

THE MUNICIPALITY OF MAGNETAWAN

STAFF REPORT

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

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

DATE: January 18, 2023

SUBJECT Consent Application – Yang – 597 Ford Road, Municipality of
Magnetawan, Roll No. 494404000301500

Recommendation

Subject to the review and analysis of this report, it is recommended that Council support the proposed Consent Application for three (3) new lots, one (1) retained lot and access easement for the property located at 597 Ford Road (Yang/Zhang), subject to the recommended conditions provided below:

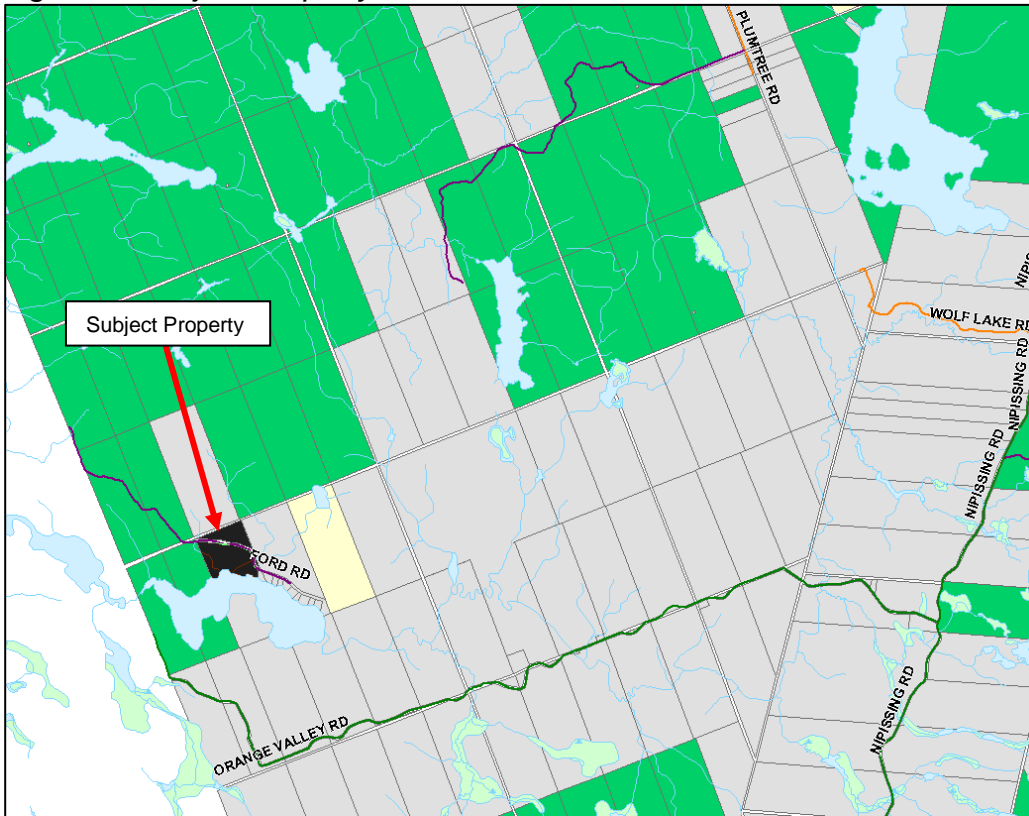
1. That the applicant meet all the financial requirements of the Municipality.
2. That a registrable description of the proposed three (3) severed lots be submitted to the Municipality.
3. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed Severed Lots can be adequately serviced by individual on-site septic systems and individual on-site water services.
4. That a draft survey of the proposed Severed Lots and proposed Easement be provided to the Municipality for review and approval.
5. That the Applicant obtain written acknowledgement from the Municipality that there is a suitable location for an entrance on the proposed Severed Lots and Retained Lot.
6. That the Applicant enter into a Limited Service Agreement with the Municipality;
7. The entering into of a Development Agreement between the Applicant and the Municipality to implement the recommended mitigation measures for the proposed Severed and Retained Lots that are contained in the Scoped Environmental Impact Study prepared by Beacon Environmental dated December 2021;

8. That the Applicant be required to pay to the Municipality a parkland dedication fee for each new lot in accordance with the Section 51 of the *Planning Act*, and,
9. That the Applicant submit and obtain approval of a Zoning By-law Amendment application to implement the recommendations of the Scoped Environmental Impact Study prepared by Beacon Environmental Limited dated December 2021;

Proposal / Background

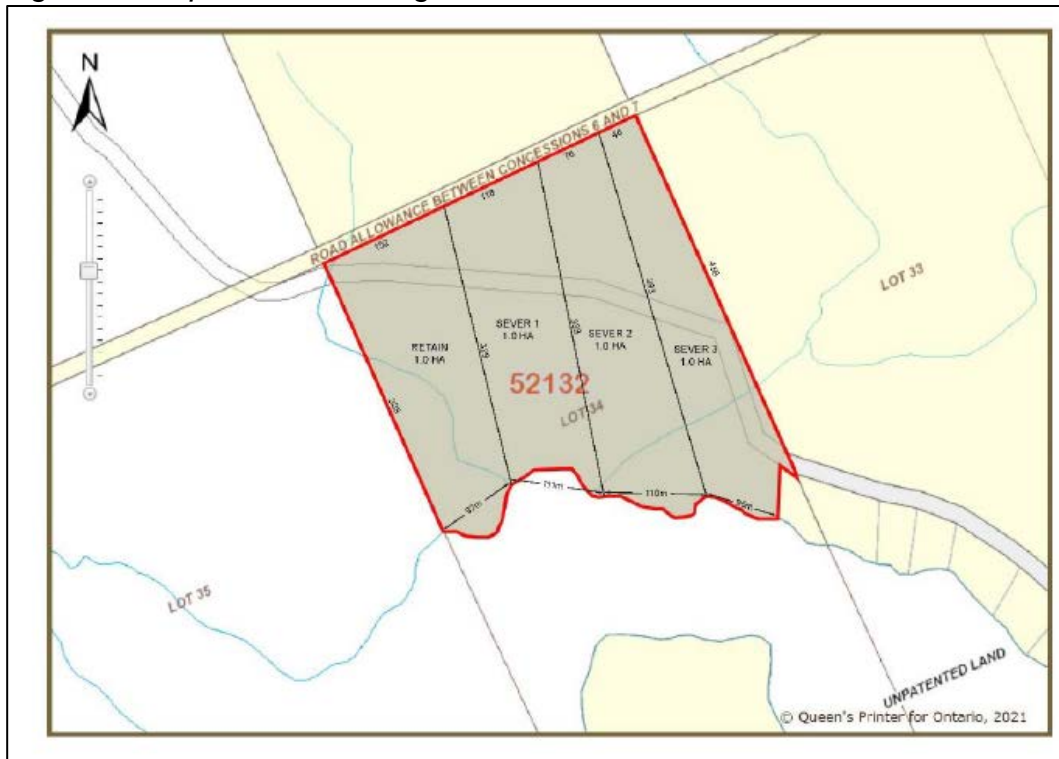
An application for Consent has been submitted by John Jackson, of John Jackson Planner Inc. on behalf of the property owners, Zhao Yang & Yiyun Zhang. The property is municipally known as 597 Ford Road, Municipality of Magnetawan and is legally described as Concession 6, Part Lot 34, Registered Plan 42R2457, Part 1 PCL 15564 S/S PCL 6433 S/S in the former geographic Township of Spence. The location of the subject property is shown in Figure 1.

Figure 1: Subject Property Location



The subject property is currently vacant and is being used as a hunt camp. The Consent Application seeks permission to create three (3) new Severed Lots with one (1) Retained Lot and associated easements. The applicants are proposing that the existing private road (Ford Road) would provide vehicular access to all four lots. Ford Road currently bisects the subject property. The proposed lot configuration sketch submitted by the Applicants is shown in Figure 2.

Figure 2: Proposed Lot Configuration Sketch



A summary of the proposed Severed Lots and Retained Lot are summarized in Table 1 below.

Table 1: Proposed Lot Statistics

Proposed Lot	Lot Area	Lot Frontage
Severed Lot 1	1 hectare	111 metres
Severed Lot 2	1 hectare	110 metres
Severed Lot 3	1 hectare	95 metres
Retained Lot	1 hectare	97 metres

The subject property is located in the southwestern extent of the Municipality and has direct water frontage onto Ruebottom Lake. The subject lands are designated Shoreline, Rural and Environmental Protection, on Schedule A (Land Use) of the Municipality’s Official Plan. A portion of the subject property is also located within the Aggregate & Mineral Resources overlay designation. The subject property also contains an unevaluated wetland on the eastern portion of the property and an area of Fish Habitat along the shoreline as noted on Schedule B of the Official Plan.

The subject property is zoned Shoreline Residential (RS) and Environmental Protection (EP) in the Municipality’s Zoning By-law.

The Applicant has submitted a Planning Justification Report prepared by John Jackson Planner Inc. dated December 20, 2021, which is included as Attachment 1 to this Report. The Applicant has also submitted a Scoped Environmental Impact Study prepared by Beacon Environmental dated December 2021, which is included at Attachment 2 to this Report.

Area Context

The subject property is accessed by Ford Road and has direct frontage onto Ruebottom Lake. The surrounding land uses are as follows:

North: Crown Land and a rural lot accessed by Ford Road.

East: Existing shoreline residential lots fronting onto Ruebottom Lake.

South: Ruebottom Lake

West: Crown Land

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, which includes resource-based recreational uses; and residential development, including lot creation that is locally appropriate. The proposed shoreline residential lots would be considered as a resource-based recreational use in accordance with the PPS, which is permitted on the subject lands.

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 Severed and Retained Lots are compatible with the surrounding rural and residential land uses and will not negatively impact the character of the area. The proposed Severed Lots would be serviced by individual on-site sewage and water services which is the accepted servicing approach for this area of the Municipality.

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 Severed Lots would be serviced by private on-site sewage and water services. A condition of the provisional consent, if granted, should be included that requires confirmation from the NBMCA that a well and septic can be accommodated on each of the proposed Severed and Retained Lots.

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. Section 2.1 of the PPS states that natural heritage features shall be protected for the long term. Section 2.1.6 states that *development and site alteration shall not be permitted in fish habitat except in accordance with provincial and*

federal requirements. The subject property contains a mapped wetland area and an area of mapped Type 1 Fish Habitat along the shoreline of the property.

Section 2.1.8 states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas (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 function.

In accordance with Sections 2.1.6 and 2.1.8 of the PPS, the Applicant has submitted a Scoped Environmental Impact Study (Attachment 2) to evaluate the natural heritage features, including the mapped fish habitat. The EIS concluded that development could proceed without any negative impacts to the natural heritage features subject to the implementation of the identified mitigation measures. It recommended that the mitigation measures be implemented through both a Zoning By-law Amendment and Development Agreement, which have been included as conditions of provisional approval of the proposed consent application.

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.

Based on a review of the PPS, and subject to implementing the mitigation measures as outlined in the Environmental Impact Study, it is concluded that the proposed Consent is consistent with the relevant policies of 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 Rural, Shoreline, Environmental Protection and is within the Aggregate & Mineral Resources Overlay as shown in Figure 3. A portion of the subject property also contains a Wetland area and an area of Fish Habitat in accordance with Schedule B, as shown in Figure 4.

Figure 3: Official Plan (Schedule A) Excerpt



Figure 4: Official Plan (Schedule B) Excerpt



Section 4.4 of the Official Plan states that new development or site alterations 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 function. In accordance with this section, an EIS including an evaluation of fish habitat has been submitted by the Applicant. The EIS prepared by Beacon Environmental dated December 2021 concluded that development could proceed without

any negative impacts to natural heritage features subject to the implementation of the following mitigation and protection measures:

- *All principal building development remain a minimum of 15 m away from the warmwater streams associated with the wetlands, and 20 meters away from the shoreline of Ruebottom Lake*
- *All principal building development remain a minimum of 10 meters away from the wetland boundary on the subject property.*
- *The driveway required to access the land in the southwestern corner of the subject property should cross at the narrowest part of the wetland as identified by the star in Figure 4, and the driveway should be no more than 3.0 m wide; and*
- *Construction timing should adhere to the in-water timing restrictions provided by MNRF (i.e., no in-water works between March 15 and July 15 in any year) to protect fish and fish habitat.*
- *A restriction of activities in the 20-metre shoreline setback of the severed lots be included as a condition of any development agreement to be executed between the Municipality of Magnetawan and the applicant. The stipulation would require that the 20 m setback be disturbed as little as possible, consistent with the construction of permitted decks, shoreline structures, access, and safety.*
- *The condition noted above, requiring that the setback be disturbed as little as possible, must include the provision for an access path to the shoreline. Any path should have a maximum width of 2.0 metres, meander, and be constructed of permeable substances.*
- *Site shoreline structures outside of Type 1 fish habitat (Habitat A), and in the areas recommended in Figure 4;*
- *Minimize duration of in-water work;*
- *Design works to minimize loss or disturbance to aquatic habitat;*
- *Avoid the removal of woody debris and aquatic vegetation;*
- *Minimize the amount of riparian vegetation that is removed to provide access to the shoreline structures;*
- *Use untreated materials (e.g., cedar, tamarack, hemlock, rocks, etc.) as supports for dock structures that will be submerged in water;*
- *During construction, keep an emergency spill kit on site and create a spill response plan;*
- *Install effective erosion and sediment control (ESC) measures before starting work to*
- *prevent the entry of sediment into the waterbody;*
- *Inspect ESC measures regularly during construction and make all necessary repairs if any damage occurs;*
- *Vegetate any disturbed areas by planting and seeding with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time remaining in the growing season, the site should be stabilized and vegetated the following spring; and*
- *Utilize a dock design that has a small footprint on the lakebed. This could include using steel pile, floating, or cantilever construction.*

A Development Agreement under Section 51 (26) of the *Planning Act* is recommended as a condition of provisional consent to ensure that the mitigation measures recommended by the Scoped Environmental Impact Study are addressed. In addition, a Zoning By-law Amendment (ZBA) has been recommended as a condition of provisional consent approval. The purpose of

the ZBA application is to implement the zoning related recommendations of the Scoped Environmental Impact Study submitted in support of the proposed severed lots.

Section 5.4 in the Municipality's Official Plan includes policies that permit residential uses within the Shoreline designation. The severed lots are planned for single dwelling units as cottages and as such conforms to the permitted uses in the Shoreline designation.

Section 5.4.8 of the Official Plan states that new development in the Shoreline Area should be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area's unique character. Future building envelope locations should be located in areas that require minimal removal of vegetation. A Development Agreement is recommended as a condition of provisional consent to ensure that the future residential development on the proposed severed lots meets these design criteria.

Section 5.4.2 of the Official Plan includes policies that permit residential uses within the Shoreline designation. New lots should have a minimum lot size of 1.0 hectare and minimum lot frontage of 90 metres. In addition, this policy is consistent with Section 5.2.2 which states that new lots in the Shoreline designation should be a minimum of 1.0 hectare in size. The proposed Severed and Retained Lots conform to the minimum lot area requirements.

Section 6.3 includes policies for Private Roads and permits the creation of new seasonal residences on private roads where it is considered infilling between existing residential units. Official Plan policies also permit the creation of lots for seasonal or recreational purposes which access to a navigable waterbody provided that Council is satisfied that there are sufficient facilities for mainland parking and docking. The proposed consent application and new lots conforms to the infill policies of the Official Plan for new development on an existing private road.

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

Policy 7.7.1 Severance Criteria	Application Conformity
a) A registered plan of subdivision is not necessary for the orderly development of the lands.	A Plan of Subdivision is required where 5 or more lots are proposed. The application proposes the creation of three 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.	The proposed Retained Lot and Severed Lots comply with the minimum lot frontage and area requirements of the Shoreline Residential (RS) 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	The proposed Severed and Retained Lots are located within the Shoreline designation and are currently accessed by an existing private road (Ford Road). The subject consent application and proposed development would be considered infilling

<p>on private roads having access to a municipal year round road.</p>	<p>between existing lots on an existing private road.</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>The subject property is currently used as a hunt camp, however the proposed lots are for seasonal residential development. The proposed lots are to be serviced by an existing private road (Ford Road).</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 Retained Lot and Severed Lots do not appear to create a traffic hazard. The proposed lots are to be accessed via an existing private road.</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 Retained and Severed Lots appear to be of sufficient size to accommodate on-site services. Approval from the NBMCA is required to confirm that the severed and retained lots can be adequately serviced by on-site septic systems and on-site water services. It is recommended that NBMCA approval be included as a condition of provisional 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>Not applicable. The proposed Severed and Retained Lots are to be accessed via a private road (Ford Road).</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 proposed lots are for seasonal residential development.</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; iii. one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and 	<p>A portion of the subject property are designated Rural. The proposed severed and retained lots are rural residential lots and have been considered in the context of the Shoreline designation given the waterfront character and the frontage the property has onto Ruebottom Lake.</p>

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 do not appear to be adjacent to livestock operations that would trigger an MDS calculation.

As summarized in Table 2, the proposed consent application conforms to the severance policies in Section 7.1.1 of the Official Plan.

In consideration of the above, the proposed consent application conforms to the policies of the Municipality's Official Plan, subject to the recommended conditions of a provisional Consent approval.

Municipality of Magnetawan Zoning By-law

The subject lands are zoned Shoreline Residential (RS) and Environmental Protection (EP) in the Municipality's Zoning By-law as shown in Figure 5.

Figure 5: Zoning By-law (Schedule A-3) Excerpt

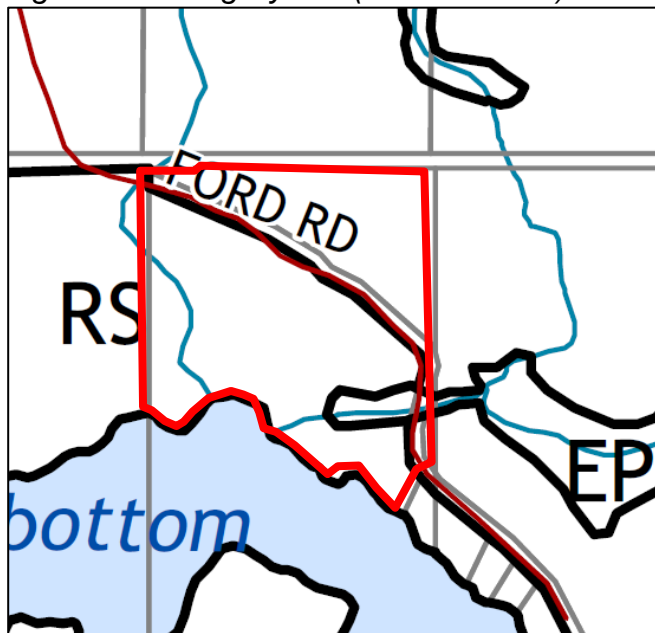


Table 3 provides a summary of the proposed lots in relation to the minimum requirements for the Shoreline Residential (RS) Zone.

Table 3: Shoreline Residential Zone Standard Summary

Zoning By-law Requirements		Lot Configuration			
Shoreline Residential (RS) Zone		Proposed Retained Lot	Proposed Severed Lot #1	Proposed Severed Lot #2	Proposed Severed Lot #3
Minimum Lot Area	1 ha	1.0ha	1.0 ha	1.0ha	1.0ha
Minimum Lot Frontage	90 m	97m	111m	110m	95m

As shown in Table 3, the proposed Severed and Retained Lots comply with the minimum lot area and lot frontage requirements of 1 hectare and 90 metres for the Shoreline Residential (RS) Zone.

A Zoning By-law Amendment has been recommended as a condition of provisional consent approval in order to implement the zoning related recommendations of the Scoped Environmental Impact Study included at Attachment 2 to this Report.

The proposed consent application complies with the Municipality’s Zoning By-law.

Comments from Departments

Road Department

- It is recommended that the applicant receive written acknowledgement from the Municipality that there is a suitable location for an entrance on the proposed Severed and Retained Lots.

Fire Chief

- Limited Service will be provided for Fords Road as it is private and not maintained in an acceptable manner to provide access for our fire apparatus.

Building Department

- No comments received at the date of the Planning Report

By-law Department

- No concerns.

Summary

The Consent Application proposes to create three (3) new shoreline residential lots and one (1) Retained Lot. The proposed Consent Application also includes an easement to facilitate the existing driveway to provide access to the proposed lots. The consent application is consistent with the Provincial Policy Statement and conforms to the Municipality’s Official Plan, subject to

the recommended conditions. Therefore, it is recommended that Council support the proposed consent application subject to the recommended conditions contained in this Report.

Respectively submitted,



Jonathan Pauk HBASc, MSc, MCIP, RPP
Planning Consultant
MHBC Planning



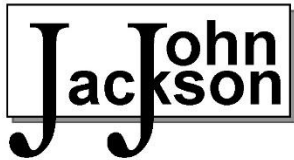
Jamie Robinson, BES, MCIP, RPP
Planning Consultant
MHBC Planning

Attachment 1 - Planning Justification Report prepared by John Jackson Planner Inc. dated December 20, 2021.

Attachment 2 - Scoped Environmental Impact Study prepared by Beacon Environmental dated December 2021.

Attachments

Attachment **1**



PROPOSED CONSENT

PART OF LOT 34, CONCESSION 6

GEOGRAPHIC TOWNSHIP OF SPENCE

597 FORDS ROAD

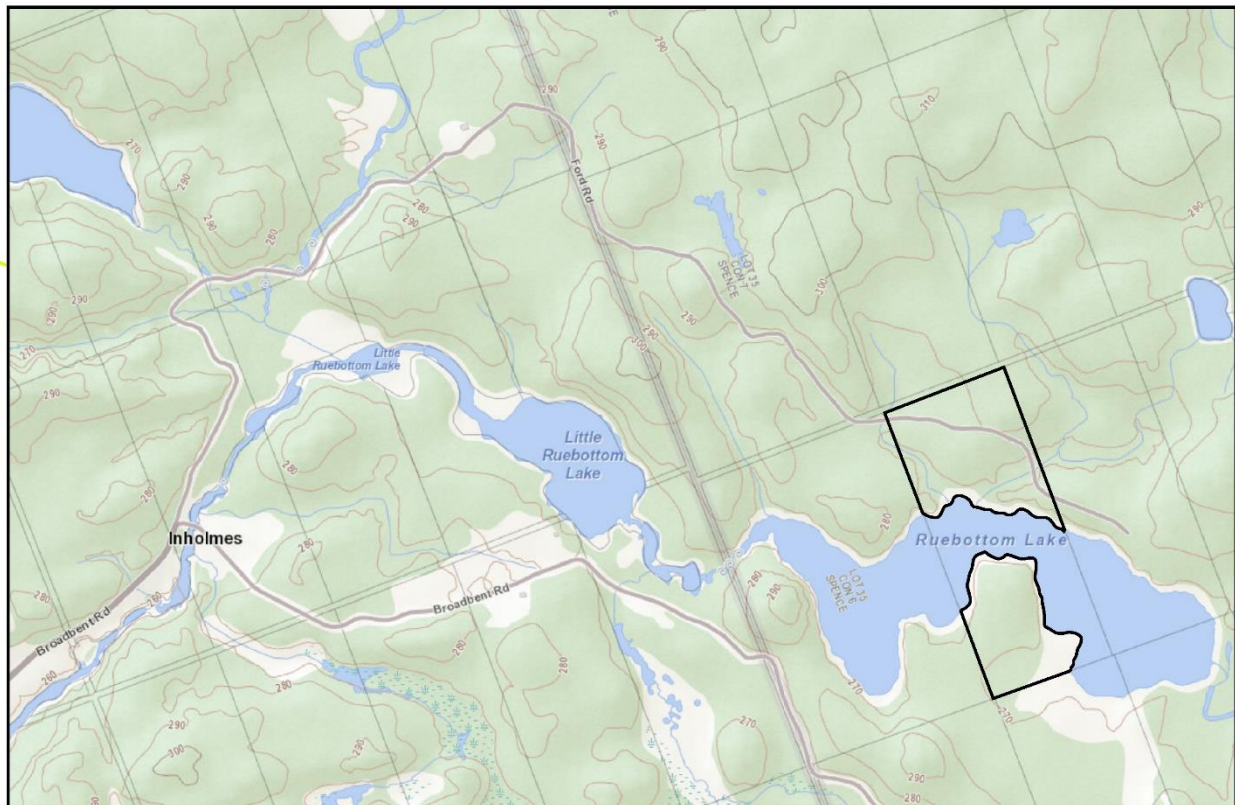
RUEBOTTOM LAKE

APPLICANT: ZHAO (ALLAN) YANG AND YIYUN ZHANG

DECEMBER 20, 2021

BACKGROUND/PURPOSE

Allan Yang and Yiyun Zhang own a parcel of land on the north shore of Ruebottom Lake accessed off Ford Road and the east end of Broadbent Road.

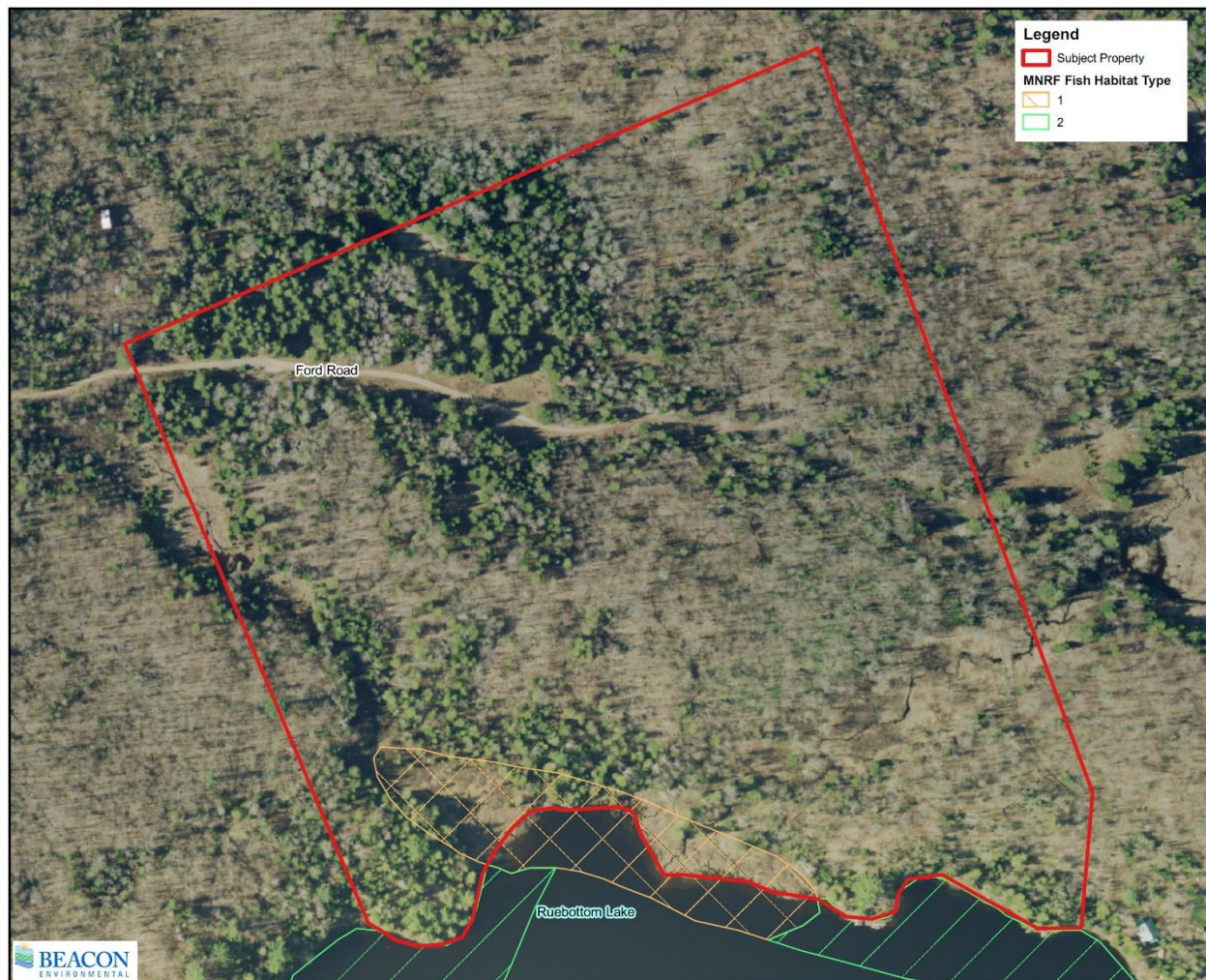


The owners are proposing to divide the land in to four waterfront lots on Ruebottom Lake.

PROPERTY DESCRIPTION

The subject lands are 10.7 acres (\pm 4.5 hectares) with a little over 400 metres of lake frontage.

The lands have few constraints to development apart from the natural heritage features along the creeks and along the shoreline.



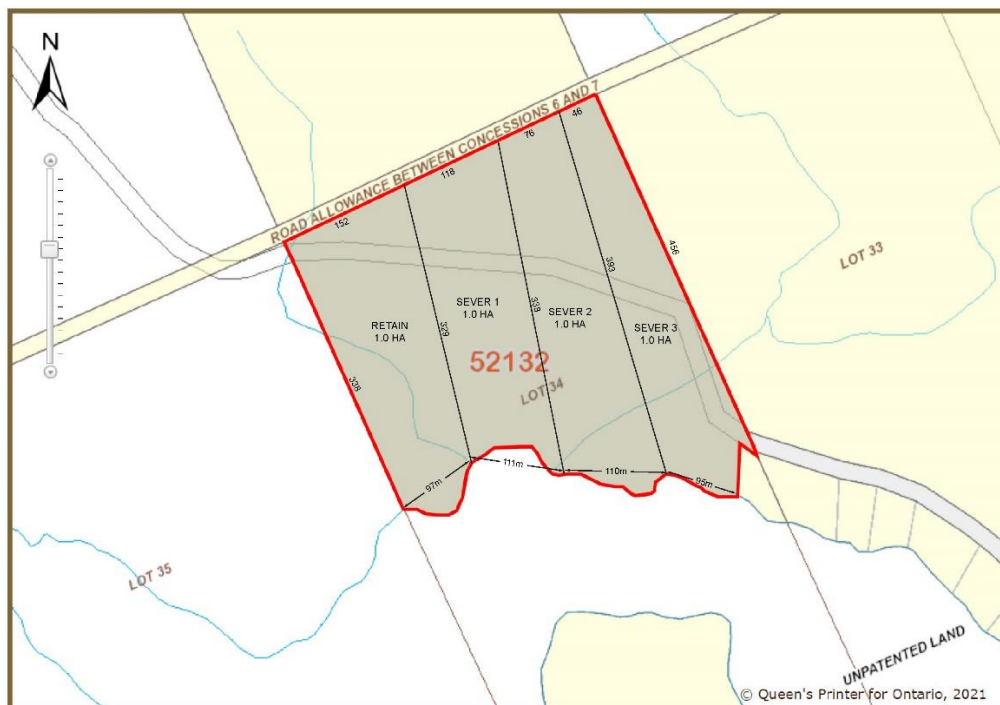
The lands are heavily forested with a medium sized drainage area along the west side of the property and a smaller seasonal creek on the east side of the lot.



There are no significant structures on the property that has been used as a hunt camp for the past number of years.

PROPOSED APPLICATION

The owners have indicated that they would hope to create new waterfront lots on Ruebottom Lake accessed from Ford Road.



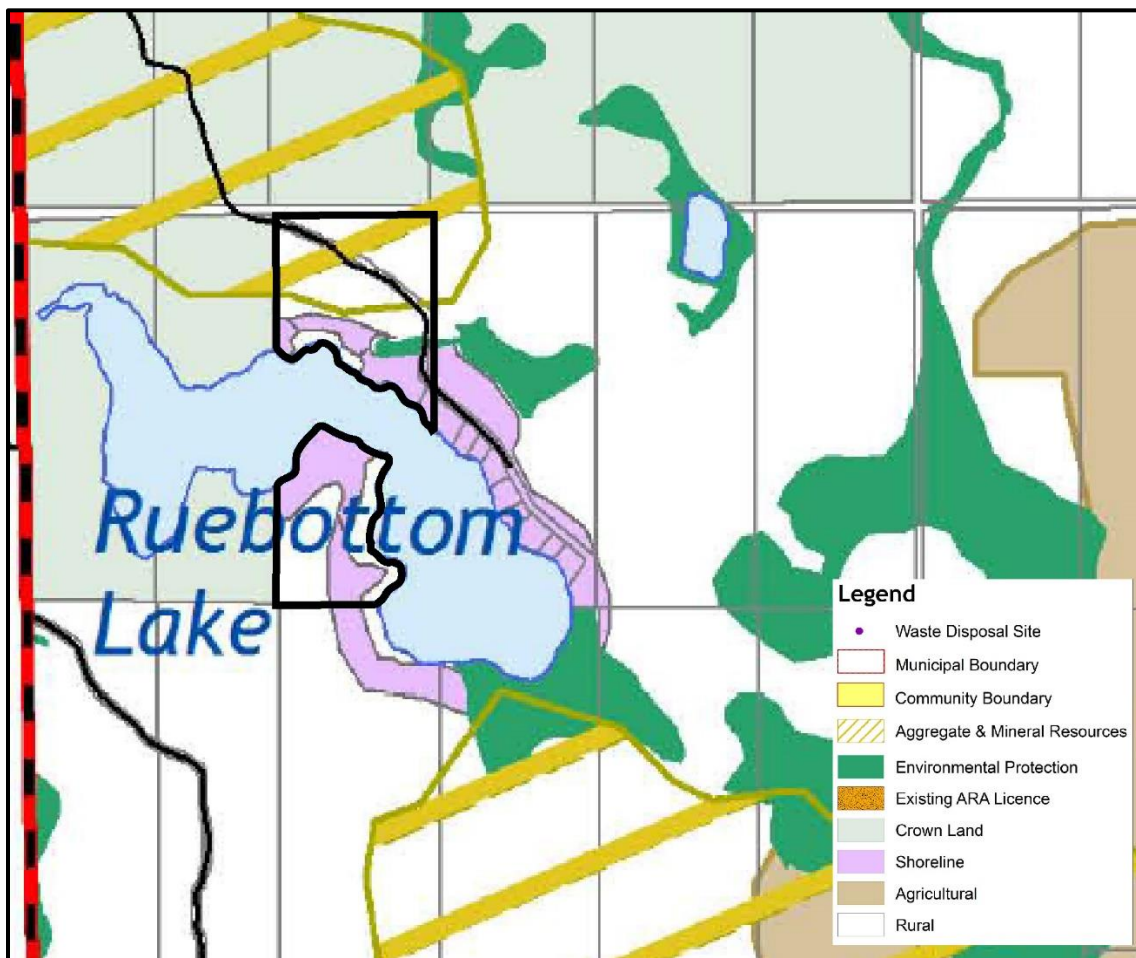
The consent proposed by the owners would maintain a minimum waterfrontage of 90 metres and a minimum lot area of 1.0 hectares.

Prior to proceeding with a consent application, the owners consulted the Municipality who directed the enquiry to its outside planning consultants.

A copy of the Municipality's initial report is attached.

OFFICIAL PLAN

As indicated in the preliminary planning review, the subject lands are designated Shoreline along the lands adjacent to Ruebottom Lake.



There are also small areas that are designated Rural and Environmental Protection.

The official plan requires that new lot creations in the Shoreline designation includes lots with a minimum area of 1.0 hectare and 90 metres of shoreline frontage.

The lands have an area with an Aggregate overlay. However, there are no pit activities or intentions to establish a pit on the subject lands.

As indicated in the preliminary planning report, there are no recreational carrying capacity issues respecting the proposed consent.

New lots that are considered infilling are permitted to be created on private rights-of-way. The planners have concluded that a consent on the subject lands would satisfy this requirement.

The official plan requires that any new lots demonstrate that there be no adverse impacts on the natural environment.

The applicant has undertaken an environmental impact assessment that has provided the necessary measures to allow for a consent on the subject lands with the identified constraint areas. A copy of this report is attached. The proposed configuration of the consent has been based upon these environmental considerations.

PROVINCIAL POLICY STATEMENTS (P.P.S)

All decisions respecting development by local planning authorities must be consistent with the P.P.S. The provincial policies that relate to the proposed consent include the following.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;***
- b) resource-based recreational uses (including recreational dwellings);***
- c) residential development, including lot creation, that is locally appropriate;***
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;***
- e) home occupations and home industries;***
- f) cemeteries; and***
- g) other rural land uses.***

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

The proposed consent to create four recreational lots on Ruebottom Lake are consistent with the above P.P.S. policies.

Section 2.0 of the P.P.S. requires that any local planning authorities ensure that natural heritage features be protected.

In this regard, the owners have engaged a qualified environmental consultant to advise what measures are necessary to protect the natural heritage features on the property while allowing a consent. This report is attached.

ONTARIO GROWTH PLAN

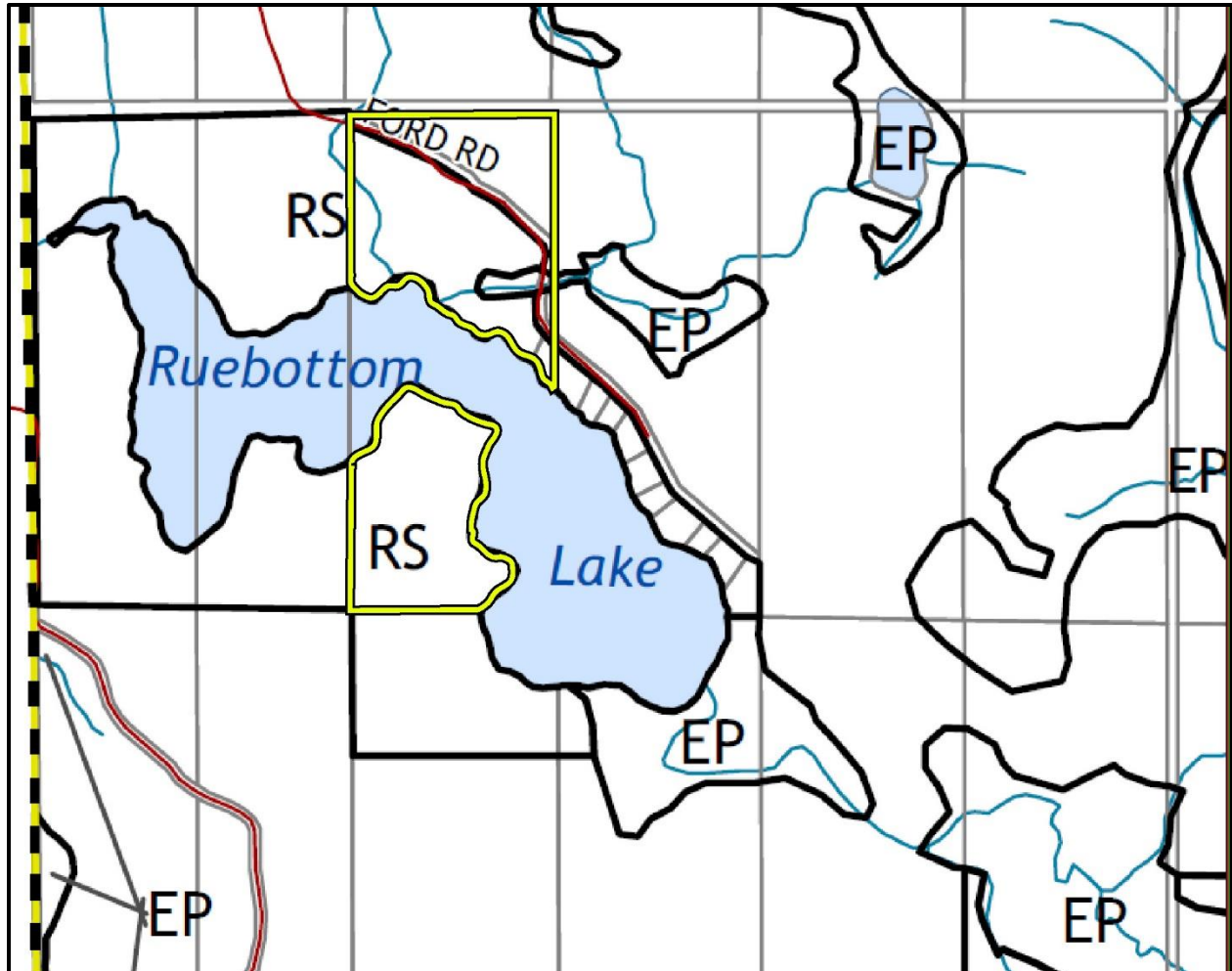
The Municipality of Magnetawan is subject to the Growth Plan for Northern Ontario.

This plan recognizes the need, benefit and supports new development activity that has a positive contribution to the economy so long as there are no adverse impacts on the environment.

The proposed consent complies with the Growth Plan for Northern Ontario.

ZONING BY-LAW

The subject lands are zoned for Shoreline Residential (SR) and Rural (RU) in the Magnetawan Zoning By-Law.



Similar to the official plan, the standard for new lots in the Magnetawan zoning by-laws is 90 metres of frontage and 1.0 hectares of lot area.

The proposed consent will comply with the zoning requirements.

The environmental assessment has specified the nature extent and location of environmental constraints that will need to be included in a site specific zoning By-Law as part of the consent approval.

SECTION 51(24) OF THE PLANNING ACT

Section 51(24) of the Planning Act sets out a number of criteria that must be regarded for any land division application.

These criteria include:

- a) The effect of development on matters of provincial interest as referred to in section 2.

Section 2 of the Planning Act has a number of broad interests to the province. As long as proposed land divisions do not conflict with these provincial interests, there are no impacts. In the subject application, there are no matters of provincial interest.

- b) Whether the proposed consent is premature or in the public interest.

Prematurity in this context is whether there are any extensions that are required to municipal services that are not appropriate. In the subject application, all services are private and there will be no burden placed upon the Municipality.

In terms of the public interest, the market for recreational properties has been strong in Magnetawan. In particular, it is expected that new lakefront lots will be highly marketable and contribute to the assessment of the Municipality.

- c) Whether the consent conforms to the official plan and adjacent plans.

As the discussion above confirms, the proposed consent complies with the official plan.

Further, the proposed lots will be significantly larger than the existing lots on Ruebottom Lake.

- d) Suitability of the land.

The lands will comply with the new lot requirements of the Municipality. The lots have been assessed for their appropriateness and have no difficulty being developed as cottage lots.

- d.1) Affordable housing.

As cottages, these lands are not part of the need to provide affordable housing.

e) Adequacy of roads.

Ford Road is a private road that currently serves 9 properties beyond the subject lands.

It is not anticipated that there would be any issue with the addition of 3 cottage lots on the existing road.

Further, the Municipality will likely impose a private road agreement to ensure the recognition of the private road as well as the future owner maintenance responsibilities.

f) Shape of the Lots.

The lots are regular in shape.

g) Proposed Restrictions.

It is anticipated that the subject consent will include conditions for rezoning and a 51(26) consent agreement.

h) Natural resources.

The environmental report has made a number of recommendations related to the rezoning that will be implemented in the zoning By-Law.

i) Services.

There are no municipal services that relate to the proposed consent.

j) Schools.

N/A

k) Parkland.

Typically, on consents, the Municipality would ask for a payment in lieu of a land dedication.

CONCLUSIONS

1. The proposed consent for four lots on the Zhang lands conforms to the official plan.
2. The consent is consistent with the 2020 provincial policy statements.
3. The land division conforms with the Growth Plan for Northern Ontario.
4. The consent complies with the municipalities zoning By-Law.
5. The proposed consent has regard for those items set out in section 51(24) of the Planning Act.

Respectfully,

A handwritten signature in blue ink that reads "John Jackson". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John Jackson M.C.I.P., R.P.P.

JJ; jc

Attachment **2**



GUIDING SOLUTIONS IN THE
NATURAL ENVIRONMENT

Scoped Environmental Impact Study 597 Ford Road Municipality of Magnetawan

Prepared For:

Zhao Yang

Prepared By:

Beacon Environmental Limited

Date: *Project:*

December 2021 220511

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1. Introduction

Beacon Environmental Limited (Beacon) has been retained by Mr. Zhao Yang (the proponent) to prepare a Scoped Environmental Impact Study (Scoped EIS) regarding a proposed severance of property located at 597 Ford Road, on Ruebottom Lake (subject property). The subject property is legally described as Concession 6, Part Lot 34, Registered Plan 42R2457, Part 1 PCL 15564 S/S PCL 6433 S/S (**Figure 1**). Beacon understands that MHBC Planning Urban Design & Landscape Architecture (MHBC) provided a Land Use Planning Review (the Review) of the subject property and presented the results to the Municipality of Magnetawan (the Municipality) in a letter dated September 22, 2020. The Review stated:

Based on our review of the context of the subject property and the minimum lot frontage and lot area requirements of the Shoreline Residential designation, there is the potential to create up to four (4) lots on the south side of Ford Road with frontage onto Ruebottom Lake.

The Review also assessed the land use policies that would apply to the proposed severance. As noted in the Review, Schedule A - *Land Use* of the 2012 Official Plan for the Municipality of Magnetawan (the OP) designated portions of the property as Shoreline, Rural and Environmental Protection. Schedule B - *Environmental Features* indicates that subject property contains an unevaluated (Other) wetland in the southeastern portion of the property and an area of fish habitat along the shoreline.

In the Summary section of the review, MHBC states:

Environmental features are mapped on the subject property (wetland and fish habitat). An Environmental Impact Study will be required to evaluate these features and to confirm the boundaries of the wetland. The EIS will be required to demonstrate that any future development would not have any negative impacts on the proposed use of the property and determine any mitigation measures.

The subject property has approximately 385 m of frontage on Ruebottom Lake. The northern portion of the property on the north side of Ford Road is approximately 10.7 acres (4.3 hectares). The southern portion of the subject property is approximately 25 acres (10.4 hectares).

Section 5.4 of the OP contains policies for the Shoreline designation. Policy 5.4.2 requires new lots be at least 1.0 ha (2.5 acres) in area with 90 metres (300 feet) of water frontage. Beacon understands that the proponent is proposing to create an additional three (3) shoreline lots on the south side of Ford Road, for a total of four (4) lots.

The purpose of the Scoped EIS is to identify the boundaries and existing ecological conditions of the wetland communities, characterize the fish habitat, and to provide an assessment of development potential of the subject property as it relates to the wetland and fish habitat features and applicable natural heritage policies. This Scoped EIS provides a background review and description of the physical and ecological characteristics of the fish habitat and wetland communities associated with the subject property. The data presented in this Scoped EIS was collected through a review of background documents as well as two seasonally appropriate site visits undertaken in 2021. The data collected were used to characterize the natural heritage features and functions of the wetlands and fish habitat and were assessed against the relevant policies presented in the Provincial Policy Statement (PPS),

the OP, and the guidelines and policies provided by regulatory agencies including Fisheries and Oceans Canada (DFO) and the Ministry of Natural Resources and Forestry (MNR).

2. Policy Context

This section summarizes the key environmental policies and legislation that apply within the context of the proposed severance.

2.1 Provincial Policy Statement (2020)

The Province released the latest PPS (2020) under Section 3 of the *Planning Act*, which came into effect on May 1, 2020. The PPS is intended to provide policy direction on matters of provincial interest related to land use planning.

Policy 2.1 of the PPS provides direction to regional and local municipalities regarding planning policies for the protection and management of natural heritage features and areas. The PPS defines eight natural heritage features and provides planning policies for each including:

- Significant wetlands;
- Significant coastal wetlands;
- Habitat of endangered and threatened species;
- Fish habitat;
- Significant woodlands;
- Significant valleylands;
- Significant Areas of Natural and Scientific Interest (ANSIs); and
- Significant wildlife habitat.

Each of these features is afforded varying levels of protection subject to guidelines, and in some cases, regulations. Of these features, significant wetlands and ANSIs are designated by MNR, and woodlands are designated by the municipality using criteria provided by MNR. Habitat of Endangered or Threatened species is regulated by the Ministry of Environment, Conservation and Parks (MECP). Fish habitat is governed by DFO. The identification and regulation of the remaining features is the responsibility of the municipality or other planning authority. The *Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement* (MNR 2010) is a technical guidance document used to help assess the natural heritage features listed.

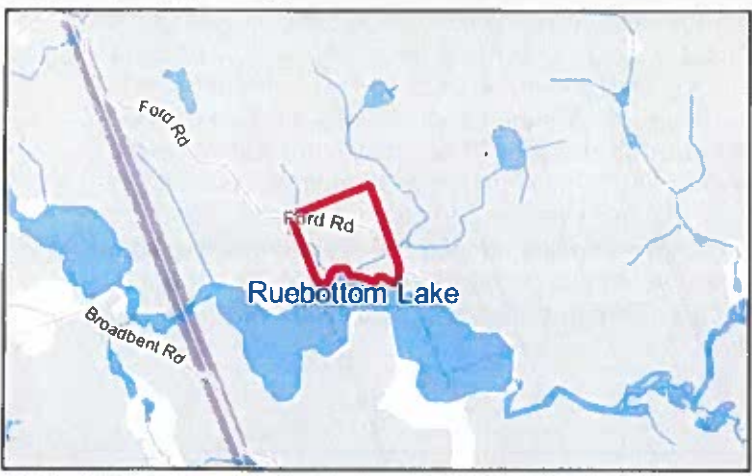
Section 2.1 of the PPS relates to Natural Heritage. The following relevant subsections are provided:



2.1.4 Development and site alteration shall not be permitted in:

- a) *significant wetlands in Ecoregions 5E, 6E and 7E; and*
- b) *significant coastal wetlands.*

2.1.5 Development and site alteration shall not be permitted in:

- a) *significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;*



Site Location		Figure 1
Ford Road EIS		
 BEACON ENVIRONMENTAL		Project: 220511 Last Revised: December 2021
Client: Alan Yang		Prepared by: RW Checked by: JN
	1:5,000	Inset Map: 1:50,000
Contains information licensed under the Open Government License—Ontario Orthoimagery Baselayer: (WPGN)		

- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b);

Unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 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.

Considerations for requirements and compliance under the PPS are discussed in Section 6.1 of this report.

2.2 Official Plan for the Municipality of Magnetawan (2012)

The OP provides guidance with respect to the protection of natural heritage features. The most relevant policies pertaining to this potential development are found under Section 4.4 (Natural Heritage and Resource Management), 4.5 (Wetlands), Section 4.7 (Significant Fish Habitat), Section 5.3 (Environmental Protection Areas), and 5.4 (Shoreline). Relevant portions of the OP are provided below.

Policy 4.4 (Natural Heritage and Resource Management) provides details regarding the protection of natural heritage features and areas and provides where those are found in Schedule B - Environmental Features.

Policy 4.7 (Significant Fish Habitat) states:

Schedule B outlines areas that have been identified as Type 1 fish habitat. These areas are important feeding, spawning and nursery areas and must be protected to ensure a healthy population of sports fish in the Municipality and in the watershed. New lots fronting onto Type 1 fish habitat areas shown on Schedule B shall be sufficiently large to provide an area of at least 10 metres of frontage that is outside of the significant habitat area. Larger scale Fish Habitat Classification mapping is available at the Municipal Offices for all properties within or adjacent to a shoreline and shall be consulted when development applications are being considered. Where the Ministry of Natural Resources has not evaluated the shoreline in terms of fish habitat, it shall be treated as Type 1 Fish Habitat, pending further assessment. Setbacks of 30 metres from cool or cold-water streams and 15 metres from other streams are required.

Policy 5.5.3 (Setbacks) states,

Building setbacks may be imposed from the boundaries of Environmental Protection areas as found in the implementing Zoning By-law or otherwise as the result of an approved Environmental Impact Assessment. The severity of the hazard or the sensitivity of the environment shall be the determining factor.

Policy 5.3 (Environmental Protection Areas) of the OP contains direction regarding areas that are designated Environmental Protection and states that these areas include important natural heritage features such as fish spawning areas and wetlands.

Policy 5.4 (Shoreline) of the Official Plan contains policies for the Shoreline designation, including minimum size and frontage.

2.3 Federal Fisheries Act (1985)

Fish and fish habitat are protected under the federal *Fisheries Act* (1985) which was last amended on August 28, 2019. The protection provisions of the *Fisheries Act* (1985) apply to all fish and fish habitat throughout Canada and are the authorities for the regulation of works, undertakings or activities that risk harming fish and fish habitat. Specifically, the protection provisions include two core prohibitions. One is against persons carrying on works, undertakings or activities that result in the "death of fish by means other than fishing" (subsection 34.4(1)), and the other is "harmful alteration, disruption or destruction of fish habitat" (HADD; subsection 35(1)). The protection provisions are applied in conjunction with other applicable federal laws and regulations related to aquatic ecosystems, including the federal *Species at Risk Act*.

Fish habitat is defined in subsection 2(1) of the *Fisheries Act* (1985) to include all waters frequented by fish and any other areas upon which fish depend directly or indirectly to carry out their life processes. The types of areas that can directly or indirectly support life processes include but are not limited to spawning grounds and nursery, rearing, food supply and migration areas.

Under subsection 35(1) a person may carry on such works, undertakings, or activities without contravening this prohibition, provided that they are carried on under the authority of one of the exceptions listed in subsection 35(2), and in accordance with the requirements of the appropriate exception. In most cases, this exception would be Ministerial authorizations granted to proponents in accordance with the Authorizations Concerning Fish and Fish Habitat Protection Regulations.

Proponents are responsible for planning and implementing works, undertakings or activities in a manner that avoids harmful impacts, specifically the death of fish and the HADD of fish habitat. Where proponents believe that their work, undertaking or activity will result in a HADD to fish and fish habitat, DFO will work with proponents to assess the risk of their proposed work, undertaking or activity resulting in the death of fish or the HADD of fish habitat and provide advice and guidance on how to comply with the *Fisheries Act*.

3. Methods

3.1 Background Review

Background information pertaining to the natural and physical setting of the subject property was gathered and reviewed at the outset of the project. These information sources included:

- MHBC Land Use Planning Review (September 22, 2020);
- The OP (2012); and
- Ontario's Natural Heritage Information Centre (NHIC).

Other sources of information, such as aerial photography and topographic maps, were also consulted prior to commencing the field investigation.

Beacon reviews numerous information sources in a Geographic Information System (GIS) environment that facilitates an assessment of the likelihood that significant natural heritage features and functions are present in an area of interest. This system allows Beacon to combine the most current information provided by MNR through the Land Information Ontario (LIO) portal with GIS layers from provincial floral and faunal atlases. All relevant layers can then be overlaid on the most recent high resolution orthoimagery. The screening process helps identify areas that can then be targeted (for example, wetland areas) during a field assessment to maximize the efficiency and effectiveness of on-site investigations.

The following information sources were reviewed:

- High Resolution aerial photography (digital orthoimagery, leaf-off); and
- Natural and physical feature layers from LIO—these geospatial layers include wetlands (provincially significant and unevaluated wetlands), and watercourses with thermal regime.

3.2 Field Investigations

Field investigations were undertaken by Beacon staff on July 15 and August 12, 2021 and surveys included an Ecological Land Classification for Southern Ontario (ELC; Lee *et al.* 1998) survey to identify the boundary of any wetland units, and an aquatic resources survey. Photographs were taken to depict site conditions. A description of these investigations follows below.

3.2.1 Ecological Land Classification

Ecological communities were mapped and described according to the ELC. For each vegetation community, data was collected for the dominant species cover, community structure, level of disturbance, presence of indicator species, and other notable features.

3.2.2 Fisheries and Aquatic Habitat Assessment

The fish habitat assessment included an examination of the entire nearshore portion of the subject property. Information collected for the characterization of fish habitat included: nearshore slopes, substrate type, and type and quantity of riparian and aquatic vegetation. Information was collected from the shoreline, littoral zone and through underwater observation. MNRF existing file information regarding fish habitat type is provided in **Figure 2**.

4. Existing Conditions

The existing natural heritage features and functions were identified through a review of background information and field investigations and are described in this section.

4.1 Topography and Drainage

The subject property occurs on Ruebottom Lake. The majority of the shoreline of the subject property has gentle (i.e., <15%) in-water and shoreline slopes with aquatic vegetation concentrated in shoreline wetland areas. Riparian vegetation varies and is primarily represented by mixed forest with bedrock outcroppings. **Photographs 1 to 3** illustrate the generally flat character of the landscape at the shoreline.



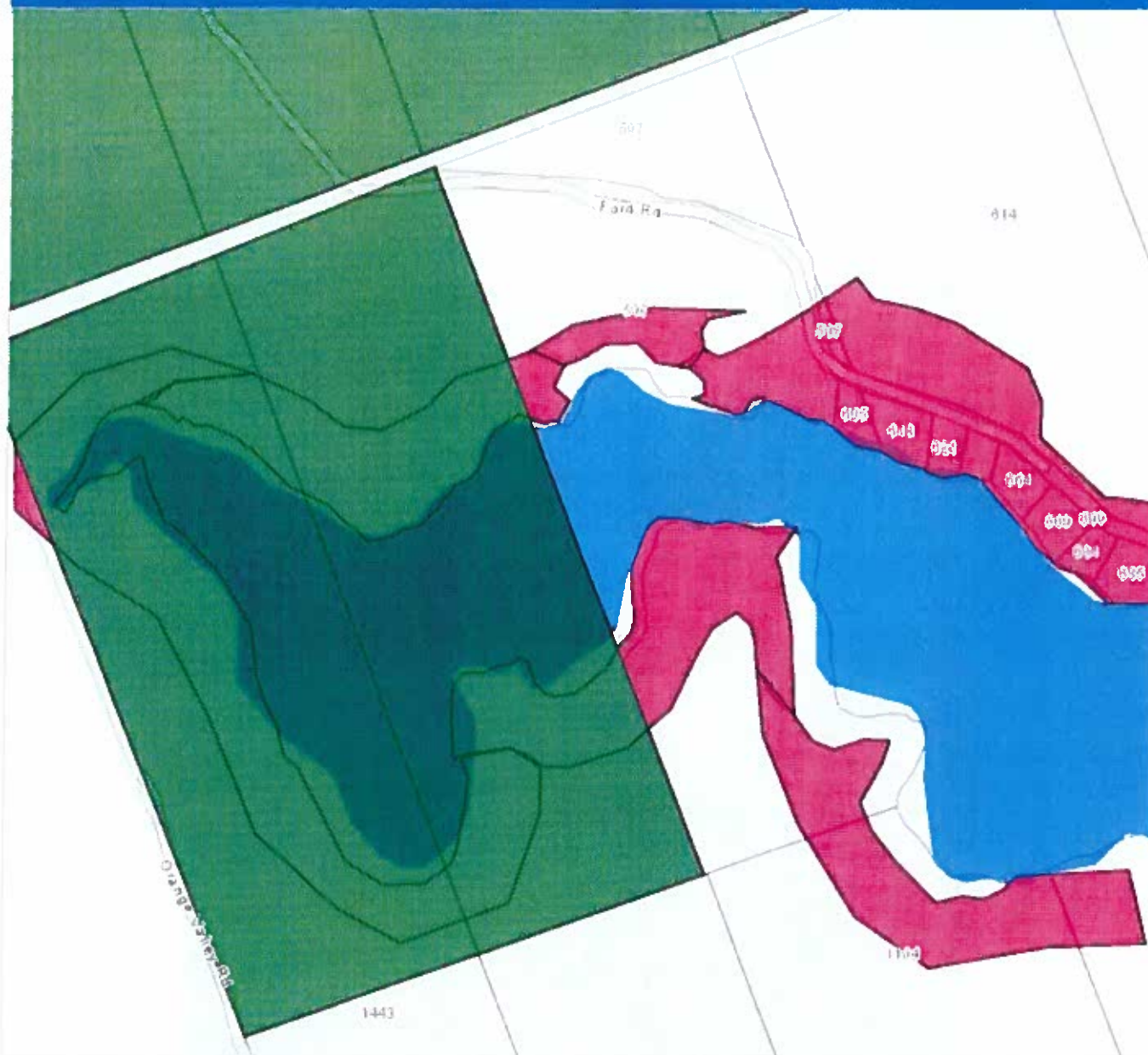
Photograph 1. View of Generally Flat Character of the Shoreline Landscape in the Western Portion (Background) of the Subject Property (August 12, 2021)



Municipality of Magnetawan Community Map

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[Find an Address](#)



MNRF Fish Habitat Types	Figure 2
Ford Road EIS	
<p>Legend</p> <ul style="list-style-type: none"> □ Subject Property □ MNRF Fish Habitat Type <p>1</p> <p>2</p>	
<p>BEACON CONSULTANTS</p> <p>Project: 2210511 Last Revised: December 2021</p> <p>Client: Alan Yang Prepared By: RW Checked By: JN</p> <p>Scale: 1:2,000 0 40 80 m</p> <p><small>Contains information licensed under the Open Government License - Ontario Ontario's Access to Information Act (ATIA)</small></p>	





Photograph 2. View of Generally Flat Character of the Shoreline Landscape in the Eastern Portion of the Subject Property (August 12, 2021)



Photograph 3. View of Entire Shoreline Fronting Subject Property (August 12, 2021)

4.2 Ecological Land Classification

Wetland Communities

MAS3: Organic Shallow Marsh

Two wetland communities connected to Ruebottom Lake are present on the subject property (**Figure 3**). Watercourses (warmwater) flow through these communities to the lake (**Photographs 4 and 5**)

Trees along the perimeter of these wetland communities include Black Ash (*Fraxinus nigra*), Red Ash/Green Ash (*Fraxinus pennsylvanica*), Eastern White Cedar (*Thuja occidentalis*) and Yellow Birch (*Betula alleghaniensis*). Shrub species present include Common Winterberry (*Ilex verticillata*), Mountain Holly (*Ilex mucronata*), Sweet Gale (*Myrica gale*), Speckled Alder (*Alnus incana rugosa*), Buttonbush (*Cephalanthus occidentalis*) and Black Chokeberry (*Aronia melanocarpa*). Herbaceous species dominated within the central portions of the wetlands as well as along the shoreline of Ruebottom Lake and include Common Woolly Bulrush (*Scirpus cyperinus*), Dark-green Bulrush (*Scirpus atrovirens*), Spotted Joe-pye Weed (*Eutrochium maculatum*), Highbush Cranberry (*Viburnum opulus* ssp. *trilobum*), Cardinal Flower (*Lobelia cardinalis*), Pickerel Weed (*Pontederia cordata*), American Water-Horehound (*Lycopus americanus*) and Marsh Fern (*Thelypteris palustris*).



Photograph 4. View of Wetland (MAS3) and Shoreline in the Western Portion of the Subject Property as Shown in Figure 3 (August 12, 2021)

Existing Conditions

Figure 3

Ford Road EIS

Legend

- Subject Property
- Wetland Boundary Delineated in Field (+/- 5 m)
- Watercourse Delineated from Aerial Imagery
- Existing Dirt Road to Shoreline
- Beacon Fish Habitat Type
- A
- B
- Proposed Driveway Crossing
- Ecological Community

Code	Wetland Communities
MASJ	Upland, Shallow Marsh
FOC4	Forest Communities
FOC1	Dry - Fresh Pine Coniferous Forest
FOC3	Dry - Fresh Sugar Maple Deciduous Forest



BEACON Project: 220511
Last Revised: December 2021

Client: Alan Yang
Prepared by: RV
Checked by: JH

Scale: 1:2,000
0 40 60 m

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Photograph 5. View of Wetland (MAS3) Fronting the Central Portion of the Subject Property as Shown in Figure 3 (August 12, 2021)

The central section of the MAS3 community in the western portion of the subject property becomes thin and is primarily defined by just the watercourse at the location noted by the star in **Figure 3**. The stream is well defined at this location and there is a minimal amount of wetland vegetation (**Photograph 6**).



Photograph 6. View of Defined Watercourse in Western Portion of Subject Property (August 12, 2021)

Forest Communities

FOD5-1: Dry - Fresh Sugar Maple Deciduous Forest

The majority of the subject property is covered by a mature, deciduous forest dominated by Sugar Maple (*Acer saccharum*) (Figure 3; Photograph 7).

Other tree species present in the canopy include Northern White Cedar, White Spruce (*Picea alba*), Red Maple (*Acer rubra*), Balsam Fir (*Abies balsamea*), Eastern White Pine (*Pinus strobus*), Northern Red Oak (*Quercus rubra*), Basswood (*Tilia americana*), Large-toothed Aspen (*Populus grandidentata*), Trembling Aspen (*Populus tremuloides*) and Paper Birch (*Betula papyrifera*). Trees in the subcanopy include Northern White Cedar, Eastern Hop-hornbeam (*Ostrya virginiana*), Black Cherry (*Prunus serotina*) and Hawthorn (*Crataegus* sp.).

The shrub layer is well developed in this community and includes Wild Raisin (*Viburnum nudum* var. *cassinoides*), Beaked Hazelnut (*Corylus cornuta*), Mountain Maple (*Acer spicatum*), Hobblebush (*Viburnum lantanoides*), Canada Fly-honeysuckle (*Lonicera canadensis*), Red Raspberry (*Rubus idaeus*), Smooth Serviceberry (*Amelanchier laevis*) and Bracken Fern (*Pteridium aquilinum*)

A high level of Sugar Maple regeneration was present in the ground layer along with Large-leaved Aster (*Eurybia macrophylla*), Wild Sarsaparilla (*Aralia nudicaulis*), Northern Starflower (*Lysimachia borealis*) and Round-branched Tree-clubmoss (*Dendrolycopodium dendroideum*).



Photograph 7. View of Deciduous Forest Community (on the Left) Covering the Majority of the Subject Property (August 12, 2021)

FOC1: Dry - Fresh Pine Coniferous Forest

This coniferous forest community occurs along Ford Road in the northwest corner of the subject property (**Figure 3; Photograph 8**)

Balsam Fir, White Spruce and Eastern White Pine are the dominant species in this community. Striped Maple (*Acer pensylvanicum*), and Northern Red Oak are present in the sub-canopy while Red Raspberry is present in the understory layer. The groundcover in this community is sparse. Various moss species along with Spinulose Wood Fern (*Dryopteris carthusiana*) and Blue-bead lily (*Clintonia borealis*) are present.



Photograph 8. View Looking East of Coniferous Forest Community (FOC1) Bisected by Ford Road (August 12, 2021)

4.3 Aquatic Resources

4.3.1 Ruebottom Lake Fisheries

Ruebottom Lake has a surface area of approximately 50.2 ha with a maximum depth of 3.5 metres (m) and an average depth of 1.9 m (MNR 2021). A list of fish species recorded for Ruebottom Lake is provided in **Table 1**.

Table 1. Fish species recorded in Ruebottom Lake (MNR 2021)

Scientific Name	Common Name
<i>Esox lucius</i>	Northern Pike
<i>Micropterus salmoides</i>	Largemouth Bass
<i>Catostomus commersonii</i>	White Sucker
<i>Lepomis gibbosus</i>	Pumpkinseed
<i>Perca flavescens</i>	Yellow Perch

Five fish species are known to exist in Ruebottom Lake. **Table 2** describes generalized spawning habitat of the fish species in Ruebottom Lake.

Table 2. Spawning Habitat of Representative Fish Species in Ruebottom Lake

Species	Spawning Habitat ¹
Northern Pike	Heavily vegetated floodplains of rivers and marshes
Largemouth Bass	Soft mud and marl in vegetation
White Sucker	Slow-moving rivers and tributaries
Pumpkinseed	Shallows near vegetation, woody debris over sand or gravel
Yellow Perch	Shallows near vegetation, woody debris over sand or gravel

4.3.2 Fish Habitat Designation Fronting the Subject Property

MNRF has developed three categories or types to standardize the assessment of fish habitat (OMNR 1994), and the existing MNRF mapping is provided for the subject property, and areas adjacent to the subject property in **Figure 2**. Below is a summary of the characteristics of each habitat type and their sensitivities.

Type 1 Habitat

Type 1 Habitats are rare or highly sensitive to the potential impacts of development or limit fish productivity either directly or indirectly in a specified water body or portion of a water body. Where these habitats are limiting, productivity would be expected to diminish if they are harmed.

Examples of Type 1 habitats include:

- Spawning, nursery, rearing, shelter, refuge and highly productive food supply areas of fish species important to local commercial, recreational or subsistence fishing activities;
- Constricted migration routes (including pathways that connect a wetland hydrologically to a lake or river, and flood plain pathways that may be seasonally important);
- Groundwater discharge areas including headwaters, springs and seepage areas; or
- Habitat types that are in short supply within a watershed (e.g., macrophyte beds where aquatic vegetation is limiting; spawning/nursery habitats provided by seasonally flooded wetlands; submerged shoals and reefs used as primary feeding areas; deep pools in rivers/streams used as adult holding areas.

Type 2 Habitat

Type 2 Habitats are moderately sensitive to the potential impacts of development and although important to fish populations, do not limit the productivity of fish either directly or indirectly. These habitats are usually abundant, and another habitat component is the limiting factor in fish production.

Examples of Type 2 habitats include:

- Seasonally flowing streams or seasonally inundated lands not used as spawning or nursery areas;
- Feeding areas;

¹ Spawning habitat description from Scott and Crossman (1998)

- Open water areas;
- Areas of abundant nursery or feeding habitat (e.g., areas of sparse vegetation in water bodies where there is heavy plant growth);
- Littoral areas composed of sand, silt, detritus, bedrock and/or boulders that are not used as spawning or nursery habitats for important fish species;
- Water bodies supporting fish species that are not important to commercial, recreational or subsistence fishing activities; or
- Pool-riffle-run complexes that occur frequently along much of a watercourse.

Type 3 Habitat

Type 3 Habitats are marginally or highly degraded, and currently do not contribute directly to fish productivity, based on fish community management objectives. Type 3 habitats can often be improved significantly, thereby providing a net gain of productive capacity.

Examples of Type 3 habitats include:

- A water body or portion that fish do not utilize due to physical or chemical barriers (e.g., severe water pollution); or
- A water body or portion that has been highly altered physically (e.g., channelized streams, sheet piling retaining wall, concrete walls, in-water substrate that is heavily silted or degraded [e.g., areas fronting old mill sites filled with slab-wood lumber]).

MNRF has identified Type 1 and Type 2 habitat fronting the subject property (**Figure 2**). MNRF habitat type summary shows that the Type 1 habitat is based on 1993 aerial video tape interpretation. In this regard, Beacon has provided updated fish habitat information in Section 4.3.3.

4.3.3 Existing Conditions Shoreline and Nearshore Areas

The entire shoreline of the subject property was assessed on August 12, 2021. The assessment of conditions fronting the subject property consisted of collecting data from the shoreline and littoral zone, as well as from drone footage. The primary focus of the investigation was the littoral zone. The nearshore area was categorized into two habitat forms (Habitats A and B) and these are shown in **Figure 3**.

Additionally, fish habitat in the general area of the subject property in the northern end of Ruebottom Lake was assessed through drone footage taken during the site visit. The supplemental observation of fish habitat provided context for the fish habitat within the study area.

Habitat A

Habitat A is characterized by unconsolidated substrates and macrophyte growth, and is associated with the frontage of the wetland (MAS3) communities (**Photographs 4 and 5**). Substrates are predominantly organic and support Sweet Gale, Speckled Alder, Pickerel Weed, Watershield (*Brasenia schreberi*), and Yellow Water Lily (*Nuphar lutea*). Woody debris, a source of cover habitat, is also present in moderate abundance. In-water slopes are gradual and are approximately 1:8 (i.e., 1 m of water depth

is reached 8 m offshore). The riparian area is also gently sloped (up to 10%) and contains a mixed forest (FOD5-1) as described above.

Habitat A would provide refuge for minnows and small fish and this habitat type would likely be a migration route/nursery associated with the stream mouths. Habitat A is consistent with Type 1 fish habitat.

Habitat B

Habitat B is associated with the Sugar Maple Deciduous Forest (FOD5-1) communities at the shoreline. The littoral area has gradual in-water slopes ranging from 1:8 near the beach area at the east end of the shoreline to areas with some steep slopes of approximately 1:2 in places adjacent to bedrock outcrops at the shoreline (**Photograph 9**). Substrates are composed of a mixture of bedrock with some cobble, as well as sand and gravel. Aquatic vegetation was observed in small patches, and there is limited woody debris in this habitat type. Habitat B is consistent with Type 2 fish habitat.



Photograph 9. Habitat B Along Eastern Shoreline of Subject Property. Note Bedrock Outcrop at Shoreline Point Left of Centre and the Beach Area Right of Centre of the Photograph (June 30, 2021)

Although MNR habitat mapping (**Figure 2**) is generally consistent with the present habitat fronting the subject property, the site-specific habitat encountered by Beacon is presented in **Figure 3**. The shoreline between the wetland communities is consistent with the characteristics of habitat B, is not limited in Ruebottom Lake, and is best characterized as Type 2 habitat (**Figure 3**).

5. Impact Assessment and Recommendations

The purpose of the Scoped EIS is to identify the boundaries and existing ecological conditions of the wetland communities, characterize the fish habitat, and to provide an assessment of development potential of the subject property as it relates to the wetland and fish habitat features and applicable natural heritage policies. As a result of the existing conditions analysis in Section 4 above, Beacon has determined that although sensitive features exist on the subject property that require specific recommendations, appropriate conditions exist to permit the proposed severance. The following details the way development should occur to protect the existing natural heritage features.

The proponent is proposing to redevelop the subject property, resulting in up to four (4) severed lots on Ruebottom Lake and one (1) retained lot on the north side of Ford Road. Beacon has provided development envelopes in **Figure 4** outside of constrained areas. It will be up to the proponent to provide severance lines based on the requirements outlined in the Review by MHBC (i.e., new lots be at least 1.0 ha (2.5 acres) in area with a minimum of 90 metres (300 feet) of water frontage.

The forest communities are typical of conditions found throughout Parry Sound. Generally, the current shoreline area along the subject property is naturally vegetated, other than the areas associated with the existing access road to the shoreline.

Two visits were conducted to document the existing conditions of the site, including surveying the terrestrial communities through the application of the ELC (Lee *et al.* 1998), and documenting fish habitat.

The proposed development associated with the severance will result in the loss of a portion of the forest cover for dwelling and sewage treatment envelopes, as well as the shoreline access pathways for each of the new lots. The loss of forest cover does not affect any provincially or locally designated features. The development is consistent with the municipally planned intent for these lands. The loss of forest cover will expose the ground and provide areas of open soils. Stormwater can pick up debris, chemicals, soil, and other pollutants and eventually direct them to the lake, or to the areas of wetland. As such, it is important to understand the potential impacts of stormwater on wetlands and on fish habitat in Ruebottom Lake and to avoid and mitigate these impacts.

Regarding the protection of water quality, there is consistency within the literature that a buffer of 30 m is a conservative standard (Beacon 2012). This value can also be adapted from protection requirements for sensitive streams, rivers, and lake shorelines, for which there is a great abundance of relevant examples, research and policy direction surrounding the effectiveness of a 30 m buffer in sensitive settings. In this regard, a standard of 15 m for warmwater streams and 30 m for coldwater streams has long been employed. Additionally, Policy 4.7 (Significant Fish Habitat) of the OP requires a setback of 30 m from cool or cold-water streams and 15 metres from other streams. In this case, to mitigate the potential effects of principal building development on Ruebottom Lake, watercourses, and the associated fish habitat, Beacon conservatively recommends that:

- All principal building development remain a minimum of 15 m away from the warmwater streams associated with the wetlands, and 20 meters away from the shoreline of Ruebottom Lake (**Figure 4**).

As noted in Policy 5.5.3 (Setbacks) of the OP, setbacks from the boundaries of Environmental Protection (EP) areas shall be based on their sensitivity. The Organic Shallow Marsh (MAS3) communities within the subject property are typical wetland communities found within the region and there were no provincially or locally rare features found associated with the wetlands. As noted above, a VPZ is intended to physically protect and separate a stream, lake, or wetland from future disturbance or encroachment. Although the wetlands on the subject property are typical of the area, and do not contain any provincially or locally rare features, to mitigate the potential effects of principal building development on the wetlands, Beacon recommends that:

- All principal building development remain a minimum of 10 meters away from the wetland boundary on the subject property (**Figure 4**).

As noted in **Figure 4**, access to the most southwest corner of the lot requires a driveway to cross the MAS3 wetland community, and to cross through the proposed 10 m wetland setback. Beacon recommends that:

- The driveway required to access the land in the southwestern corner of the subject property should cross at the narrowest part of the wetland as identified by the star in **Figure 4**, and the driveway should be no more than 3.0 m wide; and
- Construction timing should adhere to the in-water timing restrictions provided by MNRF (i.e., no in-water works between March 15 and July 15 in any year) to protect fish and fish habitat.

MNRF file information indicated that the shoreline of the subject property has Type 1 and Type 2 fish habitat. Following our site investigations, Beacon has revised the boundaries of the areas of Type 1 (A) and Type 2 (B) fish habitat type and has provided recommended areas for shoreline structures in areas of Type 2 fish habitat. The areas for shoreline structures are provided in **Figure 4**. To protect fish habitat in Ruebottom Lake, caution must be observed at the downgradient edge of any dwelling envelope and Beacon recommends:

- A restriction of activities in the 20-metre shoreline setback of the severed lots be included as a condition of any development agreement to be executed between the Municipality of Magnetawan and the applicant. The stipulation would require that the 20 m setback be disturbed as little as possible, consistent with the construction of permitted decks, shoreline structures, access, and safety.

A pathway from the shoreline to the dwelling on each severed lot will be required. Any pathways should meander and follow the natural contours where possible and be no more than 2.0 metres in width. The path should be constructed of permeable substances to slow overland flow and encourage infiltration. Regarding the above, Beacon recommends:

- The condition noted above, requiring that the setback be disturbed as little as possible, must include the provision for an access path to the shoreline. Any path should have a maximum width of 2.0 metres, meander, and be constructed of permeable substances.

Fish habitat also has the potential to be affected by the proposed severance through the construction of shoreline structures. To mitigate the potential for harm to fish habitat, Beacon recommends that:

- Site shoreline structures outside of Type 1 fish habitat (Habitat A), and in the areas recommended in **Figure 4**;
- Minimize duration of in-water work;

- Design works to minimize loss or disturbance to aquatic habitat;
- Avoid the removal of woody debris and aquatic vegetation;
- Minimize the amount of riparian vegetation that is removed to provide access to the shoreline structures;
- Use untreated materials (e.g., cedar, tamarack, hemlock, rocks, etc.) as supports for dock structures that will be submerged in water;
- During construction, keep an emergency spill kit on site and create a spill response plan;
- Install effective erosion and sediment control (ESC) measures before starting work to prevent the entry of sediment into the waterbody;
- Inspect ESC measures regularly during construction and make all necessary repairs if any damage occurs;
- Vegetate any disturbed areas by planting and seeding with native trees, shrubs or grasses and cover such areas with mulch to prevent erosion and to help seeds germinate. If there is insufficient time remaining in the growing season, the site should be stabilized and vegetated the following spring; and
- Utilize a dock design that has a small footprint on the lakebed. This could include using steel pile, floating, or cantilever construction.

6. Policy Conformity

The following commentary describes how the proposed land use changes will be in conformance with the relevant federal, provincial, and municipal environmental legislation and policies, provided that development proceeds as indicated, and recommendations are followed.

6.1 Provincial Policy Statement (2020)

Wetlands

The wetlands on the subject property are typical of the Parry Sound region and there were no provincially or locally rare features found associated with the wetlands. A small portion of the western wetland will be lost as a result of a driveway crossing. Following the recommendations listed in this report, there will be near-zero impacts to the wetland and watercourse as a result of driveway construction. Additionally, the recommended 10 m setback from the boundary of the wetlands will ensure no other negative impacts to the wetland communities.

Fish Habitat

Development and site alteration in Type 1 fish habitat will not occur and any in-water works should occur in accordance with provincial and federal requirements.

6.2 Official Plan for the Municipality of Magnetawan (2012)

The natural heritage areas identified in Schedule B (Environmental Features) are consistent with the features identified through Beacon's site investigations. Beacon has identified an additional area of wetland in the western portion of the subject property. Development, other than the potential driveway crossing of the western wetland, is directed outside of the areas of wetland and Type 1 fish habitat.

Policy 4.7 (Significant Fish Habitat) requires that new lots fronting onto Type 1 fish habitat be large enough to provide an area of at least 10 metres of frontage that is outside of the significant habitat area. **Figure 4** illustrates potential areas for shoreline development (docks) that are outside of Type 1 fish habitat and are at least 10 m in width.

Policy 5.5.3 (Setbacks) requires setbacks from the boundaries of EP areas to be based on their sensitivity. The wetlands within the subject property are typical wetland communities found within the region and there were no provincially or locally rare features found associated with the wetlands. A minimum 10 m setback from the wetland boundaries on the subject property is recommended.

The proposed severances are consistent with the natural heritage policies of the Municipality's Official Plan with respect to fish habitat and wetlands.

6.3 Federal Fisheries Act

Contingent upon the implementation of the recommendations made in this report, no serious harm to fish or fish habitat is anticipated by the proposed development associated with the severance.

7. Conclusions

The purpose of this Scoped EIS is to investigate the existing physical and ecological characteristics of the fish habitat and wetland communities associated with the subject property.

As a result of the field investigations and analysis, Beacon has determined that although sensitive features exist that require site specific recommendations, appropriate conditions exist to permit the proposed severance of the subject property. This Scoped EIS is based on information derived from review of available background resources, field assessments, and analyses. Based upon the findings presented in this report and contingent upon the implementation of the recommendations made herein, it is our conclusion that the proposed severance is in accordance with the Municipality's Official Plan. Furthermore, the proposed severance is consistent with the wetland and fish habitat policies of the PPS and complies with other relevant federal and provincial legislation.

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