

THE MUNICIPALITY OF MAGNETAWAN

PLANNING REPORT

TO: Kerstin Vroom, Clerk, Municipality of Magnetawan

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

DATE: April 28, 2021

SUBJECT: Consent Application– Crozier – 133 Raney Road, Municipality of
Magnetawan
Roll No. 4944010002208000000

Recommendation

That the Council for the Municipality of Magnetawan provide comments to the Planning Board in regards to the proposed Consent Application pertaining to 133 Raney Road by recommending that the Consent Application for one new rural residential lot and one retained lot 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 severed lands be submitted to the Municipality.
3. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed Severed 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 a Zoning By-law Amendment to rezone the proposed Severed Lot to address the non-compliant minimum lot area requirement.
6. That the Applicant received written acknowledgment from the Municipality for the proposed Severed Lot that there is a suitable location for an entrance.
7. 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 by the property Owner, Matthew Crozier, for the property located at 133 Raney Road which is legally described as Concession 10, Lot 2, PT PCL 24466, in the Municipality of Magnetawan.

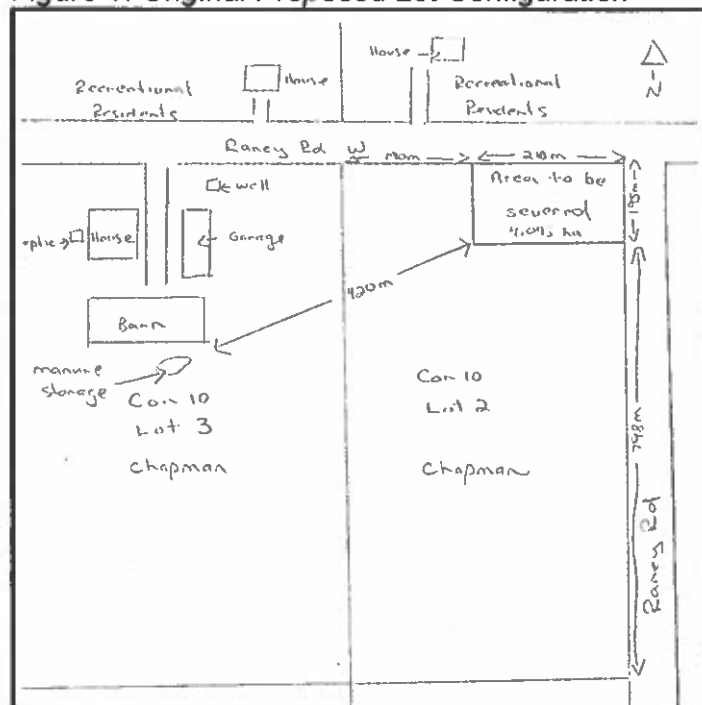
The subject property is generally located in the northeastern extent of the Municipality to the north of Highway 124. The subject property is located at the south west corner of the Raney Road (north/south) and Raney Road (east/west), as shown in Figure 4.

The subject property is currently used as an agricultural use. The abutting property to the west is owned by the Applicant contains a single detached dwelling and accessory agricultural buildings including a garage, a barn and manure storage.

The Consent Application seeks permission to create one new lot and one retained lot. The proposed severed lot is located in the northeast corner of the subject property. Both of the severed and retained lots are to have frontage onto Raney Road, a municipally maintained road.

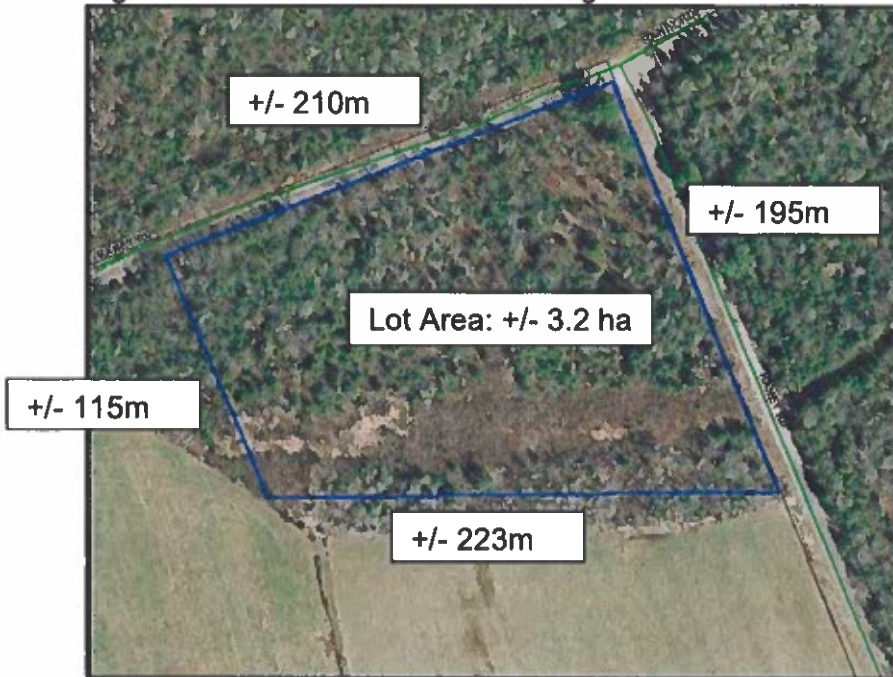
The application submission provided by the Applicant has been amended since the original submission to revise location of the lot lines of the proposed Severed Lot. An excerpt of the original lot configuration, as provided by the applicant, is shown in Figure 1.

Figure 1: Original Proposed Lot Configuration



Based on discussions with the Applicant, the lot configuration has since been revised to ensure that the agricultural lands remain on the retained parcel. See Figure 2.

Figure 2: Revised Severed Lot Configuration



The proposed Retained Lot would be vacant and is to continue to be used for an agricultural use by the property owner. The proposed Severed Lot is to be vacant and is proposed for a future rural use. The Severed Lot is to contain the majority of the treed area in the north east corner of the subject property and is to remain outside of the agricultural land. The proposed Retained Lot, shown in Figure 3 would have a lot frontage of 190 metres, and a lot area of approximately 36.9 hectares (91.1 acres), and the proposed severed lot is to have approximately 195 metres of frontage and a lot area of approximately 3.2 hectares (7.9 acres).

The proposed consent would result in the following lot statistics, which are to be verified by a surveyor:

Table 1: Lot Characteristics

Statistic	Retained Lot	Severed Lot
Lot Area	36.9 hectares	3.2 hectares
Lot Frontage	190 metres	195 metres (Raney Road North) 210 metres (Raney Road West)

Figure 3 illustrates the proposed consent application in the context of entire subject property. The Retained Lot is shown in 'blue' and the Severed Lot is shown in "red."

Figure 3: Proposed Lot Configuration



Area Context

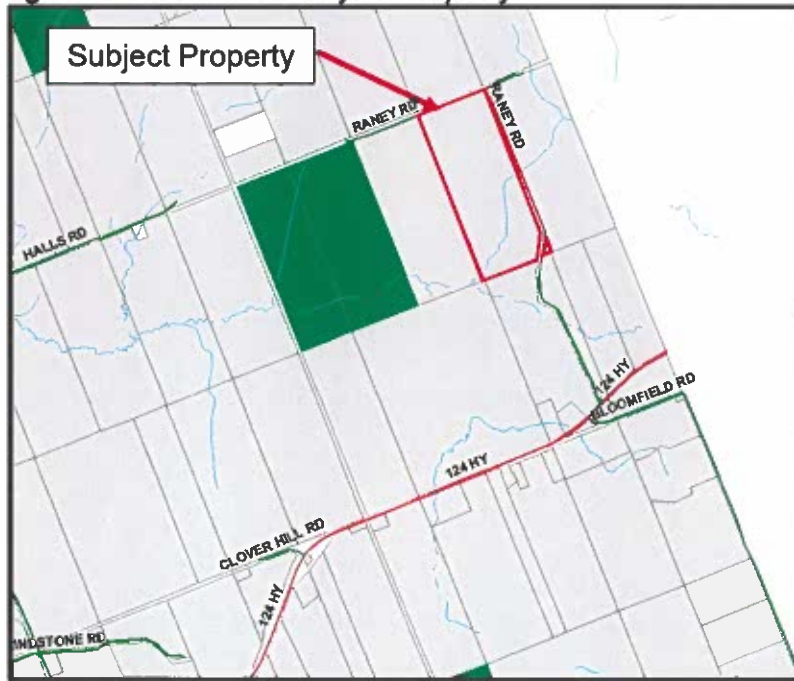
North: A large tract of forested lands and single detached dwellings fronting onto Raney Road.

East: Raney Road and the eastern Municipality of Magnetawan boundary.

South: Forested land and Highway 125 further to south.

West: Crown Land.

Figure 4: Location of Subject Property



Policy Analysis

The following is a review of the land use policy framework related to the subject lands and the consent proposal.

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 lands are located outside of a settlement area and are considered by the PPS to be Rural Lands. The PPS, specifically Section 1.1.5.2, recognizes limited residential development, and other rural land uses, and agricultural uses as a permitted use on Rural Lands.

The retained lands are proposed to contain the agricultural lands. The agricultural use of the Retained Lot is permitted in accordance with Section 1.1.5.2 of the PPS. The proposed Severed Lot is to be used for rural purposes including a detached dwelling. The proposed Severed Lot has been configured to not remove the agricultural lands from production.

Section 1.1.5.4 of the PPS indicates that *development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted*. The existing

agricultural use and future residential uses are compatible with the surrounding rural land uses and will not negatively impact the character of the area. The proposed severed lot is to be serviced individual on-site sewage and water systems which is an anticipated type of servicing for this area of the Municipality.

Section 1.6.6.4 provides policies that apply to development serviced by individual on-site sewage and water services. 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. The proposed Severed Lot is proposed to utilize on-site sewage and water services. A condition of provisional consent should be included that requires confirmation from the NBMCA that a well and septic can be accommodated on the proposed Severed Lot to support the future development of the lot.

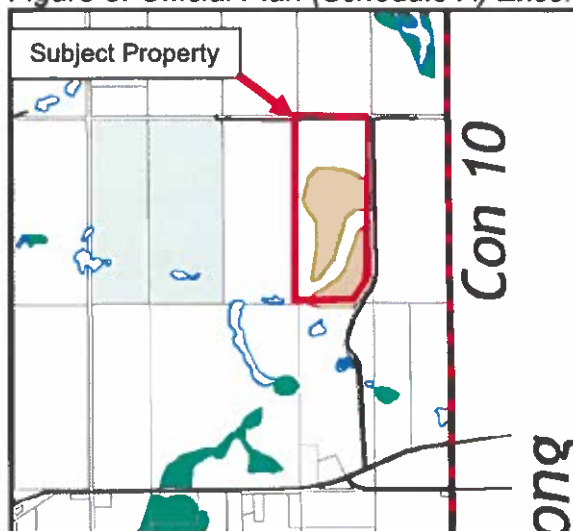
Section 2.0 of the PPS contains policies related to the wise use and management of resources. Ontario's long-term prosperity, environmental health, and social well-being is dependent on protecting water and natural heritage features. Upon review of Municipality's Environmental Features mapping the subject property contains an area of fish habitat. The mapped area is approximately 265 metres to the south of the proposed severed lot and is not anticipated to have a negative impact on the area identified as fish habitat.

Provided that the recommended conditions of provisional consent are fulfilled, the proposed Consent Application is consistent with the policies contained in 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 Agricultural as shown in Figure 5.

Figure 5: Official Plan (Schedule A) Excerpt



A portion of the subject property is also identified as being Fish Habitat in accordance with Schedule B of the Official Plan.

Section 5.2.1 of the Official Plan contains policies for Rural Areas in the Municipality and states that the permitted uses include agriculture and residential dwellings, among other uses. The existing agricultural use on the Retained Lot and future residential development on the Severed Lot are permitted uses within the Rural designation.

Section 5.2.2 contains policy direction regard residential development and states that limited new permanent residential development shall be permitted in the Rural Area, preferably in close proximity to other residential uses as infilling on existing roadways where school busing and municipal winter maintenance is presently being provided. The proposed Severed Lot is located on a municipally maintained road, in proximity to other residential uses and does not require the extension of municipal services.

Section 5.2.2 also requires that new lots have a minimum lot area of 1 hectare (2.47 acres). The proposed Severed Lot is to be 3.2 hectares in lot area and exceeds the minimum requirement for new lots within the Rural designation. It is noted that the minimum required lot area for the Rural Zone is 10 hectares. The proposed Severed Lot does not comply with the minimum lot area standard and it is recommended that the proposed severed lot be rezoned to the Rural Residential (RR) Zone or a Rural (RU) Exception Zone to recognize the proposed lot area.

Section 5.2.3 of the Official Plan permits agriculture uses in Rural Areas of the Municipality, and states that, due to the importance of farmland in the Municipality existing agricultural operations shall be preserved and promoted. The existing agricultural use on the Retained Lot is to continue. Based on discussions with the Applicant, the proposed Severed Lot has been revised since the original application submission ensure that lot lines do not encroach into the existing tillable land.

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 for two new lots and one retained lot.

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 the creation of one new lots and one retained 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.	Section 5.2.2 of the Official Plan requires a minimum lot area of 1 hectare for new residential lots. The

	<p>proposed severed and retained lots exceed this requirement.</p> <p>The subject property is Zoned Rural (RU), Agriculture (A), and Environmental Protection (EP). The proposed severed should be entirely located within the Rural (RU) Zone. The minimum required lot area for the Rural Zone is 10 hectares. The proposed Severed Lot 1 does not comply with the minimum lot area standard.</p> <p>It is recommended that the proposed severed lot be rezoned to the Rural Residential (RR) Zone or a Rural Exception Zone to recognize the proposed lot area.</p>
<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 proposed Severed Lot and the Retained lots front onto Raney Road which is identified as municipal road (year round maintained) in accordance with Schedule C of the Official Plan.</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>Not applicable.</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 proposed severed lot does not appear to create a traffic hazard. The proposed severed lots and the retained lots front onto a publicly maintained road. An entrance permit should be obtained for the proposed lots, if required by the Municipality.</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</p>	<p>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 septic</p>

must have safe access and a building site that is outside of any flood plain or other hazard land.	systems 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 proposed Severed lot 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 future residential use and to be accessed by 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"> 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 Severed Lot is located within the Rural designation. Based on a review of the previous consents within the Municipality the proposed lots would not exceed eight new lots within the Rural designation at the time of writing this Report.</p> <p>The proposal would result in the creation of one new lot from an existing 100 acre parcel. The subject property has not been subject to a previous severance. The proposal would conform to Section 7.7.1 i) ii).</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 Applicant has submitted the MDS calculation for the livestock and manure storage on the abutting lot to the west owned by the Applicant. The location of the proposed Severed Lot exceeds the separation requirement of 249 metres.

As summarized in Table 2, the proposed consent application conforms to the severance policies in Section 7.1.1 of the Official Plan, subject to the Severed Lot being zoned to recognize the proposed lot area.

Subject to the recommended conditions, the application is in conformity with the Municipality's Official Plan.

Municipality of Magnetawan Zoning By-law

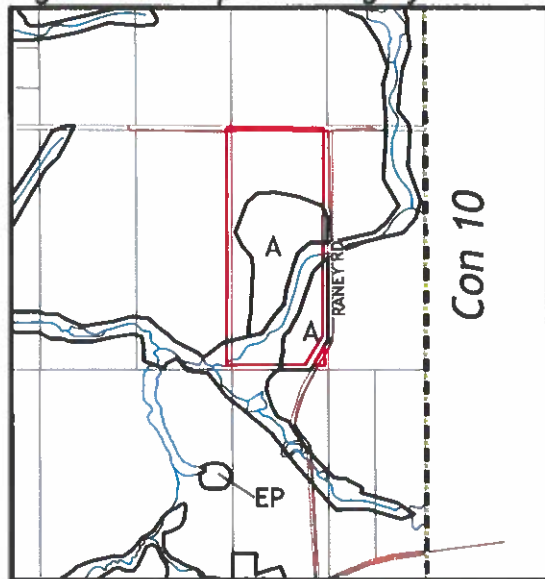
The subject property is zoned Rural (RU), Agricultural (A) and Environmental Protection (EP), in the Municipality's Zoning By-law, as shown in Figure 6.

The proposed severed lot is to be located entirely within the Rural (RU) Zone. Table 3 provides a summary of the proposed lots in relation to the minimum requirements for the Rural (RU) Zone.

Table 3: Agricultural Zone Standard Summary

Zoning By-law Requirements		Lot Configuration	
Rural (RU) Zone		Proposed Retained Lot	Proposed Severed Lot
Minimum Lot Area	10 hectares	36.4 hectares	3.2 hectares (7.9 acres)
Minimum Lot Frontage	134 metres	593 metres	195 metres

Figure 6: Excerpt of Zoning By-law



As shown in Table 3, the proposed Severed Lot does not comply with the minimum lot area requirement of 10 hectares for the Rural (RU) Zone and as a result would be required to be rezoned as a condition of provisional consent to recognize this deficiency. It is recommended that the Severed Lot be rezoned to the Rural Residential (RR) Zone or a Rural (RU) exception Zone.

Summary

The Consent Application proposes to create one new rural lot and one retained lot. The proposed consent application is consistent with the Provincial Policy Statement and conforms to the consent criteria in the Municipality's Official Plan. In addition it is recommended that

Council support the proposed application subject to the recommended conditions included in this Report.

Respectively submitted,



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