

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: November 19, 2025

SUBJECT Consent Application – 112 Moonwing Road (Blyth)
Municipality of Magnetawan

Recommendation

That the Consent application for the subject lands located at 112 Moonwing Road (Blyth) to create two new lots, Severed Lot 1 and Severed Lot 2 as shown on Figure 3 of this Report. In addition to the proposed Severed Lots, it is recommended that an additional parcel be created with a width of 10 to 20 metres to provide access to the lot on the opposite side of the river and be legally tied together so that they cannot be sold separately. In accordance with the recommended lot configuration as shown in Figure 3, the Consent application be provisionally approved so that the lots are in substantial compliance with the sketch, subject to the following conditions:

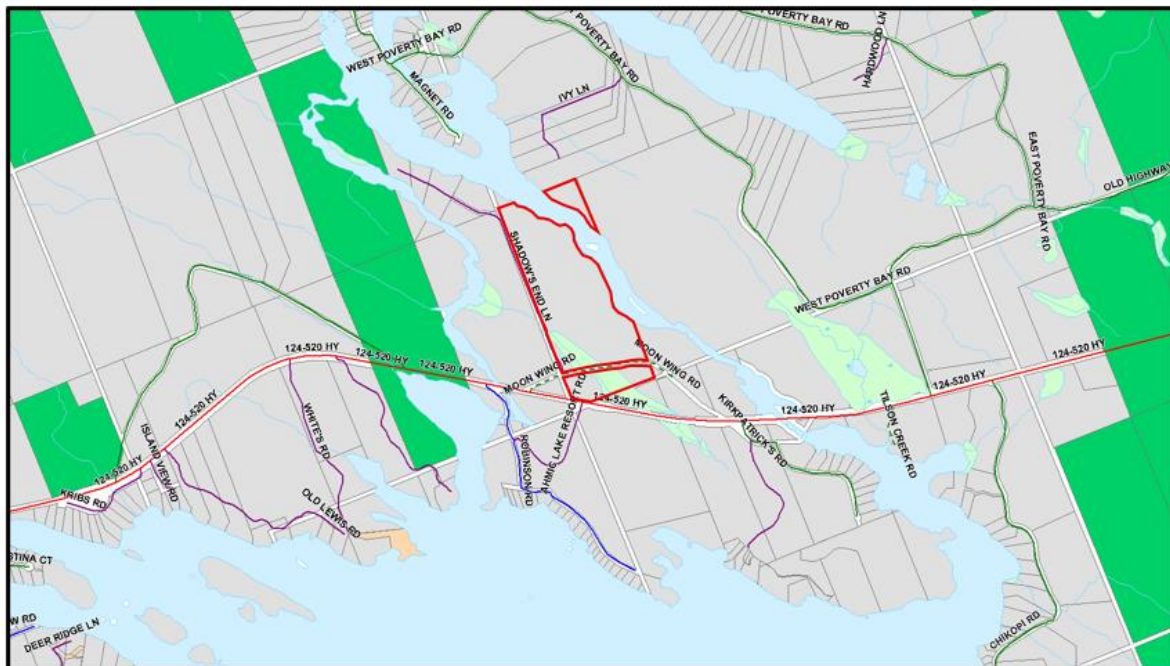
1. That the applicant meet all financial requirements of the Municipality, including the payment of the balance of any outstanding taxes, including penalties and interest be paid;
2. That a draft survey of the proposed lots be provided to the Municipality for review and approval;
3. That a registrable 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 owner obtains approval of a Zoning By-law Amendment to complete the following:
 - a. Implement zoning restrictions as outlined in the Environmental Impact Study, prepared by Terrastory Environmental Consulting Inc. dated September 15, 2025.
 - b. Apply site-specific zoning provisions to the parcel to be used for access to the property on the opposite side of the river (shown in purple on Figure 3 of this Report).
 - c. Apply dock provisions for the shoreline lots, including but not limited to a maximum size to ensure no issues with navigability on the river.
 - d. Ensure all proposed lots meet the requirements of the Zoning By-law.

5. That the owner enters into a Section 118 Agreement to tie the parcel to be used for access to the property on the opposite side of the river (shown in purple on Figure 3 of this Report) so that the lots cannot be sold separately.
6. That the owner enters into a Consent Agreement to implement the recommendations within the Environmental Impact Study prepared by Terrastory Environmental Consulting Inc. dated September 15, 2025.
7. That the owner provides written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Municipality.
8. 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; and,
9. 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 and Easement application has been submitted for the subject lands located at 112 Moonwing Road in the Municipality of Magnetawan. The subject lands are owned by Gary Blyth. The subject lands are shown on Figure 1.

Figure 1: Subject Lands



The purpose and effect of the proposed Consent application is to create two new lots on the subject lands. The subject lands have a lot area of approximately 34 hectares (84 acres) and a portion of the Magnetawan River traverses the subject lands. Without the area occupied by the river, the subject lands would be considered an original 40 hectare (100 acre) lot.

The subject lands are comprised of lands on the north and south side of Moonwing Road; and on both sides of the Magnetawan River. The proposed severed lots have lot frontage on the Magnetawan River and frontage on Shadow's End Lane. It is

understood that the lands on the opposite side of the Magnetawan River and Moonwing Road are eligible for a natural severance. The owner also applied for an access easement near the proposed boundary between Severed Lot 1 and Severed Lot 2 in order to provide access to the lot created by way of natural severance on the other side of the Magnetawan River.

For the proposed severed lots and the retained lot (excluding the natural severance lots), Table 1 provides a summary of the lot areas and lot frontages. The proposed lot configuration is shown on Figure 2. Severed Lot 1 is outlined in green, Severed Lot 2 is outlined in red, the Retained Lot is outlined in orange, and the lots created by natural severances are outlined in purple and blue.

Table 1: Proposed Lot Statistics

Zoning Provision	Severed Lot 1	Severed Lot 2	Retained Lot
Lot Frontage	110 metres	90 metres	412 metres
Lot Area	1.8 hectares	2.5 hectares	27 hectares

Figure 2: Proposed Lot Configuration

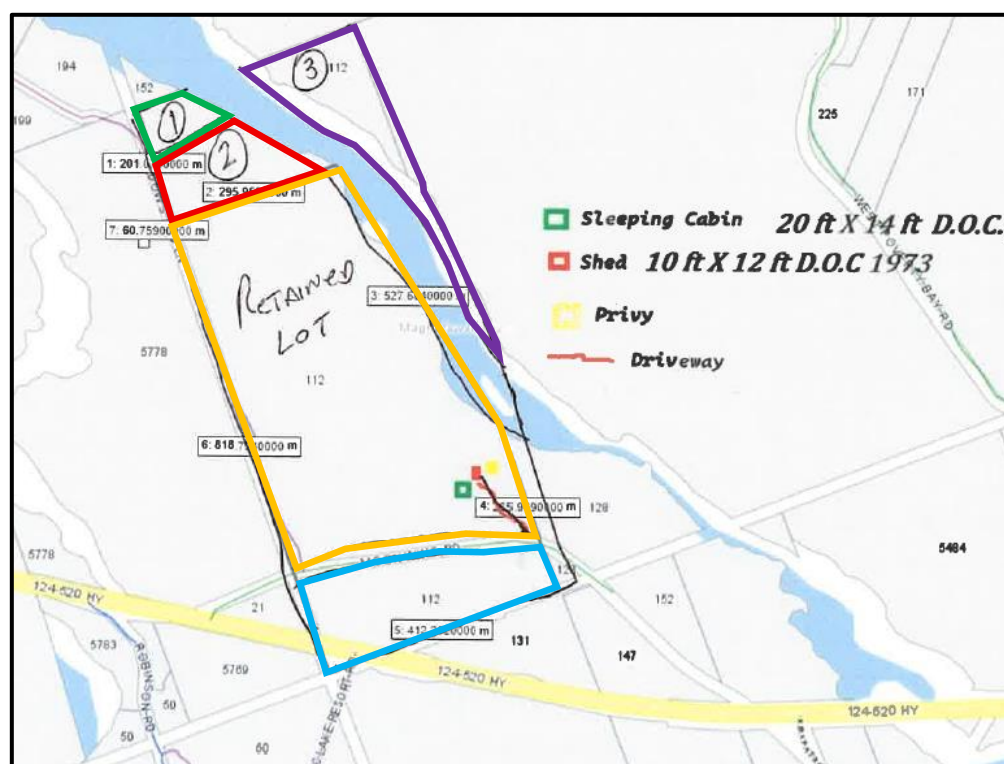


Table 1: Proposed Lot Areas and Lot Frontages

Zoning Provision	Severed Lot 1	Severed Lot 2	Retained Lot
Lot Frontage	110 metres	90 metres	412 metres
Lot Area	1.8 hectares	2.5 hectares	34.4 hectares

Severed Lots 1 and 2 have lot frontage on the Magnetawan River and are accessed by Shadows End Lane which is privately maintained but municipally owned. The Retained Lot has lot frontage on the Magnetawan River and can be accessed from Shadows End Lane or Moonwing Road which is identified as a municipally maintained road.

The subject lands are located within the Shoreline, Rural and Environmental Protection designation in the Official Plan. The Environmental Protection designation is representative of other wetland that is identified on the subject lands. There is also Fish Habitat identified along portions of the shoreline, and the subject lands are located within a Deer Wintering Area (Stratum 2). Due to the presence of Fish Habitat and a Deer Yard, a Scoped Environmental Impact Study was requested to be submitted with the application.

The subject lands are currently located within the Shoreline Residential (RS) Zone, Environmental Protection (EP) Zone, and Rural Residential (RR) Zone.

The owner has indicated that there is an existing dwelling and accessory building on the proposed Retained Lot. The location of the existing development on the Retained Lot is identified on Figure 2.

The surrounding land uses generally include rural, rural residential and shoreline residential uses.

Following a review of the application, including the proposed easement to provide legal access to the one natural severance lot on the opposite side of the river, Planning Staff are suggesting an alternative to the easement. The proposed easement is likely to be used by vehicles and could include a docking facility on the river, in order to provide legal access to the one natural severance lot on the opposite side of the river, identified as the purple lot in Figure 2. It is recommended that a separate parcel be created that has a width of 10 to 20 metres, between the boundary between Severed Lot 1 and Severed Lot 2 instead of the easement. This parcel would not be counted as an additional lot because Planning Staff are recommending that it be legally tied to the purple lot shown on Figure 2 by way of a Section 118 Agreement. These lots would need to be sold together legally. By creating a separate parcel, the Municipality can apply site-specific zone provisions to prohibit buildings and structures and to include maximum dock size/locations on the shoreline of the river as well. In this case a separate parcel is more appropriate based on how the previously proposed easement could be used.

The recommended lot configuration including the additional parcel is shown on Figure 3. The recommended parcel and lot on the opposite side of the river are outlined in purple on Figure 3. A zoomed in image of the purple lot is shown in Figure 4.

Figure 3: Recommended Lot Configuration

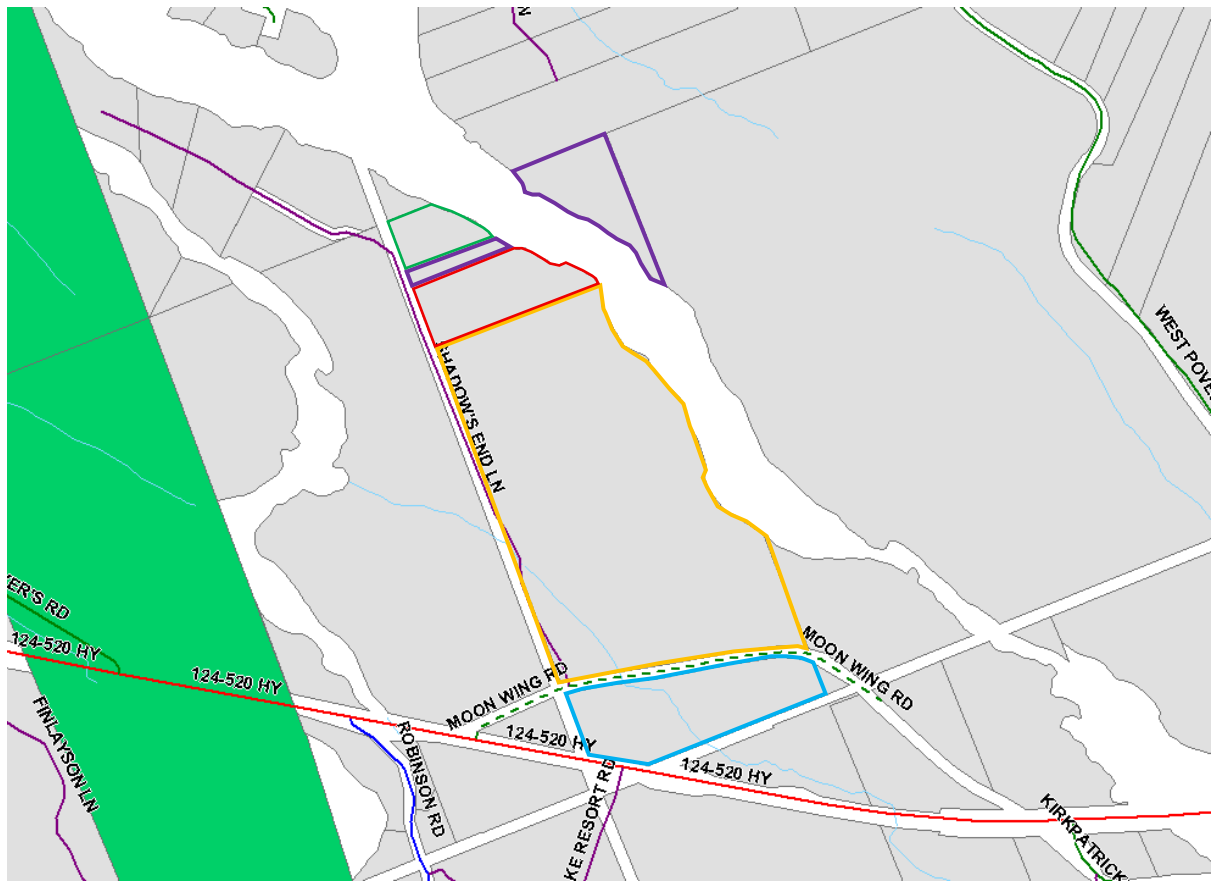


Figure 4: Proposed Access Parcel



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. Resource-based recreational uses are also permitted on shoreline residential lots.

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.

Section 4.1 of the PPS provides for the long-term protection of Ontario's natural heritage features and areas. There is an Other Wetland located on the subject lands and the proposed Retained Lot. The Retained Lot is already developed, and the proposed Severed Lots are more than 120 metres from a wetland and are therefore not subject to the adjacent lands policies for wetlands.

Due to the presence of Fish Habitat and a Deer Yard, a Scoped Environmental Impact Study was requested to be submitted with the application. The Study was prepared by Terrastory Environmental Consulting Inc., dated September 15, 2025. The conclusions of the Study support the creation of the Severed Lots, in accordance with the following:

- All vegetation removal to occur between October 1 and March 31.
- No development within specified areas which will be rezoned to restrict development.
- No docks within 10 metres of the identified Type 1 Fish Habitat.
- A minimum setback of 30 metres for future buildings and structures from the identified Type 1 Fish Habitat.
- Septic systems to be located a minimum of 30 metres from the river.
- Other items to be implemented in a Consent Agreement.

It is recommended that the conditions of provisional Consent include the requirement to obtain a Zoning By-law Amendment to implement additional development restrictions for the specific areas identified in the Study and to require a Consent Agreement to require future owners to implement the mitigation measures as outlined in the Study.

Subject to the recommended conditions of provisional Consent, 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 located within the Shoreline, Rural and Environmental Protection designation in the Official Plan. The Environmental Protection designation is representative of an other wetland that is identified on the subject lands. There is also Fish Habitat identified along portions of the shoreline, and the subject lands are located within a Deer Wintering Area (Stratum 2).

The location of the proposed Severed Lots and the Retained Lot are connected to the shoreline. Permitted uses in the Shoreline designation in the Official Plan are included in Section 5.4.1 and include detached dwellings.

Section 5.4.2 of the Official Plan includes policies regarding shoreline development and states that new lots should be no smaller than 1 hectare with 90 metres of water frontage. The proposed lots meet these requirements.

Section 7.1.1 of the Official Plan contains consent 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 on the subject lands in accordance with the policies of the Official Plan.
b) The lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements.	The proposed Severed Lots and Retained Lot meet the lot requirements in the Zoning By-law. Site-specific zone provisions are recommended for the new parcel in place of the proposed easement, to prohibit buildings and structures and to allow the Municipality to establish dock provisions. This area is outlined in purple on Figure 3.
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.	Severed Lots 1 and 2 have lot frontage on the Magnetawan River and are accessed by Shadows End Lane which is privately maintained but municipally owned. The Retained Lot has lot frontage on the Magnetawan River and can be accessed from Shadows End Lane or Moonwing Road which is identified as a municipally maintained road.

Policy 7.7.1 Severance Criteria	Does the Application Conform?
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;	No traffic impacts are anticipated as a result of the proposed lots. An entrance would be required for the proposed easement or the separate parcel to access the purple lot on the opposite side of the river shown on Figure 3.
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.	The existing development on the proposed Retained Lot is serviced with a well and septic system. The proposed Severed Lots appear large enough to accommodate septic systems.
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.	Planning Staff are recommending that a separate parcel be created and tied with the purple lot on the on the opposite side the river to provide legal access.
h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.	The Severed Lots are shoreline residential lots. Severed Lots 1 and 2 have lot frontage on the Magnetawan River and are accessed by Shadows End Lane which is privately maintained but municipally owned. The Retained Lot has lot frontage on the Magnetawan River and can be accessed from Shadows End Lane or Moonwing Road which is identified as a municipally maintained 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.	This policy is not applicable. The proposed lots are connected to the shoreline and therefore considered to be located within the Shoreline designation.

Policy 7.7.1 Severance Criteria	Does the Application Conform?
ii. two lots per original hundred acre lot; iii. one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and 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 prevent access to any other parcel of land nor prevent any other parcel from obtaining water access. Planning Staff are recommending that a separate parcel be created and tied with the purple lot on the opposite side the river to provide legal access.
k) Any severance proposal on land adjacent to livestock operations shall meet the Minimum Distance Separation Formula I in accordance with the MDS Guidelines and shall demonstrate that the proposed water supply has not been contaminated from agricultural purposes.	The subject lands are not adjacent to livestock operations.

The Official Plan includes policies regarding adjacent lands to other wetland features, Deer Habitat and Fish Habitat.

There is an Other Wetland located on the subject lands and the proposed Retained Lot. The Retained Lot is already developed, and the proposed Severed Lots are beyond the adjacent lands of the wetland feature.

Due to the presence of Fish Habitat and a Deer Yard, a Scoped Environmental Impact Study was requested to be submitted with the application. The Study was prepared by Terrastory Environmental Consulting Inc., dated September 15, 2025. The conclusions of the Study support the creation of the Severed Lots, in accordance with the following:

- All vegetation removal to occur between October 1 and March 31.
- No development within specified areas which will be rezoned to restrict development.
- No docks within 10 metres of the identified Type 1 Fish Habitat.
- A minimum setback of 30 metres for future buildings and structures from the identified Type 1 Fish Habitat.
- Septic systems to be located a minimum of 30 metres from the river.

- Other items to be implemented in a Consent Agreement.

It is recommended that the conditions of provisional Consent include the requirement to obtain a Zoning By-law Amendment to implement additional development restrictions for the specific areas identified in the Study and to require a Consent Agreement to require future owners to implement the mitigation measures as outlined in the Study.

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

Municipality of Magnetawan Zoning By-law

The subject lands are located within the Shoreline Residential (RS) Zone and Environmental Protection (EP) Zone in the Zoning By-law. The minimum lot area for properties within the Shoreline Residential (RS) Zone is 1.0 hectare and the minimum lot frontage is 90 metres. All of the proposed lots meet these requirements.

It is recommended that a separate parcel be created that has a width of 10 to 20 metres between the boundary between Severed Lot 1 and Severed Lot 2. This would not be counted as an additional lot because Planning Staff are recommending that it be legally tied to the purple lot shown on Figure 3 on the opposite side of the river, by way of a Section 118 Agreement. By creating a separate parcel, the Municipality can apply specific zone provisions to prohibit buildings and structures and to include maximum dock size/locations as well. In this case a separate parcel is more appropriate based on how the previously proposed easement could be used.

A Zoning By-law Amendment is recommended to implement restrictions as outlined in the Environmental Impact Study and to implement site-specific provisions for the proposed parcel to access Lot #3 on the opposite side of the river.

Comments from Departments

The following comments have been received:

Road Department: Shadows End Lane is privately maintained but municipally owned, an Entrance Permit will be required for new driveways off Shadows End Lane and Moonwing.

Fire Chief: No concerns.

Building Department: No concerns.

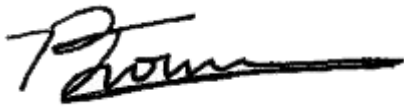
By-law Department: No concerns.

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

The recommendation includes an additional parcel to be created and to be used to access the purple lot shown on Figure 3 on the opposite side of the river. It is recommended that this parcel be tied together with the property on the opposite side of the river so that they cannot legally be sold separately.

Respectfully submitted,

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

Patrick Townes, BA, BEd
Planning Consultant
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
Planning Consultant
MHBC Planning