

STAFF REPORT

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

FROM: Patrick Townes, BA, BEd and Jamie Robinson, BES, MCIP, RPP
MHBC Planning Limited

DATE: March 4, 2026

SUBJECT: Zoning By-law Amendment Application
Schell – 107 Miller Road

Recommendation

Based on the land use planning analysis contained in this Planning Report, MHBC Planning Limited recommends:

THAT Council receives the Planning Report dated March 4, 2026, respecting the Zoning By-law Amendment application for the subject property located at 107 Miller Road; and,

THAT Council approves the Zoning By-law Amendment and passes a By-law.

Proposal /Background

A Zoning By-law Amendment application has been submitted for the subject lands that are legally described as Lot 25, Concession 9, Chapman and municipally known as 107 Miller Road. The subject lands are owned by Adam Schell. The subject lands are shown on Figure 1.

The purpose and effect of the Zoning By-law Amendment application is to fulfill a condition of provisional Consent which was approved, being File No. B10/25. The purpose of the Consent application was to create two new lots on the subject lands and one retained lot, for a total of three lots.

A condition of provisional Consent included the following:

That the applicant apply for and be approved for a Zoning Amendment to rezone the proposed severed lots in order to comply with the current Zoning By-law.

The subject lands are shown on Figure 1 and the proposed lot configuration that identifies the proposed lots is shown on Figure 2. The severed lots and the lands to be rezoned are outlined in red on Figure 2.

Figure 1: Location of Subject Lands

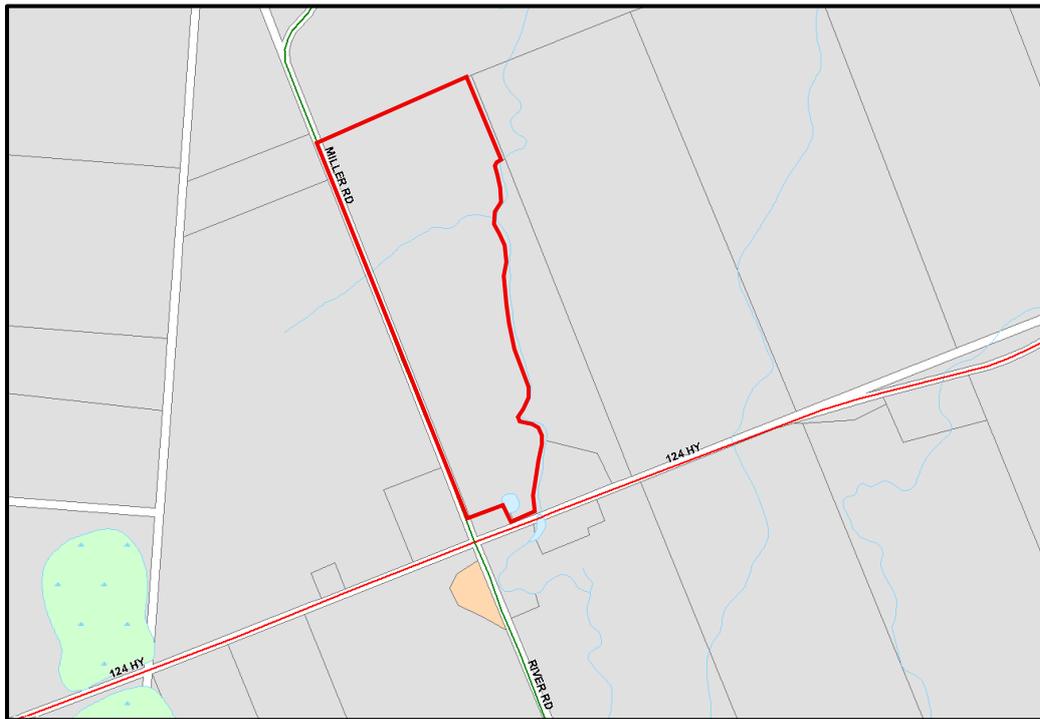
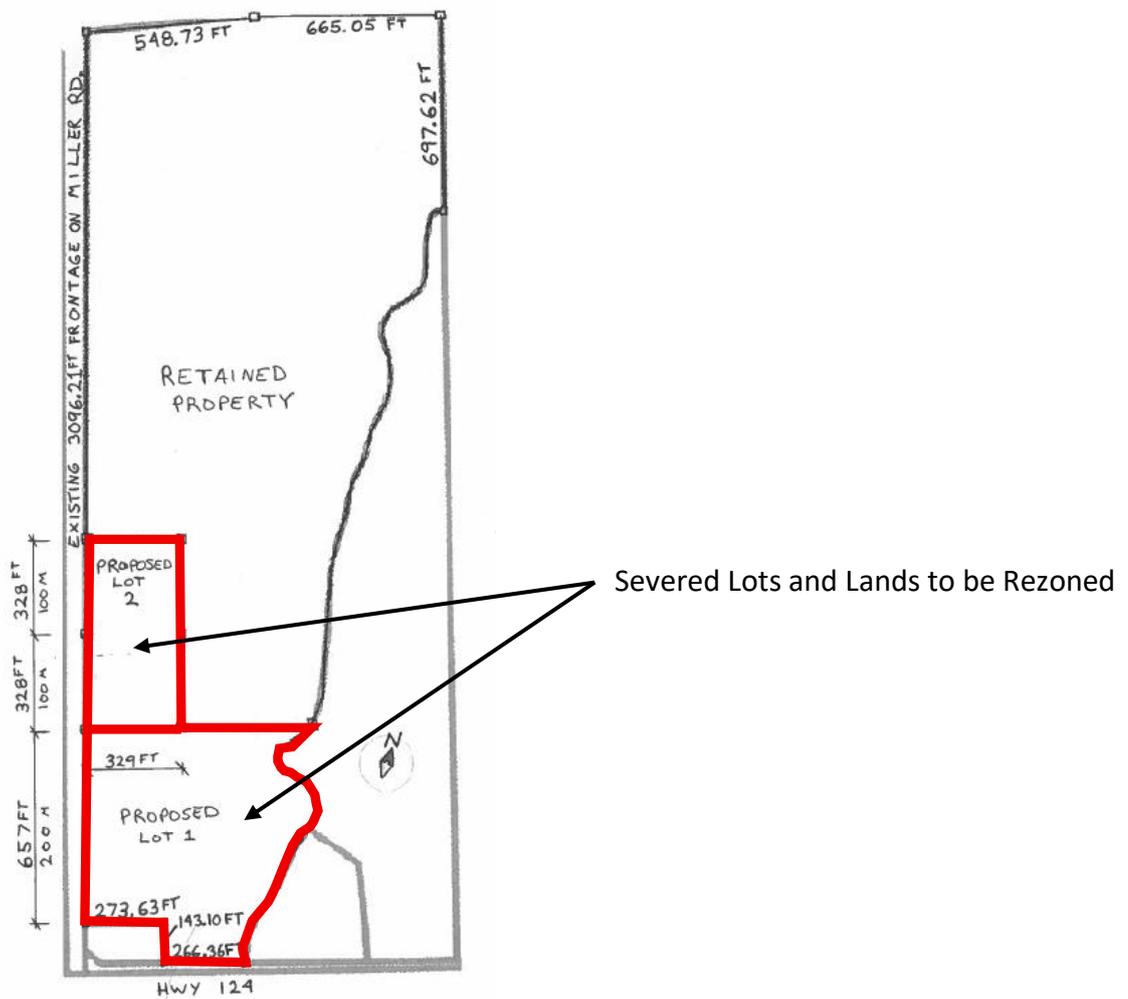


Figure 2: Provisionally Approved Consent Sketch



The proposed amendment is to rezone the proposed Severed Lot 1 and the proposed Severed Lot 2 from the Rural (RU) Zone to Rural Residential (RR) Zone to recognize the proposed lot frontages and areas. The severed lots do not meet the minimum lot area and frontage for the Rural (RU) Zone.

The subject lands are currently vacant. The surrounding land uses include rural, rural residential and institutional land uses.

Policy Analysis

Provincial Planning Statement

The Provincial Planning 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 all planning decisions are consistent with the PPS.

The subject lands are located outside of a Settlement Area and are considered Rural Lands in the context of the PPS. Section 2.6 of the PPS outlines policies for Rural Lands, which includes residential development.

Section 3.6.4 of the PPS 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 subject lands are currently vacant and each of the lots appear to be large enough to accommodate a septic system for a future dwelling and septic system.

Section 4 of the PPS contains policies related to the wise use and management of resources. The subject lands contain fish habitat along the shoreline. Section 4.1 of the PPS contains policies related to natural heritage. The watercourse on the eastern boundary of the subject lands is identified as Fish Habitat in the Municipality's Official Plan. This area along the shoreline is zoned Environmental Protection (EP) in the Zoning By-law. Section 4.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with Federal and Provincial requirements. There are suitable building locations outside of the area that is zoned Environmental Protection (EP) and the Zoning By-law requires a minimum development setback of 20 metres from a watercourse.

Section 5 of the PPS contains policies related to protecting public health and safety. In accordance with Section 5.2 of the PPS, the subject property is located outside of hazardous lands and hazardous sites and not effected by a flooding hazard or erosion hazard.

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

Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides policy direction on growth and development within Magnetawan. The policies in the Plan address the environment, cultural and built heritage, natural resources and servicing and transportation. In accordance with

Schedule A of the Official Plan, the subject lands are designated Rural. The area along the watercourse on the eastern portion of the subject lands is identified as Fish Habitat.

Section 4 of the Official Plan includes general land use policies, including policies regarding wetlands and other natural heritage features and areas. The eastern lot line of Severed Lot 1 and the Retained Lot is an existing watercourse that has been identified in Schedule B of the Official Plan as Fish Habitat.

Section 4.7 of the Official Plan includes policies regarding Fish Habitat. The areas identified in Schedule B of the Official Plan are Type 1 fish habitat. These areas are important feeding, spawning and nursery areas, which must be protected. The Official Plan identifies that new lots shall be sufficiently large to provide an area of at least 10 metres of frontage that is outside of the significant habitat area. Severed Lot 1 and the Retained Lot have frontage on the watercourse however there is adequate lands available for future development beyond the shoreline of the watercourse and the area already restrictively zoned Environmental Protection (EP) for future development.

Fish Habitat policies also specify setbacks of 30 metres from cool or cold-water stream and 15 metres from other streams. It is not known what type of watercourse is present on the subject lands, however there are suitable building locations outside of the area that is zoned Environmental Protection (EP) and the Zoning By-law requires a minimum development setback of 20 metres from a watercourse.

Section 5.2 of the Official Plan includes policies for the Rural designation. Permitted uses within the Rural designation include residential dwellings. The future development of residential uses conforms to the permitted uses of the Official Plan.

The Zoning By-law Amendment conforms to the Official Plan.

Municipality of Magnetawan Zoning By-law

The proposed amendment is to rezone the Severed Lot 1 and Severed Lot 2 from the Rural (RU) Zone to Rural Residential (RR) Zone to recognize the proposed lot areas and lot frontages. Severed Lot 1 and Severed Lot 2 do not meet the minimum lot area of the RU Zone; and Severed Lot 1 does not meet the minimum lot frontage of the RU Zone. The minimum lot area requirements for the Rural (RU) Zone is 10 hectares and the minimum lot frontage is 134 metres. The proposed lot sizes are provided in Table 1.

Table 1: Proposed Lot Size Requirements

Zoning Provision	Zoning Requirement	Severed Lot 1	Severed Lot 2	Retained Lot
Lot Area	10 hectares	4.5 hectares	2 hectares	22 hectares
Lot Frontage	134 metres	80 metres	200 metres	550 metres

There is currently an Environmental Protection (EP) zone on the eastern property line of Severed Lot 1 and the Retained Lot. There is no change proposed with this application to expand the Environmental Protection (EP) Zone.

Based on the proposed lot areas and lot frontages of the severed lots, the Rural Residential (RR) Zone and the associated permitted uses is appropriate. The minimum lot area of the RR Zone is 1 hectare and the minimum lot frontage of the RR Zone is 60 metres. The proposed lots meet the requirements of the RR Zone.

The draft Zoning By-law Amendment is attached to this Report.

Comments from Departments

Please note that no comments were received at the time this Staff Report was prepared.

Road Department: no comments were received

Fire Chief: no comments were received

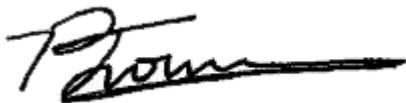
Building Department: no comments were received

By-law Department: no comments were received

Summary

The proposed Zoning By-law Amendment is consistent with the PPS and conforms to the Municipality's Official Plan. Based on the proposal, the amendment will rezone Severed Lot 1 and Severed Lot 2 from the Rural (RU) zone to Rural Residential (RR) Zone. The severed lots are appropriately sized for rural residential uses and are able to accommodate a dwelling and septic system in the future. It is recommended that the application be approved, and the draft Zoning By-law Amendment be passed.

Respectfully submitted,



Patrick Townes, BA, BEd
Planning Consultant
MHBC Planning



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