

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: October 4, 2023

SUBJECT Zoning By-law Amendment Application – Yang – 597 Ford Road,
Municipality of Magnetawan, Roll No. 494404000301500

Recommendation

Based on the analysis contained below, MHBC Planning recommends:

THAT Council approve the proposed Zoning By-law Amendment.

Proposal / Background

The Zoning By-law Amendment application 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 in the 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**.

The Council of the Municipality of Magnetawan passed Resolution No. 2023-09 in support of the consent application for the subject property on 597 Ford Road. The Central Almaguin Planning Board provisionally approved Consent Application B005/23 on June 7, 2023. The Consent Application was submitted to create three (3) new Severed Lots with one (1) Retained Lot and associated easements. The proposed lot configuration is shown in **Figure 2**.

Provisional Approval of the Consent application was granted subject to a condition requiring the Applicant to obtain approval for a Zoning By-law Amendment application to implement the zoning-related recommendations of the Scoped Environmental Impact Study prepared by Beacon Environmental Limited dated December 2021.

The purpose and effect of the proposed Zoning By-law Amendment application is to fulfill the conditions that the Central Almaguin Planning Board's decision for the granting of provisional consent for application B005/23. The effect of the proposed Zoning By-law Amendment is to rezone the subject lands to the Environmental Protection Exception One (EP-1) Zone and the

Shoreline Residential Exception Thirty Seven (RS-37) Zone to implement the zoning related recommendations of the Scoped Environmental Impact Study submitted in support of the consent application.

Mitigation measures recommended in the Environmental Impact Study (EIS) that cannot be implemented through the proposed zoning by-law amendment will be implemented through a Development Agreement under Section 51 (26) of the *Planning Act*, entered into between the applicant and the Municipality.

Figure 1: Location of Subject Property

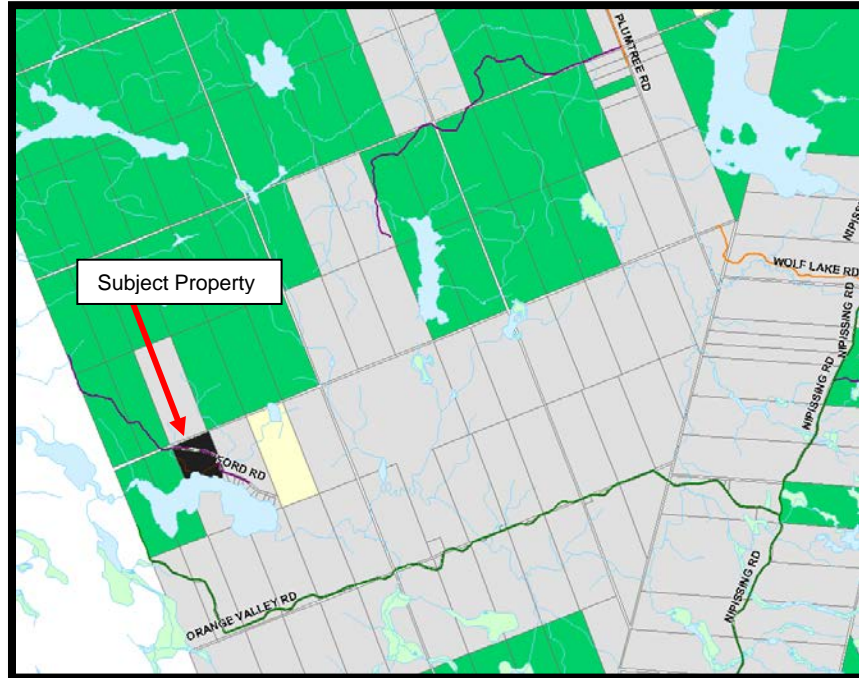


Figure 2: Proposed Lot Configuration Sketch



The Applicant submitted a Planning Justification Report prepared by John Jackson Planner Inc. dated December 20, 2021 as part of the Consent Application. The Applicant has also submitted a Scoped Environmental Impact Study prepared by Beacon Environmental dated December 2021, which is included as Attachment 1 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:

<u>North:</u>	Crown Land and a rural lot accessed by Ford Road
<u>East:</u>	Existing shoreline residential lots fronting onto Ruebottom Lake
<u>South:</u>	Ruebottom Lake
<u>West:</u>	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 provisionally approved shoreline residential lots would be considered 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 provisionally approved 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.

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. The proposed Zoning By-law Amendment will implement mitigation measures to mitigate the potential for harm to fish habitat and the wetland area on the subject property. The mitigation measures were identified through the preparation of an EIS. As part of this application additional lands are to be zoned Environmental Protection and restrictions are placed on building and structure locations as well as the requirement for natural vegetation to be maintained along the shoreline. The width of a shoreline access pathway is also to be restricted.

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, an EIS (Attachment 1) was prepared in support of the provisionally approved consent application. The proposed Zoning By-law Amendment implements the recommended mitigation measures as outlined in the EIS as they relate to 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, which will be implemented through the proposed Zoning By-law Amendment to mitigate the potential for harm to fish habitat.

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.

The proposed Zoning By-law Amendment conforms to 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 being within the Aggregate & Mineral Resources Overlay. A portion of the subject property also contains a Wetland area and an area of mapped Fish Habitat in accordance with Schedule B of the Official Plan.

Section 4.4 of the Official Plan states that new development or site alteration shall have no negative impact on the natural features or ecological functions of significant habitat of endangered or threatened species, other significant wildlife habitat, fish habitat, a provincially significant wetland or other significant natural heritage feature or function. An EIS which included an evaluation of fish habitat was submitted by the Applicant in support of the consent

application. The EIS concluded that development of the proposed lots could proceed without any negative impacts to natural heritage features subject to the implementation of the following mitigation and protection measures:

Mitigation measures to minimize any effects of principal building development on the wetlands:

1. *All principal building development remain a minimum of 10 metres away from the wetland boundary on the subject property (Figure 4 in the EIS).*
2. *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*
3. *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*
4. *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.*
5. *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.*

Mitigation measures to mitigate the potential for harm to fish habitat:

6. *Site shoreline structures outside of Type 1 fish habitat (Habitat A), and in the areas recommended in Figure 4;*
7. *Minimize duration of in-water work;*
8. *Design works to minimize loss or disturbance to aquatic habitat;*
9. *Avoid the removal of woody debris and aquatic vegetation;*
10. *Minimize the amount of riparian vegetation that is removed to provide access to the shoreline structures;*
11. *Use untreated materials (e.g., cedar, tamarack, hemlock, rocks, etc.) as supports for dock structures that will be submerged in water;*
12. *During construction, keep an emergency spill kit on site and create a spill response plan;*
13. *Install effective erosion and sediment control (ESC) measures before starting work to prevent the entry of sediment into the waterbody;*
14. *Inspect ESC measures regularly during construction and make all necessary repairs if any damage occurs;*
15. *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*
16. *Utilize a dock design that has a small footprint on the lakebed. This could include using steel pile, floating, or cantilever construction*

The proposed Zoning By-law Amendment will implement recommendations 1, 3, 4, 5, 6 and 16 listed above, in accordance with Section 4.4 of the Official Plan. A Development Agreement

under Section 51 (26) of the *Planning Act* will be entered into between the Applicant and the municipality to ensure that the balance of the recommended mitigation measures are implemented.

The Zoning By-law Amendment is attached to this report as Attachment 2.

The proposed Zoning By-law Amendment conforms to the Municipality's Official Plan as it implements the recommended mitigation measures outlined in the Scoped Environmental Impact Study and ensures the development of the provisionally approved lots proceeds in a manner that protects the natural heritage features on and adjacent to the lands

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.

The purpose of the proposed Zoning By-law Amendment application is to fulfill the conditions that the Central Almaguin Planning Board's decision for the granting of provisional consent for application B005/23. The effect of the proposed Zoning By-law Amendment is to rezone the Severed Lots to the Environmental Protection Exception One (EP-1) Zone and the Shoreline Residential Exception Thirty Seven (RS-37) Zone to implement the recommended mitigation measures outlined in the Scoped Environmental Impact Study previously submitted in support of the consent application.

The Draft Zoning By-law Amendment is included as Attachment 2 to this Report.

The proposed Zoning By-law Amendment maintains the general intent of the Municipality's Zoning By-law.

Comments from Departments

Road Department

- Culvert sizes will be recommended to the Applicant as part of the issuance of the entrance permit.

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 concerns.

By-law Department

- No concerns.

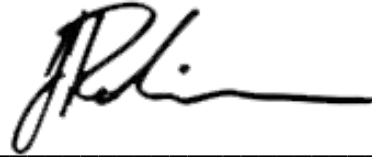
Summary

The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Municipality's Official Plan, is appropriate and represents good planning.

Respectively submitted,



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



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

Attachment 1 – Scoped Environmental Impact Study prepared by Beacon Environmental dated December 2021

Attachment 2 - Draft Zoning By-law Amendment.

Attachments

Attachment **1**



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

Table of Contents

	page
1. Introduction	1
2. Policy Context	2
2.1 Provincial Policy Statement (2020)	2
2.2 Official Plan for the Municipality of Magnetawan (2012).....	3
2.3 Federal <i>Fisheries Act</i> (1985).....	4
3. Methods	5
3.1 Background Review.....	5
3.2 Field Investigations	5
3.2.1 Ecological Land Classification.....	5
3.2.2 Fisheries and Aquatic Habitat Assessment	6
4. Existing Conditions.....	6
4.1 Topography and Drainage	6
4.2 Ecological Land Classification	8
4.3 Aquatic Resources	12
4.3.1 Ruebottom Lake Fisheries	12
4.3.2 Fish Habitat Designation Fronting the Subject Property	13
4.3.3 Existing Conditions Shoreline and Nearshore Areas	14
5. Impact Assessment and Recommendations.....	16
6. Policy Conformity	18
6.1 Provincial Policy Statement (2020)	18
6.2 Official Plan for the Municipality of Magnetawan (2012).....	19
6.3 Federal <i>Fisheries Act</i>	19
7. Conclusions	19
8. References.....	21

Figures

Figure 1. Site Location.....	after page 2
Figure 2. Existing Conditions	after page 6
Figure 3. Wetland Communities.....	after page 8
Figure 4. Proposed Severance	after page 16

Tables

Table 1. Fish species recorded in Ruebottom Lake (MNR 2021).....	12
Table 2. Spawning Habitat of Representative Fish Species in Ruebottom Lake	13

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 (MNRF).

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 MNRF, and woodlands are designated by the municipality using criteria provided by MNRF. 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* (MNRF 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.



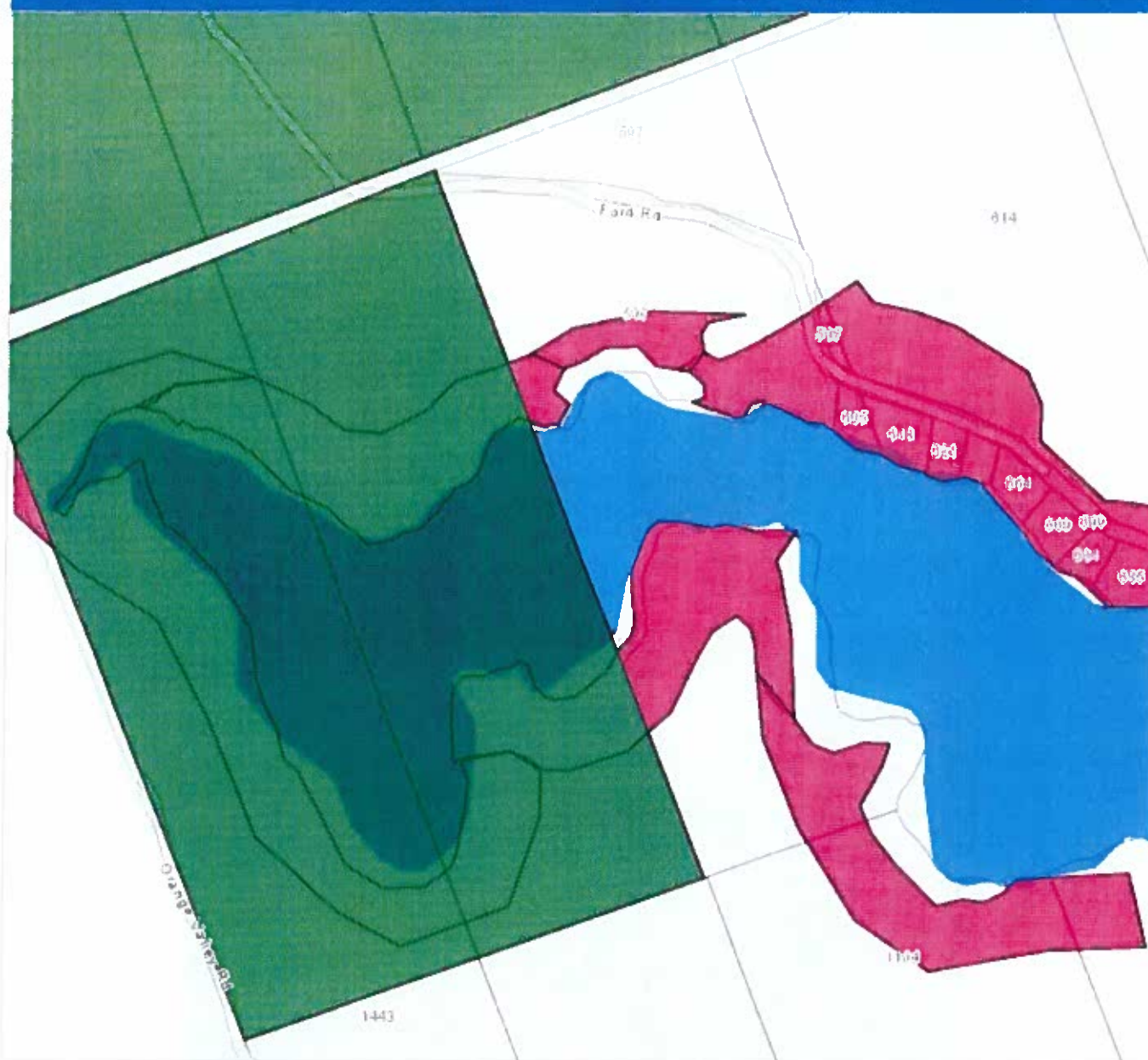
Photograph 1. View of Generally Flat Character of the Shoreline Landscape in the Western Portion (Background) of the Subject Property (August 12, 2021)



Municipality of Magnetawan Community Map

[Find a Business](#)

[Find an Address](#)



<p>MNRF Fish Habitat Types</p>	<p>Figure 2</p>
<p>Ford Road EIS</p>	
<p>Legend</p> <ul style="list-style-type: none"> Subject Property MNRF Fish Habitat Type 	
<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>Contains information licensed under the Open Government License - Ontario Ordnance Survey Basemap (© OSN)</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 (\pm 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
CONSULTANTS

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.

Prepared by:
Beacon Environmental



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Senior Ecologist, Northern Lead

Reviewed by:
Beacon Environmental



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Senior Ecologist

8. References

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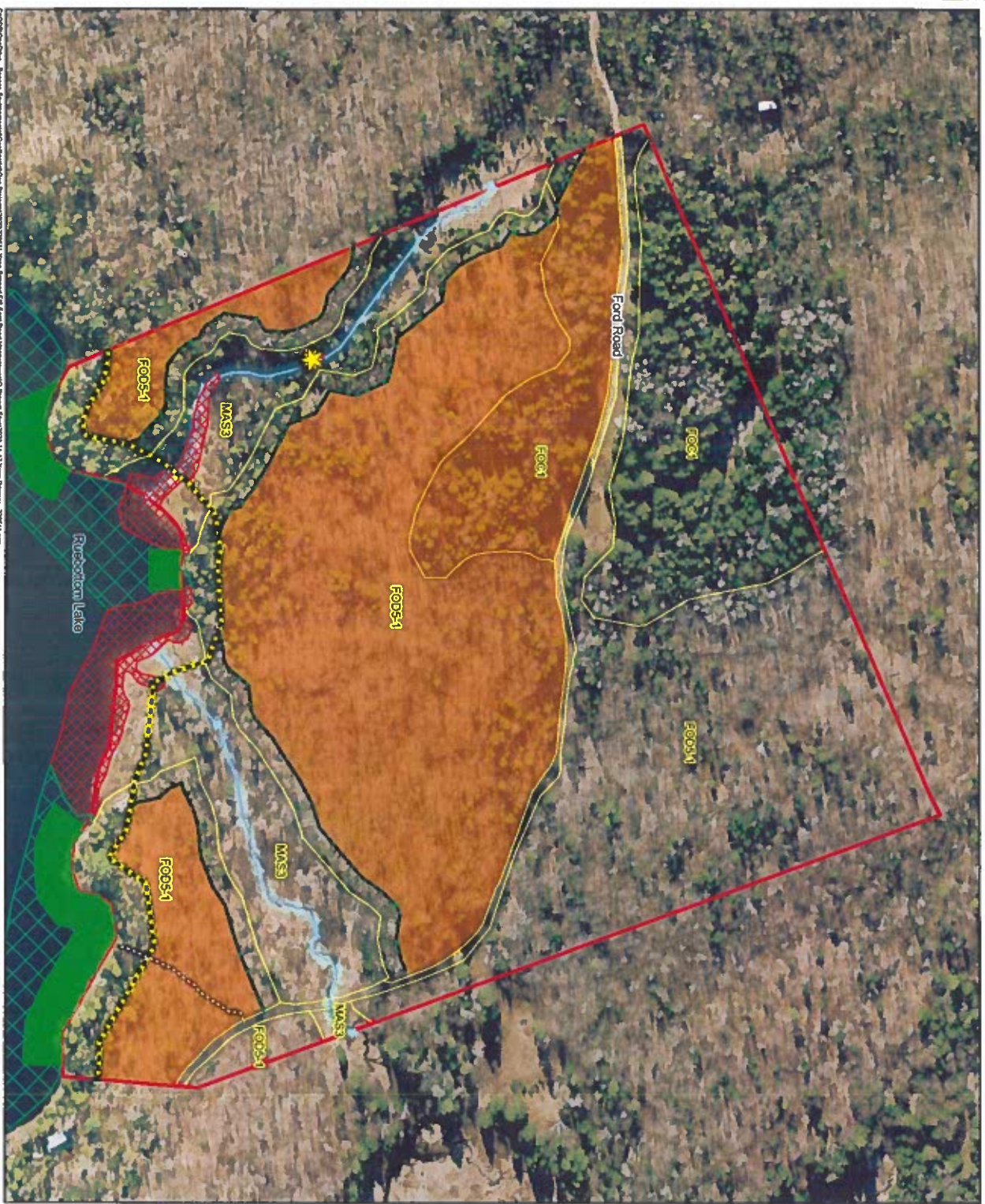
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Development Opportunities **Figure 4**

Ford Road EIS

Legend

- Subject Property
- Watercourse Delineated from Aerial Imagery
- Existing Dirt Road to Shoreline
- Ecological Community
- Beacon Fish Habitat A
- Beacon Fish Habitat B
- Proposed Driveway Crossing
- 20 m Shoreline Buffer
- 10 m Wetland Buffer
- Development Envelope
- Shoreline Development Envelope



Project: 220511
Last Revised: December 2021

Client: Alan Yang

Prepared by: RW
 Checked by: AN



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Attachment **2**

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. [REDACTED]

Being a By-law to amend By-law No. 2001-26, as amended, the Zoning By-law for the Corporation of the Municipality of Magnetawan with respect to lands located on 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, in the Municipality of Magnetawan.

WHEREAS the Council of the Corporation of the Municipality of Magnetawan is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the *Planning Act*, R.S.O. 1990;

AND WHEREAS the owner of the subject lands has filed an application with the Municipality of Magnetawan to amend By-law 2001-26, as amended;

AND WHEREAS the Council of the Corporation of the Municipality of Magnetawan deems it advisable to amend By-law No. 2001-26, as amended, to rezone the subject property from the Shoreline Residential (RS) Zone to the Shoreline Residential Exception Thirty Seven (RS-37) Zone and Environmental Protection Exception **One** (EP-1) Zone;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. Schedule 'A-1', to Zoning By-law No. 2001-26 as amended, is further amended by zoning a portion of the lands legally described 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, in the Municipality of Magnetawan, from the Shoreline Residential (RS) Zone to the Shoreline Residential Exception Thirty Seven (RS-37) Zone and Environmental Protection Exception **One** (EP-1) Zone as shown on Schedule 'A' attached forming part of this By-law.
2. Section 4.2 of By-law 2001-26 is hereby amended by adding the following new Section after 4.2.4.**XX**

4.2.4.XX Shoreline Residential Exception Thirty Seven (RS-37) Zone
(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)

Notwithstanding the provisions of this By-law to the contrary, within the Shoreline Residential Exception Thirty Seven (RS-37) Zone the following shall apply:

- a) *All principal building development shall remain a minimum of 10 metres away from the Environmental Protection Zone boundary.*

b) Docks shall be supported by steel piles, floats (floating dock, or cantilevered dock construction). Crib docks are not permitted.

c) A minimum 20 metre natural shoreline vegetation buffer shall be provided along all watercourses and waterbodies. Natural vegetation shall be maintained in the shoreline buffer area. Tree and vegetation removal shall only be permitted for hazardous trees, the construction of permitted decks, and shoreline structures and for an access pathway having a maximum width of 2.0 metres in order to access the shoreline.

3. Section 4.16 of By-law 2001-26 is hereby amended by adding the following new Section after 4.16.4

4.16.4.XX Environmental Protection Exception One (EP-1) Zone

(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)

Notwithstanding the provisions of this By-law to the contrary, within the Environmental Protection Exception One (EP-1) Zone the following shall apply:

a) *Shoreline Structures shall not be permitted.*

b) *The maximum width of a driveway shall be 3 metres.*

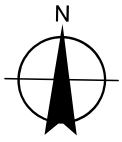
This By-law shall take effect on the date of its passage, subject to the provisions of Section 34 (30) and (31) of the *Planning Act* (Ontario).

READ A FIRST AND SECOND TIME on the _____ day of October, 2023.

READ A THIRD TIME and finally passed this _____ day of October, 2023.

Sam Dunnett, Mayor

Kerstin Vroom, CAO/Clerk



SCHEDULE 'A' to Zoning By-Law Amendment _____

597 Ford's Road
Part of Lot 34 Concession 6
Municipality of Magnetawan,
District of Parry Sound



Lands To Be Zoned Environmental Protection Exception One (EP-1) Zone



Lands To Be Zoned Shoreline Residential Exception Thirty Seven (RS-37)

This is Schedule 'A' to Zoning By-law _____
Passed this ____ day of _____, 2023

Mayor

Clerk