



PLANNING JUSTIFICATION BRIEFING

652 Corbeil Astorville Road
Consent to Sever application for the purpose of
creating one (1) new lot, plus retained,
in the Municipality of East Ferris.

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1. PROPOSAL

TULLOCH has been retained by the owners of 652 Corbeil Astorville Road (PIN 49187-0260) in the Municipality of East Ferris (Corbeil) to prepare a Planning Justification Briefing as part of a complete application package submitted to the Municipality. The Consent to Sever application is for the purpose of creating one (1) new lot in the Municipality of East Ferris. The proposal to create this new lot from the subject lands will result in the replacement and upgrading of a failing septic system that will improve the safety of the sanitary services on the property for its occupants and will ultimately lead to better protection for the water quality on Lake Nosbonsing.

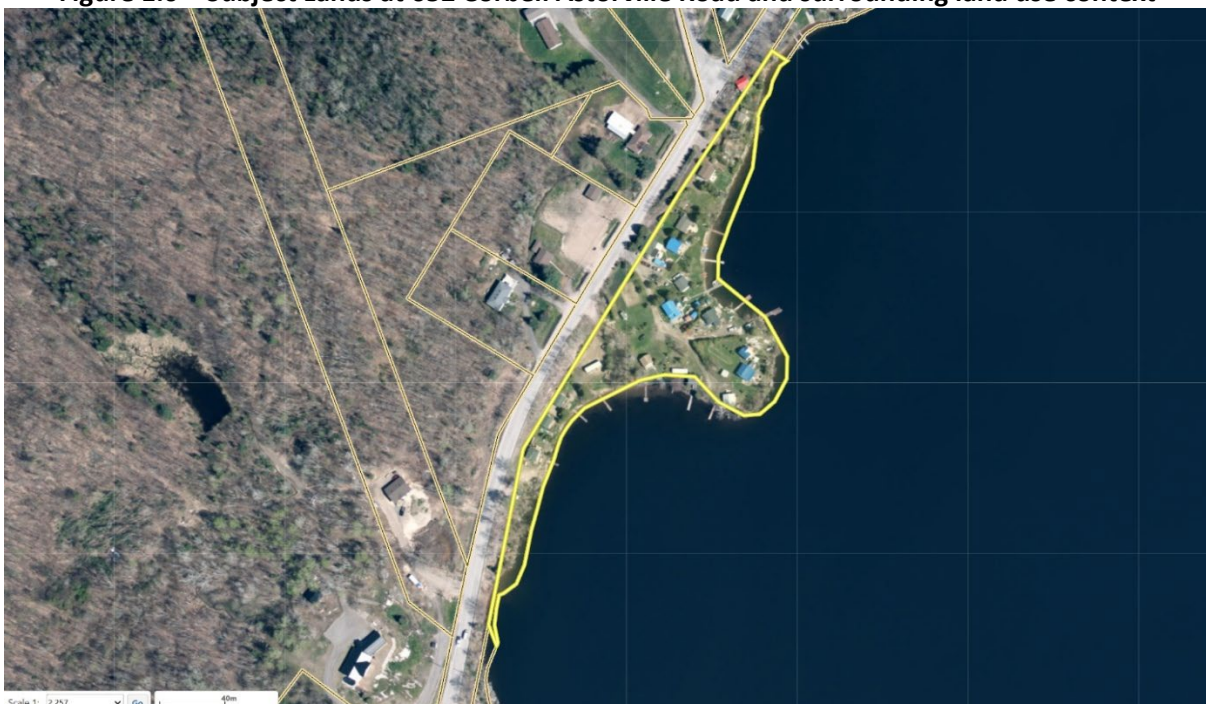
In this briefing, the author demonstrates that the impact of the proposed severance is minor, the general intent and purpose of the Zoning By-law and the Municipality's Official Plan will be maintained, and the proposed use and improvement of the property is consistent with Provincial Policy.

2. SUBJECT SITE AND SURROUNDING LAND USES

The subject property is +/-13.227m² in area, with frontage of +/-517m on Lake Nosbonsing and a depth of +/-112m at its deepest point. The subject lands that are represented by this application are legally described as CON 4, PT LOT 14 &15, PLAN 36R-2910 PARTS 3 to 6, 16 & 17, EAST FERRIS, PIN 49187-0260.

The site consists of eighteen (18) cabins used for Seasonal Recreational purposes, a primary residence (one storey single detached dwelling on a concrete block foundation) and a number of accessory structures (sheds, non-permanent trailers, etc.). Adjacent land uses include a commercial use Medical Centre/Pharmacy across the road to the west and other Residential/Seasonal Recreational dwellings to the north and south. The irregularly shaped subject lands are located between Corbeil Astorville Road and the Lake Nosbonsing shoreline. Most existing structures on site have been in place for at least 50 years.

Figure 1.0 – Subject Lands at 652 Corbeil Astorville Road and surrounding land use context



3. PLANNING POLICY REVIEW

3.1 Provincial Planning Statement 2024 (“PPS”)

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Planning 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.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, Subsection 2.1 (4) Planning for People and Homes, states that: “*To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall... maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development.*”

2.1 (6) adds that: “*Planning authorities should support the achievement of complete communities by... accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses...*”

Subsection 2.2 Housing, includes passages that encourage planning authorities to provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents by addressing the full range of *housing options* including *affordable* housing needs; permitting and facilitating all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, and by promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*....

Planning Analysis

The approval of this severance, while not permitting any new housing, will permit the existing Residential and Seasonal Recreational dwellings to remain, thereby supporting the direction in Subsections 2.1 & 2.2.

Subsection 2.6, Rural Lands in Municipalities, speaks to Provincial land use policies for rural areas in the Municipality of East Ferris that are outside of the hamlets of Astorville and Corbeil. It states that:

“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...”**

Section 3.6, Sewage, Water and Stormwater must be reviewed in its entirety as it directly impacts the subject lands and application for Consent. **Section 3.6** reads that:

- 1. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.**
- 2. Partial services shall only be permitted in the following circumstances:**
 - **where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development;**
 - within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*...

In rural areas, where partial services have been provided to address failed services in accordance with policy 3.6.5.a), infilling on existing lots of record may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.”

Planning Analysis

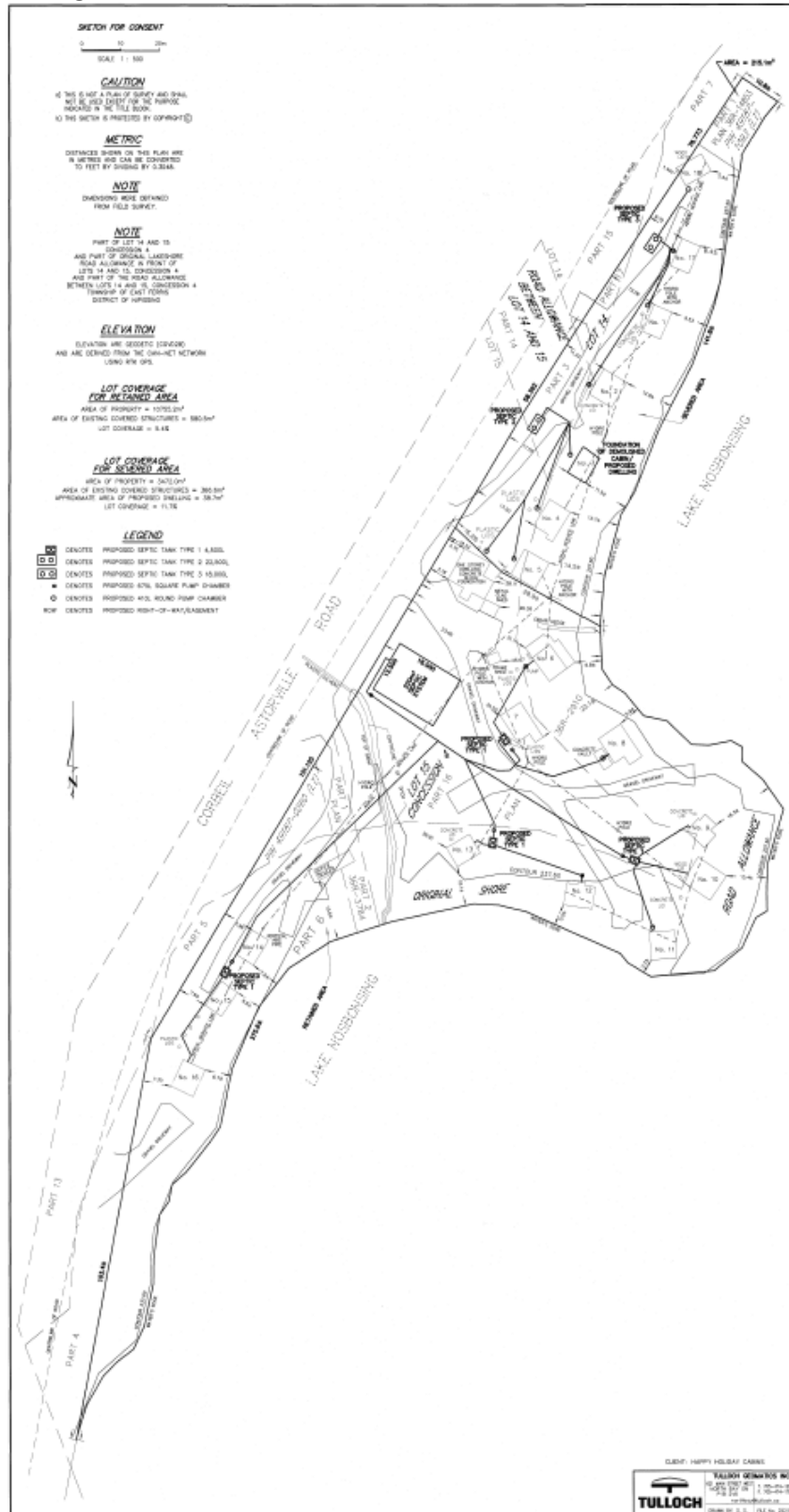
Per 3.6, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Municipal sewage services or private communal sewage services are not available, planned or feasible, for the subject lands. Through this proposed Consent to Sever, failed individual on-site sewage services in an existing development will be replaced and improved. The proposal will result in a new 21000L capacity septic system that will serve the house and eleven (11) of the cabins on the proposed retained. The other seven (7) cabins will continue to be serviced by Type 1, 2 & 3 septic systems/tanks that will replace the old, deteriorating holding tanks currently in use.

The current situation has evolved over many decades and now represents an ‘emergency situation’. Septic pump out companies are refusing to service the property as metal and other materials are being absorbed into their pump out trucks and equipment – likely from aging and failing metal holding tanks. The existing main septic bed is also being replaced. It currently services the existing single detached dwelling but will now be sized to service the house and 11 cabins as discussed above. The replacement and upgrading of the entire system will permanently address these issues and will document the location, size and connections for all on-site sewage services (*see Figure 2.0 – Sketch for Consent*).

Per 2.6, resource-based recreational uses (including recreational dwellings not intended as permanent residences); and residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services; are permitted. The fractional ownership of the site through a registered corporation already has restrictions in place that limit the use of the cabins to non-permanent occupancies, requiring owners to vacate their cabins for a period of time annually.

This application has been reviewed in the context of policies contained within the Provincial Planning Statement (PPS 2024) and has been found to be consistent with all matters of Provincial interest.

Figure 2.0 – Sketch for Consent at 652 Corbeil Astorville Road



3.2 Official Plan

This application has been reviewed in terms of its conformity with the Municipality of East Ferris Official Plan. **Section 5.2.4(6), Rural - Residential Uses**, speaks specifically to Lot Creation in proximity to waterbodies. It states: *“Lot creation within 300 metres (984.3 feet) of the shoreline of Trout Lake and the West Basin of Lake Nosbonsing, and the associated watercourses and wetlands flowing into these lakes 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 (984.3 feet) from the shoreline of the water feature; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located.”*

As per **Section 4.19** of the Plan, **Sewage Disposal and Water Supply**, *“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.”*

Planning Analysis

The subject lands are in the West Basin of Lake Nosbonsing but is not possible to locate the replacement septic system 300m+ back from the lake, as encouraged by **Section 5.2.4(6)**. The purpose of the proposed lot creation is not to permit new development or additional dwellings, but to avoid a Communal Septic System as approved by the Province and instead to service it with a Class IV system that will meet the definition of an ‘individual’ system, meaning less than 10,000L per day. Both the proposed severed lot and retained are suitable for individual on-site water and sewage disposal systems, which have already been preliminarily approved by the North Bay-Mattawa Conservation Authority (NBMCA), per **Section 4.19**. If the Municipality chooses, the site could be placed under Site Plan Control.

Section 5.3.1, Waterfront adds policy for those lands extending inland 150 metres (500 feet) from any standing waterbody. **5.3.2 Waterfront, Development Concept** adds that: *“East Ferris is endowed with two major water bodies-Trout Lake and Lake Nosbonsing. These water bodies have attracted substantial residential and recreational development over the years and are largely developed. This development, in turn, has had an impact on water quality. Most development in this designation is redevelopment rather than new vacant lot development.*

This designation is not expected to contribute significantly to the future housing requirements of the Municipality. This Plan recognizes that these lakes play an important role in the rural settlement pattern of the Municipality as well as provide opportunities for commercial recreational activities. This capability is primarily based on the interpretation of Canada Land Inventory land capability classification for outdoor recreation foremost of which is lodging. 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.”

5.3.7 Waterfront, Lake Specific Protection Policy, further states that: *“Council recognizes that both Lake Nosbonsing and Trout Lake are valuable recreational and environmental resources and as such should be protected from development that might cause further deterioration of their water quality. This Plan further recognizes that the Municipality of East Ferris has an obligation to adjacent municipalities who*

share the lakes with them as well as the existing residents and tourist camp operators located on these lakes, to protect the lakes by advocating a sensible land use policy for the use of the shore land and surrounding environment.

Section 5.3.7.2, Management Controls, offers Lake Specific Protection Policy for properties on Lake Nosbonsing. In part, it suggests that: *“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... 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...”*

Planning Analysis

Per 5.3.1, 5.3.2 and 5.3.7, this proposal would be considered ‘redevelopment’ and although one (1) new lot is being proposed it is for the purposes of septic system replacement only (under 10,000L per day). Without the severance, the NBMCA could not approve the septic systems locally. No additional dwellings or structures are proposed. In simplest terms the severance is being sought to permit new, improved on-site sewage services to be installed immediately.

Through this proposed Consent to Sever, failing individual on-site sewage services in an existing development will be replaced and improved. The proposal will result in a new 21000L capacity septic system that will serve the house and eleven (11) of the cabins on the proposed retained. The other seven (7) cabins will continue to be serviced by Type 1, 2 & 3 septic systems/tanks that will replace the old, deteriorating holding tanks currently in use, thereby supporting the Protection Policies outlined in **Section 5.3.7.2**.

Section 5.3.7.2, Development Policies for Lake Nosbonsing, goes on to state that: *“In “emergency” situations on existing lots containing development, existing on-site subsurface sewage disposal tile beds less than 30 metres (98.43 feet) setback, may be replaced provided the replacement system is no closer to the shoreline and is not increased in size to accommodate additional development. For the purposes of this section, an “emergency” situation is defined as a failed or failing septic system as determined by the North Bay-Mattawa Conservation Authority.”*

Planning Analysis

The North Bay-Mattawa Conservation Authority (NBMCA) has been pre-consulted and has deemed this an ‘emergency situation’. They are prepared to issue Septic System installation permits pending the approval of this Consent to Sever. The new system that will be installed utilizes the most current advanced technologies and represents a significant improvement over the existing situation, thereby adhering to the development policies found in **Section 5.3**.

Section 5.3.8.2, Site Plan Control, provides the Municipality of East Ferris with a policy context to strictly control properties on Lake Nosbonsing that falls within the Waterfront Designation as shown on ‘Schedule A’ to the Official Plan. All lands within the Waterfront Designation shall be designated as a Site Plan Control Area.

Planning Analysis

Per 5.3.8.2, this property is not currently under Site Plan Control. If approved, it is expected that as a Condition of Consent the owners will be required to enter into an SPCA with the Municipality. An SPCA is a contractual agreement under Section 41 of the Planning Act that will strictly control the location of all existing or proposed buildings, structures, accessory buildings, wells and sewage disposal systems with an indication of accurate dimensions and setback distances from lot lines and from an abutting watercourse or lake (See Figure 2.0) ; and will further detail the approximate location of all natural and artificial features on the subject land (i.e. roads, drainage ditches, watercourses, banks, slopes, wetlands, wooded areas etc.). Entering into a SPCA with the owners will provide the Municipality with an opportunity to improve the conditions of the shoreline of the property and ensure the water quality of Lake Nosbonsing will be maintained or improved, as per **Section 5.3.7.2**. A bond may be requested and held by the Municipality to ensure the works are completed to the satisfaction of the Municipality. The bond shall be released to the owner once the works have been completed.

Section 5.3.8.3, Septic Pump Out By-laws, recognizes that: *“the potential impact to the water quality of Trout Lake and Lake Nosbonsing from private sewage disposal systems can be reduced by the periodic pumping out of septic tanks to remove solids. It is the intent of Council to regulate its municipal by-law which requires the septic tank of every private sewage disposal system on any lot which fronts on Trout Lake or Lake Nosbonsing or a designated watercourse flowing into those lakes to be pumped out on a regular basis as set out in the said by-law. Council will continue to monitor the impacts of septic tanks on water quality in both lakes.”*

Planning Analysis

The entire purpose of this application is to consider the potential impact to the water quality of Lake Nosbonsing from the existing private sewage disposal system. Lands that will form the proposed severed and the proposed retained will comply with the municipal pump-out by-law.

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.

3.3 Zoning By-law No. 2021-60

The subject lands are currently zoned **‘Resort Commercial (C3)’** in the Municipality of East Ferris’ Comprehensive Zoning By-law 2021-60.

Section 6.2, Resort Commercial, permits Camp or Campground which is defined as: *“Camp: Shall mean one or more buildings used for sleeping accommodation, the preparation and servicing of food, and/or sports or recreation facilities, and intended for recreation purposes on a temporary or seasonal basis. A camp may also include a restaurant. Campground: A commercial operation used and maintained for campers, providing short term accommodation for tents, trailers, motor homes, cabins, or recreational vehicles. A campground may also include a convenience store.”*

Section 6.2, Resort Commercial, permits Dwelling Units, with the special provision that: *“Special Provisions for Table 6A – Permitted Commercial Uses (1) – A dwelling unit(s) in any Commercial Zone must abide by Subsection 3.12 - Dwelling Unit in Non-Residential Building or Lot of Section 3 - General Provisions.”*

Section 3.12, Dwelling Unit in Non-Residential Building or Lot, states that: *“No person shall use any lot, or erect, alter, or use any building, structure, or part thereof for the purpose of a separate dwelling unit on a lot zoned other than for residential uses or within a portion of a non-residential building except in accordance with the following regulations:*

3.12.1 One dwelling unit for use by the owner or operator shall be permitted per lot with an approved water supply and septic system, as per the zoning tables in Sections 5 to 10 of this By-law.

3.12.2 The dwelling unit shall have a minimum floor area of 70 m².

3.12.3 The dwelling unit shall have a separate washroom and kitchen facilities from those of the non-residential use.

3.12.4 The dwelling unit shall have one separate parking space as provided by Section 4 of this By-law.

3.12.5 The dwelling unit shall have a separate building entrance to the one provided for the non-residential use.”

The subject lands are in compliance with Zoning By-law 2021-60, per **Sections 3.12 & 6.2**.

4. CONCLUSION

In this briefing, the author demonstrates that the Consent to Sever is necessary to address an emergency septic system situation on the subject lands. There are policies in both the Provincial Planning Statement (PPS 2024) and in the Official Plan to anticipate this situation. It has been demonstrated that the impact of the severance is minor, and at the very least, is necessary to remedy and improve this situation while the general intent and purpose of the Zoning By-law and the Municipality’s Official Plan will be maintained.

The North Bay-Mattawa Conservation Authority (NBMCA) has preliminarily approved new, modern sewage systems that would meet the minimum requirements of the property as set out in Part 8 of the Ontario Building Code (OBC). The NBMCA will be circulated on all pending Planning Act applications.

It is recommended that the property be placed under Site Plan Control as a condition of approval and it is further requested that the proposal to one (1) new lot be approved by the Municipality of East Ferris. Based on the preceding planning analysis, it is my professional opinion that 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 road; and therefore
- Represents good planning.

Respectfully submitted,



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