

THE MUNICIPALITY OF MAGNETAWAN

PLANNING REPORT

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

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

DATE: May 10, 2023

SUBJECT: Consent Application – Seibel
Part Lot 6-7, Concession 4 (Croft), Part 6 & 7 Plan 42R-17369,
Magnetawan
PIN: 520850237
Roll No: 4944 03000 107 805

Recommendations

That the Consent application to create one (1) retained lot and one (1) new water access lot for a seasonal residential dwelling 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 Severed Lot be submitted to the Municipality;
3. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed Retained Lot can be adequately serviced by individual on-site septic systems and individual on-site water systems;
4. That a draft survey of the Severed Lot be provided to the Municipality for review and approval;
5. That the Applicant submit and obtain approval for a Zoning By-law Amendment to rezone the proposed Retained Lot to the Shoreline Residential Holding (RS-H) Zone. The requirement for removal of the Holding “H” Symbol shall be the preparation and approval of an Environmental Impact Study to review deer wintering habitat and any other natural heritage features (should they be identified), and to establish suitable building site and dock envelope location. The Environmental Impact Study may identify any required mitigation measures to be completed prior to the removal of the holding symbol and prior to future development on the Retained Lot;
6. That cash-in-lieu of parkland be dedicated to the Municipality in the amount of 5% of the assessed value of land of the newly created lot or the entire lands, whichever is lesser; and

7. That the foregoing conditions be fulfilled within two years of the date of the notice of the decision of the Planning Board.

Proposal / Background

A consent application has been submitted to create one (1) new water access lot which is to be used for shoreline residential purposes (herein after the “Severed Lot”). The proposed Severed Lot is to contain an existing dwelling, storage shed, sleeping cabin, boathouse and docking facilities as well as an existing septic system. The proposed Retained Lot is currently vacant and is proposed to be developed with a shoreline residential use in the future. The proposed Severed and Retained Lots are proposed to be accessed via navigable waterway (there is no road access to either lot). As part of the application submission, the Applicant has provided confirmation from Ahmic Marine that there is mainland parking and docking space available to support the proposed new lot.

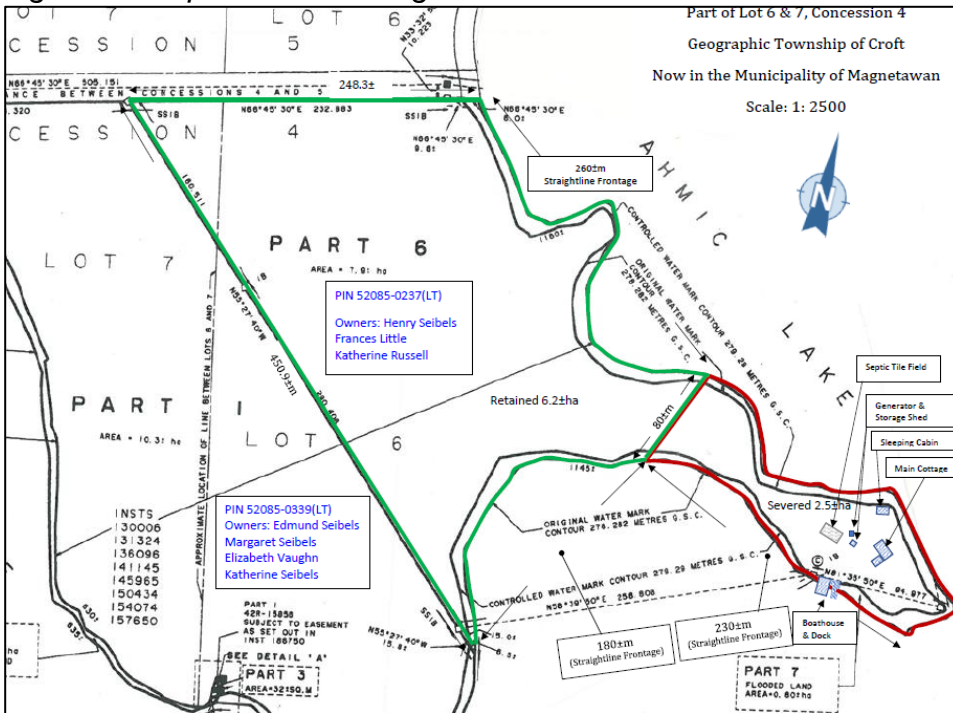
The purpose and effect of the application is summarized in Table 1 below.

Table 1: Summary of Proposed Lots

Proposed Lot	Proposed Lot Area	Proposed Lot Frontage	Existing Use	Proposed Use
Retained Lot	+/- 6.2 hectares	+/- 180 metres	Vacant	Vacant / Future Shoreline Residential
Severed Lot	+/- 2.5 hectares	+/- 230 metres	Shoreline Residential	Shoreline Residential

The proposed lot configuration sketch provided by the Applicant is shown in Figure 1. The Retained Lot is shown in ‘green’ and the Severed Lot is shown in ‘red.’

Figure 1: Proposed Lot Configuration



The irregularly shaped, 8.7 hectare Subject Property is generally located southwest of the Village of Magnetawan and has frontage on Ahmic Lake and is located to the east of Cliffden Lane. The Subject Property is currently developed with a seasonal residential dwelling and accessory buildings and structures including a sleeping cabin, storage shed and boathouse with a dock. The existing buildings and structures in their entirety will be located on the proposed Severed Lot. The subject property is nearly entirely treed. An aerial image of the subject property is shown in Figure 2 below.

Figure 2: Aerial Image



Area Context

North: Crown Land and shoreline residential properties fronting onto Ahmic Lake.
East: Ahmic Lake
South: Ahmic Lake and a shoreline residential island property
West: Shoreline residential properties fronting onto Ahmic 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 Property is considered Rural Lands. Section 1.1.5.2 of the PPS identifies resource-based recreational uses (including recreational dwellings) and residential development, including lot creation, which is locally appropriate, as permitted uses on rural lands. The proposed lot creation for a recreational dwelling is permitted.

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. It has been recommended as a condition of the consent that confirmation from the North Bay Mattawa Conservation Authority (NBMCA) be provided that the Retained Lot can accommodate on-site sewage disposal systems. Provided the Retained Lot can be appropriately serviced, the proposed consent application is consistent with the lot creation and servicing policies contained in the PPS for Rural lands.

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. There are no areas identified fish habitat or environmental features along the shore of the lake at the Subject Property. The Subject Property is located entirely within the Stratum 1 Deer Habitat (Deer Yard) overlay. A condition of provisional consent has been included to require that the Retained Lot to be rezoned with a holding symbol. The requirement for removal of the holding symbol would require the completion of an Environmental Impact Study, at the time that development is proposed, to review deer wintering habitat and establish suitable building site and dock envelope location, along with any required mitigation measures.

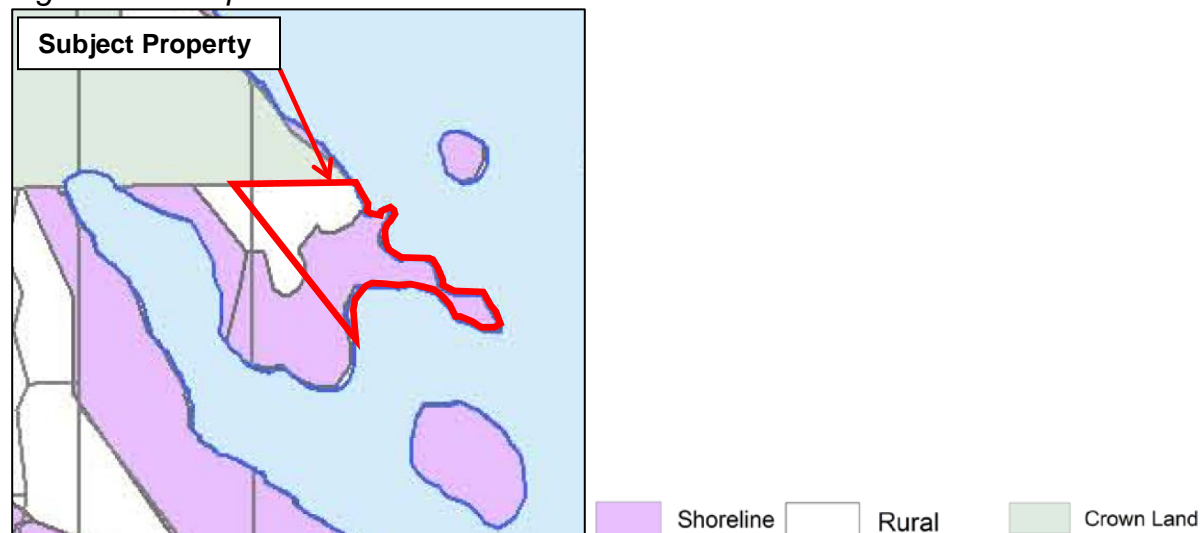
Section 3.1 provides policies pertaining to natural hazards, including flooding. Based on the large area of the proposed Retained Lot, it appears that a suitable building envelope location can be established above the applicable flood elevation.

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 Property as being designated Rural and Shoreline as shown in Figure 3.

Figure 3: Excerpt from Official Plan – Schedule A



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 functions.

A condition of provisional consent has been included which requires Retained Lot to be rezoned with a holding symbol. The requirement for removal of the holding symbol would require the completion of an Environmental Impact Study to review deer wintering habitat and any other natural heritage features (should they be identified), and establish suitable building site and dock envelope location, along with any required mitigation measures.

Section 5.4.1 includes the permitted uses in the Shoreline designation; detached dwellings are a permitted use. The proposed Severed Lot is to contain the existing development on the Subject Property and the proposed Retained Lot is vacant and is anticipated to be developed with a detached dwelling (seasonal residential dwelling) in the future. The use of the proposed lots conform to Section 5.4.1.

Section 5.4.8, states that new development in the Shoreline designation 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. There is no vegetation removal proposed as part of the consent application. Future development on the Retained Lot should be located in areas that require minimal removal of vegetation. As a condition of consent the building site and dock location will be informed by the preparation of an Environmental Impact Study at the time that development is proposed.

Section 5.4.2 of the Official Plan includes policies specific to 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. This policy is consistent with Section 5.2.2 of the Official Plan which states that new lots in the Shoreline designation should be a minimum of 1.0 hectare in size. As shown on Table 1, the proposed Severed lot is 2.5 hectares with 230 metres of frontage and the Retained Lot is 6.2 hectares with 180 metres of frontage. The proposed Severed and Retained lots exceed the minimum values and conform to Sections 5.2.2 and 5.4.2 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 and how the consent application conforms to these 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. 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.
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 in the Shoreline Designation. Please refer to item g) of this Table. The lots are proposed on the basis of water access.
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;	See item g) of this Table. The lots are proposed on the basis of water access.

<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 Lot is anticipated to be of sufficient size to accommodate a building site and on-site private sewage and water services.</p> <p>Approval from the North Bay Mattawa Conservation Authority (NBMCA) is required to confirm that the Retained Lot can be adequately serviced by on-site septic systems.</p> <p>The Severed Lot is serviced with the existing septic system and or lake water.</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>Access for the proposed lots are proposed to be accessed via a navigable waterway.</p> <p>It is noted that lot creation in the Shoreline designation is permitted based on water access. As part of the application submission, the Applicant has provided confirmation from Ahmic Marine that there is mainland parking and docking space available to support the proposed new lot.</p>
<p>h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.</p>	<p>The proposed lots would be for seasonal use only. Section 3.8 of the Zoning By-law permits seasonal residential dwellings that are accessed by a navigable waterway.</p>
<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 	<p>The subject property is designated Rural and Shoreline. For the purposes of this report, we have focused our review in the context of the Shoreline designation policy given the location of the subject property and frontage onto Ahmic Lake.</p>
<p>j) The creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.</p>	<p>Access to the Severed and Retained lots is by a navigable waterway (Amhic Lake). The Severed and Retained Lots will not prevent access to, or land lock, any other parcel of land.</p>
<p>k) Any severance proposal on land adjacent to livestock operations shall meet the Minimum Distance Separation Formula I in</p>	<p>The Subject Property is not adjacent to livestock operations. MDS calculations are not required for the consent application.</p>

accordance with the MDS Guidelines and shall demonstrate that the proposed water supply has not been contaminated from agricultural purposes.	
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The new lots are being proposed on the basis of water access, in accordance with Section 7.7.1 g) of the Official Plan as referenced in Table 2. The Applicant has provided confirmation that mainland parking and boat docking is available at Ahmic Marine. The proposed consent application conforms to the consent criteria in Section 7.1.1.

Provided the recommended conditions are satisfied, the proposed consent application would be in conformity with the Municipality’s Official Plan.

Municipality of Magnetawan Zoning By-law

The Subject Property is zoned Shoreline Residential (RS). 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 Residential (RS) Zone	Proposed Retained Lot	Proposed Severed Lot #1
Minimum Lot Area	1 hectare	+/- 6.2 hectares	+/- 2.5 hectares
Minimum Lot Frontage	90 metres	+/- 180 metres	+/- 230 metres

As summarized in Table 3 the proposed Severed and Retained lots comply to the minimum lot area and lot frontage standards for the Shoreline Residential (RS) Zone. Additionally, it is anticipated that any future development can be accommodated on the Retained Lot in a manner that complies with the established setbacks for the RS Zone and applicable provisions in the Municipality’s Zoning By-law including the minimum 20 metre setback from the normal or maintained high water mark as required by Section 3.25.

In addition, the Zoning By-law requires that where lots can only be accessed by a navigable waterway Section 3.8 (c) only permits lots to be used for a seasonal residential dwelling and accessory uses only. Accordingly, the proposed lots are to be used for seasonal residential dwellings. This term is not defined in the Zoning By-law but it is understood to mean that it is a detached dwelling that is used for recreational purposes.

As mentioned, a condition of consent has been recommended to require the Applicant obtain approval for a Zoning By-law Amendment to rezone the proposed Retained Lot to the Shoreline Residential Hold (RS-H) Zone. The requirement for removal of the Holding “H” Symbol is to be the preparation and approval of an Environmental Impact Study to review deer wintering habitat and establish suitable building site and dock envelope locations and identify any required mitigation measures for future development of the Retained Lot.

The proposed consent application complies with the Municipality’s Zoning By-law.

Summary

Based on a review of the Application and subject to satisfaction of the recommended conditions of consent, the proposed Consent application to permit the creation of one new water access lot for a seasonal residential dwelling would be consistent with the Provincial Policy Statement, would conform 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 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,



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