

THE MUNICIPALITY OF MAGNETAWAN

STAFF REPORT

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

FROM: Jamie Robinson, BES, MCIP, RPP – MHBC Planning Limited

DATE: January 17, 2023

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

Recommendation

Based on the analysis contained below, MHBC Planning recommends:

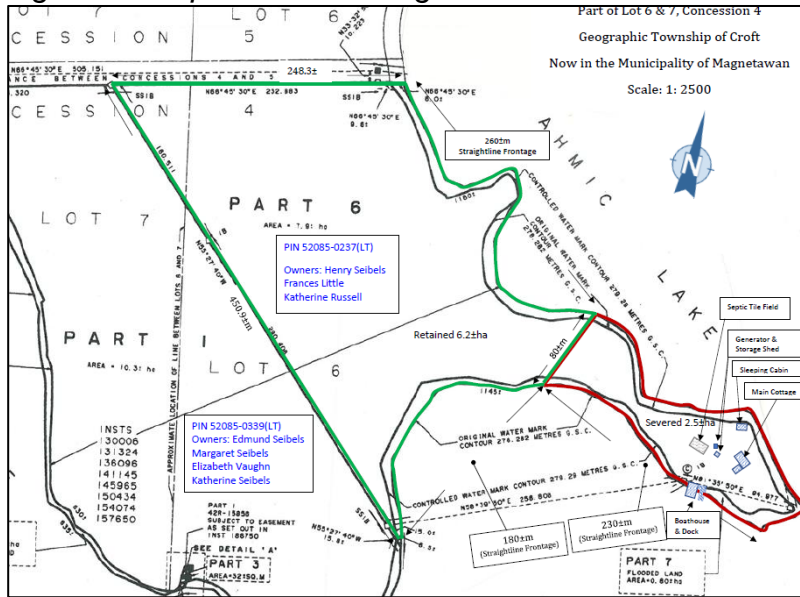
THAT Council approve the proposed Zoning By-law Amendment included as Attachment 1 to this Report.

Background / Proposal

The Council of the Municipality of Magnetawan passed Resolution No. 2023-153 in support of the consent application for the subject property on May 31, 2023. The Central Almaguin Planning Board provisionally approved Consent Application B010/23 on September 6, 2023. The Consent Application was submitted to create one (1) new water access lot which is to be used for shoreline residential purposes. Provisional Consent approval was granted subject to a condition requiring the rezoning of the proposed Retained Lot to the Shoreline Residential Holding (RS-H) Zone. The requirement for removal of the Holding “H” Symbol is the preparation and approval of an Environmental Impact Study (EIS) to review deer wintering habitat and any other natural heritage features. The EIS would also help to establish suitable building site and dock envelope location and also 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.

This Zoning By-law Amendment application only applies to the Retained Lot shown in green on proposed lot configuration sketch in Figure 1.

Figure 1: Proposed Lot Configuration



Area Context

The lands to be rezoned (retained lot) are vacant and nearly entirely treed.

The surrounding land uses are generally described as follows:

- 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 and implementing Zoning By-law Amendment for a recreational dwelling is permitted.

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. However, the Subject Property is located entirely within the Stratum 1 Deer Habitat (Deer Yard) overlay in accordance with Schedule B of the Municipality’s Official Plan. The proposed Zoning By-law Amendment application will rezone the Retained Lot to be rezoned with a holding

symbol which can only be removed upon 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.

The proposed Zoning By-law Amendment is consistent with the PPS.

Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides direction pertaining to growth and development within Magnetawan. The policies in the Plan address the environment, cultural and built heritage, natural resources and servicing and transportation. Schedule A (Land Use Map) of the Official Plan identifies the subject lands as being designated Rural and Shoreline and in accordance with Schedule B (Environmental Features) the subject property is located entirely within the Deer Yard (Stratum 2) overlay

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.

The proposed Zoning By-law Amendment has been submitted to rezone the proposed Retained Lot to a Shoreline Residential Holding Zone. 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 8.5 of the Official Plan contains policies pertaining to Holding Provisions and states, *Council may utilize Holding provisions as provided for under Section 36 of the Planning Act in order to establish zoning provisions prior to completing technical, administrative, or financial aspects of a development.* The proposed Zoning By-law Amendment to rezone the Retained Lot to a Shoreline Residential Holding (H) Zone conforms to Section 8.5 of the Official Plan.

The proposed Zoning By-law Amendment conforms to the Municipality's Official Plan.

Municipality of Magnetawan Zoning By-law

The Subject Property is zoned Shoreline Residential (RS).

The Council of the Municipality of Magnetawan passed Resolution No. 2023-153 in support of the consent application for the subject property on May 31, 2023. The Central Almaguin Planning Board provisionally approved Consent Application B010/23 on September 6, 2023.

The purpose and effect of the proposed Zoning By-law Amendment application is to fulfill the conditions that the Central Almaguin Planning Board's decision for the granting of provisional consent for application B010/23. The effect of the proposed Zoning By-law Amendment is to rezone the Retained Lot to Shoreline Residential Holding (H) Zone to facilitate future residential development on the lot. The requirement for removal of the Holding "H" Symbol is the preparation and approval of an Environmental Impact Study (EIS) to review deer wintering habitat and any other natural heritage features. The EIS would also help to establish suitable building site and dock envelope location and also identify any required mitigation measures to be completed prior to future development on the Retained Lot.

The proposed consent approvals and proposed Zoning By-law Amendment maintain the general intent of the Municipality's Zoning By-law. The Draft Zoning By-law Amendment is included as Attachment 1 to this Report.

Comments From Departments

Fire Chief

- No comments

Roads

- No comments

Building

- No comments.

Municipal By-law Enforcement Officer

- No comments.

Summary

The proposed Zoning By-law Amendment application implements a condition of provisional consent B010/23 and the application is consistent with the Provincial Policy Statement, conforms to the Municipality's Official Plan, is appropriate and represents good planning.

Respectively submitted,



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

Attachment 1 – Draft Zoning By-law Amendment