



PLANNING JUSTIFICATION BRIEFING

405 Astorville Road, East Ferris
Consent to Sever for the purpose of a Lot Addition

May 2025

Prepared by: Steve McArthur, MCIP., RPP.
Senior Planner – Project Manager

Prepared for: Rheaume & Francine Rochefort
File #250950

Contents

1.0 INTRODUCTION	1
2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT	1
3.0 POLICY OVERVIEW & ANALYSIS.....	2
3.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)	2
3.2 OFFICIAL PLAN	3
3.3 ZONING BY-LAW NO. 2021-60.....	4
CONCLUSION.....	4

1.0 INTRODUCTION

TULLOCH has been retained by Rheume & Francine Rochefort to represent their property interests at 405 Astorville Road in the Municipality of East Ferris. I have prepared this planning justification briefing as part of a complete application package submitted to the Municipality's Planning Department.

The application is for Consent to Sever for the purpose a lot addition from property with frontage on Astorville Road. No new lots will be created by this proposal. The proposed severance and lot addition will be added to lands identified by PIN 49187-0874(LT), which are lands owned by the Applicant's sister Carmen Weiskopf. The purpose of this lot addition is to consolidate lands to ensure that the geothermal system (underground thermal loop) remains with the property it serves, which is 405 Astorville Road. The remainder of the lands that are the subject of this application, being the Retained Area shown on the Sketch for Consent, are the lands that are to be transferred to Carmen Weiskopf and consolidated with PIN 49187-0874(LT).

In Ontario, transferring retained lands (the land remaining after a severance or other land division) via the Planning Act requires a consent certificate. This is because the Planning Act prohibits dealings with land where a party retains abutting land without a consent. A consent certificate for the retained land can be obtained alongside the consent certificate for the severed land, allowing for flexibility in dealing with either parcel before the other, according to a guide to the Planning Act amendments. We are respectfully requesting Consent Certificates for both the severed and retained as part of this application and to further transfer the Retained lands simultaneously with the proposed Severed.

In addition to this consideration under the Planning Act, 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:

- 2024 Provincial Planning Statement (PPS)
- Municipality of East Ferris Official Plan
- Municipality of East Ferris Zoning By-Law

2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT

The lands subject to this Consent to Sever application are +/-17 hectares in size, with frontage of +/-73 metres on Astorville Road and a depth of +/-1,014 metres at its deepest point. The lands that are represented by this application are legally described as Concession 4, Part of the West Half of Lot 17, Reference Plan NR-832, PIN 49187-0129(LT) in the Township of East Ferris, in the District of Nipissing.



The surroundings can be aptly described as mixed use. To the south across Astorville Road are lands designated Marsh and Waterfront in the Official Plan. There are also a number of rural residential (single detached dwellings) fronting on nearby Blanche Road and Sure Strike Road to the south and east of the subject lands. Immediately abutting the property is a property that is zoned M2 and is the home of the Bernard L Rochefort Electrical Plumbing & Heating operation. To the west are more single detached dwellings are large, rural residential lots. Lands to the north of the subject property are vacant and undeveloped.

3.0 POLICY OVERVIEW & ANALYSIS

The following section sets out the relevant planning policy framework to assess the appropriateness of the proposed application in the context of Provincial policies and regulations. Each sub-section will outline relevant policies and provide a planning analysis with respect to how the application is consistent with or conforms to such policy.

3.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)

The *Provincial Planning Statement, 2024* (PPS) provides high-level provincial policy direction for planning approval authorities making decisions on *Planning Act* applications. Policies applicable to the proposal are outlined and analyzed below:

Section 2.5 of the PPS provides policies that apply to rural areas in municipalities. It states that:

1. *Healthy, integrated and viable rural areas should be supported by:*
 - a) *building upon rural character, and leveraging rural amenities and assets;*
 - b) *promoting regeneration, including the redevelopment of brownfield sites;*
 - c) *accommodating an appropriate range and mix of housing in rural settlement areas;*
 - d) *using rural infrastructure and public service facilities efficiently;*
 - e) *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
 - f) *providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
 - g) *conserving biodiversity and considering the ecological benefits provided by nature; and*
 - h) *providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.*
2. *In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.*
3. *When directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels. Growth and development may be directed to rural lands in accordance with policy 2.6, including where a municipality does not have a settlement area.*

2.6 Rural Lands in Municipalities

1. *On rural lands located in municipalities, permitted uses are:*

- *the management or use of resources;*
 - *resource-based recreational uses (including recreational dwellings not intended as permanent residences);*
 - *residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;*
 - *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
 - *home occupations and home industries;*
 - *cemeteries; and*
 - *other rural land uses.*
2. *Development that can be sustained by rural service levels should be promoted.*
 3. *Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.*
 4. *Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

Per **Sections 2.5 & 2.6**, new development must align with available infrastructure and avoid unnecessary expansion. The application would facilitate the creation of a new lot addition and would result in a severed and a retained parcel with frontage on a year-round, publicly maintained road. Thus, no new road creation or servicing would be required, representing appropriate development.

The lot addition proposed through this Consent to Sever application will result in two large rural residential lots that will accommodate existing single detached dwellings, helping in small part to provide an appropriate range and mix of housing, as per **Section 2.5.1(c)**.

The PPS has been reviewed in its entirety. No other matters of provincial significance were identified through this review. Overall, we believe that the proposal is consistent with the policies of the 2024 PPS.

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 severed and retained parcels will join existing lots of record (no new lot creation) that front on municipally-maintained Astorville Road and there is no requirement for the extension of services. The proposed severed will be added to lands identified by Plan 36R-8944, Parts 2, 3 & 10, which are lands owned by the Applicant. The purpose of this lot addition is to consolidate lands to ensure the thermal loop that services the home at 405 Astorville Road remains with the property. The remainder of the lands, Retained Area, would be transferred through this application to Carmen Weiskopf (sister) who's existing single detached dwelling is located at 431 Astorville Road.

Section 9.15.2 of the OP deals with new Lot Creation in the Lake Nosbonsing Watershed. Subsection 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." This Consent to Sever application is for the purpose of lot additions to existing lots of record. There is no new lot creation proposed, therefore Section 9.15.2 is not applicable.

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 policies of **Section 5.2**.

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. Both properties that are a party to this application meet, and will continue to meet, all applicable regulations of Zoning By-law 2021-60.

CONCLUSION

It is requested that the proposed severance for the purpose of lot additions from the Applicants' land holdings be approved by the Municipality of East Ferris. The approval of this consent will ensure the thermal loop that services the home at 405 Astorville Road remains with the property. The remainder of the lands, Retained Area, would be transferred through this application to Carmen Weiskopf (sister) who's existing single detached dwelling is located at 431 Astorville Road. There is no new lot creation through this application. Based on the preceding planning analysis, the proposed consent to sever application would:

- Be consistent with the Provincial Planning Statement, 2024;
- Is in conformity with the Municipality of East Ferris Official Plan;
- Will have frontage and access to a fully maintained, existing roads for both the severed and retained; and therefore
- Represents good planning.

Respectfully submitted,



Steve McArthur, MCIP., RPP.
Senior Planner | Project Manager