



Planning Report

To: Mayor and Council, Municipality of Magnetawan

From: Kent Randall & Jessica Rae Reid (EcoVue Consulting),
Township Planning Consultants

Subject: Application for Consent C-01-22 (Zubatiuk & Seaman)

Property Location: Part of Lot 27, Concession 8, Municipality of Magnetawan (Chapman)
3737 Highway 124

EcoVue File No.: 22-2125-02

Date: May 18, 2022

1.0 Recommendation

It is recommended that Council receive the report dated May 18, 2022 from EcoVue Consulting Services regarding application C-01-22 (Zubatiuk & Seaman).

It is recommended that Council **approve** the proposed Consent application C-01-22 (Zubatiuk & Seaman), with the following conditions:

1. That confirmation in writing from the Municipality of Magnetawan that a 911 Address Numbers to the new lots created have been assigned.
2. A payment-in-lieu of a parkland dedication shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Municipality of Magnetawan in cash or certified cheque
3. That all Municipal taxes to date shall be paid in full.
4. The applicant provides confirmation from the Municipality of Magnetawan Roads Foreman with respect to entrance Municipal fees and disbursements (legal, engineering, planning), if any incurred by the Municipality with respect to this application shall be paid for by the owner.
5. A draft reference plan of survey be provided to the Municipality of Magnetawan for review prior to registration.

2.0 Subject Lands

The lands subject to this application are located in Part of Lot 27, Concession 6, in the Geographic Township of Chapman, now in the Municipality of Magnetawan. The lands are known municipally as 3737 Highway 124.



The subject property is approximately 39.9 hectares (98.6 acres) with approximately 402.5 metres of road frontage on Highway 124. The property contains one (1) detached dwelling and two (2) agricultural barns.

3.0 Purpose of Application

The purpose of the application is to create one (1) residential lot with frontage on Highway 124. The proposed severed lot will be approximately 10.0 hectares (24.71 acres) with 208 metres of frontage on Highway 124 and will be located in the northwest portion of the retained lands. The proposed severed lot will contain all existing structures, and will continue to be used for residential uses.

The retained lands will be approximately 29.9 hectares (73.88 acres) with 194.5 metres of frontage on Highway 124. The retained lands will be vacant, but are proposed to be used for residential uses. The applicant intends to construct a single detached dwelling on the retained parcel. Neither severed nor retained lands are currently in agricultural production and haven't been since summer of 2021.

The applicant is proposing that the severed parcel will be accessed via driveway onto Highway 124. The applicant has provided written confirmation from the Ministry of Transportation (MTO) that the proposed entrance complies with any necessary requirements, and that an entrance permit will be administered upon completion of the Consent.

4.0 Analysis

4.1 Provincial Policy Statement (2020)

4.1.1 Rural Lands and Areas in Municipalities

The subject property is not located within a settlement area and is therefore subject to Section 1.1.4 (Rural Areas in Municipalities) and Section 1.1.5 (Rural Lands in Municipalities) of the Provincial Policy Statement (PPS).

Section 1.1.4.1 states *“healthy, integrated and viable rural areas should be supported by: a) building upon rural character, and leveraging rural amenities and assets”*. Additionally, Section 1.1.5.2 states *“on rural lands located in municipalities, permitted uses are: c) limited residential development”*.

The proposed severed parcel is similar to other parcels located east along Highway 124. As stated by the above noted policies, limited residential development is permitted within rural areas. Therefore, the proposed severance is consistent with Sections 1.1.4 and 1.1.5 of the PPS.

4.1.2 Natural Heritage

The subject property contains various portions of the Distressed River Wetland – an evaluated, Provincially Significant Wetland which extends south beyond the property and eventually connects with Lake Cecebe.

As per Section 2.1.4 of the PPS, *“[d]evelopment and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E1 ...”* Furthermore, Section 2.1.8 of the PPS states that development and site alteration are not permitted *“on lands adjacent to [...] areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological*



function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

The severed lot is proposed to contain the existing residential structures. All existing structures on the severed lot appear to be at least 30 metres from the Provincially Significant Wetland, similar to a 30-metre vegetation protection zone usually imposed on waterfront and other rural lots. Any proposed structures on the retained lot will be located at least 120 metres from the evaluated wetland.

The pre-consultation memo prepared by the Municipality of Magnetawan dated March 18, 2022 outlined the requirement for an Environmental Impact Assessment (EIA) to be undertaken in support of the proposed development. It is the intention of the Municipality to require the EIA be undertaken and submitted as a condition of final consent approval. The EIA should include any and all mitigation measures required to ensure no negative impact to the present natural heritage or key hydrologic features. The measures outlined in the EIA are to be included in any future development plans for the severed and retained lots.

As such, it is our opinion that the severance conforms to the Provincial Policy Statement.

4.2 Municipality of Magnetawan Official Plan

The subject property is designated as Rural and Environmental Protection, according to Schedule ‘A’ – Land Use in the Municipality of Magnetawan Official Plan (MMOP).

The Rural designation intends to protect agriculture and maintain rural character while promoting limited development in appropriate areas. The Environmental Protection designation outlines areas which should be precluded from development due to the presence of natural heritage features or hazards which could pose a danger to any development.

Section 5.2 of the MMOP addresses policies related to the Rural designation. When speaking to residential uses, Section 5.2.2 (Rural Areas – Residential) states that “[l]imited new permanent residential development shall be permitted in the Rural Areas, preferably in close proximity to other residential uses as infilling on existing roadways where school busing and municipal winter maintenance is presently being provided” are permitted within the Rural designation. This Section further states that “[s]cattered or isolated development that would result in an increase in municipal servicing costs shall be discouraged. Residential subdivisions are not permitted in the Rural Areas. New lots should have a minimum lot size of 1.0 hectares (2.47 acres)”.

The Consent application proposes to create two (2) lots – one (1) severed and one (1) retained with frontage on Highway 124, a municipally-maintained highway. Therefore, the proposed development would not be considered a subdivision. Furthermore, the proposed consent would not be considered infilling. However, there are various rural residential lots of a similar size located farther east along Highway 124. Therefore, the proposed lots would match the general rural character of the area.

The existing dwelling on the severed lot is already serviced with private well and septic. The proposed dwelling on the retained lot will be service with a private well and septic system that will be installed at a later date. Both severed and retained lots will meet the minimum lot area required by Section 5.2.2 (10.0 hectares and 29.9 hectares, respectively), which can adequately accommodate a private individual well and septic system.

Therefore, the proposed lot creation to accommodate a single detached residential dwelling would be considered a limited low density residential use and conform to the above-noted policies.

Section 4.4 of the MMOP (General Development Policies – Natural Heritage and Resource Management) states that “[n]ew development or alterations shall have no negative impact on the natural features or ecological functions of [...] a provincially significant wetland or other significant natural heritage feature or function. Where development is proposed within or adjacent to these areas, the approval authority shall require the submission of an Environmental Impact Assessment.”

As stated above, the proposed lots will contain portions of the Distress River Wetland complex, an evaluated Provincially Significant Wetland. The above-noted policy requires an EIA be submitted which demonstrates no negative impact on the present features. As discussed in Section 4.1.2 of this Report, an EIA is being undertaken as a condition of final consent approval.

Regarding land division, Section 7.1 summarizes the criteria required to create a new lot. Specifically, Section 7.1.1 states the following (non-applicable policies have been omitted):

“Every severance application received by Council for the purpose of creating a new lot shall meet the following criteria:

- a) a registered plan of subdivision is not necessary for the orderly development of the lands;*

As only one lot is proposed to be created, a Plan of Subdivision application 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;*

Compliance with the Municipality of Magnetawan Zoning By-law is discussed in the next Section of this Report.

- 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 has road frontage on Highway 124, a publicly-maintained Provincial highway.

- 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;*

Not applicable to the proposed severance.

- 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 severance will not create a traffic hazard. As stated above, MTO has provided the applicant approval in principle for an entrance to the severed lot off of Highway 124.

- 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 has a minimum lot area of 10 hectares, with the retained lot exceeding that at 29.9 hectares. Although the severed lot will contain all of the existing structures, the retained lot will have adequate space to locate the future dwelling outside of any natural features or hazards, and can also accommodate private, individual servicing without impacting surrounding land uses.

- 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;*

Not applicable to the proposed severance.

- h) *any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway;*

The subject property has road frontage on Highway 124, a Provincial highway maintained year round.

- i) *in the Rural designation, new lots created by consent shall be limited to the following:*
- 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.*

Compliance with the Municipality of Magnetawan Zoning By-law is discussed in the next Section of this Report. The original parcel is approximately 98.6 acres (39.9 hectares), and based on the available aerial imagery, has not been the subject of a severance in the past. Therefore, the proposed severance would comply with the above-noted policies.

- j) *the creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.*

No parcel will be landlocked by this severance.

- 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 property is not located adjacent-to an existing livestock operation.



Therefore, it is our opinion that the proposed Consent application conforms to the policies of the Municipality of Magnetawan Official Plan.

4.3 Municipality of Magnetawan Zoning By-law No. 2001-26

According to Schedule 'A-2' of the Municipality of Magnetawan Zoning By-law (MZBL), the severed and retained parcels will be zoned Rural (RU) and Environmental Protection (EP).

The minimum lot area in the RU Zone is 10.0 hectares (24.7 acres), while the minimum lot frontage is 134 metres (440 feet). Upon completion of the severance, the proposed severed lot will have a lot area of 10.0 hectares with 208.0 metres of frontage on Highway 124, which will comply with the RU Zone provisions. The proposed severed lot will meet all other provisions of the RU Zone related to the existing development, including setbacks and lot coverage.

Retained Lands

According to the application after completing the severance the retained parcel will be approximately 29.9 hectares (73.88 acres) with 194.5 metres of frontage on Highway 124. Therefore, the retained lands also exceed the requirement for lot area and frontage of the RU Zone.

Therefore, the proposed severance complies with all applicable provisions of the Municipality of Magnetawan Zoning By-law.

5.0 Recommendations

That the consent application to create one new lot on Highway 124 by Alex Zubatiuk & Terri-Lynne Seaman within the Municipality of Magnetawan, as set out in application C-01-22, be **approved**.

Respectfully Submitted,

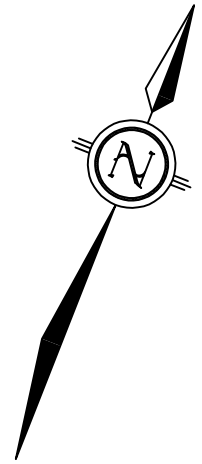
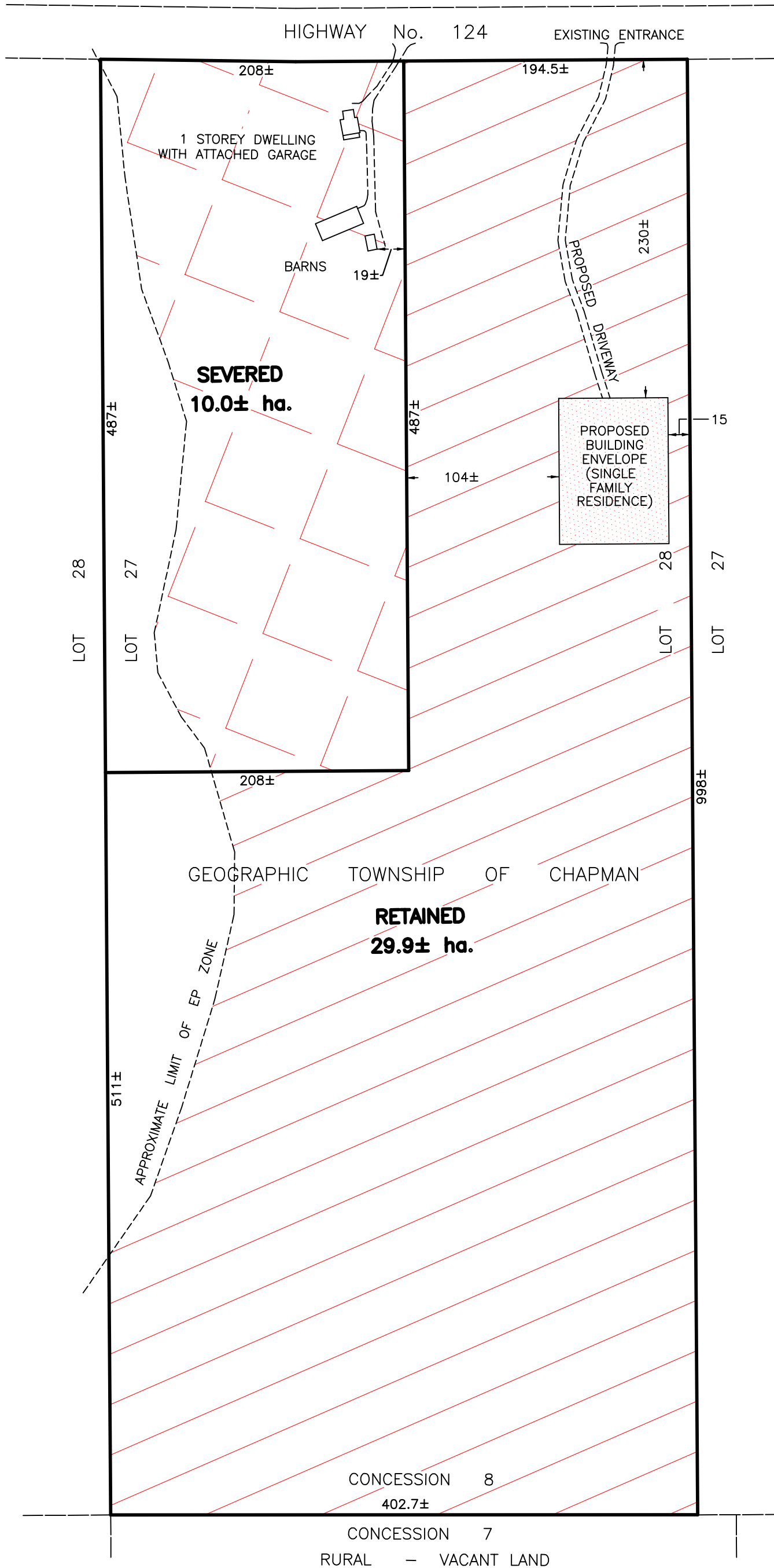
ECOVUE CONSULTING SERVICES INC.

A handwritten signature in blue ink that reads "J. Kent Randall".

J. Kent Randall B.E.S. MCIP RPP
Township Planning Consultant



RURAL/EP - VACANT LAND



SKETCH FOR CONSENT APPLICATION
 3737 HIGHWAY No. 124
 MUNICIPALITY OF MAGNETAWAN
 DISTRICT OF PARRY SOUND



KPK
SURVEYING

KPK SURVEYING INC.
 HUNTSVILLE, ON
 705.788.2701 | KPKSURVEY.CA

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