



Professional Planning Report

David Weiskopf & Laure Larocque
1061 South Shore Road, East Ferris, Ontario

June 16, 2026

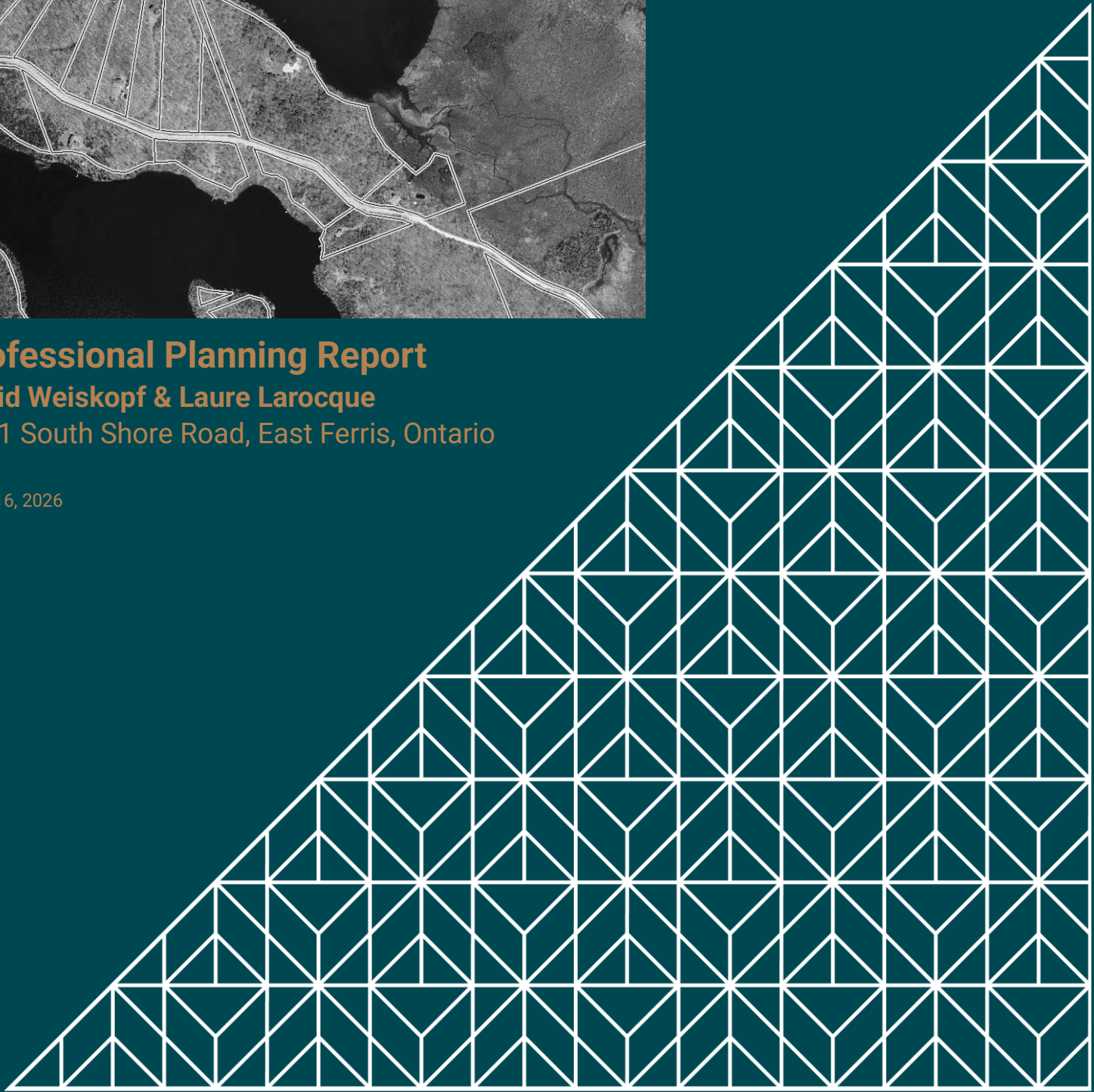




Table of Contents

1. Introduction3

2. Purpose and Effect3

3. Background and Legal Context.....4

4. The Subject Property6

5. Policy Review9

 5.1 Planning Act.....9

 5.2 Provincial Planning Statement (2024)..... 12

 5.3 Official Plan 16

 5.4 Zoning By-law29

6. Planning Opinion and Conclusion30



1. Introduction

This planning opinion has been prepared in support of a proposed Official Plan Amendment application, Zoning By-law Amendment application and a consent application affecting property legally described as PCL 15655 SEC WF PT BROKEN LT 9 CON 1 EAST FERRIS PT 1, 36R5286 PT 1, 36R-5725, EAST FERRIS, DISTRICT OF NIPISSING and PCL 15655 SEC WF PT BROKEN LT 10 CON 1 EAST FERRIS PT 2, 36R5286 EAST FERRIS, DISTRICT OF NIPISSING (Property Identification Numbers 49188-0258 and 49188-0684).

The opinion outlines the planning rationale for the proposed applications and evaluates the applications for consistency with the applicable land use policy framework, specifically the Provincial Planning Statement, 2024 (PPS), the Municipality's Official Plan and Zoning By-law.

2. Purpose and Effect

The purpose of these applications is as follows:

Official Plan Amendment: to permit four new lots to be created within 300.0 metres of the delineated boundary of Depot Creek Wetland.

Zoning By-law Amendment: to rezone the property from "Rural (R)" to "Lakefront Residential (RL)"

Consent: to adjust two lots via lot addition, and create four new lots, for a total of 6 separately conveyable properties.

The following is a step-by-step visual graphic of the intended process, to establish the intended lot fabric.

Step 1: Create Four New Lots from Eastern Property





Step 2: Buy Road Allowance and Merge with Eastern Property



The applicant intends to purchase the road allowance (yellow) and merge the road allowance with the property to the west (orange). The applicant intends to divide the road allowance in half for the adjacent property owner, if they are interested in purchasing their portion (blue).

Step 3: Two Lot Additions



Two lot additions will transpire, to provide the minimum lot area required based off of municipal regulations, and to better arrange the lot fabric for more environmental and sustainable development on the site.

3. Background and Legal Context

The subject lands are situated within an organized municipality and are regulated by the *Planning Act, R.S.O. 1990, c. P.13*, the Provincial Planning Statement (2024), the local Official Plan and the Zoning By-law. Together, these documents establish the planning



framework that governs how land may be subdivided, designated, and zoned for development.

In this case, three separate but related applications have been submitted:

- (1) an Official Plan Amendment,
- (2) a Zoning By-law Amendment, and
- (3) six (6) consent applications.

Council is the approval authority for all three planning applications. Under the *Planning Act*, the following provisions apply to each component of the proposal:

Consents:

Section 53 of the *Planning Act* governs the consent (land severance) process. Section 53(1) establishes who may apply and sets the threshold test the approval authority must be satisfied of before granting a consent — namely, that a plan of subdivision is not necessary for the proper and orderly development of the municipality. It states:

53 (1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Official Plan Amendments:

Section 22(1) of the *Planning Act* enables any person or public body to request an amendment to an Official Plan. When such a request is made, Council is required to circulate the application, provide prescribed information to the approval authority, and hold a public meeting under Section 17(15). This process ensures that changes to long-term land use policy are considered transparently and in accordance with public input.

Section 22 (1) of the *Planning Act* states:

If a person or public body requests a council to amend its official plan, the council shall,

- a. forward a copy of the request and the information and material required under subsections (4) and (5), if any to the appropriate approval authority, whether or not the requested amendment is exempt from approval; and*
- b. hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan.*

Zoning By-law Amendments

Section 34(10) of the *Planning Act* provides that any zoning by-law, or its predecessor, may be amended to permit additional uses or to regulate the extension or enlargement of

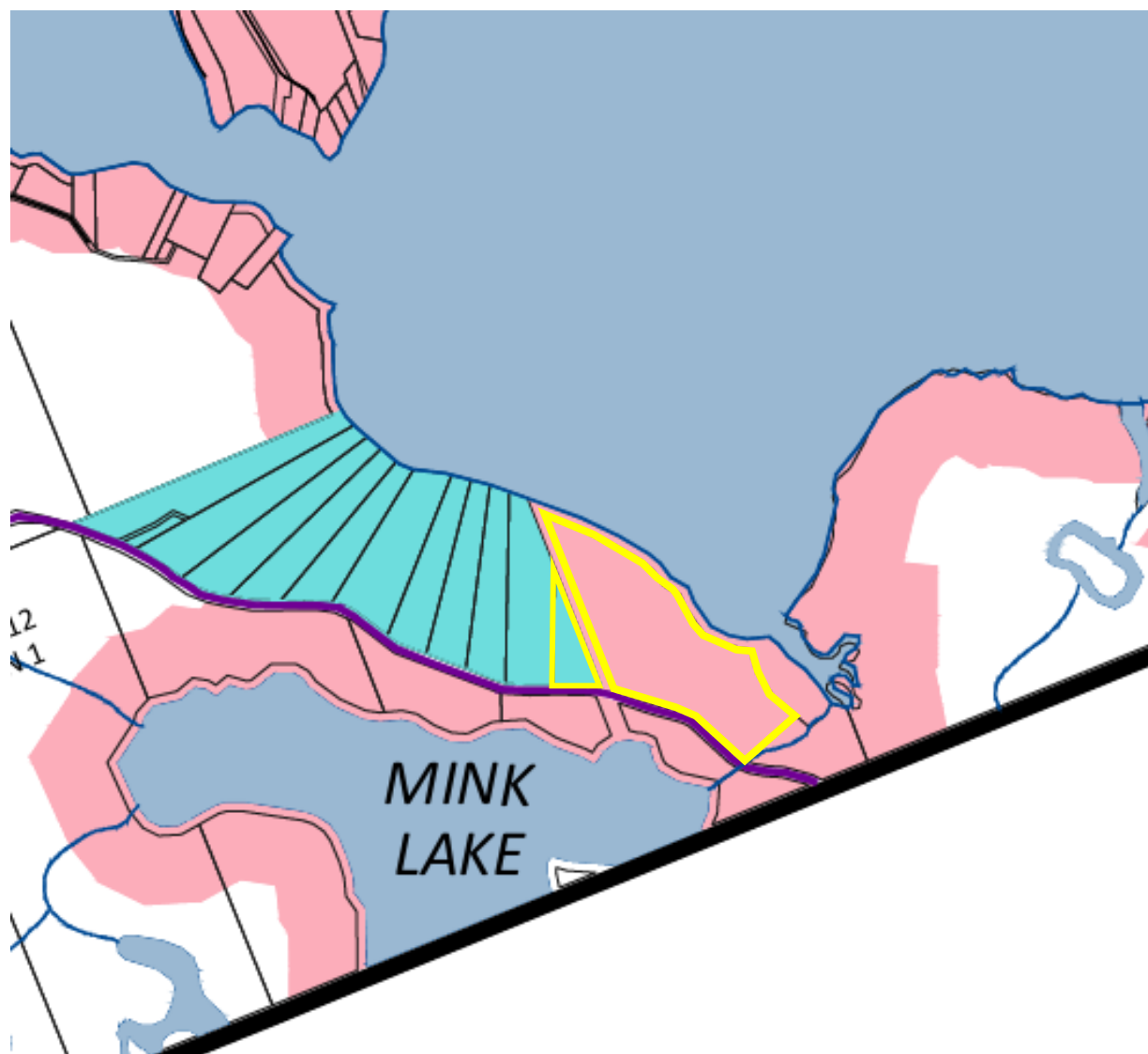
existing uses. Through this provision, Council retains authority to evaluate whether proposed changes to zoning are consistent with the Official Plan and broader provincial policy direction.

4. The Subject Property

The subject property consists of two legally conveyable pieces of land, municipally recognized as 1061 South Shore Road in the Municipality of East Ferris. The property comprises approximately 26 acres of land located on Lake Nosbonsing.

It is presently designated “Waterfront” in the Official Plan.

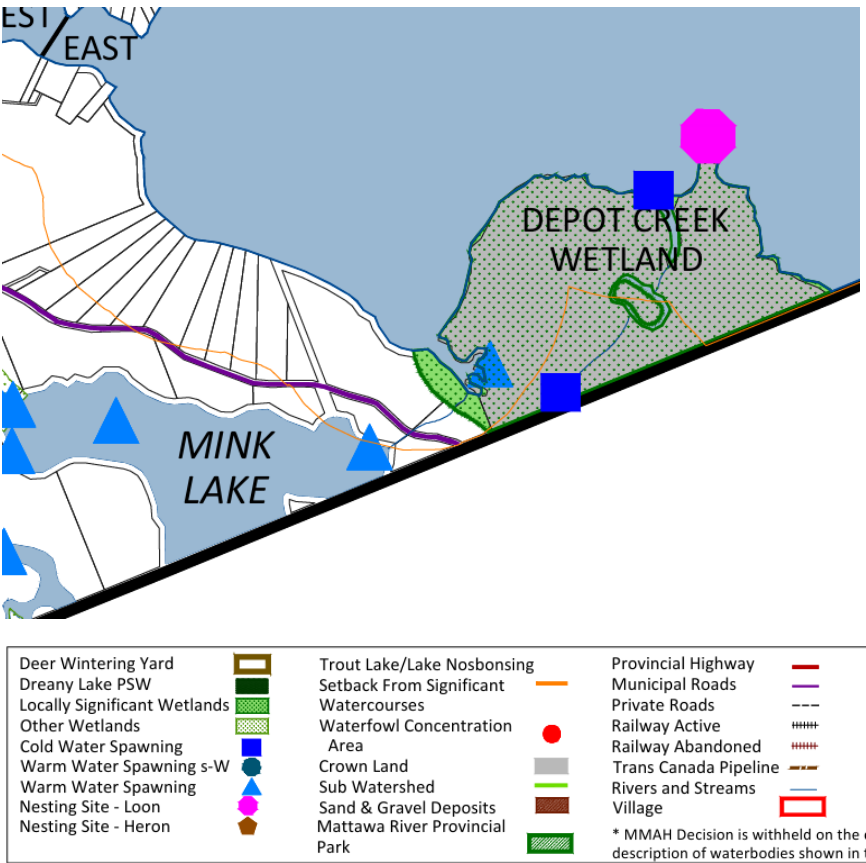
Figure 1: Land Use Designations (Schedule A of the Official Plan)





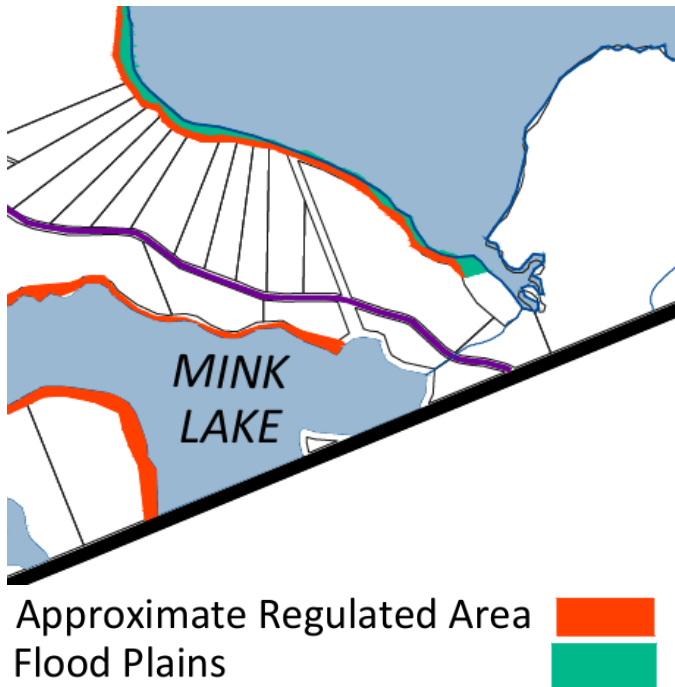
Schedule “D” of the Official Plan identifies an East Basin Setback attributed to the first 60 metres along the shoreline of the property, along with a “Trout Lake/Lake Nosbonsing Setback of 300 metres”. The Depot Creek Wetland is located to the east of the subject property, with a small portion of the wetland encroaching into the shoreline of the subject property.

Figure 2: Natural Heritage Features (Schedule D of the Official Plan)



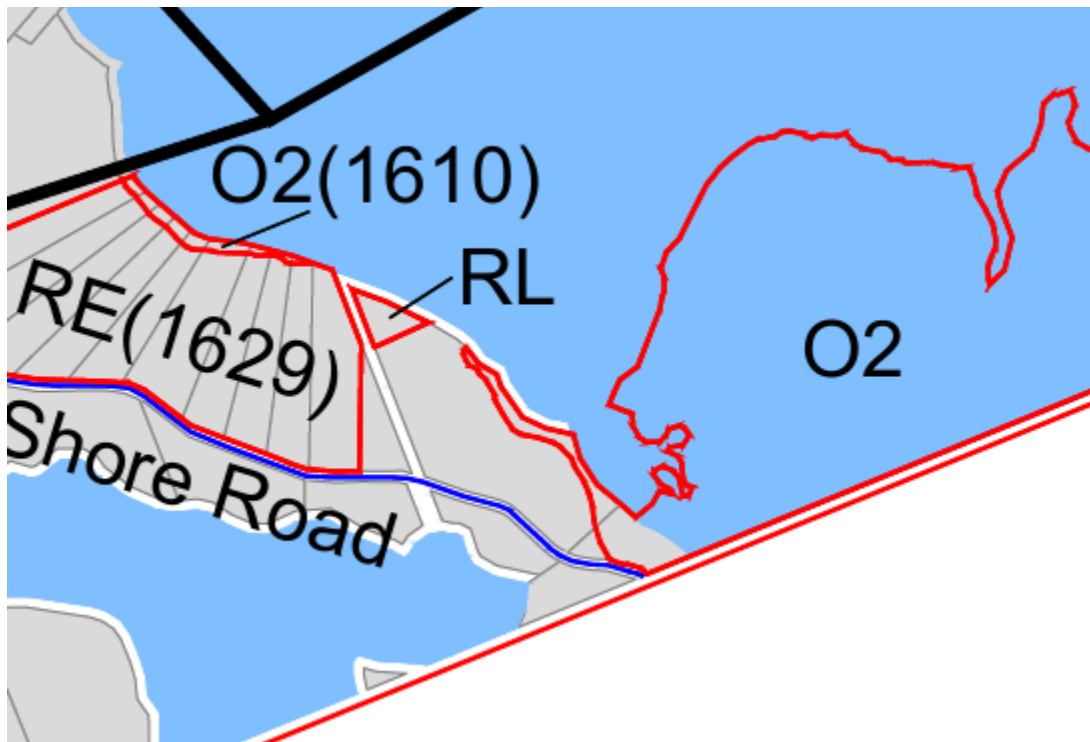
Schedule “E” of the Official Plan identifies flood plains and fill regulations along the shoreline.

Figure 3: Natural Hazards (Schedule E of the Official Plan)



The property is zoned “Rural (R)” and “Lakefront Residential (RL)”.

Figure 4: Zoning of Property (Schedule A of Zoning By-law)





The property is accessed via a municipally owned and maintained road entitled South Shore Road. An unopened municipal road allowance traverses the property, splitting the lands into two conveyable lots. There is currently an existing 600 square foot cottage on the west side of the property, situated on the unopened shore road allowance. The shore road allowance remains owned by the Municipality of East Ferris. The property abuts a rural residential estate subdivision to the west and a waterfront residential development to the east.

5. Policy Review

5.1 Planning Act

Section 51(24) of the *Planning Act* provides criteria when considering the subdividing of land. It states that “*regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

- (a) The effect of the development of the proposed subdivision on matters of provincial interest as referred to in Section 2,*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
 - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*



(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006.

Section 2 defines the Provincial Interest. It states:

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;*
- (b) the protection of the agricultural resources of the Province;*
- (c) the conservation and management of natural resources and the mineral resource base;*
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (e) the supply, efficient use and conservation of energy and water;*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (g) the minimization of waste;*
- (h) the orderly development of safe and healthy communities;*
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
 - A) is well-designed,*
 - B) encourages a sense of place, and*
 - C) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*



(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Regard for Matters of Provincial Interest and Section 51(24) Criteria

In carrying out their responsibilities under the *Planning Act*, Council and the approval authority are required under Section 2 to have regard to matters of provincial interest, and under Section 53(12) to have regard to the criteria set out in Section 51(24) when considering the consent application. The proposed Official Plan Amendment, Zoning By-law Amendment, and Consent applications, which together provide for four (4) new lots and two (2) lot additions on the approximately 26-acre subject property, resulting in six (6) conveyable waterfront properties, have appropriate regard to these matters.

The subject lands are adjacent to the Depot Creek Wetland, a locally significant wetland, and the protection of ecological systems and the conservation of natural resources are therefore central provincial interests in this case. A Wetland Assessment was completed in June 2026 by FRICORP Environmental Services, including updated mapping of the west boundary of the wetland fronting the subject property. The Wetland Assessment concludes that the severed lots will have no immediate impact on the wetland features, and that any potential impacts associated with future development can be mitigated through a 30-metre development setback, vegetation retention, and surface run-off mitigation measures. The Wetland Assessment states that "if the recommendations in this report are appropriately implemented, the proposed severed lots and future development can occur without negatively impacting the Depot Creek Wetland Complex." These measures are secured through the Zoning By-law Amendment and addressed through site plan control when development is proposed.

The proposal also has regard to the orderly development of safe and healthy communities and the appropriate location of growth, representing a modest, contextually appropriate creation of waterfront residential lots within an established residential waterfront area, where the lots front onto an existing public road and no new roads or municipal infrastructure are required. With respect to the efficient use of services and the protection of public health and safety, each lot will be serviced by private individual on-site sewage systems and private wells, and the subject lands provide ample developable area to accommodate this servicing while maintaining separation from sensitive features.

Council may grant consent where satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality, as required under Section 53(1). The municipality has confirmed that a plan of subdivision is not required in this instance. The proposed lots front onto an existing, established public road; no new roads or road construction are required; the lots will be serviced by private individual on-site services; and no public dedications or extensions of municipal infrastructure are involved. The proposed lot creation can therefore be appropriately and efficiently addressed through the consent process.

Regard has also been had to the relevant criteria of Section 51(24), as applied to consents through Section 53(12). The effect of the proposal on matters of provincial interest is addressed above. The proposal is not premature and is in the public interest: the lands are suitable, private services can be accommodated, and the wetland constraint has been resolved through the site-specific Wetland Assessment. Conformity with the Official Plan is assessed separately below.



The subject lands are suitable for the proposed waterfront residential use, with adequate developable area outside the 30-metre setback and any hazard lands, and the proposed lots are of a size and configuration appropriate for waterfront residential use and compatible with the surrounding area. Conservation of natural resources and flood control is addressed through the 30-metre development setback, vegetation retention, and surface run-off mitigation, secured through the provisions in the Official Plan and Zoning By-law, and addressed through Site Plan Control at the development stage, and the lots will be serviced by private individual on-site sewage systems and private wells with sufficient lot area to accommodate servicing and required setbacks.

On the basis of the foregoing, the applications have appropriate regard to the matters of provincial interest under Section 2 and the criteria of Section 51(24), and a plan of subdivision is not necessary under Section 53(1).

5.2 Provincial Planning Statement (2024)

The 2024 Provincial Planning Statement (PPS), issued under Section 3 of the *Planning Act*, sets out the province's policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Section 2.5 provides policy direction on **Rural Areas in Municipalities**.

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.*

Section 2.6 provides policy direction on **Rural Lands in Municipalities**.



1. *On rural lands located in municipalities, permitted uses are:*
 - a) *the management or use of resources;*
 - b) *resource-based recreational uses (including recreational dwellings not intended as permanent residences);*
 - c) *residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;*
 - 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;*
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.*
5. *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

Section 3.6.7 states that planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.

Section 4.1 provides policy direction on **Natural Heritage**.

Section 1 and 2 of Section 4.1 states: “Natural features and areas shall be protected for the long term... The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved.”

Section 5.2 provides policy direction on **Natural Hazards**.

1. *Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance.*
2. *Development shall generally be directed to areas outside of:*
 - a) *hazardous lands adjacent to the shorelines of the Great Lakes -St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*



- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
 - c) hazardous sites.*
- 3. Development and site alteration shall not be permitted within:*
 - a) the dynamic beach hazard;*
 - b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);*
 - c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and*
 - d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*
- 4. Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.*
- 5. Despite policy 5.2.3, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:*
 - a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or*
 - b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.*
- 6. Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:*
 - a) an institutional use including hospitals, long-term care homes, retirement homes, preschools, school nurseries, day cares and schools;*
 - b) an essential emergency service such as that provided by fire, police, and ambulance stations and electrical substations; or*
 - c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.*

Consistency with the Provincial Planning Statement



The Provincial Planning Statement (2024), issued under Section 3 of the *Planning Act*, sets out the Province's policy direction for the use and development of land, and decisions on planning matters shall be consistent with its policies. The subject lands are rural lands within the municipality, and the proposed Official Plan Amendment, Zoning By-law Amendment, and Consent applications are consistent with the applicable policies of the PPS, as set out below.

The PPS supports healthy, integrated and viable rural areas, including by building upon rural character and amenities, providing opportunities for sustainable and diversified tourism that leverages natural assets, and conserving biodiversity and the ecological benefits provided by nature. On rural lands, residential development, including lot creation, is a permitted use where site conditions are suitable for the provision of appropriate sewage and water services. The proposed waterfront residential lots are consistent with this direction: the subject lands provide ample developable area to accommodate private individual on-site sewage systems and private wells. The proposal is sustainable by rural service levels and is therefore promoted under the PPS, and is appropriate to the infrastructure already available, as the lots front onto an existing public road and require no new roads or uneconomical expansion of municipal infrastructure. Confirmation of sufficient reserve sewage and water system capacity, by way of private servicing on lots of suitable size and condition, supports lot creation in accordance with Section 3.6.7. The proposal also complies with the minimum distance separation formulae, as there are no livestock facilities in proximity to the subject lands that would be affected by the proposed lot creation.

With respect to natural heritage, the PPS requires that natural features and areas be protected for the long term, and that the diversity, connectivity and long-term ecological function of natural features be maintained, restored or, where possible, improved. The subject lands are adjacent to the Depot Creek Wetland, a locally significant wetland. A site-specific Wetland Assessment was completed in June 2026 by FRICORP Environmental Services, which concludes that the severed lots will have no immediate impact on the wetland and that potential impacts from future development can be mitigated through a 30-metre development setback, vegetation retention, and surface run-off mitigation measures. These measures are secured through the Official Plan Amendment and Zoning By-law Amendment, ensuring the long-term protection of the wetland's features and ecological functions consistent with the natural heritage policies of the PPS.

With respect to natural hazards, the PPS directs that development generally be directed to areas outside of hazardous lands adjacent to the shorelines of large inland lakes that are impacted by flooding, erosion, or dynamic beach hazards. No development is intended at the shoreline at this time. No construction is intended within the identified floodplain. The proposal is therefore consistent with the natural hazards policies of the PPS, and the planning authority has had regard to the potential impacts of a changing climate in assessing the suitability of the lots (s. 5.2.4).

On the basis of the foregoing, the proposed applications are consistent with the relevant policies of the Provincial Planning Statement (2024).



5.3 Official Plan

The Municipality of East Ferris' Official Plan was adopted in September 2015, and last consolidated in June 2025. Its purpose is to *"provide the Council with a set of land use development policies, consistent with accepted planning principles and local goals and aspirations. It is the intent of this Plan that the policies and statements of basic planning principles contained herein will guide both the municipal administrators and private interests in such a way as to ensure the best form of development under the most desirable conditions."*

Section 2.3 of the Official Plan states:

"The Municipality of East Ferris is experiencing an increasing demand for four season "out-of-doors" recreational facilities.

Another purpose of this Plan is to identify and protect important resources such as Trout Lake and Lake Nosbonsing. Appropriate policies dealing with watershed development, such as consent and plan of subdivision policies, the disposition of lakeshore road allowances, shoreline structures, road standards and policies relating to environmental matters have been developed to protect and monitor the impact of development on these resources."

Section 2.6 of the Official Plan states:

"The purpose of this Plan is to conserve and enhance the attributes of the natural environment by introducing policies that pertain to wildlife and fish habitat, sensitive features and which provide for remedial measures for contaminated sites. The Plan is intended to also protect the quality and quantity of surface and ground water resources."

Section 3.3 of the Official Plan states:

"The low density form of development intended for the Municipality will be serviced in compliance with the following servicing hierarchy:

- 1. Development may be serviced by on-site (private) water and sewer systems subject to the servicing policies of this Plan.*
- 2. Communal servicing will be the preferred means of servicing multiple lots/units where it is demonstrated that site conditions are suitable over the long term and where the provisions of Section 4.19.2 of this Plan are met.*
- 3. Partial services shall be prohibited except where necessary to address failed services.*

Development which proposes five or more lots/units shall require a servicing options report to recommend the appropriate method and requirements of servicing. Individual lot severances may be approved on private systems without the need for a servicing options report."

This application is for the creation of four new lots. As a result, it does not meet the requirement to provide a servicing options report.

Section 3.8 of the Official Plan states:



"The Municipality is host to a number of provincially and locally significant natural heritage features and areas. Known natural heritage features and areas are identified on Schedule "D" and include amongst others, wetland complexes including the Dreany Lake Wetland (provincially significant) Quae Quae Wetland and Depot Creek Wetland (locally significant) and other sensitive wildlife and fish habitat areas. The Municipality also has historic creeks and streams that were used as portage routes. These streams including the Lavase River. In addition, Council recognizes the importance and value of the endangered and threatened species in the municipality. Additional natural heritage features and areas may be identified through the review of development applications. This Plan encourages the protection and conservation of these important natural heritage features and areas and provides for undertaking of Impact Assessments to ensure that new development does not have a negative impact on these ecological resources."

Section 3.10 of the Official Plan states:

"Shoreline development is a major amenity and attribute in the Municipality. The previous Official Plan, as amended, introduced policies with the objective of achieving environmentally sound new development or redevelopment on Trout Lake and Lake Nosbonsing. This Plan builds on previous policy and provides a stronger and more detailed policy framework to protect water quality and ensure that ecosystem planning is an integral component of the decision-making process. This Plan continues to provide a policy framework to protect water quality and quantity and ensure that ecosystem planning is an integral component of the decision making process. Some of the refinements apply to shoreline structures such as boat houses, docks, wharves and saunas."

Section 4.18 of the Official Plan states:

"Development will neither be permitted in areas vulnerable to flooding nor in other areas where by reason of their low-lying, marshy, organic or unstable nature, construction costs would be prohibitive or place an unnecessary financial burden on the Municipality or government. Such areas are generally identified on Schedule 'E' of this Plan and appropriate policies established in Section 7 of this Plan for their preservation.

Where application is received for development in such areas, Council shall consider an application in light of the underlying or land use designations and policies established on Schedule 'E' and Section 7 respectively.

Where an application is received for development on lands outside the areas designated on Schedule 'E', and such lands may be considered unsuitable, Council in considering any necessary Official Plan amendment and/or Zoning By law amendment may require information with respect to:

- 1. The existing environmental and/or potential physical hazards;*
- 2. The potential impact of these hazards;*

and may require to their satisfaction that:

- 3. The proposed methods by which these hazards may be overcome or mitigated in a manner are consistent with accepted engineering techniques and resource management practices."*

Section 4.19 of the Official Plan states:



"As stipulated in Section 3.3, lands within the rural area may be serviced by individual on-site (private) water and sewer systems. Individual severances may be approved on private systems without the requirement of a servicing options study or technical (hydrogeological) studies to prove the sustainability of these individual private services, as long as the lot size and site conditions are suitable for the long-term provision of such services.

A servicing options study and technical i.e. hydrogeological reports will be required for proposed development of five or more lots/units.

These technical reports will be based on the following:

- A. Ministry of the Environment and Climate Change Procedure D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Risk Assessment;*
- B. Ministry of the Environment and Climate Change Procedure D-5-5, Technical Guideline for Private Wells: Water Supply Assessment; and,*
- C. Such other standards, protocols or matters that may be considered relevant in consultation with the Ministry of the Environment and Climate Change and/or the North Bay-Mattawa Conservation Authority.*

It shall be a policy that proponents of residential and non-residential developments using greater than 50,000 litres per day of water and/or generating more than 4500 litres per day of sewage per lot shall also prepare a hydrogeological report that satisfies the guidelines and protocols indicated above. Water supply systems which take more than 50,000 litres per day of water must obtain a permit to take water from the Ministry of Environment and may require an Environmental Compliance Approval."

Section 4.20 of the Official Plan states:

"Where road allowances along the shores of lakes or rivers have been laid out in locations where they do not function to provide public access to the water for recreational purposes, it shall be a policy of Council to permit such road allowances to be closed and sold to the abutting owners. Council shall have regard to potential flooding problems and fish habitat conservation concerns before permitting the closure and sale of the Shoreline Road allowance above the normal Surveyed Normal Water's Edge. Where the shore line road allowance is not sold and the owner of the adjacent property wishes to construct a shoreline structure as set out in Section 4.2.3, such construction may be permitted where the necessary approvals have been obtained (e.g. North Bay-Mattawa Conservation Authority) and where the owner of the land enters into an encroachment agreement with the Municipality of East Ferris. The encroachment agreement (under the Municipal Act) may set out the terms of occupancy and restrictions that apply to maintaining shoreline vegetation, etc. The municipality may attach a site plan to the encroachment agreement to illustrate the location, dimensions and setbacks of buildings and structures and natural features. This authority shall not limit the Municipality from entering into an encroachment agreement for any existing shoreline buildings and structures."

Section 5.3 provides policy direction on the Waterfront Land Use Designation. It states:

5.3.2 ... The intent of this Plan is to ensure that new development and redevelopment is controlled so that over the long term water quality will improve and the attributes and amenities of these lakes are conserved. Limited new development is anticipated and will be based on the ability of the



land and water areas to accommodate the impacts of waste disposal and water oriented recreational activities on the natural environment.”

5.3.3 Waterfront – Permitted Uses

1. **Scope of Uses:** *The Waterfront designation of land will mean that the predominant use of land shall be for permanent residential dwellings, seasonal dwellings and recreational oriented commercial uses.*
2. **Physical Constraints:** *This Plan should not be interpreted as allowing the complete development of the entire area designated for Waterfront uses. Certain areas may be entirely unsuitable for development due to poor drainage or impermeable bedrock, while others may have development constraints such as thin soil cover over bedrock.*
3. **Zoning:** *The implementing Zoning By-Law shall recognize the existing zoning of lands for the permanent dwellings on public roads (in existence on January 11, 1989) within the Lakefront Residential (RL) Zone. In addition, the Zoning By-Law shall establish criteria for properties on private roads and island properties set out in Section 5.3.4.4. The By-Law shall also provide zoning standards for new lots created in accordance with Section 9.15.2(18) (b) of this Plan. Zoning Standards that reflect the locational criteria set out in Sections 5.3.3 through 5.3.8 shall also be established.*

5.3.4.3 states “Single lot development for seasonal or permanent residential uses may be permitted subject to meeting the requirements of Sections 4.19, 5.3.7 and Section 9.16.2 of this Plan. Lot size shall be a minimum of 0.81 hectare (2.00 acres) with a corresponding frontage of 60 metres (196.85 feet) unless more stringent standards apply. The general design principles set out in Section 5.3.4 (2) above shall apply for mainland or island development and in addition, natural vegetation and amenities shall be conserved”.

The Official Plan also has lake-specific protection policies in place. Section 5.3.7.2 states:

1. General

Council recognizes that Lake Nosbonsing is a major resource for the Municipality of East Ferris as it supports extensive recreational and tourism uses and opportunities as well as a large number of seasonal and permanent residences. Council further recognizes that all lands located within the Lake Nosbonsing Watershed are connected to Lake Nosbonsing by surface and groundwater drainage and that all uses in the watershed directly or indirectly influence Lake Nosbonsing.

Planning policies for Lake Nosbonsing are based on recommendations outlined in the "Lake Nosbonsing Watershed Management Study, 1993".

Council recognizes that Lake Nosbonsing is a productive lake ecosystem which is a highly valued community resource. Much of the Lake is mesotrophic which means that it can support a highly productive recreational fishery and provides other recreational opportunities to residents. The western basin of the lake is eutrophic, which means that the recreational opportunities are lower and that the fishery may be at risk. It is imperative that individuals living near or using Lake Nosbonsing continue to act responsibly to minimize the impact of their activities on the shoreline, the lake water quality and the fishery. In addition, it is necessary that measures be introduced to reduce current loadings of phosphorus into the watershed.



It is the intent of Council to ensure that special care is taken through lake and watershed development controls to maintain or improve the existing level of water, aesthetic and fishery quality of Lake Nosbonsing. While maintaining a commitment to protecting the water quality of Lake Nosbonsing, limited development will be permitted based on the exercise of appropriate controls on the siting of buildings and structures, including tile beds, and the best use of available technology for phosphorus removal.

Stewardship of the shoreline ecosystem as a resource is a mutual responsibility of the property owner and the municipality or the Crown. This means that the shoreline should be left in its natural state as much as is possible in order to conserve the importance of the ecological functions of both aquatic and terrestrial flora and fauna.

With the exception of the East Basin of Lake Nosbonsing which has some very limited additional capacity for shoreline development, the creation of new lots along the shoreline of the Lake would cause phosphorus levels to exceed acceptable water quality standards.

The division between the East Basin and West Basin of Lake Nosbonsing has been identified on Schedule "D" as the "East-West Basin Division". The division has been identified to indicate those parts of Lake Nosbonsing where different development policies will apply in recognition of differences in existing levels of water quality.

Portions of certain water courses which flow into Lake Nosbonsing have been designated separately on Schedule "D". For the purpose of this Plan, the division between the East Basin and the West Basin of Lake Nosbonsing is more particularly described as the height of land on Shield's Point or the south shore respectively, which divides the flow of surface/ground water between the two basins. This designation has been applied to those portions of watercourses with significant potential for impact on the water quality of Lake Nosbonsing.

Council recognizes that Drinking Water Source Protection is important for the protection of Lake Nosbonsing. This plan will be amended to reflect the changes required through the Drinking Water Source Protection Plan.

Second units shall not be permitted within 300 metres of the bank of a designated watercourse flowing into Lake Nosbonsing identified on Schedule D.

2. Development Policies

Consideration may be given to development proposals for lands within the Lake Nosbonsing watershed provided that such proposals are consistent with the following;

A) Lot Creation

The creation of new lots within 300 metres of the shoreline of the Lake Nosbonsing will be permitted in accordance with the policies of this plan provided there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300 metres from the shoreline of Lake Nosbonsing; a Site Plan agreement will be required prior to development to ensure there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300



metres from the shoreline of Lake Nosbonsing; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located.

On the East Basin of Lake Nosbonsing, east of Shield's point, new lots will be permitted in accordance with the policies of this plan where there is sufficient space for the on-site subsurface sewage disposal tile beds to be located outside of a minimum setback of 60 metres (196.8 feet) from the shoreline of the East Basin, provided that it can be demonstrated through modelling using the latest version of the Provincial Lakeshore Capacity Handbook that there will be no negative effects downstream including lakes that are located outside of the municipality; a Site Plan agreement will be required as described above.

These restriction shall remain in effect until such time that technologies which can effectively reduce impacts on the water quality of the Basin to an acceptable limit are available, proven and implemented (this restriction also applies to the establishment of additional residential units). New lot creation permitted in accordance with one of the above circumstances shall also comply with the requirements of Sections 4.19, 5.3.7.2 and 9.15 of this Plan.

B) Lot Size and Frontage

The minimum lot size for new lot creation along the shoreline of Lake Nosbonsing shall be approximately 0.81 hectares (2.00 acres) and the minimum lot frontage shall be 60 metres (196.85 feet) in conjunction with the requirements of Section 4.19 of this Plan. Lots shall be properly proportioned, i.e., have sufficient depth to accommodate the safe installation of a sewage disposal system in accordance with the setback provisions of A) above and a drilled well.

- C) ...
- D) ...
- E) ...

F) Consents

Consents for lots within the Lake Nosbonsing watershed shall be reviewed in accordance with the policies contained in Section 9.15.2 of this Plan.

- G) ...

H) Vegetative Buffer

Notwithstanding the Site Plan policies in Section 5.3.8.4 of this plan, it is the intent of Council to generally require the establishment and/or retention of a natural vegetative buffer on lands within 30 metres (98.4 feet) of the shoreline of Lake Nosbonsing and the designated water courses flowing into the Lake, across the width of the lot, except for an



area up to 9 metres (29.5 metres) in width to provide an access corridor to the shoreline. Vegetation may also be removed immediately around any existing dwelling and proposed addition to a dwelling. In situations where the natural vegetative buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required.

Section 5.3.7.3 provides specific policy on Lake Nosbonsing Wetlands. It states:

1. General

The Shoreline wetlands of Lake Nosbonsing are critical components of the lake's ecosystem. They serve as rearing areas for fish, refuges for wildlife, traps for nutrients from inflowing streams and to maintain special vegetative communities that contribute to landscape quality. Major wetlands bordering Lake Nosbonsing include Astorville Wetland Complex, the Depot Creek Wetland, the South Shore Road Wetland and the Quae Quae Wetland Complex.

The above noted Lake Nosbonsing Wetlands have been designated on Schedule "D".

2. Development Policies

Development shall be located a minimum of 120 linear metres from the edge of a Lake Nosbonsing wetland unless it can be demonstrated there will be no negative impacts on the wetland or its function. (See also Section 6). The creation of new lots located within 300 metres (984.3 feet) of the edge of a Lake Nosbonsing wetland will be permitted provided there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300 metres (984.3 feet) from the wetland; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located.

Section 6 of the Official Plan provides policy direction on Natural Heritage Features.

"The Depot Creek Wetland is adjacent to this site, with a small portion of the wetland identified along the eastern portion of the shoreline. Section 6.2.1 states:

It is a policy of Council to protect and manage the identified wetlands as ecosystems which are important as habitats for a variety of plant and animal species, for water quality, flood control and water storage and recharge areas and for their value for passive recreation.

...

Development in the three locally significant wetland areas, is limited to the uses listed below, may be permitted only where it has first been demonstrated that such development or site alteration will not negatively impact on the ecological values and functions of the wetland. Permitted uses may include agriculture, forestry, trapping, conservation and outdoor recreation. No structures shall be permitted other than for flood control and erosion or which are associated with educational activities (e.g. board walk, interpretive trails etc.). Development or site alteration may be permitted on lands adjacent to provincially and locally significant wetland areas if it is demonstrated that



such development or site alteration will have no negative impacts on the wetland's natural features or ecological functions. The Municipality contains a number of other wetlands whose significance has not yet been evaluated or has been determined not to be provincially or locally significant. The North Bay-Mattawa Conservation Authority shall be consulted with respect to development within or adjacent to these other wetland areas."

Section 6.2.8 "requires an Environmental Impact Assessment for development, such as the construction of buildings or structures or the alteration of the shoreline prior to the approval of development within a natural heritage feature and in adjacent lands. Development or site alteration will not be permitted within lands adjacent to significant natural heritage features or area unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Where the development impacts cannot be mitigated, development will not be permitted. An Environmental Impact Assessment (EIA) is intended to provide for an assessment of the potential impact of a proposed development on a particular natural heritage feature and shall be used to determine whether development or redevelopment should or should not be permitted. The components of the EIA shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full site assessment (e.g., a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial development, golf course or major public work will likely require a full site assessment). Council may consult with the North Bay-Mattawa Conservation Authority in determining the type and content of an EIA. The following is intended to provide a guideline on the potential scope of an EIA: An Environmental Impact Assessment will be required for development proposed within 120 metres (393 feet) of the wildlife habitat, provincially significant wetland, locally significant wetland or significant fish habitat and shall include:

- A description of the study area and landscape context;*
- A description of the development proposal;*
- The identification of those features and functions likely to be affected by the development proposal;*
- An assessment of the potential impacts of the proposed development on key features and functions;*
- The identification of mitigation requirements and monitoring requirements;*
- The quantification of residual impacts (those that cannot be mitigated) if any; and*
- A review and recommendation.*

Council may consult with a public authority to assist with the technical review and findings of an Environmental Impact Assessment."

Floodplains were also identified along the shoreline of the property. Section 7.2 provides policy direction on Natural Hazards and Approximate Regulated Areas. It states:

- 2. No new buildings are permitted to be constructed within the flood plain except flood or erosion control structures, or low impact buildings or structures such as a gazebo, wharf or dock, boat slip, boat house and garden storage sheds. In particular, no use, building or structure which involves the storage of neither hazardous nor toxic materials, e.g., ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities, nor any institutional use shall be permitted to be constructed, enlarged or expanded in a flood*



plain. Uses permitted in flood plains shall be limited to agriculture, conservation uses, horticultural nurseries, forestry, golf courses and other outdoor recreational activities provided that no structures except for shoreline structures as set out in Section 4.2.3 are constructed and that the requirements for fill and construction controls are adhered to.

- 3. Where approved by the North Bay-Mattawa Conservation Authority and Council, minor extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted where the building or structure is adequately flood proofed and any openings in buildings are located above the flood elevation. Such developments shall be considered on a site-by-site basis and evaluated based on the characteristics of the site, e.g., susceptibility to flooding, erosion, slopes or other physical conditions and may also include the requirement for an impact assessment.*
- 4. In areas of the Municipality where the flood plain has not been determined, the setback of habitable buildings, non-residential buildings and sewage disposal systems from the shoreline or Surveyed Normal Water's Edge shall be 45 metres (147.6 feet). The setback provisions may be waived where the river bank or adjacent lands constitute an escarpment, bluff or other topographic feature that distinctively separates the river valley from the surrounding lands.*

Section 9.15.2 provides policy direction on consents. It states:

"Consents shall be permitted when it is clearly not necessary, or in the public interest, that a plan of subdivision is required. If a plan of subdivision is not deemed necessary, regard shall be had to other policies in this Plan and, more specifically, to the following criteria when considering applications for consent:

- 1. The applicant has provided confirmation that capacity exists at a sewage disposal or treatment facility (e.g. a letter signed by holder of the Certificate of Approval (C of A)), for the lot's septage exists.*
- 2. 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 except in the case where the lands are designated or intended to be used in the Waterfront designation (see section 8.15.2(18)(A)) or are located on an island, or are located within or adjacent to an area which has already been developed primarily on the basis of water access only.*
- 3. ...*
- 4. Consents for lots within the Lake Nosbonsing Watershed or its designated streams should only be granted when the policies set out contained in Sections 5.3.7.2 are satisfied.*
- 5. ...*



6. *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. Where two or more buildings or dwelling units are proposed on the same servicing lines, an agreement shall be registered on title to ensure that independent service easements area available to each building or unit.*
7. *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.*
8. *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.*
9. *No severance shall be approved which will result in the creation of a landlocked parcel unless such parcel is to be consolidated with an abutting property which abuts and has direct access to an improved public road. To avoid the creation of landlocked parcels, both the severed and retained portions of the subject property must abut and have access to a dedicated public highway.*
10. *Where the Municipality or the Ministry of Transportation has identified the need for road widening, extensions or rights-of-ways or for the provision of road allowances to meet required standards, the consent granting authority shall ensure that the necessary land for any or all of these purposes is dedicated as a condition of severance approval. Also, where an entrance permit may be required from the Ministry of Transportation under the Public Transportation and Highway Improvement Act, the applicant shall obtain comments from the Ministry prior to submission of an application.*
11. *No severance for a year-round residential use shall be approved if the necessary school accommodation is not available. The proposed lot should also be served by an existing school bus route.*
12. *In the review of a severance application, the consent granting authority shall have regard to matters of public health and safety (e.g., areas prone to flooding, erosion, steep slopes, organic soils, sewage treatment and waste disposal facilities, noise generation from road traffic and non compatible industrial uses) and shall ensure that appropriate mitigation measures are implemented. In the absence of appropriate mitigation, the application may be refused.*



13. Consideration shall be given to a land or cash dedication/conveyance in accordance with Section 9.4 for park land or recreational facilities and the dedication of land required for possible road widenings or other conditions to be met in the granting of a provisional consent.
14. 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.*
15. Despite the criteria outlined in '1' to '14' above, consents may be granted for the following purposes:
- *To correct lot boundaries;*
 - *To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;*
 - *To clarify title to the land;*
 - *Where the effect of the severance does not create an additional building lot, except to separate dwellings or structures in existence as of December 31st 2012 or to dispose of surplus dwellings when two or more parcels are consolidated;*
 - *To permit an easement; or*
 - *To permit a severance for municipal or other government purposes.*

16. ...

17. ...

18. Waterfront

- A) *Despite other consent policies of this Plan, a consent may be granted in the Waterfront designation for one new lot that does not have frontage on a year round publicly maintained road but does have a minimum lot area of 0.81 hectare (2.00*



acres) and a minimum lot frontage of 90 metres (295.2 feet) on the mainland of either Trout Lake or Lake Nosbonsing. In the granting of such a consent, however, there shall be conformity with the policies of Section 5.3.7 of this Plan.

B) New lots which may be granted under Section 9.15.2 (18) (A), shall only be created on an infill basis on private roads which existed on December 31st 2012 and are identified on Schedule "C". Extension to private roads shall not be permitted.

C) New lots which may be granted under Section 9.15.2 (18) (B) shall have a legal right-of-way registered on title to ensure legal access is provided.

19. In addition to the above, Council may request studies be conducted and submitted with an application for Consent to prove any of the above matters."

Conformity with Official Plan Policy

The Municipality of East Ferris Official Plan anticipates limited low-density rural and shoreline residential development, provides for on-site (private) water and sewage services, and seeks to conserve the natural heritage features of the community, including wetlands and shorelines, while maintaining a range of housing to meet various socio-economic needs. The subject lands are within the Waterfront designation on the East Basin of Lake Nosbonsing, adjacent to the Depot Creek Wetland. The proposed Official Plan Amendment, Zoning By-law Amendment, and Consent applications, which together provide for four (4) new lots and two (2) lot additions on the approximately 26-acre subject property, resulting in six (6) conveyable waterfront properties, conform to the Official Plan, as amended, for the reasons set out below.

The Waterfront designation provides that the predominant use of land shall be for permanent residential dwellings, seasonal dwellings, and recreation-oriented commercial uses, and the Plan anticipates that limited new development will occur based on the ability of the land and water areas to accommodate it. The proposed waterfront residential lots are a permitted use within the designation. Each proposed lot meets the minimum standards for waterfront lot creation, being a minimum of 0.81 hectares (2.0 acres) in area and a minimum of 60 metres of frontage, in accordance with s. 5.3.4.3 and s. 5.3.7.2(B).

The protection of the Depot Creek Wetland, identified as a locally significant wetland, is addressed through a site-specific Wetland Assessment, as contemplated by the natural heritage policies of the Plan. Section 6.2.8 requires an Environmental Impact Assessment for development within 120 metres of a locally significant wetland and provides that development adjacent to a significant natural heritage feature will not be permitted unless it is demonstrated that there will be no negative impacts on the feature or its ecological functions. The Wetland Assessment concludes that, with a 30-metre development setback, vegetation retention, and surface run-off mitigation, the proposed lots and future development can occur without negatively impacting the Depot Creek Wetland. This satisfies the no-negative-impact tests of s. 6.2.1 and s. 6.2.8, and supports the reduction of the 120-metre development setback under the "unless it can be demonstrated there will be no negative impacts" provision in the first sentence of s. 5.3.7.3(2).



The Plan's Lake Nosbonsing water-quality policies establish specific tile bed setbacks for new lot creation. The subject lands are located on the East Basin of Lake Nosbonsing, east of Shield's Point, where s. 5.3.7.2(A) permits new lots provided the on-site subsurface sewage disposal tile beds are located outside a minimum 60-metre setback from the shoreline, and provided no negative downstream effects on water quality are demonstrated. The proposed lots provide for tile beds sited approximately 60 metres from the water's edge. The adequacy of this setback has been established through more recent lake capacity work completed for the Municipality by Hutchinson Environmental Sciences Ltd. This study, compiled in 2021, indicated that there is additional development capacity, removing the freeze that previously existed on the main basin of Lake Nosbonsing (where this subject property is). On the basis of that work, staff have confirmed that Lakeshore Capacity Assessment Handbook modelling is not required for lot creation on these lands, provided the recommended best management practices. This includes maintaining low profile vegetation to maintain a lake view and waterfront access but disturbing no more than 25% of the existing frontage (15m of a 60m lot frontage). Further recommendations include a 30m deep naturalized buffer along the shoreline with limited allowance of vegetation removal for access and views and the 60-metre tile bed setback. These measures will be secured through the Site Plan agreement required by the policy at time of development. In addition, the second sentence of s. 5.3.7.3(2) requires that, for new lots within 300 metres of the wetland edge, the tile bed be located outside a 300-metre setback from the wetland – a standard that cannot be met on a parcel adjacent to the Depot Creek Wetland and that contains no provision for site-specific reduction. The Official Plan Amendment is therefore required to refine this setback to a site-specific standard for the subject lands, supported by the Wetland Assessment and the Municipality's lake capacity work, while maintaining the policy's intent of protecting the water quality of Lake Nosbonsing and the ecological functions of the wetland.

With respect to servicing, the rural and waterfront servicing hierarchy provides that development may be serviced by on-site (private) water and sewage systems. As the application proposes the creation of four new lots, it falls below the five-or-more threshold that would require a servicing options report or hydrogeological study under s. 3.3 and s. 4.19; individual severances may be approved on private systems where lot size and site conditions are suitable for the long-term provision of such services. Confirmation of suitable soil and drainage conditions for on-site sewage disposal will be obtained in accordance with s. 9.15.2(6).

The consent policies of s. 9.15.2 are satisfied. A plan of subdivision is not necessary, and the Municipality has confirmed as much. While s. 9.15.2(14) generally limits severances to two new lots from a parcel, Council may consider more than two severances by consent where 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 the severance conforms with all other applicable sections of the Plan. The proposal meets these tests: it relies on private services with no municipal extension, the lots front onto an existing assumed public road, and the proposed waterfront residential lots are consistent with the established character of the area. The proposal also remains within the annual cap of 25 new severance lots in the combined Rural and Waterfront designations. The lots front on and have direct access to the public road, and the proposal addresses matters of public health and safety, including flooding, in accordance with s. 9.15.2(12).



Finally, with respect to natural hazards, a floodplain has been identified along the shoreline of the property and forms part of the North Bay-Mattawa Conservation Authority regulated area. In accordance with s. 4.18 and s. 7.2, no new dwellings are proposed within the floodplain; each lot provides a building envelope located outside the identified floodplain and outside the 30-metre wetland development setback, with the shoreline hazard lands to remain undeveloped. Development within the regulated area will be subject to the approval of the North Bay-Mattawa Conservation Authority. The proposed development will be directed to hazard-free portions of the lots, consistent with the natural hazard policies of the Plan.

On the basis of the foregoing, the proposed applications conform to the Municipality of East Ferris Official Plan, as amended by the proposed Official Plan Amendment, which refines the Lake Nosbonsing wetland tile bed setback to a site-specific standard supported by technical study, while maintaining the policy intent of protecting the water quality of Lake Nosbonsing and the features and functions of the Depot Creek Wetland.

5.4 Zoning By-law

The subject property is currently zoned “Rural (R)”, “Lakefront Residential (RL)” and “Open Space (O2)”. The owner is proposing to rezone the entirety of the property, including the road allowances, to “Lakefront Residential (RL)”, while maintaining the “Open Space (O2)” zone to coincide with the delineated wetland boundary.

Section 5 provides a list of permitted uses and zoning requirements for Residential Zones. It states:

Permitted Uses for RL Zone

- Bed and Breakfast Establishment
- Dwelling, Single Detached
- Home Occupation
- Parks and Playgrounds
- Short-Term Rental

The setback and other regulations in the Zoning By-law, for the RL zone are as follows:

Minimum Lot Frontage	60 m
Minimum Lot Area	0.8 ha
Maximum Lot Coverage	10%
Front Yard Setback	8 m
Side Yard Setback	3 m
Rear Yard Setback	8 m
Maximum Building Height	10.5 m

Section 3.42 of the Zoning By-law indicates that the setback required for sewage disposal beds from the shoreline of ... Lake Nosbonsing, ... shall be 60 metres.

Section 3.43 of the Zoning By-law indicates that no new main building shall be erected in any zone within 30 metres of any lake, river, stream or wetland.



The owner proposes to meet all specified requirements in the Zoning By-law.

6. Planning Opinion and Conclusion

It is my professional planning opinion that the proposed Official Plan Amendment, Zoning By-law Amendment, and Consent applications are appropriate, represent good planning, and are supported by the applicable land use policy framework.

The applications have appropriate regard to the matters of provincial interest in Section 2 of the *Planning Act* and to the criteria of Section 51(24), as applied to the consents through Section 53(12). A plan of subdivision is not necessary for the proper and orderly development of the Municipality: the proposed lots front onto an existing, publicly maintained and assumed road, require no new roads or municipal infrastructure, will be serviced by private individual on-site systems, and involve no public dedications. The lot creation can therefore be appropriately addressed through the consent process under Section 53.

The applications are consistent with the Provincial Planning Statement (2024). The creation of waterfront residential lots on rural lands is a permitted use where site conditions are suitable for private servicing; the development is sustained by rural service levels and existing infrastructure; and the natural heritage and natural hazard policies are satisfied through the Wetland Assessment, the recommended setbacks and mitigation, and the direction of development away from the shoreline floodplain.

The applications conform to the Municipality of East Ferris Official Plan, as amended by the proposed Official Plan Amendment. The Depot Creek Wetland is protected through the 30-metre development setback, vegetation retention, and surface run-off mitigation recommended in the Wetland Assessment, which satisfy the no-negative-impact tests of the Plan. The water quality of Lake Nosbonsing is protected through the 60-metre tile bed setback on the East Basin, the best management practices confirmed acceptable by the Municipality on the basis of the Hutchinson Environmental Sciences Ltd. lake capacity work, and the Site Plan agreement and conditions of consent securing these measures. The Official Plan Amendment refines the wetland tile bed setback in Section 5.3.7.3(2) to a site-specific standard while maintaining the policy's intent of protecting Lake Nosbonsing and the Depot Creek Wetland. The proposal satisfies the consent policies of Section 9.15.2, including the criteria for considering more than two severances from a single parcel.

The Zoning By-law Amendment implements the proposal by rezoning the lands, including the road allowance, to a site-specific Lakefront Residential (RL) Exception zone. The development standards that protect the lake and wetland, including the 60-metre tile bed setback from the shoreline and the 30-metre development setback from any wetland, are secured through the Zoning By-law and apply to any future development on the lots. As the



Official Plan requires, a Site Plan agreement addressing the siting of the on-site sewage system, retention of the shoreline vegetative buffer, surface run-off mitigation, and the recommendations of the Wetland Assessment will be required prior to development on each lot, at the site plan control stage.

On the basis of the foregoing, it is my professional opinion that the applications are consistent with the Provincial Planning Statement (2024), conform to the Official Plan as amended, and represent good planning in the public interest. I respectfully submit that the applications are appropriate for approval, subject to conditions including:

- the Official Plan Amendment and Zoning By-law Amendment being in full force and effect;
- the closure and conveyance of the unopened road allowance under Section 4.20 and the Official Plan;
- preparation and deposit of a reference plan; and
- payment of any cash-in-lieu of parkland, and other standard conditions.

Site plan control will apply to future development on the lots, at which stage the Site Plan agreement will secure the tile bed siting, vegetative buffer, run-off mitigation, and the implementation of the Wetland Assessment recommendations.

Sincerely,

Ashley Bilodeau, MPA MPL RPP MCIP
Principal Owner

ASHLEY
MEGHAN