

STAFF REPORT

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

FROM: Patrick Townes, BA, BEd and Jamie Robinson, BES, MCIP, RPP
MHBC Planning Limited

DATE: August 13, 2025

SUBJECT Consent Application – Lot 11 Concession 2, Croft Township
(Winterton), Municipality of Magnetawan

Recommendation

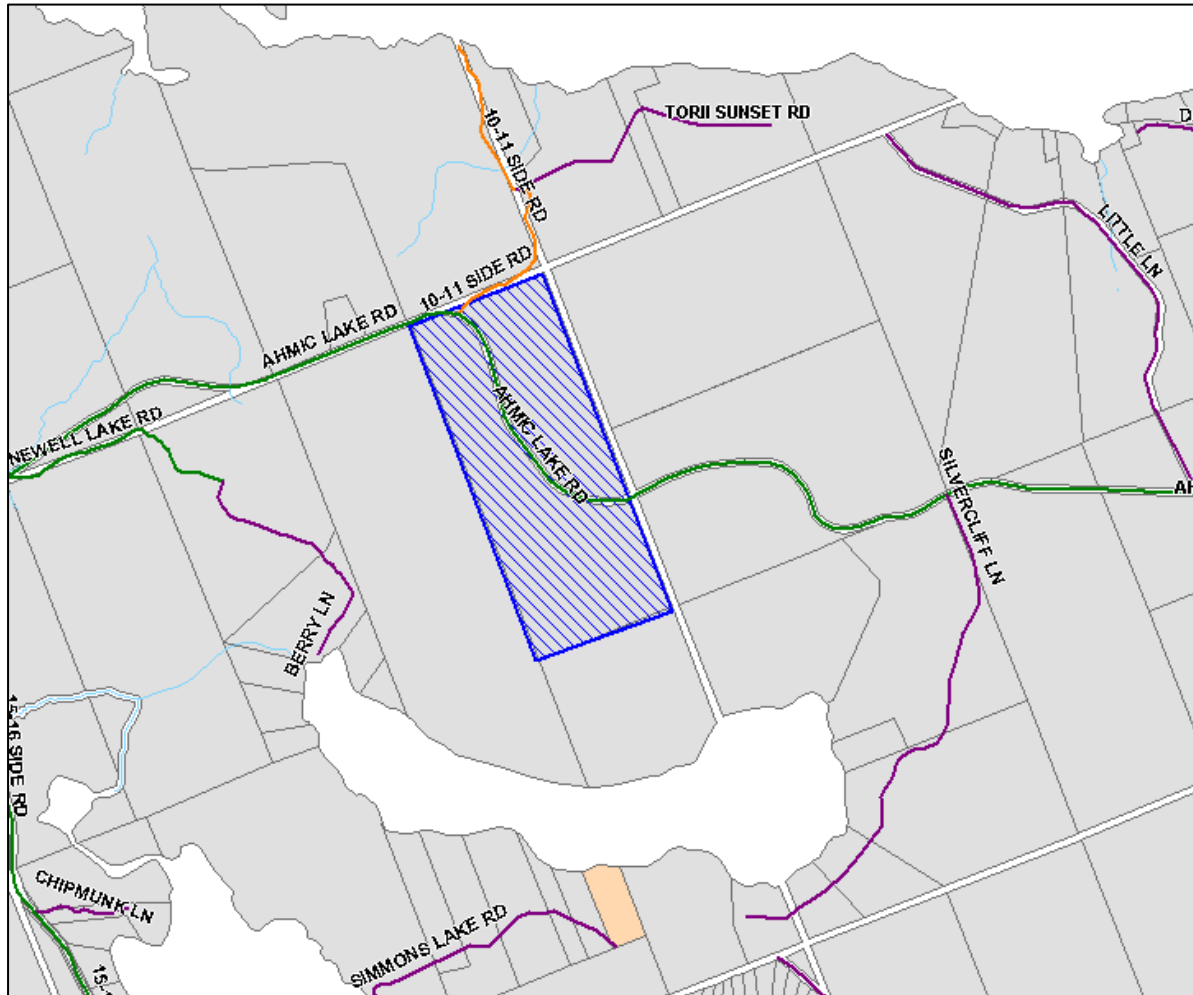
That the Consent application for the subject lands located at Lot 11 Concession 2 (Winterton) for the creation of two new lots through the Consent process and one natural severance lot, be provisionally approved in accordance with the application sketch and subject to the following conditions:

1. That the applicants meet all financial requirements of the Municipality, including the payment of the balance of any outstanding taxes, including penalties and interest be paid;
2. That a draft survey of the proposed lots be provided to the Municipality for review and approval;
3. That a registrable description of the proposed lots and a copy of the Reference Plan be deposited to the Land Registry office and be submitted to the Municipality;
4. That the owners obtain approval of a Zoning By-law Amendment to rezone the Retained Lot, Severed Lot 1 and Severed Lot 2 to a Rural Exception Zone to recognize the proposed lot areas that do not meet the minimum requirement of 10 hectares;
5. That the owners provide written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Municipality;
6. That the owners be responsible for surveying the municipal road and transfer/dedicate a 20 metre road allowance (inclusive of Ahmic Lake Road on the subject lands) to the Municipality, at no cost to the Municipality;
7. That the applicants pay to the Municipality a parkland contribution fee for the new residential lots to be created as cash-in-lieu of a parkland contribution pursuant to Section 53 (13) of the Planning Act, R.S.O. 1990 c. P. 13; and,
8. That the conditions of Consent be fulfilled within two years from the date of the giving of the notice by the Municipality of Magnetawan.

Proposal/Background

A Consent application has been submitted for the subject lands located on Ahmic Lake Road, located on Lot 11 Concession 2, in Croft Township in the Municipality of Magnetawan. There is no municipal address for the subject lands. The owners of the subject lands are Guy Winterson and Kinusan Savard. The location of the subject lands are shown on Figure 1.

Figure 1: Subject Lands

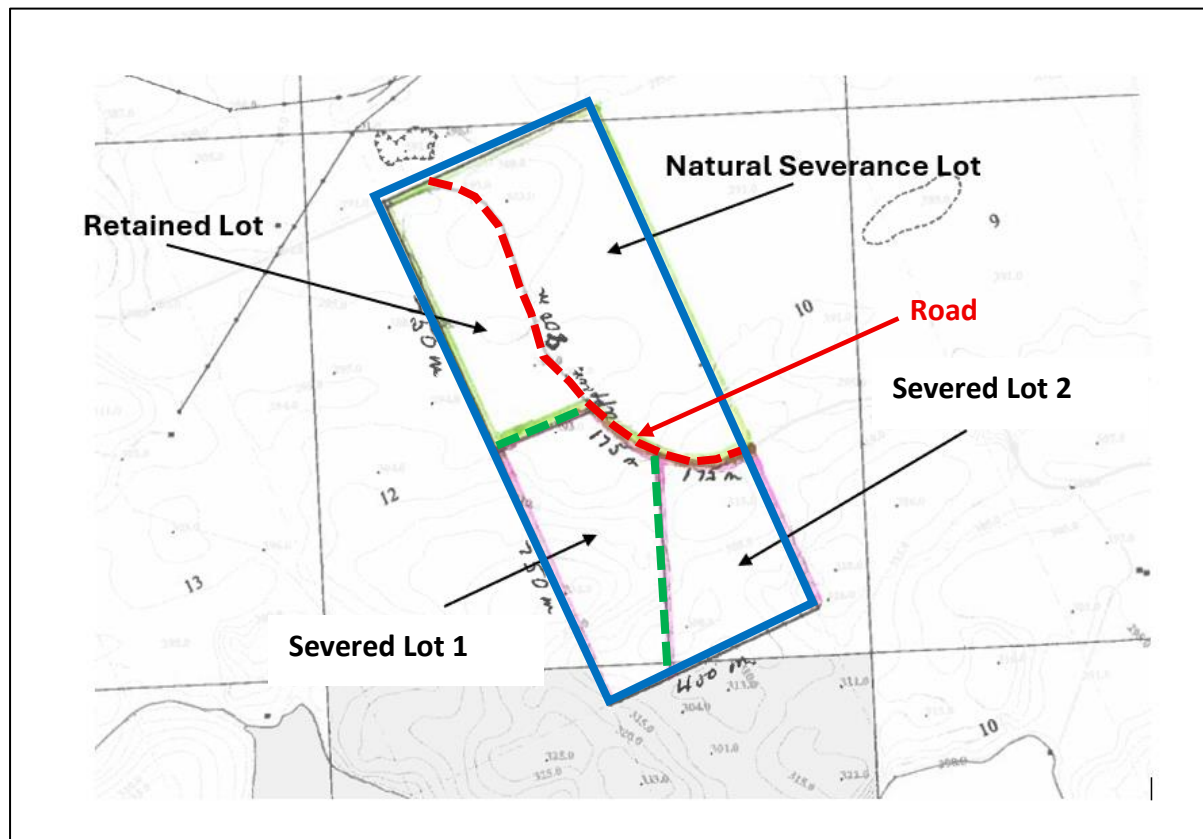


The purpose of the proposed Consent application is to create two new lots on the subject lands. The subject lands have a current lot area of approximately 38 hectares (94 acres) and a portion of Ahmic Lake Road traverses the subject lands. It is understood that the road is under private ownership however the Municipality maintains this portion of the road.

Following the recommended dedication of this portion of Ahmic Lake Road to the Municipality, it is understood that the subject lands would be eligible for a natural severance, on each side of the road.

As a result of the two new proposed lots by the owners, and the natural severance due to the location of the road, the proposed lot configuration is shown on Figure 2. Following the proposed Consent application, there will be a total of four lots on the subject lands.

Figure 2: Proposed Lot Configuration



Based on the proposed lot configuration, Table 1 includes the proposed approximate lot areas and lot frontages.

Table 1: Proposed Lot Statistics

<u>Zoning Provision</u>	Severed Lot 1	Severed Lot 2	Retained Lot	Natural Severance
Lot Frontage	175 m	175 m	500 m	700 m
Lot Area	9 ha	9 ha	7 ha	13 ha

The entirety of the subject lands are vacant. Each of the proposed lots is to have lot frontage on Ahmic Lake Road. Surrounding land uses generally include rural, rural residential and shoreline residential properties.

The subject lands are primarily located within the Rural designation and the area in the north-east portion of the subject lands are designated Environmental Protection. This area that is designated as Environmental Protection includes an Other (Unclassified) Wetland, a Deer Yard (Stratum 1) and a Candidate Life Science - Area of Natural and Scientific Interest (ANSI).

The subject lands are located within the Rural (RU) Zone and the Environmental Protection (EP) Zone.

Policy Analysis

Provincial Planning Statement

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

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

Chapter 4 of the PPS contains policies related to the wise use and management of resources. The subject lands contain an Other (Unclassified) Wetland, a Deer Yard (Stratum 1) and a Candidate Life Science – Area of Natural and Scientific Interest (ANSI).

In accordance with Section 4.1.5 of the PPS, development and site alteration shall not be permitted in Significant ANSI and Significant Wildlife Habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The PPS does not include policies regarding Unclassified Wetlands.

The ANSI identified on the subject lands is not categorized as a “Significant” feature. A Deer Yard is considered as Significant Wildlife Habitat. Policies regarding these features are included in the Municipality's Official Plan and are discussed in the following section of this Report.

The proposed lots, when developed, will utilize a well and septic system which is permitted in the PPS.

The proposed Consent application is consistent with the PPS.

Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides policy direction on growth and development within Magnetawan. The policies in the Official Plan address the environment, cultural and built heritage, natural resources and servicing and transportation.

The subject lands are primarily located within the Rural designation and the area in the north-east portion of the subject lands are designated Environmental Protection. This area that is designated as Environmental Protection includes an Other (Unclassified) Wetland, a Deer Yard (Stratum 1) and a Candidate Life Science ANSI.

Section 5.2 of the Official Plan includes policies for Rural Areas in the Municipality. Section 5.2.1 outlines the permitted uses which includes a wide range of uses, including residential dwellings. It is understood that residential dwellings will be constructed on the proposed lots in the future.

Section 5.2.2 of the Official Plan requires that new lot should have a minimum lot size of 1.0 hectares which is achieved in this case.

Section 5.3.1 of the Official Plan includes permitted uses within the Environmental Protection Area. The uses and activities permitted within areas designated as Environmental Protection shall be limited to conservation, forestry, wildlife areas,

fishery resource management, public or private parks, and outdoor recreational activities which can be developed without adverse environmental impacts. This area on the subject lands is restrictively zoned in the Zoning By-law as Environmental Protection (EP) and therefore no development is permitted within these areas.

Section 4.5 of the Official Plan includes policies regarding Wetlands. No development or site alteration will be permitted in or within 120 metres of any areas identified as potential provincially significant wetlands until an evaluation is completed by a qualified wetland evaluator using the Ontario Wetland Evaluation System. The “Unclassified” Wetland is not identified as a potential significant wetland and this area is restrictively zoned in the Zoning By-law. The Official Plan does not specifically require that an Environmental Impact Study be completed in regards to the Unclassified Wetland.

Section 4.6 of the Official Plan includes policies regarding Deer Habitat. Within the significant deer habitat areas shown on Schedule B new lots should avoid areas of dense conifer cover or be of a sufficient size to provide a suitable development area including access and services, outside the most significant deer wintering habitat areas described above. The minimum lot size shall be 90 metres frontage and 90 metres depth. The entirety of the subject lands are located within the Deer Yard (Stratum 1) however each of the proposed lots exceed the lot frontage of 90 metres and are large in size, providing an opportunity for the majority of the proposed lots to retain existing forest cover.

The adjacent lands policies in Section 4.10 of the Official Plan do not apply to Candidate Life Science – ANSI. The adjacent lands policies do apply to Unclassified Wetlands that are larger than 0.8 hectares. This policy states that the potential impacts of development on adjacent lands must be considered. The Unclassified Wetland is restrictively zoned in the Zoning By-law to prohibit development and is located on a portion of the subject lands where the new lot is being created as a result of a natural severance (it may already legally be a separate lot of record due to the road traversing the subject lands). For this reason, an Environmental Impact Study is not required. Future development on the Retained Lot, Severed Lot 1 and Severed Lot 2 will be setback from the Unclassified Wetland and on the opposite side of the existing road.

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

Table 2: Official Plan Section 7.7.1 Summary

Policy 7.7.1 Severance Criteria	Does the Application Conform?
a) A registered plan of subdivision is not necessary for the orderly development of the lands.	A Plan of Subdivision is not required. A Consent application is appropriate for the creation of two new lots, plus the lot created by the natural severance.
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, Severed Lot 1 and Severed Lot 2 are large in size however do not meet the minimum lot size of 10 hectares for lots within the Rural (RU) Zone. A Zoning By-law Amendment is recommended as a condition of provisional Consent to ensure the proposed lots comply to the Zoning By-law.

Policy 7.7.1 Severance Criteria	Does the Application Conform?
c) The proposed lot must front on a publicly maintained road or, within the Shoreline designation, between existing lots on an existing private road with a registered right-of-way to a municipally maintained road or be a condominium unit, which may be created on private roads having access to a municipal year round road.	The proposed lots have lot frontage and access of Ahmic Lake Road which is classified as a municipal year-round road that is maintained by the Municipality.
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.	This policy is not applicable.
e) The lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;	There are no traffic hazards anticipated as a result of the proposed lots.
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.	There proposed lots are large in size and it is anticipated that there would be no concerns siting future development and private services on each of the proposed lots.
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.	This policy is not applicable.
h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.	The subject lands are located on a year-round maintained municipal road.
i) In the Rural designation, new lots created by consent shall be limited to the following: i. The Township will permit the creation of up to eight new lots per year. The new lots must comply with the regulations as set out in the implementing Zoning By-law. ii. two lots per original hundred acre lot;	<p>The subject lands are representative of an original hundred acre lot, and therefore the creation of two new lots through the Consent process is permitted.</p> <p>The Natural Severance Lot is a result of the road traversing the subject lands and is not accounted for under this policy.</p>

Policy 7.7.1 Severance Criteria	Does the Application Conform?
<ul style="list-style-type: none"> iii. one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and iv. infilling between existing residences within 300 metres of each other on the same side of a municipal road or Provincial highway 	
j) The creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.	The proposed lot configuration will not land lock any parcel of land as both lots will continue to have access to the municipally maintained road which intersects the subject lands.
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.	This policy is not applicable.

The proposed Consent conforms to the Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are primarily located within the Rural (RU) Zone. The Retained Lot, Severed Lot 1 and Severed Lot 2 are located within the RU Zone. The Natural Severance Lot is also located within the RU Zone; however, it also includes the Environmental Protection (EP) Zone in accordance with the environmental features that are identified in the Official Plan. The EP Zone ensures that future development is prohibited within these areas in the future.

Future development on the proposed lots are to be in accordance with Section 4.6.1 of the Zoning By-law, which includes the permitted uses for the RU Zone.

Section 4.6.2 i) requires that a lot within the RU Zone has a minimum lot area of 10 hectares. The Retained Lot, Severed Lot 1 and Severed Lot 2 do not meet this minimum standard and therefore a site-specific amendment to the RU Zone is recommended to permit the proposed lot areas that range from 7 hectares to 9 hectares. The proposed lot frontages comply to the minimum of 134 metres.

Comments from Departments

Road Department: Entrance Permits required due to Municipally maintained road.

Fire Chief: No Concerns

Building Department: No Concerns

By-law Department: No Concerns

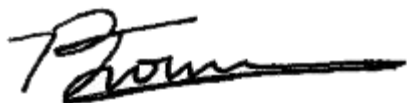
Summary

Subject to the recommended conditions of provisional Consent, the Consent application is consistent with the PPS and conforms to the Municipality's Official Plan. The Consent application includes the creation of two new lots plus one additional lot by way of a natural severance due to the road traversing the subject lands. It is recommended as a condition of provisional Consent that the road be surveyed by the owners and dedicated to the Municipality.

Following a review of the applicable policies and regulations, an Environmental Impact Study was not required as a portion of the environmental lands are already restrictively zoned. Further, a Zoning By-law Amendment is recommended as a condition of provisional Consent to ensure the lots comply to the minimum lot area standard of the Zoning By-law.

It is recommended that proposed Consent application be provisionally approved, subject to the conditions outlined in this Report.

Respectfully submitted,

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MHBC Planning

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP
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