

THE MUNICIPALITY OF MAGNETAWAN

STAFF REPORT

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

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

DATE: June 9, 2021

SUBJECT Consent Application – Scheerer – Silver Lake Road, Magnetawan

Recommendation

That, if Council is satisfied that there is a suitable building location and dock location on each of the proposed lots, 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. That the Applicant obtain confirmation from a surveyor that the proposed severed and retained lots comply with the Zoning By-law;
4. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed lots can be adequately serviced by on-site sewage disposal systems;
5. That the Applicant enter into a Limited Service Agreement with the Municipality;
6. That the Applicant demonstrate that suitable building, septic and dock envelopes exist on each of the severed and retained lots; and,
7. That the Applicant provide the parcel transcript to confirm that the properties are accessed by a registered easement;

That the foregoing conditions be fulfilled within one year of the date of the notice of the decision of the Planning Board.

Proposal / Background

A consent application has been submitted to create one new residential lot. The subject property is located on Silver Lake Road, in the Municipality of Magnetawan. The subject property is legally described as SPENCE CON 14 PT LOTS 12 AND 13 RP 42R17040 PARTS 1 TO 7.

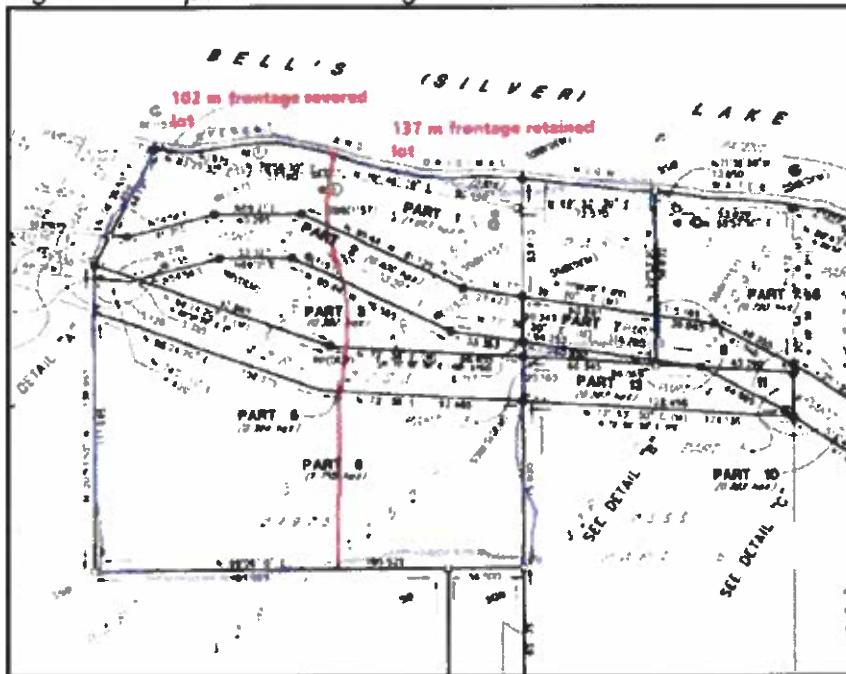
The proposed severed lot and retained lot are both vacant. The proposed lot size are summarized in Table 1 below.

Table 1: Summary of Proposed Lots

Proposed Lot	Proposed Lot Area	Proposed Lot Frontage	Existing Use
Retained Lot	2.02 hectares (5 acres)	102 metres (Bells Lake) 105 metres (road)	Vacant
Severed Lot	2.02 hectares (5 acres)	137 metres (Bells Lake) 160 metres (road)	Vacant

The proposed lot configuration sketch provided by the Applicant is shown in Figure 1.

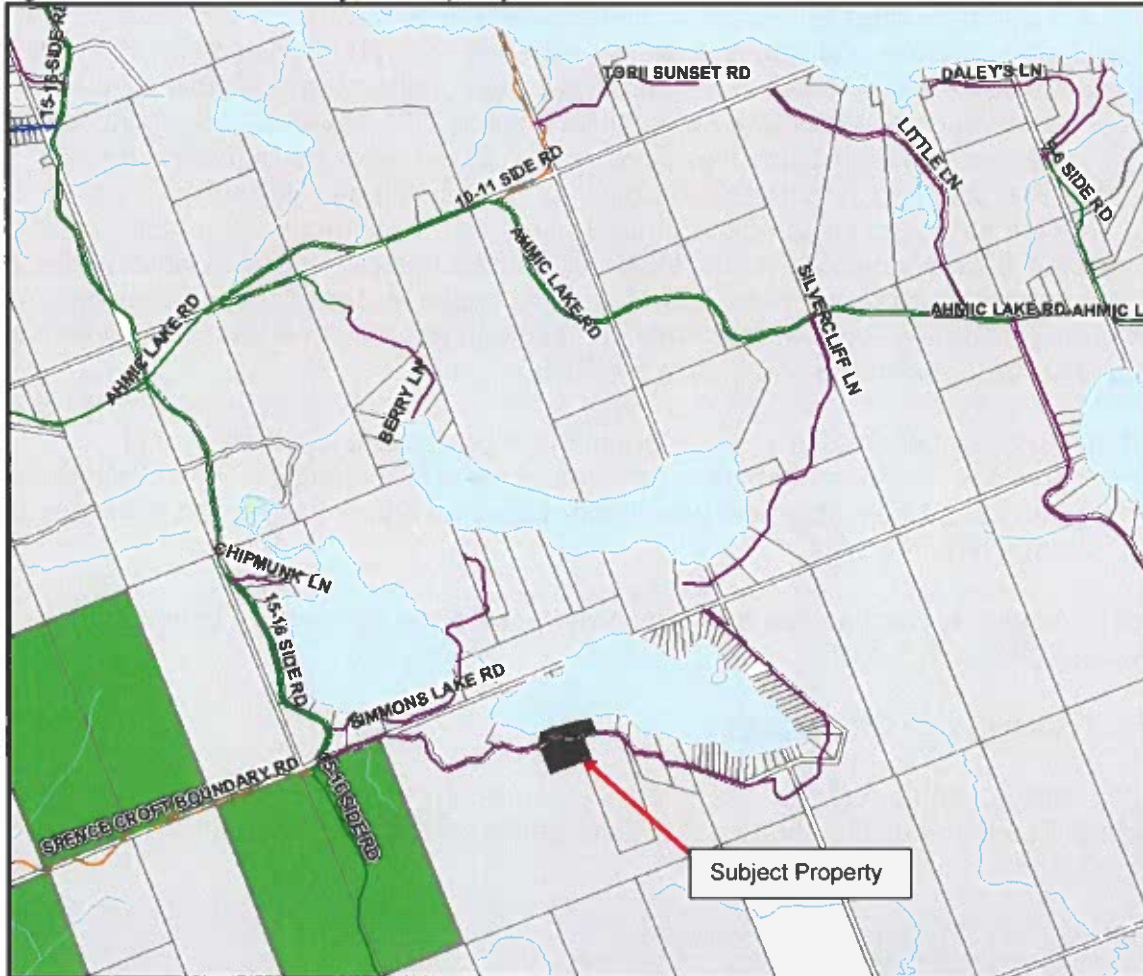
Figure 1: Proposed Lot Configuration Sketch



Site Characteristics and Area Context

The irregularly shaped, approximately 4.14 hectare, subject lands have water frontage onto Bell's (Silver) Lake. The subject property is generally located to the south of Ahmic Lake. The subject property is accessed via Silver Lake Road (Private Road) extending from 16-16 Side Road. A portion of Silver Lake Road bisects the subject property. The location of the property is shown in Figure 2.

Figure 2: Location of Subject Property



North: Bell's (Silver) Lake

East: Existing developed shoreline residential lots fronting onto Silver Lake.

South: vacant rural lands

West: An existing developed shoreline residential lot fronting onto Silver Lake.

Policy Analysis

Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. All land use planning decisions are required to be consistent with the PPS.

In the context of the PPS, the subject lands would be considered Rural Lands. Section 1.1.5.2 of the PPS identifies residential development, including lot creation, which is locally appropriate, as a permitted use on rural lands.

Section 1.6.6.4 provides policies applicable to development on individual on-site sewage and water services, and states that individual on-site sewage services and individual on-site water services may be used for a new development provided site conditions are suitable for the long-term provision of such services with no negative impacts. The severed and retained lots are proposed to be serviced by individual sewage and water services. Furthermore, Section 1.6.6.6 identifies that planning authorities may allow for lot creation only if there is confirmation that the proposed lot can be adequately serviced. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the lots can accommodate onsite sewage disposal systems has been recommended as a condition of the consent. Provided the lots can be appropriately serviced, the proposed consent application is consistent with the lot creation and servicing policies contained in the PPS.

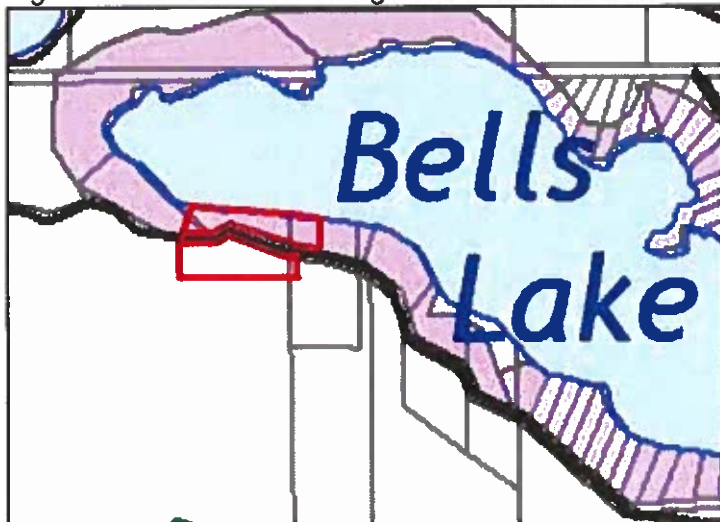
Section 2 of the PPS contains policies that address the wise use and management of resources. There is deer wintering habitat in the area of the subject lands. The Official Plan contains policies that permit development within deer wintering habitat, subject to minimum lot area and lot frontage requirements.

The proposed consent application has been reviewed against the policies contained in the PPS and is consistent with the PPS.

Municipality of Magnetawan Official Plan

In accordance with Schedule A (Land Use) the subject property is designated and Rural as shown Figure 3. The Rural designation captures the portion of the property on the south side of Silver Lake Road.

Figure 3: Official Plan Designation- Schedule A



In accordance with Schedule B to the Official Plan, the subject property is located entirely within the Deer Yard (Stratum 1) overlay.

Section 5.4.5 of the Official Plan states that no development should be permitted which would result in a waterbody being developed to a point of being over capacity. Bell's Lake is

approximately 100.8 acres (40.7 hectares) in area and it does not appear that the one new lot would contribute to Bell's Lake being overdeveloped.

Given the waterfront nature and frontage onto Bell's Lake, it is appropriate to apply the policies pertaining to the Shoreline designation. Section 5.4 of the Official Plan contains development standard policies for the Shoreline designation. Policy 5.4.2 requires new lots be at least 1.0 ha (2.5 acres) in area with 90 metres (300 feet) of water frontage. Based on the lot configuration sketch provided by the Applicant, the proposed lots are to be 2.02 hectares in lot area for both the Severed and Retained Lots. The Severed Lot is to have 102 metres of lot frontage onto Bells Lake and the Retained Lot is to have 137 metres of lot frontage onto Bells Lake. The proposed lots conform with the minimum lot area and minimum lot frontage requirements for new lots in the Shoreline designation.

Given the lots are bisected by the private road, it should be demonstrated that a building envelope can be sited on each lot.

Section 5.4.8 states that new development in the Shoreline Area be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area's unique character. The proposed consent would facilitate creation of an additional lot for low density recreational residential development in the shoreline area. The proposed severed and retained lots are generally larger than the surrounding properties fronting onto Bells Lake and would support residential development which is characteristic of the area.

Section 7.1.1 of the Official Plan contains criteria that are applicable to consent applications. An evaluation of the consent criteria in relation to the proposed lot configuration is summarized in Table 2.

Table 2: Official Plan Section 7.1.1 Summary

Policy 7.7.1 Severance Criteria	Official Plan Conformity
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. The proposed application is for 1 retained lot and 1 severed lot. 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 proposed retained and severed lots meet the minimum lot frontage and area requirements for the RS Zone.
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 subject property is located within the Shoreline designation and is proposed to be accessed via Silver Lake (Private Road). The proposed severed lots are located between existing lots of record serviced by Silver Lake Road. The extension of Silver Lake Road is not required to provide access to the severed or retained lots.

	It should be confirmed whether there is a registered right of way to the lots.
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.	This policy is not applicable as the proposed lots are not for 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;	It does not appear that the proposed lots are obstructed by traffic hazards.
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 lots appear to be of sufficient size to accommodate a building site and on-site sewage and water services. Approval from the North Bay Mattawa Conservation Authority (NBMCA) would be required to confirm that the retained and severed lots can be adequately serviced by on-site septic systems. The lots can be serviced with individual wells, or lake water.
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 lots are proposed to be accessed via Silver Lake Road (private road). Please see (c) above.
h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.	N/A
i) In the Rural designation, new lots created by consent shall be limited to the following: <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 subject lands are designated Shoreline. This policy is not applicable. Given the waterfront nature and frontage onto Bell's Lake, it is appropriate to apply the policies pertaining to the Shoreline designation.

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.	The severed and retained lots will not prevent access to, or land lock, any other parcel of land.
k) Any severance proposal on land adjacent to livestock operations shall meet the Minimum Distance Separation Formula 1 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. MDS calculations are not applicable for the consent application.

As summarized in the Table, the proposed consent application conforms to the severance criteria of Section 7.1.1.

Section 6.3 states that existing private roads may continue to be used but shall not be extended. In addition, this section also states, new development of seasonal residences on existing private roads may be permitted where it is considered infilling between existing residential units. In the case of the subject application, the proposed Severed and Retained Lots are located between existing residences that utilize Silver Lake Road for access. Silver Lake Road is proposed to service the proposed severed and retained lots and is not required to be extended.

The proposed severed and retained lots will have lot areas and frontages that satisfy Official Plan requirements, and which are consistent with nearby waterfront properties. It is anticipated that future residential development can be accommodated on both lots in a manner which is appropriate for the shoreline area.

Due to the location of Silver Lake Road, MHBC requests that the Applicant demonstrate that a suitable building envelope and a location for a septic system exists on each of the proposed lots prior to confirming the appropriateness of the proposed consent application.

Subject to the demonstration of a suitable building envelope and dock location for each lot, the proposed Consent Application is in conformity with the Municipality of Magnetawan Official Plan.

Municipality of Magnetawan Zoning By-law

In accordance with Schedule A-1, the subject property is zoned Shoreline Residential (RS). Table 3 provides a summary of the proposed lot configuration in relation to the applicable minimum lot standard requirements

Table 3: Shoreline Residential (RS) Zone Standards

Zone Standard		Proposed Lot Configuration	
Shoreline Residential Zone		Proposed Retained Lot	Proposed Severed Lot
Minimum Lot Area	1.0 hectare	2.02 hectares	2.02 hectares
Minimum Lot Frontage	90 metres	102 metres (Bells Lake)	137 metres (Bells Lake)

As summarized in Table 2 the proposed severed and retained lots comply to the minimum lot area and minimum lot frontage standards for the Shoreline Residential (RS) Zone.

Prior to confirming the appropriateness of the lots, the applicant shall demonstrate that a suitable building, septic and dock locations exists on each proposed lot.

Comments From Departments

Public Works

- No concerns.

Fire Chief

- No comment.

Building Department

- No comments received.

Summary

Based on a review of the application, and subject to the demonstration of a suitable building location and dock location on each lot and subject to the recommended conditions of consent, it is consistent with the Provincial Policy Statement and conforms to the policies of the Municipality of Magnetawan Official Plan. The proposed severed and retained lots comply with the minimum lot area and lot frontage requirements of the Municipality's Zoning By-law.

It is our opinion, subject to the demonstration of a suitable building location and dock location on each lot and subject to the recommended conditions, that the Consent Application represents good land use planning, satisfies the criteria of Section 51 (24) of the Planning Act, and may be provisionally approved subject to the conditions outlined in the Recommendation section of this Report.

Respectively submitted,



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



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