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:	October 7, 2026
SUBJECT	Consent Application – Part of Lots 21 and 22, Concession 10 Miller Road – Patricia Paul Municipality of Magnetawan

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Recommendation

Subject to the review and analysis in this Report, it is recommended that Council approve the Consent application for the subject lands located on Miller Road, Part Lots 21 and 22, Concession 10 (Paul) to create one new lot, subject to the following conditions of provisional Consent:

1. That the applicant meets 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 lot be provided to the Municipality for review and approval.

3. That a registrable description of the proposed lot and a copy of the Reference Plan be deposited to the Land Registry office and be submitted to the Municipality.

4. That the owner provides written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Municipality.

5. That the applicant pay to the Municipality a parkland contribution fee for the new residential lot to be created as cash-in-lieu of a parkland contribution pursuant to Section 53 (13) of the Planning Act, R.S.O. 1990 c. P. 13.

6. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed lots can be adequately serviced by their own individual on-site septic system.

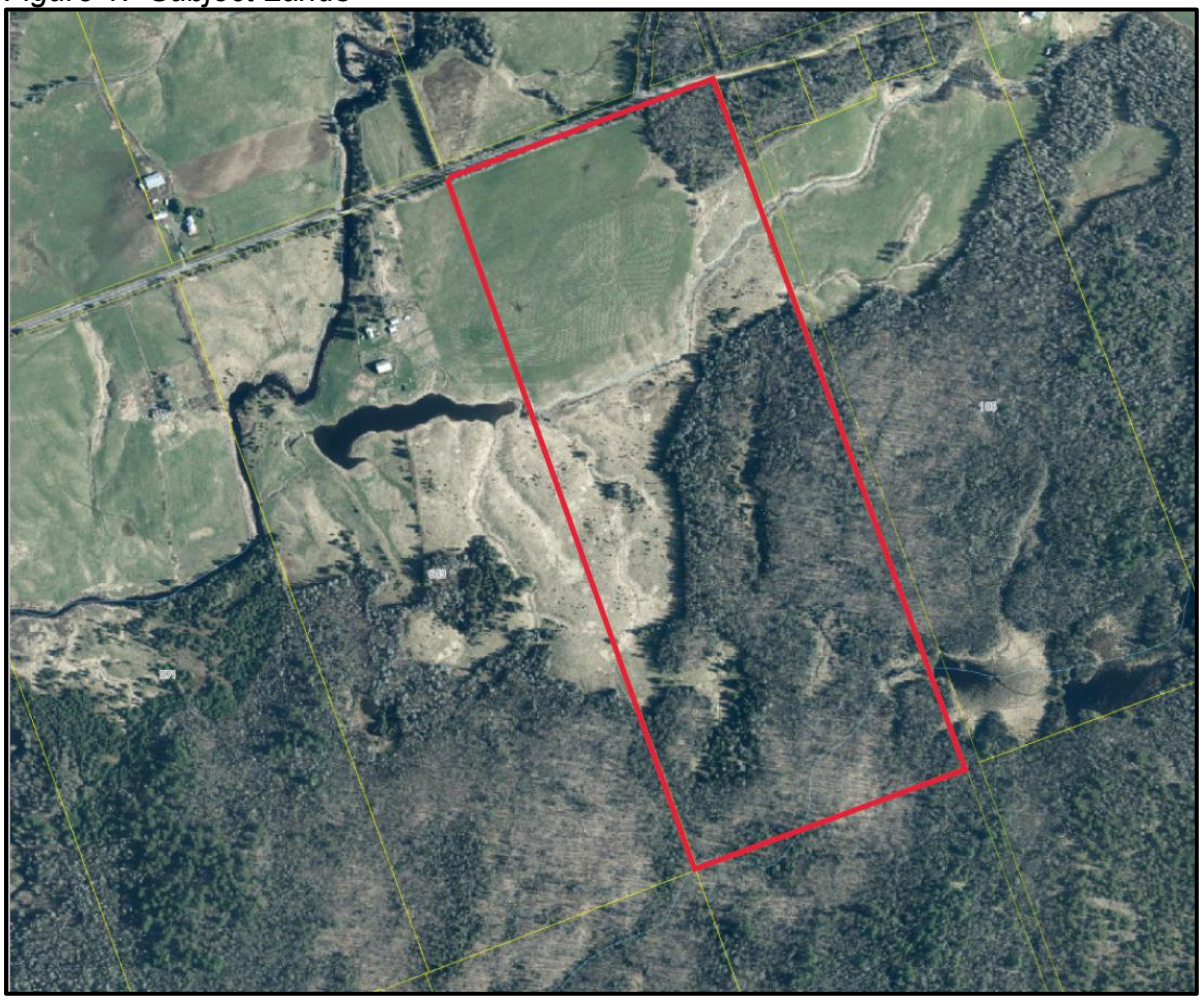
7. That the owner obtains approval of a Zoning By-law Amendment application to rezone a portion of the Retained Lot, including 120 metres surrounding the other wetland feature to the Environmental Protection (EP) Zone.

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 Miller Road in the Municipality of Magnetawan, legally described as Part of Lots 21 and 22, Concession 10. There is no municipal address for the subject lands however they are located to the east of 643 Miller Road. The subject lands are owned by Patricia Paul and are outlined in red on Figure 1. The purpose of the Consent application is to create one new residential rural lot on the subject lands.

Figure 1: Subject Lands



The following applies to the subject lands:

- Designated primarily as Rural in the Municipality's Official Plan.
- Zoned Rural (RU) and Environmental Protection (EP) in the Zoning By-law.
- Accessed by Miller Road which is identified as a year-round maintained municipal road in the Official Plan.

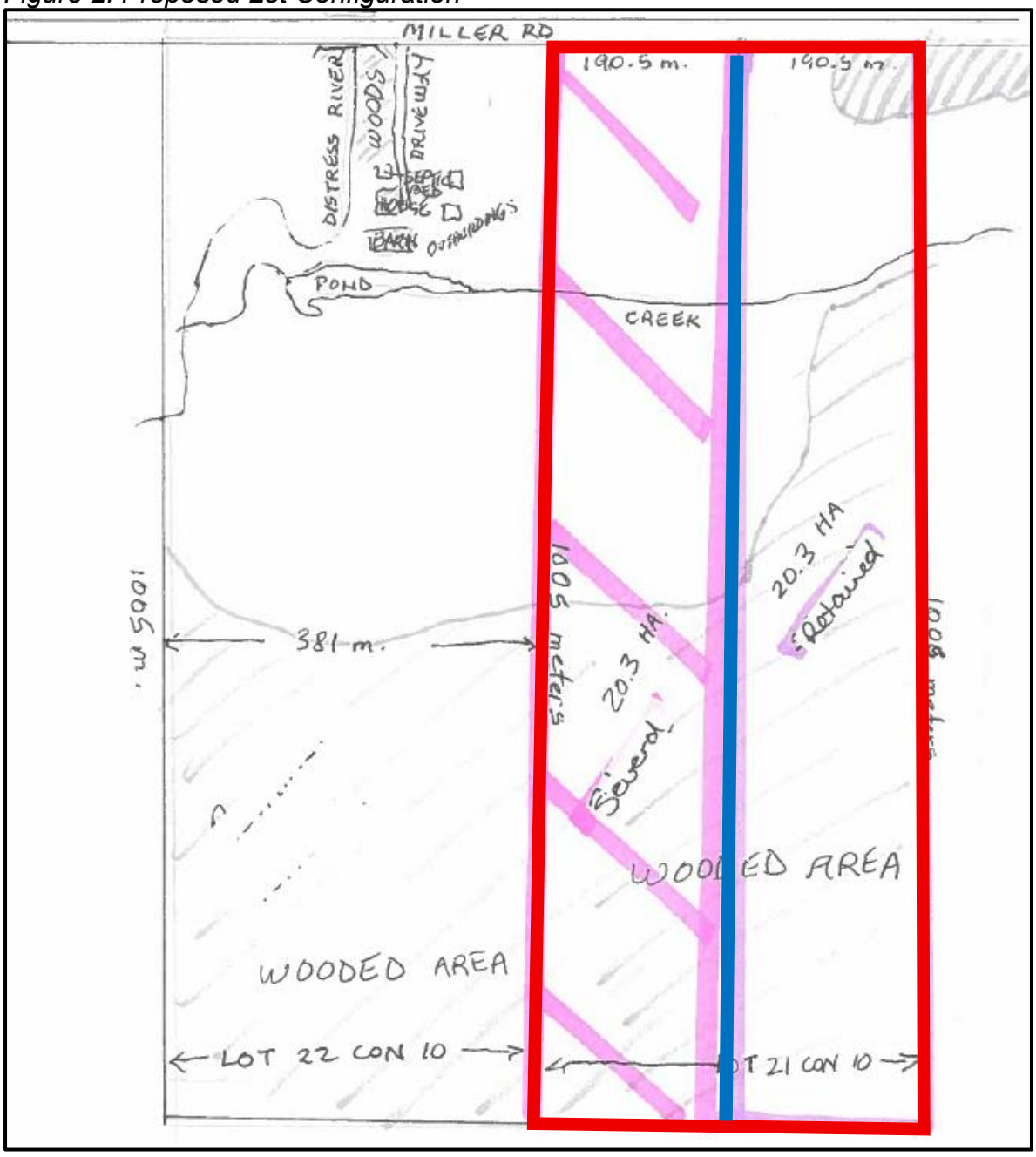
The subject lands have a lot area of approximately 40.6 hectares and a lot frontage on Miller Road of approximately 381 metres. The subject lands are currently vacant.

Based on the proposed lot configuration, the lot areas and lot frontages are summarized in Table 1 for the Retained Lot and the Severed Lot. The proposed lot configuration and sketch that was submitted by the applicant is included in Figure 2.

Table 1: Proposed Lot Statistics

Zoning Provision	Severed Lot	Retained Lot
Lot Frontage (Miller Road)	190.5 metres	190.5 metres
Lot Area	20.3 hectares	20.3 hectares

Figure 2: Proposed Lot Configuration



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.

All applications made under the *Planning Act*, must be consistent with the PPS. The subject lands are considered as Rural Lands in the context of the PPS. Section 2.6

establishes permitted uses for Rural Lands within municipalities. Section 2.6.1 c) identifies residential development, including lot creation where site conditions are suitable for the provision of appropriate sewage and water services, as a permitted use.

Section 3.6.4 of the PPS states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used, provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The proposed lots appear to be large enough to accommodate a private well and septic system. A condition of consent has been included for confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed Severed Lot and Retained Lot can be adequately serviced by their own individual on-site septic system.

Chapter 4 of the PPS contains policies related to the wise use and management of resources. Section 4.1.8 of the PPS contains policies regarding development adjacent to natural heritage features and areas. There is a creek located on the subject lands and there is an unevaluated wetland identified on the southern portion of the subject lands. The adjacent lands policies of the Official Plan apply to the unevaluated wetland and are discussed in the Official Plan section of this Report.

Subject to the recommended conditions of provisional Consent, the proposed Consent is consistent with the PPS.

Municipality of Magnetawan Official Plan

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

In the context of the Official Plan, the following applies to the subject lands:

- Designated as primarily Rural in the Municipality's Official Plan.
- Accessed by Miller Road which is identified as a year-round maintained municipal road in the Official Plan.

Residential uses and detached dwellings are listed as permitted uses within the Rural designation.

Section 5.3.3.1 of the Municipality's Official Plan contains policies regarding residential development and states:

> *Limited new permanent residential development shall be permitted in the Rural Areas, preferably in close proximity to other residential uses as infilling on existing, publicly maintained roadways where school busing and municipal winter maintenance is presently being provided. Scattered or isolated development that would result in an increase in municipal servicing costs shall be discouraged.*
>
> *The creation of new lots shall comply with the implementing Zoning By-law.*

Section 7.1 of the Official Plan includes policies regarding Severances (Consents). The polices used to evaluate the creation of new lots are included in Section 7.1.1 of the Official Plan and are summarized below.

a) A registered plan of subdivision is not necessary for the orderly development of the lands, provided there is registered legal description;

A plan of subdivision application is not required for the orderly development of the subject lands. A Consent application is appropriate for the creation of the one new lot.

b) the lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements;

The proposed lots meet the required minimum lot area and lot frontage for the Rural (RU) Zone.

c) the proposed lot must front on a publicly maintained road, or a registered right-of-way or condominium road that has direct access to a publicly-maintained road;

Miller Road is a year-round municipally maintained road.

d) Proposed lots on seasonally maintained, privately maintained roads (including those by Plan of Condominium), or a registered right-of-way will require a limited services agreement;

Not applicable.

e) lots for hunt camps, fishing camps, wilderness tourist camps or similar uses may be permitted on unmaintained municipal road allowances or on private rights-of-way to publicly-maintained roads provided that the appropriate agreements (e.g. limited services agreement) are in place to ensure that the Municipality has no liability with respect to the use of these roads;

Not applicable.

f) notwithstanding subsection c), lots created for seasonal or recreational purposes may be permitted where the access to the lot is by a navigable waterbody provided that Council is satisfied that there are sufficient facilities for mainland parking and docking;

Not applicable.

g) the lot must have an entrance in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;

New entrances will be reviewed through the entrance permit process. No traffic hazards are anticipated as a result of the creation of one new lot.

h) 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;

Based on a review of the proposed lot areas, it appears that there are adequate building envelopes on the proposed lots.

i) any lot for permanent residential use shall be located on a year-round maintained municipal road or Provincial highway;

The proposed lots are rural lots and are intended for permanent development and are located on a year-round maintained municipal road.

j) in the Rural designation, new lots created by consent shall be limited to the following:

i. A maximum of two (2) lots may be created by consent per land holding.

ii. New lots must comply with the regulations as set out in the implementing Zoning By-law

iii.. All new lots within the Rural designation must meet the character of the surrounding rural landscape, as defined in Section 5.3.

The subject lands are located within the Rural designation, and the creation of one new lot is permitted.

k) the creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.

The proposed Retained Lot and Severed Lot will not prevent access to, or land lock, any other parcel of land.

l) 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 adjacent property to the west contains an existing horse barn. The minimum required distance from the barn is 108 metres as demonstrated by the MDS calculation that was submitted by the owner. The boundary of the subject lands is located 303 metres from the existing barn and therefore the application complies to the formula.

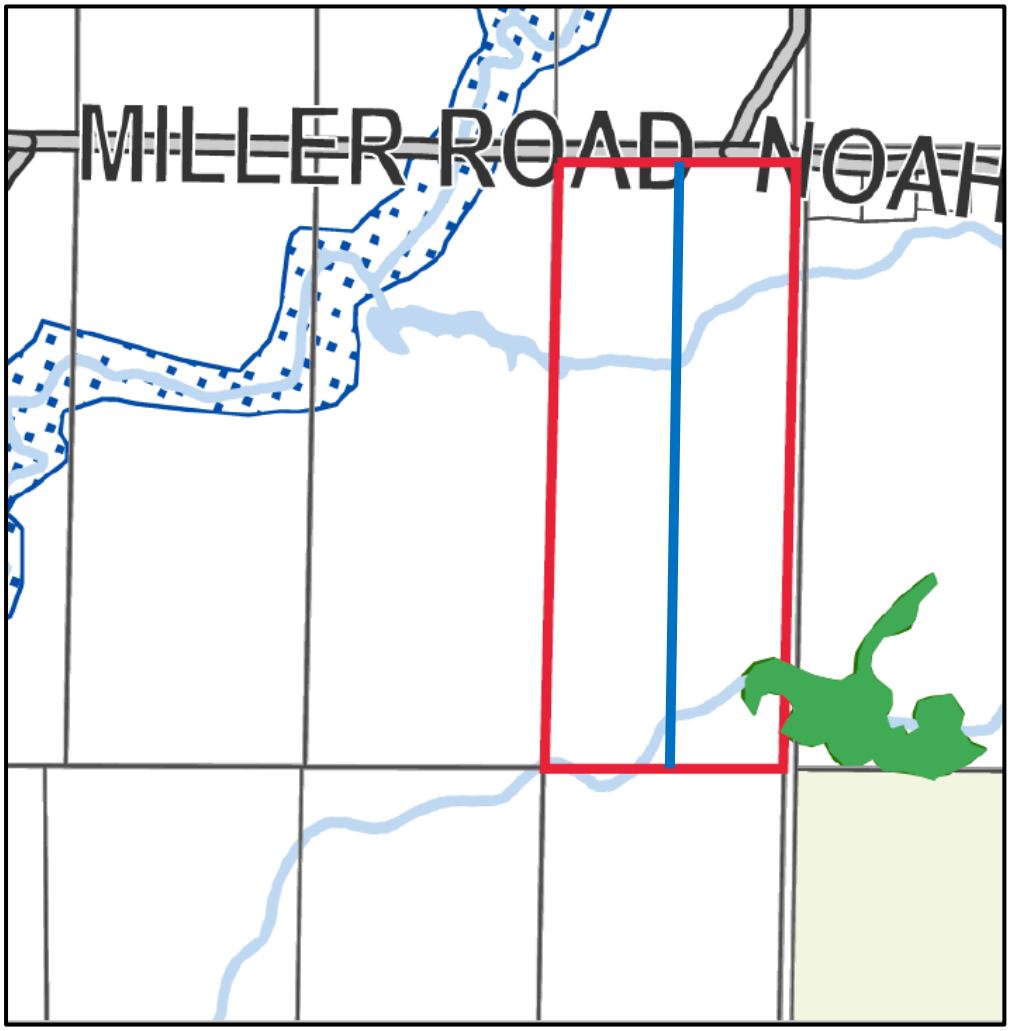
A property located on the north side of Miller Road contains an existing cattle barn. The minimum required distance from the barn is 197 metres as demonstrated by the MDS calculation that was submitted by the owner. The boundary of the subject lands is located 500 metres from the existing barn and therefore the application complies to the formula.

m) The creation of any lot shall be required to abide by all relevant policies in this Plan and the implementing Zoning By-Law.

The policies of the Official Plan and Zoning By-law have been reviewed and considered in the recommendation contained in this Report.

In accordance with Section 4.6 of the Official Plan, due to the size of the other wetland identified on the south-eastern corner of the subject lands and the proposed Retained Lot, adjacent lands of 30 metres apply. Figure 3 is an excerpt of Schedule B of the Official Plan which shows the natural heritage features and areas. The other wetland is identified in green.

Figure 3: Other Wetland Feature



Section 5.5.1.5 of the Official Plan an Environmental Impact Study (EIS) is required for development within 120 metres of a wetland. A Consent application is considered as development in accordance with the definition in the Provincial Planning Statement. The owner has not submitted an EIS however the intent of this policy is to ensure development within 120 metres of a wetland is evaluated prior to permitting development. In this case, staff would recommend that the area surrounding the wetland to the extent of 120 metres on the proposed Retained Lot be completed to prevent development within this area in the future and to conform with this policy.

Despite Section 5.5.1.5 of the Official Plan, Section 4.7 p) states the following:

> *The Municipality may waive the requirement for a detailed EIS or may recommend a scoped EIS where there is a relatively low risk of negative environmental impact and the development and/or site alteration is completed in accordance with applicable regulations and best management practices. Lower risk activities may be defined in a guideline document but could include additions to a single detached dwelling, construction of accessory buildings, minor site alterations, or minor changes in an existing land use.*

Due to the location of the other wetland and the watercourse on the subject lands and the proposed Retained Lot, Council may wish to waive the recommended condition of provisional Consent to require the rezoning of 120 metres around the other wetland feature to the Environmental Protection (EP) Zone in the absence of an EIS.

Subject to the recommended conditions of provisional Consent, the proposed Consent conforms to the Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are located within the Rural (RU) Zone and Environmental Protection (EP) Zone in the Zoning By-law. The minimum lot area for properties within the RU Zone is 10 hectares and the minimum lot frontage is 134 metres. The proposed Severed Lot and Retained Lot meet the minimum requirements of the RU Zone.

As noted in the Official Plan section of this Report, a condition of provisional Consent is recommended to rezone 120 metres surrounding the other wetland feature on the subject lands.

Comments from Departments

The following comments were received:

Road Department:

Fire Chief:

Building Department:

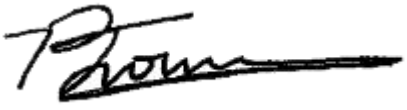
By-law Department:

Summary

Following a review of the Consent application for the creation of one new lot on the subject lands, the application conforms to the PPS and the Official Plan.

It is recommended that the Consent application be provisionally approved subject to the conditions included in the Recommendation section of this Report.

Respectfully submitted,





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