

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: June 19, 2024

SUBJECT: Zoning By-law Amendment Application – 1671258 Ontario Inc.
c/o Henry Wiens, Part Lot 9, Concession 1 Chapman Part 1,
42R10938

Recommendation

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

THAT Council receive the Staff Report dated June 19, 2024 respecting the Zoning By-law Amendment application for Part Lot 9, Concession 1 Chapman Part 1, 42R10938 (1671258 Ontario Inc. c/o Henry Wiens); 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 located on Part Lot 9, Concession 1 Chapman Part 1, 42R10938 which is located on the shoreline of Horn Lake. The owner of the subject lands is 1671258 Ontario Inc. and the application was submitted by Henry Wiens.

The owner obtained a provisional Consent approval from the Planning Board to create one new lot on the subject lands. One of the conditions of provisional Consent included the requirement to obtain approval of a Zoning By-law Amendment application.

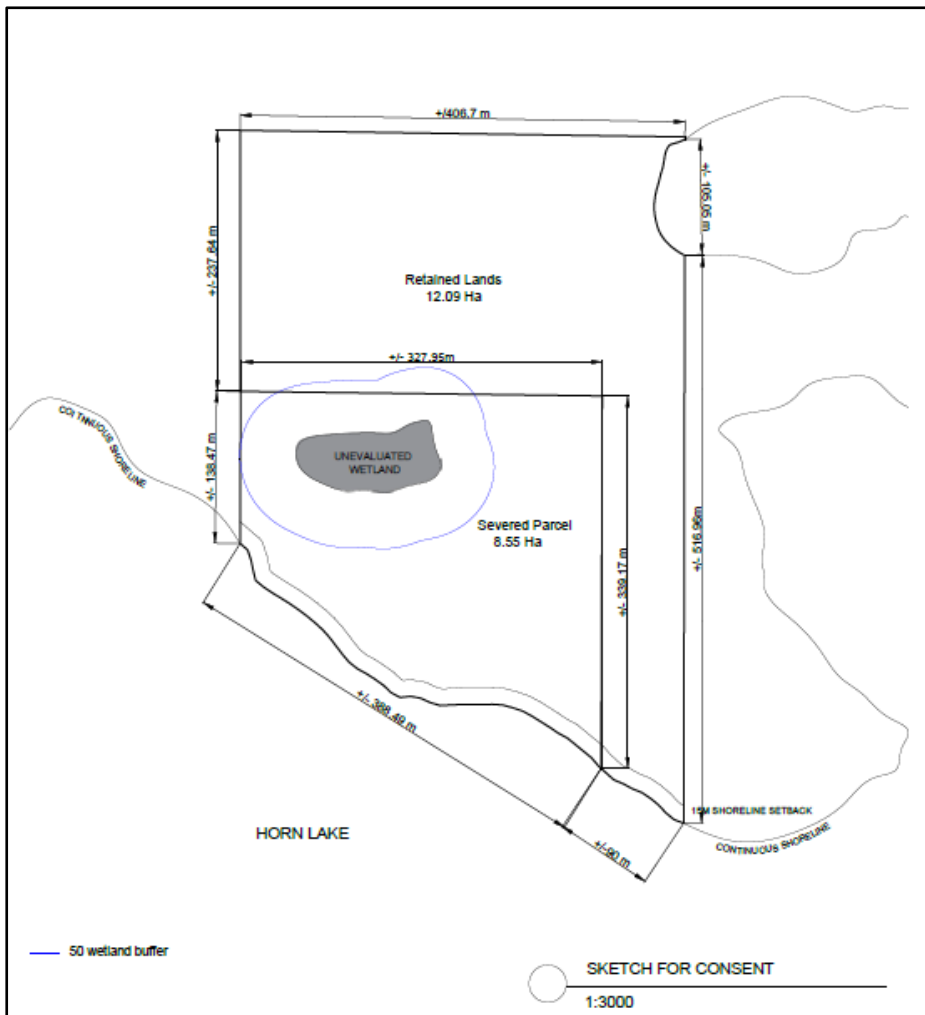
The purpose and effect of the Zoning By-law Amendment application is to satisfy a condition of provisional Consent. The application proposes to rezone the subject lands, including the proposed Severed and Retained Lot, from the Rural (RU) Zone to the Shoreline Residential (SR) Zone to reflect the properties being located on the shoreline of Horn Lake; and to rezone a portion of the subject lands to from the Rural (RU) Zone to the Environmental Protection (EP) Zone in order to expand the Environmental Protection (EP) Zone mapping to include 50 metres surrounding an unevaluated wetland feature.

The subject lands includes the proposed Retained Lot and the proposed Severed Lot. The subject lands are shown on Figure 1 and the proposed lot configuration is shown on Figure 2.

Figure 1: Subject Lands



Figure 2: Proposed Lot Configuration



The owner provided sufficient information to the Municipality and the Planning Board in order to support the proposed Consent application, including the preparation of Lake Capacity and Fish Habitat Mitigation by RiverStone Environmental Solutions Inc. These mitigation measures provided the basis for the Consent approval.

The subject lands are currently vacant. The subject lands have a lot area of approximately 20.5 hectares a lot area of 20.7 hectares with approximately 478 metres of lot frontage on Horn Lake along the southern shoreline and approximately 105 metres of lot frontage on the northern shoreline on a small bay of Horn Lake. The subject lands are designated Shoreline, Rural and Environmental Protection in the Municipality's Official Plan and are zoned Rural (RU) and Environmental Protection (EP) the Municipality's Zoning By-law.

Area Context

The following is a summary of the surrounding land uses:

North: Crown Land.

East: Shoreline residential lots on Horn Lake.

South: Horn Lake.

West: Rural residential lots on Minklers Lane.

Policy Analysis

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 all planning decisions are consistent with the PPS.

The subject property is located on Rural Lands within the Municipality. Section 1.1.5.2 of the PPS includes permitted uses on Rural Lands. The proposed uses on the future shoreline residential lots are considered as a resource-based recreational uses (recreational dwellings) and are permitted uses in the context of the PPS.

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 development is representative of the rural landscape and can be serviced by rural service levels.

Section 1.6.6.4 provides policies that apply to development serviced by individual on-site sewage and water services. 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 proposed lots will be serviced by private on-site sewage and water services when it is developed in the future.

Section 2 of the PPS contains policies that address the wise use and management of resources, including the protection of natural heritage features and functions. A portion of the subject lands (mainly located on the proposed Retained Lot) is designated Environmental Protection which is identified as an “other wetland” on Schedule B of the Official Plan. In order to protect this feature, it is recommended that the area surrounding the other wetland to the extent of 50 metres be rezoned to the Environmental Protection (EP) Zone to prohibit development. The minimum setback of 50 metres is considered as adjacent lands in the Official Plan for other wetlands.

Section 2.2 contains policies that require the quality and quantity of water to be protected, improved or restored. The applicant provided information to the Municipality to address Lake Capacity and Fish Habitat matters, prior to the provisional approval of the Consent application. A Site Plan Control Agreement is recommended to implement the mitigation measures submitted by RiverStone Environmental Solutions Inc.

The proposed Zoning By-law Amendment 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. Schedule A (Land Use Map) of the Official Plan identifies the subject lands as being designated Rural, Shoreline and Environmental Protection. Figure 3 includes an excerpt of Schedule A of the Official Plan.

Figure 3: Excerpt of Schedule A of Official Plan



Section 5.2 of the Official Plan contains policies for Rural Areas in the Municipality and states that the permitted uses include agriculture and residential dwellings provided they are in close proximity to other residential uses and existing roadways. The future uses on the proposed lots are permitted in the context of the PPS.

Section 4.3 of the Official Plan includes surface water quality policies, and specifically speaks to lot creation policies for lakes that are at or near capacity whereby lot creation is not permitted with exception of certain circumstances. Section 5.4.2 of the Official Plan states that Horn Lake has been identified as a lake trout lake that is at capacity. The applicant provided information to the Municipality to address Lake Capacity and Fish Habitat matters, prior to the provisional approval of the Consent application. A Site Plan Control Agreement is recommended to implement the mitigation measures submitted by RiverStone Environmental Solutions Inc.

Section 4.4 of the Official Plan states that new development or site alteration shall have no negative impact on the natural features or ecological functions of significant habitat of endangered or threatened species, other significant wildlife habitat, fish habitat, a provincially significant wetland or other significant natural heritage feature or functions.

Section 4.10 establishes what is deemed to be adjacent lands to natural heritage features. For “other wetlands” adjacent lands are identified as being lands within 50 metres. In order to protect this feature, it is recommended that the area surrounding the other wetland to the extent of 50 metres be rezoned to the Environmental Protection (EP) Zone to prohibit development. The minimum setback of 50 metres is considered as adjacent lands in the Official Plan for other wetlands.

Section 5.4.1 of the Official Plan establishes permitted uses and detached dwellings are a permitted use in the Shoreline designation. It is understood that future development on the Severed and Retained lots is for seasonal residential purposes and accordingly would conform to Section 5.4.1 of the Official Plan.

Section 5.4.2 of the Official Plan includes the development standard policies. New lots should have a minimum lot size of 1.0 hectare and minimum lot frontage of 90 metres. The proposed Severed and Retained Lots exceed these minimum lot standards.

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

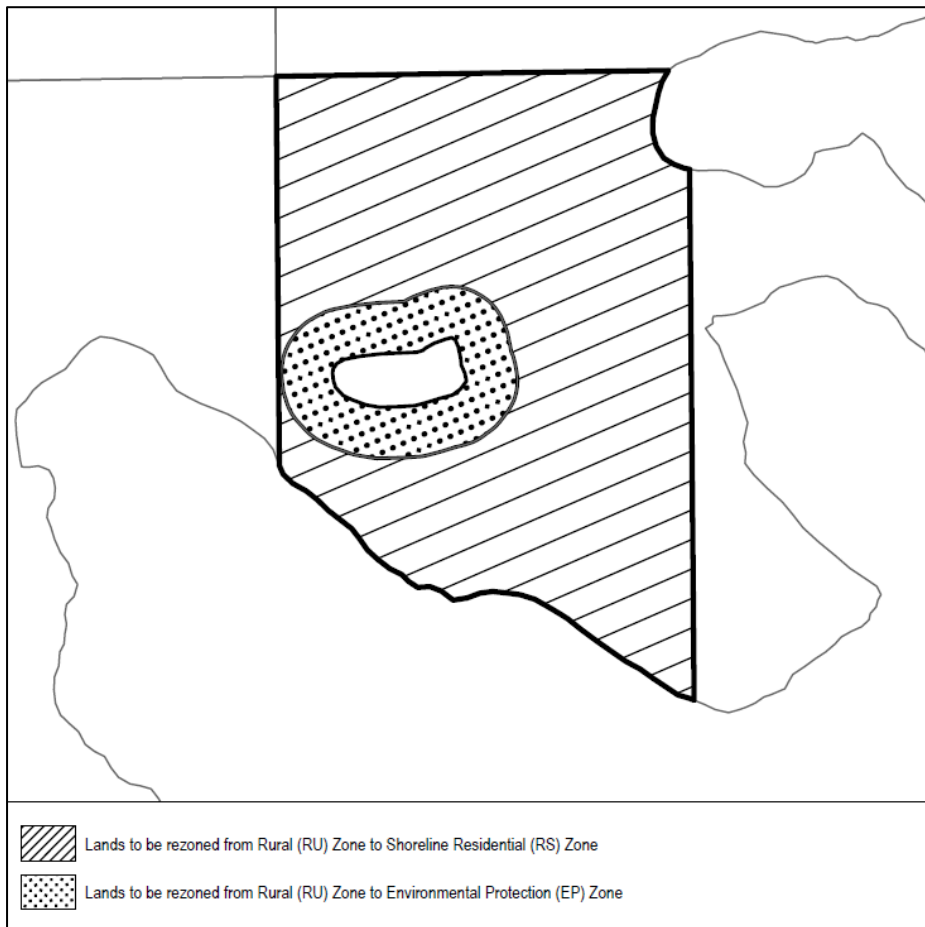
Municipality of Magnetawan Zoning By-law

The subject property is currently located within the Shoreline Residential (RS) Zone and the Environmental Protection (EP) Zone.

A condition of provisional Consent required the applicant to obtain approval of a Zoning By-law Amendment. The Zoning By-law Amendment is required to rezone the subject lands and the proposed lots from the Rural (RU) Zone to the Shoreline Residential (SR) Zone; and to expand the Environmental Protection (EP) Zone mapping around the other wetland feature to include a 50 metre setback.

The proposed Zoning By-law Amendment schedule is included as Figure 4.

Figure 4: Excerpt of Zoning By-law Amendment Schedule



The proposed lots meet the zone standards of the Shoreline Residential (SR) Zone. Table 1 provides a summary of the minimum and proposed lot sizes and lot frontages for the Severed and Retained Lots.

Table 1: Lot Configuration and Zoning Analysis

Zoning By-law Requirements		Lot Configuration		
	Rural (RU) Zone	Shoreline Residential (SR) Zone	Proposed Retained Lot	Proposed Severed Lot
Minimum Lot Area	10 hectares	1 hectare	12 hectares	8.5 hectares
Minimum Lot Frontage	134 metres	90 metres	105 metres	388 metres

Comments from Departments

The following comments were received on the application:

Road Department:

Fire Chief:

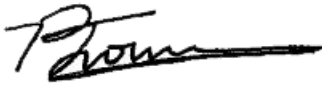
Building Department:

By-law Department:

Summary

The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Municipality's Official Plan, is appropriate and represents good planning. The proposed Zoning By-law implements the findings of the technical information that was submitted with the Consent application, and the proposed Zoning By-law Amendment satisfies the condition of provisional Consent for the applicant.

Respectfully submitted,



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