

## **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: January 22, 2025

SUBJECT Consent Application – 309 Miller Road (Woodruff)  
Municipality of Magnetawan

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### **Recommendation**

That the Consent application for the subject lands located at 309 Miller Road (Woodruff) to create one new lot, 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 lot 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 rezone the proposed severed lot to comply with the minimum lot size and minimum lot frontage of the Zoning By-law, i.e. rezone the severed lot to the Rural Residential (RR) Zone;
5. That the owner provide written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Municipality.
6. That the applicant pay to the Municipality a parkland contribution fee for the new 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; and,
7. That the conditions of Consent be fulfilled within two years from the date of the giving of the notice by the Municipality of Magnetawan.

### **Proposal/Background**

A Consent Application has been submitted for the subject lands located at 309 Miller Road in the Municipality of Magnetawan. The purpose of the Consent application is to create one new rural residential lot on the subject lands. The subject lands are owned by William and Nancy Woodruff.



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

*Table 1: Proposed Lot Areas and Frontages*

	<b>Proposed Retained Lot</b>	<b>Proposed Severed Lot</b>
<b>Lot Area</b>	44 hectares	4 hectares
<b>Lot Frontage</b>	1,000 metres	91 metres

The owner has indicated that there is an existing dwelling and accessory building on the proposed retained lot. The location of the existing development on the retained lot is identified on Figure 1. Both proposed lots are to have lot frontage and access off of Miller Road.

### **Area Context**

The surrounding land uses include the following:

**North:** Existing rural and rural residential uses.

**East:** Existing rural and rural residential uses.

**South:** Existing rural and rural residential uses.

**West:** Existing License B Pit and rural uses.

### **Policy Analysis**

#### **Provincial Planning Statement**

The Provincial Planning Statement (PPS) came into effect on October 20, 2024. The PPS is the statement of the government's policies on land use planning and is intended to provide policy direction on land use matters which are in the Provincial interest. All land use planning decisions are required to be consistent with the PPS.

In the context of the PPS, the subject lands are considered as Rural Lands. Residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services is included as a permitted use.

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 proposed retained lot is already developed, and the existing development is serviced by an existing well and septic system. The proposed severed lot and the future development is proposed to be serviced by a private well and septic system, and the proposed severed lot appears large enough to accommodate future services.

Chapter 4 of the PPS contains policies related to the wise use and management of resources. There is a watercourse on the subject lands that is identified as containing Fish Habitat. Section 4.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Further, Section 4.1.8 of the PPS includes policies that apply to adjacent lands from Fish Habitat, and states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in the PPS (including Fish Habitat) 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. This area on the subject lands is already restrictively zoned and no new development is permitted on these lands in the future. The proposed severed lot is large in size and provides for future building locations setback from the watercourse.

Chapter 4.1.8 of the PPS contains policies regarding development adjacent to natural heritage features and areas. The subject lands contain a water course through the property and on the south of the proposed severed lot. No additional development is proposed through this application and the existing watercourse on the subject lands is Environmental Protection, restricting development. 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 policy direction on growth and development within Magnetawan. The policies in the Official Plan address the environment, cultural and built heritage, natural resources and servicing and transportation. In accordance with the schedules of the Official Plan, the following applies to the subject lands:

- Designated Rural in the Official Plan;
- Aggregate and Mineral Resources area identified to the east in the Official Plan;
- ARA Licence (aggregate operation) to the west;
- Waste disposal site to the west;
- Fish habitat associated with the watercourse on the subject property; and,
- Located on a municipal road.

Section 5.2.2 of the Municipality's Official Plan contains policies regarding residential development and states:

*Limited 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. Scattered 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 area size of 1.0 hectares (2.47 acres).*

The proposed new severed lot is located close to the existing dwelling on the retained lot in a general area that is developed with rural residential uses. The proposed retained and severed lot are larger than 1 hectare in lot area.

Section 5.2.7 of the Municipality's Official Plan contains policies regarding waste disposal sites and states:

*Only those sites approved by the Ministry of the Environment and the Municipality shall be used for the disposal or storage of solid or liquid waste. All such sites shall be operated according to the standards established by the Ministry of the Environment and the Municipality's approved Waste Management Master Plan.*

*New developments utilizing private sewage disposal and water supplies shall not locate within 500 metres of the perimeter of the fill area of an existing or former waste disposal site unless it has been demonstrated through the*

*preparation of technical studies that there are no potential impacts associated with gas migration and ground water contamination.*

The proposed severed lot where a future dwelling is proposed is located approximately 1,000 metres from the waste disposal site that is located to the west of the subject lands.

Section 7.1.1 of the Official Plan contains consent criteria that are applicable to Consent applications. 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, and a Consent application is appropriate.
b) The lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements.	The proposed retained lot meets the minimum standards required in the Zoning By-law. The proposed severed lot does not meet the minimum lot area and lot frontage required for the Rural (RU) Zone however is sized appropriately for a future dwelling. A condition of provisional Consent is recommended to require the owner to rezone the proposed severed lot to the Rural Residential (RR) Zone.
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.	Access is provided to the proposed lots via Miller Road which is a year-round municipally maintained 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 retained lot is used for rural residential purposes and the proposed severed lot is to be used for rural residential purposes.
e) The lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;	No traffic impacts are anticipated as a result of the new lot which exceeds the frontage requirement and provides adequate space for a new driveway.
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	The existing development on the retained lot is serviced with a well and septic system.

<b>Policy 7.7.1 Severance Criteria</b>	<b>Does the Application Conform?</b>
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 appears to be large enough to accommodate a future well and septic system.
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.
i) In the Rural designation, new lots created by consent shall be limited to the following: <ul style="list-style-type: none"> <li>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.</li> <li>ii. two lots per original hundred acre lot;</li> <li>iii. one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and</li> <li>iv. infilling between existing residences within 300 metres of each other on the same side of a municipal road or Provincial highway</li> </ul>	<p>There have been less than eight new lots created in Rural designation to date.</p> <p>The subject lands are over 100 acres in lot area and therefore eligible for the creation of two new lots. The proposed Consent conforms to this policy.</p>
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.

Section 4.14.1 of the Official Plan contains resource areas policies and states:

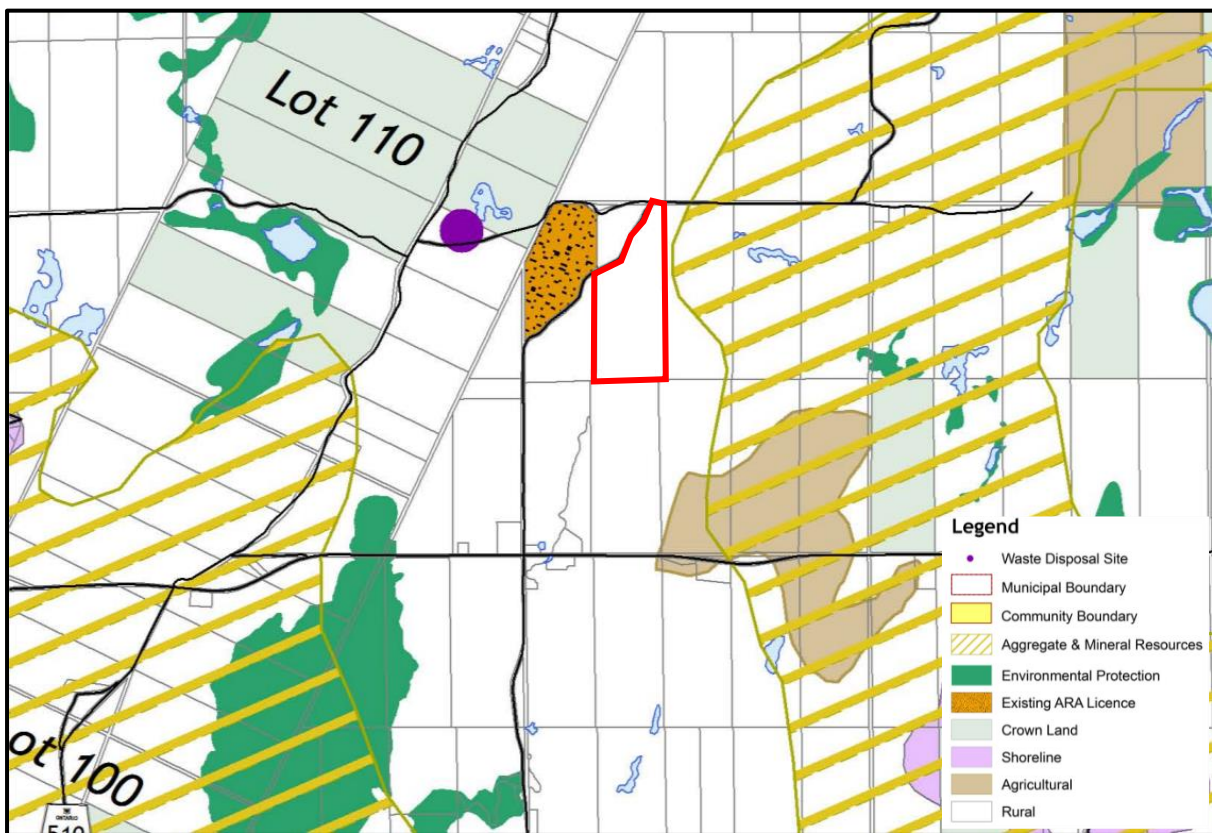
*Where development is proposed in or adjacent to an area of known mineral or aggregate resources, the development shall be set back and buffered sufficiently to ensure that it would not preclude or hinder the establishment of new operations, expansion of existing operations or access to the resources, except where the following conditions are met:*



- 1) *The resource use would not be feasible;*
- 2) *The proposed land use or development serves a greater long term public interest; and,*
- 3) *Issues of public health, public safety and environmental impact are addressed. Adjacent is considered to be minimum of 300 metres for existing pits and aggregate reserves and a minimum of 500 metres for quarries.*

The proposed severed lot is located 300 metres from the eastern property line of the existing property that contains an existing Licence B Pit under the Aggregate Resources Act. The proposed severed lot therefore is adequately setback from this site and the new residential property and use is not anticipated to preclude or hinder the establishment of new operations, expansion of existing operations, or access to the resources in the area. The location of the subject lands and the existing property containing the Licence B Pit is shown on Figure 4.

Figure 4: Subject Lands and Existing Licence B Pit



Section 4.15 of the Official Plan states that prior to the approval of all new development, the owner shall provide confirmation that arrangements can or have been made for the treatment of the hauled sewage generated from the development at a duly licensed facility. This has been recommended as a condition of provisional Consent.

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 primarily located within the Rural (RU) Zone and there is an area adjacent to the watercourse that is located within the Environmental Protection (EP) Zone.

The minimum lot area for properties within the RU Zone is 10 hectares and the minimum lot frontage is 134 metres. The proposed retained lot meets these minimum standards however the proposed severed lot does not meet the minimums – proposed lot area of 4 hectares and a proposed lot frontage of 91 metres on Miller Road.

The owner is required to rezone the proposed severed lot to reflect the Rural Residential (RR) Zone standards, which requires a minimum lot area of 1 hectare and a minimum lot frontage of 60 metres.

### **Comments from Departments**

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

Road Department: No comments were received as of this date of this Staff Report.

Fire Chief: No Concerns with this application.

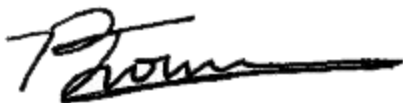
Building Department: No concerns with this application.

By-law Department: No concerns with this application.

### **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 proposed Consent application be approved.

Respectfully submitted,



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