

THE MUNICIPALITY OF MAGNETAWAN

PLANNING REPORT

TO: Kerstin Vroom, Clerk, Municipality of Magnetawan

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

DATE: November 25, 2020

SUBJECT: Consent Application– Munn-Saunders – 1743 Nipissing Road South,
Municipality of Magnetawan
Roll No. 4944040006014000000

Recommendation

That the Council for the Municipality of Magnetawan provide comments to the Planning Board in regards to the proposed Consent Application pertaining to 1743 Nipissing Road South by recommending that the Consent Application for two new lots 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 Retained Lot and the proposed Severed Lot 2 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 Retained Lot to permit the proposed Contractor's yard use.
6. That the Applicant submit a Zoning By-law Amendment to rezone the proposed Severed Lot 1 and Severed Lot 2 to address the non-compliant minimum lot area requirements.
7. Confirmation that there are no livestock in the surrounding area that would have an impact on the proposed severed and retained lot with respect to the Minimum Distance Separation (MDS) requirements.
8. That the Applicant received written acknowledgment from the Municipality for the proposed Severed Lot 2 that there is a suitable location for an entrance.

9. 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 Owners, Amanda and Nigel Munn and Lind and Charles Saunders, for the property located at 1743 Nipissing Road which is legally described as SPENCE CON A LOTS 72 & 73 & PT LOT 74 REM PCL 821 SS, in the Municipality of Magnetawan.

The subject property is located on the east side of Nipissing Road. The subject property is bound by Nipissing Road to the west and the Ryerson Township municipal boundary (Midlothian Road) to the east.

The subject property is currently developed with a single detached dwelling, a detached garage, and four storage sheds.

The Consent Application seeks permission to create two new lots, with one retained lot. The proposed severed lots are located in the northern portion of the subject property. Severed Lot #1 and the Retained Lot are proposed to front onto Nipissing Road and Severed Lot #2 is proposed to be accessed via Midlothian Road to the east of the subject property.

The proposed Severed Lot #1 would contain the existing dwelling, garage and accessory buildings; Severed Lot #2 would be vacant and is proposed for a future residential use. The proposed retained lot, shown on Figure 1 below, would have a frontage of 868.4 metres, and area of 71.4 ha (176.2 acres), and is intended for a future contractor's yard use.

An excerpt of the proposed lot configuration, as provided by the applicant, is shown in Figure 1 and Figure 2.

Figure 1: Proposed Lot Configuration of Retained Lot

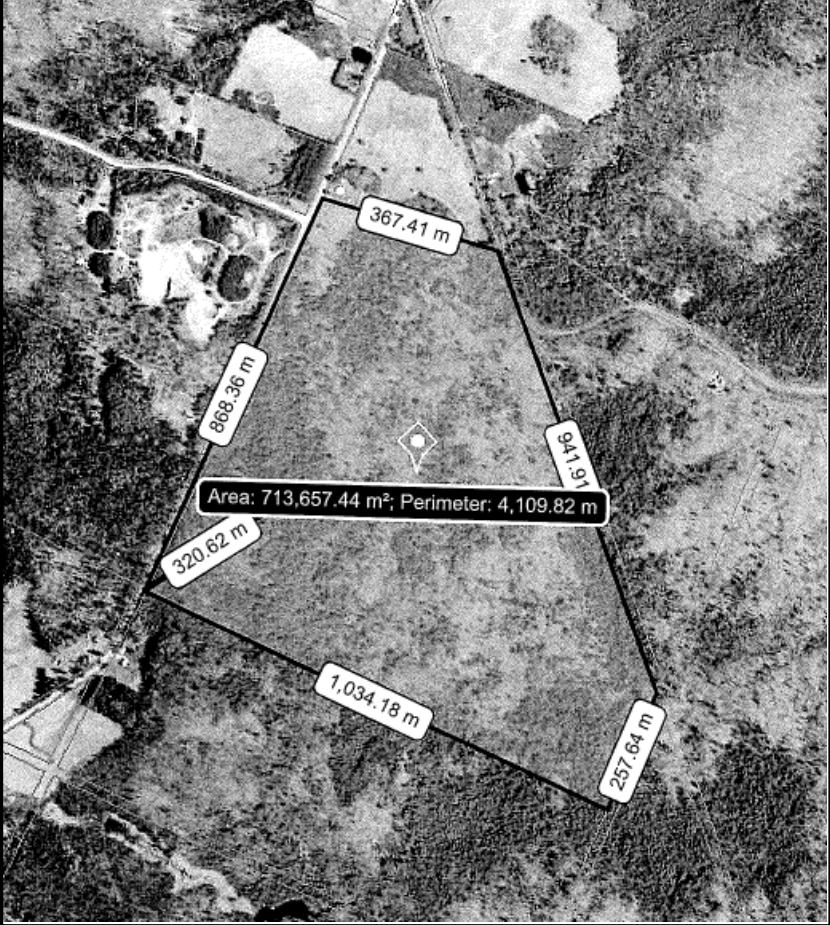
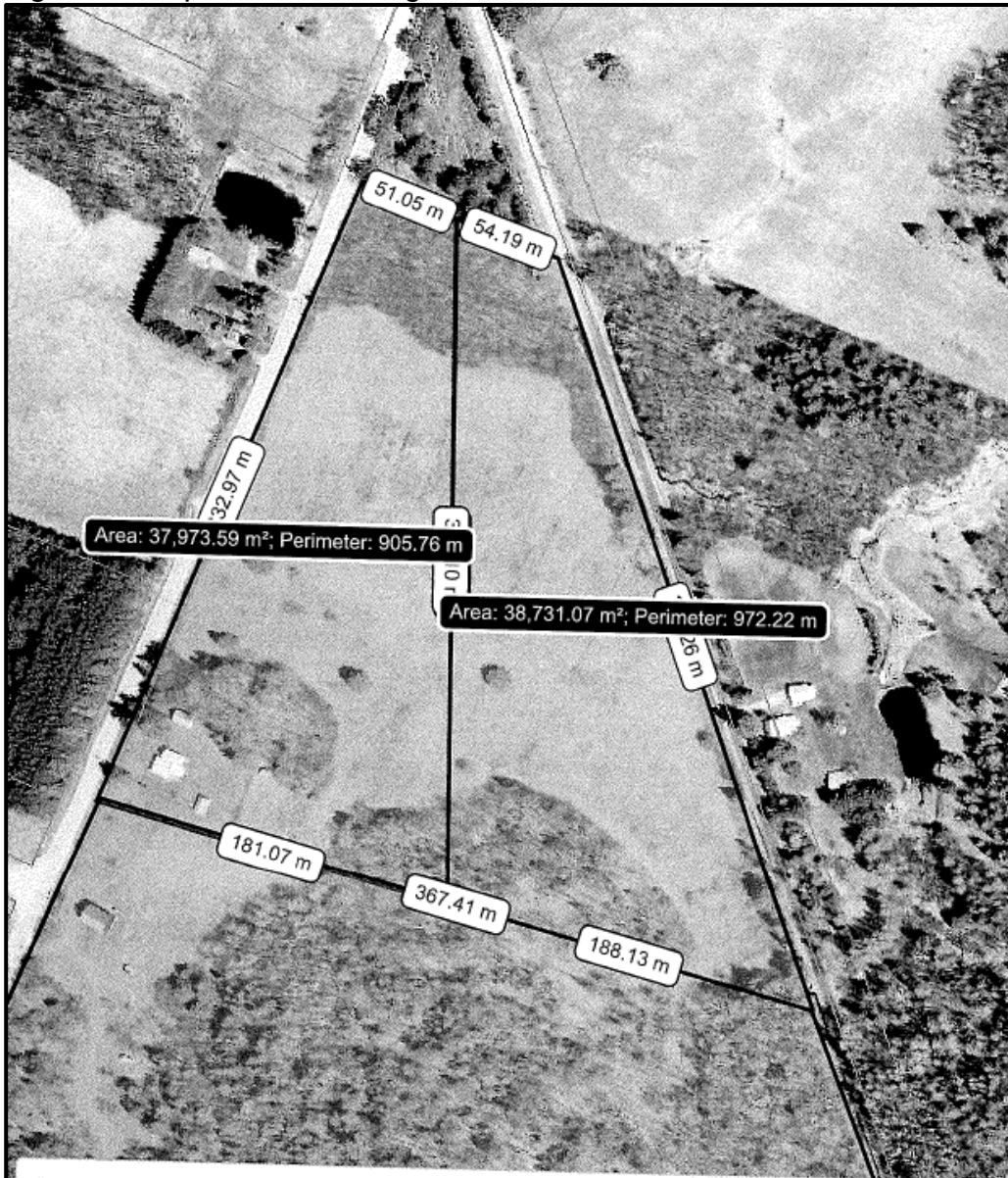


Figure 2: Proposed Lot Configuration of Severed Lots



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 #1	Severed Lot #2
Lot Area	71.3 hectares	3.7 hectares	3.8 hectares
Lot Frontage	868.3 metres	332.9 metres (Nipissing Road South)	392.2 metres (Midlothian Road)

Area Context

North: Cornball Store and the Spence Cemetery.

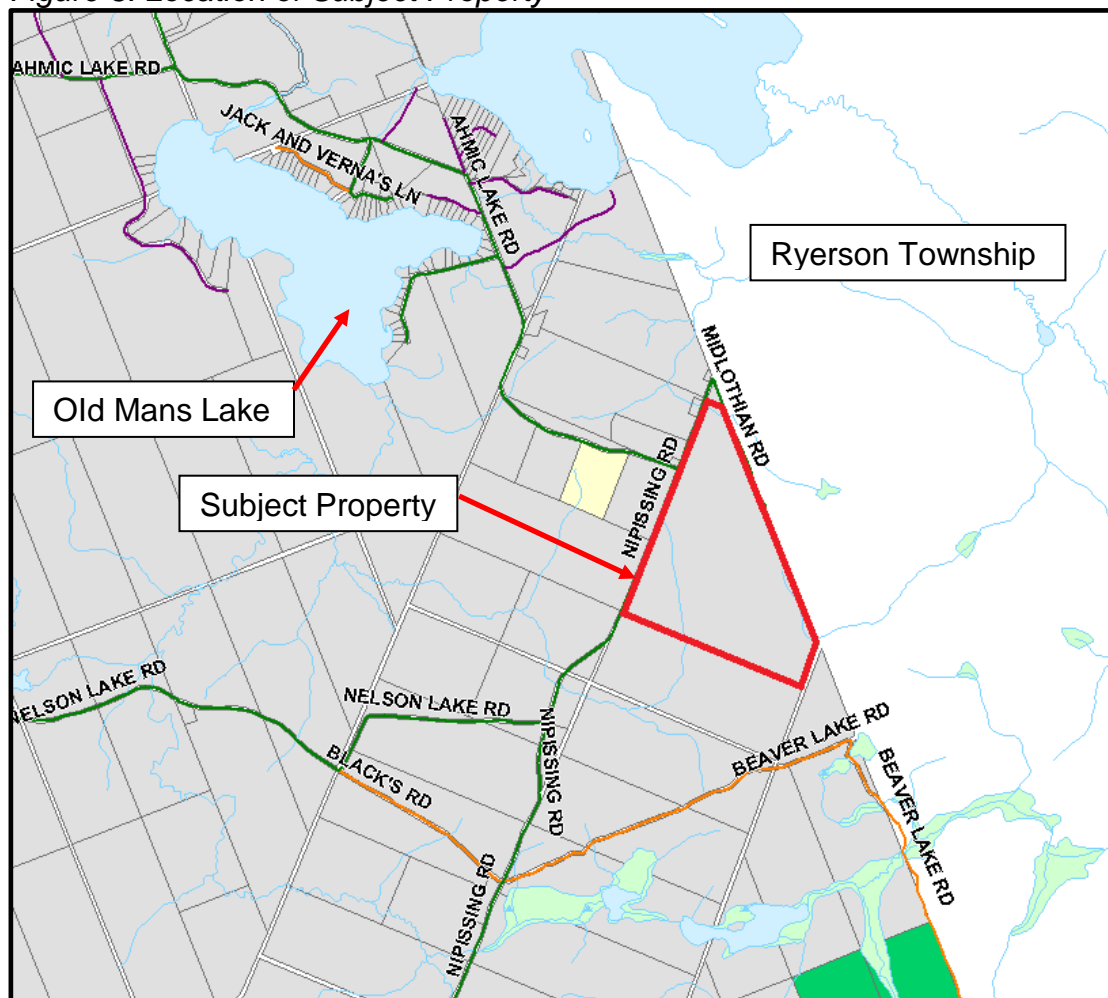
East: Midlothian Road and the Ryerson Township Municipal Boundary

South: A large tract of forested lands, and Beaver Lake Road further to the south.

West: Nipissing Road South, Rural Lands, and an existing ARA License area.

The subject property is located on the east side of Nipissing Road South. The location of the subject lands is shown in Figure 3.

Figure 3: 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, as a permitted use on Rural Lands.

The retained lands are proposed to contain the existing barn, shed and is to host a future contractor's yard. The contractor's yard would be considered an 'other rural land use' in the context of the PPS. However, a contractor's yard is not permitted in the current Agricultural Zone in which the Retained Lot is located, therefore a Zoning By-law Amendment will be required. The proposed Severed Lot 1 is to contain the existing dwelling, garage, shed, septic and drilled well. The proposed Severed Lot 2 would, at the present time, be vacant. Future construction of a residential dwelling on the proposed Severed Lot 2 would be considered a permitted use on the subject property.

Section 1.1.4.1 (f) of the PPS states healthy, integrated and viable rural areas should be supported by, *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products*. The future contractor's yard on the retained lot would enable a business opportunity to be located within the Municipality, thereby promoting the diversification of the economic base of the Municipality.

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 proposed contractor's use is compatible with the surrounding rural land uses and will not negatively impact the character of the area.

Policy 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 1 is currently serviced with private services. The Applicant has indicated they do not plan to service the proposed uses on the Retained Lot, at this time; however the requirements of the Ontario Building Code may require on-site servicing. This would be required to be confirmed with the North Bay Mattawa Conservation Authority (NBMCA). The Severed Lot 2 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 residential development.

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 is entirely located within a Deer Wintering Area (Stratum 2). As proposed, the Consent application would not result in vegetation or tree removal within the significant deer wintering habitat area.

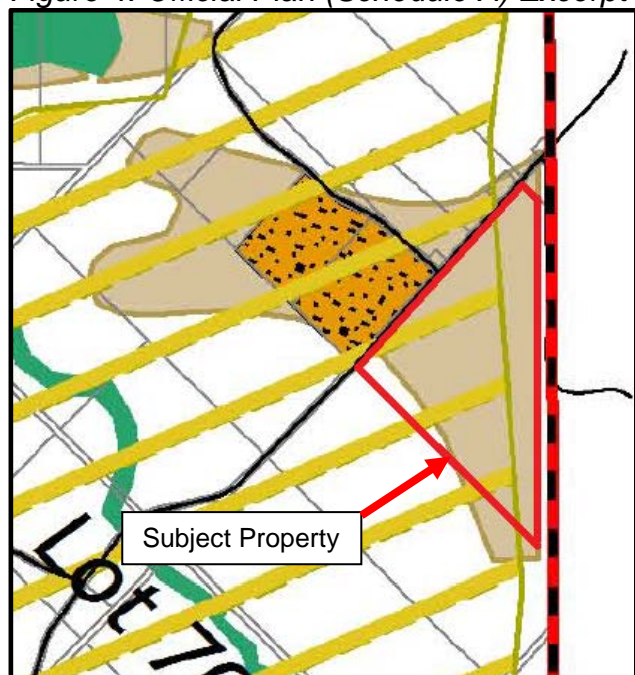
Section 3.0 of the PPS contains policies related to directing development away from natural or human made hazards. In accordance with Section 3.1 the subject property is located outside of hazardous lands and hazardous sites and not affected by a dynamic beach hazard, flooding hazard or erosion hazard.

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 Agricultural and within the Aggregate & Mineral Resources overlay, as shown in Figure 4. In accordance with Schedule B (Natural Features), the subject property is located within the Deer Wintering Area (Stratum 2) overlay.

Figure 4: Official Plan (Schedule A) Excerpt



Section 5.2.1 of the Official Plan contains policies for Rural Areas in the Municipality and states that the permitted uses include residential dwellings and small scale industrial and commercial developments. The existing dwelling on Severed Lot 1, future residential development on Severed Lot 2 and the proposed contractor’s yard are permitted uses within the Agricultural designation.

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.

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 two 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 proposed severed and retained lot exceed this requirement. The subject property is Zoned Agriculture (A), Rural (RU) and Environmental Protection (EP). The proposed severed lots are located within the Agricultural Zone. The minimum required lot area in the Agricultural Zone is 20 hectares. The proposed Severed Lot 1 and Severed Lot 2 do not comply with the minimum lot area standard for agricultural use and would be required to be rezoned as a condition of provisional consent.
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	The proposed Severed Lot 1 and the Retained lots front onto Nipissing Road South and the Severed Lot 2 fronts onto Midlothian Road. Both roads are identified as municipal road (year round maintained) in

<p>unit, which may be created on private roads having access to a municipal year round road.</p>	<p>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 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 must have safe access and a building site that is outside of any flood plain or other hazard land.</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 Retained Lot and Severed Lot 2 can be adequately serviced by on-site septic systems and on-site water services. It is recommended that this be included as a condition of consent.</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 Severed and Retained lots would be via publicly maintained roads as identified on Schedule C of the Official Plan.</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 Severed Lot 1 and Severed Lot 2 are to accommodate a residential use. Both are access by a year round maintained municipal roads.</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; 	<p>Based on a review of the previous consents within the Municipality the proposed lots would not exceed eight new lots within the Rural designation.</p> <p>The proposal would result in the creation of two new lots that would conform to Section 7.7.1 i) ii).</p>

<ul style="list-style-type: none"> 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 	
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.	<p>The subject lands do not appear to be adjacent to livestock operations.</p> <p>Council shall be satisfied that there are no livestock facilities in the area. If there are, an MDS calculation shall be completed prior to consideration of the application by the Planning Board.</p>

As summarized in Table 2, the proposed consent application conforms to the severance policies in Section 7.1.1 of the Official Plan, provided MDS considerations are confirmed and provided the severed lots are rezoned to recognize the proposed rural residential use and lot size.

Municipality of Magnetawan Zoning By-law

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

The proposed severed lots are to be located within the Agricultural (A) Zone. Table 3 provides a summary of the proposed lots in relation to the minimum requirements for the Agricultural (A) Zone.

Table 3: Agricultural Zone Standard Summary

Zoning By-law Requirements		Lot Configuration		
	Agricultural (A) Zone	Proposed Retained Lot	Proposed Severed Lot 1	Proposed Severed Lot 2
Minimum Lot Area	20 hectares	71.3 hectares	3.7 hectares	3.8 hectares
Minimum Lot Frontage	135 metres	868.3 metres (Nipissing Road South)	332.9 metres (Nipissing Road South)	392.2 metres (Midlothian Road)

As shown in Table 3, the proposed Severed Lot 1 and Severed Lot 2 do not comply with the minimum lot area requirement of the Agricultural (A) Zone and as a result would be required to be rezoned as a condition of provisional consent.

The Applicant has confirmed that the proposed Severed Lot 1 is to contain the existing dwelling, garage and accessory buildings. The proposed Severed Lot 2 is to be vacant and is to host a future residential use. The proposed Retained Lot is used for rural and agricultural purposes and may be used for a future contractor's yard operation. While not required as a condition of provisional consent, the retained lot could be rezoned concurrently with Severed Lots 1 and 2.

Summary

The Consent Application proposes to create two new lots and one retained lot.

The proposed consent application conforms to the consent criteria in the Municipality's Official Plan, provided MDS requirements are met. In addition it is recommended that Council support the proposed application subject to the conditions of rezoning, obtaining an entrance permit, and the standard conditions of consent.

Respectively submitted,



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