

**THE MUNICIPALITY OF MAGNETAWAN**

**STAFF REPORT**

TO: Kerstin Vroom, CAO/Clerk,  
Municipality of Magnetawan

FROM: Jamie Robinson, BES, MCIP, RPP & Jonathan Pauk, HBASc., MSc.  
MHBC Planning Limited

DATE: November 4, 2020

SUBJECT Consent Application – Harris & Sutton – Concession 4, Part Lot 14 and 15,  
Registered Plan PSR1413, Municipality of Magnetawan  
Roll No. 4944030004094000000

---

**Recommendation**

That Council recommend to the Planning Board that the consent application for one new lot, substantially in compliance with the applicant sketch, be approved subject to the following conditions:

1. That the applicant meet all financial requirements of the Municipality;
2. That a registrable description of the retained lands and severed lands be submitted to the Municipality;
3. The entering into of a Site Plan Agreement between the Applicant and the Municipality to ensure the existing vegetation is maintained and an appropriate building envelope for a dwelling is identified on the proposed severed lot;
4. That the Applicant obtain confirmation from a surveyor that the proposed severed and retained lots comply with the Zoning By-law;
5. That the proposed severed lot be brought into compliance with the Zoning By-law through the approval of a Zoning By-law Amendment application to recognize the severed lot's deficient lot frontage.
6. That approval from the North Bay Mattawa Conservation Authority (NBMCA) is obtained to confirm that the proposed severed lot can be adequately serviced by on-site sewage and water services.

7. That the Applicant obtain confirmation from the Public Works Superintendent that the proposed severed lot can be appropriately accessed, to the satisfaction of the Municipality.
8. That the foregoing conditions be fulfilled within one year of the date of the notice of the decision of the Planning Board.

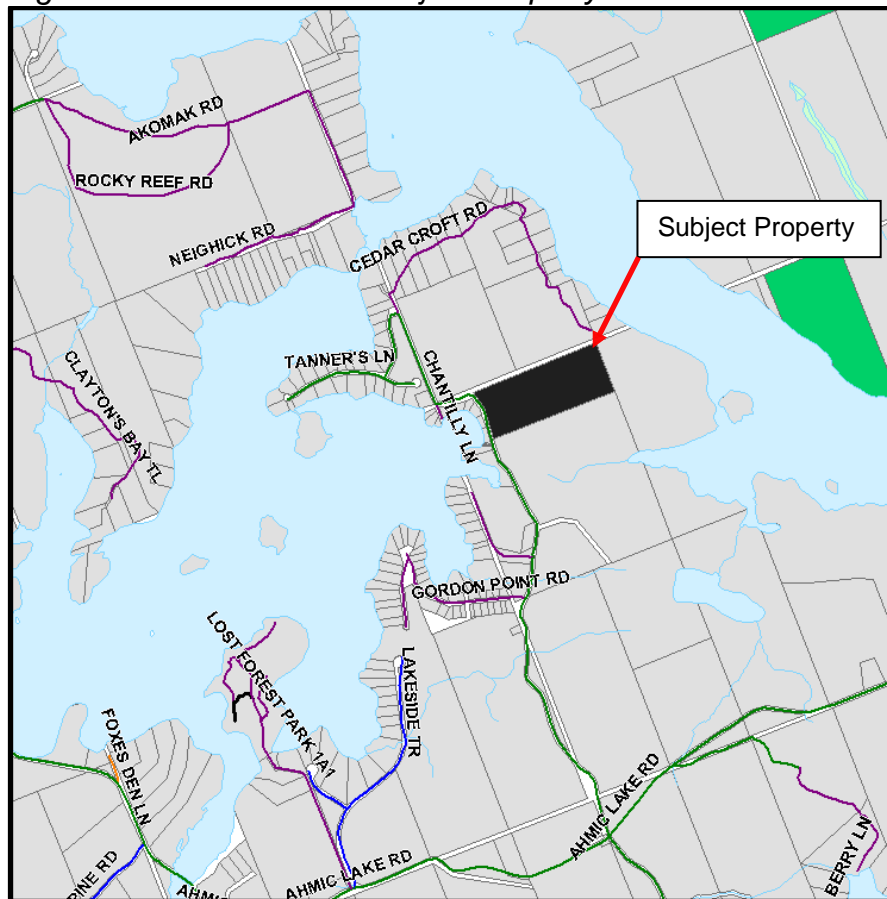
### **Proposal / Background**

The Owners of the subject property, John Harris and Shirley Sutton, have submitted a Consent Application for the subject property located at Concession 4, Part Lot 14 and 15, Registered Plan PSR1413, Municipality of Magnetawan.

The proposed consent application seeks to create one new building lot fronting onto 15-16 Side Road. The new lot is intended to host a future residential use. Both the severed and retained lots are proposed to have access from 15-16 Side Road.

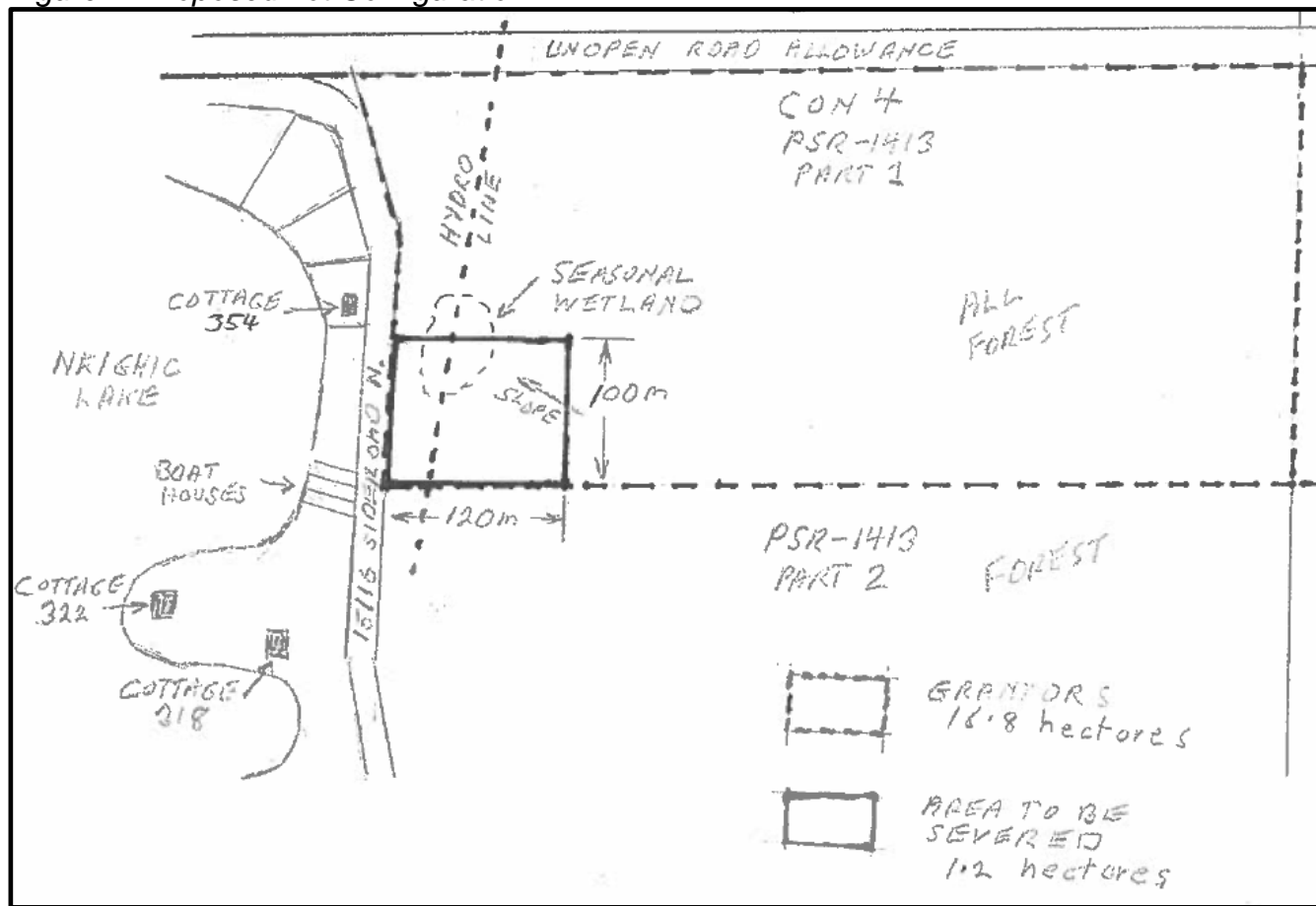
The property is located on the east side of 15-16 Side Road and is located to the east of Ahmic Lake as shown in Figure 1.

*Figure 1: Location of the Subject Property*



The subject property is currently vacant. The subject property has a lot area of 16.8 hectares and have approximately 267 metres of frontage onto 15-16 Side Road. It is proposed that the retained lands will be vacant and the severed lands will host a future seasonal residential use. The proposed lot configuration sketch that was provided by the Applicant is included as Figure 2.

Figure 2: Proposed Lot Configuration



The proposed retained lot is to be approximately 15.6 hectares in lot area and have approximately 167 metres of frontage onto 15-16 Side Road. The proposed severed lot is to be approximately 1.2 hectares in lot area and is to have approximately 100 metres of frontage onto 15-16 Side Road.

**Area Context**

**North:** Unopened road allowance and large tracts of forested areas.

**East:** Tracts of forested areas and Ahmic Lake

**South:** Tracts of forested areas and Rural properties

**West:** 15-16 Side Road and existing shoreline residential dwellings fronting onto Ahmic Lake.

## **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. The policies are set out to provide for appropriate development while also protecting resources of provincial interest, the quality of the environment and the public's health and safety. When making land use planning decisions, Planning Authorities must ensure that decisions are consistent with the PPS.

The subject property is not located within a settlement area and are therefore classified as being Rural Lands in the context of the PPS. The PPS, specifically Section 1.1.5.2, recognizes residential development, including lot creation, that is locally appropriate, as a permitted use on Rural Lands.

Section 1.6.6.4 provides policies that apply to development on individual on-site sewage and water serviced. 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. It is proposed that the proposed severed lot will be serviced by individual sewage and water services. A condition of provisional consent has been included to require the Applicant to confirm that the proposed severed lot can accommodate a sewage disposal system and a well.

Section 1.6.6.6 states that planning authorities may allow for lot creation, confirmation is required that the proposed severed lot can be adequately serviced. Provided that the Applicant demonstrates that the proposed lots can be appropriately serviced, the proposed consent application is consistent with the lot creation policies contained in the PPS.

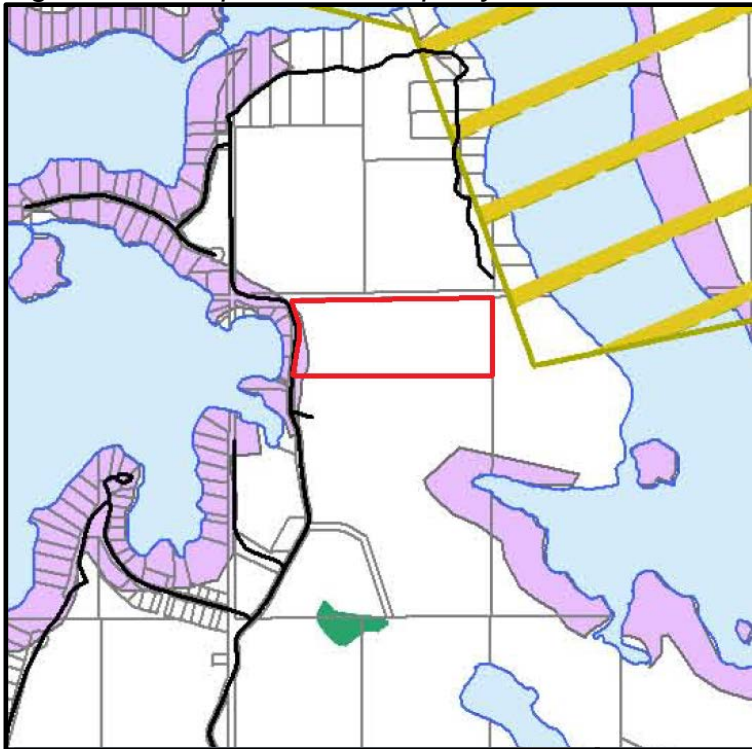
Section 3.1 provides policies pertaining to natural hazards including flooding. For Ahmic Lake, the Municipality's Official Plan defines the floodplain elevation as 281.97 CGD. Although the subject property does not directly front onto Ahmic Lake a review of the contour and topographic mapping for the subject property revealed that the entire property is located above the floodplain elevation for Ahmic Lake. Based on a review of contour information, there are areas on the proposed severed lot that are well above the floodplain elevation.

Subject to the recommended conditions, the proposed consent application is consistent with the PPS.

### **Municipality of Magnetawan Official Plan**

The Municipality's Official Plan provides policies to manage change within the Municipality of Magnetawan. The policies in the Plan address the environment, cultural and built heritage, natural resources and servicing and transportation. In accordance with Schedule A – Land Use, the subject lands are designated Rural and Shoreline as shown in Figure 3.

Figure 3: Excerpt from Municipality's Official Plan



In accordance with Schedule B (Environmental Features) of the Municipality's Official Plan, the entire property is located within a Deer Wintering Area (Stratum 2).

Section 4.2.2 states the floodplain elevation for Ahmic Lake is 281.97 CGD. The construction of dwellings will be subject to this policy. Based on a review of contour information, there are locations on the proposed lot that exceed the floodplain elevation.

Section 4.5 of the Municipality's Official Plan contains policies regarding wetlands. Section 4.5 states the following:

*Wherever possible these areas should be left in their natural state. Where it can be demonstrated to the satisfaction of Council that there is no reasonable alternative for the logical development of lands other than to develop a portion of a locally significant wetland, the Municipality will impose site plan control to ensure that the appropriate mitigation measures are employed to minimize the impact on the wetland. No development or site alteration will be permitted in or within 120 metres of any areas identified as potential provincially significant wetlands until an evaluation is completed by a qualified wetland evaluator using the Ontario Wetland Evaluation System: Northern Manual to conform its significance, as well as to address any significant impacts through completion of an Environmental Impact Assessment.*

Section 4.6 of the Official Plan contains policies for Deer Habitat. As stated, 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. It is noted that this policy requires the minimum lot size for new lots to be 90 metres frontage and 90 metres depth. The proposed severed lot is to have approximately 100 metres of frontage and approximately 120 metres of

depth. The proposed retained lot is to have approximately 167 metres of frontage and a depth of approximately 600 metres. The proposed lots exceed the minimum lot size requirements set out in Section 4.6 of the Official Plan.

In addition, Section 4.6 states *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.* Although a portion of the subject property is located in the Shoreline designation, the subject property is classified as a back lot and as it does not have direct frontage onto Ahmic Lake. As submitted, the application does not propose any removal of vegetation on the severed or retained lands. The future building envelope location should be located on the severed lot that is in an area that requires minimal removal of existing vegetation.

Section 5.4.2 of the Official Plan includes policies that permit residential uses within the Shoreline designation. New lots should have a minimum lot size of 1.0 hectare and minimum lot frontage of 90 metres. The minimum lot area requirement of 1.0 hectare is consistent with Section 5.2.2 (Rural Areas) of the Official Plan. The proposed severed and retained lands both exceed the minimum lot frontage and minimum lot area requirements set out in Section 5.4.2.

The subject property is classified as a back lot, which is property situated behind a waterfront lot. Section 5.4.6 of the Official Plan contains development policies that pertain to backlot development and states:

*Development in Shoreline areas shall generally occur as a single tier of development adjacent to the shoreline.*

*A limited amount of second tier development in the form of residential back lots may occur in areas where there is public access to the waterfront by means of a shoreline reserve, a public access or park area, or boat launch facility. Public access should be physically suitable and of adequate size to meet the needs of the development and should be provided within 300 metres of the proposed lots. Where such lots are approved, they should have a minimum frontage of 100 metres and a minimum lot area of 1.0 ha (2.5 acres).*

*The effect of any proposed second tier development shall be considered with respect to both the recreational and biological carrying capacity of the adjacent waterbody and therefore no second tier development would be permitted on lakes at or near capacity, which would not meet one of the special circumstances listed in 5.4.2.*

Based on our review of Section 5.4.6 and measurements taken from aerial imagery, lot creation of the one new lot on the east side of 15-16 Side Road would be permitted as there is public access to Ahmic Lake via the road allowance for 15-16 Side Road within 300 metres of the proposed lots.

Policy 5.4.8, states that new development in the Shoreline Area should be directed to lands that are physically suitable for development in their natural state, in an effort to maintain the area's unique character. Although the subject property is classified as a back lot, Council may wish to apply Site Plan Control to ensure that vegetation within the front yard is maintained on each of the proposed lots and to ensure that suitable building locations are established.

Section 7.1.1 of the Official Plan contains criteria that are applicable to consent applications. Table 2 summarizes the consent policies and the relevance to the proposed consent application.

*Table 2: Official Plan Section 7.7.1 Summary*

<b>Policy 7.7.1 Severance Criteria</b>	<b>Does the Application Conform?</b>
a) A registered plan of subdivision is not necessary for the orderly development of the lands.	A Plan of Subdivision is required where 5 or more lots are proposed. The proposed application is for the creation of one new lot, therefore, a Plan of Subdivision is not required.
b) The lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements.	The Zoning By-law requires a minimum lot area of 10 hectares and a minimum lot frontage of 134 metres. The retained lot meets the minimum required lot area and lot frontage requirements. The proposed severed, however, does not meet the minimum requirements. A Zoning By-law Amendment would be required to rezone severed lands to the Rural Residential Zone. It is recommended that this be included as a condition of consent.
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.	The retained lands front onto 15-16 Side Road. Both are identified as municipally year round maintained road in accordance with Schedule C of the Official Plan.
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.	The consent application did not indicate that the proposed lot would be for seasonal, hunt camps, fish camps etc.
e) The lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;	The proposed lot does not appear to create a traffic hazard and is proposed to front on to a publicly maintained road. An entrance

	permit should be obtained, if required by the Municipality.
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.	The proposed severed lot appears to be of sufficient size. Approval from the North Bay Mattawa Conservation Authority (NBMCA) is required to confirm that the severed lot can be adequately serviced by on-site sewage and on-site water services. It is recommended that this be included as a condition of consent.
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.	Access for the retained and severed lots would be via publicly maintained roads as identified on Schedule C of the Official Plan.
h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.	The severed lot is to accommodate a residential use and would be located on a year round maintained municipal road.
i) In the Rural designation, new lots created by consent shall be limited to the following: <ul style="list-style-type: none"> <li>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.</li> <li>ii. two lots per original hundred acre lot;</li> <li>iii. one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and</li> <li>iv. infilling between existing residences within 300 metres of each other on the same side of a municipal road or Provincial highway</li> </ul>	<p>A portion of the subject lands are designated Rural. Based on our records the proposed consent application would not exceed eight new lots being created in the Rural designation.</p> <p>The proposed consent would fall within and comply with the limitation of the creation of one additional lot for each 50 acre parcel which existed as of the date of approval of the Official Plan, which is 2012.</p>
j) The creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.	The proposal 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 subject lands are not adjacent to livestock operations.



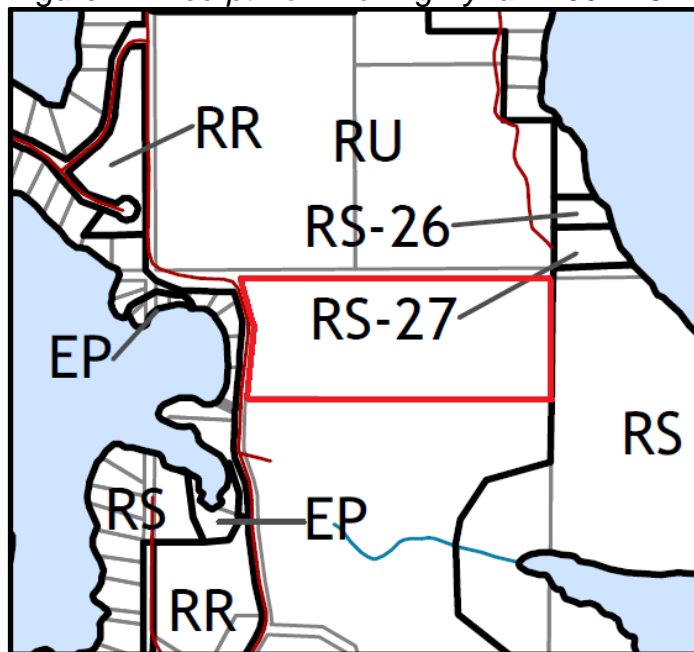
The proposed consent application conforms to the lot creation policies of the Official Plan, subject to the imposition of consent conditions as noted above.

The proposed consent application conforms to all other applicable policies contained within the Municipality's Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are zoned Rural (RU) in the Municipality's Zoning By-law as shown in Figure 4.

Figure 4: Excerpt from Zoning By-law 2001-26



The proposed retained lands are to be vacant and the severed lot is to be developed in the future with a single detached dwelling.

Table 1 provides a summary of the reconfigured lots in relation to the minimum requirements for the Rural Zone.

Table 1: Rural (RU) Zone Standards

Zone Standard	Lot Configuration		
	Rural (RU) Zone	Proposed Retained Lot	Proposed Severed Lot
Minimum Lot Area	10 ha	15.6 ha	1.2 ha
Minimum Lot Frontage	134 m	167 metres	100 metres

Table 1 indicates that the proposed retained lot complies with the minimum Zoning By-law requirements for minimum lot frontage and minimum lot area for the Rural Zone. However, the proposed severed lot does not meet the minimum lot frontage requirement of 134 metres or the minimum lot area requirements for the Rural (RU) Zone. As a result, a Zoning By-law

Amendment would be required to rezone the proposed severed lot to the Rural Residential (RR) Zone to address these deficiencies. Given the proposed lot area and the proposed use of the property, the rezoning of the subject property to the Rural Residential (RR) Zone would be appropriate. The proposed severed lot would comply with the minimum lot area and lot frontage requirements for the Rural Residential Zone.

### **Summary**

Based on a review of the Application, the proposed Consent application for one new lot is consistent with the Provincial Policy Statement, conforms to the policies of the Municipality of Magnetawan Official Plan. A Zoning By-law Amendment is require to bring the proposed severed lot into compliance with the provisions of the Municipality's Zoning By-law.

It is our opinion, subject to the recommended conditions, that the Consent Application to create one new lot, represents good land use planning and, should be provisionally approved based on the conditions outlined in the Recommendation section of this Report.

Respectively submitted,



---

Jonathan Pauk HBASc., MSc.  
Planning Consultant  
MHBC Planning



---

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