

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: July 29, 2026

SUBJECT Consent Application – 67 Bittschwamms Road (1001292033
Ontario Inc. c/o Eric Langford)
Municipality of Magnetawan

Recommendation

Subject to the review and analysis in this Report, it is recommended that Council approve the Consent application for the subject lands located at 67 Bittschwamms Road (1001292033 Ontario Inc. c/o Eric Langford) to create one new lot and create a right-of-way to provide legal access to the retained 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 lots be provided to the Municipality for review and approval.
3. That a registrable description of the proposed lots and easement (right-of-way) and a copy of the Reference Plan be deposited to the Land Registry office and be submitted to the Municipality.
4. That the owner obtains approval of a Zoning By-law Amendment to ensure the proposed lots comply to the Zoning By-law.
5. That the owner provides written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Municipality.
6. That the applicant pay to the Municipality a parkland contribution fee for the new residential lot to be created as cash-in-lieu of a parkland contribution pursuant to Section 53 (13) of the Planning Act, R.S.O. 1990 c. P. 13.
7. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed severed lots can be adequately serviced by their own individual on-site septic system.
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 at 67 Bittschwamms Road, in the Municipality of Magnetawan. The purpose of the Consent application is to create one new residential lot on the subject lands. and the existing driveway is located within this area.

The subject lands are owned by 1001292033 Ontario Inc. c/o Eric Langford. The subject lands are outlined in red on Figure 1.

Figure 1: Subject Lands



The subject lands are currently developed with an existing detached dwelling and accessory buildings/structures. The subject lands are accessed via Bittschwamms Road from the north and the municipal snow plough uses the end of the road for a turnaround. It is understood that the Municipality is proposing a formal turnaround within the road allowance in the future.

The owner is proposing to create one new lot on the subject lands. The proposed severed lot is to contain the existing detached dwelling, and the retained lot is to contain the accessory buildings and structures. An easement (right-of-way) with a width of 20 metres is proposed over the severed lot in favour of legal access to the retained lot. The easement is located over an existing driveway.

The proposed lot configuration sketch is shown in Figure 2 and the proposed lot frontages and lot areas are summarized in Table 1.

Figure 2: Proposed Lot Configuration

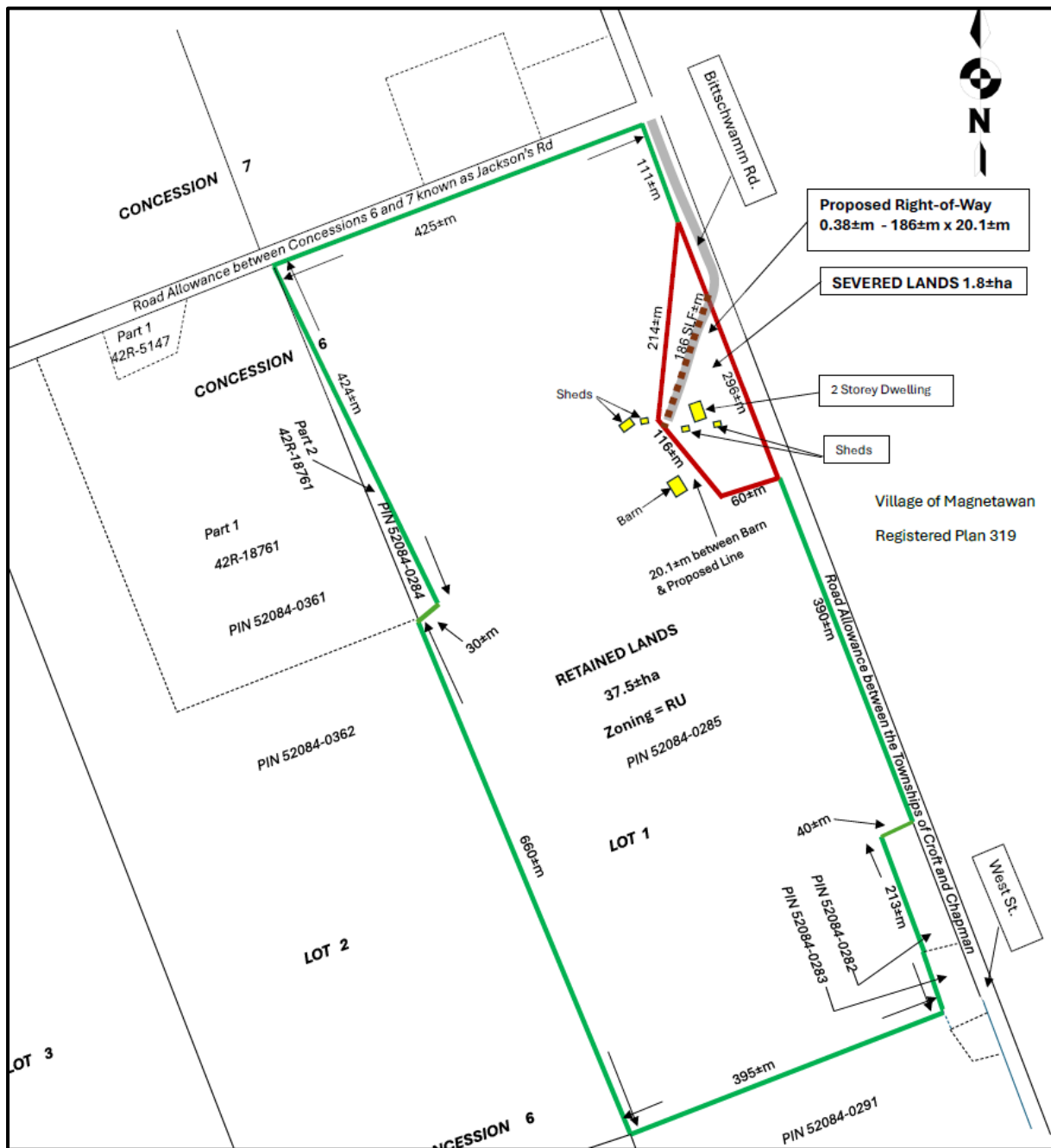


Table 1: Proposed Lot Statistics

Zoning Provision	Severed Lands	Retained Lands
Lot Frontage (Bittschwamms Road)	60 metres	111 metres
Lot Area	1.8 hectares	37.5 hectares

The following applies to the subject lands:

- Designated as Rural in the Municipality's Official Plan.
- Zoned Rural (RU) in the Zoning By-law.
- Accessed by Bittschwamms Road which is identified as municipal – year-round maintained in the Official Plan.

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. Lot creation for the purposes of residential uses is a permitted use on the subject lands.

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 severed lot contains an existing detached dwelling which is already serviced and the proposed retained lot appears to be large enough to accommodate a private well and septic system.

There are no natural heritage features or areas identified on the subject lands. There is a watercourse identified in the north-east corner of the subject lands.

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 Rural in the Municipality's Official Plan.
- Are accessed by Bittschwamms Road which is identified as a municipal – year-round maintained road in the Official Plan.

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

Section 7.1 of the Official Plan includes policies regarding Severances (Consents). The policies 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 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 do not meet the required minimum lot area for the Rural (RU) Zone. A Zoning By-law Amendment is recommended as a condition of provisional Consent to rezone the lots.

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;

It is understood that Bittschwamms Road is a municipal year-round maintained road and each of the proposed lots have lot frontage on the road. An easement (right-of-way) is proposed over the existing driveway to provide legal access. Potential new driveway locations further to the north on Bittschwamms Road are limited due to the location of the watercourse along the road. Further, the property boundary adjacent to Jacksons Road is well vegetated and a required driveway at this location would have to be very long to access the existing structures on the property. Additional accesses and driveway locations are possible in the future.

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;

No new entrance is proposed.

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 lands 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 both have lot frontage on a portion of the municipal year-round maintained 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 application is proposing one new lot.

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

There is a proposed right-of-way that will be registered to provide legal access to the retained lot.

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.

Not applicable.

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.

The proposed Consent application to create one lot conforms to the Official Plan.

Municipality of Magnetawan Zoning By-law

The subject lands are located within the Rural (RU) 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 meters.

Both proposed lots do not meet the required minimum lot frontage and the proposed severed lot, and the proposed severed lot does not meet the required minimum lot area. A rezoning application is required as a condition of provisional Consent to ensure the proposed lots comply to the Zoning By-law and the existing uses.

Comments from Departments

The following comments were received:

Road Department: No Comments Received at Time of Report

Fire Chief: No Concerns

Building Department: No Concerns

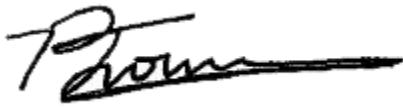
By-law Department: No Concerns

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. Although it is recommended that the proposed retained lot have a separate driveway for access, it is recognized that the existing driveway is utilized and there is less impact on the existing watercourse located adjacent to the road on Bittschwamms Road, if an easement is used for access.

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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MHBC Planning

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

Jamie Robinson, BES, MCIP, RPP
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