

**THE MUNICIPALITY OF MAGNETAWAN**

**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: April 10, 2024

SUBJECT Consent Application – 46 Thompson Road (Stevenson)  
Municipality of Magnetawan

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**Recommendation**

That Council recommend to the Planning Board, that the Consent application for the subject lands located at 46 Thompson Road (Stevenson), be provisionally approved subject to the following conditions:

1. That the applicant meet all financial requirements of the Municipality, including the payment of the balance of any outstanding taxes, including penalties and interest be paid;
2. That a draft survey of the proposed retained and severed lots be provided to the Municipality for review and approval;
3. That a registrable description of the severed lot and a copy of the Reference Plan be deposited to the Land Registry office and be submitted to the Municipality;
4. That the owner obtain approval of a Zoning By-law Amendment to demonstrate the existing development and the proposed lots comply to the Zoning By-law;
5. That the existing shed be relocated to comply with the minimum standards of the Zoning By-law;
6. That the applicant pay to the Municipality a parkland contribution fee for each residential lot to be created as cash-in-lieu of a parkland contribution pursuant to Section 53 (13) of the Planning Act, R.S.O. 1990 c. P. 13;
7. That the Applicant establish a separate water supply to service the residential building on the proposed severed lot; and,

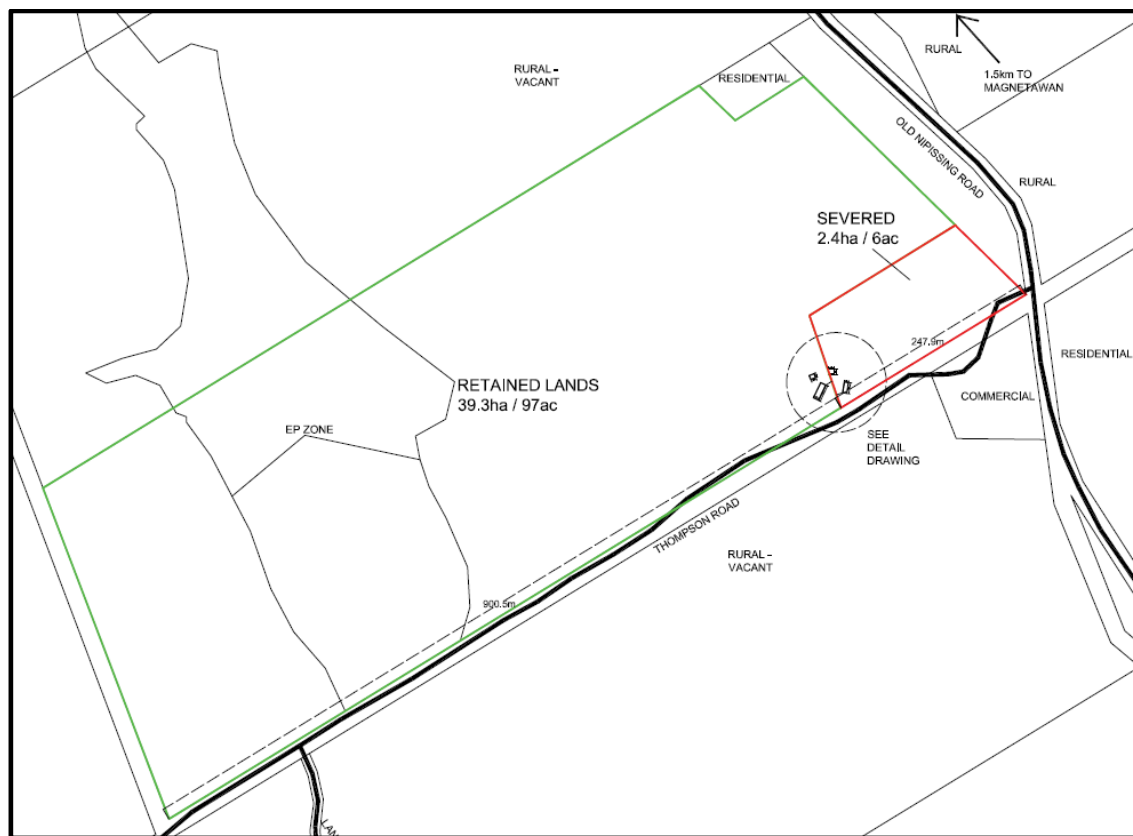
8. That the conditions of Consent be fulfilled within two years from the date of the giving of the notice by the Central Almaguin Planning Board.

**Proposal / Background**

A Consent Application has been submitted for the subject lands located at 46 Thompson Road in the Municipality of Magnetawan. The purpose of the Consent application is to create one new rural residential lot on the subject lands, and to also separate the existing development that is currently located on the subject lands.

The subject lands, the proposed severed lot and the proposed retained lot are shown on Figure 1. The proposed retained lot is outlined in green and the proposed severed lot is outlined in red. Thompson Road is located to the south of the subject lands and Old Nipissing Road is located to the east of the subject lands.

*Figure 1: Proposed Lot Configuration*



The proposed lot areas and lot frontages are shown on Table 1.

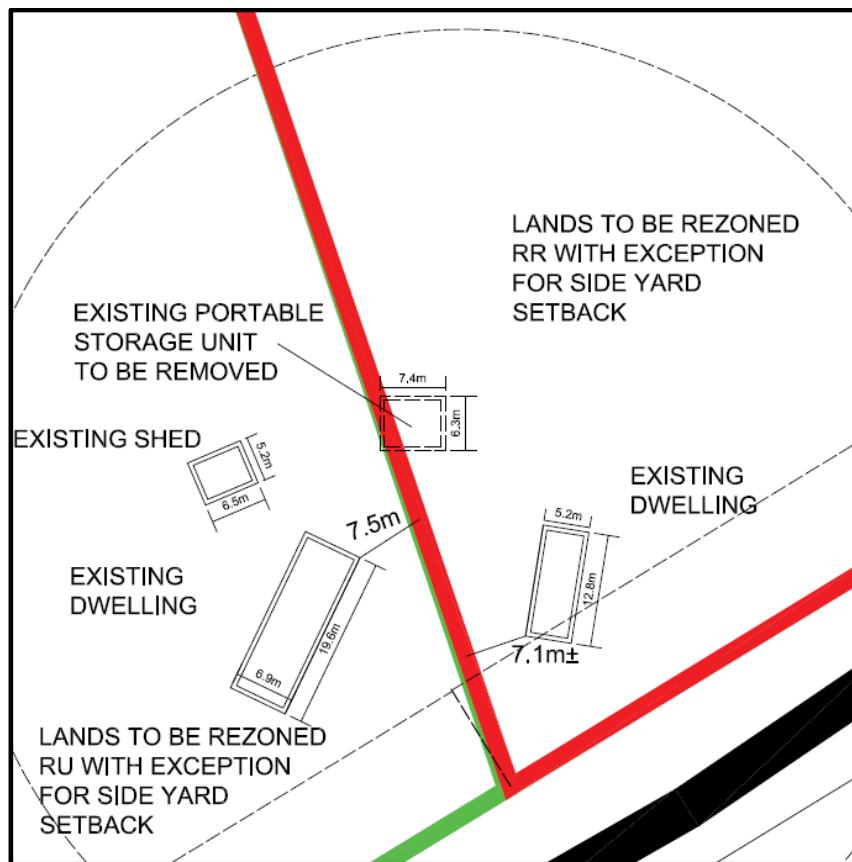
*Table 1: Proposed Lot Areas and Frontages*

	<b>Proposed Retained Lot</b>	<b>Proposed Severed Lot #1</b>

<b>Lot Area</b>	39 hectares	2.4 hectares
<b>Lot Frontage</b>	900 metres	248 metres

The owner has indicated that there are two existing detached dwellings and accessory buildings on the subject lands. The locations of the existing development and the location of the proposed lot line to divide the subject lands is shown in detail on Figure 2. It is understood that there is a zoning non-compliance matter on the subject lands, due to their being two single detached dwellings on the same property which is not permitted in the Zoning By-law. Following the proposed Consent, one existing detached dwelling is to be located on its own lot. It is also understood that the the “status” of the existing detached dwelling are unknown, and that due to the nature of the buildings they may not meet the definition of a detached dwelling in the Zoning By-law or the Ontario Building Code (i.e. mobile homes). The owner will need to confirm this in order to demonstrate zoning compliance through a condition of provisional Consent. An existing storage building on the proposed lot line is to be removed.

Figure 2: Existing Development



Each of the existing detached dwellings are serviced with their own septic system, however they share a well for water supply.

**Area Context**

The subject lands are located south of the Village of Magnetawan and are on the north-west corner of Old Nipissing Road and Thompson Road.

The surrounding land uses include the following:

**North:** The Village of Magnetawan and rural residential uses.

**East:** Rural residential uses.

**South:** Rural residential uses.

**West:** Ahmic Lake and rural residential uses.

## **Policy Analysis**

### **Provincial Policy Statement**

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

The Provincial Policy Statement (PPS) is a document that guides development in the Province. The subject lands are located in a rural area of the Municipality and outside of the Village of Magnetawan and are considered to be Rural Lands by the PPS. The PPS identifies a number of permitted land uses on rural lands in municipalities which include limited residential development and lot creation that is locally appropriate.

Section 1.6.6.4 of the PPS provides policies that apply to development on individual well and septic. This policy 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 existing dwellings are currently serviced by two separate septic systems and share one well. It is recommended that a condition of provisional Consent be included that requires the applicant to establish a separate water supply for the proposed severed lot.

Section 2.0 of the PPS contains policies related to the wise use and management of resources and must be considered when reviewing the proposed Consent Application. Ontario's long-term prosperity, environmental health, and social well-being is dependent on protecting water and natural heritage features.

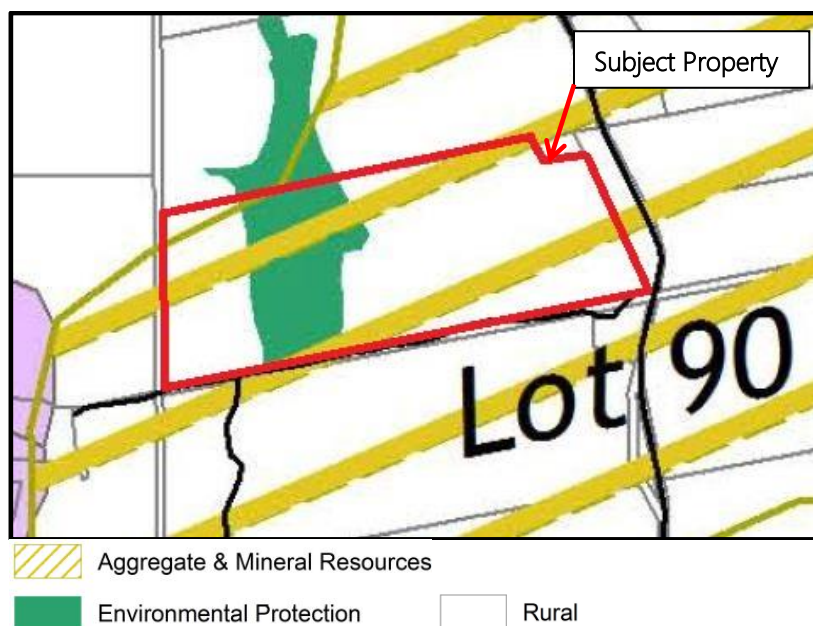
Section 2.1.8 of the PPS contains policies regarding development adjacent to natural heritage features and areas. The subject lands contain an unevaluated wetland on the western portion of the property and on the proposed retained lot. No additional development is proposed through this application and the proposed Consent is to separate the existing development on the subject lands. As a result an Environmental Impact Study is not required.

Subject to the recommended conditions of provisional Consent, the proposed Consent is consistent with the PPS.

## Municipality of Magnetawan Official Plan

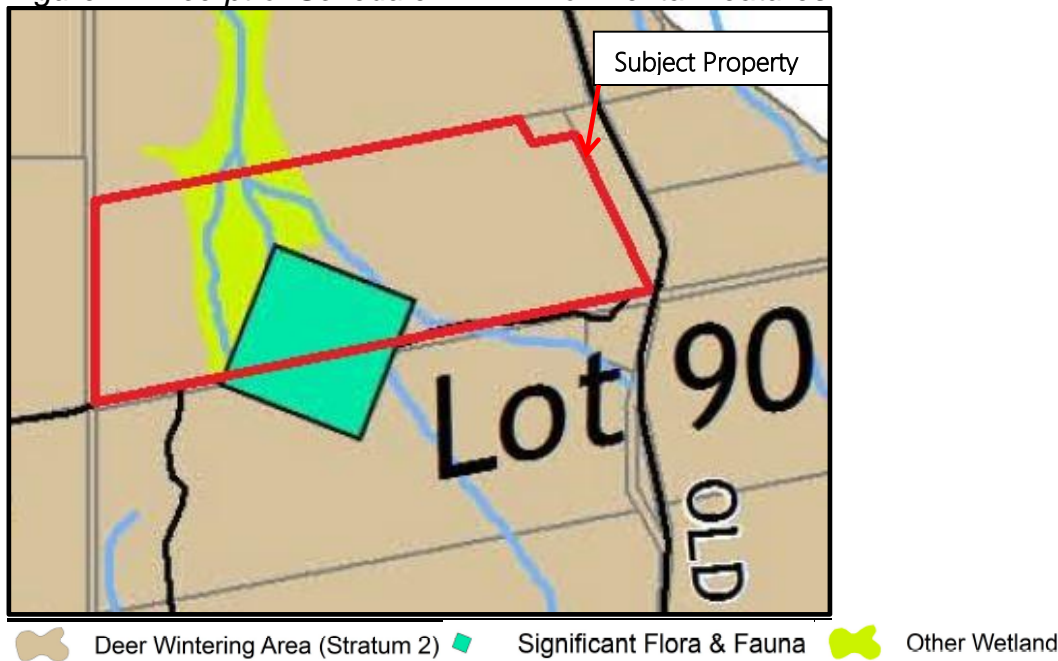
The Municipality's Official Plan provides direction pertaining to growth within Magnetawan. The policies in the Plan address the environment, cultural and built heritage, natural resources and servicing and transportation. In accordance with Schedule A - Land Use to the Official Plan, the subject lands are designated Rural and Environmental Protection. The majority of the subject lands is also within the Aggregate & Mineral Resources overlay.

*Figure 3: Excerpt of Schedule A – Land Use*



Schedule B to the Official Plan indicates that the subject property is located entirely within the Deer Wintering Area (Stratum 2), has an unevaluated wetland on the western extent of the property and has Significant Flora Fauna on the property as shown in Figure 4.

Figure 4: Excerpt of Schedule B - Environmental Features



From the review of the site plan submitted with the application in relation to Schedule B, it appears that the “Significant Flora Fauna” and the “Other Wetland” portions of the subject lands are contained entirely on the proposed retained lot and no new development is proposed in these features.

Section 4.5 of the Municipality’s Official Plan contains policies regarding wetlands. Section 4.5 states the following:

*Wherever possible these areas should be left in their natural state. Where it can be demonstrated to the satisfaction of Council that there is no reasonable alternative for the logical development of lands other than to develop a portion of a locally significant wetland, the Municipality will impose site plan control to ensure that the appropriate mitigation measures are employed to minimize the impact on the wetland. No development or site alteration will be permitted in or within 120 metres of any areas identified as potential provincially significant wetlands until an evaluation is completed by a qualified wetland evaluator using the Ontario Wetland Evaluation System: Northern Manual to conform its significance, as well as to address any significant impacts through completion of an Environmental Impact Assessment.*

The Consent application does not propose new development or site alteration within 120 metres of the unevaluated wetland on the subject lands. The existing development on the retained lot is located greater than 400 metres from the lands identified as Environmental Protection.

Schedule B also identifies the subject lands in a Deer Wintering Area (Stratum 2). Section 4.6 of the Official Plan contains polices for Deer Habitat and states:

*Within the significant deer habitat areas shown on Schedule B new lots should avoid areas of dense conifer cover or be of a sufficient size to provide a suitable development area including access and services, outside the most significant deer wintering habitat*

*areas described above. The minimum lot size shall be 90 metres frontage and 90 metres depth.*

The proposed severed lot and retained lot exceed these values and the application does not propose to remove any existing vegetation on the subject lands.

Section 4.10 of the Official Plan states that development within 50 metres of the boundary of an unevaluated wetland shall require an Environmental Impact Study. No additional development is proposed through this application and the proposed Consent is to separate the existing development on the subject lands. As a result an Environmental Impact Study is not required.

Section 4.14 of the Official Plan contains policies for Aggregate and Mineral Resources. A portion of the subject lands is within an Aggregate and Mineral Resources overlay. Section 4.14.1 states that where development is proposed in or adjacent to an area of known mineral or aggregate resources, the development shall be set back and buffered sufficiently. Based on a review of aerial photography, there are no existing pits or aggregate reserves within 300 metres of the subject lands. Furthermore, it is suggested that the extraction of resources from the site would not be viable due to the presence of existing residential development within this area.

Section 5.2 of the Official Plan contains policies for Rural Areas in the Municipality. Section 5.2.1 recognizes residential dwellings as a permitted use.

Section 7.1.1 of the Official Plan contains criteria that are applicable to consent applications that create new lots. Table 2 below summarizes the consent policies.

*Table 2: Official Plan Section 7.7.1 Summary*

<b>Policy 7.7.1 Severance Criteria</b>	<b>Does the Application Conform?</b>
a) A registered plan of subdivision is not necessary for the orderly development of the lands.	A Plan of Subdivision is not required. The proposal is for one retained lot and one severed lot.
b) The lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements.	<p>A Zoning By-law Amendment is recommended as a condition of provisional Consent. A summary of the zoning review is included in Table 3 of this Report.</p> <p>Amendments are required for the following:</p> <ul style="list-style-type: none"> <li>• Reduction to the interior side yard for the existing detached dwellings.</li> <li>• Reduction to required lot area for the proposed severed lot.</li> </ul>
c) The proposed lot must front on a publicly maintained road or, within the Shoreline designation, between existing lots on an	Access is provided to the proposed lots via Thompson Road which is a year-round municipally maintained road.

<b>Policy 7.7.1 Severance Criteria</b>	<b>Does the Application Conform?</b>
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.	
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.	The proposed lots are developed with existing detached dwellings and are not proposed to be used for hunt camps, fish camps etc.
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 lots appear to not create a traffic hazard as the proposed lots are developed with existing residential uses.
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 existing development on the proposed lots are serviced by existing private sewage services. Both dwellings utilize the same drilled well for water services.  Approval from the North Bay Mattawa Conservation Authority (NBMCA) is required to confirm that the severed lot can be adequately serviced by its own independent drilled well.
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. The proposed lots are not for a seasonal residential use.
h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.	The proposed lots would be accessed by a year-round maintained municipal road. The proposed lots are developed with existing residential uses.
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.	There have been less than eight new lots created in Rural designation to date. The subject lands is over 100 acres and therefore eligible for the creation of two new lots. The proposed Consent conforms to this policy.



Policy 7.7.1 Severance Criteria	Does the Application Conform?
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	
j) The creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.	The severed and retained lots will not prevent access to, or land lock, 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 subject lands are not adjacent to livestock operations. The proposed severed and retained lots are developed with existing residential uses.

Subject to the recommended conditions of provisional Consent, the proposed Consent conforms to the Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are currently zoned Rural (RU) and Environmental Protection (EP). Table 2 provides a summary of the performance standards of the Zoning By-law for the Rural Zone and the proposed lot areas and lot frontages for the proposed severed and retained lots.

*Table 3: Zoning By-law Performance Standards*

Zone Standard		Proposed Lots	
	Rural (RU) Zone	Proposed Retained Lot	Proposed Severed Lot
Minimum Lot Frontage	134 m	900.5 m	247.9 m
Minimum Lot Area	10 ha	39.3 ha	<b>2.4 ha</b>
Minimum Front Yard	15 m	20.4 m	10.3 m (Existing)
Minimum Side Yard	15 m	<b>7.5 m (east)</b> > 15 m (west)	> 15 m (east) <b>7.2 m (west)</b>
Minimum Rear Yard	15 m	> 15 m	> 15 m
Maximum Lot Coverage	25%	>25 %	>25 %

A Zoning By-law Amendment is recommended as a condition of provisional Consent to ensure that the existing development and the proposed lots comply to the Zoning By-law. The minimum lot area of the RU Zone is 10 hectares. The proposed severed lot has a lot area of 2.4 hectares and therefore a rezoning is required to recognize the reduced lot area. The minimum interior side yard for the RU Zone is 15 metres. The existing detached dwellings are located closer to the proposed interior side lot line than 15 metres and therefore a rezoning is required to recognize this reduced interior side yard.

As referenced, there remains a question to the status of the existing detached dwellings on the subject property. Through the satisfying of the conditions of provisional Consent, the owner will need to demonstrate to the Municipality that the existing residential buildings meet the requirements for a detached dwelling in the Zoning By-law and the Ontario Building Code.

### **Comments from Departments**

Please note that comments were received and are provided below.

Road Department: No concerns received at the time of this report

Fire Chief: No concerns

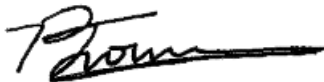
Building Department: Both dwellings would need separate sewage systems and potable water sources. Construction plans including but not limited to, foundation and decks, application, site plan, and Permit Fee is required. Unless the manufacture can provide foundation and anchorage plans a Professional Engineer will need to review and seal the drawings. The mobile home will also need to meet CSA Z2402.1. The Ontario Building Code has approximately 2400 changes coming around the end of March/ 2024 and a new Code in 2025. Depending on the changes and updates its possible other requirements may need to be met.

By-law Department: No concerns

### **Summary**

Subject to the recommended conditions of provisional Consent, the Consent application is consistent with the PPS and conforms to the Municipality's Official Plan. It is recommended that Council support the proposed application and recommend that the Planning Board approve the application, subject to the recommended conditions of provisional Consent contained in this Report.

Respectively submitted,



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