Respectively submitted,



Jonathan Pauk HBASc., MSc. MCIP, RPP
Planning Consultant
MHBC Planning



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