



PLANNING JUSTIFICATION BRIEFING

644 Derland Road, Corbeil
Consent to Sever applications for the purpose of
creating three lots, plus retained, in the
Municipality of East Ferris.

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1. PROPOSAL

TULLOCH has been retained by the owners of 644 Derland Road (PIN 49185-0249), in the Municipality of East Ferris, to prepare a Planning Justification Briefing as part of a complete application package submitted to the Municipality. The Consent to Sever applications are for the purpose of creating three (3) new lots, plus retained, in the Municipality of East Ferris.

This briefing reviews the consistency and conformity of the application in the context of the applicable policies and direction found within the following documents and plans:

- 2020 Provincial Policy Statement (PPS)
- Municipality of East Ferris Official Plan
- Municipality of East Ferris Zoning By-Law

Overall, the author finds that the proposed consent applications conform with the *Municipality of East Ferris Official Plan*, are consistent with the *2020 Provincial Policy Statement* and represents good planning.

2. SUBJECT SITE AND SURROUNDING LAND USES

The subject property is +/-37 hectares in size, with frontage of +/-248 metres on Derland Road and a depth of +/-1005 metres at its deepest point. The lands contain a single detached dwelling and accessory structures. Two unevaluated wetland pockets exist on the property, more than 170 metres north of Derland Road, away from any proposed construction. The remainder of the lot is naturally vegetated.

The subject lands that are represented by this application are legally described as Parcel 11717, Lot 22, Concession 9, in the Township of East Ferris, in the District of Nipissing. Derland Road is characterized by rural residential lots on both sides of the road.



Figure 1.0: Subject property and surrounding uses (yellow outline marks the site)

3. PROPOSED DEVELOPMENT

Consent applications are being made for the purpose of creating three (3) new lots. Severed lot #1 will be 1.27 hectares in size with 68 metres of frontage on Derland Road. Severed lots #2 and #3 will each be 1.11 hectares in size with 60 metres of frontage. Severed lot #1 will contain most of the existing buildings while severed lot #2 will contain two sheds (one on the shared lot line with lot #1) which are proposed to be removed. Severed lot #3 and the retained lot are currently vacant. The rural zoning on the new lots, plus retained, will permit future residential use. The retained lands are proposed to be 34.2 hectares in size and will have 60 metres of frontage onto Derland Road. The proposal is shown below in Figure 2.0.

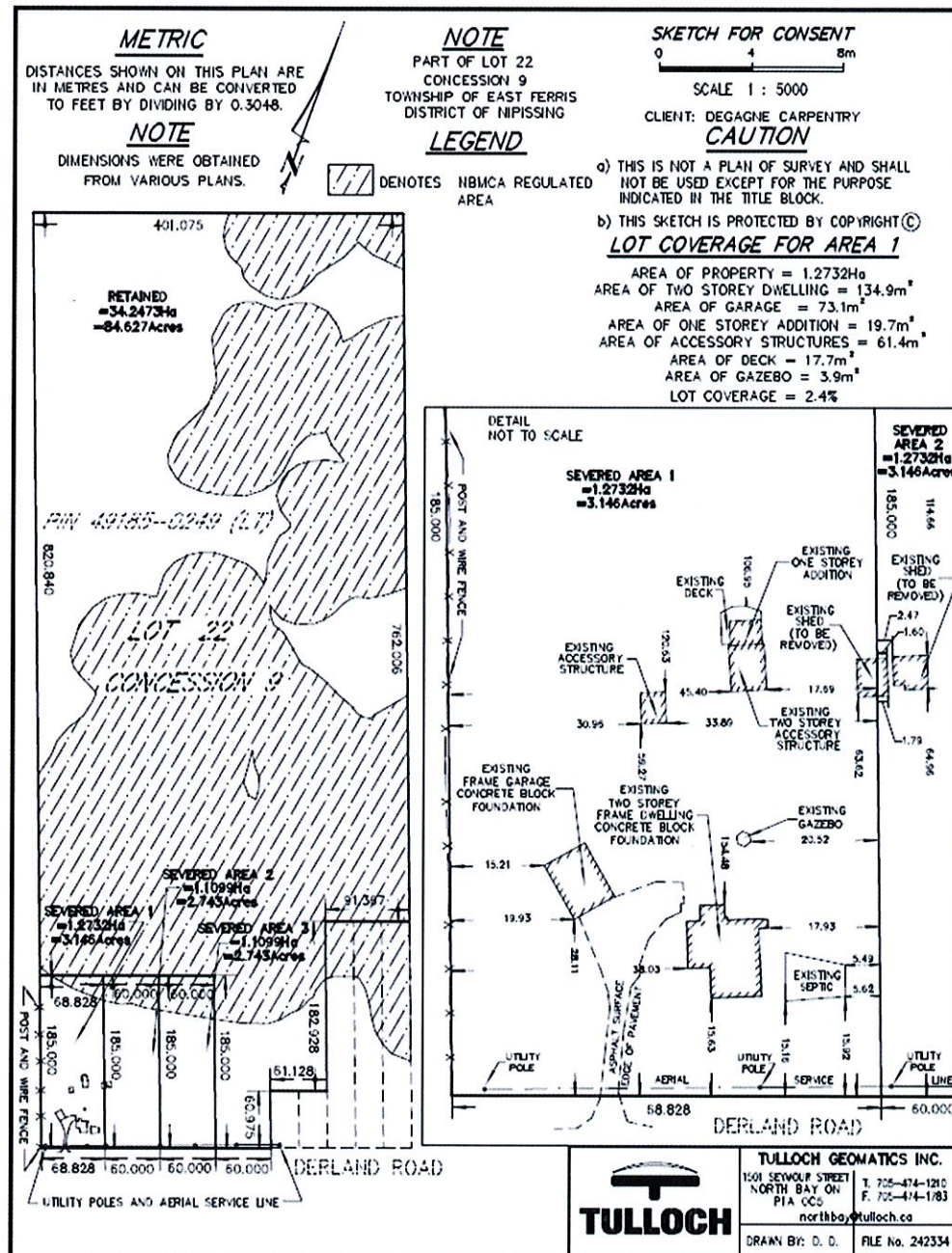


Figure 2.0: Severance sketch showing proposed new lots (3) plus retained

4. PLANNING POLICY REVIEW

3.1 Provincial Policy Statement 2020 (“PPS”)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters “*shall be consistent with*” policy statements issued under the Act.

Section 1.1 of the PPS 2020, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, states that Healthy, liveable & safe communities are sustained by:

“a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”

Section 1.1.5.2 further adds that: “*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;...”

Section 1.1.5.4 speaks to: “*development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. 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.”*

The proposed rural residential lots will front on the existing Derland Road and will not require any extension of municipal services, which is encouraged by Sections 1.1 and 1.1.5.4. They will be in character with the other rural residential uses in the immediate area, making them locally appropriate as per Section 1.1.5.2.

This application has been reviewed in the context of policies contained within the Provincial Policy Statement (PPS 2020) and has been found to be consistent with all matters of Provincial interest.

3.2 Official Plan

The *Municipality of East Ferris Official Plan* (OP) is the principal land use planning policy document for the Municipality. The OP provides Council with a set of land use development policies, consistent with accepted planning principles and local goals and aspirations.

The subject property is designated “Rural” on Official Plan Schedule A which identifies the various land use designations in the Municipality. **Section 5.2** of the OP provides policies that apply to the Rural designation. As per **Section 5.2.2** “*within areas designated Rural on Land Use Schedule ‘A’, the scope of permitted uses shall include limited low density residential...”*. **Section 5.2.4** of the Plan, Rural - Residential Uses, Scope of Uses Permitted, lists residential uses include single detached dwellings, secondary units

and accessory uses as permitted uses. That section goes on to state that: *"It is a basic objective of Council to control the amount and type of new residential development in the Rural designation in order to preserve agricultural land and to ensure that neither municipal water supply nor municipal sewage disposal facilities shall be required. It is therefore the policy of Council to only permit residences in the Rural designation where:*

- A) The lot on which the residential use is to be located is on a road which has been opened, established and is presently maintained year round by the Municipality;*
- B) The residential use will not lead to a demand for urban services or strip development along the roads and highways of the Municipality. To this end infilling will be encouraged in existing pockets of residential development as a means of consolidating these pockets of development;*
- C) The residential use will be located on an existing lot of record; or*
- D) The lot conforms to the consent policies of this Plan (see Section 9.15.2)..."*

The new lots and retained parcel will front on existing Derland Road and there is no requirement for the extension of services. The proposal represents infilling as the new lots are proposed between two existing developed houses that are within 200m of one another on the same side of the street.

Section 9.15.2 provides a set of criteria that are reviewed when considering applications for consent. **Section 9.15.2.2** states that *"Consent should be given only when the land fronts on and has direct access to a year round maintained public road which is of a reasonable standard of construction..."* The severed lots and retained lot front onto Derland Road which is a municipal road maintained year-round.

Section 9.15.2.6 states that *"Consents should be granted only when it has been established by the public authority having jurisdiction, that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal. Consideration should be given to the adequacy of water supply and sewage disposal for both the severed and retained portions of the subject property. It is the responsibility of the applicant to obtain the necessary clearances from the approval authority for on-site sewage disposal systems and to conduct the necessary studies (e.g., hydro geological or terrain evaluation) prior to the submission of an application..."*. The proposed new lots and retained lot exceed the minimum lot size requirement in the Rural zone. A hydrogeological report was not required as this study is triggered by the development of five or more lots. That said, it can be assumed that the lot size is suitable for individual on-site sewage disposal and water services. Furthermore, as part of the circulation, the proposed must be reviewed and approved by the North Bay-Mattawa Conservation Authority to ensure that there is sufficient area on each lot for a new septic system.

Section 9.15.2.7 states that *"Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on a curve or grade."* Driveway access can be reviewed during the consent process. The new lots meet the minimum lot frontage requirement with +-60 metres of frontage a relatively straight portion of Derland Road. It is reasonable to assume that this amount of frontage can accommodate safe access for each new lot plus retained.

Section 9.15.2.8 states that *“The size of any parcel of land to be created by consent should be appropriate for the use proposed and in no case should any parcel be created which does not conform to the provisions of the implementing Zoning By-Law.”* The proposed severed and the retained (and eventual building envelopes) will meet all of the lot area, frontage, setback and lot coverage requirements of the Zoning By-law.

Section 9.15.2.14 states that *“Except as expressly permitted in Section 9.15.2 (16), it shall be a policy of Council to generally permit a maximum of two severances (e.g., creation of two additional lots) from any parcel of land. The number of new lots permitted to be created by severance within the combined Rural and Waterfront designations within any calendar year shall be limited to a maximum of 25, provided that the severance(s) conform(s) to all other applicable sections of this Plan. Council will only consider more than two severances from one property by way of consent if:*

- *there is no need for the extension of Municipal services as a result of the approval of the consents;*
- *the proposed new lots are located on an existing publicly maintained and assumed road;*
- *the approval of the consents will be in keeping with the existing character of the area; and,*
- *the severance would conform with all other applicable sections of this Plan”*

There has been a total of seven (7) Rural lots created so far in 2024. Thus, the new lots are within the maximum 25 permitted per calendar year in the Municipality. The three lots meet the criteria set out above as there is no need for the extension of municipal services, the new lots are located on an existing publicly maintained and assumed road, the proposal is in keeping with the existing character of the area, and conforms with all other applicable sections of the OP. Thus, Council is able to consider more than two severances from this property.

This proposal has been reviewed in the context of the policies of the Municipality of East Ferris Official Plan and is in conformity with it, specifically the consent policies of **Section 9.15.2**.

3.3 Zoning By-law No. 2021-60

The subject lands are currently zoned ‘Rural’ in the Municipality of East Ferris’ Comprehensive Zoning By-law 2021-60. **Section 5 – Rural and Residential Zones** – lists Single Detached Dwellings as a permitted use in the Rural zone. The proposed severed and the retained (and eventual building envelopes) will meet all of the lot area, frontage, setback and lot coverage requirements listed under Section 5.

5. CONCLUSION

Any new construction on these proposed lots would require approval from the North Bay-Mattawa Conservation Authority (NBMCA) and would include new, modern sewage systems that would meet the minimum requirements for development as set out in Part 8 of the Ontario Building Code (OBC).

It is requested that the proposal to create three (3) new rural residential lots from the owners’ land holdings be approved by the Municipality of East Ferris. Based on the preceding planning analysis, the proposed consent to sever application would:

- Be consistent with the Provincial Policy Statement, 2020;
- Is in conformity with the Municipality of East Ferris Official Plan;
- Have frontage and access to a fully maintained, existing road; and therefore

- Represents good planning.

Respectfully submitted,

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