

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: March 5, 2025

SUBJECT Consent Application – 28 River Road (Longhurst)
Municipality of Magnetawan

Recommendation

That the Consent application for the subject lands located at 28 River Road (Longhurst) to create two new lots (total of three lots), be provisionally approved subject to the following conditions:

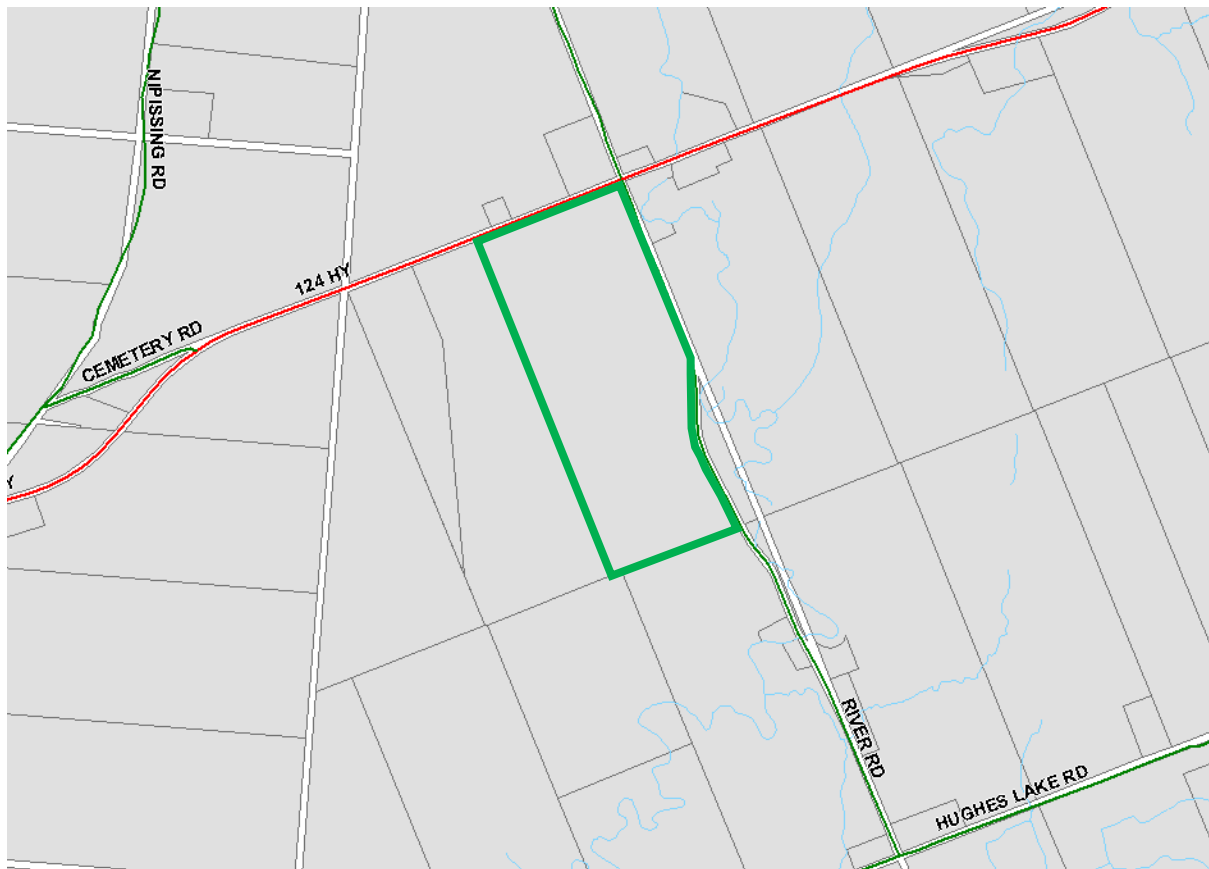
1. That the foregoing conditions be fulfilled within two years of the notice of decision of the Municipality;
2. Draft Reference Plan to be approved by the Municipality prior to registration;
3. Two (2) true certified paper copies of the registered plan and an electronic version for the proposed Retained Lot, Severed Lot 1 and Severed Lot 2 by an Ontario Land Surveyor with a certification that it is a true copy be provided to the Municipality for review and approval which conforms substantially with the application as submitted;
4. Draft copy of the deeds (with all schedules) to be approved by the Municipality prior to registration;
5. A copy of the original executed transfer (deed) with all schedules be provided to the Municipality;
6. Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed Severed Lot 1 and Severed Lot 2 can be adequately serviced by individual on-site septic systems;
7. Payment of all taxes, municipal legal fees, planning fees and fees as per the current Fees and Charges By-law, Park Land Dedication By-law and all other fees associated with the processing of this application;
8. That the Applicant receive conformation from the Municipality of a suitable location for an entrance to Severed Lot 1 and Severed Lot 2.
9. That a Zoning By-law Amendment be submitted to rezone the proposed Retained Lot to comply with the minimum lot size and minimum lot frontage in the Zoning By-law for the Rural Residential (RR) Zone.

10. That any portion of the travelled road (River Road) be surveyed and dedicated to the Municipality, to the satisfaction of the Municipality.

Proposal/Background

A Consent Application has been submitted for the subject lands located at 28 River Road in the Municipality of Magnetawan. The purpose of the Consent application is to create two new rural lots on the subject lands, and to retain one rural residential lot on the subject lands. Following the proposed Consent, there would be a total of three lots on the subject lands. The subject lands are owned by Russell and Diane Longhurst and the location of the subject lands are outlined in green on Figure 1.

Figure 1: Subject Lands



The subject lands are comprised of the lands to the south of Highway 124 and to the west of River Road. A portion of River Road is located outside the original road allowance however is considered a travelled road that is maintained by the Municipality.

The owners also own land on the east side of River Road, between the travelled road and the original road allowance. It is our understanding that the lands on the east side of River Road would be considered a separate lot of record on the basis of a natural severance (i.e. separated by a travelled road).

In accordance with the application that was submitted to the Municipality, the proposed lot configuration as submitted by the owners is shown on Figure 2. Based on the proposed lot configuration, the lot areas and lot frontages for each of the lots are include in Table 1.

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	Approx. 485 m	Approx. 350 m	Approx. 175 m
Lot Area	Approx. 15 ha	Approx. 23.7 ha	Approx. 1 ha

The proposed Retained Lot is to contain the existing dwelling and accessory building located on the north-east corner of the subject lands. The proposed Severed Lot 1 and Severed Lot 2 are to be vacant, and the application indicates that these new lots will be used for agricultural purposes (i.e. hay field).

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 1. Both proposed lots are to have lot frontage and access off of Miller Road.

The surrounding land uses include rural residential, rural, agricultural, institutional (church) and a public works yard.

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.

Section 3.6.4 of 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 Retained Lot is already developed, and the existing development is serviced by an existing well and septic system. The proposed severed lots and the future development is proposed to be serviced by a private well and septic system. The proposed severed lots are large in terms of lot area and appear to be large enough to accommodate future services, including a well and septic system.

Chapter 4 of the PPS contains policies related to the wise use and management of resources. Chapter 4.1.8 of the PPS contains policies regarding development adjacent to natural heritage features and areas. There are no natural heritage features identified on the subject lands or on adjacent lands (within 120 metres of the subject lands).

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 accordance with the schedules of the Official Plan, the subject lands are located within the Rural designation and are located on a municipal road (year round maintained).

Section 5.2.2 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 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. Residential subdivisions are not permitted in the Rural Areas.

New lots should have a minimum lot area size of 1.0 hectares (2.47 acres).

The subject lands are currently developed with a dwelling and the surrounding land uses include other rural residential land uses. The proposed Retained Lot and the proposed severed lots are larger than 1.0 hectare in lot area.

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.
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 meet the minimum standards required in the Zoning By-law for the Rural (RU) Zone, however the proposed Retained Lot does not meet the minimum lot area required for the Rural (RU) Zone. A condition of provisional Consent is recommended to require the owner to rezone the proposed Retained Lot to the Rural Residential (RR) Zone.
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.	Access is provided to the proposed lots via River Road which is a year-round municipally maintained road.
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 new lots that exceed the lot frontage requirement in the Zoning By-law and provides adequate space for a new driveway.
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 to be large enough to accommodate a future well and septic system.
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	This policy is not applicable. The proposed lots are not intended for a seasonal residential use.

Policy 7.7.1 Severance Criteria	Does the Application Conform?
satisfied that there are sufficient facilities for mainland parking and docking.	
h) Any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway.	The proposed lots would be accessed by a year-round maintained municipal road.
<p>i) In the Rural designation, new lots created by consent shall be limited to the following:</p> <ul style="list-style-type: none"> 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; 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 	<p>There have been less than eight new lots created in Rural designation to date.</p> <p>The subject lands have a lot area of approximately 40 hectares (99 acres).</p> <p>The subject lands are representative of an original 100 acre lot and therefore is eligible for the creation of two new lots under subsection ii. of this policy.</p>
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 Retained Lot and severed lots will not prevent access to, or land lock, any other parcel of land.
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.	As indicated in the application submission, the subject lands are not adjacent to livestock operations.

The proposed lot layout for the proposed Retained Lot was discussed with the owner. It is recognized that the proposed lot layout is not a typical or orderly shape, however the location of the proposed lot lines have been strategically designed to incorporate the existing development on the proposed Retained Lot, and sufficient space has been provided on proposed Severed Lot 2 for tractor access to the existing agricultural fields. This includes an existing field entrance on the north portion of River Road. A copy of the proposed lot layout is included in Figure 3.

Figure 3: Proposed Lot Layout for Retained Lot



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 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 1 and Severed Lot 2 meet the minimum requirements of the RU Zone.

The proposed Retained Lot does not meet the requirements for the RU Zone. The owner is required to rezone the proposed Retained Lot to reflect the Rural Residential (RR) Zone standards, which requires a minimum lot area of 1 hectare and a minimum lot frontage of 60 metres.

Comments from Departments

Road Department: applicant needs to apply for an Entrance Permit. To note this is past where the road normally floods annually and is and closed down.

Fire Chief: no concerns regarding this application

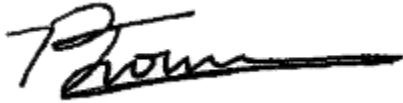
Building Department: no comments were received at the time of this report

By-law Department: no concerns regarding this application

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 approved.

Respectfully submitted,



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