

PLANNING JUSTIFICATION REPORT

657 LAC CLAIR ROAD, SPRINGER (WEST NIPISSING)
CONSENT TO SEVER FOR THE PURPOSE OF A LOT ADDITION

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1.0 INTRODUCTION

TULLOCH has been retained by Mr. Georges Arcand and Mrs. Marie Arcand, the owners, to prepare a Planning Justification Report in support of a proposed consent application for a lot addition. The purpose of the application is to sever a portion of one property owned by the Arcand family and convey it to an adjacent property, also under their ownership, in order to adjust the lot line between the two. No new lot will be created; instead, the severed lands will merge with the abutting lot at 657 Lac Clair Road to form one enlarged rural residential lot. This technical lot line adjustment is intended to improve the lot area, frontage, and overall function of the 657 Lac Clair Road parcel. The adjustment will provide sufficient area to accommodate a driveway access to the property, while the remaining lands will continue to be used for its original purpose.

This report provides a land use planning analysis and justification for the Consent application to facilitate a lot addition and boundary adjustment between the subject parcels.

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

- *Provincial Planning Statement (2024) (PPS)*
- *Growth Plan for Northern Ontario (GPNO)*
- *Municipality of West Nipissing Official Plan (OP)*
- *Municipality of West Nipissing Zoning By-law 2014-45 (ZBL)*

Overall, the author finds that the proposed consent application conforms with the *Growth Plan for Northern Ontario*, the *Municipality of West Nipissing Official Plan*, is consistent with the *2024 Provincial Planning Statement*, and represents good planning.

This Planning Justification Report is structured as follows:

- **Section 1.0:** provides the introduction and purpose of this report.
- **Section 2.0:** provides a description of the subject lands including information on existing easements and surrounding land use planning context.
- **Section 3.0:** describes the proposed consent and provides the sketch plan.
- **Section 4.0:** describes the land use planning policy context including provincial, and municipal planning documents and a review of how the proposed development conforms to or is otherwise consistent with these policies.
- **Section 5.0:** sets out the summary and conclusion of the report.

2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT

2.1 SUBJECT PROPERTY

The subject lands consist of two adjacent rural properties located on Lac Clair Road in the community of Lavigne (Springer Township), within the Municipality of West Nipissing. Both parcels are under the ownership of the Arcand family. The property from which land is to be severed is legally described as:

Part of Broken Lots 11 and 12, Concession 6, Lot 4, Plan 36M-726 (PIN 49075-0583)

Lot 4, registered Plan 36M-726, (proposed retained) currently has a total area of approximately 12.584 hectares and frontage of roughly 92 metres on Lac Clair Road, a year-round municipally maintained road. This parcel was created by plan of subdivision in 2024 and is developed with an existing single-detached dwelling and accessory shed on the portion to be retained. The portion of the property proposed to be severed is currently open land situated near the top of bank, an area identified as well-suited to accommodate a future driveway access.

The benefitting parcel is legally described as:

Part of Broken Lot 11 and 12, Concession 6, Springer, Designated as Part 8, Lot 3, Plan 36R-13788 (PIN 49075-0573)

Municipally known as 657 Lac Clair Road, this parcel is zoned Rural (RU) under Zoning By-law 2014-45 and abuts Tanner Lake. The lot has a total area of approximately 25 hectares and a frontage of approximately 600 metres along Lac Clair Road; however, this frontage does not provide a safe or practical passageway to the interior of the property due to topographic constraints and the presence of natural features. TULLOCH's geomatics division surveyed an appropriate location for the new access proposed by this application. *See Figure 1 for a map of the Subject Lands.*

2.2 SURROUNDING CONTEXT

Surrounding land uses in the immediate vicinity are primarily low-density rural and shoreline residential. The subject lands are part of a cluster of rural properties abutting Tanner Lake, located north of Highway 64. Adjacent lots along the lake are used for seasonal cottages or year-round dwellings on private services, consistent with the rural and waterfront character of the area. Beyond the lakeshore, lands are predominantly forested rural land. There are no active agricultural operations, commercial uses, or industrial uses in proximity. The nearest residential neighbors are other rural cottage lots along Lac Clair Road. *See Figure 1 for the site and surrounding context.*

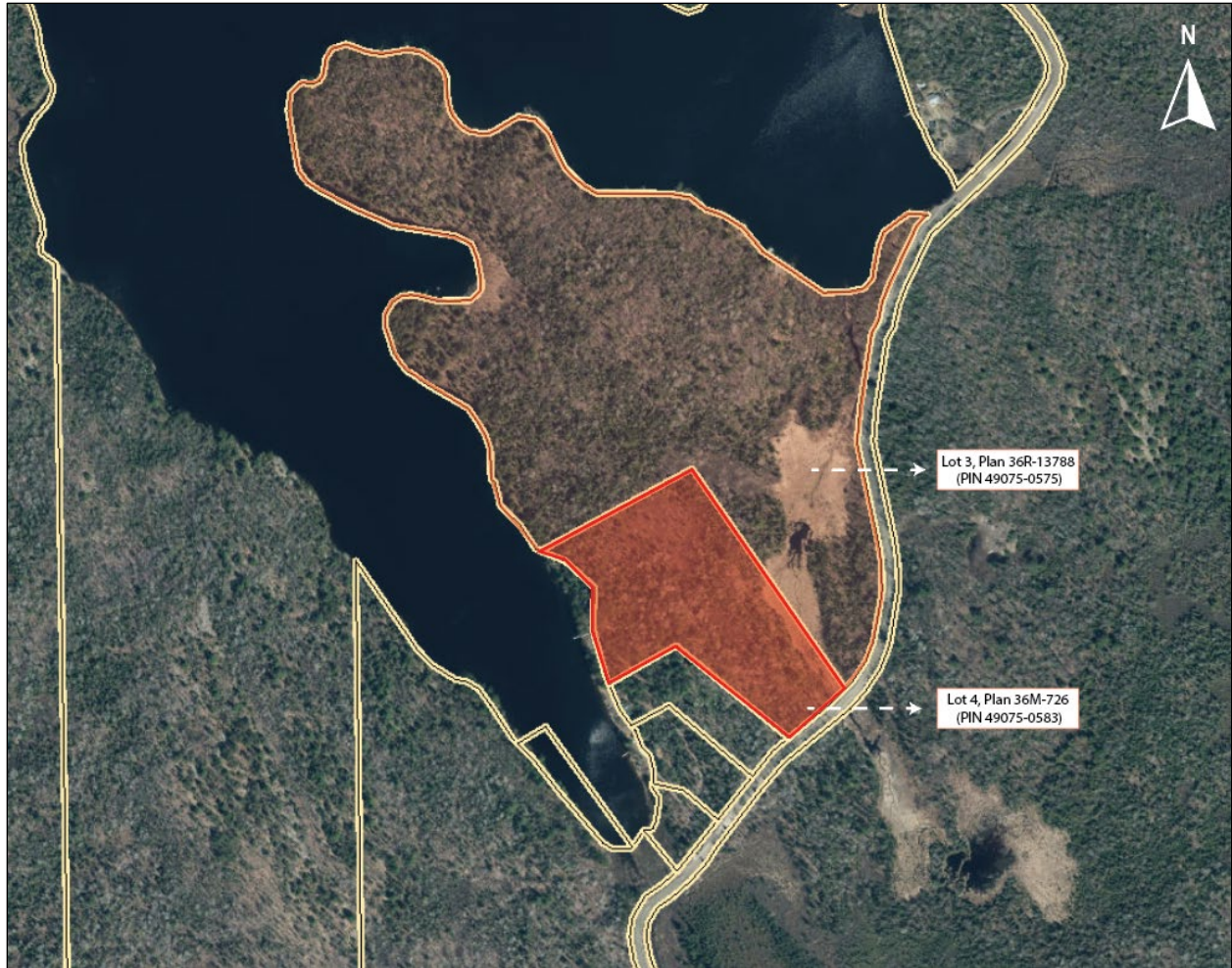


Figure 1: Subject Lands and Surrounding Context

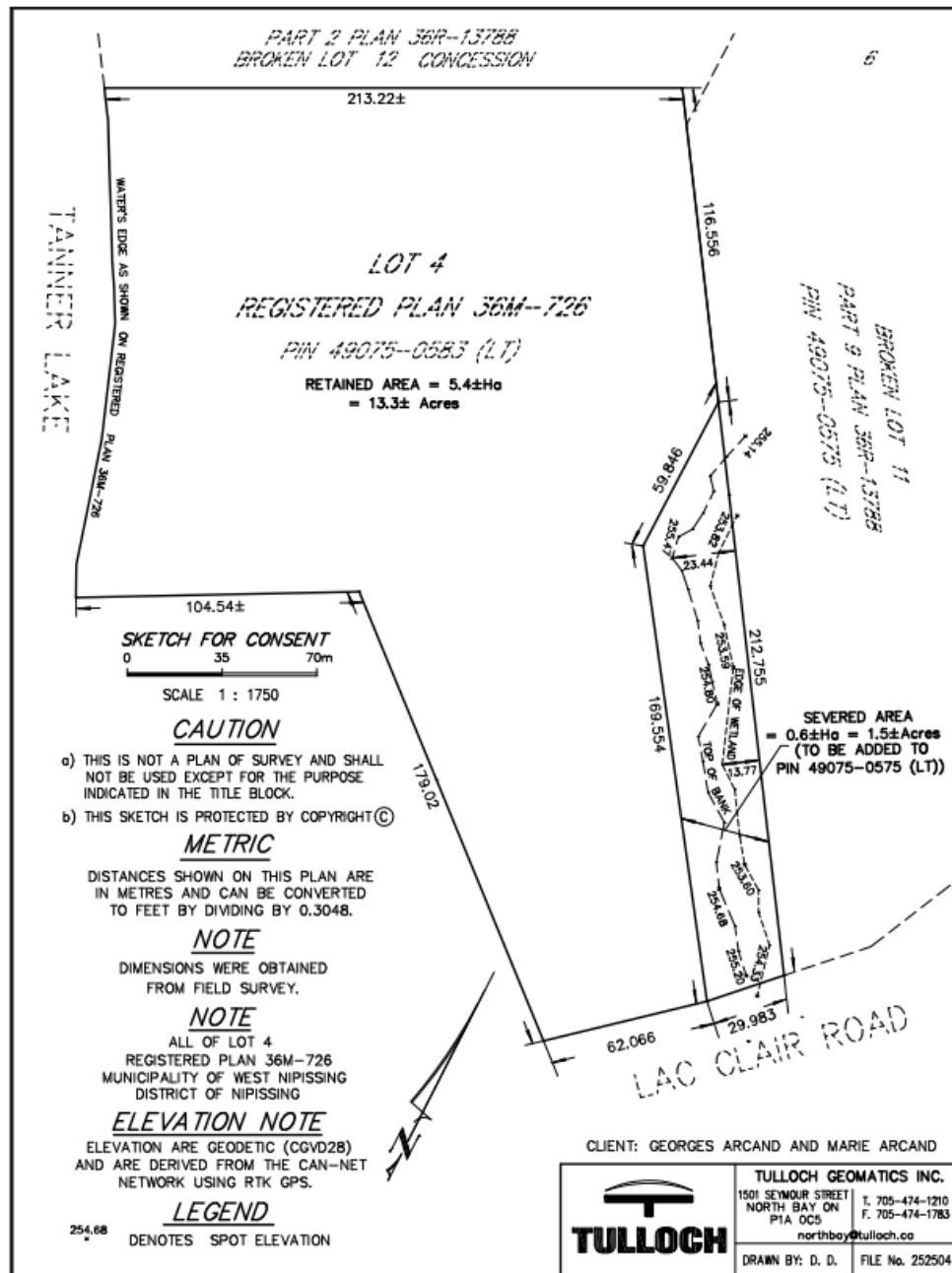
3.0 PROPOSED CONSENT

The proposal involves a consent to sever for the purpose of a lot addition. A strip of land from Lot 4, Plan 36M-726 (PIN 49075-0583) is to be severed along the top of bank and will be transferred to the abutting parcel, Lot 4, Plan 36M-726 (PIN 49075-0575). The purpose of the adjustment is to provide sufficient area for a driveway that will establish safe access to 657 Lac Clair Road. The balance of PIN 49075-0583 will remain intact and in continued use by the Arcand family.

A sketch plan prepared by Tulloch (see Figure 3, Sketch Plan No. 252504 below) illustrates the proposed boundary adjustment. The plan identifies the portion of land to be severed, the alignment of the top of bank, and the area sufficient to accommodate the proposed driveway away from any natural heritage features. The adjustment will add meaningful frontage and area to the benefitting parcel, while the retained lands will remain well above the minimum lot size and continue to satisfy zoning provisions as a legal lot of record.

The lot addition does not result in the creation of a new lot or any change in land use. Its purpose is limited to improving access to the land. TULLOCH's geomatics division surveyed an appropriate location for the new access proposed by this application. Following the adjustment, the benefiting parcel will continue to be used for rural residential purposes, and the retained lands will remain in their existing open and wooded condition until such time as a building permit is applied for. Both parcels will continue to front onto Lac Clair Road, ensuring legal access is preserved and no land is rendered 'landlocked'.

Overall, the consent represents a minor lot-line adjustment that improves lot configuration and secures appropriate access without introducing new development or requiring rezoning.



4.0 POLICY OVERVIEW AND ANALYSIS

The following section sets out the relevant planning policy framework to assess the appropriateness of the application in the context of provincial and municipal policies and regulations. Each subsection will outline relevant policies and provide an analysis with respect to how the lot addition is consistent with or conforms to such policy.

4.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)

The *2024 Provincial Planning Statement* (PPS) provides high-level provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on Planning Act applications. Municipal Official Plans must be consistent with the Provincial Planning Statement. Policies applicable to the proposed Zoning By-Law Amendment are discussed below.

Section 2.5 of the PPS provides policies for Rural Areas in Municipalities and states, in part:

- 2.5.1** *Healthy, integrated and viable rural areas should be supported by:*
- a) building upon rural character, and leveraging rural amenities and assets;*
 - ...
 - d) using rural infrastructure and public service facilities efficiently;*
 - ...

PLANNING ANALYSIS

In accordance with Section 2.5.1(a), the proposed lot addition reinforces the existing rural residential character by preserving natural features, including shoreline vegetation, and maintaining outdoor amenity areas. The proposal introduces no new development, change in use, or increase in intensity, ensuring that the site continues to rely on existing private roads and servicing. Consistent with Section 2.5.1(d), no new public infrastructure is required, and the efficient use of existing services is maintained. As such, the lot addition supports the preservation of rural character while utilizing established infrastructure.

Section 2.6 of the PPS provides policies for Rural Lands in Municipalities, and states, in part:

- 2.6.1** *On rural lands located in municipalities, permitted uses are:*
- ...
 - b) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;*
 - ...

PLANNING ANALYSIS

In accordance with Section 2.6.1(c), the proposed lot addition does not introduce new dwelling lots but instead enlarges an existing residential parcel. The PPS further supports lot creation where on-site servicing is appropriate, and in this case, private wells and septic systems continue to serve the residences with site conditions remaining suitable. No additional servicing demands arise, and the proposal therefore conforms with PPS policy by preserving appropriate rural residential use supported by adequate on-site water and sewage services.

Overall, the proposed consent is consistent with the 2024 Provincial Planning Statement. Section 2.6 of the PPS allows residential development and lot creation on rural lands where site conditions can support appropriate water and sewage services. The purpose of this consent is simply to transfer a strip of land from one Arcand parcel to another to accommodate a driveway; it does not involve any new dwellings or intensification. Both the retained and enlarged lots will continue to rely on individual on-site well and septic systems, in line with PPS guidance that rural development should be supported by existing rural service levels and avoid uneconomical expansion of infrastructure. Because the adjustment uses existing rural roads and private services, leverages the property's rural character, and does not introduce new uses or create a separate lot, the proposal satisfies the PPS policies for rural land use.

4.2 GROWTH PLAN FOR NORTHERN ONTARIO (GPNO)

The *Growth Plan for Northern Ontario* (GPNO) is a 25-year plan that provides guidance in aligning provincial decisions and investment in Northern Ontario. It contains policies to guide decision-making surrounding growth that promotes economic prosperity, sound environmental stewardship, and strong, sustainable communities that offer northerners a high quality of life. It also recognizes that a holistic approach is needed to plan for growth in Northern Ontario.

The goals and objectives of the GPNO have been reviewed and the proposal is found to be in conformance with the Plan.

4.3 MUNICIPALITY OF WEST NIPISSING OFFICIAL PLAN (OP)

The *Municipality of West Nipissing Official Plan (OP)* is the principal land use planning policy document for the Municipality. The OP establishes objectives and policies that guide both public and private development/decision-making. The subject property is designated as 'Rural' in the OP.

Several sections of the Official Plan address 'Rural', including:

Section 3.06.3 contains land use policies related to the Municipality's Rural Area, and states, in part:

3.06.3 *...Lands which are not located within a designated urban or rural settlement area shall be considered to be part of the Rural Area. This area is characterized by its wide open spaces or country-side setting where the make-up of development consists of farms, cross road settlements, scattered residential uses, pits and*

quarries and a variety of other rural-type uses... Development is typically serviced by individual on-site water supply and sewage disposal systems...

...The focus of land use activities in the Rural Area will be resource or resource-related (i.e. Agricultural Resource Lands, Extractive Resource Lands, Hazardous Lands or lands occupied by natural heritage features and areas)...

...Subdivisions shall not generally be permitted in the Rural District except for areas along the shoreline of waterbodies or in association with a recreational commercial development (e.g. golf course)...

PLANNING ANALYSIS

The subject lands are designated as 'Rural Area' in the Official Plan. In accordance with Subsection 3.06.3, the Rural Area is characterized by wide open spaces, scattered residential uses, and reliance on private on-site servicing for water and sewage disposal. The proposed consent does not create a new lot but instead adjusts an existing lot boundary by transferring a portion of one parcel to another. Both the retained and enlarged parcels will continue to support rural residential uses, which is recognized as an appropriate rural use under Subsection 3.06.3. Because no new lots are introduced, the proposal avoids contributing to scattered or subdivision-style development and maintains the low-intensity rural character envisioned by the policy. Servicing for both parcels will be via private wells/lake and septic systems, consistent with the Official Plan's direction that Rural Area development relies on individual on-site systems. Importantly, Subsection 3.06.3 acknowledges that subdivisions are generally not permitted in the Rural District, except where located along the shoreline of waterbodies. As the subject lands are shoreline parcels, the proposed lot adjustment conforms with this policy direction by respecting the shoreline context while preserving rural character.

Section 3.06.6 provides planning principles that are applied to all development. Applicable planning principles are:

3.06.6.1 **Adequate Lot Sizes:** *The lot size shall be adequate for all existing and proposed or potential future land uses including the expansion of buildings and structures. The lot shall be adequate for all setbacks, parking and loading facilities, storage and display areas, signs, lighting, landscaping, buffering or screening, infrastructure and safe access and egress, where these requirements apply. Where appropriate, the approval authority shall require appropriate studies (e.g. servicing options report, geotechnical study or hydrogeological study and terrain analysis), to support the lot size proposed and to ensure that there will be no negative impacts on groundwater quality and quantity, neighbouring wells etc.*

3.06.6.3 **Frontage and Access:** *All uses shall have frontage on and direct access to an open and maintained year round public road. Exceptions may be made for existing lots of record on private roads, condominium development, islands (water access), for*

infrastructure uses and utilities and for resource lands where deemed appropriate (see also Section 3.06.12).

Any new development which proposes access to or fronts on a public road (Provincial Highway or Municipal Road) must satisfy all requirements of the authority(ies) having jurisdiction. Further, the proposed access should not negatively impact upon the safety and efficiency of any type of public or private road. (See also Section 4.06.6 - Transportation.)

3.06.6.4 ***Measures for Landscaping, Buffering, Screening and Land Use Compatibility:*** *A primary planning principle is to promote land use compatibility and to encourage compatible land uses to locate adjacent to each other. Where this is not possible or where development involves the expansion of existing adjacent incompatible uses, the Plan promotes the use of landscaping, buffering and screening techniques to reduce land use conflicts.*

As a measure to promote land use compatibility, landscaping, buffering, screening or other attenuation measures shall be used to mitigate adverse effects, noise, visual impacts and conflicts between land uses; and may also be used to improve aesthetics or to enhance the quality of development in urban or rural areas. Landscaping, buffering screening or attenuation measures may include setbacks, berms, fencing, vegetation, natural land forms or a combination of these measures.

Proper site planning will also be used to promote compatibility (e.g. by placing parking, loading, open storage or noisier or other objectionable areas away from adjacent or nearby residential uses or locating access points so that traffic to commercial/industrial areas will be diverted from residential streets).

3.06.6.8 ***Site Plan Control:*** *The Municipality may, by by-law under Section 41 of the Planning Act, designate specific areas or land uses within the Municipality as site plan control areas (see Section 8.13.10 - Site Plan Control of this Plan).*

PLANNING ANALYSIS

In accordance with Section 3.06.6 of the Official Plan, the proposed consent will allow the identified severed area to be transferred to the abutting parcel (PIN 49075-0575), resulting in a larger and more functional lot configuration. The adjustment has been designed with reference to the top of bank of an unevaluated wetland feature and identifies an area sufficient to accommodate a driveway, thereby granting safe and appropriate access to the property. The enlarged parcel will continue to provide adequate area for a dwelling, septic system, and any future accessory structures or expansions, while ensuring sufficient space for setbacks, parking, and landscaping. The retained lot remains appropriately sized to support its existing dwelling without impact.

Per the servicing principles in Section 3.06.6, the proposal does not involve the creation of a new lot or an increase in sewage flows, and therefore no servicing options report or hydrogeological study is required.

Both parcels will remain serviced by individual wells/lake and septic systems, with effluent volumes remaining well below the 4,500-litre threshold that would otherwise necessitate further review.

With respect to frontage and access, the consent facilitates the establishment of a driveway connection from the top of bank to Lac Clair Road, an open and publicly maintained year-round road, consistent with Section 3.06.6.3. Land use compatibility is maintained, as the rural residential use on both parcels continues unchanged. No new incompatible uses are introduced, and existing rural setbacks provide sufficient buffering and separation. Finally, because the consent represents a lot boundary adjustment rather than a new lot creation, the MDS exemption for existing lots of record applies. Overall, the proposed boundary adjustment aligns with the planning principles of Section 3.06.6 and provides a practical solution to secure access to the subject property.

Section 3.06.12 provides planning principles that are applied for lots of records. Applicable planning principles are:

- 3.06.12.2**
- A. The lot complies with the policies of this Plan for access to lots i.e. frontage on a public or private road, which is open and maintained year round;*
 - B. A water supply and sewage disposal system, unless exempted, can be provided on the lot to the satisfaction of the public body having jurisdiction (see Section 4.06.3 - Water Supply and Sewage Disposal Systems);*
 - C. The use complies with the relevant provisions of the Growth and Settlement policies of Section 3 this Plan;*
 - D. The lot meets the relevant planning principles of this Plan for specific land use designations and the zoning standards of the implementing zoning by-law;*
 - E. Development will not create or exacerbate an environmental or public health and safety concern;*
 - F. Development will meet the requirements for an Impact Assessment under Section 5.06.5.6, where applicable;*

PLANNING ANALYSIS

In accordance with Section 3.06.12.2 of the Official Plan, both the retained and receiving parcels are recognized as existing lots of record. The proposed consent does not create a new lot but enlarges the parcel at 657 Lac Clair Road while correspondingly reducing the adjoining lot. Each resulting parcel will continue to front on and have access to an open, year-round public road, consistent with the frontage and access requirements of the Official Plan and the Zoning By-law.

Servicing for both parcels remains through private wells/lake and septic systems, which are appropriate for the continued rural residential use. Because the lands remain within the Rural Area designation and will continue to accommodate residential uses; the proposal is consistent with the Growth and Settlement

policies of Section 3. The lot addition further improves lot size and configuration, ensuring conformity with applicable planning principles and zoning standards.

No environmental or public health concerns are introduced, as there is no increase in density and on-site services remain sufficient. Overall, the proposal satisfies the Official Plan criteria for development on lots of record.

Section 4.06.3 of the Official Plan provides policies that pertain to Water Supply and Sewage Disposal Systems, with **Section 4.06.3.5** providing specific policies that pertain to Servicing Options and Approvals. This section states, in part, that:

4.06.3.1 *... There shall be confirmation, prior to new lot creation, of sufficient reserve sewage system capacity and reserve water system capacity with municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. The site conditions must be suitable for the long term provision of such services.*

PLANNING ANALYSIS

Policy 4.06.3.1 establishes servicing requirements for consents, including the hierarchy of preferred servicing options. The proposed consent represents a boundary adjustment rather than a new lot creation; therefore, the requirement for pre-confirmation of reserve capacity does not strictly apply. Both the retained and enlarged parcels are currently serviced by private wells and septic systems, which will continue to operate appropriately. On-site conditions have supported these systems for many years, and the enlarged lot will provide additional area to accommodate its system. No municipal service connections or infrastructure extensions are proposed. Accordingly, the consent conforms with Policy 4.06.3.1, which permits individual on-site systems where site conditions are suitable, and does not require new servicing or expansions for boundary adjustments.

Section 8.13.13 of the Official Plan establishes criteria to evaluate consents and subdivisions. Applicable planning principles include:

8.13.13.3 *L. The access or entrance to any lot should not create a traffic hazard (e.g. on a curve or a hill where a driver's sight line is blocked or impaired). The applicant shall receive prior approval from the Municipality for the location and installation of an entrance and/or culvert.*

N. Approval will not be granted which has the effect of limiting access to back lands for future development or which has the effect of creating land locked parcels.

PLANNING ANALYSIS

Policy 8.13.13 establishes requirements for access in consent applications. For the proposed lot addition, Tulloch's survey team identified a safe entrance location along the top of bank that offers clear sight lines and avoids curves or hills, ensuring the new driveway will not create a traffic hazard. The exact entrance location, along with any required culvert, will be reviewed and approved by the Municipality in accordance with Section L. Because the boundary adjustment transfers land to improve access to an existing residence and does not remove frontage from the retained parcel, the proposal will not limit access to back lands or create a landlocked parcel. Accordingly, the consent conforms with Policy 8.13.13 by ensuring safe access and the continued accessibility of all parcels.

It is the author's opinion that the proposed lot addition is in conformity with the Municipality of West Nipissing Official Plan.

4.4 MUNICIPALITY OF WEST NIPISSING ZONING BY-LAW 2014-45 (ZBL)

The subject lands are currently zoned "RR" Rural Residential under the *Municipality of West Nipissing Zoning By-law 2014-45*. The subject lands and the adjacent parcel proposed for severance are both zoned Rural Residential (RR). No change in zoning is proposed; the consent application simply adjusts the lot line between two RR-zoned parcels. The following policies and standards from the Zoning By-law are relevant to the proposed lot addition.

Table 6.1 in the Zoning By-Law outline the permitted Uses within the 'RR' Rural Residential Zone. Permitted Uses include:

- Dwelling, Single Detached
- Dwelling, Mobile Home
- Dwelling, Modular
- Park, Public

Table 6.2 in the Zoning By-Law outline the accessory uses within the 'RR' Rural Residential Zone. Accessory Uses include:

- Accessory dwelling unit in a Single Detached Dwelling or a Semi-detached Dwelling
- Boarding House
- Group Home
- Home Industry
- Home Occupation
- Private Home Daycare
- Personal Storage
- Bed & Breakfast Establishment

PLANNING ANALYSIS

The proposed consent represents a lot addition and involves no change in the permitted uses of either parcel. Both the retained and benefitting properties will continue to be used for rural residential purposes (single-detached dwellings), which are expressly permitted in the Rural Residential (RR) Zone. The purpose of the adjustment is to transfer a strip of land to the benefitting parcel to accommodate a driveway that will provide safe, year-round access from the public road to the property. As a driveway is an accessory use necessary to serve the principal dwelling, the lot addition does not introduce any prohibited uses.

The adjustment does not create any new residential lots, nor does it result in undersized or landlocked parcels. As a technical severance, it does not count toward the two-consent limit for new lot creation. Both parcels will retain ample frontage and depth, resulting in lot shapes that are appropriate for their continued rural residential use.

The existing dwelling and accessory structures on the proposed retained are already situated in accordance with the required front, rear, and side yard setbacks. By enlarging the benefitting parcel, the adjustment provides an additional and safe area for the proposed driveway while also enhancing compliance with yard requirements. Table 6.3 of Zoning By-law 2014-45 establishes dimensional standards for residential zones, including a minimum lot area of 1 hectare (2.47 acres) for Rural Residential lots on private services. Both the retained and benefitting parcels will continue to meet or exceed these zoning standards following the adjustment.

5.0 CONCLUSION

The proposed consent for a lot addition, to create a driveway and enlarge the existing 657 Lac Clair Road property, reflects a minor boundary adjustment that does not introduce any new dwellings or land uses. It maintains the rural character of the property and uses existing on-site water and sewage systems, meaning no new public infrastructure or services are required.

This approach aligns with PPS 2024 policy that permits lot creation on rural lands where site conditions can support appropriate sewage and water services and that encourages development sustained by rural service levels without uneconomical expansion of infrastructure. The consent complies with the Municipality of West Nipissing Official Plan provisions for lot additions and meets all Rural Residential (RR) zone standards.

Given the analysis provided throughout this report, it is the author's opinion that the proposed lot addition is consistent with the 2024 Provincial Planning Statement, conforms with the Growth Plan for Northern Ontario and the Municipality of West Nipissing Official Plan, and represents good planning.

Respectfully Submitted,



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