



ITEM: Consent to Sever Recommendation Report
DATE: May 22nd, 2024
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: B-2024-13 to B-2024-25
LOCATION: Vacant (Corbeil Road and Bertha Road)

1. Introduction

An application has been submitted to the Municipality of East Ferris for consent to sever for the purposes of creating 13 new lots from the subject property at Corbeil Road and Bertha Road. The property is zoned Rural (R) under Zoning By-Law 2021-60, and under the Municipality of East Ferris Official plan, the subject property is designated Rural.

2. Description of Property

A location map is contained in **Figure 1** and the plan of the area to be severed in **Figure 2**.

Figure 1: Property Location

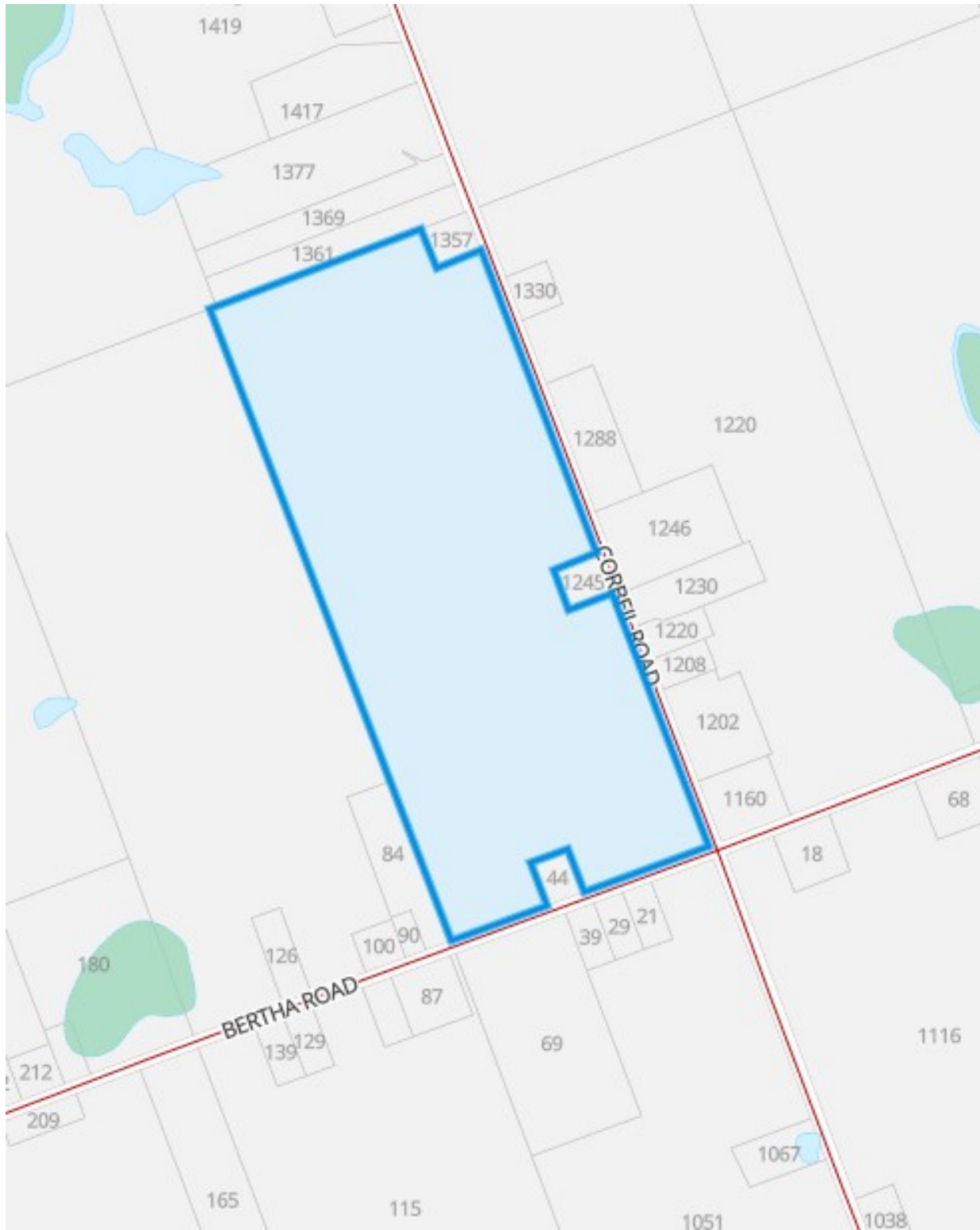
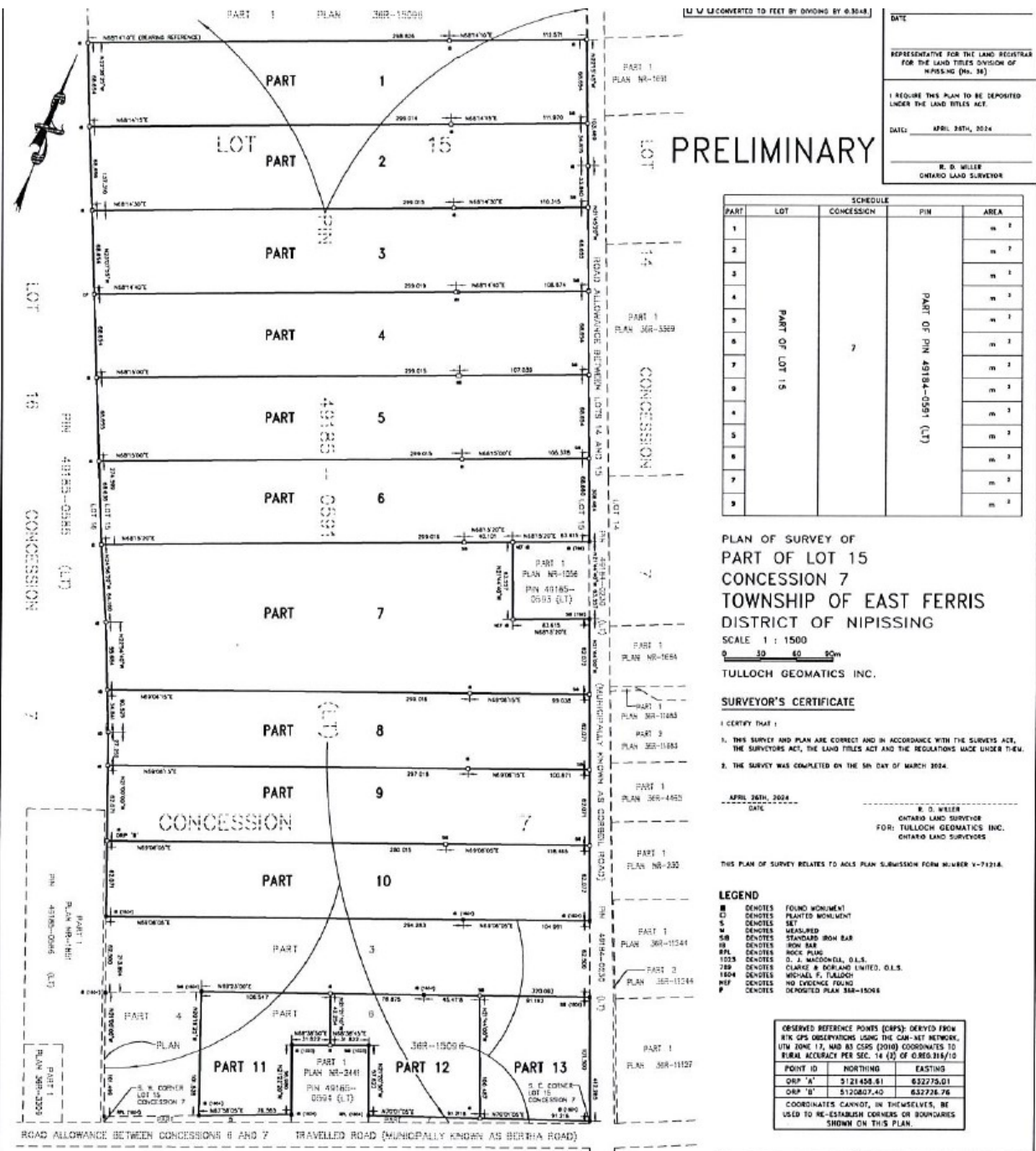


Figure 2: Lot Layout Sketch



3. Planning Review

A. Provincial Policy Statement

The Provincial Policy Statement, (PPS 2020) was issued under Section 3 of the Planning Act, and came into effect May 1st, 2020. The Policy requires that decisions affecting planning matters “shall be consistent with” policy statements issued under said Act.

The PPS contains many broad sweeping policies about rural lot development and guidance on development patterns within rural lands. Specifically section 1.1.5 speaks to “Rural Lands in Municipalities”:

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;**
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

Lot creation and development is a use that is envisioned for rural lands by the PPS, provided that it is consistent with the local area and that it is appropriate for the existing infrastructure. The proposed lots are primarily fronting onto Corbeil Road, which is a major arterial road within East Ferris and sees significant traffic on a daily basis. Corbeil Road connects directly to a provincial highway and is well suited to handle additional lot creation and the additional traffic that would be generated.

Development along our major corridors is a consistent theme within East Ferris and the areas that we generally direct development by consent towards.

The applicant’s proposal for 13 new rural lots is consistent with the PPS 2020 based on the location and layout.

B. Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario 2011 was issued under the Places to Grow Act, which ensures a long term vision for strong communities while implementing policies directed at economic prosperity. The proposal is in conformity with the Growth Plan for Northern Ontario 2011.

C. Official Plan and Zoning By-law

The subject property is designated Rural in the Municipality of East Ferris Official Plan and zoned Rural by East Ferris Zoning By-law 2021-60. These policies documents require minimum lot frontages of 60m (200 ft.) and minimum lot areas of 0.8ha (2 ac).

The applicant is proposing 13 new lots with 10 fronting onto Corbiel Road, 2 fronting onto Bertha Road and one at the intersection of the two roads. The lots vary in frontage between approximately 62m and 92m with lot areas ranging between approximately 0.9ha and 4.5ha.

The East Ferris Official plan has numerous sections outlining policies related to housing development. Section 3.1 – Growth and Settlement designates the rural areas as suitable for single lot development and small scale subdivisions. The proposed development is suitable to be done by way of consent based on all lots fronting onto an existing public road and making use of all existing infrastructure. In each case, when the development proposed is 5 lots or greater, the municipality requires additional information to be submitted to evaluate servicing.

The applicant has submitted a hydrogeological study in support of their application. The study is required to be conducted in accordance with Ministry of Environment D series guidelines in order to assess the suitability of future development and the water demands that these developments may have. This study was completed by a geological engineer on staff with Tulloch.

The hydrogeological study reviewed 173 well records within the immediate area and based on the data it shows that adequate water should be available to service each of the lots based on the development of single detached dwellings. To support the data from the well records, data was also collected from 5 test wells to verify on site conditions. This data verified the conclusion that adequate water supply is available.

The test well data was also reviewed in the context of water quality. The sampling found that the water quality was generally good and safe for human consumption. There were some instances of elevated levels of coliform and ecoli. The conclusions of the study were that proper flushing and disinfection of new systems would address these concerns.

Finally, the study indicated that standard septic systems with imported mantles would be satisfactory to maintain groundwater conditions. The proposed development has lots that are nearly double this size, at a minimum.

The primary development locations are largely free of any watercourse or wetland areas; however, there is a stream that runs towards the southeast corner of the property that would have some setback considerations for development. The zoning by-law requires a 30m setback for dwellings and a 15m setback for accessory buildings from any watercourse. This would be most impactful to the lots identified at Part 10 and Part 12 on the plan submitted by the applicant. Although there would be some limitations on the placement of the dwelling, based on our review there are no concerns about the ability to locate a dwelling somewhere on these proposed lots.

When evaluating a lot development proposal, it is also important to consider traffic and the location of driveways along the road. Depending on the speed of the traffic flow along and given road, the sight lines required for safe ingress and egress from a lot varies. A traffic study was carried out in support of the development proposal by Transplan Associates who specialize in transportation planning.

The Transplan report evaluated each lot along Corbeil Road with respect to entrance locations and made recommendations contained within Table 2 and Exhibit 3. The recommended driveway locations are limited for some lots, namely Lot 2, Lot 4, Lot 5 and Lot 9. Although the recommended location is limited to one spot on each of these lots, there are adequate locations for each to have their own private driveway. This plan should be considered when entrance permits are being granted for driveway access to each of these lots and a copy of the report should be provided to the Director of Public Works to assist in the review of permit requests.

Based on the location of the proposed development plan, the suitability of access and servicing, staff are of the opinion that the development proposal is in conformity with the East Ferris Official Plan and Zoning By-law.

4. Recommendation

Based on a fulsome review of the PPS policies, other provincial planning documents and East Ferris planning policies, staff recommend that Consent Applications B-2024-13 to B-2024-25 be approved, conditional upon the following;

- 1) That confirmation is provided that all taxes are paid up to date;
- 2) That a plan of survey is prepared and filed with the Municipality;
- 3) That a plan of survey be sent electronically to the Municipality of East Ferris' Director of Community Services;
- 4) That the applicant is required to pay \$250.00 per consent application to the Municipality of East Ferris for the Finalization Fee prior to the transfer of the severed land;
- 5) That the applicant is required to pay \$1250.00 per consent application to the Municipality of East Ferris for the Parkland Dedication Fee prior to the transfer of the severed land;
- 6) That the transfer(s)/Deed(s) of Land is submitted to the Secretary-Treasurer for the Issuance of the Certificate of Consent under subsection 53 (42) of the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 7) That prior to the endorsement of the transfer(s) the owner grants simply unto the Municipality of East Ferris free of any charges, all lands measured 10.0 metres (33 feet) from the centerline of any existing publicly maintained road along the full length of the owner's total holdings being the subject of this consent; and
- 8) That all conditions must be filled within two years from the date the notice of decision has been given otherwise this provisional consent will lapse and the application for consent shall be deemed to be refused as per Section 53 (41) of the Planning Act, R.S.O. 1990, c.P.13, as amended.
- 9) A copy of the Traffic Assessment by Transplan Associates be forwarded to the East Ferris Director of Public Works for use in granting entrance permits based on the preferred driveway locations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'G. Kirton', written in a cursive style.

Greg Kirton, RPP, MCIP

Director of Community Services
Municipality of East Ferris