



County Council Meeting
Wednesday, June 15, 2016 – 9:00 a.m.
Kingston Frontenac Rotary Auditorium, County
Administrative Building,
2069 Battersea Road, Glenburnie
Council will resolve into Closed Session
and will reconvene as regular Council at 9:30 am

AGENDA

Page

1. Call to Order

2. Closed Session

- a) **Resolved That** Council resolve itself into Committee of the Whole closed session as authorized under Section 239 of The Municipal Act, to consider:

1. Adoption of Closed Minutes of Meetings held May 18, 2016
2. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose - as it relates to policy directions and the protection of health records pursuant to PHIPA and Substitute Decisions Act

Resolved That Council rise from Committee of the Whole closed session with/without reporting

3. Approval of Addendum

4. Disclosure of Pecuniary Interest and General Nature Thereof

5. Adoption of Minutes

- a) Minutes of Regular Council Meeting held May 18, 2016

Resolved That the minutes of the regular Council meeting held May 18, 2016 be adopted.

6. Deputations and/or Presentations

- a) **Mr. Wayne Conway**, VCA (Verona Community Association) President, will present a proposal to Council regarding an Electronic Sign at Road 38 and Burnett Street in Verona.

7. Proclamations

12 - 24

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8. Move into Committee of the Whole

- a) **That** Council adjourn and meet as Committee of the Whole Council, with the Deputy Warden in the Chair.

9. Briefings

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- a) **Mr. Kelly Pender**, Chief Administrative Officer, will provide Council with his monthly CAO briefing.

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- b) **Chief Paul Charbonneau**, Director of Transportation and Emergency Services/Chief of Paramedic Services will brief Council on Information Report 2016-074, County Rural Response Time.

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- c) **Mr. Reid Shepherd**, Community Planner will brief Council on Information Report 2016-075, Overview of Planning Act Changes in Bill 73.
- d) **Tina Abraham-Banouvong**, RPN/Documentation Assistant and **Chris McBain**, Superintendent – Operations, Frontenac Paramedic Services, Lean 6 Sigma Yellow Belts will do a presentation on the Lean “Reimbursement of Expenses” Project.

10. Unfinished Business

11. Recommend Reports from the Chief Administrative Officer

63 - 69

- a) **Brian Whitehead**, Jp2g Consultants, will provide County Council with a presentation regarding Report 2016-067 Private Roads Study Final Report.

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- b) **2016-067**
Planning and Economic Development Department
Private Roads Study Final Report
Recommendation

Resolved That the Council of the County of Frontenac approved the Private Roads Study Final Report dated June 15, 2016, attached to this report as Appendix A;

And Further That the Council direct staff to attend meetings of each Township Council to provide a briefing and explanation of the Private Roads Study, including proposed Official Plan Amendments.

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- c) **2016-068**
Corporate Services – Finance
Appointment of Auditor
Recommendation

That the Council of the County of Frontenac accept this Corporate

Services - Finance - Appointment of Auditor report;

And Further That Council of the County of Frontenac authorize the appointment of the audit firm Allan Chartered Accountant Professional Corporation, as auditor for 2016 and 2017;

And Finally That a bylaw be introduced by the Clerk later in the meeting to confirm this appointment

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d) **2016-069**

Corporate Services

Request for Support – Picton Terminal

Recommendation

Whereas the Eastern Ontario Wardens' Caucus (EOWC) has identified the investigation of the feasibility of constructing new or revitalized deep water port facilities in select locations in the region, as a priority in its 2014 Economic Development Strategy; and,

Whereas the 2013 Eastern Ontario Transportation Needs Analysis Report estimated that the building or revitalization of a deep water seaport in Eastern Ontario would result in a total of 5,470 additional jobs and GDP growth of 0.13% (\$785.1 million); and,
Whereas the same study estimated the cost of establishing a new port along the Seaway at over \$230 million; and,

Whereas Abna Investments (the Doornekamp family) has begun to revitalize Picton Terminals as a viable, intermodal, deep water port facility within the St. Lawrence Seaway for an estimated total investment of less than \$40 million; and,

Whereas the federal and provincial governments have committed considerable financial resources towards infrastructure and job creation in recent budget announcements;

Whereas vessels are twice as fuel efficient as rail and 10 times more fuel efficient than heavy trucking, which addresses issues of fuel costs due to road and rail congestion and reduces Ontario's greenhouse gas and carbon emissions by 300,000 metric tons per year;

Be It Resolved That the County of Frontenac supports the revitalization of Picton Terminals given its significant potential to create jobs and boost the regional economy; and

That the EOWC request that the Federal and Ontario governments

prioritize and fund the initial request of \$10 million from ABNA Investments for the acquisition of two LHM 280 Liebherr Mobile Port Cranes to allow the Port to accommodate the anticipated demand of upwards of 100 ships annually; and

Finally That the Wardens raise this project with their respective MPs and MPPs for support and that a letter be sent on behalf of the EOWC.

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- e) **2016-070**
Planning & Economic Development Department
K&P Trail Land Transfer– South Frontenac

Recommendation

Whereas from time to time a negotiation process may be necessary to allow other development on and adjacent to the Frontenac K&P Trail;

Be It Resolved That in accordance with By-law 17-1995 the Council of the County of Frontenac pass a by-law later in the meeting to declare lands legally described as Portland Con 1 Pt Lots 1 and 2, Con 2 Pt Lots 2 and 3, Con 3 Pt Lots 3 and 4, Con 4 Pt Lots 3 to 7 Con 5 Pt Lots 7 and 8, Con 6 Pt Lot 7, Con 7 surplus for the purpose of transferring portions of the former K&P to the Township of South Frontenac to improve the intersection at Harrowsmith;

And Further That staff be directed to negotiate the terms of a land sale with South Frontenac for part of the County owned property located between Wilton and Colebrook Roads in Harrowsmith; legally described as Portland Con 1 Pt Lots 1 and 2, Con 2 Pt Lots 2 and 3, Con 3 Pt Lots 3 and 4, Con 4 Pt Lots 3 to 7 Con 5 Pt Lots 7 and 8, Con 6 Pt Lot 7, Con 7; subject to the following conditions:

- Purchase part of the said property for the purposes of constructing a street and that part of the property may be retained by the County to accommodate the trail to a 20 foot minimum,
- Re-establish and maintain the Cataraqui/ K&P Trail between Wilton Road and Colebrook Road East,
- Maintain the associated storm conveyance structure contained at this location,
- Purchase the said property for \$2.00 and any associated legal and surveying fees.

And Further That the Clerk be directed to give public notice of Council's intention in accordance with By-law No. 17-1995.

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- f) **2016-071**
Planning and Economic Development

**Permission to Enter into a Memorandum of Understanding
Between the County of Frontenac and the Township of Central
Frontenac**

Recommendation

Whereas an agreement is pending for the Canada 150 Community Infrastructure Program (CIP) for \$247,000 that was approved last August 2015,

Now Therefore Be It Resolved That the Chief Administrative Officer be authorized to sign a Memorandum of Understanding with the Township of Central Frontenac for the use of any of its road allowances and/or land that need to be used to complete the trail;

And Further That the Warden and the Clerk be authorized to sign an agreement with the Federal Economic Development Agency for Southern Ontario (FedDev Ontario).

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g) **2016-072**

Planning and Economic Development

**Establishment of a County of Frontenac Planning Advisory
Committee (Report #3)**

Recommendation

Resolved That the Council of the County of Frontenac accept the Planning and Economic Development – Establishments of a County of Frontenac Planning Advisory Committee Reports (2016-048 and 2016-057);

And Further That Council adopt the Planning Advisory Committee (PAC) Terms of Reference appended to Report 2016-048 with a committee composition composed of the four member Municipal Mayors (or their second member of County Council – at their discretion), plus three public members appointed by Council;

And Further That a review of the effectiveness of the Committee be completed in the spring of 2018;

And Further That County of Frontenac Procedural By-law 2013-0020, Schedule B, Advisory Committees of Council be amended to add Schedule B-4 Planning Advisory Committee;

And Further That the Manager of Legislative Services/Clerk be directed to advertise for public members to sit on the Committee PAC and the four Mayors evaluate the applications and make a recommendation to

County Council for their consideration as per the Procedural By-law;

And Further That the Chief Administrative Officer and/or the Director of Planning and Economic Development meet with the Council of each member municipality to review the purpose of the Committee and answer any questions.

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- h) **2016-073**
Planning and Economic Development
Permission to Enter into Agreement with the Province of Ontario
Recommendation

Whereas an application was filed with the Rural Economic Development program in January 2016.

Now Therefore Be It Resolved That the Warden and the Clerk be authorized to enter into an agreement with the Province of Ontario should the said application be successful.

12. Information Reports from the Chief Administrative Officer

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- a) **2016-074**
Emergency and Transportation Services
County Rural Response Time

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- b) **2016-075**
Planning and Economic Development
Overview of Planning Act Changes in Bill 73

13. Reports from Council Liaison Appointees

- a) Emergency and Transportation Services - Councillor Nossal
- b) Long Term Care (Fairmount Home) - Councillor Inglis
- c) Corporate Services - Councillor Dewey
- d) Planning and Economic Development - Councillor McDougall

14. Reports from External Boards and Committees

- a) Kingston Frontenac Library Board Update - Deputy Warden Vandewal
- b) KFL&A Public Health Board Update - Councillor Doyle
- c) RULAC, LSR and Other Updates
- d) Algonquin Land Claim Update - Councillor Inglis
- e) Frontenac County Youth Justice Advisory Committee Update - Councillor Nossal
- f) Housing and Homelessness Committee Update - Councillor McDougall

- g) Rideau Corridor Landscape Steering Committee Update - Councillor McDougall
- h) Eastern Ontario Warden's Caucus Update - Warden & CAO
- i) Mississippi Rideau Tay Rural Health Hub Organizing Committee - Warden Smith

15. Reports from Advisory Committees of County Council

16. Return to Council

- a) **That** Council revert from Committee of the Whole Council, to Council.

17. Adoption of the Report of the Committee of the Whole Council

- a) **That** the report of the Committee of the Whole Council be adopted and that the necessary actions or by-laws be enacted.

18. Motions, Notice of Which has Been Given

- a) **Support for Township of South Frontenac motion regarding Large Renewable Procurement Initiatives**

Moved by: Deputy Warden Vandewal

Seconded by: Councillor McDougall

Whereas the Province is moving forward with another round of large renewable procurement initiatives;

And Whereas these projects can create economic opportunities for property owners and municipalities as well as job creation in both manufacturing, installation and site maintenance;

And Whereas certain large renewable procurement projects may not be aligned with the priorities of residents and municipal councils, despite municipal government having been given enhanced power to negotiate with green energy proponents;

And Whereas the installation of large renewable procurement projects can have a significant impact on municipal infrastructure and operating costs;

Now Therefore Be It Resolved That the Council of the County of Frontenac calls upon the Provincial government to regulate that; where there is not a willing municipal host and subsequently no community benefit agreement in place and green energy projects are awarded

anyway that; successful proponents would be responsible to pay to the municipality, according to an established formula, and over the lifespan of the project, the associated costs to both infrastructure and operations commonly known as a Community Vibrancy Fund.

And Further That this resolution be sent to the Honourable Kathleen Wynne, Premier of Ontario, Patrick Brown, Leader of the Official Opposition, Randy Hillier, MPP, Lanark, Frontenac, Lennox and Addington, Sophie Kiwala, MPP, Kingston and the Islands, the Independent Electricity System Operator (IESO), Local Municipalities and the Association of Municipalities of Ontario (AMO).

19. Giving Notice of Motion

20. Communications

That Council consent to the following communications of interest to Council listed below be received and filed:

- a) A Letter From the Ministry of Health and Long-Term Care Advising Council of the One-time Funding to Support Dedicated Nurses
[Distributed to Council on May 20, 2016]
- b) Letter Concerning the Preliminary Design and Class Environmental Assessment Study of the Wolfe Island Ferry and Docking Improvements
[Distributed to Council on May 20, 2016]
- c) A Resolution from the Township of Wellington North Calling for a Ban on Door to Door Sales in Ontario
[Distributed to Council on May 20, 2016]
- d) From the Township of Dorian Regarding their Human Trafficking Resolution
[Distributed to Council on May 20, 2016]
- e) From the Township of Russell, a Resolution to Support the Rural Economic Development Program
[Distributed to Council on May 20, 2016]
- f) From the Township of South Frontenac Expressing Their Interest in Acquiring a Portion of the K&P Trail
[Distributed to Council on May 20, 2016]
- g) From Muscular Dystrophy Canada Thanking Canadian Fire Fighters for their Support
[Distributed to Council on May 27, 2016]
- h) From the Bay of Quinte Regarding the Eastern Ontario Manufacturing Skills and Jobs Initiative
[Distributed to Council on May 27, 2016]
- i) A Resolution From the Township of Augusta Supporting Increased

- Government Funding for Research to Eradicate Lyme Disease
[Distributed to Council on May 27, 2016]
- j) A Resolution From the Township of Gillies in Support of Bill 180 -
Workers Day of Mourning Act 2016
[Distributed to Council on May 27, 2016]
 - k) Notice From Algonquin & Lakeshore Catholic District School Board
Informing of a Policy Review and Public Meeting
[Distributed to Council on May 27, 2016]
 - l) Minutes of the General Meeting of the Board of Health held on April 27
2016
[Distributed to Council on May 27, 2016]
 - m) A Resolution From the Town of Amherstburg in Support of the Highway
3 Widening Project
[Distributed to Council on May 27, 2016]
 - n) A Resolution from the Township of Gillies Requesting that the Ontario
Government Reconsider the Suspension and Integration of the RED
Program
[Distributed to Council on May 27, 2016]
 - o) A Resolution From the Township of Gillies in Support of Private
Supportive Living Accommodations
[Distributed to Council on May 27, 2016]
 - p) Unconfirmed May18, 2016 Regular Council Meeting Minutes
[Distributed to Council on May 27, 2016]
 - q) Unconfirmed May18, 2016 Closed Council Meeting Minutes
[Distributed to Council on May 27, 2016]
 - r) From Tay Valley Township Regarding Their Resolution in Support of
The Enforcement of No Wake Restriction Legislation
[Distributed to Council on June 3, 2016]
 - s) The Latest Issue of Ripples and an Invitation to the Spring Community
Grants Celebration from Community Foundation
[Distributed to Council on June 3, 2016]
 - t) A resolution from Tay Valley Township regarding Lyme Disease Funding
for Research
[Distributed to Council on June 3, 2016]
 - u) From Chatham - Kent, a Resolution Regarding Climate Change Action
Plan
[Distributed to Council on June 3, 2016]
 - v) From the Municipality of Chatham-Kent, a Resolution Regarding
Human Trafficking
[Distributed to Council on June 3, 2016]

- w) From the Township of Hornepayne Requesting Support of Their Resolution to Increase Funding for Lyme Disease Research
[Distributed to Council on June 3, 2016]
- x) Kingston Frontenac Public Library Board Minutes 2016-04 April 27 2016
[Distributed to Council on June 3, 2016]
- y) Resolution from Town of Shelburne Regarding Cutbacks to Behavioural Therapy for Children Affected by Autism Spectrum Disorder
[Distributed to Council on June 3, 2016]
- z) From Richmond Hill Regarding a Resolution in Support of Bill 158, Saving the Girl Next Door Act, 2016
[Distributed to Council on June 10, 2016]
- aa) From the Ministry of Health and Long-Term Care Advising of Final Extension of Funding to Support Community Paramedicine Initiatives
[Distributed to Council on June 10, 2016]
- ab) From the Ministry of Health and Long-Term Care Advising County of 2016-17 Funding to Support Community Paramedicine Initiatives
[Distributed to Council on June 10, 2016]
- ac) A Summary of the OMB Reform Conference on May 14, 2016
[Distributed to Council on June 10, 2016]
- ad) A Resolution From the Town of Amherstburg Supporting Cutbacks to Behavioral Therapy for ASD
[Distributed to Council on June 10, 2016]
- ae) Correspondence from the Township of South-West Oxford Encouraging Combining of the OGRA and the ROMA Conferences
[Distributed by Council on June 10, 2016]
- af) Kingston & Frontenac Housing Corporation Public Agenda for Wednesday, June 8, 2016
[Distributed to Council on June 10, 2016]
- ag) Resolution from the Town of Gananoque in support of the Niagara Region Lyme Disease Resolution
[Distributed to Council on June 10, 2016]
- ah) Loyalist Township Notice of Public Meeting Regarding a Proposed Zoning By-Law Amendment
[Distributed to Council on June 10, 2016]
- ai) From the Township of South Frontenac regarding resolution on Delegated Authority
[Distributed to Council on June 10, 2016]
- aj) From the Township of Minden Hills regarding resolution on Bill 158 Saving the Girl Next Door- MPP, Laurie Scott's Office.
[Distributed to Council on June 10, 2016]

21. Other Business

22. Public Question Period

23. By-Laws – General By-laws and Confirmatory By-law

a) First and Second Reading

Resolved That leave be given the mover to introduce by-laws a) through f) that have been circulated to all Members of County Council and that by-laws a) through f) be read a first and second time.

b) Third Reading

Resolved That by-laws a), b) and d) through f) be read a third time, signed, sealed and finally passed.

By-Laws

- | | |
|------------------|--|
| 254 | a) To Appoint a Municipal Auditor
(Proposed By-Law No. 2016-0019) |
| 255 | b) To Amend By-Law 2013-0020 as it Relates to the Establishment of a Planning Committee
(Proposed By-Law No. 2016-0020) |
| 256 - 257 | c) To Declare Lands Surplus for the Purposing of Granting
(Proposed By-Law No. 2016-0021) |
| 258 | d) To authorize the Warden and Clerk to enter into an agreement with the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) for the Canada 150 Community Infrastructure Program (CIP)
[Proposed By-law No. 2016-0022] |
| 259 | e) To authorize the Warden and Clerk to enter into an agreement with the Province of Ontario
[Proposed By-law No. 2016-0023] |
| 260 - 261 | f) To Confirm All Actions and Proceedings of Council
(Proposed By-Law No. 2016-0024) |

24. Adjournment



Minutes of the Regular Meeting of Council May 18, 2016

A regular meeting of the Council of the County of Frontenac was held in the Kingston Frontenac Rotary Auditorium at the County Administrative Office, 2069 Battersea Road, Glenburnie on Wednesday, May 18, 2016 and was called to order at 9:00 am. Regular business commenced at 9:30 a.m.

There was a "Closed Meeting" of the Committee of the Whole from 9:00 am to 9:12 am.

Present: Warden Frances Smith, Deputy Warden Ron Vandewal,
Councillors Ron Higgins, Denis Doyle, Natalie Nossal, Tom
Dewey, John Inglis and John McDougall

Also Present:

County:
Kelly Pender, Chief Administrative Officer
Paul Charbonneau, Chief/Director of Emergency &
Transportation Services
Joe Gallivan, Director of Planning and Economic Development
Marian VanBruinessen, Director of Corporate
Services/Treasurer
Lisa Hirvi, Acting Administrator-Fairmount Home
Jannette Amini, Manager of Legislative Services/Clerk
Anne Marie Young, Manager of Economic Development
Reid Shepherd, Community Planner
Kevin Farrell, GIS Specialist
Marco Smits, Communications Officer

Media: Jeff Green, The Frontenac News; Elliot Ferguson, The Kingston Whig Standard; Jonas Beneta, CKWS TV; and Craig Bakay, Frontenac EMC

1 Closed Session

Motion #: 77-16 Moved By: Councillor Dewey
Seconded By: Councillor Nossal

Resolved That Council resolve itself into Committee of the Whole closed session as authorized under Section 239 of The Municipal Act, to consider:

1. Adoption of Closed Minutes of Meetings held April 20, 2016
2. Labour relations or employee negotiations - as it relates to the ratification of the contract with OPSEU Local 462

3. A proposed or pending acquisition or disposition of land by the municipality or local board - as it relates to the negotiations of acquisition of lands along the K&P Trail between Tichborne and Sharbot Lake

CARRIED

Motion #: 78-16 Moved By: Councillor Inglis
Seconded By: Deputy Warden Vandewal

Resolved That Council rise from Committee of the Whole closed session, that the rules of By-Law Number 2013-0020 be waived and the Clerk report.

CARRIED

(A 2/3 vote was received)

Motion #: 79-16 Moved By: Councillor McDougall
Seconded By: Councillor Dewey

Resolved That the Council of the County of Frontenac accept the Corporate Services – Ratification of OPSEU 462 Collective Agreement report for information:

And Further That the Warden and Clerk be authorize to execute the Collective Agreement with OPSEU 462 effective from January 1, 2014 through December 31, 2015.

CARRIED

Motion #: 80-16 Moved By: Councillor Nossal
Seconded By: Councillor Doyle

That Council authorize the Warden and Clerk to execute an Agreement of Purchase and Sale, and any other required documents, in a form satisfactory to the County Solicitor, for the purchase of Hinchinbrooke Con 1 PT Lot; 25 RP 13R9630 Part 3 in accordance with the directions and instruction provided to staff by Council when it considered Report Number 2016-064 at its closed session meeting of May 18, 2016, in the amount of \$23,500 plus legal fees and closing costs.

CARRIED

Motion #: 81-16 Moved By: Councillor Higgins
Seconded By: Councillor Inglis

That Council authorize the Warden and Clerk to execute an Agreement of Purchase and Sale, and any other required documents, in a form satisfactory to the County Solicitor, for the purchase of Con.1 PT Lot 26 RP 13R7307; Part 1 and a 4.23 acre property with the legal description of Hinchinbrooke Con 1 PT Lot; 26 RP 13R9630 Part 1 in accordance with the directions and instruction provided to staff by Council when it considered Report Number 2016-065 at its closed session meeting of May 18, 2016, in the amount of \$13,225 cash and \$13,225 donation plus legal fees and closing costs.

CARRIED

7 Move into Committee of the Whole

Motion #: 84-16 Moved By: Councillor Higgins
Seconded By: Councillor Doyle

That Council adjourn and meet as Committee of the Whole Council, with the Deputy Warden in the Chair.

CARRIED

8 Briefings

- a) **Dr. Kathie Kilpatrick**, Medical Director, Attending Physician provided County Council with a briefing about the Medical Director and Attending Physician positions, and the changing nature of long term care and the Gentle Care at Fairmount Home.

A copy of Dr. Kilpatrick's presentation is attached to the record in the Clerk's Office.
- b) **Mr. Marco Smits**, Communications Officer provided County Council with a briefing on the County's Social Media.

A copy of Mr. Smits' presentation is attached to the record in the Clerk's Office.
- c) **Mr. Kelly Pender**, Chief Administrative Officer, provided Council with his monthly CAO briefing.
- d) **Mr. Kevin Farrell**, GIS Specialist, Lean 6 Sigma Yellow Belt delivered a presentation on the Lean "Planning" Project.

A copy of Mr. Farrell's presentation is attached to the record in the Clerk's Office.

9 Unfinished Business



10 Recommend Reports from the Chief Administrative Officer

- a) **Staff Briefing: Mr. Joe Gallivan**, Director of Planning and Economic Development, briefed the Committee of the Whole with respect to Report 2016-057, Establishment of a County of Frontenac Planning Committee.
- A copy of Mr. Gallivan's presentation is attached to the record in the Clerk's Office.

- e) **2016-059**
 Planning & Economic Development
 Extension of Approval of Draft Plan of Subdivision – 2292 Sands
 Road Township of South Frontenac – County File #10T-2011/002

Motion #: 89-16 Moved By: Councillor Nossal
 Seconded By: Warden Smith

Resolved That the Council of the County of Frontenac receive the Planning & Economic Development – Extension of Approval of Draft Plan of Subdivision – 2292 Sands Road Township of South Frontenac – County File #10T-2011/002;

And Further That the Council of the County of Frontenac extend the draft approval for the plan of subdivision for 2292 Sands Road, Battersea, to July 17, 2017, based on the attached conditions detailed in Appendix B, approved by County Council July 17, 2013.

CARRIED

- f) **2016-066**
 Planning and Economic Development
 K&P Trail Land Lease - Suncor

Motion #: 90-16 Moved By: Councillor Doyle
 Seconded By: Councillor Higgins

Whereas in the fall of 2013, County Council approved the Frontenac Trail K&P Trail Implementation Plan – Tichborne to Sharbot Lake; and

Whereas the negotiation process is necessary with current landowners of the abandoned rail bed between Tichborne and Sharbot Lake;

Now Therefore Be It Resolved That staff be directed to negotiate a lease with Suncor Energy Products Partnership., using the terms described in this report, for properties with legal descriptions as follows: a) Con 1 PT Lot 25 RP 13R1088; Part1; b) Con 1 PT Lot 25; c) Con 1 PT Lot 25; and d) Con 1 PT Lot 25 RP 13R16228; Part 1;

And Further That it is understood that legal counsel will review the lease and that a provision be included in the lease that any need or requirements that may come about with regard to remediation of the properties will be the responsibility of Suncor;

And Further That staff be authorized to sign a lease with Suncor Energy for said properties.

CARRIED

11 Information Reports from the Chief Administrative Officer

- a) **2016-060**
 Corporate Services
 2016 1st Quarter Financial Summary
b) **2016-061**
 Corporate Services
 Reserve and Reserve Funds

- c) **2016-062
Fairmount Home
Quarterly Update Activity Report**

12 Reports from Council Liaison Appointees

- a) **Emergency and Transportation Services - Councillor Nossal**

Councillor Nossal provided an overview of the Emergency and Transportation Services Department liaison activities since the last Council meeting.

- b) **Long Term Care (Fairmount Home) - Councillor Inglis**

Councillor Inglis provided an overview of the Long Term Care (Fairmount Home) Department liaison activities since the last Council meeting.

- c) **Corporate Services - Councillor Dewey**

Councillor Dewey provided an overview of the Corporate Services Department liaison activities since the last Council meeting.

- d) **Planning and Economic Development - Councillor McDougall**

Councillor McDougall provided an overview of the Planning and Economic Development Department liaison activities since the last Council meeting.

13 Reports from External Boards and Committees

- a) **Kingston Frontenac Library Board Update - Deputy Warden Vandewal**

Deputy Warden Vandewal noted that the Library Board has pulled the motion regarding its Code of Conduct and has set up a Committee to review this matter.

- b) **KFL&A Public Health Board Update - Councillor Doyle**

Councillor Doyle stated that the Board is promoting good health in the community and a team of 12 will be visiting schools, including a celebration of dance themed "Run, Jump and Dance Everyday program.

- c) **RULAC, LSR and Other Updates**

Possible tentative meeting to be scheduled for the week of May 23.

d) Algonquin Land Claim Update - Councillor Inglis

Councillor Inglis stated that there have been no scheduled meetings, however, negotiation teams have pulled back to allow Golden Lake to come to a decision on their own.

e) Frontenac County Youth Justice Advisory Committee Update - Councillor Nossal

No updates at this time.

f) Housing and Homelessness Committee Update - Councillor McDougall

No updates at this time.

g) Rideau Corridor Landscape Steering Committee Update - Councillor McDougall

Councillor McDougall stated that the Committee has developed an award program for individuals and communities that do improvements along the Rideau Canal. It has been suggested that the committee be invited to have their next meeting hosted at the County offices.

h) Eastern Ontario Warden's Caucus Update - Warden Smith and CAO Pender

Warden Smith and Mr. Pender will be attending a breakfast meeting on Parliament Hill with Federal MP's on May 30th.

i) Kingston Frontenac Food Hub – Warden Smith

No updates at this time.

14 Reports from Advisory Committees of County Council



- e) Children and Youth Services Planning Committee Planning for Action 2016-Invitation Flyer
[Distributed to Council on April 29, 2016]
- f) From the Ontario Association of Paramedic Chiefs Advising of Gale Chevaliers Achievement of Certified Municipal Manager
[Distributed to Council on April 29, 2016]
- g) South Frontenac Large Renewable Procurement Initiatives
[Distributed to Council on April 29, 2016]
- h) South Frontenac No Wake Resolution
[Distributed to Council on April 29, 2016]
- i) Trent Lakes Council Resolution in Support of Bill 158
[Distributed to Council on April 29, 2016]
- j) Kingston Frontenac Housing Corporation Public Agenda Package April 25 2016
[Distributed to Council on April 29, 2016]
- k) From the City of Welland regarding their motion in support of the Development of Provincial Legislation
[Distributed to Council on April 29, 2016]
- l) From the Fort Town of Prescott regarding Bill 158 Resolution
[Distributed to Council on April 29, 2016]
- m) From Rural Mayors' Forum of Eastern Ontario regarding letter to Deputy Minister Torigian on OPP Billing
[Distributed to Council on April 29, 2016]
- n) From the Township of Clearview regarding their Resolution in support of Bill 158
[Distributed to Council on April 29, 2016]
- o) From the Township of South Stormont regarding their resolution in support of Bill 158 Human Trafficking
[Distributed to Council on April 29, 2016]
- p) From the Township of South Stormont regarding their resolution in support of Natural Gas in Eastern Ontario
[Distributed to Council on April 29, 2016]
- q) From the University Hospitals Kingston Foundation an Invitation to Healthy Aging in Kingston
[Distributed to Council on April 29, 2016]
- r) Kingston Frontenac Lennox & Addington Board of Health Minutes from March 23 2016
[Distributed to Council on April 29, 2016]
- s) From the Township of Champlain regarding their Resolution request to Province to Review the Green Energy Act
[Distributed to Council on May 6, 2016]
- t) From the Township of Edwardsburgh-Cardinal resolution of support of Bill 158
[Distributed to Council on May 6, 2016]
- u) From the Town of Essex regarding their resolution to Widen Highway 3
[Distributed to Council on May 6, 2016]
- v) Call for Nominations for 2016-2018 AMO Board of Directors
[Distributed to Council on May 6, 2016]

- w) A Resolution from the Township of Gillies in Support of Bill 158
[Distributed to Council on May 6, 2016]
- x) Planning Accessible Events Publication From the Ministry of Economic
Development Employment and Infrastructure
[Distributed to Council on May 6, 2016]
- y) From AMO Challenging all Municipal Governments to Donate to the Fort
McMurray Disaster Fund
[Distributed to Council on May 6, 2016]
- z) A Resolution From the City of Timmins regarding Regulating Gas Prices in
Ontario
[Distributed to Council on May 13, 2016]
- aa) A Support Resolution From the Town of Tillsonburg Regarding Bill 180
[Distributed to Council on May 13, 2016]
- ab) From the Township of Perry Regarding their No Wake Resolution
[Distributed to Council on May 13, 2016]
- ac) To The Honourable Dr. Jane Philpotts and The Honourable Dr. Eric
Hoskins Regarding Lyme Disease
[Distributed to Council on May 13, 2016]
- ad) A Resolution from the Municipality of Calvin in Support of Bill 158
[Distributed to Council on May 13, 2016]
- ae) A Letter to all Municipalities from the Town of Aurora Regarding their
Council Resolution in Support of Bill 158
[Distributed to Council on May 13, 2016]
- af) A Resolution from the Township of Augusta in Support of Bill 158
[Distributed to Council on May 13, 2016]
- ag) A Notice of Public Open House from the City of Kingston Regarding their
Official Plan Update
[Distributed to Council on May 13, 2016]
- ah) A package from Enbridge and the National Energy Board regarding
Pipeline Safety
[Distributed to Council on May 13, 2016]
- ai) From the Township of Frontenac Islands regarding Council Resolution
concerning clarification of Procedures Howe Island County Ferry and Howe
Island Volunteer Fire Department
[Distributed to Members of County May 16, 2016]
- aj) 2015 Kingston, Frontenac Public Library Annual Report
[Distributed to Members of County Council May 16, 2016]

20 Other Business



21 Public Question Period



VCA Proposal

For Electronic Sign at Road 38 & Burnett St. Verona

- Electronic Sign at existing structure Road 38 & Burnett Street Verona (approx cost \$30,000.00 to \$35,000.00) VCA have raised \$30,000.00
- Verona Lions Club committed \$2,500 for the installation of the sign
- County of Frontenac: Installation of power (Quote from Bishop Electric) approx \$1000.00
- Township of South Frontenac: Power from wired source installation and monthly (Township of South Frontenac) direct hook up to light pole on special Township rate, no meter: 270 kwatts per month \$55.00 + tax \$62.15
- What's in it for the VCA?

Promotion of festivals, church functions, Verona Lions public function, public meetings, safety notices, traffic control (in the local area, Verona, Hartington, Godfrey, Bellrock); managed by VCA

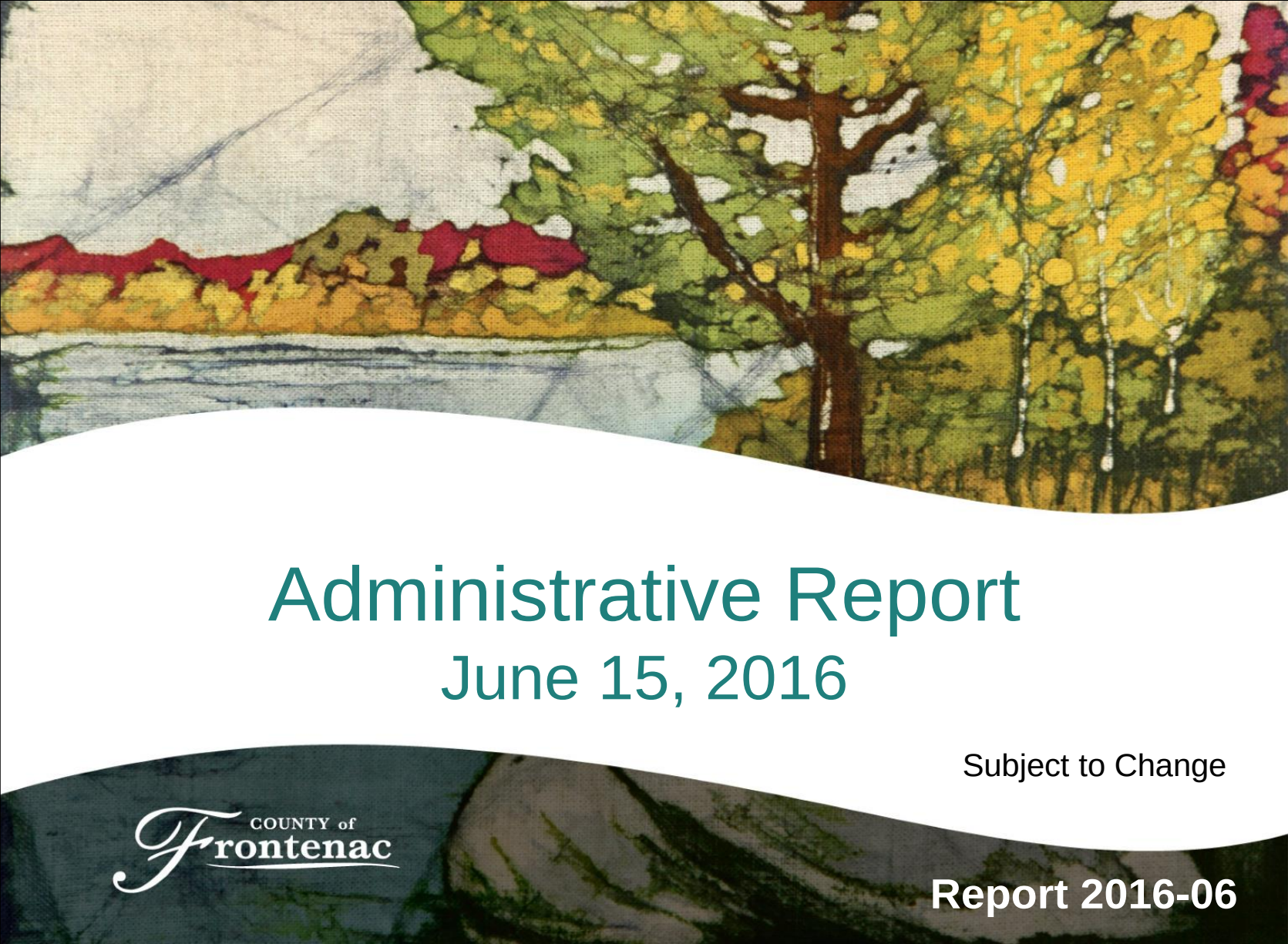
- What's in it for the Township and County?

Notices that pertain to the Township in the local area, may include promotion of events Cattail, Lions Jamboree, Garlic, etc and in other districts ex: Pumpkin Festival, Cyclefest, Family Day, Canada Day announcements, Recreation: Soccer, Baseball, Football, Swim registration information; Budget input requests prior to public meetings regarding development applications

Notices that pertain to the County in the local area, may include information relative to public awareness, may include warning messages such as severe weather recovery, unforeseen disaster circumstances, K & P Trail information, County events, plowing match, Open Doors, special celebrations, etc.

On behalf of the VCA

Wayne Conway
President VCA (Verona Community Association)



Administrative Report

June 15, 2016

Subject to Change

County of
Frontenac

Report 2016-06

AGENDA ITEM #a)

Meeting Schedule

- May 26 - 2017 Business Plan & Project Proposal Presentations
- May 27 - EOWC CAO's Planning Meeting, Napanee
- June 1 - Economic Development Committee Meeting, North Frontenac Township (Review of Branding)
- June 14 - Leadership Council Meeting, Kingston
- June 28 - Eastern Ontario Wardens Caucus, Northumberland County



Activity

- Selection of 10 new Lean 6 Sigma Yellow Belts
- Tour of John M. Parrott Centre, Napanee - June 2
- Big Data for Small Places Kickoff Event - June 13
- Lean 6 Sigma Green Belt Training - June 13
- Picton Terminals - June 27
- Lean 6 Sigma Yellow Belt Training - June 28, 29, 30



EOWC Update

- Progress on Advancement of 2016 Priorities
- ROMA and OGRA Conferences 2017
- Meeting with Federal MP's
- EODF/RED Jobs and Prosperity Fund
- Growth Plan for Eastern Ontario
- Eastern Ontario Regional Network
 - Cell gap
 - Meeting with the CRTC



Bills and Lawmaking

Ontario Introduces Affordable Housing Legislation

On May 18th, 2016 the government introduced the *Promoting Affordable Housing Act*, which if passed would amend four pieces of provincial legislation by:

- Giving municipalities the option of implementing inclusionary zoning
- Making secondary suites in new homes less costly, by exempting them from development charges
- Providing local service managers more flexibility to administer and deliver social housing
- Reforming tenant rights to prevent unnecessary evictions from social housing, and modernizing how rental property standards are enforced
- Requiring Service Managers to conduct local enumeration to count people who are homeless in their communities

The introduction of this bill comes two months after the government updated the [Long-term Affordable Housing Strategy](#).



Bills and Lawmaking

- **Bill 100**, the Supporting Ontario's Trails Act, passed third reading and will now become law. The bill is designed to protect and enhance thousands of kilometers of trails across Ontario.
- **Bill 151**, the Waste-Free Ontario Act, passed third reading and will now become law. The bill will create greater producer responsibility for waste-diversion, which the municipal sector has long advocated for.
- **Bill 181**, the Municipal Elections Modernization Act, was amended by the Standing Committee on Finance and Economic Affairs and ordered for third reading.



Policy Updates

- **Ombudsman Launches First Systemic Municipal Investigation:** The Ontario Ombudsman is [launching his first systemic investigation](#) of a municipality, since gaining the authority to do so on January 1st, 2016. (Brampton Procurement Practices)
- **Government Releases Proposed Changes to Land Use Plans:** The government [released a](#) proposal in May for updating land use plans for the Greater Golden Horseshoe, Greenbelt, Oak Ridges Moraine, and Niagara Escarpment.
- **Oakville Mayor Weighs in on OMB Reform:** Oakville Mayor Rob Burton [published an op-ed](#) last in the Toronto Star setting out a series of proposals for reforming the Ontario Municipal Board (OMB).



Policy Updates

- **Government Announces New Funding for Energy Retrofits and Social Housing:** The Ministry of Municipal Affairs and Housing and the Ministry of the Environment and Climate Change [announced last week](#) that over the next four years, the province will be investing up to \$900 million from cap and trade proceeds into energy retrofits.
- **Federal Infrastructure Funding Details Released:** The federal government [released](#) more details about infrastructure funding previously announced in its budget.



Policy Updates

- **Applications Open for Canada 150 Infrastructure Projects:** Applications are [now open](#) for grants under the federal government's Canada 150 Community Infrastructure Program (CIP 150).
- **Federal Government Commits to Update Rail Crossings:** The federal government [pledged](#) \$10.9 million to update and fix more than 400 railway crossings across Canada.
- **Government Proposing Changes to Northern Industrial Electricity Rate Program:** The Ministry of Northern Development and Mines (MNDM) is [proposing changes](#) to the Northern Industrial Electricity Rate (NIER) program.



ISAR Changes (July 1/16)

- All employees and volunteers must now be trained on accessible customer service.
- More types of regulated health professionals can provide documentation of a need for a service animal.
- More specific information is provided to clarify that an organization can only require a support person to accompany someone with a disability for the purposes of health or safety and in consultation with the person. If it's determined a support person is required, the fee or fare (if applicable) for the support person must be waived.

ISAR Changes (July 1/16)

- All accessibility standards — including the accessible customer service standard — are now part of one Integrated Accessibility Standards Regulation. This means that the requirements are now better aligned to make it easier for organizations to understand their obligations.
- Private sector and non-profit organizations with 20-49 employees no longer need to document policies (does not remove compliance or reporting requirements).

Eastern Ontario Growth Plan

- Warden and CAO met with the Consultants (Steve Fournier/Jessica Tijanic) completing the interviews for the Province re Growth Planning in E. Ontario
 - Supported by input from the EOWC (and J. Gallivan)
- Formal growth plan not necessary – work of each county re growth projections – only .5% growth in E. Ontario
- Duplication of efforts – EOWC Ec. Dev Plan, County O.P.s

Eastern Ontario Growth Plan

- Comments:
 - Remove barriers to growth of small business (e.g., farm gate sales)
 - Affordable, accessible and reliable energy – hydro & natural gas
 - Regional cooperation already happing with EOWC and EOMC
 - Shared services already happening
 - Infrastructure burden – roads, bridges, waste management
 - Respect for local autonomy
 - Broadband and cellular service
 - Communal services – removing the financial risk burden

Twitter Stats- May

May 2016 • 31 days Frontenac County

TWEET HIGHLIGHTS

MAY 2016 SUMMARY

Tweets	79	Tweet impressions	38.7K
Profile visits	1,591	Mentions	48
New followers	34	Followers on May 31, 2016	1,354

Top mention earned 136 engagements
 Elliot Ferguson @Elliotatthewhig · May 18
 Paramedics Joe Ferguson and Dale Hodgins of @FPSParamedics recognized by @FrontenacCounty for their award of bravery pic.twitter.com/FRGZRD0QAI



29

Top Tweet earned 2,039 impressions
 Complete the Road Safety Survey issued by @KFLAPH
 fluidsurveys.com/s/kflaroadsafe...
 Completing it gives you a chance to win \$100 gift card

1

Top Follower followed by 4,766 people
 CLM Strategies @clm_st
 Bringing you business from social media.



We take care of your social media and digital marketing. We deliver ROI. Guaranteed. Tweet us what makes you awesome! Founded by @CrazyLeoNet

View profile View followers dashboard



May 2016 • 31 days Frontenac Paramedics

TWEET HIGHLIGHTS

MAY 2016 SUMMARY

Tweets	129	Tweet impressions	337K
Profile visits	14.4K	Mentions	163
New followers	195	Followers on May 31, 2016	1,734

Top mention earned 553 engagements
 Make It Home YGK @YGKTraffic · May 4
 Via @FPSParamedics, re QMR MVC: 1 male treated on scene & transported to hospital w/ minor injuries. pic.twitter.com/0BNLZJuSg3



3

Top Tweet earned 15K impressions
 Paramedics treating 3 female patients in 20s. Serious injuries. Hwy 38/Yarker Rd. pic.twitter.com/HUAAAdMng6W



10

Top media Tweet earned 11.9K impressions
 Coming to Kingston next Friday. Watch this video youtube.com/watch?v=56nmot... and sign up here events.r20.constantcontact.com/register/eve nt... pic.twitter.com/qO29Dz0DJJ



Top Follower followed by 6,488 people
 Corsana @CorsanaGB
 GROUP BENEFITS FOR CASUAL & RETIREES



View all Tweet activity

Congratulations

- Marco Smits to work for NBC at the Rio Olympics.
Congratulations Marco!
- @marco_smits



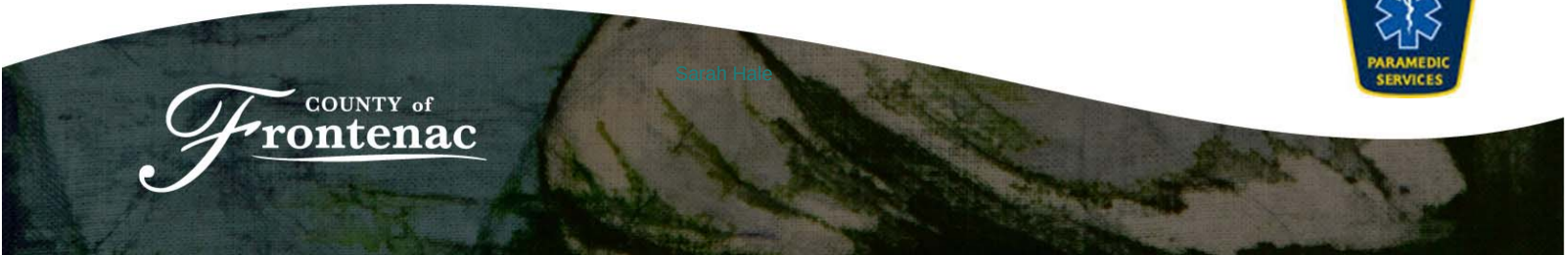
Upcoming Events

July 2016
Branding Launch





County Rural Response Time



Ontario's RESPONSE TIME STANDARD (RTS)

The Province of Ontario established a new unique legislated Response Time Standard (RTS) commencing in 2013. The County of Frontenac Council establishes its RTS each year and receives annual updates as to system performance to system standards



International RTS

Response time standards have been around since the late 1970s when Jack Stout, the “Father of High Performance EMS” and an American EMS systems pioneer, introduced the eight (8) minutes or less concept for cardiac arrest calls.



International RTS

An industry standard of “response zones” consisting of urban, suburban, rural and remote/frontier has been utilized for over three (3) decades.

Each “response zone” has a prescribed timeframe for response 90% of the time.

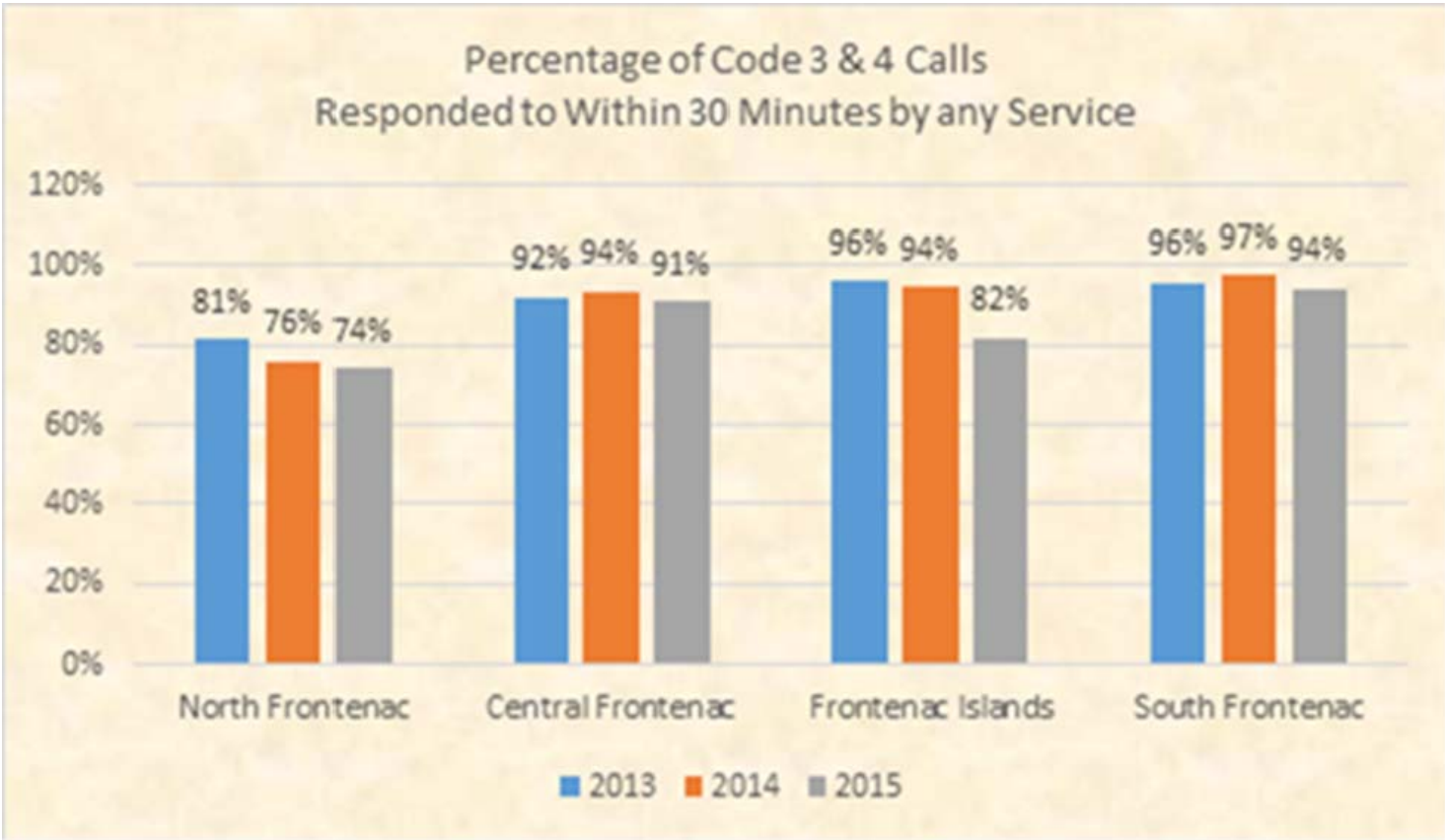
The chart below illustrates this concept:

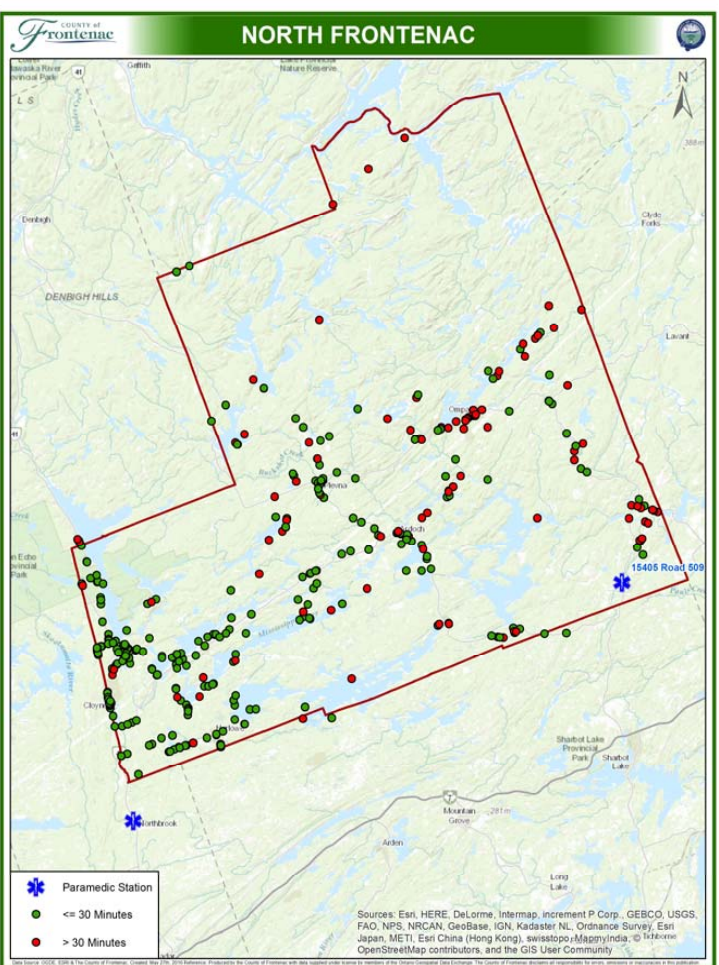


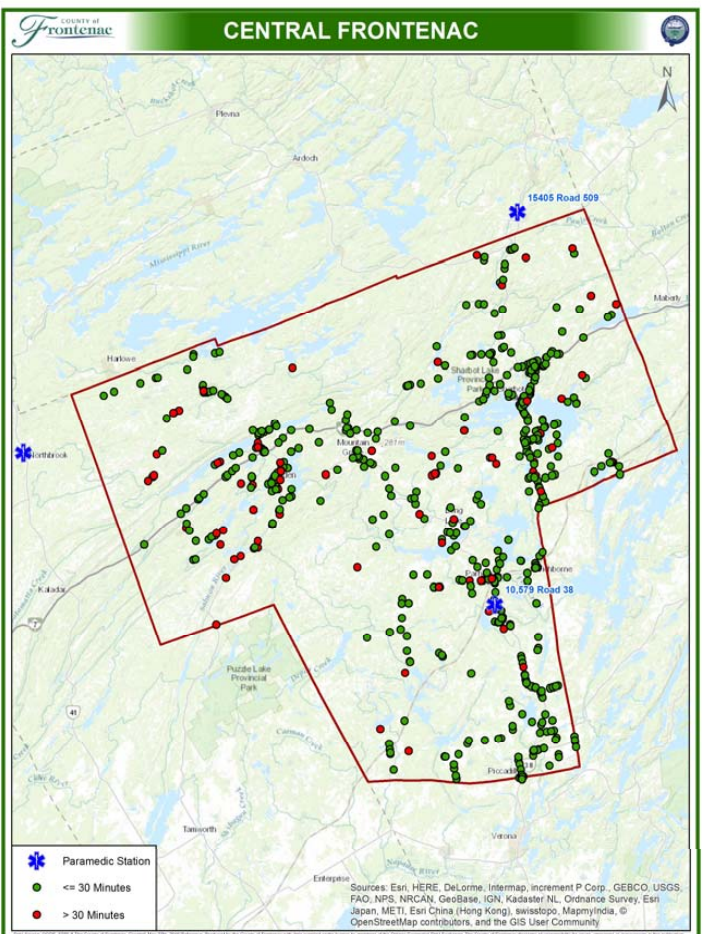
International RTS



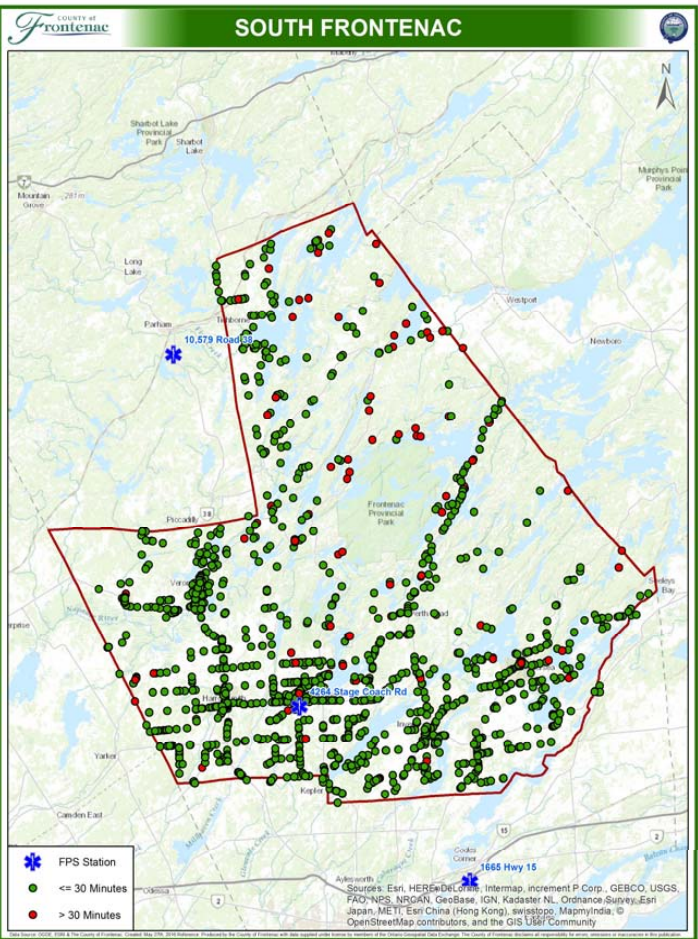
Frontenac COUNTY of
Frontenac

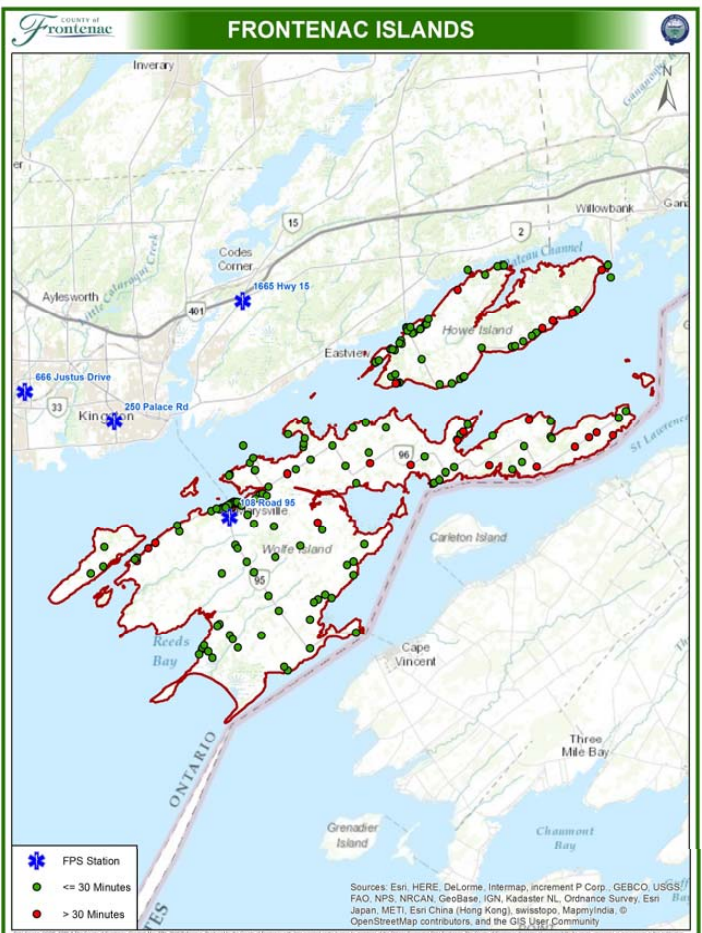






COUNTY of
Frontenac





COUNTY of
Frontenac

QUESTIONS

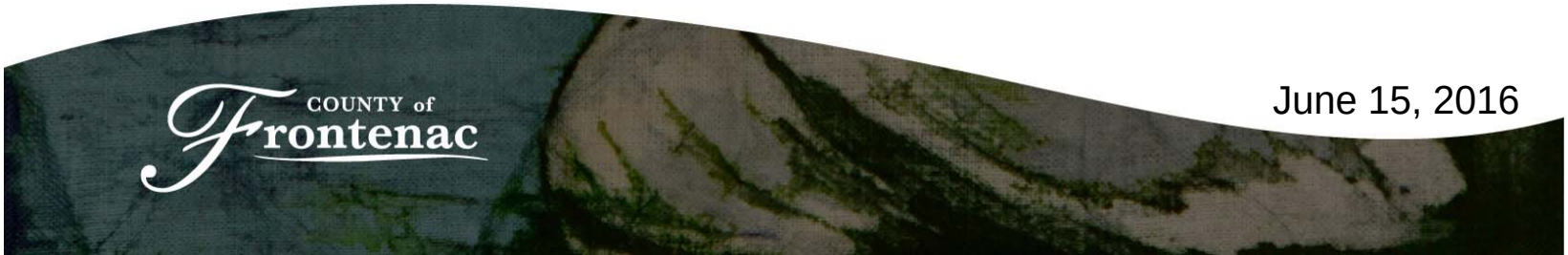


COUNTY of
Frontenac





The Smart Growth for Our Communities Act (Bill 73) – Amendments to the *Planning Act*



Context

- Fall 2013 review
 - Land use planning system
 - Appeals system
 - Development charges system
- “Current system too complex and unpredictable”
- December, 2015: Bill 73 received Royal Assent



Current Status

- *Development Charges Act* changes:
 - In force now
- Some *Planning Act* changes:
 - In force now
- Most *Planning Act* changes:
 - In force as of July 1, 2016
- Associated Planning Act regulations:
 - Still to come



Category 1: Citizen Engagement

- Public input in municipal decisions
- OMB consideration of public input (non-decisions)
- Public consultation policies
- Planning Advisory Committees



Category 2: Certainty, Stability and Costs

- 10-year review cycles for OP/ZBL
- 2-year amendment freeze
- Conformity with upper-tier plans
- 90-day OP submission to MMAH
- Built form characteristics in PPS
 - In effect now
- 10-year PPS review



Category 3: Local Decision-Making and Accountability

- 90-day OP/OPA “timeout” allowance
- Complete application requirement for “grandfathering”
 - In effect now



Category 4: Dispute Resolution

- No OP appeals of provincial boundaries
- No OP appeals of secondary residential unit policies
- More details re: OMB appeal reasoning
- No entire OP appeals
- Additional 60-day alternative dispute resolution
- 2-year minor variance freeze after ZBL amendment
- Possible additional minor variance criteria



Category 5: Transparency

- Detailed reporting of parkland fees
- Alternative parkland dedication rates
- Parks plan requirement



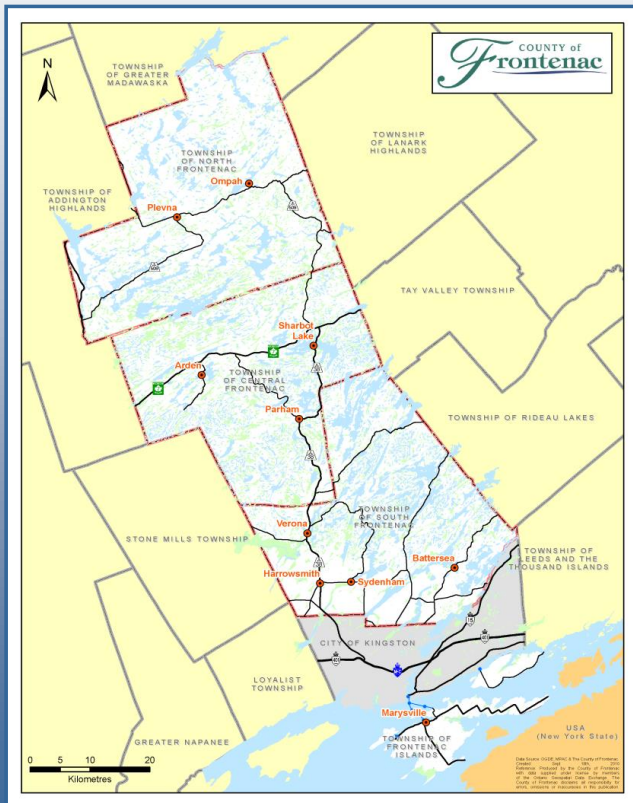
Next Steps

- Review and update processes
 - Planning Advisory Committee
- Review and update policies
 - Updates to OP during review, etc.
- Updates and necessary changes at Township level
 - Resolutions re: 2-year freeze on ZBLAs, etc.





County Of Frontenac Private Lanes Study



June 15, 2016

Brian Whitehead, MA, MCIP, RPP

Principal, Director of Planning

Jp2g Consultants Inc.



Introduction

Agenda

Project Team

Background and Context

Analysis – Private Lane Trends

Policy Issues Analysis

Recommendations



Project Team

Jp2g Consultants Inc.

- Brian Whitehead, MA, MCIP, RPP
- Bryana Kenny, BSc.
- Neil Caldwell, P. Eng.

Morehouse Associates

- Sidney Morehouse, B. Comm., MBA, CMA, Economist

Templeman Menninga

- Wayne Fairbrother, LL.B.



Background and Context

A. Regional Context – Frontenac

- Importance to Communities
- Number of Private Lanes
- Municipal Assessment Ratio

B. Provincial Policy Context

- Municipal financial wellbeing
- Public health and safety
- Infrastructure and public service facilities

C. Permanent and Seasonal Residential Land Use

- Level of service should be appropriate



Analysis – Private Lane Trends

- A. Seasonal vs Permanent Residential Use – Lanes with greater than 50% Permanent Residential Use – See Map**
- B. Local and Regional Growth Drivers**
- C. Private Lane Infilling Potential**
- D. Private Lane Extension Potential**
- E. Existing Vacant Lots of Record**

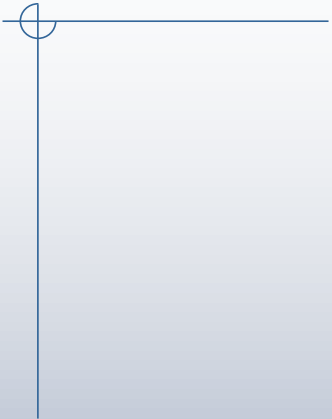


Policy Issues Analysis and Recommendations

- A. Seasonal vs Permanent Residential Screening**
- B. Private Lane Standards**
- D. Assumption of Private Lanes**
- E. Infilling and Extensions on Existing Private Lanes**
- F. New Private Lanes**
- G. Existing Lots of Record**
- H. Conversions**
- I. Monitoring of Private Lane Trends**



Comments/Questions





Report 2016-067

Recommend Report to Council

To: Warden and Members of Council of the County of Frontenac
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Joe Gallivan, Director of Planning and Economic Development
Date of meeting: June 15, 2016

Re: Planning and Economic Development – Private Roads Study Final Report

Recommendation

Resolved That the Council of the County of Frontenac approved the Private Roads Study Final Report dated June 15, 2016, attached to this report as Appendix A;

And Further That the Council direct staff to attend meetings of each Township Council to provide a briefing and explanation of the Private Roads Study, including proposed Official Plan Amendments.

Background

During the 2015 budget deliberations, County Council allocated \$60,000 from the Ontario Municipal Board (OMB) Reserve Fund to prepare a region-wide study in order to analyze the extensive private road network that currently exists across the Frontenacs, and to also create land use planning criteria that will allow for the creation or extension of well-built private roads.

Jp2g Consultants were retained to complete this study. The consultants provided County Council with an interim report at its meeting held October 21, 2015.

Comments

Jp2g Consultants have completed the Private Roads Study as per the requirements of the RFP that was issued in 2015. The consultants will be providing a briefing to County Council on their final report which represents the completion of the work.

The purpose of the study was to undertake a County-wide assessment of the existing private lanes system in the County of Frontenac; to recommend a planning framework that can be used to best manage these lanes; to promote lane improvements, and to

provide planning policies for Township Official Plans to act as a guide for future development on private lanes.

The study provides a comprehensive overview of private road development in Frontenac County and provides a series of legal and land use planning tools to establish criteria to allow for new development on private roads within the context of 'good planning'.

Staff are satisfied with the analysis and recommendations of the Jp2g study and are recommending endorsement by Council. Staff are also recommending that a presentation be made to the Township Councils to explain the findings of the report as well as the benefits that the report offers in moving planning and development forward for each townships. A copy of the final report is attached to this report as Appendix A.

Sustainability Implications

The development of new private roads to access waterfronts across the Frontenacs in a safe, effective manner supports the social, cultural, and economic pillars of *Directions for Our Future*. Allowing for continued development on private roads for waterfront development will also have positive impacts on the economy throughout the County.

Financial Implications

N/A

Organizations, Departments and Individuals Consulted and/or Affected

All Townships in Frontenac County
Ministry of Municipal Affairs and Housing

**Private Roads (Lanes) Study:
Final Report and Recommendations
County of Frontenac, Ontario, Canada**

Prepared for:



County of Frontenac
2069 Battersea Road
Glenburnie, ON K0H 1S0
Tel. 613-548-9400
Fax 613-548-8460

Prepared by:



Jp2g Consultants Inc.
12 International Drive, Pembroke, Ontario, K8A 6W5
T.613.735.2507 F.613.735.4513
Jp2g Project No. 2157594A

In association with:

Morehouse Associates

and

Templemann Menninga LLP

June 15, 2016

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Table 8	Lot Development Potential and Projected Future Demand by Township (# Lots/Units)

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Map 1:	Key Map of Frontenac County
Map 2:	Percentage of Permanent Residential (RU) Development on Private Lanes

List of Appendices

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Appendix A	Residential Unit Percentage Category Summary
Appendix B	Lanes with Greater Than 50% Permanent Residential Development
Appendix C	Inventory of Private Lanes and Constraint Mapping

In Report:

Appendix D	Existing and Recommended Private Lane Construction Standard
Appendix E-1	Draft County of Frontenac Official Plan Amendment
Appendix E-2	Draft Township of North Frontenac Official Plan Amendment
Appendix E-3	Draft Township of Central Frontenac Official Plan Amendment
Appendix E-4	Draft Township of South Frontenac Official Plan Amendment
Appendix E-5	Draft Township of Frontenac Islands Official Plan Amendment



Executive Summary

The purpose of this Study is to undertake a County-wide assessment of the existing private lanes system in the County of Frontenac; to recommend a planning framework that can be used to best manage these lanes; to promote lane improvements, and to provide planning policies for Township Official Plans to act as a guide for future development on private lanes.

The Study approach includes a review of private lane policies and consultations with local and County staff to identify policy issues and trends affecting private lane development. Using GIS information obtained from the County of Frontenac, and supporting information from local Townships and relevant agencies, a detailed analysis has been carried out for the County's entire private lane network, which includes a total of 981 private lanes. This analysis includes:

- i) A detailed inventory of existing private lanes cataloguing details for each private lane including name, associated lake name, lane length, land use, infilling and extension potential.
- ii) An inventory and mapping of residential units (RU), recreational dwelling units (RDU) and vacant lands (VL) land use on private lands in order to gain an understanding of the spatial distribution of seasonal and permanent residential development on private lanes.
- iii) A Constraint Mapping Analysis involving a detailed analysis of the physical, legal, planning and land use constraints to development on existing private lanes, for the purpose of determining residential lot infilling and extension potential.
- iv) A review and analysis of supporting data associated with private lane development including population and demographic data, economic data, MPAC assessment data and an inventory of local consent and building permit data in order to gain an understanding of the social and economic drivers associated with conversion trends on private lane trends.

The main local and regional drivers affecting the spatial distribution of residential development on private lanes in Frontenac County include:

- i) Proximity to the City of Kingston and the Kingston employment market,
- ii) Net migration of individuals in the 55+ age group from major urban areas such as Kingston, Ottawa and the Greater Golden Horseshoe,
- iii) Highway 7 corridor, and
- iv) Increased opportunities for work at home employment.

The percentage of permanent residential units on private lanes is highest on lakes in South Frontenac and Howe Island. The number of permanent residential units on private lanes exceeds the number of recreational dwelling units on most of the lakes located in the southerly portion of South Frontenac, which are in close proximity to the City of Kingston as well as Howe Island. The number and percentage of recreational dwelling units exceeds the number of permanent residential units on private lanes in the northerly portion of South Frontenac and the southerly portion of Central Frontenac, with some higher concentrations of permanent residential development located in the vicinity of Sharbot Lake and Highway 7. The number and percentage of seasonal residential units greatly exceed the number of permanent residential units on private lanes located north of Highway 7.

Policy issues affecting private lane development in Frontenac County have been identified as a result of information gathering, a review of the existing Township Official Plans, review of Provincial comments and decisions regarding Township private lanes policies, interpretation of the applicable policies of the Provincial Policy Statement (PPS), and consultation meetings with staff in each of the local Townships and the County of Frontenac. These issues include:



- i) Seasonal vs. permanent residential development
- ii) Private lane standards
- iii) Rural service levels
- iv) Assumption of private lanes
- v) Limited infilling on existing lanes
- vi) Extensions to existing lanes
- vii) New private lanes
- viii) Existing lots of record
- ix) Conversions

The impact of private lane development on municipal services is a matter of municipal and provincial interest. The increasing trend toward the conversion of traditional cottages to year-round residential dwellings has resulted in increasing pressure on private lanes that were only ever intended to accommodate seasonal residential use. The imbalance between the needs of permanent residential uses and the service level provided by seasonal private lanes has led to concern in regard to public health and safety, and the impact that these lanes may have on municipal financial well-being. The increasing trend for permanent residential development on private lanes has led to the requirement for an evaluation and analysis of appropriate development policies, based on existing and anticipated land use needs. The premise that the service level of a private lane should correspond to the prevailing land use characteristics along a private lane is a guiding principle of this study, and is supported by the recommended policy framework presented in this report.

The analysis conducted in this Study supports the following conclusions and recommendations:

Seasonal vs. Permanent Residential Screening

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private lane is developed within a common elements or vacant land condominium, and the lane is constructed to the Township's private lane standard.

Private Lane Standards

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

Rural Service Levels

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

Infilling and Extension of New Lots on Existing Lanes

There is limited development potential for infilling and extensions on existing private lanes. Almost 85% of all existing private lanes have no infilling or extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should



take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the County. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

New Private Lanes

There is still a significant amount of undeveloped shoreline in Frontenac County. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

Existing Vacant Lots

A review of the mechanisms and approaches for regulating development on existing vacant lots of record concludes that where an existing vacant lot of record is already zoned for the proposed use, there is no legal authority to require private lane improvements, implement private lane standards, or require the long-term maintenance of private lane standards either as a condition to the approval of a building permit or through other legal means such as conditional zoning, site plan approval or the development permit system. A municipality could “down zone” existing vacant lots of record currently serviced by substandard private lanes, by placing them in a holding (h) zone that requires, as a condition to removal of the holding zone to allow development, that an agreement be entered into with respect to improvements to and maintenance of the private lane. For this Study, down zoning is not recommended as an approach for controlling the development of existing vacant lots of record on private lanes. This Study recommends that development on existing vacant lots on private lanes should continue to be permitted in accordance with local municipal site development requirements, and be recognized as an area of limited service within a Limited Service Zone in the municipality's zoning by-law.

Assumption of Private Lanes

Most municipalities have official plan policies which outline the conditions under which private lanes will be assumed as public roads. Few municipalities have official plan policies which assess the capital and operating costs of assuming a private lane on the long-term capital and operating costs of the municipality's road system. Prior to the assumption of a private lane as a public road, this Study recommends that the local Councils conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless the local Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

Conversions

A review of lot development and building permit trends within each Township, and a review of Seasonal Residential (SR) and Limited Service Residential (LSR) Zoning practices, generally indicates that it is difficult to control the conversion of seasonal residential dwellings to permanent residential use. Similar to existing lots of record, where a property is zoned to permit the existing use, there is no legal authority to require private lane improvements, implement private lane standards, or require the long-term maintenance of private lane standards as a condition to the approval of a building permit, nor through other legal means. Zoning and other legal tools are best suited to notifying property owners that their property is located on a lane which has limited services, and to controlling the adequacy of on-site services, landscaping, grading and environmental considerations that are commonly associated with renovation or enlargement of dwellings for year-round residential use.

**Private Lane Monitoring**

Although there challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the County of Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.



1 Introduction and Purpose

Jp2g Consultants Inc. (Jp2g), in association with Templeman Menninga and Morehouse Associates, has been retained by the County of Frontenac to undertake a Private Roads (Lanes) Study, for all lands located within its municipal boundaries including the Townships of North Frontenac, Central Frontenac, South Frontenac, and Frontenac Islands.

The purpose of this Study is to undertake a County-wide assessment of the existing private lanes system, and to recommend a planning framework that can be used to best manage these lanes, to promote lane improvements, and to provide planning policies for Township Official Plans to act as a guide for future private lanes development.

This Study includes a review of private lane policies and identifies policy issues and trends affecting private lane development, a GIS data analysis of existing private lanes, an evaluation of identified policy issues and a recommended policy framework for reviewing proposals for development on private lanes.



2 Study Approach

This Study followed a project path that began with consultation and information gathering, followed by the analysis of gathered information, and then the application of this analysis to identify policy issues, concluding with the development of policies and tools for implementation of private lane development moving forward. This report represents the culmination of the tasks undertaken by the project team in the execution of this study, which are summarized in the following subsections.

2.1 Consultation and Data Collection

The private lanes study has been conceived as a data-driven exercise, leading to appropriate and defensible planning policies, and accordingly a significant level of effort has been directed toward the collection and analysis of relevant data. The following is a summary of tasks and associated outcomes/resources undertaken during the information gathering stage of the study:

<u>Task:</u>	<u>Outcome/Resource:</u>
a) Initial Meeting with County Staff – July 14, 2015	- County-wide GIS data related to private lanes, development constraints, and MPAC data. - Existing lower-tier Official Plan status and supporting documents. - Population and economic background information (i.e., Watson and Associates Economists Ltd., <u>Population, Housing and Employment Projections for the Frontenacs</u>, June 13, 2014). - Contact information for point of contact staff for each Township.
b) First Round Meetings with Township staff – August 11 & 12, 2015:	- Review/validation of private lane network as identified through County GIS data. - Review/validation of methodology for evaluating development potential using constraint mapping. - Confirmation of status of Official Plan policies in respect of private lanes. - Identification of key policy issues facing Township related to private lanes. - Confirmation of current Township private lanes construction standard (or absence of one). - Confirmation of current Township private lanes assumption practices and recent requests for assumption. - Documentation: local private lanes public information and programs (i.e., South Frontenac Private Lane Upgrading Assistance Program); previous private lanes research (i.e., Central Frontenac, <u>Township of Oso Private Roads Study</u>, J. L. Richards & Associates Ltd., 1995)
c) Ongoing Township, County and Agency Consultation:	- Consultation with MPAC to confirm details regarding the MPAC GIS data obtained from the County. - Consultation with County and Townships to obtain documentation including: building permit and consent activity (2010-2014); standard private lane consent conditions and agreements; supplementary mapping data (i.e., South Frontenac consent limit mapping).



2.2 Data Analysis

Using the information obtained from the County, Townships, and relevant agencies, the project team prepared a series of analyses of the County's private lane network and adjacent lands. The following is a summary of the analytical tasks and outcomes undertaken during the course of the study.

<u>Task:</u>	<u>Outcome/Resource:</u>
a) Constraint Mapping:	- Preparation of detailed map sets for each Township illustrating the physical, legal, and ownership constraints to development on existing private lanes. - Detailed analysis of each private lane to determine existing number and percentage of permanent residential (RU), seasonal residential (RDU) and vacant land (VL) development, and to estimate the potential for future infill and extension development on each lane.
b) Existing Private Lanes Inventory Spreadsheets:	Preparation of spreadsheets cataloguing details for each private lane including lane name, associated lake name, lane length, tallies for each existing land use type (RU, RDU, VL), and tallies for infill and extension development potential.
c) Permanent Residential Unit (RU) Analysis:	- Based on constraint mapping analysis, categorization of private lanes based on number and percentage of permanent residential units (RUs) on a given lane. - Identification of private lanes having a high number and proportion of permanent residential occupancy. - Preparation of spreadsheets for each Township illustrating the above categorization - Preparation of mapping illustrating roads and lakes identified in each RU development category.
d) Analysis of Supporting Data:	- Review and analysis of supporting data associated with private lane development, including population and demographic data, economic data, MPAC assessment data, and Township consent and building permit data. - Preparation of summary tables illustrating trends related to the above.
e) Review of Existing Official Plan Policies:	- Detailed review of existing Official Plan private lane policies. - Review of supplementary Official Plan policies affecting private lane development by connection to a particular private lanes policy issue.
f) Second Round Meetings with Township staff – Nov. 12, 16 & 23, 2015:	- Review and confirmation of final private lanes inventory spreadsheets and RU analysis spreadsheets. - Review and confirmation of supporting data analyses. - Confirmation of policy issues.



2.3 Application of Findings to Policy Issues

Based on the completed analysis of relevant information and data, the study team has been able to draw conclusions about the identified policy issues related to private lane development in the County of Frontenac. The following is a summary of the tasks and outcomes during this stage of the study.

<u>Task:</u>	<u>Outcome/Resource:</u>
a) Analysis of Policy Issues in Context of Findings:	• Based on data analysis, develop opinions regarding preferred approach to policy issues in accordance with relevant matters of provincial interest identified in the Provincial Policy Statement 2014.
b) Recommended Policy Approaches:	• Describe recommended policy approach in Final Report • Preparation of Official Plan policies regarding private lanes for each Township and recommended Official Plan amendments.



3 Background and Context

3.1 Regional Context

The County of Frontenac is a rural upper tier municipality located in Eastern Ontario extending from the islands south of the City of Kingston to north of Highway 7. The total census population of the County is approximately 27,190 (2011) with a land area of 3,200 square kilometres. A key map showing the location of the County of Frontenac, including the Townships of North Frontenac, Central Frontenac, South Frontenac and Frontenac Islands is shown as Map 1.

There are approximately 981 private lanes in the County of Frontenac with a total combined length of 769 kilometres. A total of 5,795 seasonal and permanent residential dwelling units exist along these private lanes. Municipal Property Assessment Corporation (MPAC) data for Frontenac County indicates that \$1.8 billion of the County's \$5.7 billion of municipal assessment is comprised of existing seasonal, permanent and vacant lands along private lanes. This represents almost one-third or 31.3% of the County's total assessment for tax purposes.

3.2 Provincial Policy Context

Frontenac County is defined as a *rural area* under the Provincial Policy Statement 2014 (PPS) which consists of rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas. Most of Frontenac County includes *rural lands* which are defined as lands located outside *settlement areas* and outside *prime agricultural areas*.

When directing development on *rural lands*, the PPS requires a planning authority to apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. In this case, the following policies of Section 1.0 Building Strong Healthy Communities are applicable to the preparation of Official Plan policies that would permit resource-based recreational uses (including recreational dwellings) and limited residential development on private lanes:

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

1.1.1. c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

1.1.1. g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

The Provincial Policy Statement also provides policy direction for development in Rural Areas of municipalities. As previously stated, all of Frontenac County is considered a Rural Area in the PPS, and accordingly Rural Areas are viewed to have different considerations when guiding development. Specifically, Section 1.1.4.1 of the PPS directs that healthy, integrated and viable rural areas should be supported by a number of priorities including:

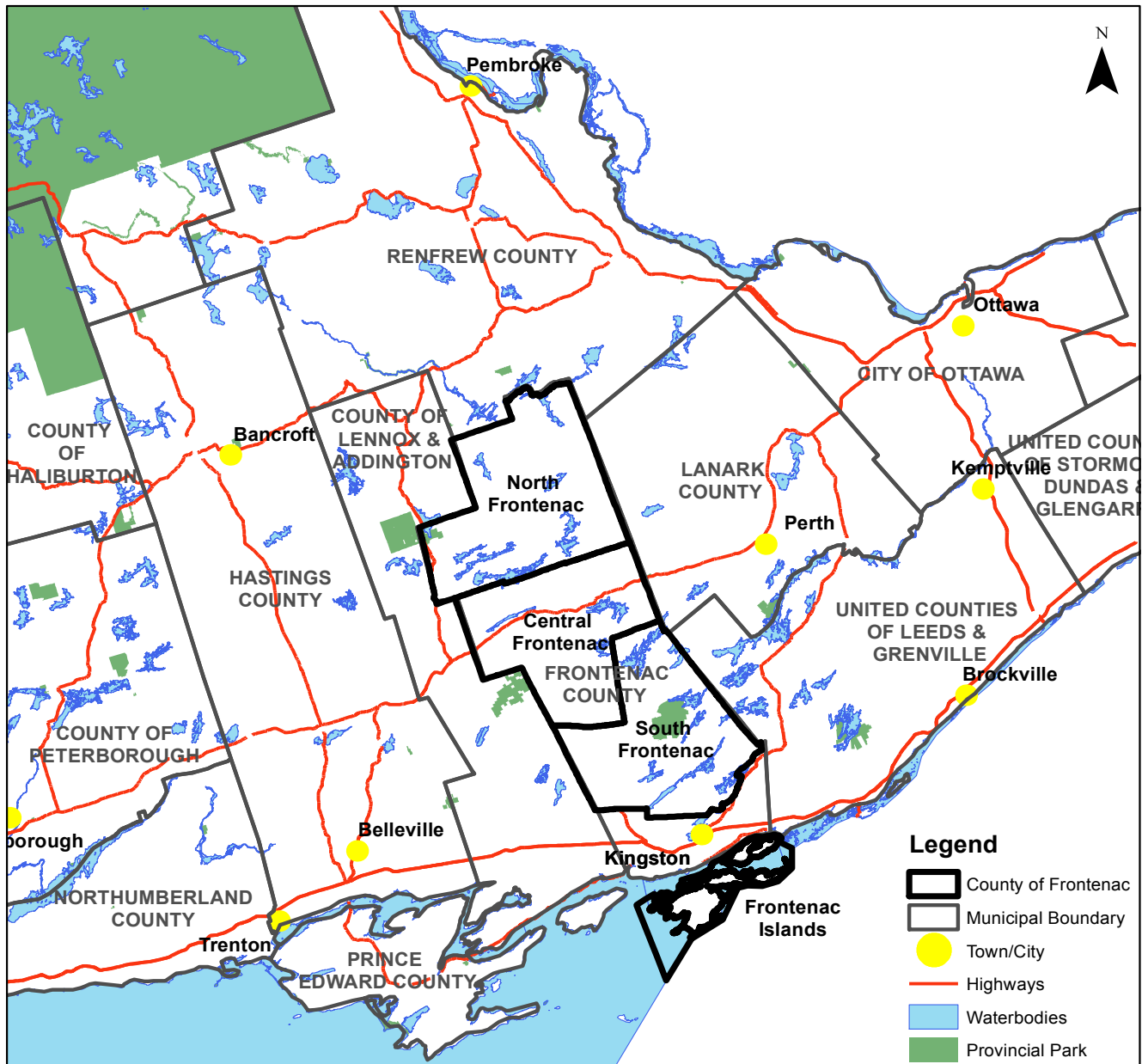
a) building upon rural character, and leveraging rural amenities and assets;

d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;

e) using rural infrastructure and public service facilities efficiently;

Section 1.1.5 of the PPS provides more detailed direction for "Rural Lands" within "Rural Areas". While Rural Areas may include rural settlement areas (e.g., villages, hamlets), Rural Lands are those lands where low development

Map 1: Key Map of Frontenac County



1:1,250,000

Notes:
1. Map data obtained from Land Information Ontario and Ontario Basic Mapping

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densities, natural features, and resource-related uses dominate. These areas are unique in the level of service desired and available, appropriate forms of development, and the character of the area. These areas are viewed as being those where the impact from human development activity is least apparent, and this character is to be preserved in local planning policies. According to Section 1.1.5.2, permitted uses on Rural Lands in Municipalities include:

b) Resource-based recreational uses (including recreational dwellings).

c) Limited residential development.

Resource-based recreational uses (including recreational dwellings) and limited residential development are not defined in the PPS. The spectrum of uses ranges from hunting & fishing camps, to campgrounds and cottage establishments, traditional summer cottages, winterized cottages, extended seasonal residential use, and year-round residential uses. For this assignment, we will be focusing upon the spectrum of summer seasonal – extended seasonal – permanent residential uses in waterfront areas, since these are the predominant forms of land use along private roads in the waterfront area of Frontenac County.

The policies guiding development on Rural Lands in municipalities include:

- Recreational, tourism and other economic opportunities should be promoted. (1.1.5.3)
- Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. (1.1.5.4)
- Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. (1.1.5.5)

Infrastructure is defined in the PPS as meaning physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes transportation corridors and facilities.

3.2.1 Interpretation of Provincial Policy

For the purposes of this Study, the PPS is interpreted to mean that resource based recreational uses, including recreational dwellings and limited residential development, are permitted on rural lands within rural areas such as Frontenac County provided:

- Infrastructure in the form of road or lane access is appropriate for the proposed development.
- Development can be sustained by rural service levels for health and safety such as emergency service vehicles.
- Development does not adversely affect the municipality's financial well-being over the long term.

3.3 Permanent and Seasonal Residential Land Use Considerations

The evolution of waterfront residential development in Frontenac County reflects the Post-World War II boom in waterfront development, generated by increased real income, leisure time and mobility (in turn facilitated by the automobile and improved transportation networks). Consequently the early stages of private lane development in rural Ontario and Frontenac County came as the result of seasonal residential land development, and private lanes were constructed and maintained to a standard appropriate for seasonal residential land use. Private lanes created during this time period predated the legislative authority provided by the Planning Act to govern private lane development, and private lanes had not yet become a land use planning issue warranting the consideration of land use planning controls to regulate such development. In these early decades of private lane development, municipalities enjoyed the economic benefits of seasonal residents, including taxation and community patronage, while avoiding the costs of maintaining and operating the private lane system used by these residents.

The impact of private lane development on municipal services became a matter of provincial interest to the Government of Ontario in the late 1970's and early 1980's. The increasing trend toward the conversion of traditional cottages to year-round residential dwellings, and the creation of new lots on existing private lanes for



permanent residential purposes, has resulted in increasing pressure on private lanes that were only ever intended to accommodate seasonal residential use. The imbalance between the needs of permanent residential uses and the service level provided by seasonal private lanes has led to concern in regard to public health and safety, and the impact that these lanes may have on municipal financial well-being. These concerns center on the three key policy criteria of the PPS, as identified in Section 3.2.1 of this report.

This increasing trend for permanent residential development on private lanes has led to the requirement for an evaluation and analysis of appropriate development policies, based on existing and anticipated land use needs. The premise that the service level of a private lane should correspond to the prevailing land use characteristics along a private lane is a guiding principle of this study, and is supported by the recommended policy framework presented in this report.



4 Inventory and Analysis

Geographic Information System (GIS) information and Municipal Property Assessment Corporation (MPAC) data provided by the County of Frontenac have been used to prepare an inventory and analysis of every private lane in the Frontenac County study area. Each private lane has been analysed according to the following:

- Municipal Assessment on Private Road Name, Lake Name and Lane Length
- Land Use by Assessment Codes for Residential RU (RU); Recreational Dwelling Unit (RDU) and Vacant Land (VL)
- Total RU/RDU by Lane and Lake
- Infilling Potential on Existing Private Lanes
- Extension Potential on Existing Private Lanes
- Analysis of Lanes by Percentage of Residential Unit (RU) Code.
- Assessment Ratio: Private Lane vs Public Roads

In addition to the GIS and MPAC data, information regarding new lot development and building permit activity over a 5 year period between 2010 and 2014 was also analysed. The analysis of this data is used to provide an overview of the spatial distribution of permanent residential development on private lanes within Frontenac County, and a description of the local and regional drivers that are contributing to this trend. This overview is followed by a private lane statistical profile; a detailed analysis of land use and development trends, and an analysis on infilling, extension and vacant lot potential for private lanes in each of the Frontenacs and Frontenac County. The detailed tables and constraint mapping used to prepare the inventory and analysis of private lanes for this Study are contained on a separate CD included as an Appendix to this Report.

4.1 Seasonal and Permanent Residential Use

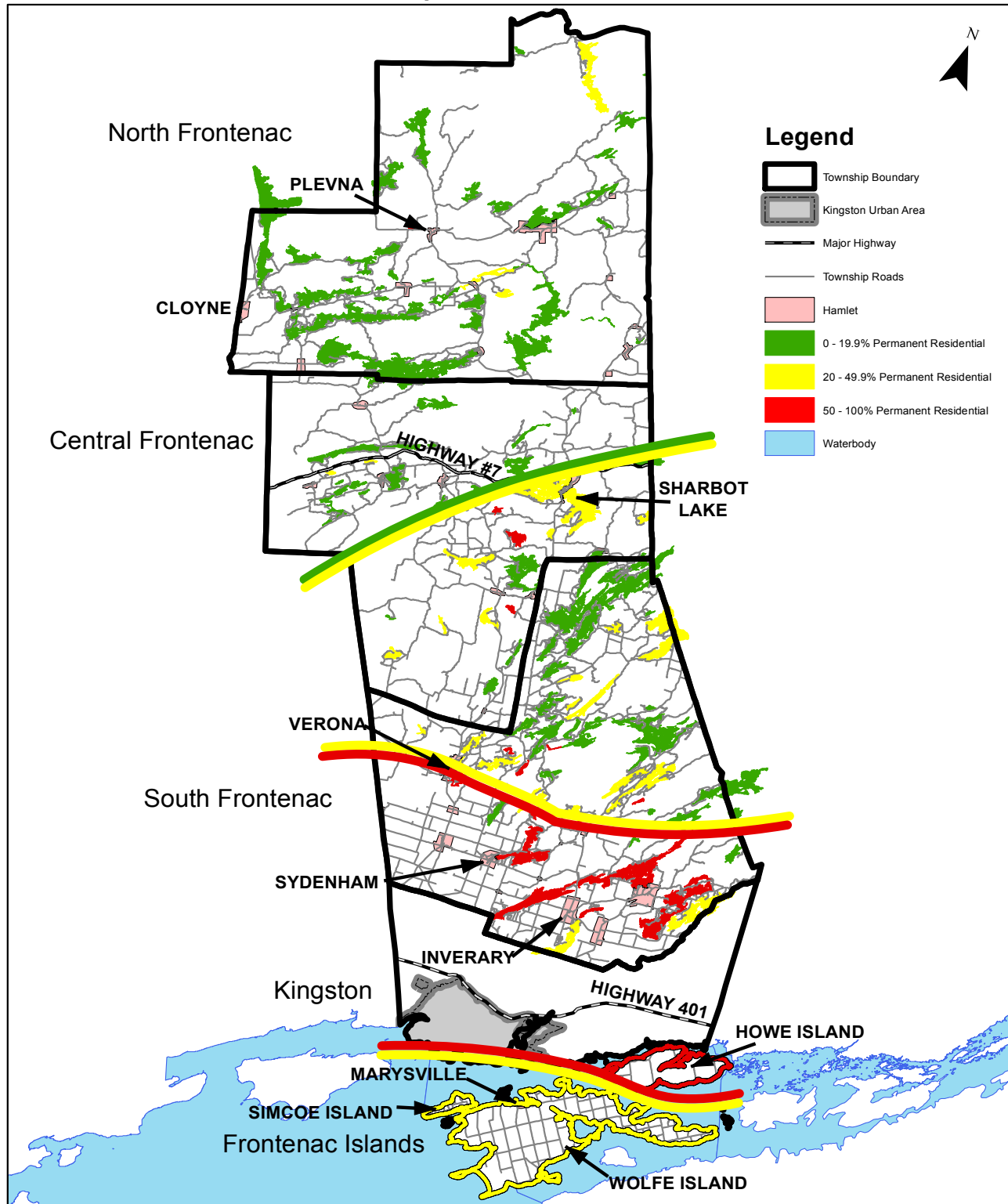
The conversion of second homes to year round residential dwellings is the focal planning concern related to the potential adverse impacts associated with development on private lanes. A review of the spatial distribution of year-round residential development on private lanes provides us with an understanding of some of the social and economic drivers for this trend.

The total number of Residential Units (RU) as a percentage of total RU/RDU's on private lanes for each lake in Frontenac County is shown on Map 2 and summarized in tables included in Appendix A. The percentages of Residential Units (RU) have been grouped according to the following percentage categories:

- 50% or more RU - Red (high conversion)
- 20% to 49% RU - Yellow (medium conversion)
- 0% to 19% RU - Green (low conversion)

The percentage of permanent residential units on private lanes is highest on lakes in South Frontenac and Howe Island. There are a total of 13 lakes in South Frontenac where the number of permanent residential units on private lanes exceeds the number of recreational dwelling units. Some of the larger lakes in South Frontenac where permanent dwellings on private lanes exceed the number of recreational dwellings include: Dog Lake (56.6%), Hambly Lake (71.4%), Loughborough Lake (51.7%) and Sydenham Lake (58%). These lakes tend to be located in the more southerly areas of South Frontenac. There are a total of 17 lakes in South Frontenac that are in the 20% to 49% (yellow) category and 21 lakes that are in the 0% to 19% category. The lakes with low or low to medium conversion percentages tend to be located in the northerly and north-easterly areas of South Frontenac Township. Some of the larger lakes in the low to medium conversion categories include: Buck Lake (25.5%), Bob's Lake (9%), and Devil Lake (22.7%).

**Map 2:
Percentage of Permanent Residential (RU)
Development on Lakes/Islands**



1:550,000

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0 5,000 10,000 20,000 30,000
Meters

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Similar to South Frontenac, Howe Island has a higher percentage of residential units (56.9%) than recreational dwelling units (33.1%). A total of 34.4% of the dwelling units on private lanes on Simcoe Island are classified as permanent dwelling units, and a total of 31.4% of the dwelling units on private lanes on Wolfe Island are permanent dwellings.

Central Frontenac has 4 lakes where the number of permanent residential units exceeds the number of recreational dwelling units. However, the number of dwelling units on these lakes is quite low. These lakes include: Duncan Lake (2 RU's), Leggat Lake (7 RU's), Little Beaver Lake (1 RU), and O'Reilly Lake (8 RU's). A total of 10 lakes in Central Frontenac are in the 20% to 49% (yellow) category, and 24 lakes are in the 0% to 19% category. Some of the large lakes in low to medium conversion categories include: Sharbot Lake (36.9%), Big Clear Lake (10.7%), Horseshoe Lake (17.8%), Eagle Lake (4.7%) and Kenebec Lake (9.8%).

North Frontenac has only 1 lake, (as well as some private lanes not on waterbodies), where the number of permanent residential units exceeds the number of recreational dwelling units. Like Central Frontenac, the number of dwelling units on Hills Lake is small (2 RU's), while 8 RU's exist on private lanes which are not on a waterbody. A total of only 3 lakes in North Frontenac are in the 20% to 49% (yellow) category and 30 lakes are in the 0% to 19% category. Similar to Central Frontenac, lakes in North Frontenac have a percentage of residential units in the 20% to 49% (yellow) category that are smaller lakes where the number of residential units is quite low. These include: Ardoch Lake (1 RU), Mud Lake (1 RU) and Norcan Lake (5 RU's). Larger lakes in the low conversion (green) category include: Little Mississagagon Lake (13.7%), Mississippi River (15.1%), Big Gull Lake (5.3%), Kashwakamak Lake (8.9%) and Shawenegog Lake (6.9%).

The spatial distribution of residential units (RU's) in Frontenac County supports the conclusions of a Study prepared by Watson and Associates Economists Ltd. titled Population, Housing and Employment Projections for the Frontenacs (2014). The Watson Study includes a detailed analysis of local and regional growth drivers contributing to the trend of converting seasonal residential dwellings to year round homes. These local and regional drivers are summarized as follows:

- a) Kingston Area Economic Growth
Proximity to the City of Kingston and the Kingston area employment market is one of the primary drivers of permanent population growth in Frontenac County, especially in the Township of South Frontenac and the Township of Frontenac Islands.
- b) Population Growth of 55+ Age Group
Population growth in the 55+ age group is a major contributor to the County's demand for new housing (both permanent and seasonal), largely driven by the aging of the local population, and the population in nearby urban Centres such as Kingston, as well as major Ontario City/Regions such as the Greater Golden Horseshoe and the Ottawa Region. Net migration from this demographic group will be strongest during the next ten years, followed by a gradual slowdown as the larger percentage of population across the Province reaches 75+ years of age.
- c) Highway 7 Corridor
Future improvements to the Highway 7 corridor from Peterborough to Carleton Place will enhance access to Frontenac County from both the GTA/Peterborough area from the west and the Ottawa Carleton area from the east. From the west, the proposed Highway 407 extension to Highway 115 south of Peterborough is expected to influence travel demand along the Highway 7 corridor. This will have a more significant impact on the seasonal market than the permanent residential market.
- d) Increased Opportunities for Work at Home Employment
Approximately 33% of the overall Frontenac employment base worked at home in 2011, as compared to a 2011 provincial average for work at home employment of approximately 8%. Frontenac County will retain its comparatively high proportion of work at home employment over the 2011-2036 time period due to improved



telecommunication technology, and increased opportunities related to telecommuting in the commercial and institutional employment sectors.

e) Conversions from Seasonal to Permanent Housing

The conversion of seasonal dwellings to permanent housing units is anticipated to be a key driver of permanent population growth in Frontenac County. The result is that the permanent population growth rates will continue to be inflated between Census time periods as members of the seasonal population choose to become permanent residents.

f) Local Growth Drivers

The proximity to the Kingston area employment market is a key driver influencing the location of permanent population and housing growth at the local level. The Township of South Frontenac and the Township of Frontenac Islands have experienced the highest rates of permanent population growth. The Watson Study predicts that these local municipalities are expected to continue to experience the highest permanent population growth rates over the next 25 years. This growth is subject to housing supply opportunities and infrastructure capacity (i.e. municipal water and roads). In the case of Frontenac Islands, future development is limited by the capacity of the ferry service from the Islands to the mainland.

In addition to the population “drivers” identified in the Watson Study, the spatial distribution of year round residential development illustrated on Map 2 and summarized in Appendix A suggests that proximity to local villages and hamlets is a factor contributing to the conversion of seasonal residential units to permanent homes. For example, most of the permanent residential development in South Frontenac is located on lakes in close proximity to the settlement areas of Sydenham, Inverary and Verona. In the Township of Central Frontenac, the Village of Sharbot Lake is located at the mid-point of Sharbot Lake, which has one of the highest percentages (36.9%) of residential units on private lanes of any lake in the Township. These villages and hamlets provide essential goods and community services for the day to day needs of year round residents.

4.1.1 Lanes With Greater Than 50% Permanent Residential Use

The spatial distribution of conversion activity by lake provides a clear visual demonstration of the trends driving residential conversions. Management of this conversion trend, however, requires the ability to evaluate proposed development on a lane-by-lane basis. Lanes of particular concern are those which have a majority of permanent residential use, which are defined in this study as those lanes where 50% or more residential uses are permanent in nature. This ratio is determined in this study using the RU/RDU ratio for each private lane, as identified using the data in the inventory of private lanes in Appendix C. Those lanes identified as having 50% or more RU land use in the inventory have been isolated in a table for each Township, which are provided in Appendix B. Similar to Map 2 showing land use on lakes, those lanes included in Appendix B are included in the “red” category, representing those lanes in the County where pressure from conversions on private lanes is highest.

Identifying private lanes with a majority of permanent residential land use is important, in order to ensure that the level of road service provided is appropriate for future development proposals. Such lanes are of particular concern because the service levels required to support the current and future use of these lanes will be higher than for those lanes used primarily for seasonal purposes. The following statistics illustrate the prevalence of “red” category lanes throughout the County:

- A total of 234 of the 981 private lanes or approximately 24% of all private lanes in the County of Frontenac have greater than 50% permanent residential (RU) development (i.e., “red” category).
- 15 (6.4%) “Red” lanes are located in the Township of North Frontenac.
- 32 (13.7%) “Red” lanes are located in the Township of Central Frontenac.
- 158 (67.5%) “Red” lanes are located in the Township of South Frontenac.
- 29 (12.4%) “Red” lanes are located in Frontenac Islands.



4.2 Existing Private Lane Profile

Table 1 provides a summary of the total number, and percentage, of private lanes, dwelling units and lane length for each municipality in the County of Frontenac. There are a total of 981 private lanes in Frontenac County that contain 5,795 residential dwelling units (RU and RDU) with a total lane length of 769.4 km. Over half (55.6%) of all private lanes in the County are located in the Township of South Frontenac.

Table 1: County of Frontenac –Number and Percentage of Private Lanes, Dwelling Units and Lane Length (km) for Each Municipality in the County of Frontenac

Municipality	Number of Private Lanes		Number of Residential Dwelling Units		Lane Length (km)	
	#	%	#	%	#	%
North Frontenac	189	19.3	1401	24.2	197.3	25.7
Central Frontenac	166	16.9	1206	20.8	155.6	20.2
South Frontenac	545	55.6	2774	47.9	372.7	48.5
Frontenac Islands	81	8.3	414	7.1	43.8	5.7
TOTAL	981	100	5795	100	769.4	100

Table 2 provides a summary of permanent and seasonal residential land use on private lanes for each Municipality and the County of Frontenac. A total of 1,316 permanent residential (RU) units or 22.7% of the County's 5,795 seasonal and permanent residents reside on private lanes. A clear trend emerges from north to south in the County, with North Frontenac having the highest percentage of seasonal residential development (RDUs) on private lanes (90.4%), and Frontenac Islands having the highest percentage of permanent residential development (RUs) on private lanes (35.7%).

Table 2: Permanent and Seasonal Residential Land Use on Private Lanes by Municipality

Municipality	Permanent Residential Lots (RU)		Seasonal Residential Lots (RDU)		Total Lots (RU, RDU)	
	#	%	#	%	#	%
North Frontenac	135	9.6	1266	90.4	1401	100.0
Central Frontenac	229	19.0	977	81.0	1206	100.0
South Frontenac	804	29.0	1970	71.0	2774	100.0
Frontenac Islands	148	35.7	266	64.3	414	100.0
TOTAL	1316	22.7	4479	77.3	5795	100.0

4.3 Lot Development and Building Permit Trends

Table 3 presents a summary of lot development and building activity on private lanes for each municipality over the time period between 2010 and 2014.



Table 3: Lot Development and Building Permit Activity on Private Lanes: 2010-2014

Municipality	Total New Lots	Avg. New Lots/Yr.	Total Permits	Total New Dwellings & Ratio (%) to Total Permits	Avg. New Dwellings/Yr.
North Frontenac	40	8	124	79 (64%)	16
Central Frontenac	6	1	137	40 (29%)	8
South Frontenac	32	6	645	116 (18%)	23
Frontenac Islands	3	<1	30	14 (47%)	3
TOTAL	81	15	936	249 (26.6%)	50

A total of 40 new lots, or approximately 50% of all the new lots on private lanes in Frontenac County, were created in the Township of North Frontenac during the time period between 2010 and 2014. A total of 32 new lots were created along private lanes in the Township of South Frontenac during this same time period, while only 6 new lots were created along private lanes in Central Frontenac and 3 lots on the Frontenac Islands. The low number of new lots created in the Township of Central Frontenac may be attributed to the Township's Official Plan policies, which require an Official Plan amendment for any new waterfront residential lot development. The low number of lots on Frontenac Islands is likely due to local factors, including ferry access that has historically limited the amount of residential growth that can occur on the Islands.

Building permit activity related to additions and renovations is an indicator of conversion trends. Table 3 summarizes the total number of building permits for new dwellings as a ratio (%) of total building permits. The Township of North Frontenac had the highest ratio of new dwellings to total permits issued over the time period between 2010 and 2014. A total of 79 or 64% of the 124 building permits were issued for new dwellings on private lanes in North Frontenac during this time period. The Township of South Frontenac had the lowest ratio of new dwellings to total permits issued over the time period between 2010 and 2014. A total of 116 or 18% of the 645 building permits were issued for new dwellings on private lanes in South Frontenac during this time period. A total of 529 building permits in South Frontenac or 78% of all building permit activity during the time period between 2010 and 2014 were for building additions and renovations. These trends suggest a much higher conversion rate in South Frontenac than North Frontenac and the other areas of the County.

Based on consultation with Township building officials, the vast majority of building permits for new dwellings on private roads are for the construction of dwellings that are capable of being used for permanent residential purposes. Very few traditional non-winterized cottages are being constructed, based on their observations.

4.4 Development Potential on Existing Private Lanes

A development constraint analysis has been conducted in order to assess the infilling and extension potential of every private lane in Frontenac County. Using the detailed GIS data set provided by the County of Frontenac, a set of constraint maps have been prepared for each Township which show private and public roads, MPAC property assessment land use codes as well as physical and non-physical development constraints. The constraints considered for future private lane development included the following:

- Crown Land
- Provincial Park
- Conservation Area
- Public Land/Trust Holdings
- Algonquin Land Claim Settlement Lands
- Waterbody
- Lake Trout Lake (at-capacity)
- Wetlands (unevaluated, Provincially Significant and coastal)



- Land Use (Vacant, Residential Unit, Recreational Dwelling Unit, Managed Forest, Agriculture, Commercial)
- Road Network (public and private)
- Mineral Aggregate Resources and Sites
- Topography (Ontario Base Mapping Contours)

Meetings were held with staff from each Township to confirm the accuracy of the private lane network, including any additions or deletions from the network. Using the constraint maps, a visual assessment of all private lanes in each Township was undertaken by the Consultants to determine both infilling or expansion potential, based upon the Township's minimum requirements for lot frontage, water frontage and lot area. These standards included:

1. Township of North Frontenac:
 - a. Minimum Lot Frontage: 45 metres
 - b. Minimum Water Frontage: 45 metres
 - c. Minimum Lot Area: 0.4 hectares
2. Township of Central Frontenac:
 - a. Minimum Lot Frontage: 46 metres
 - b. Minimum Water Frontage: 91 metres
 - c. Minimum Lot Area: 1.0 hectare
3. Township of South Frontenac:
 - a. Minimum Lot Frontage: 76 metres
 - b. Minimum Water Frontage: 91 metres
 - c. Minimum Lot Area: 1.0 hectare
4. Township of Frontenac Islands:
 - a. Minimum Lot Frontage: 45 metres
 - b. Minimum Lot Area: 0.4 hectares

For each lane, the number of potential lots by both infill and extension of existing lanes was determined. The complete list of lanes and the associated assessment of development potential, as well as the constraint maps used to complete this assessment for each Township, are provided in Appendix C to this Report.

4.4.1 Infill Potential of Existing Lanes

Table 4 summarizes the total number and percentage of private lanes by infill potential for each municipality and the County of Frontenac as a whole. The lanes in the table are categorized in intervals of development potential, ranging from no (0) development potential, to greater than five lots (>5) of development potential.

Table 4: Number/Percentage of Lanes by Infill Potential

Municipality	0 Lots		1 Lot		2 Lots		3 Lots		4 Lots		5 Lots		>5 Lots		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
North Frontenac	174	92.1	8	4.2	5	2.6	0	0.0	0	0.0	0	0.0	2	1.1	189	100
Central Frontenac	142	85.5	8	4.8	6	3.6	1	0.6	2	1.2	3	1.8	4	2.4	166	100
South Frontenac	442	81.7	46	8.5	19	3.5	13	2.4	4	0.7	7	1.3	10	1.8	541	100
Frontenac Islands	58	71.6	5	6.2	7	8.6	3	3.7	2	2.5	3	3.7	3	3.7	81	100
TOTAL	816	83.5	67	6.9	37	3.8	17	1.7	8	0.8	13	1.3	19	1.9	977	100

The analysis of infilling potential summarized in Table 4 shows that 83.5% of all existing private lanes in Frontenac County have no remaining potential for infilling of new lots. The Townships of North Frontenac (92.1%) and Central Frontenac (85.5%) have the highest percentage of private lanes with no infilling development potential. The Township



of South Frontenac (81.7%) and the Township of Frontenac Islands (71.6%) have a lower percentage of private lanes with no infilling potential. Table 4 also shows the following:

- The infilling potential on 90.4% of all private lanes would be completed with infilling of one (1) additional lot.
- The infilling potential on 94.2% of all private lanes would be completed with infilling of two (2) additional lots.
- The infilling potential on 95.9% of all private lanes would be completed with infilling of three (3) additional lots.

The total number of potential lots that could be created by infilling for up to three lots on existing private lanes in Frontenac County is estimated as follows:

- 67 lanes having potential for the creation of 1 lot = 62 lots
- 37 lanes having potential for the creation of 2 lots = 74 lots
- 17 lanes having potential for the creation of 3 lots = 51 lots
- Total estimated potential for up to 3 lots: 187 lots.

4.4.2 Extension Potential on Existing Private Lanes

Table 5 summarizes the total number and percentage of private lanes by extension potential for each municipality and the County of Frontenac as a whole. The lanes in the table are categorized in intervals of development potential, ranging from no (0) development potential, to greater than five lots (>5) of development potential.

The analysis of extension potential summarized in Table 5 shows that 83.0% of all existing private lanes in Frontenac County have no remaining potential for the extension of existing private lanes to permit new lots. The Townships of North Frontenac (88.9%) and the Township of South Frontenac (85%) have the highest percentage of private lanes with no extension potential. The Township of Central Frontenac (72.9%) and the Township of Frontenac Islands (76.5%) have a lower percentage of private lanes with no extension potential. Table 5 also shows the following:

- The extension potential on 87.2% of all private lanes would be completed with the extension of 1 additional lot.
- The extension potential on 91.2% of all private lanes would be completed with the extension of 2 additional lots.
- The extension potential on 93.6% of all private lanes would be completed with the extension of 3 additional lots.

Table 5: Number/Percentage of Lanes by Extension Potential

Municipality	0 Lots		1 Lot		2 Lots		3 Lots		4 Lots		5 Lots		>5 Lots		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
North Frontenac	168	88.9	4	2.1	4	2.1	2	1.1	2	1.1	3	1.6	6	3.2	189	100
Central Frontenac	121	72.9	6	3.6	15	9.0	5	3.0	3	1.8	3	1.8	13	7.8	166	100
South Frontenac	460	85	30	5.5	16	3	13	2.4	5	0.9	6	1.1	11	2.0	541	100
Frontenac Islands	62	76.5	1	1.2	4	4.9	3	3.7	3	3.7	2	2.5	6	7.4	81	100
TOTAL	811	83.0	41	4.2	39	4.0	23	2.4	13	1.3	14	1.4	36	3.7	977	100



The total number of potential lots that could be created by extensions for up to three lots on existing private lanes in Frontenac County is estimated as follows:

- 41 lanes having extension potential for the creation of 1 lot = 41 lots
- 39 lanes having extension potential for the creation of 2 lots = 78 lots
- 23 lanes having extension potential for the creation of 3 lots = 69 lots
- Total estimated extension potential for up to 3 lots: 188 lots

The results of the constraint analysis show that the existing private lane network in the County is substantially developed. Over 80% of all existing private lanes in Frontenac County have no infilling or extension potential. The development potential of 95.9% of all existing private lanes would be completed with the infilling of three (3) additional lots. The extension potential of 93.6% of all private lanes would be completed with the extension of three (3) additional lots.

4.4.3 Vacant Lots of Record

The GIS data provided by the County of Frontenac included MPAC data identifying vacant lots by a Vacant Land (VL) land use code. The data included a wide variance among vacant lots in lot size. For the purpose of identifying vacant lots of record, vacant lots along private roads with land areas in the range of 0.4 to 2.0 hectares (1.0 to 5.0 acres) were identified.

Table 6 presents a summary of existing vacant lots on private lanes by municipality. A total of 590 vacant lots on private lanes have been identified with a lot area in the range of 0.4 to 2.0 hectares.

Table 6: Vacant Lots by Municipality

Municipality	Vacant Lots (VL) 0.4 ha to 2.0 ha	
	#	%
North Frontenac	178	30.2
Central Frontenac	111	18.8
South Frontenac	241	40.8
Frontenac Islands	60	10.2
Total	590	100.0

The Township of South Frontenac has the largest number (241) and percentage (40.8%) of vacant lots along private lanes in Frontenac County followed by North Frontenac with 178 (30.2%) vacant lots; the Township of Central Frontenac with 111 (18.8%) vacant lots and Frontenac Islands with 60 (10.2%) vacant lots. These estimates of the total number of vacant lots do not account for lots that may be merged on title with adjacent lots or lots that have on-site constraints that might preclude development. However, this inventory provides a reasonable estimate of the total number of existing vacant lots that are available for development, given that there will be some existing lots with lot areas less than 0.4 hectares that could be developed. Waterfront lots with greater than 2.0 hectares of lot area are included in the assessment of infilling potential along existing private lanes.

4.5 Private Lane Assessment Ratio

Table 7 summarizes the total Municipal Assessment on private lands by unit class code for each municipality in the County of Frontenac. A total of \$1.778 billion or approximately 31.5% of the County's total \$5.651 billion in residential (RU), seasonal residential (RDU) and vacant land (VL) assessment is located on existing private lanes.

The Township of North Frontenac has the highest percentage (42.2%) of assessment on private lanes, while the Township of South Frontenac has the highest amount of assessment (\$0.927 billion) on private lanes.



A total of \$0.496 billion or 28.1% of the County's municipal assessment is from permanent residential development on private lanes. The Township of Frontenac Islands has the highest percentage (38.8%) of permanent residential assessment on private lanes followed by the Township of South Frontenac with 36.3%.

A total of \$1.113 billion or 63% of the County's municipal assessment on private lanes is from seasonal residential development. The Township of North Frontenac has the highest percentage (80.3%) of seasonal residential assessment on private lanes followed by the Township of Central Frontenac which has 73.5%.

Table 7: Municipal Assessment on Private Lanes by Unit Class Codes (\$ Millions)

Municipality	RDU ¹		RU ²		VL ³		Sum: RDU, RU & VL	All Unit Class Codes	Sum / All Unit Class Codes (%)
	#	%	#	%	#	%			
North Frontenac	313.0	80.3	44.2	11.2	33.0	8.4	391.1	921.5	42.2
Central Frontenac	218.4	73.5	53.5	18.0	25.1	8.5	297.0	956.8	31.0
South Frontenac	511.2	55.1	336.6	36.3	79.3	8.6	927.2	3206.4	28.9
Frontenac Islands	79.5	48.8	63.2	38.8	20.0	12.3	162.7	566.6	28.7
TOTAL	1113.7	63.0	496.8	28.1	156.8	8.9	1778.0	5651.13	31.5

¹RDU means Recreational Dwelling Unit

²RU means Residential Unit

³VL means Vacant Land

4.6 Comparison of Lot Potential on Private Lanes to Future Demand for New Lots

Table 8 provides a comparison of the development potential on private lanes as determined by the constraint analysis conducted by the consultants and the future demand for new lots as identified in the Watson Study.

Table 8: Lot Development Potential and Projected Future Demand by Township (# Lots/Units)

Municipality	Total Seasonal + Permanent Units, 2011 ¹	Total Units on Private Lanes ²	Demand New Units to 2036 ¹	Potential Lot Supply on Private Lanes, By Development Type ^{2,3}			Total Potential Lot Supply on Private Lanes ^{2,3}
				Infill	Extensions	Vacant Lots	
North Frontenac	3490	1449	380	15	16	178	209
Central Frontenac	4010	1217	480	23	51	111	185
South Frontenac	9970	2774	1720	123	101	241	465
Frontenac Islands	1320	412	220	27	18	60	105
TOTAL	18790	5852	4322	189	186	590	964

¹Source: Watson and Associates Economists Ltd., Population, Housing and Employment Projections for the Frontenacs (2014)

²Source: Private Lanes Inventory and Constraint Analysis, Jp2g Consultants Inc.

³Includes infilling up to 3 lots, extensions up to 3 lots and existing vacant lots 0.4 to 2.0 ha.

Table 8 indicates that an increase of 4322 dwelling units or approximately 23% of the existing seasonal and permanent residential development in the County is anticipated by the year 2036. Approximately 5852 or 31% of existing seasonal and permanent residential development in the County exists on private lanes. Assuming similar proportions are maintained, approximately 1340 new dwellings are anticipated on private lanes by 2036, which exceeds the current total supply of potential and existing vacant lots on private lanes. Of the total potential lot supply, a



relatively small percentage of lots are either infill or extensions of existing private lanes, being approximately 19.5% and 19.3% of the total supply of lots, respectively.

4.7 Summary and Conclusions

This section has evaluated the existing private lane network in Frontenac County, including existing permanent and seasonal residential development, and the potential for future development of existing private lanes through infill and extensions. The supply of vacant lots has been determined where an existing lot was of a suitable size for waterfront residential development. In addition to supply factors, development trends over the previous five year period were identified for each Township, including lot creation and building permit rates. Seasonal (RDU) and permanent (RU) residential development on existing private lanes was also compared to identify locations within the County having proportionately high permanent residential occupancy on private lanes. Private lanes lot supply, development characteristics and historical trends were compared to the projected development on private lanes to 2036, as identified by the Watson and Associates Economists Ltd. population study. The following conclusions are identified from our assessment of the private lanes data:

Seasonal vs Permanent Residential:

- The highest concentrations of permanent residential (RU) development on private lanes (i.e. >50%) is located on lakes in the south half of South Frontenac and on Howe Island in the Township of Frontenac Islands.
- Lakes with elevated percentages of permanent residential (RU) development on private lanes (i.e. 20% to 49%) has occurred in the north half of South Frontenac, the south half of Central Frontenac (including areas near Sharbot Lake), and on Wolfe and Simcoe Islands in the Township of Frontenac Islands.
- A total of 234 of the 981 or approximately 24% of all private lanes in the County of Frontenac have greater than 50% permanent residential (RU) development. A total of 158 (67.5%) of these private lanes are located in the Township of South Frontenac, while 32 (13.7%) are located in the Township of Central Frontenac, 29 (12.4%) are located in Frontenac Islands and 15 (6.4%) in the Township of North Frontenac.
- A total of 77.3% of waterfront residential development on private lanes in the County of Frontenac is seasonal residential.
- Development along private lanes on lakes in the northerly half of Central Frontenac and all of North Frontenac (i.e. North of Hwy #7) is predominantly seasonal residential.
- A total of 48% of all permanent residential development on private lanes is located in the Township of South Frontenac.
- The proportion of permanent residential development on private lanes increases from 9.6% in North Frontenac to 35.7% in South Frontenac.

Building Activity and Conversions:

- A review of the ratio of building permit activity for new dwellings versus additions/renovations over a 5 year period between 2010 and 2014 suggests that the highest conversion rates are occurring in the Township of South Frontenac, where 18% of building permits were issued for new dwellings, and 82% of the building permits were issued for additions or renovations. The Township of Central Frontenac was second highest with 72% additions/renovations and 28% new dwelling starts, followed by the Frontenac Islands with 53% additions/renovations and 47% new dwellings, and North Frontenac with 36% additions/renovations and 64% new dwellings.
- A total of 687 building permits were issued for additions or renovations to existing dwellings on private lanes in the County of Frontenac over a 5 year time period between 2010 and 2014, of which 529 (77%) were issued in the Township of South Frontenac.

Infilling and Extension Potential:

- A total of 816 or 84% of all private lanes have no infill potential.
- A total of 811 or 83% of all private lanes have no extension potential.



- Infilling potential on 95.9% of all private lanes would be completed with infilling of three (3) additional lots.
- Extension potential on 93.6% of all private lanes would be completed with the extension of three (3) additional lots.
- A total of 590 vacant lots on private lanes have been identified with a lot area in the range of 0.4 to 2.0 hectares.

Assessment Ratio:

- A total of \$1.778 billion or approximately 31.5% of the County's total \$5.651 billion in residential (RU), seasonal residential (RDU) and vacant land (VL) assessment is located on existing private lanes.

Lot Supply and Demand:

- Approximately 1340 new dwellings are anticipated on private lanes by 2036, which exceeds the current total supply of potential (infill/extension) and existing vacant lots on private lanes (964).

Based on the findings of the private lanes inventory and data analysis, the following conclusions can be drawn regarding future development on private lanes in Frontenac County:

- Seasonal-to-permanent conversion activity is driven by a number of factors highlighted by the Watson and Associates Economists report, namely: the City of Kingston, age 55+ group, Highway 7 corridor, work at home opportunities, and local growth drivers (e.g., ferry service).
- High proportions of RU development on private lanes is an indicator of past seasonal-to-permanent conversion activity.
- Limited infilling and extensions to existing private lanes could result in the completion of the development potential of up to 95% of all existing private lanes.
- Where limited infilling and extension potential exists on existing private lanes, there is an opportunity to implement conditions of development approval, which would provide in an overall increase the level of lane service currently provided.
- There is an opportunity to classify each existing private lane based on the percentage of seasonal versus permanent residential development, and require private lane standards for new development which are appropriate to the level of seasonal or residential use of each lane.



5 Private Lane Policy Issues and Analysis

5.1 Identification of Private Lanes Policy Issues

The policy issues affecting private lane development on Frontenac County have been identified as a result of information gathering, a review of the existing Township Official Plans, review of Provincial comments and decisions regarding Township private lanes policies, interpretation of the applicable policies of the PPS, and consultation meetings with each of the local Townships and the County of Frontenac. These issues include:

- i. Seasonal vs permanent residential development
- ii. Private lane standards
- iii. Rural service levels
- iv. Assumption of private lanes
- v. Limited infilling on existing lanes
- vi. Extensions of existing lanes
- vii. New private lanes
- viii. Existing lots of record
- ix. Conversions

Categories of private lane development that have not been identified as an issue include policies for accessing seasonal residential development on islands or by water access only and policies for accessing resource based land uses such as forestry, agriculture, aggregates and other resource uses.

5.2 Seasonal vs Permanent Residential

The trend toward permanent residential development on private lanes is a matter that should be considered in evaluating development proposals on existing private lanes, in order to ensure that the level of lane service provided is appropriate for the proposed development. The level of service required on private lanes that have high percentages of permanent residential development will be greater than a private lane which is used primarily by second home owners who use their waterfront dwellings on a summer seasonal or extended seasonal basis throughout the year.

New lot development for permanent residential use would normally be considered where such development is proposed to be serviced by a public road. Where permanent residential development is proposed on a private lane, the lane should be developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connected directly to an existing public road. The private lane should also be constructed to the Township's private lane standard, or to a standard acceptable to the Township and emergency service providers.

The inventory and analysis of private lanes in this Study provides information that can be used to categorize private lanes based on the percentage of seasonal and permanent occupancy of the dwellings using the lane. A total of 234 private lanes or 24% of all private lanes in Frontenac County have been identified as having more (>50%) permanent residential development than seasonal residential development. These lanes are listed in Appendix B. Prior to the review of an application for new lot development that would result in the infilling or extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. For this assessment, the estimates of seasonal and permanent residential usage contained in Appendix C should be verified through a review of mailing addresses for tax bills, and/or a site visit.

Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, lot development in the form of limited infilling and extensions should be considered in accordance with the following criteria:

1. The private lane should be constructed to the Township's private lane standard.
2. The existing private lane should be developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, where it connects directly to an existing public road.



The inventory of private lanes completed for this study indicates that the majority of private lanes are used predominantly for seasonal residential and recreational purposes. For these lanes, new seasonal residential lot development should be permitted, provided that the private lane is constructed to a standard acceptable to the Township and emergency service providers.

Policy Recommendation:

1. Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:
 - i) The private lane is constructed to the Township's private lane standard.
 - ii) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.

5.3 Private Lane Standards

Private lane standards in Frontenac County are currently the responsibility of the local Townships, and existing standards vary amongst the Townships. The Township of Frontenac Islands does not presently have a construction standard for private lanes, but has been instructed to prepare one by the Ministry of Municipal Affairs and Housing in its modification of the Township of Frontenac Islands Official Plan. The existing standards are summarized in Appendix D to this report.

The existing private lane standards, used by each of the Townships, were reviewed by the project team engineer, for the purpose of recommending a common private lane construction standard. The recommended private lane standard was reviewed with each of the Township's public works department staff and is included in Appendix D to this report. The recommended standard satisfies the requirements of the Ontario Building Code, the Ministry of Transportation of Ontario, and the Transportation Association of Canada (TAC) standards, and is in accordance with sound engineering principles.

For the purposes of approval of development on private lanes, two categories of private lane construction standards are applied by the Townships, depending on the circumstance and the scale of development proposed:

1. Private Road Construction Standard

This construction standard is the recommended minimum standard included in Appendix D. This standard should be the minimum standard accepted by the Townships for new private lanes, and for new lot development on existing private lanes where a majority of the existing land use is permanent residential, or the scale of infilling and extensions of development on seasonally used private lanes can justify the cost of upgrading all or part of the lane to this standard. The construction or improvement of a private lane to this standard should be required as a condition of all such development, and final approval of the construction of the lane should be issued by Township public works staff. The local municipality may require the private lane to be designed by a qualified engineer.

In some cases, the private lane construction standard will be greater than the connecting public road. In these cases, the local Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road.



2. Lane standard considered by Township public works and fire department staff to be suitable for access by emergency services.

This standard should only be considered acceptable for development proposed on existing private lanes, where the scale of proposed development is relatively minor, so as to not significantly increase the usage of the lane beyond that which exists. Where an existing lane is not determined to meet this standard of construction, proponents should be required to improve the road to an acceptable level as a condition of development approval. This standard would apply to limited infilling and minor extensions on existing private lanes.

Policy Recommendation:

1. That the recommended private lane standard attached as Appendix D to this report be included as an Appendix to the Official Plans for the Townships of North Frontenac, Central Frontenac, South Frontenac and Frontenac Islands and referenced, where applicable, in the text of the Plans.
2. Where the Township's private lane construction standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road.

5.4 Rural Service Levels

Once development is permitted along a private lane and the lane is constructed to a standard that is considered acceptable for the provision of emergency service delivery, there is a need to ensure that the lane is maintained to this standard over the long-term. This section reviews the legal mechanisms for the long-term maintenance of private lane standards through new lot development.

1. Condominium Agreements

A common elements condominium provides a framework to allow a number of land owners to share ownership of a piece of land and to use the Condominium Act to govern that relationship and the administration of the piece of land. The properties (i.e. lane) owned by the parties having interests in the common elements condominium remain as freehold property and are not condominium units. These parcels are referred to as "Parcels of Tied Land" ("POTLs"). POTL's do not need to be created concurrently with the acquisition of the common elements land. For example, a group of existing property owners along a private lane could sever and purchase a private lane and register the land as a common elements condominium and these (lane) properties would be POTLs.

To qualify as a POTL for the purpose of registering a proposed common elements condominium requires approval under the Land Titles Act, and would include an Application of Absolute Title. The interest of a POTL owner in common elements (i.e. private lane) of a common elements condominium cannot be severed from the POTL.

A common elements condominium is useful in circumstances such as private lanes, where local accountability for the long term capital and maintenance of the private lane is most appropriate. A common elements condominium can be used in conjunction with traditional subdivisions, vacant land condominiums, consents and/or existing lots of record, to permit land owners to share the care and control of the private lane. The provisions of the Condominium Act provide for better enforcement mechanisms, and greater awareness of the land owners' responsibility for the private lane than might be achieved by traditional agreements under the Municipal Act, or the Planning Act.

It is easier to create a common elements condominium when one developer owns all the parcels intended to be POTL's as well as the private lane that is proposed as the common elements condominium. A common elements condominium for a private lane would be easiest to implement as a new private lane which is included as part of a plan of subdivision or vacant land condominium. In cases where a common elements condominium is required for an extension to an existing private lane, it may be difficult, if not impossible to convince existing property owners to register their lands as POTL's. The requirement for a common element



condominium is even less practical for a minor extension of a private lane where 1 to 3 lots would complete the development potential of the lane.

Legal comments obtained for the purpose of using the provisions of the Condominium Act, 1998, Chapter 19, as a mechanisms for the long-term maintenance of private lane standards through new lot development include the following:

i) **General:**

In addition to common element condominium development, there are other forms of condominium development that may also be applicable including a standard condominium and a vacant land condominium. Provided that the laneway is part of the common elements of a standard condominium and/or vacant land condominium, the statutory mechanisms for ensuring that the laneway is maintained to the required standard and that the associated costs are paid for by the condominium would be in place. This should be reinforced by conditions of draft approval that require a Condominium Agreement between the condominium corporation and the municipality on terms satisfactory to the municipality and which require that the agreement be registered on title so that the terms of the agreement (particularly those dealing with the improvement, repair and maintenance of the private lane) would be enforceable against the Condominium Corporation and subsequent owners.

ii) **Termination of Condominium Corporations:**

It should be noted that condominium corporations can be terminated by the agreement of the owners in accordance with the provisions of the Condominium Act, however, this is a difficult process requiring a high percentage of the owners to consent, which presumably/hopefully would be unlikely if the owners have a continuing interest in seeing a legally enforceable mechanism in place to ensure that the private lane is properly repaired and maintained. And of course, none of this precludes landowners along a private lane from bringing pressure to bear on their local Council to take over and assume the lane as a public road.

iii) **Cost of Creating a Common Elements Condominium:**

The legal costs, process and timing for approval of a common elements condominium under the Planning Act and the Condominium Act are the same as for other forms of condominium. The documentation, required surveys, etc. would likely be less complex as there are no actual units or unit boundaries to be dealt with. However, the need to obtain consents from all POTL owners and the registration against the POTL's lands will add further cost and complexity. It is difficult to accurately estimate the legal costs as the length of the laneway and the number of POTL's and contributing owners will vary greatly in each case. Taking into account the need for applications under the Planning Act, conversion of the lands to Land Titles Absolute, possible rezoning, and costs of preparing and negotiating the Condominium Agreement, as well as the costs of creating the necessary condominium documents and surveys, even a simple project could easily run in the range of \$20,000.

iv) **Addition of POTL's After the Creation of a Common Elements Condominium:**

Additional POTL's can be added to a common elements condominium after it is created, however this would require the consent of existing POTL owners and agreement as to the cost sharing or common expense allocation between the existing and new POTLs. Amendments to the condominium documents would also be required when new POTLs are added.

v) **Conversion of Existing Private Lanes to a Common Element Condominium:**

One of the biggest challenges associated with the conversion of an existing private lane to a common elements condominium corporation is that the owner of the fee simple of the existing private land, and all persons having an existing right-of-way (including unregistered rights of ways that have been



legally obtained over time through actual usage) over the existing private lane, will have to consent to the creation of the condominium. There may be instances where this will be problematic.

2. Planning Act Agreements

Agreements for new lot development on existing and new private lanes are typically implemented under the authority of the Planning Act, R.S.O. 1990, c. P.13.

Section 51 (25) of the Planning Act allows for an approval authority to impose conditions to the approval of a plan of subdivision that are reasonable, in the opinion of the approval authority, having regard to the nature of the subdivision development proposed, including a requirement that the owner of the proposed land to be subdivided enter into one or more agreements with a municipality dealing with such matters, as the approval authority may consider necessary in the provision of municipal or other services.

Section 51 (26) of the Planning Act allows a municipality to enter into agreements imposed as a condition to the approval of a plan of subdivision and have the agreements registered against the title of the land to which it applies; the municipality is entitled to enforce the provisions of such agreements against the owner and any subsequent owners of the land.

Section 53 (12) of the Planning Act provides a council with the same powers for the issuance of consents as the approval authority has under subsections 51 (25) and (26) with respect to the approval of a plan of subdivision.

The advantages of agreements implemented as a condition to the development of new lots on private lanes include the following:

- i) Requires the Owners to construct and maintain the private lane in accordance with standards specified in the agreement.
- ii) Requires the Owners to acknowledge that the Municipality is not responsible for maintaining or providing services along the private lane.
- iii) Requires the Owners to indemnify the Municipality for all actions, cause of action, duties, claims or demands governed by the agreement, including the construction and maintenance of the works.
- iv) Requires the agreement to be registered against the title of the land to which it applies and be binding upon subsequent property owners.
- v) In the event of a default, the Township can be authorized to complete the works at the Owner's expense and add their costs as municipal taxes or by actions pursuant to Section 446 of the Municipal Act.

The disadvantages of development agreements include the following:

- i) Unlike condominiums, there is no corporate structure for the ownership and long term maintenance of the private lane.
- ii) Consent agreements are incremental, as new lots are created. Therefore, some property owners may have consent agreements registered against the title of their lands, while others do not.
- iii) Rural municipalities rarely monitor and enforce the provisions of development agreements that require the Owners to maintain their private lane.

3. Municipal Act Agreements

Some municipal plans require property owners to enter into an agreement under the Municipal Act for improvements, maintenance or operation of a private lane. Section 23 of the Municipal Act provides that: "A municipality may enter into an agreement with any person to construct, maintain and operate a private road...". However, it does not appear that there is any provision under the Municipal Act that authorizes such an agreement to be registered against the land to which it applies and enforce the terms of the agreement against all subsequent owners of the land.

**Policy Recommendations:**

1. Common elements condominiums should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. In the case of major extensions to existing private lanes, the owner of the fee simple of the existing private lane, and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane, will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.
2. Development agreements implemented under the authority of Section 51(26) of the Planning Act should continue to be implemented as a condition of consent for infilling and minor extensions of existing private lanes.

5.5 Assumption of Private Lanes

Policies which guide the assumption of private lanes and public roads are important for protecting the municipality's financial well-being over the long term.

Some municipalities, such as Frontenac Islands, have a general policy which states that the municipality has no immediate intention of assuming existing private roads. A more common approach for protecting a municipality's long-term financial position is to include policies outlining the conditions under which the municipality is prepared to assume a private lane as a public road. The most typical policy approach is to require the private lane to be upgraded to a construction standard which is acceptable to Council. Other private lane assumption criteria typically include:

1. That the design and construction of the private lane be supervised by a professional engineer or other person competent in road construction.
2. That a cost-benefit analysis be required to determine if the operational costs of assuming and maintaining the road will be offset by property tax revenues.
3. That the costs for upgrading the private lane to a Township standard will be borne by the adjacent property owners.

A municipality's costs for assuming a private lane as a public road can be significant, even if the lane is constructed to a standard which is acceptable to the municipality. If the lane is located in an area of the municipality where there are no other municipal roads, it could place significant and long-term impacts on staff and capital resources.

Few official plans have policies which are intended to assess the capital and operating costs of assuming a private lane on the long term capital and operating costs of the Township's road system.

Policy Recommendation:

1. Council will consider the assumption of a private lane as a public road, provided that the road is brought up to the appropriate municipal standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township's roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township's road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township's road system.

5.6 Infilling on Existing Private Lanes

Limited infilling of new lots on existing private lanes is generally considered to be acceptable, provided that the proposed lot is located on a lane that will be used predominantly for seasonal residential purposes in the long term,



and that the private lane is constructed and maintained to a standard acceptable to the local Township and emergency service providers. Such development can serve to improve the standard of existing deficient lanes as a condition of development approval.

The analysis of infill development potential on existing lanes indicates that over 95% of all existing private lanes have no potential for infilling, or have infilling potential for 3 or fewer new lots. Infilling potential will also be limited by consent policies that restrict the number of lots that may be severed from a landholding, which is normally 3 new lots. For the 5% of private lanes that have infilling potential for greater than 3 lots, a plan of subdivision or condominium should be considered for further development.

It is estimated that the number of new lots that may be granted through the infilling of up to 3 lots is limited to a maximum total of 187 lots. Approximately 43 or 22.4% of these lots are located on private lanes that have been identified as having more (>50%) permanent residential development than seasonal residential development. The recommended screening process for assessing seasonal and permanent occupancy on private lanes (Section 4.3.) would require these lots to be developed within a common element condominium that would connect directly to an existing public road. The remaining 144 lots would be developed on private lanes that are predominantly seasonal residential. This scale of development, when compared to the scale of existing development on private lanes, will not adversely affect the financial well-being of local municipalities over the long term.

Policy Recommendation:

1. Consents for the severance of new "infill" waterfront lots may be permitted along existing private lanes, provided that the lane will be used predominantly for seasonal residential purposes in the long term, and that the whole of the private lane travelled to reach the proposed lot(s) will be required to be improved, at the owner's expense, to a standard acceptable for access by emergency service vehicles, as determined by Township public works and/or emergency services staff.
2. That as a condition of development approval, the proponent be required to enter into a development agreement with the Township for the ongoing maintenance of the lane, and to protect the municipality from both liability and the provision of municipal services on private lanes.

5.7 Extensions of Existing Lanes

Extension potential on existing private lanes has been assessed through constraint analysis, and similar to infilling on existing lanes, there is limited potential for extensions, with only approximately 10.5% of existing lanes having extension potential for up to 3 lots, and just approximately 6.4% of private lanes having extension potential for 4 or more lots. It is estimated that the number of new lots that could be granted as a result of minor extensions of 1 to 3 lots is limited to a maximum total of 188 lots. Approximately 35 or 18.6% of these lots are located on private lanes that have been identified as having more (>50%) permanent residential development than seasonal residential development. The recommended screening process for assessing seasonal and permanent occupancy on private lanes (Section 4.3.) would require that these lots be developed within a common element condominium that would connect directly to an existing public road. The remaining 153 lots would be developed on private lanes that are predominantly seasonal residential. This scale of development, when compared to the scale of existing development on private lanes, should not have an adverse effect on the overall financial well-being of local municipalities over the long term.

Two categories of private lane extensions are recommended when considering proposals for new lot development, based on an assessment of the extension potential of a private lane prior to submission of a development proposal. These include:

1. Category "A" Minor Extensions: A minor extension of an existing private lane is where an assessment of the development potential of the private lane concludes that one (1), two (2) or three (3) new lots will complete the development potential of the private lane.



2. Category “B” Major Extensions: A major extension of an existing private lane is where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension.

The rationale for this approach is that minor extensions of existing private lanes is reasonable and can be considered as good planning, provided that the creation of the proposed lot or lots will result in an overall net improvement of the level of service of the private lane for emergency service vehicles. Further, that the scale of development associated with minor extensions is not sufficient to warrant a requirement that the existing private lane be developed within a common element condominium which connects directly to an existing public road. In cases where the approval of consent for a minor extension of a private lane will exceed the total number of lots that may be permitted from a land holding, additional consents should be permitted on condition that the approval of the additional consent(s) will complete the development potential of the private lane.

Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category “A” policies will not apply and development must occur in accordance with the Category “B” policies of the Plan. The Category “B” policies will require the development of four (4) or more lots to occur by means of a plan of subdivision or condominium, and the private lane should be created as a common elements condominium and managed by a condominium corporation. In these cases, the whole of the private lane should also be constructed to the Township’s standard for new private lanes, or such other standard deemed appropriate by Council. A legal challenge with the implementation of this policy is that the owner of the fee simple of the existing private land and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

Policy Recommendation:

1. **Private Lane Extensions**

New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane concludes that a minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category “A” policies will not apply.

2. **Category “A” (Minor) Private Lane Extensions**

- i) Severances for one (1) or two (2) new lots on an extension to an existing private lane, that would complete the development potential of the lane, may be permitted provided that the extension is designed and constructed in accordance with the Township’s standards for new private lanes. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.
- ii) Severance for a private lane extension, resulting in the creation of three (3) new lots that would have the effect of completing the development potential of the lane, may be permitted provided that both the private lane extension and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Township’s standards for new private lanes.
- iii) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.
- iv) Notwithstanding the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.



3. Category “B” (Major) Private Lane Extensions

- i) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots shall be created by a plan of subdivision or condominium, where the private lane shall be created as a common elements condominium, and managed by a condominium corporation.
- ii) The private lane extension for the proposed lots, together with the whole of the existing lane travelled to reach the new proposed lots, will be required to be improved to the Township's standards for new private lanes, or such other standard deemed appropriate by the Township.
- iii) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

5.8 New Private Lanes

While existing private lanes present challenges for improving the standard and maintenance of said lanes, the development of new private lanes presents no such challenges. These situations provide an opportunity to develop on private lanes in a comprehensive basis through a plan of subdivision or a vacant land condominium, ensuring that the preferred legal and construction means are utilized in the development.

A plan of condominium is the best legal mechanism available for new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity. A proposal to create a new private lane, originating at a public road, affords the best opportunity to establish a condominium for the lane.

Policy Recommendation:

- 1. New private lanes should not be permitted unless they are included as common elements condominium as part of an application for subdivision approval, or as common element to an application for vacant land condominium approval.

5.9 Existing Vacant Lots

The analysis of existing private lanes shows that the number of existing vacant lots (590) is much higher than the number of new lots that may be created through minor infilling and extensions (375). It is generally accepted that development of existing vacant lots on private lanes may be permitted, provided that the lot to be developed is zoned to a Seasonal Residential or Limited Service Residential zone, and complies with all other requirements of the zoning by-law. This section reviews the legal mechanisms and approaches for regulating development on existing vacant lots of record, including mechanisms for the improvement and long-term maintenance of private lane standards.

1. Building Permits

In some municipalities, such as South Frontenac, the Official Plan contains a policy requiring an applicant for a building permit to enter into an agreement with the Township, at his/her expense, which is to be registered on title. The agreement is to indicate:

- i) that the owner recognizes that the lot is located on a private lane which is neither snow plowed, or in any other way maintained by the Township;
- ii) that the disposal of garbage and other road maintenance is the responsibility of the property owner; and
- iii) that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road/lane conditions.

This form of agreement serves as a notice to owner/applicants regarding the Township's limited servicing position on private lanes and attempts to limit the municipality's liability in the event of a disruption in



emergency service delivery. It does not include provisions for the construction of the private lane to an appropriate standard for municipal service delivery, or the long-term maintenance of the private lane.

The legal team for this Study advises that a municipality does not have the legal authority to require an owner, as a condition of granting a building permit, either to make private road improvements, to enter into an agreement to make private road improvements, or to limit the liability of the municipality and/or to provide notice to the owner and future owners regarding the limited municipal services available to the lot owner. Even where such an agreement is voluntarily entered into, it would be of very limited value (if any) as, at best, it would only apply to the individual or individuals who signed the agreement, and would not apply to family members of the signatories to the agreement, friends, guests, invitees etc.

2. Conditional Zoning

Section 34 (16) of the Planning Act provides that if an official plan is in effect in the municipality that contains policies that permit zoning with conditions, then the municipality may, in a by-law passed under Section 34 of the Act, impose one or more "prescribed" conditions. When a prescribed condition is imposed, the municipality may require the owner of land to enter into an agreement with the municipality relating to the prescribed condition. The agreement may then be registered on title and may be enforced against the owner and subsequent owners. It should be noted that it does not appear to be a regulation under the Planning Act at present that sets out what the "prescribed conditions" are. Conditional zoning does appear to give a municipality a legally enforceable tool with respect to improvements to a substandard private lane, but will be of no assistance in situations where the lot in question is already zoned to permit development.

3. Holding Zones

Where an official plan is in effect that contains provisions relating to the use of a holding (h) symbol, Section 36 of the Planning Act allows municipalities to pass holding provision by-laws. When an official plan is in effect containing such provisions, the Council may, in a zoning by-law passed under Section 34 of the Act, specify the use to which the lands, buildings or structures may be put, until such time as the holding (h) symbol is removed by an amendment to the by-law. However, even if an official plan contains provisions requiring a landowner to enter into an agreement as a condition of removing the holding symbol, there is no provision in Section 36 of the Act which authorizes the registration of such agreements on title so that they are binding on subsequent owners. Such provisions are only found in Section 34 (16) of the Act (Conditional Zoning). Agreements and through the site plan, subdivision and severance approval process provisions of the Planning Act.

4. Site Plan Controls

Section 41 of the Planning Act allows municipalities to pass a by-law to designate a site plan control area in reference to one or more land use designations in a by-law passed under Section 34 of the Act (Zoning), provided there is an official plan in place that describes the proposed site plan control area. As a condition to approval of development, a municipality may require plans and drawings for buildings, structures and site development and the implementation of these works as a condition to the approval of the plans and drawings. The municipality can also require the owner to enter into agreements with the municipality to ensure that development proceeds in accordance with the approved plans and drawings; such agreements may be registered on title and enforced against the owner and subsequent owners. However, the provisions for site plan control do not provide a municipality with authority to regulate off-site works related to a private lane that provides access to a proposed site development.

5. Development Permit System (DPS)

Section 70.2 (1) of the Planning Act allows municipalities to pass a by-law to establish a development permit system to control land use development. The power to establish a development permit system is prescribed in Ontario Regulation 608/06. The DPS streamlines and expedites the planning process and replaces the underlying zoning and site plan by-laws and minor variance process in areas in which it is applied. As a streamlined planning process, the DPS can facilitate appropriate development by combining zoning, site plan and minor variance processes into one application and approval. The DPS also provides the authority for a municipality to impose a broad range of prescribed conditions. Prior to the passage of a by-law to establish a



development permit system, the municipality must have an official plan in effect which identifies the area as a proposed development permit area; sets out the scope of the authority that may be delegated to staff; sets out detailed goals, objectives and policies for the permit system; sets out the types of criteria that may be included in a development permit by-law and the types of conditions that may be included in the by-law. A development permit by-law is deemed to be a by-law passed under Section 34 (zoning) of the Planning Act, and the provisions of Section 34 and 41 (site plan) apply, unless they are varied, supplemented or overridden in the Development Permit Regulation.

Conditions that may be imposed must be of a type that is permitted by the official plan; reasonable for and related to the appropriate use of land; and shall not conflict with provincial and federal statutes and regulations. Examples include conditions permitted under Section 34 (zoning) and 41 (site plan control) of the Act; removal or restoration of vegetation; alteration or restoration of the grade of land; placing or dumping of fill; ongoing monitoring for the protection of public health and safety or the natural environment; facilities and services in exchange for a specified height or density; and agreements which may be registered on title so that they are binding on subsequent owners. The conditions that may be imposed through the DPS appear to be site-related, which do not provide a municipality with authority to regulate off-site works related to a private lane that provides access to a proposed site development.

6. Down Zoning

If there is an existing vacant lot of record that is zoned for the proposed use, there is no municipal authority to require the owner of that vacant lot of record to improve or contribute to the improvement of an existing lane as a condition of obtaining a building permit. If the municipality is not content with the "status quo", the municipality could, through a comprehensive zoning by-law amendment, propose to "down zone" all lots of record accessed by substandard private lanes. Such lots could be placed in a holding, or other special zone that would require, as a condition for removal of the holding (h) symbol from the zone, that an agreement be put in place with respect to improvements and maintenance of the existing private lane. We acknowledge that there are challenges (both political and legal) with "down zoning" lands, but any such attempt could be defended as being in the public interest, ensuring that the owners and occupants of any future development on existing lots of record on substandard private lanes are protected.

7. Conclusion

This review concludes that, in the absence of required zoning, there are no legal mechanisms and approaches for regulating development on existing vacant lots of record, currently are zoned for the proposed use, in order to require private lane improvements, implement private lane standards, or require the long-term maintenance of private lane standards, unless such requirements were implemented as a condition of development approval at the time of creation of the lot through conditions of zoning, consent or subdivision approval.

Policy Recommendation:

1. That development on existing vacant lots on private lanes should continue to be permitted in accordance with local municipal site development requirements and be recognized as an area of limited service within a Limited Service Zone in the municipality's zoning by-law.

5.10 Conversions

Many existing lots on private lanes in Frontenac County, as well as other recreational cottage areas of Ontario, were created prior to the requirement of consent approval under the Planning Act on June 1, 1971. Many of the new lots created since the requirement for consent approval do not have a development agreement registered on the title of the lots requiring the private lane to be constructed and maintained to an acceptable standard. Where lots are existing, and development agreements have not been implemented as a condition to the approval of the lot(s) under the authority Sections 53(12) and 51(26) of the Planning Act, there are no effective legal mechanisms available to a municipality to ensuring that the level of road service is appropriate for an intended permanent residential use of an



existing lot. However, a variety of planning approaches are used by municipalities in an attempt to control residential conversions on private lanes.

Not all municipalities include policies in their Official Plans to regulate the conversion of a dwelling from a secondary or seasonal use to a principal or permanent residential use on an existing private lane. Where municipalities choose to implement policies to control conversions, the approaches normally includes one or more of the following requirements:

1. The dwelling is located in a Limited Service Residential zone in the implementing Zoning By-law.
2. An occupancy permit has been obtained from the Township.
3. Evidence that the dwelling is capable of being occupied on a year-round basis, in accordance with the Building Code.
4. The suitability of the lot for permanent occupancy from an environmental perspective (i.e. lot size, shape, topography, drainage, shoreline buffering).
5. The adequacy of the lot for sanitary sewage and water supply services.
6. The execution and registration of an agreement wherein the owner acknowledges that the Township will not provide any services such as snow plowing or road maintenance as a consequence of the conversion of the dwelling to a principal or permanent use, and that the Township will be held harmless for damages suffered by the owner as a result of the road inadequacy.
7. That if the dwelling is located on a private lane that is substandard in terms of permitting emergency vehicle access, the lane will be improved to a standard acceptable to the municipality.
8. The requirement of a site plan and site plan controls in support of any application for zoning by-law amendment.

The advantages and disadvantages of mechanisms available to implement policies for controlling conversions are summarized as follows:

1. Seasonal Residential (SR) Zoning

A Seasonal Residential (SR) zone restricts the permitted residential uses to a seasonal dwelling only, which is normally defined as a dwelling which contains one dwelling unit, and which is used for vacation, recreation, rest and relaxation purposes, but which is not occupied or used as a year-round, permanent home or residence. A SR Zone may be applied to existing lots along existing private lanes and/or applied to new lot development and serve as a notice to property owners that the zoning does not allow permanent residential use of any existing or proposed dwelling. However, SR Zoning is not an effective means of preventing property owners from converting their homes to permanent residential use. Property owners can renovate or reconstruct their seasonal dwellings in accordance with the definition for seasonal residential purposes and then decide to live in the dwelling on a year round basis or sell the dwelling to a new owner who decides to use the dwelling as a permanent home.

Seasonal Residential zoning can also be used to manage the conversion process, rather than to prevent conversions from occurring. In cases where an owner applies for a building permit to renovate or reconstruct a seasonal dwelling, and indicates an intention to use the dwelling for year round residential purposes, the Chief Building Official, in consultation with the Township's planner, can require a zoning by-law amendment to a Limited Service Residential zone, or other similar zone category that would permit the permanent residential use. The application for zoning by-law amendment would be reviewed in accordance with the residential conversion criteria of the Official Plan. This approach requires a good working relationship between a building department and planning staff, as well as a willingness to implement the conversion criteria of the official plan. However, even where such circumstances exist, property owners can renovate or reconstruct their seasonal dwellings in accordance with the definition for seasonal residential purposes and then decide to live in the dwelling on a year round basis or sell the dwelling to a new owner who decides to use the dwelling as a permanent home.



In some cases, a municipality may require improvements to an existing lane, prior to the approval of a zoning by-law amendment and/or require the execution and registration of an agreement wherein the owner acknowledges that the Municipality will not provide any services, such as snow plowing or road maintenance, and that the Municipality will be held harmless for damages suffered by the owner as a result of the road inadequacy. However, a Municipality has no authority to require private lane improvements or enter into a private lane agreement as a condition of approval of a zoning by-law amendment under Section 34 of the Planning Act.

An additional disadvantage with SR zoning is that most of the conversion criteria can be implemented without the requirement for a rezoning. Similar to any other existing lot of record, building permits must comply with the requirements of the Building Code, and all other provisions of the zoning by-law for requirements such as side yards and setbacks. Occupancy permits are also implemented in accordance with the Building Code, wells must comply with applicable regulations, and site plan controls can be implemented to address landscaping, buffering and/or on-site drainage.

2. Limited Service Residential (LSR) Zoning

A more common approach to managing residential conversions on private lanes is through Limited Service Residential Zoning, which is an approach used in each of the Frontenac Townships. The LSR zones applied in the Frontenacs include both seasonal dwellings and permanent dwellings as permitted uses. A rezoning is only required if an existing lot being developed or redeveloped for permanent residential purposes is not located within an existing LSR zone. In such cases, building permits must comply with the requirements of the Building Code and all other provisions of the zoning by-law for requirements such as side yards, setbacks and frontage on a private lane by means of a legal right-of-way.

The Township of South Frontenac is the only Official Plan in Frontenac County with Conversion policies. These policies are implemented at the building permit stage, and include a requirement for improvements to the existing lane when it is determined that lane is substandard in terms of permitting emergency vehicle access. They also include a requirement for the execution and registration of an agreement wherein the owner acknowledges that the Township will not provide any services such as snow plowing or road maintenance, and that the Township will be held harmless for damages suffered by the owner as a result of the road inadequacy. However, a Municipality has no authority to require private lane improvements or enter into a private lane agreement as a condition of approval of a zoning by-law amendment under Section 34 of the Planning Act.

3. Site Plan Control and other Land Use Controls

Site plan controls and other development controls such as building permits, occupancy permits are useful for controlling the lot intensification that may result from site works associated with conversions such as septic system upgrades, landscaping, buffering, lot grading and drainage, but not off-site works such as improvements to the private lane leading to the existing lot.

Policy Recommendation:

1. That Municipalities continue use Limited Service Zoning as a means of notifying the public that properties located within this Zone are provided with municipal services such as snow plowing or road maintenance.
2. That Municipalities use zoning and other land use planning tools such as site plan controls to control the adequacy of on-site services, landscaping, grading and environmental considerations that are commonly associated with the renovation and enlargement of dwellings for year-round residential use.
3. That Municipalities not implement policies requiring private lane improvements and indemnity agreements as a condition of the issuance of a building permit for the conversion of a dwelling to permanent residential purposes.



6 Recommended Policy Approach

In consideration of the findings of the private lanes study, it is concluded that private lane development is integral to the County's cultural and financial well-being, and should be permitted to continue in the context of appropriate planning policies that will ensure that the interests of the public, province and municipalities are protected for the long term. To this end, the following policy framework is recommended:

County Official Plan Policies

The County Official Plan should be amended to include the following:

1. Private Lanes

Private lanes are recognized by this Plan as an established form of development that contributes fully one-third of all assessed property value for municipal taxation purposes. Private lane users are an important part of the local economy and are vital for the success of many small businesses in Frontenac County. Accordingly, this Plan supports continued development on private lanes which is reasonable in scale, promotes the safety of private lane users, and supports the financial well-being of the local Townships.

As often as Council deems appropriate, but at least as often as the Township Official Plans are reviewed, the Townships shall evaluate their private lane system to identify changes in land use patterns on private lanes, including an assessment of recent development activity, future development potential, and seasonal-to-permanent residential conversion trends. The Townships shall maintain an up-to-date inventory of private lane data, including seasonal and permanent residential land use, and lot creation and building permit activity, for the purposes of conducting such evaluations. The intent of this evaluation is to monitor the effectiveness of the Township's private lane policies.

Transportation Policies

The transportation policies of the Township Official Plans should be amended to include the following:

1. Private Lane Standards

The road construction standard included in this Plan as Appendix D shall be deemed to be the "Township's standards for new private lanes" for the purposes of Section (X) Limited Service Residential Policies and any other such policies that reference the standard."

2. Private Lane Assumptions

Council will consider the assumption of a private lane as a public road provided that the road is brought up to the appropriate municipal standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township's roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township's road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township's road system.



Limited Service Residential Policies

The Limited Service Residential policies of the Township Official Plans should be amended, or a new section added to the land use policies of the Township Official Plans, to include the following provisions:

1. General

Limited service residential development is generally located in the "Rural Lands" (Waterfront, Shoreline or Lake District Designation) of the Township on a body of water or a natural watercourse, where the primary means of access is from a private lane, condominium lane or a navigable waterway.

2. Permitted Uses

The uses permitted shall include limited service residential dwellings and home occupations.

3. Limited Service Residential Development Policies (Private Lane Development Policies)

In addition to the Limited Service Residential Development Policies or Private Lane Development Policies of the Plan, the development of new "waterfront limited service residential lots" shall be considered for approval based on the criteria in items 4 to 7 below.

4. Seasonal Vs. Permanent Residential Screening Policy

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:

- a) The private lane is constructed to the Township's private lane standard.
- b) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.

5. Infilling

Where a majority of existing development on a private lane is seasonal residential, severances for new "infill" lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Township's "standards for new private lanes". In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.

6. Private Lane Extensions

New lot development on "extensions" of existing private lanes may be permitted in accordance with the Category "A" or Category "B" policies for private lane extensions. The determination of whether the Category "A" or "B" policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category "A" private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category "B" private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category "A" policies will not apply.



a) Category “A” (Minor) Private Lane Extensions

- i. Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Township’s standards for new private lanes. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.
- ii. Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Township’s standards for new private lanes.
- iii. The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.
- iv. Notwithstanding any provision of the Townships Official Plans that restricts the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.

b) Category “B” (Major) Private Lane Extensions

- i. New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.
- ii. The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Township’s standards for new private lanes or such other standard deemed appropriate by the Township.
- iii. The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

7. New Private Lanes

Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Township’s standards for new private lanes and provided that the entire lane is governed by a condominium agreement.

8. Private Lane Condition of Severance or Condominium Approval

As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Township’s private lane standards or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots, and include the following provisions acknowledging:

- a) The Township does not maintain or repair the private lane.
- b) The Township does not provide municipal services normally associated with public roads.
- c) The owners are responsible for all costs necessary to maintain the private lane.
- d) The Township is not responsible for any loss or damage created by the owner’s failure to maintain the private lane.
- e) The owners agree to indemnify the Township for any loss or damage.

The draft Official Plan Amendments for each Township Official Plan and the County Official Plan are provided in Appendix E. The implementation of the recommended policies, together with the continued commitment of the County



and Townships to the updating of information used in this study, will ensure that private lane development occurs in a safe, financially sustainable, and coordinated manner moving forward.

Yours truly,

Jp2g Consultants Inc.

Engineers • Planners • Project Managers

A handwritten signature in black ink that reads 'Brian Whitehead'. The signature is written in a cursive style with a large, looping 'B' and a trailing flourish.

Brian Whitehead, MA, MCIP, RPP
Principal, Director of Planning



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On Disk:

Appendix A	Residential Unit Percentage Category Summary
Appendix B	Lanes with Greater Than 50% Permanent Residential Development
Appendix C	Inventory of Private Lanes and Constraint Mapping

Appendix D Existing and Recommended Private Lane Construction Standard

Appendix D: Existing Township Private Lanes Standards

Township	South Frontenac	Central Frontenac	North Frontenac	Frontenac Islands
Right-of-Way width	20.0 m (66 ft)	20.0 m (66 ft)	20.0 m (66 ft)	-
Width of Clearing, Minimum	9.0 m (30 ft)	9.0 m (30 ft)	N/A	-
Surface Width, Minimum	4.5 m (15 ft)	5.0 m (16.4 ft)	6.0 m	-
Surface Material	Crushed stone	Crushed gravel/stone	Granular "A" (crushed stone)	-
Depth of Surface Material, Minimum (Gran. "A")	100 mm (4 inches)	150 mm (6 inches)	100 mm (4 inches)	-
Depth of Base Material/Cover over bedrock (Gran. "B")	-	-	200 mm (8 inches) (depending on subgrade material)	-
Shoulder, Including Rounding	Nil	1.0 m each side (3.0 ft)	0.5 m (1.5 ft) each side	-
Crown, Minimum	1%	-	-	-
Cross Culvert, Minimum	400 mm (16 inches)	400 mm (16 inches)	300 mm (12 inch)	-
Culvert Material	Corrugated steel pipe/High density polyethylene (double wall)	Corrugated steel pipe, concrete or plastic	-	-
Maximum Grade	12% (1:8)	12.5% (1:8)	12%	-
Geometrics	Safe passage of emergency vehicles	Safe passage of emergency vehicles	As defined in by-law	-
Ditches, Minimum Depth from Crown to Bottom of Ditch	0.5 m (1.5 ft)	0.5 m (1.5 ft) carried to sufficient outlet	0.5 m (1.5 ft)	-
Overhead Height	-	-	4.3 m (14 ft)	-
Additional Requirements	-	-	10 m turnaround at the terminal point	-

Appendix D: Recommended Private Lane Construction Minimum Standards

Right-of-Way width	20.0 m (66 ft)
Width of Clearing,	9.0 m (30 ft)
Surface Width,	6.0 m (20 ft)
Surface Material	Crushed stone
Depth of Surface Material, (Gran. "A")	100 mm (4 in)
Depth of Base Material/Cover over bedrock (Gran. "B")	150 mm (6 in)
Depth of Base Material / (Gran. "B")	300 mm (12 in)
Granular Shoulder, Including Rounding	1.0m (3 ft)
Crown, Minimum	2%
Cross Culvert	400 mm (16 in) - 300mm (12 in) minimum cover
Culvert Material	Aluminized Corrugated steel pipe/High density polyethylene (double wall)
Maximum Vertical Grade	12% (1:8) Minimum vertical curve length subject to design speed requirements
Horizontal Turning Radius	Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements
Ontario Building Code requirements	Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.
Ditches, Minimum Depth from Road Centerline to Bottom of Ditch	0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower
Overhead Clearance Height	5.0 m (16 ft) minimum

Appendix E-1 Draft County of Frontenac Official Plan Amendment

By-Law No. _____

of

The Corporation of the County of Frontenac

By-law to Adopt Amendment Number ____ to the County of Frontenac

Official Plan

– File _____ – Report _____

Whereas on January 11, 2016, the County of Frontenac Official Plan was approved by the Ministry of Municipal Affairs and Housing; and

Whereas the Council for the County of Frontenac now deems it expedient to amend the County of Frontenac Official Plan, in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13.

Now Therefore:

1. **That** Amendment No. ____ to the Official Plan for the County of Frontenac is hereby adopted.
2. **That** Schedule “A” to Official Plan Amendment No. ____ is hereto annexed and shall be read with and form part of this by-law.
2. **That** this by-law shall take effect on the date of its final passing.

Read a first and second time this _____ day of _____, 2016.

Read a third time and finally passed this _____ day of _____, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Jannette Amini, Clerk

OPA No. ____

County of Frontenac OP

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Schedule "A" to By-Law _____

**Amendment No. ____ To The County of Frontenac
Official Plan**

Address

County of Frontenac

- | | |
|-------------------|--|
| Section 1. | Title and Components of the Amendment |
| Section 2. | Purpose of the Amendment |
| Section 3. | Location |
| Section 4. | Background and Basis of the Amendment |
| Section 5. | The Amendment |

OPA No. ____

County of Frontenac OP

Page | 3

SECTION 1. TITLE AND COMPONENTS OF THE AMENDMENT

- 1.1 Subsection 4.1.1.6 of Section 4.1 "Transportation" of the Official Plan in its entirety constitutes Amendment No. ____ to the County of Frontenac Official Plan.
- 1.2 Sections 1, 2, 3, and 4 do not constitute part of the formal Amendment, but provide more detailed information with respect to the Amendment.

SECTION 2. PURPOSE OF THE AMENDMENT

- 2.1 The purpose of the Amendment is as follows:

Item (1) New Policy

The purpose of Amendment No. ____ is to amend the County of Frontenac Official Plan to include new Private Lane policies in the County of Frontenac.

SECTION 3. LOCATION

- 3.1 Private Lane policies will apply to all existing and proposed private lanes in all parts of the County.

SECTION 4. BACKGROUND AND BASIS OF THE AMENDMENT

- 4.1 The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include the addition of new Private Lane policies to the Transportation policies of the Plan in order to guide development on new and existing private lanes in the County.

The Private Roads (Lanes) Study recommends a planning framework that can be used to best manage private lanes, to promote private lane improvements, and to provide planning policies that serve as a guide for future development on private lanes. These planning policies will be implemented through the local Township Official Plans.

The Private Roads (Lanes) Study provides a detailed inventory and data base of information on every identified private lane in the County of Frontenac. The Study recommends that this data be used by local Townships to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

OPA No. _____

County of Frontenac OP

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The Private Roads (Lanes) Study includes a recommendation that the Frontenac County Official Plan include a policy that requires the inventory of private lane information to be maintained and updated in order to monitor and evaluate the effectiveness of private lane policies in local Township Official Plans.

SECTION 5. THE AMENDMENT**5.1 Details of the Amendment**

The Official Plan is amended as follows:

Item (1) New Policy

Subsection 4.1.1.6 of Section 4.1 "Transportation" of the Official Plan is amended by deleting this Subsection in its entirety and adding a new subsection 4.1.1.6 immediately after Subsection 4.1.1.5 as follows:

"4.1.1.6 Private Lanes

Private lanes are recognized by this Plan as an established form of development that contributes fully one-third of all assessed property value for municipal taxation purposes. Private lane users are an important part of the local economy and are vital for the success of many small businesses in Frontenac County. Accordingly, this Plan supports continued development on private lanes which is reasonable in scale, promotes the safety of private lane users, and supports the financial well-being of the local Townships.

As often as Council deems appropriate, but at least as often as the Township Official Plans are reviewed, the Townships shall evaluate their private lane system to identify changes in land use patterns on private lanes, including an assessment of recent development activity, future development potential, and seasonal-to-permanent residential conversion trends. The Townships shall maintain an up-to-date inventory of private lane data, including seasonal and permanent residential land use, and lot creation and building permit activity, for the purposes of conducting such evaluations. The intent of this evaluation is to monitor the effectiveness of the Township's private lane policies."

Appendix E-2 Draft Township of North Frontenac Official Plan Amendment

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

BY-LAW NO. _____

**Private Lane Policies
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

The attached explanatory text, constituting Amendment Number ____ to the Official Plan of the Township of North Frontenac was prepared by the Council of the Township of North Frontenac under the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*.

Mayor, Ron Higgins

Clerk, Tara Mieske

Township of North Frontenac Official Plan Amendment Number ____ By-law # _____
Private Lane Policies
_____ 2016

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THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW NUMBER ____

**Being a By-law to Adopt Official Plan Amendment Number __ to the Official Plan for the
Township of North Frontenac**

WHEREAS Amendment Number __ to the Official Plan for the Township of North Frontenac has been supported by the Council of the Corporation of the Township of North Frontenac;

AND WHEREAS the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of North Frontenac under the *Planning Act, R.S.O. 1990, as amended*;

AND WHEREAS The Corporation of the Township of North Frontenac has provided a copy of the proposed Amendment Number __, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

NOW THEREFORE, the Council of the Corporation of the Township of North Frontenac, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

1. THAT Amendment Number __ to the Official Plan of the Township of North Frontenac, consisting of the attached explanatory text and text amendments, is hereby adopted.
2. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number __ for the Corporation of the Township of North Frontenac.
3. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

READ a first and second time this ____ day of ____, 2016

READ a third time and finally passed this ____ day of ____, 2016

Mayor, Ron Higgins

Clerk, Tara Mieske

Township of North Frontenac Official Plan Amendment Number __ By-law #_____
Private Lane Policies
____ 2016

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**AMENDMENT NUMBER ____ TO THE OFFICAL PLAN
FOR THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

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By-law Number ____	3
Index	4

PART A – THE PREAMBLE does not constitute part of this amendment.

Purpose	5
Location	5
Basis of the Amendment	5

PART B – THE AMENDMENT consisting of the following text constitutes Amendment Number ____ to the Official Plan for Township of North Frontenac.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	12

THE APPENDICES – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not Attached)
APPENDIX C- Minutes of the Public Meeting	(Not Attached)
APPENDIX D- Written Submissions	(Not Attached)
APPENDIX E- Certification of True Copy	(Not Attached)

PART A – THE PREAMBLE

Township of North Frontenac Official Plan Amendment Number ____ By-law #_____
Private Lane Policies
____ 2016

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The title of this amendment is "AMENDMENT NO. ____" to the Official Plan of the Township of North Frontenac hereinafter referred to as "AMENDMENT NO. ____".

- PURPOSE

The purpose of Amendment No. ____ is to amend the Official Plan of the Township of North Frontenac to include new Private Lane policies and update existing Transportation policies in the Township of North Frontenac.

- LOCATION

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

- BASIS OF THE AMENDMENT

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of North Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to the Transportation policies of the Plan and the addition of new Private Lane policies to the Lake Development Area policies of the Plan in order to guide development on new and existing private lanes in the Township.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of North Frontenac:

Seasonal vs. Permanent Residential Screening

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township's private lane standard.

Private Lane Standards

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the

Township of North Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
____ 2016

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lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

Rural Service Levels

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

Infilling and Extension of New Lots on Existing Lanes

There is limited development potential for infilling and extensions on existing private lanes. Approximately 92% of all existing private lanes in the Township of North Frontenac have no infilling potential and approximately 89% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of North Frontenac. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

New Private Lanes

There is still a significant amount of undeveloped shoreline in the Township of North Frontenac. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

Assumption of Private Lanes

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

Township of North Frontenac Official Plan Amendment Number ____ By-law # ____
 Private Lane Policies
 ____ 2016

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Private Lane Monitoring

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of North Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

PART B – THE AMENDMENT

- **INTRODUCTORY STATEMENT**

All of this part of the document entitled “Part B – The Amendment” consisting of the following text is AMENDMENT NO. ___ to the Official Plan of the Township of North Frontenac.

- **DETAILS OF THE AMENDMENT**

Item 1:

The second sentence of the second paragraph of Subsection 4.10.1. of Section 4.10 “Lake Development Area” of the Official Plan is amended by adding “limited service residential development” to the list of permitted uses as follows:

“Permitted uses in this land use designation include low-density residential development, limited service residential development, tourist commercial uses listed in Section 4.7, and recreational vehicle parks and campground uses listed in Section 4.8.”

Item 2:

Subsection 4.10.2. of Section 4.10 “Lake Development Area” of the Official Plan is amended by adding a new Subsection 4.10.2 G. immediately after Subsection 4.10.2 F. as follows:

“G. Private Lane Policies

Limited service residential development is generally located in the “Lake Development Area” of the Township on a body of water or a natural watercourse, where the primary means of access is from a private lane. The development of new “waterfront limited service residential lots” on private lanes shall be considered for approval based on the Private Lane policies of this plan.

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(i) Seasonal vs. Permanent Residential Screening Policy

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:

- (a) The private lane is constructed to the Private Lane Construction Standards set out in Appendix "3" to this Plan.*
- (b) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*

(ii) Infilling

Where a majority of existing development on a private lane is seasonal residential, severances for new "infill" lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Appendix "3" to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.

(iii) Private Lane Extensions

New lot development on "extensions" of existing private lanes may be permitted in accordance with the Category "A" or Category "B" policies for private lane extensions. The determination of whether the Category "A" or "B" policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category "A" private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category "B" private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category "A" policies will not apply.

(a) Category "A" (Minor) Private Lane Extensions

- (I) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix "3" to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.*
- (II) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix "3" to this Plan.*
- (III) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.*
- (IV) Notwithstanding any provision of this Plan that restricts the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.*

(b) Category "B" (Major) Private Lane Extensions

- (I) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.*
- (II) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix "3" to this Plan or such other standard deemed appropriate by the Township.*
- (III) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the*

condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

(iv) New Private Lanes

Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix "3" to this Plan and provided that the entire lane is governed by a condominium agreement.

(v) Private Lane Condition of Severance or Condominium Approval

As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Appendix "3" to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:

- (a) The Township does not maintain or repair the private lane.*
- (b) The Township does not provide municipal services normally associated with public roads.*
- (c) The owners are responsible for all costs necessary to maintain the private lane.*
- (d) The Township is not responsible for any loss or damage created by the owner's failure to maintain the private lane.*
- (e) The owners agree to indemnify the Township for any loss or damage."*

Item 3:

Section 5.3 "Private Lanes" of the Official Plan is amended by deleting Subsections 5.3.2., 5.3.3., 5.3.4. and 5.3.5. and adding Subsections 5.3.2. and 5.3.3. immediately after Subsection 5.3.1. as follows:

"5.3.2. Private Lane Standards

The road construction standard included in this Plan as Appendix "3" shall be deemed to be the "Township's standards for new private lanes" for the purposes of Section 4.10.1. G. Private Lane Policies.

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5.3.3. Private Lane Assumptions

Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township's municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township's roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township's road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township's road system."

Item 4:

Section 5.3 "Private Lanes" of the Official Plan is amended by renumbering Subsections 5.3.6. and 5.3.7. of the Plan to Subsections 5.3.4. and 5.3.5. respectively.

Item 5:

That the "Private Lane Construction Standards" listed below, be added as "Appendix 3" to the Official Plan.

"Private Lane Construction Standards"

Right-of-Way width	20.0 m (66 ft)
Width of Clearing,	9.0 m (30 ft)
Surface Width,	6.0 m (20 ft)
Surface Material	Crushed stone
Depth of Surface Material, (Gran. "A")	100 mm (4 in)
Depth of Base Material/Cover over bedrock (Gran. "B")	150 mm (6 in)
Depth of Base Material / (Gran. "B")	300 mm (12 in)
Granular Shoulder, Including	1.0m (3 ft)

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Rounding	
Crown, Minimum	2%
Cross Culvert	400 mm (16 in) - 300mm (12 in) minimum cover
Culvert Material	Aluminized Corrugated steel pipe/High density polyethylene (double wall)
Maximum Vertical Grade	12% (1:8) Minimum vertical curve length subject to design speed requirements
Horizontal Turning Radius	Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements
Ontario Building Code requirements	Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.
Ditches, Minimum Depth from Road Centerline to Bottom of Ditch	0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower
Overhead Clearance Height	5.0 m (16 ft) minimum"

- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of North Frontenac and applicable legislation.

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APPENDIX A

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE
REQUIREMENTS**

I, Tara Mieske, Clerk, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.

Clerk, Tara Mieske

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Appendix E-3 Draft Township of Central Frontenac Official Plan Amendment

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

BY-LAW NO. _____

**Private Lane Policies
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

The attached explanatory text, constituting Amendment Number _____ to the Official Plan of the Township of Central Frontenac was prepared by the Council of the Township of Central Frontenac under the provisions of Sections 17 and 22 of the *Planning Act, R.S.O. 1990, as amended*.

Mayor, Frances Smith

Clerk, Cathy MacMunn

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**THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC
BY-LAW NUMBER _____**

**Being a By-law to Adopt Official Plan Amendment Number _____ to the Official Plan for the
Township of Central Frontenac**

WHEREAS Amendment Number _____ to the Official Plan for the Township of Central Frontenac has been supported by the Council of the Corporation of the Township of Central Frontenac;

AND WHEREAS the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of Central Frontenac under the *Planning Act, R.S.O. 1990, as amended*;

AND WHEREAS The Corporation of the Township of Central Frontenac has provided a copy of the proposed Amendment Number _____, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

NOW THEREFORE, the Council of the Corporation of the Township of Central Frontenac, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

4. THAT Amendment Number _____ to the Official Plan of the Township of Central Frontenac, consisting of the attached explanatory text and amending schedule, is hereby adopted.
5. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number _____ for the Corporation of the Township of Central Frontenac.
6. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

READ a first and second time this _____ day of _____, 2016

READ a third time and finally passed this _____ day of _____, 2016

Mayor, Frances Smith

Clerk, Cathy MacMunn

Township of Central Frontenac Official Plan Amendment Number _____ By-law # _____
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**AMENDMENT NUMBER ____ TO THE OFFICAL PLAN
FOR THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**

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	<u>PAGE</u>
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By-law Number ____	3
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PART A – THE PREAMBLE does not constitute part of this amendment.

Purpose	5
Location	5
Basis of The Amendment	5

PART B – THE AMENDMENT consisting of the following text and amending schedule constitutes Amendment Number ____ to the Official Plan for Township of Central Frontenac.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	13
Schedule A (Not attached)	
Schedule B (Not attached)	
Schedule C (Not attached)	
Schedule D (Not attached)	
Schedule E (Not attached)	

THE APPENDICES – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not attached)
APPENDIX C- Minutes of the Public Meeting	(Not attached)
APPENDIX D- Written Submissions	(Not attached)
APPENDIX E- Certification of True Copy	(Not attached)

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PART A – THE PREAMBLE

The title of this amendment is “AMENDMENT NO. ____” to the Official Plan of the Township of Central Frontenac hereinafter referred to as “AMENDMENT NO. ____”.

- **PURPOSE**

The purpose of Amendment No. ____ is to amend the Official Plan of the Township of Central Frontenac to include new Private Lane policies and update existing Transportation policies in the Township of Central Frontenac and to re-designate shorelines on the map schedules to the Official Plan from “Rural” to “Waterfront District”.

- **LOCATION**

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

BASIS OF THE AMENDMENT

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of Central Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to the Transportation policies of the Plan and the addition of Private Lane policies to the Waterfront District policies of the Plan to guide development on new and existing private lanes in the Township.

The “Rural Area – Residential Uses” policies of the Plan, presently require an Official Plan amendment to a “Waterfront District Designation” to permit waterfront development within 300 m of the shoreline of a waterbody. This Official Plan amendment will re-designate all existing “Rural” lands along shorelines in the Township to “Waterfront District”.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of Central Frontenac:

Seasonal vs. Permanent Residential Screening

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be

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permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township's private lane standard.

Private Lane Standards

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

Rural Service Levels

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

Infilling and Extension of New Lots on Existing Lanes

There is limited development potential for infilling and extensions on existing private lanes. Approximately 86% of all existing private lanes in the Township of Central Frontenac have no infilling potential and approximately 73% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of Central Frontenac. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

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New Private Lanes

There is still a significant amount of undeveloped shoreline in the Township of Central Frontenac. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

Assumption of Private Lanes

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

Private Lane Monitoring

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of Central Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

PART B – THE AMENDMENT

- **INTRODUCTORY STATEMENT**

All of this part of the document entitled “Part B – The Amendment” consisting of the following text is AMENDMENT NO. ____ to the Official Plan of the Township of Central Frontenac.

- **DETAILS OF THE AMENDMENT**

Item 1:

“Schedules A1 Village of Sharbot Lake Land Use Plan, A2 – Geographic Township of Kennebec Land Use Plan, A3 – Geographic Township of Olden Land Use Plan, A4 – Geographic

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Township of Oso Land Use Plan, and A5 – Geographic Township of Hinchinbrooke Land Use Plan” are amended by re-designating lands from “Rural” to “Waterfront District” as shown on Schedules A, B, C, D and E attached to this Official Plan Amendment.

Item 2:

Section 2.9 “Public Service Facilities” of the Official Plan is amended by deleting the last sentence in its entirety.

Item 3:

Subsection 3.6.2 1. of Section 3.6.2 “Rural Area – Residential Uses” of the Official Plan is amended by deleting the last sentence of the second paragraph in its entirety.

Item 4:

Section 3.6.2 2. B. of Section 3.6.2 “Rural Area – Residential Uses” of the Official Plan is amended by deleting the second and third sentences in their entirety and adding “Unless otherwise provided in this Plan,” at the beginning of the first sentence as follows:

“Unless otherwise provided in this Plan, development will generally be directed to the existing network of year round maintained township roads and to existing approved plans of subdivision.”

Item 5:

Subsection 3.6.3 2. of Section 3.6.3 “Rural Area – Waterfront District Designation” of the Official Plan is amended by adding “limited service residential” to the list of permitted uses as follows:

“Permitted uses within the Waterfront District Designation include seasonal and permanent residential, limited service residential and recreational commercial uses such as campgrounds, recreational vehicle parks, marinas, tourist lodges, golf courses and restaurants.”

Item 6:

Subsection 3.6.3 13. of Section 3.6.3 “Rural Area – Waterfront District Designation” of the Official Plan is amended by deleting this Subsection in its entirety and replacing it with the following:

“13. Private Lane Policies

Limited service residential development is generally located in the “Rural Area” (Waterfront District) of the Township on a body of water or a natural

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watercourse, where the primary means of access is from a private lane. The development of new “waterfront limited service residential lots” on private lanes shall be considered for approval based on the Private Lane policies of this plan.

A. Seasonal vs. Permanent Residential Screening Policy

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:

- (i) The private lane is constructed to the Private Lane Construction Standards set out in Appendix “1” to this Plan.
- (ii) The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.

B. Infilling

Where a majority of existing development on a private lane is seasonal residential, severances for new “infill” lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Appendix “1” to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.

C. Private Lane Extensions

New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots

will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category “A” policies will not apply.

(i) Category “A” (Minor) Private Lane Extensions

- (a) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix “1” to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.*
- (b) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix “1” to this Plan.*
- (c) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.*
- (d) Notwithstanding any provision of this Plan that restricts the maximum number of land severances per holding, up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.*

(ii) Category “B” (Major) Private Lane Extensions

- (a) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or*

condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.

(b) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Appendix “1” to this Plan or such other standard deemed appropriate by the Township.

(c) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

D. New Private Lanes

Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Appendix “1” to this Plan and provided that the entire lane is governed by a condominium agreement.

E. Private Lane Condition of Severance or Condominium Approval

As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Appendix “1” to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:

- (i) The Township does not maintain or repair the private lane.*
- (ii) The Township does not provide municipal services normally associated with public roads.*
- (iii) The owners are responsible for all costs necessary to maintain the private lane.*

- (iv) *The Township is not responsible for any loss or damage created by the owner's failure to maintain the private lane.*
- (v) *The owners agree to indemnify the Township for any loss or damage."*

Item 7:

Section 4.5.3 "Private Roads" of the Official Plan is amended by deleting "Roads" and adding "Lane Standards" as follows:

"4.5.3 Private Lane Standards"**Item 8:**

Section 4.5.3 "Private Roads" of the Official Plan is amended by deleting Subsections 4.5.3 3., 4.5.3 4., 4.5.3 5. and 4.5.3 6. and adding Subsections 4.5.3 3. and 4.5.3 4. immediately after Subsection 4.5.3 2. as follows:

- "3. *The road construction standard included in this Plan as Appendix "1" shall be deemed to be the "Township's standards for new private lanes" for the purposes of Section 3.6.3 13. Private Lane Policies.*
4. *Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township's municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township's roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township's road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township's road system."*

Item 9:

Appendix "1" of the Official Plan is deleted in its entirety and replaced with the following:

"Appendix 1**Private Lane Construction Standards**

<i>Right-of-Way width</i>	<i>20.0 m (66 ft)</i>
----------------------------------	------------------------------

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Width of Clearing,	9.0 m (30 ft)
Surface Width,	6.0 m (20 ft)
Surface Material	Crushed stone
Depth of Surface Material, (Gran. "A")	100 mm (4 in)
Depth of Base Material/Cover over bedrock (Gran. "B")	150 mm (6 in)
Depth of Base Material / (Gran. "B")	300 mm (12 in)
Granular Shoulder, Including Rounding	1.0m (3 ft)
Crown, Minimum	2%
Cross Culvert	400 mm (16 in) - 300mm (12 in) minimum cover
Culvert Material	Aluminized Corrugated steel pipe/High density polyethylene (double wall)
Maximum Vertical Grade	12% (1:8) Minimum vertical curve length subject to design speed requirements
Horizontal Turning Radius	Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements

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Ontario Building Code requirements	<i>Safe passage of emergency vehicles</i> <i>Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft).</i> <i>Turnaround for dead-end portion of road more than 90.0m (295 ft) long.</i>
Ditches, Minimum Depth from Road Centerline to Bottom of Ditch	<i>0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower</i>
Overhead Clearance Height	<i>5.0 m (16 ft) minimum”</i>

- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of Central Frontenac and applicable legislation.

APPENDIX A

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE
REQUIREMENTS**

I, Cathy MacMunn, Clerk, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.

Clerk, Cathy MacMunn

Township of Central Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
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Appendix E-4 Draft Township of South Frontenac Official Plan Amendment

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

BY-LAW NO. _____

**Private Lane Policies
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

The attached explanatory text, constituting Amendment Number ____ to the Official Plan of the Township of South Frontenac was prepared by the Council of the Township of South Frontenac under the provisions of Sections 17 and 22 of the *Planning Act, R.S.O. 1990, as amended*.

Mayor, Ron Vandewal

Planner/Deputy Clerk, Lindsay Mills

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
____ 2016

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THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

BY-LAW NUMBER _____

**Being a By-law to Adopt Official Plan Amendment Number _____ to the Official Plan for the
Township of South Frontenac**

WHEREAS Amendment Number _____ to the Official Plan for the Township of South Frontenac has been supported by the Council of the Corporation of the Township of South Frontenac;

AND WHEREAS the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of South Frontenac under the *Planning Act, R.S.O. 1990, as amended*;

AND WHEREAS The Corporation of the Township of South Frontenac has provided a copy of the proposed Amendment Number _____, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

NOW THEREFORE, the Council of the Corporation of the Township of South Frontenac, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

7. THAT Amendment Number _____ to the Official Plan of the Township of South Frontenac, consisting of the attached explanatory text and amending schedule, is hereby adopted.
8. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number _____ for the Corporation of the Township of South Frontenac.
9. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

READ a first and second time this _____ day of _____, 2016

READ a third time and finally passed this _____ day of _____, 2016

Mayor, Ron Vandewal

Planner/Deputy Clerk, Lindsay Mills

Township of South Frontenac Official Plan Amendment Number _____ By-law # _____
Private Lane Policies
_____ 2016

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**AMENDMENT NUMBER ____ TO THE OFFICAL PLAN
FOR THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

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PART A – THE PREAMBLE does not constitute part of this amendment.

Purpose	5
Location	5
Basis of The Amendment	5

PART B – THE AMENDMENT consisting of the following text and amending schedule constitutes Amendment Number ____ to the Official Plan for Township of South Frontenac.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	14

THE APPENDICES – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not attached)
APPENDIX C- Minutes of the Public Meeting	(Not attached)
APPENDIX D- Written Submissions	(Not attached)
APPENDIX E- Certification of True Copy	(Not attached)

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
____ 2016

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PART A – THE PREAMBLE

The title of this amendment is “AMENDMENT NO. ____” to the Official Plan of the Township of South Frontenac hereinafter referred to as “AMENDMENT NO. ____”.

- **PURPOSE**

The purpose of Amendment No. ____ is to amend the Official Plan of the Township of South Frontenac to include new Private Lane policies and update existing Limited Service Residential Development policies in the Township of South Frontenac.

- **LOCATION**

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

BASIS OF THE AMENDMENT

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of South Frontenac, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to Schedule C(1) “Township of South Frontenac Roads and Lane Standard Cross-Section Policy” to include minor revisions to the private lane standards and the addition of new Private Lane policies to the Limited Service Residential Development Policies of the Plan in order to guide development on new and existing private lanes in the Township.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of South Frontenac:

Seasonal vs. Permanent Residential Screening

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township’s private lane standard.

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
 Private Lane Policies
 _____ 2016

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Private Lane Standards

A private lane standard has been developed in consultation with each of the Township's public works department staff. This standard should be the minimum standard accepted for new private lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

Rural Service Levels

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

Infilling and Extension of New Lots on Existing Lanes

There is limited development potential for infilling and extensions on existing private lanes. Approximately 82% of all existing private lanes in the Township of South Frontenac have no infilling potential and approximately 85% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of South Frontenac. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

New Private Lanes

There is still a significant amount of undeveloped shoreline in the Township of South Frontenac. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

Assumption of Private Lanes

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

Private Lane Monitoring

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of South Frontenac. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

PART B – THE AMENDMENT

- **INTRODUCTORY STATEMENT**

All of this part of the document entitled “Part B – The Amendment” consisting of the following text is AMENDMENT NO. ____ to the Official Plan of the Township of South Frontenac.

- **DETAILS OF THE AMENDMENT**

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
 Private Lane Policies
 _____ 2016

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Item 1:

Subsection 5.7.7 (1) c) of Section 5.7.7 “Limited Service Residential Policies” the Official Plan is amended by deleting Subsection 5.7.7 (1) c) in its entirety and adding a new Subsection 5.7.7 (1) c) immediately following Subsection 5.7.7 (1) b) as follows:

- “c) *New ‘waterfront limited service residential lots’ shall be considered for approval based on the following criteria:*
- i) *Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:*
 - (iii) *The private lane is constructed to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan.*
 - (iv) *The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*
 - ii) *Where a majority of existing development on a private lane is seasonal residential, severances for new “infill” lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.*
 - iii) *New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane*

concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having potential for extension of four (4) or more lots, the Category “A” policies will not apply.

1. Category “A” (Minor) Private Lane Extensions

- (a) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.*
- (b) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan.*
- (c) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.*
- (d) Notwithstanding the maximum number of land severances per holding permitted in Sections 5.7.4 (ii) c) and 5.7.7 (1) b), up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.*

2. Category “B” (Major) Private Lane Extensions

- (a) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or*

condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.

(b) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan or such other standard deemed appropriate by the Township.

(c) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

iv) Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C(2)” to this Plan and provided that the entire lane is governed by a condominium agreement.”

Item 2:

Subsection 5.7.7 f) of Section 5.7.7 “Limited Service Residential Policies” of the Official Plan is amended by deleting the first paragraph in its entirety and replacing it with the following:

f) “As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Schedule C(2) to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:”

Item 3:

Subsection 5.7.7 k) of Section 5.7.7 “Limited Service Residential Policies” of the Official Plan is amended by deleting Subsection 5.7.7 k) in its entirety and adding a new Subsection 5.7.7 k) immediately following Subsection 5.7.7 j) as follows:

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
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- “k) *“Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township’s municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township’s roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township’s road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township’s road system.”*

Item 4:

Subsection 6.12 (a) of Section 6.12 “Frontage on Public Roads/Private Lanes” of the Official Plan is amended by deleting Subsection 6.12(a)(iii) in its entirety.

Item 5:

Section 6.13 “Conversion to Permanent Residential” of the Official Plan is amended by deleting Subsections 6.13(g) and 6.13(h) in their entirety.

Item 6:

Schedule C(1) “Township of South Frontenac Roads and Lane Standard Cross-Section Policy” of the Official Plan is amended by deleting the “Private Lane” Standards in their entirety and renaming the title of this Schedule as “Township of South Frontenac Roads Standard Cross-Section Policy”.

Item 7:

Schedule C “Transportation and Environmentally Sensitive Areas” of the Official Plan is amended by adding a new “Schedule C(2)” immediately following Schedule “C(1)” as follows:

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
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***“Township of South Frontenac
Private Lane Construction Standards***

<i>Right-of-Way width</i>	<i>20.0 m (66 ft)</i>
<i>Width of Clearing,</i>	<i>9.0 m (30 ft)</i>
<i>Surface Width,</i>	<i>6.0 m (20 ft)</i>
<i>Surface Material</i>	<i>Crushed stone</i>
<i>Depth of Surface Material, (Gran. “A”)</i>	<i>100 mm (4 in)</i>
<i>Depth of Base Material/Cover over bedrock (Gran. “B”)</i>	<i>150 mm (6 in)</i>
<i>Depth of Base Material / (Gran. “B”)</i>	<i>300 mm (12 in)</i>
<i>Granular Shoulder, Including Rounding</i>	<i>1.0m (3 ft)</i>
<i>Crown, Minimum</i>	<i>2%</i>
<i>Cross Culvert</i>	<i>400 mm (16 in) - 300mm (12 in) minimum cover</i>
<i>Culvert Material</i>	<i>Aluminized Corrugated steel pipe/High density polyethylene (double wall)</i>
<i>Maximum Vertical Grade</i>	<i>12% (1:8)</i> <i>Minimum vertical curve length subject to</i>

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
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	<i>design speed requirements</i>
<i>Horizontal Turning Radius</i>	<i>Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements</i>
<i>Ontario Building Code requirements</i>	<i>Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.</i>
<i>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</i>	<i>0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower</i>
<i>Overhead Clearance Height</i>	<i>5.0 m (16 ft) minimum</i>

<i>Traffic Volume</i>	<i>Surface Type</i>	<i>Minimum Depth</i>
<i><200</i>	<i>Crushed Gravel</i>	<i>375mm (15 inches)</i>
<i>200-1000</i>	<i>Double Surface Treatment</i>	<i>N/A</i>
<i><1000</i>	<i>Asphalt</i>	<i>As per Development Guidelines”</i>

Item 8:

Section 4.10 “Transportation Goal” of the Official Plan is amended by deleting the words “and Schedule C(1) ‘Road/Lane Classification Standards” which specifies minimum standards for new public roads and private lanes and for upgrading of existing private lanes” and adding a new sentence as follows:

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
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“. Schedule “C(1)” Township of South Frontenac Road Standard Cross-Section Policy specifies the minimum standards for new public roads. Schedule “C(2)” Township of South Frontenac Private Lane Construction Standards specifies the minimum standards for new private lanes.”

- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of South Frontenac and applicable legislation.

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
_____ 2016

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APPENDIX A

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE
REQUIREMENTS**

I, Lindsay Mills, Planner/Deputy Clerk, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.

Planner/Deputy Clerk, Lindsay Mills

Township of South Frontenac Official Plan Amendment Number ____ By-law # ____
Private Lane Policies
____ 2016

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Appendix E-5 Draft Township of Frontenac Islands Official Plan Amendment

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS**

BY-LAW NO. _____

**Private Lane Policies
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER ____ TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS**

The attached explanatory text, constituting Amendment Number ____ to the Official Plan of the Township of Frontenac Islands was prepared by the Council of the Township of Frontenac Islands under the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*.

Mayor, Denis Doyle

CAO, Clerk and Treasurer, Darlene Plumley

Township of Frontenac Islands Official Plan Amendment Number ____ By-law # _____
Private Lane Policies
____ 2016

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THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

BY-LAW NUMBER ____

Being a By-law to Adopt Official Plan Amendment Number __ to the Official Plan for the Township of Frontenac Islands

WHEREAS Amendment Number __ to the Official Plan for the Township of Frontenac Islands has been supported by the Council of the Corporation of the Township of Frontenac Islands;

AND WHEREAS the Minister of Municipal Affairs and Housing is the approval authority for Official Plan Amendments for the Township of Frontenac Islands under the *Planning Act, R.S.O. 1990, as amended*;

AND WHEREAS The Corporation of the Township of Frontenac Islands has provided a copy of the proposed Amendment Number __, to the Ministry of Municipal Affairs and Housing pursuant to 17(15)(a) of the *Planning Act, R.S.O. 1990 as amended*;

NOW THEREFORE, the Council of the Corporation of the Township of Frontenac Islands, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

10. THAT Amendment Number __ to the Official Plan of the Township of Frontenac Islands, consisting of the attached explanatory text and text amendments, is hereby adopted.
11. THAT the Clerk be authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Official Plan Amendment Number __ for the Corporation of the Township of Frontenac Islands.
12. THAT this by-law shall come into force and take effect on the date of the final passing, subject to the provisions of Section 17 and the regulations under the *Planning Act, R.S.O. 1990 as amended*.

READ a first and second time this ____ day of ____, 2016

READ a third time and finally passed this ____ day of ____, 2016

Mayor, Denis Doyle

CAO, Clerk and Treasurer, Darlene Plumley

Township of Frontenac Islands Official Plan Amendment Number __ By-law # _____
Private Lane Policies
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**AMENDMENT NUMBER ____ TO THE OFFICAL PLAN
FOR THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS**

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PART A – THE PREAMBLE does not constitute part of this amendment.

Purpose	5
Location	5
Basis of the Amendment	5

PART B – THE AMENDMENT consisting of the following text constitutes Amendment Number ____ to the Official Plan for Township of Frontenac Islands.

Introductory Statement	7
Details of the Amendment	7
Implementation and Interpretation	12

THE APPENDICES – The appendices do not constitute part of this amendment.

APPENDIX A- Certification of Compliance with Public Involvement and Notice Requirements	
APPENDIX B- Notice of Public Meeting	(Not Attached)
APPENDIX C- Minutes of the Public Meeting	(Not Attached)
APPENDIX D- Written Submissions	(Not Attached)
APPENDIX E- Certification of True Copy	(Not Attached)

PART A – THE PREAMBLE

The title of this amendment is “AMENDMENT NO. ____” to the Official Plan of the Township of Frontenac Islands hereinafter referred to as “AMENDMENT NO. ____”.

- **PURPOSE**

The purpose of Amendment No. ____ is to amend the Official Plan of the Township of Frontenac Islands to include new Private Lane policies and update existing Transportation policies in the Township of Frontenac Islands.

- **LOCATION**

Private Lane policies will apply to all existing and proposed private lanes in all parts of the Township.

- **BASIS OF THE AMENDMENT**

The purpose of the amendment is to implement the recommendations of the Private Roads (Lanes) Study: Final Report prepared for the County of Frontenac and the Township of Frontenac Islands, dated June 15, 2016. The recommendations of the Private Roads (Lanes) Study will include amendments to the Transportation policies of the Plan and the addition of new Private Lane policies to the Rural policies of the Plan in order to guide development on new and existing private lanes in the Township.

The Private Roads (Lanes) Study contains the following conclusions and recommendations applicable to the Township of Frontenac Islands:

Seasonal vs. Permanent Residential Screening

Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless the private is developed within a common element or vacant land condominium and the lane is constructed to the Township’s private lane standard.

Private Lane Standards

A private lane standard has been developed in consultation with each of the Township’s public works department staff. This standard should be the minimum standard accepted for new private

lanes, major extensions of existing private lanes or for new lot development on existing lanes where a majority of existing land use is permanent residential. Where the Township's private lane standard is greater than the connecting public road, Council may approve development on condition that the private lane is constructed to a standard which is equal to the connecting public road. For limited infilling and minor extensions to existing private lanes, the lanes should be constructed to a standard which is considered acceptable for emergency service delivery by the Township's public works and fire department staff.

Rural Service Levels

A review of legal mechanisms for the long-term maintenance of private lane standards through new lot development concludes that common element agreements should most appropriately be implemented where a new lane or a major extension to an existing lane is proposed as part of an application for subdivision or vacant land condominium. Development agreements should be implemented as a condition of consent for infilling and minor extensions to existing private lanes.

Infilling and Extension of New Lots on Existing Lanes

There is limited development potential for infilling and extensions on existing private lanes. Approximately 72% of all existing private lanes in the Township of Frontenac Islands have no infilling potential and approximately 77% of all existing private lanes have no extension potential. This Study supports infilling and minor extensions of existing private lanes up to three (3) lots. Major extensions of existing private lanes involving four (4) or more new lots should take place by a plan of subdivision or condominium. Additional consents, above the number of consents that may be granted per holding, should be allowed where the creation of additional lots will complete the development potential of the lane.

Conditions of development approval can be implemented for new lots created through infilling and extensions in order to improve the standard of existing deficient lanes. The scale of new lot development created as a result of infilling and extensions is quite limited, when compared to the scale of existing development on private lanes throughout the Township of Frontenac Islands. Therefore, new lot development through infilling and limited extensions will serve to increase the suitability of existing lanes for the provision of emergency service vehicles with minimal financial impacts on local municipalities over the long-term.

New Private Lanes

There is still a significant amount of undeveloped shoreline in the Township of Frontenac Islands. A common elements condominium should be required for any new private lane development. This approach establishes the ownership and maintenance of the lane among all owners, and provides a legal obligation to ensure that sufficient funds are in place to ensure the ongoing maintenance of the lane in perpetuity.

Assumption of Private Lanes

Prior to the assumption of a private lane as a public road, this Study recommends that Council conduct a financial assessment of the long-term capital and operating costs of assuming a private lane as a public road. No private lane should be assumed into a municipal road system unless Council is satisfied that the annual maintenance or long-term operating costs will not place an undue burden on the costs of operating the municipality's road system.

Private Lane Monitoring

Although there are challenges to controlling the conversion of seasonal residential dwellings to permanent residential use, it is possible to monitor the location of where these trends are occurring and anticipate where this trend is likely to occur in the future. This Study provides a detailed inventory and data base of information on every identified private lane in the Township of Frontenac Islands. This data should be used to assess permanent and seasonal residential land use trends on an existing lane at the time that applications for new lot development are received for infilling or extension purposes. This inventory and data base should also be updated at the time that each local official plan is reviewed in order to evaluate changes in land use patterns on private lanes, and to assess development activity, future development potential, and seasonal to permanent residential conversion trends. The intent of this evaluation will be to monitor the effectiveness of the local municipal private lane policies.

PART B – THE AMENDMENT

- **INTRODUCTORY STATEMENT**

All of this part of the document entitled “Part B – The Amendment” consisting of the following text is AMENDMENT NO. ___ to the Official Plan of the Township of Frontenac Islands.

- **DETAILS OF THE AMENDMENT**

Item 1:

Subsection 3.4.2.1 3. of Section 3.4.2 “Roads” of the Official Plan is amended by deleting this section in its entirety and adding a new Subsection 3.4.2.1 3. immediately after Subsection 3.4.2.1 2. as follows:

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“3. Private Lanes

(a) Private Lane Standards

The road construction standard included in this Plan as Schedule “C” shall be deemed to be the “Township’s standards for new private lanes” for the purposes of Section 5.2.4.1 5.

(b) Private Lane Assumptions

Council will consider the assumption of a private lane as a public road provided that the road is brought up to the Township’s municipal road standard. Prior to the assumption of a private lane as a public road, Council will conduct a financial assessment of the long-term capital and operating costs for servicing the road. This assessment will include an estimate of the annual maintenance costs, repair costs and the long term life cycle replacement costs of assuming the private lane as a public road, and the impact of these costs on the operation of the Township’s roads system. The financial assessment will be carried out by a qualified professional, at the expense of the individual or group petitioning for the private lane to be assumed as a public road. No private lane will be assumed into the Township’s road system unless Council is satisfied that the annual maintenance or long term capital and operating costs will not place an undue burden on the costs of operating the Township’s road system.”

Item 2:

Subsection 5.2.2 of Section 5.2 “Rural” of the Official Plan is amended by adding the following sentence immediately after the last sentence of the paragraph as follows:

“The development of new waterfront limited service residential lots on private lands shall be permitted in accordance with the Shoreland Area policies of the Rural designation.”

Item 3:

Subsection 5.2.4.1 5. of Section 5.2.4 “Shoreland Areas” of the Official Plan is amended by deleting this section in its entirety and adding the following:

“5. Limited service residential development is generally located in the “Rural Area” (Shoreland Areas) of the Township on a body of water or a natural watercourse, where the primary means of access is from a private lane. The development of new “waterfront limited service residential lots” on private lanes shall be considered for approval based on the Private Lane policies of this plan.

(a) Seasonal vs. Permanent Residential Screening Policy

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Prior to the review of an application for new lot development that would result in the infilling or minor extension of an existing private lane, an assessment of permanent and seasonal residential land use should be completed for the entire lane. Where a majority of existing development on a private lane is determined to be permanent residential, or where the private lane is located in an area where conversion rates will likely result in a majority of permanent residential development in the future, no new lot development in the form of limited infilling or minor extensions shall be permitted unless:

- i. The private lane is constructed to the Private Lane Construction Standards set out in Schedule “C” to this Plan.*
- ii. The existing private lane is developed within a common element condominium pursuant to the Condominium Act, 1998, as amended, and connects directly to an existing public road.*

(b) Infilling

Where a majority of existing development on a private lane is seasonal residential, severances for new “infill” lots may be permitted along existing private lanes, provided that the condition of the lane abutting the new lot(s) is improved to the Private Lane Construction Standards set out in Schedule “C” to this Plan. In addition, the whole of the lane travelled on reach the new proposed lot(s) will be required to be improved to a minimum standard to allow accessibility to the new lot(s) by emergency service vehicles.

(c) Private Lane Extensions

New lot development on “extensions” of existing private lanes may be permitted in accordance with the Category “A” or Category “B” policies for private lane extensions. The determination of whether the Category “A” or “B” policies apply to a given private lane extension shall be based upon an assessment of the overall future development potential of the private lane extension. The Category “A” private lane policies apply where an assessment of the development potential of the private lane concludes that minor extension of one (1), two (2) or three (3) new lots will complete the development potential of the private lane. The Category “B” private lane policies will apply where an assessment of the development potential of the private lane concludes that four (4) or more lots may be created from the private lane extension. Where a private lane has been assessed as having

potential for extension of four (4) or more lots, the Category “A” policies will not apply.

i. Category “A” (Minor) Private Lane Extensions

(I) Severances for one (1) or two (2) new lots on an extension to an existing private lane that would complete the development potential of the lane may be permitted provided that the extension is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C” to this Plan. In addition, the whole of the existing lane travelled to reach the proposed new lot(s) will be required to be constructed to a standard that would allow accessibility to the new lot(s) by emergency vehicles.

(II) Severance for a private land extension resulting in the creation of three (3) new lots completing the development potential of the lane may be permitted provided that the private lane extension and the whole of the existing lane travelled to reach the new proposed lots will be required to be improved to the Private Lane Construction Standards set out in Schedule “C” to this Plan.

(III) The new lane may only be constructed to the point of access to the last lot on the lane rather than along the full lot frontage for the lot, as required by the implementing zoning by-law.

(IV) Notwithstanding the maximum number of land severances per holding permitted in Section 5.2.4.2. 10. up to three (3) new limited service residential lots may be permitted per private lane, provided that the creation of the proposed lots completes the development potential of the private lane.

ii. Category “B” (Major) Private Lane Extensions

(I) New development on extensions of private lanes having the potential for the creation of four (4) or more limited service residential lots may be created by a plan of subdivision or condominium, where the private lane shall be created as a common element condominium and managed by a condominium corporation.

(II) The private lane extension for the proposed lots and the whole of the existing lane travelled on to reach the new proposed lots will

be required to be improved to the Private Lane Construction Standards set out in Schedule “C” to this Plan or such other standard deemed appropriate by the Township.

(III) The owner of the existing private lane and all persons having an existing right-of-way (including unregistered rights of ways that have been legally obtained over time through actual usage) over the existing private lane will have to consent to the creation of the condominium. If this requirement cannot be fulfilled, then a major extension of an existing private lane cannot be granted.

(d) New Private Lanes

Lot development on new private lanes may be permitted by severance, or by a registered plan of condominium, provided that the new private lane intersects with an existing public road, and is designed and constructed in accordance with the Private Lane Construction Standards set out in Schedule “C” to this Plan and provided that the entire lane is governed by a condominium agreement.

(e) Private Lane Condition of Severance or Condominium Approval

As a condition of severance or condominium approval for all waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to construct the private lane to the Private Lane Construction Standards set out in Schedule “C” to this Plan or such other standards which are determined to be appropriate for emergency service delivery. The agreement shall be registered against the title to the lots and include provisions acknowledging:

- i. The Township does not maintain or repair the private lane.*
- ii. The Township does not provide municipal services normally associated with public roads.*
- iii. The owners are responsible for all costs necessary to maintain the private lane.*
- iv. The Township is not responsible for any loss or damage created by the owner’s failure to maintain the private lane.*
- v. The owners agree to indemnify the Township for any loss or damage.”*

Item 4:

Subsection 6.3.1 4. of Section 6.3 “Criteria for Assessing Land Division Applications” of the Official Plan is amended by deleting the last sentence of the paragraph in its entirety and replacing it with the following sentence:

“In the case of development on Private Lanes, the policies of Section 5.2.4.1 5. shall apply.”

Item 5:

Subsection 6.3.1 7. of Section 6.3 “Criteria for Assessing Land Division Applications” of the Official Plan is amended by adding “Unless otherwise stated in this Plan” to the beginning of the last sentence in the last paragraph as follows:

“Unless otherwise stated in this Plan, it shall further be the policy of this Plan that a Plan of Subdivision shall be required if the effect of the severance would be to create three or more additional lots.”

Item 6:

That the “Private Lane Construction Standards” listed below, be added as “Schedule “C” to the Official Plan.

“Private Lane Construction Standards

<i>Right-of-Way width</i>	<i>20.0 m (66 ft)</i>
<i>Width of Clearing,</i>	<i>9.0 m (30 ft)</i>
<i>Surface Width,</i>	<i>6.0 m (20 ft)</i>
<i>Surface Material</i>	<i>Crushed stone</i>
<i>Depth of Surface Material, (Gran. “A”)</i>	<i>100 mm (4 in)</i>
<i>Depth of Base Material/Cover over bedrock (Gran. “B”)</i>	<i>150 mm (6 in)</i>
<i>Depth of Base Material / (Gran. “B”)</i>	<i>300 mm (12 in)</i>
<i>Granular Shoulder, Including Rounding</i>	<i>1.0m (3 ft)</i>

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<i>Crown, Minimum</i>	<i>2%</i>
<i>Cross Culvert</i>	<i>400 mm (16 in) - 300mm (12 in) minimum cover</i>
<i>Culvert Material</i>	<i>Aluminized Corrugated steel pipe/High density polyethylene (double wall)</i>
<i>Maximum Vertical Grade</i>	<i>12% (1:8) Minimum vertical curve length subject to design speed requirements</i>
<i>Horizontal Turning Radius</i>	<i>Minimum centerline radius 12.0 m (40.0 ft) – Subject to design speed requirements</i>
<i>Ontario Building Code requirements</i>	<i>Safe passage of emergency vehicles Maximum change of gradient not more than 1 in 12.5 (8%) over a minimum distance of 15 m (50 ft). Turnaround for dead-end portion of road more than 90.0m (295 ft) long.</i>
<i>Ditches, Minimum Depth from Road Centerline to Bottom of Ditch</i>	<i>0.5 m (1.5 ft) or 0.15 m (6 in) below bottom of granular B whichever is lower</i>
<i>Overhead Clearance Height</i>	<i>5.0 m (16 ft) minimum"</i>

- IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the Township of Frontenac Islands and applicable legislation.

APPENDIX A

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE
REQUIREMENTS**

I, Darlene Plumley, CAO, Clerk and Treasurer, hereby certify that the requirements for the giving of notice, and the holding of at least one public meeting as set out in Subsection 17(15) of the *Planning Act, R.S.O. 1990, as amended* and giving of notice as set out in Section 17(24) of the *Planning Act, R.S.O. 1990, as amended* have been complied with.

CAO, Clerk and Treasurer, Darlene Plumley

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Report 2016-068

Council Recommend Report

To: Warden and Members of Council of the County of Frontenac
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Marian VanBruinessen, Director of Corporate Services/Treasurer
Date of meeting: June 15, 2016
Re: Corporate Services – Finance – Appointment of Auditor

Recommendation

That the Council of the County of Frontenac accept this Corporate Services - Finance - Appointment of Auditor report;

And Further That Council of the County of Frontenac authorize the appointment of the audit firm Allan Chartered Accountant Professional Corporation, as auditor for 2016 and 2017;

And Finally That a bylaw be introduced by the Clerk later in the meeting to confirm this appointment

Background

Under Section 296 (1) of the Municipal Act 2001, c. 25:

A municipality shall appoint an auditor licensed under the Public Accountancy Act who is responsible for,

- a. annually auditing the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit;
- b. performing duties designated by the Minister; and performing duties required by the municipality or local board which do not conflict with the duties designated by the Minister

Comment

The County Treasurers are looking at opportunities to take advantage of economies of scale and business volume. In addition to other services, the Treasurers will be pursuing the opportunity for a joint tender for audit services for the 2018 financial year and beyond.

For that reason and given that County staff is very satisfied with the audit services provided by the firm, staff is recommending a two year extension to the contract with Allan and Partners LLP

Sustainability Implications

Governance – appropriate stewardship of County resources.

Financial Implications

Allan Chartered Accountant Professional Corporation will hold the fee charged for the 2015 financial audit for 2016 at \$26,483, with a 2% increase for the 2017 financial audit.

Organizations, Departments and Individuals Consulted and/or Affected

Susan Brant, Deputy Treasurer



Report 2016-069

Council Recommend Report

To: Warden and Council Members of the County of Frontenac Council

From: Kelly J. Pender, Chief Administrative Officer

Date of meeting: June 15, 2016

Re: Office of the CAO – Request for Support – Picton Terminal

Recommendation

Whereas the Eastern Ontario Wardens' Caucus (EOWC) has identified the investigation of the feasibility of constructing new or revitalized deep water port facilities in select locations in the region, as a priority in its 2014 Economic Development Strategy; and,

Whereas the 2013 *Eastern Ontario Transportation Needs Analysis Report* estimated that the building or revitalization of a deep water seaport in Eastern Ontario would result in a total of 5,470 additional jobs and GDP growth of 0.13% (\$785.1 million); and,

Whereas the same study estimated the cost of establishing a new port along the Seaway at over \$230 million; and,

Whereas *Abna Investments* (the Doornekamp family) has begun to revitalize Picton Terminals as a viable, intermodal, deep water port facility within the St. Lawrence Seaway for an estimated total investment of less than \$40 million; and,

Whereas the federal and provincial governments have committed considerable financial resources towards infrastructure and job creation in recent budget announcements;

Whereas vessels are twice as fuel efficient as rail and 10 times more fuel efficient than heavy trucking, which addresses issues of fuel costs due to road and rail congestion and reduces Ontario's greenhouse gas and carbon emissions by 300,000 metric tons per year;

Be It Resolved That the County of Frontenac supports the revitalization of Picton Terminals given its significant potential to create jobs and boost the regional economy; and

That the EOWC request that the Federal and Ontario governments prioritize and fund the initial request of \$10 million from ABNA Investments for the acquisition of two *LHM 280 Liebherr Mobile Port Cranes* to allow the Port to accommodate the anticipated demand of upwards of 100 ships annually; and

Finally That the Wardens raise this project with their respective MPs and MPPs for support and that a letter be sent on behalf of the EOWC.

Background

At the April 22, 2016 meeting of the Eastern Ontario Wardens' Caucus (EOWC) meeting in Morrisburg, a presentation was received from the developers of the deep water in Picton.

The EOWC endorsed the project and passed a motion similar to the recommendation contained in this report.

A copy of the background report related to this project is attached, Appendix A.

Comment

The Terminal project has the potential to be a significant economic development initiative for Eastern Ontario. It supports the economic development priorities approved by the EOWC and currently being actioned by the Leadership Council.

Sustainability Implications

The use of great lakes shipping is a more efficient means of conducting trade and offers greenhouse gas benefits.

Financial Implications

n/a

Organizations, Departments and Individuals Consulted and/or Affected

Eastern Ontario Wardens' Caucus.



Picton Terminals

**Expanding Marine Port Capacity in Eastern Ontario
to Support Economic Growth and Prosperity**

Prepared by:

Neil Carbone
The Corporation of the County of Prince Edward

Ben Doornekamp
Picton Terminals Ltd.

March 29th, 2016

Briefing Note

Craig Desjardins
Prince Edward/Lennox & Addington
Community Futures Development Corporation

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Executive Summary

The Picton Terminals, is a pre-existing, deep water marine port facility in Picton, Ontario, Canada. The facility has been dormant for the past 30 years but has recently been purchased by ABNA Investments in order to develop the property as a commercial marine port. This development is an exciting economic opportunity for Ontario, and eastern Ontario in particular, and will have immediate impact on Prince Edward, Hastings, Northumberland, Lennox & Addington and Frontenac Counties.

Picton Terminals represents an accessible, cost effect way to get goods in bulk, to global markets, including all major U.S., European and International ports via the St Lawrence Seaway. Access to global markets for commodities such as grains, aggregates, and manufacturing is critical when building a sustainable region economy.

Eastern Ontario has traditionally been restricted in the import & export of most raw and bulk materials by truck transportation along the 401 corridor, which is a growing bottleneck for economic growth within our region as traffic congestion in/out of Toronto increases. To compound this issue, border crossing delays into U.S. markets are increasing, including a congested rail system and limited port facilities along our Great Lakes. These challenges will continue to grow, becoming a major obstacle to continued economic growth within our region.

Demand for the use of Picton Terminals by almost every economic sector has been vast, including local quarries looking to export, cement plants looking for unloading capabilities, and industrial manufacturers and grain companies eager to open new export channels.

From an infrastructure utilization perspective, Picton Terminals has the potential to load or unload over 100 vessels a year with each vessel representing approximately 350,000km of heavy truck traffic removed from our Ontario highway infrastructure for a total of 35 million km of truck traffic removed each year.

Not only does Picton Terminals provide convenient, less costly access to global markets, but shipping by sea vessel is a more efficient mode of transportation and represents *only 10%* of the carbon emissions when compared with heavy trucking. Since shipping by vessel costs \$3.50/metric ton, per 500km, compared to \$60/metric ton for heavy trucking, it represents over \$200 million/year in savings for the private sector on trucking alone. Combine this with the increased business retention and job creation associated with greater competitiveness, the potential for Eastern Ontario is significant.

Picton Terminals has invested almost \$10 million in infrastructure to date to make the Port operational; however, the substantial opportunities identified in this briefing cannot be realized without additional financial support. The acquisition of two heavy lift cranes in the immediate term, and further expansion and infrastructure in the coming years is integral to develop the Port into a key node for North American shipping with the capability of enhancing Canadian competitiveness and revitalizing the region's economy.

Picton Terminals at a Glance

- Deep water, marine port facility developed in the 1950's by Bethlehem Steel in order to ship iron ore from the Marmora Mines. With the closure of the mines in the 1970's, Picton Terminal was left dormant for over 30 years.
- The port facility is a privately owned facility which was purchased in 2014 by the Doornekamp family that has already invested \$10 million in rehabilitation and infrastructure upgrades to make the terminal fully operational.
- Picton Terminals plans to invest more than \$40 million over the next three years.
- Demand for the use of Picton Terminals has been established and includes several economic sectors including local quarries, cement plants, industrial manufacturers and grain/agricultural companies that require cost effective access to global markets.
- An immediate investment of \$10 million by Government for the purchase of two LHM 280 Liebherr Mobile Port Cranes, will provide Picton Terminals with the capacity to process 100 vessels per year. This represents a 20-30% increase in the marine port capacity of eastern Ontario. This funding will serve as a foundation for further private sector infrastructure investment and port expansion.
- Creation and retention of over 500 jobs to the area conservatively, including spin off growth from each sector as competitiveness increases due to increased accessibility to global markets at a lower cost.

Sectors Served with Proposed Expansion

Below is a list of sectors that have approached Picton Terminals with interest in expanding their logistics channels through the port. This list represents the initial contracts awaiting the required expansion request.

Aggregates:

- 30 vessels/year export.
- 10 vessels/year Cement plant raw materials, importing

Waste Management:

- 10 vessel/year x 70 C-can barge loads export

Agriculture:

- 10 vessels/year of grains export
- 6 vessels/year of Fertilizer import

Steel Products:

- 3 vessels/year importing new steel
- 3 vessels/year exporting scrap steel

Green Energy Sector:

- 15 vessels/year importing turbine components.
- 3 vessels/year biomass exporting

Salt:

- 4 vessels/year importing

Industry/manufacturing products:

- 3 vessels/year exporting

Case for Need: Eastern Ontario's Economic Challenges

Logistical Challenges in Eastern Ontario



The private sector within our counties has relied heavily on truck transport on the 401 highway to get their product to global markets. The increased truck traffic on the highway network has caused major congestion and traffic problems as commuter traffic competes for space. The result can sometimes be tragic. Bad weather further complicates issues. Recently, when weather is difficult, officials are taking a preventative approach by simply

closing highway sections, further complicating and delaying logistics suppliers.

Alternatively, a single vessel removes 600 truckloads from our highways. Transportation costs have a direct impact on the competitiveness of our region and ultimately effects job creation and population growth as we compete with larger markets.

- *Truck transit is less dependable*
- *Transportation costs are increasing*
- *Access to global markets is a barrier*
- *Export opportunities are limited*
- *Increased truck traffic is burdening our aging infrastructure*
- *a single vessel removes 600 truckloads off our highways*

Border Crossings – Access to U.S. Markets



Border congestion and delays present a critical barrier to our region's access to the U.S. market. Regulatory processes at border crossings continue to be a major source of delay for trans-border trucking. In contrast, the St. Lawrence Seaway provides direct access to the heartland of the U.S. (report from Eastern Ontario

Transportation Needs Analysis, see appendices)

- *Increased delays at U.S. borders*
- *Border access by truck limits sizes.*
- *Diverting to Seaway addresses border concerns*

About the St. Lawrence Seaway



The St. Lawrence Seaway has played a vital role in Canada's growth and prosperity over the past half century. Marine vessels are utilized to ship ~10% of Ontario's freight tonnage through the Great Lakes – St. Lawrence Seaway, including agricultural products, steel, metals, minerals, aggregates and cement. Central Eastern Ontario is situated right along the Seaway and provides direct access to the

North American continental heartland from the Atlantic Ocean, including major international ports and many regional ports on both sides of Canada and the U.S. along this vital transportation corridor.

- *Seaway is currently at 50% capacity.*
- *Seaway provides direct access to major international ports.*
- *Seaway provides direct access to North American continental heartland*

Trends in the Shipping Industry

The shipping industry is constantly evolving and striving for innovation with the past few years being particularly interesting. Whereas major trends like globalization and containerization had reshaped the industry in previous decades, today, shipping companies are refocusing and reinvesting in specialized ship types. This trend is ideal for Picton Terminals whose business model is based on serving all sectors with the capacity to accommodate a variety of loading and unloading of specialized cargo and vessels via cranes, conveyors and a planned roll-on, roll-off system.

Environmental sustainability has also become a central issue in the transportation and logistics sector. The shipping industry is focusing increasingly on a green image. The past few years have shown a structural shift from air freight to sea freight as the latter has become more cost-effective while also being 10 times more fuel efficient than trucks.

- *Globalization and containerization have reshaped the shipping industry.*
- *Shipping trends include specialized ship types which Picton Terminals can accommodate.*

PORTS: An Integral Part of Canada's Economy

Canada's seaports are key to moving goods and people via complex logistical supply chains extending to seaports in more than 160 countries throughout the world. Every year Canada's Port Authorities contribute much to Canada's economy:

- 2.1% annual compound growth rate since 2010
- 495.9 million in aggregate revenue in 2013 fiscal year
- 182.4 million in operating income in 2013
- Over \$400 billion worth of goods
- 250,000 direct and indirect jobs
- \$10.2 billion in salaries
- \$25 billion added to Canada's GDP
- \$2.2 billion paid in federal and provincial income taxes
- \$2 billion paid in consumption tax
- Port authorities represent 60% of Canadian maritime exports (2011)
- Most ports have seen an increase in total tonnage from 2011 to 2012

Economic Impact of Picton Terminals:

Infrastructure & Highways Impact:

- Societal value of reduced truck traffic mitigating road repairs and traffic fatalities.
- Greatly increases Eastern Ontario trade enabling infrastructure.
- Each vessel represents 350,000 km of heavy truck traffic off Ontario's highways.
- Short-sea shipping is ideally suited for heavy cargo that is less time-sensitive.
- Marine infrastructure is underutilized on the Great Lakes.

Environmental Impact:

- Vessels are twice as fuel efficient as rail and 10 times more fuel efficient than heavy trucking. Further addresses issues of fuel costs due to road and rail congestion. Greatly reduces Ontario's greenhouse gas and carbon emissions by 300,000 metric tons of CO2 emissions per year.

Agricultural Impact:

- Aligns with the Minister of Agriculture and Agri-Food Mandate to "ensure that we make significant investments in port loading terminals to improve efficiency, remove bottlenecks and increase system capacity".
- Ensures Canadian farmers are able to get their product to global markets. (Existing ports often at full capacity during harvest season).

- Reduced transportation costs for both fertilizers and grains, ensures our regions farmers remain competitive and profitable.
- Available land surrounding Picton Terminal results in much lower storage facility costs for expanding grain and fertilizer depots. (Port of Oshawa and Port of Johnstown are restricted for land availability. Oftentimes port storage costs exceed the transportation costs by as much as 3:1).

Manufacturing Impact:

- Ensures Eastern Ontario manufacturers remain competitive and profitable by reducing the transportation cost to get their product to global markets.
- Lower cost of imported raw materials that is traditionally trucked from Port of Hamilton, Port of Oshawa, or Montreal ports.
- Increase in business attraction due to lower cost of transportation, increased capacity, increased dependability, increased diversity of types of shipments and increased perception and awareness of the region.
- Cement Plant retention by allowing plants to unload raw material for processing. Essroc & Lafarge both have antiquated unloaders, yet demand for unloading is increasing as plants require additional additives to their quarried limestone to remain competitive. These cement plants are at risk of closure if the plants can't easily obtain cost effective raw materials.
- Specialty vessels that create opportunities for new types of business and industry within Eastern Ontario. (Large construction projects shipped by barge, raw materials brought in by container, military shipping, etc.).

Request for Support for Expansion

Background on Expansion Needs

The objective of the Picton Terminals is to provide service to the many sectors that require marine transportation in eastern Ontario. These sectors have approached Picton Terminals due to the potential of identifying a more efficient method of getting their commodities to global markets or importing raw materials that would normally arrive by truck.

Expansion Requirements

To date, Picton Terminals has invested over \$10 Million in port upgrades, including rebuilding the vessel loading system and purchase of loading equipment, upgrades to the existing dock structure and the construction of a new access road. Part of the three year expansion plan includes major equipment additions that will provide the industry standard gearless vessel 2,000MT/hr loading/unloading capacity. These future plans include the rebuilding of the recovery system ship loading conveyor and control tower, construction of site access roads and large storage facilities, and the purchase of ship unloading equipment.

Immediate Funding Request: Two Liebherr Mobile Port Cranes

Picton Terminals is requesting funding for two LHM 280 Liebherr Mobile Port Cranes. These cranes are required for the port to be capable of unloading vessels within the minimum 24 hour required unloading time. Not only would the two unloader cranes allow Picton Terminals to compete with other great lakes terminals, it would make Picton Terminals the fastest unloading port on the great lakes.

In addition, different types of attachments can be added to allow for specialized loading/unloading capabilities including standard shipping containers, heavy lift structures and manufacturing components for both export and import. The unloading of fertilizer to supply the agriculture sector and aggregate products for local cement plants would allow these local companies which employ hundreds, to remain competitive in a global market. It would also open the door for new business opportunities that would otherwise not consider Picton Terminals due to its current insufficient loading/unloading capabilities. The twin cranes allow for tandem lift capabilities for heavy and large industrial payloads. Further, two cranes allow for the unloading of two vessels simultaneously, doubling the potential capacity, mitigating logistical problems and

reducing costs associated with waiting vessels.

LHM 280 Liebherr Mobile Port Crane \$5 million CDN each x 2 = \$10 million Total

Support Studies for Port Infrastructure Investment

The need for additional marine port capacity in eastern Ontario has been analyzed over the past 3 years and recommendations for investment have been endorsed by local and regional political leaders as part of the economic development strategy for the region.

Eastern Ontario Transportation Needs Analysis Report Recommendations:

This study was an in-depth analysis of Eastern Ontario's Transportation infrastructure which was commissioned by Kawartha Lakes Community Futures Development Corporation on behalf of the Eastern Ontario CFDC Network Inc and completed in 2013.

The study ranked 12 recommended infrastructure improvement initiatives based on economic impact, ROI and immediacy. A new or expanded Deep Water Port scored 2nd highest out of 12 infrastructure recommendations. Specifically, the study recommended:

“Constructing new or revitalized deep water port facilities and infrastructure within Eastern Ontario - including intermodal capabilities, distribution terminals, shortsea shipping operations and ability to handle bulk and container cargo at existing (e.g. Cornwall, Morrisburg, Kingston, Prescott) or new sites.”

The study estimated that a new or expanded Deep Water Port would require an initial capital investment of \$230M resulting in a total of 5,470 additional jobs and GDP growth of 0.13% (\$785.1M), for an ROI of 3.4:1.

It should be noted that the study was completed in 2013 and consultants were unaware that Picton Terminals was to be purchased and re-habilitated in 2014.

A new facility would be far more costly (\$230M) and less timely, compared to the investment requirements of Picton Terminals (\$38.6M), resulting in a much higher and immediate ROI ratio.

Picton Terminals meets all the Key Elements of a Deep Water Port Project as identified in the report, including increased cargo and container handling capabilities and increased intermodal capabilities.

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Below is an excerpt from the study:

*“Due to expansion of the Panama Canal, seagoing vessel traffic through the Seaway will increase. **Building or revitalizing a deep water sea port in Eastern Ontario will not only help boost the Region's economic development prospects, but also Seaway capacity and utilization**, which is estimated to operate only at half of its current capacity. The benefit is clear according to Great Lakes - St. Lawrence Seaway Study “access through the Seaway represents the shortest route between Europe and the U.S. Midwest”.*

Eastern Ontario's Economic Development Strategy Report

A similar focus emerged from *Eastern Ontario's Economic Development Strategy*, developed by the Eastern Ontario Warden's Caucus (EOWC) and Eastern Ontario Mayor's Committee (EOMC):

Opportunities and Challenges ahead for Eastern Ontario

“16.1 Investigate the feasibility of constructing new and revitalized deep water port facilities in select locations across the region and opportunities to modernize and expand the region's existing rail network through the northern areas of Eastern Ontario.”

With the recommendations and economic analysis of the transportation studies, support of municipal leaders, alignment with federal and provincial policy frameworks and priorities, Picton Terminals is a shovel-ready infrastructure project that will drive regional economic development and prosperity through expansion of international trade and environmental sustainability.

About Picton Terminals

Summary

Picton Terminals represents an incredible economic opportunity for Ontario, particularly for central eastern Ontario, including Prince Edward, Hastings, Northumberland, Lennox & Addington and Frontenac Counties. Picton Terminals is an accessible, deep water port facility that is a cost effective way to get bulk goods to global markets via the St Lawrence Seaway to all major U.S., European and International ports. Combine this with the increased business retention and job creation, the implications are staggering.

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Without the initial requested funding for crane infrastructure, Picton Terminals cannot meet the potential demand of 100 vessels per year. The cost for the two Mobile Port Cranes of \$10 million represents a fraction of the economic impact it will bring to the region and to the broader Ontario and Canadian economies.

History of the Port

The Port of Hallowell was originally constructed strictly for iron ore export. In 1953, ore from Marmora mine was railed down to the facility for loading onto vessel headed for Pennsylvania. The port remained dormant from 1978 until Doornekamp's acquired it in the fall of 2014. Work quickly began to rehabilitate the machinery and in the summer of 2015, Picton Terminals unloaded their first vessel with aggregate. The facility was updated with all new electrical, along with harbor front/ docking changes resulting in over \$10 million in investment. Much of the infrastructure, including the recovery system ship loading conveyor and control tower, and steel structures were re-useable with some remediation. This resulted in a considerable costs and time saving when compared with building a new deep water port.

Doornekamp Family

The Doornekamp Family purchased the Picton Terminals, formally known as the Port of Hallowell, in fall of 2014. The Doornekamp's first began negotiating the purchase of the Port of Hallowell in 2005 due to the significant commercial potential of the facility and the likely economic growth created in the local economy.

Picton Terminals is a new division of a family owned business established in 1978. Doornekamp operates out of its head office located in Odessa, Ontario. The company consists of Doornekamp Construction, Hendriks Aggregates and Abna Investments, which employ 80 – 100 people, serving the Eastern Ontario region. Doornekamps purchased Picton Terminals with intentions to resurrect and update the existing infrastructure, thereby providing better import and export services to the local economy. Doornekamp plans to expand the existing facilities to allow better, more efficient shipping and to be equipped to receive a variety of products.

To date, Picton Terminals has invested almost \$10M in infrastructure upgrades to bring the terminal back into operation with investment plans of \$40M in the next three years.

Planned Phases of Expansion**2015-2016:**

- Rebuild recovery system ship loading conveyor and control tower
- Obtained Ministry approvals (Ministry of Environment) and Q.C.A. (Quinte Conservation Authority).
- Finish construction of site access roads.
- Purchase ship unloading equipment:
 - Liebherr LH 120 Mobile Hydraulic Material Handler Unit.
 - Quantity of Two, Liebherr LHM 280 Mobile Port Crane. (requested funding)
 - Quantity of Two, 30 Ton Forklift.
 - Quantity of Two, 60 Ton Container Lift trucks.
 - Construct new on dock 3000 MT/hr transfer conveyor system.
- Finish office / shop upgrades and renovations.
- Construct 24,000 tonne storage building in existing live load bin.
- Design and construct truck dumping conveyor system in storage building.
- Finish berming site, including landscaping, security fencing, and entrance gates.
- Convert existing train trestle to truck dumping in live load bin.

Total 2015/16: \$20,955,000.00**2017**

- Finish structure upgrades to live loading conveyor systems and loading tower.
- Finish renovations to live loading bin.
- Start Phase 1 of roll on / roll off construction.
- Construct Phase 2 sheet pile dock infill.
- Phase 2 of storm drainage and environmental containment on dock.

Total 2017: \$9,035,000.00**2018**

- Phase 2 of roll on /roll off construction.
- Construct Phase 3 of sheet pile dock infill.
- Phase 3 of storm drainage and environmental containment on the dock.
- Provide dry-dock capability in roll on / roll off dock.

Total 2018 \$8,655,000.00**Four Year Planned Investment of: \$38,645,000.00**

**About the Corporation of the County of Prince Edward
Community Development Department**

Prince Edward County's Municipal Community Development Department works alongside a Community and Economic Development Commission (Municipal Board) and local partners to set economic development priorities, allocate financial resources and implement key strategies and initiatives that support the local economy including:

- Corporate strategic and community land-use planning
- One-window development approvals
- Leveraging culture & heritage assets as economic drivers
- Corporate infrastructure grants and applications
- County surplus lands, real estate sales and leasing
- Small business facilitation, training, retention & expansion activities, downtown revitalization, destination marketing and program/partner referrals

**About Prince Edward/Lennox and Addington Community Futures
Development Corporation (PELA CFDC)**

PELA CFDC is a community-based, not-for-profit corporation with the objective of encouraging local entrepreneurship and economic development. PELA CFDC has been a partner in program delivery with both the Government of Canada and Province of Ontario for more than 30 years.

PELA CFDC specializes in providing business loans, grants and training. They are a team of experienced professionals that deliver free business counseling services, information and statistical analysis, and connections to their network of entrepreneurs, investors and community groups.

- Strategic Community Planning and Socio-Economic Development
- Support for Community Economic Development Projects
- Business Information and Planning Services
- Access to Capital through lending and venture capital
- Grant funding through the Eastern Ontario Development Program (EODP)
- Entrepreneurial training through the Empowering Young Entrepreneurs (EYE) Program funded by MEDEI

For more information or to setup a site tour, please contact:

Neil Carbone
Director of Community Development

The Corporation of the County of Prince Edward

613.476.2148 ext. 257
ncarbone@pecounty.on.ca

Craig Desjardins, MBA
Executive Director

Prince Edward/Lennox & Addington
Community Futures Development Corporation

613.476.7901 x 201
cd@pelacfdc.ca
<http://www.pelacfdc.ca>

Ben Doornekamp

Picton Terminals
62 White Chapel Road, Prince Edward County, ON K0K 2T0

613-386-3033 ext. 33
Cell: 613-561-6538 ben@doornekamp.ca
www.pictonterminals.ca



Report 2016-070

Council Recommend Report

To: Warden and Members of Council
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Anne Marie Young, Manager of Economic Development
Date of meeting: June 15, 2016
**Re: Planning & Economic Development Department – K&P Trail Land Transfer–
South Frontenac**

Recommendation

Whereas from time to time a negotiation process may be necessary to allow other development on and adjacent to the Frontenac K&P Trail;

Be It Resolved That in accordance with By-law 17-1995 the Council of the County of Frontenac pass a by-law later in the meeting to declare lands legally described as Portland Con 1 Pt Lots 1 and 2, Con 2 Pt Lots 2 and 3, Con 3 Pt Lots 3 and 4, Con 4 Pt Lots 3 to 7 Con 5 Pt Lots 7 and 8, Con 6 Pt Lot 7, Con 7 surplus for the purpose of transfer portions of the former K&P to the Township of South Frontenac to improve the intersection at Harrowsmith;

And Further That staff be directed to negotiate the terms of a land sale with South Frontenac for part of the County owned property located between Wilton and Colebrook Roads in Harrowsmith; legally described as Portland Con 1 Pt Lots 1 and 2, Con 2 Pt Lots 2 and 3, Con 3 Pt Lots 3 and 4, Con 4 Pt Lots 3 to 7 Con 5 Pt Lots 7 and 8, Con 6 Pt Lot 7, Con 7; subject to the following conditions:

- Purchase part of the said property for the purposes of constructing a street and that part of the property may be retained by the County to accommodate the trail to a 20 foot minimum,
- Re-establish and maintain the Cataraqui/ K&P Trail between Wilton Road and Colebrook Road East,
- Maintain the associated storm conveyance structure contained at this location,
- Purchase the said property for \$2.00 and any associated legal and surveying fees.

And Further That the Clerk be directed to give public notice of Council's intention in accordance with By-law No. 17-1995.

Background

The County of Frontenac has developed approximately 45 km - from the Kingston/ County border to Tichborne - of an abandoned rail bed now known as the K&P Trail and intends to develop it further to Sharbot Lake by July 2017.

In 2011 a concept plan was produced to develop in future phases a trailhead at the Harrowsmith Junction. Staff from public works in South Frontenac informed the working group at the time that there were future plans to improve the intersection at Harrowsmith and there could be consequences that might impact the trail.

Comment

The Township of South Frontenac is constructing a new intersection for Harrowsmith this fall. The preferred scenario for the redevelopment will result in the land on which the Cataraqui/ K&P Trail is currently located, between Wilton Road and Colebrook Road East, will be used for the construction of a new street. South Frontenac will move to one side the new street. With the proposed land transfer South Frontenac will take possession and maintenance of the existing 100 foot cement culvert constructed at this location. See Appendix A.

Pursuant to Section 2 a) and c) of By-law 17-1995, being a by-law to Establish Procedures Governing the Sale of Real Property, prior to the sale of any real property owned by the County, Council is required to pass a by-law or resolution in open session to declare the property surplus. In order to meet the notice provisions of Section 3 of the By-law, third reading of the proposed by-law to declare the lands surplus will take place at the July 20, 2016 Council. Section 2 b), being the requirement to obtain no sooner than one year before the sale at least one appraisal of the fair market value of the land is not required when selling land to any municipality, or when the lands were formally used for railway branch lines if sold to an owner of abutting lands.

Sustainability Implications

This project supports a number of focus areas adopted in Directions for Our Future and is directly identified in Sustainable Actions under the economic pillar of sustainability as – Trail Network Development. The project supports the development of a network of trails in the County facilitating recreation and transportation networks and promoting active lifestyles.

Financial Implications

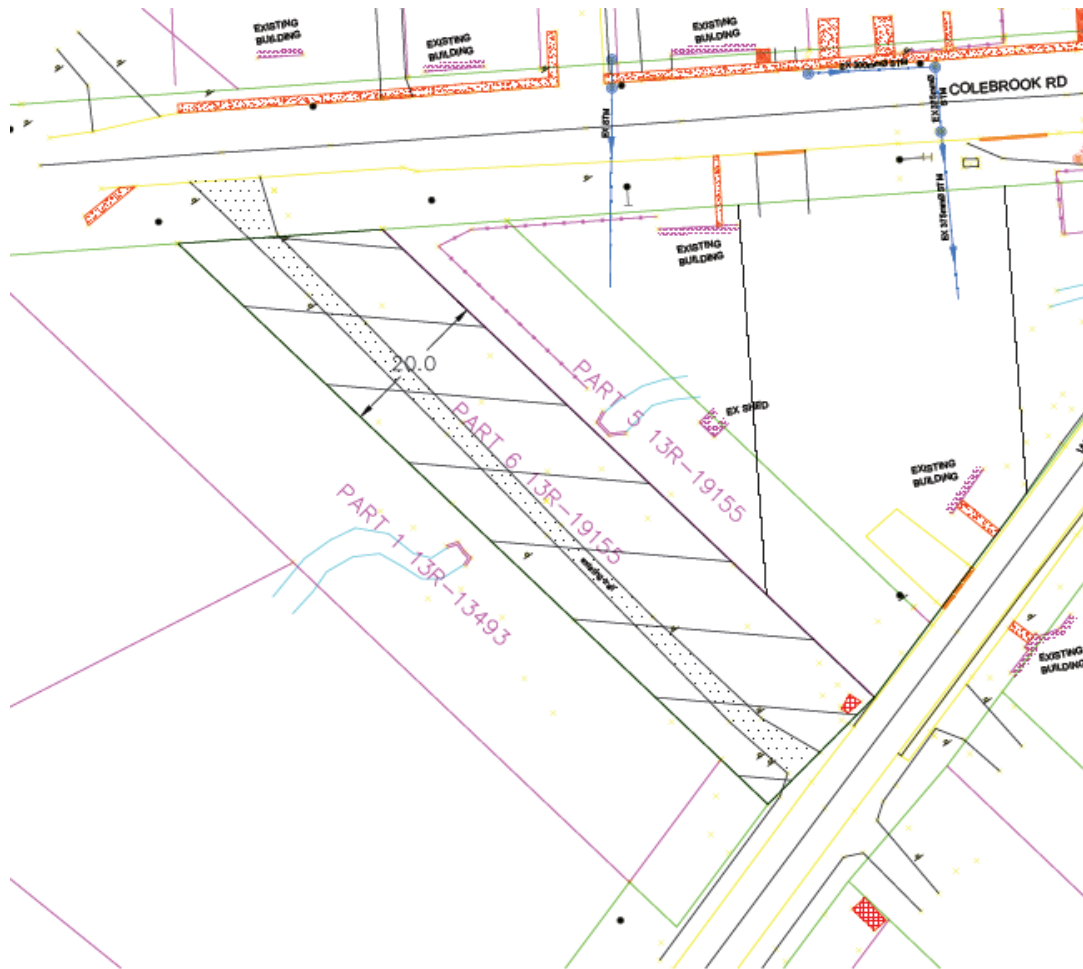
None

Organizations, Departments and Individuals Consulted and/or Affected

Township of South Frontenac
Residents of Harrowsmith

APPENDIX A

Note: County property depicted as Part 6 13R-19155





Report 2016-071

Council Recommend Report

To: Warden and Members of Council of the County of Frontenac

From: Kelly J. Pender, Chief Administrative Officer

Prepared by: Anne Marie Young, Manager of Economic Development

Date of meeting: June 15, 2016

Re: Planning and Economic Development - Permission to Enter into a Memorandum of Understanding with Central Frontenac Township

Recommendation

Whereas an agreement is pending for the Canada 150 Community Infrastructure Program (CIP) for \$247,000 that was approved last August 2015,

Now Therefore Be It Resolved That the Chief Administrative Officer be authorized to sign a Memorandum of Understanding with the Township of Central Frontenac for the use of any of its road allowances and/or land that need to be used to complete the trail.

AND Further That the Warden and the Clerk be authorized to sign an agreement with the Federal Economic Development Agency for Southern Ontario (FedDev Ontario).

Background

On August 10, 2015 a letter of notification was received stating that the County's application to the CIP 150 fund was successful for a non-repayable contribution of \$247,000.

At its regular September 2015 Council the following resolution was approved:

Whereas in the fall of 2013, County Council approved the K&P Trail Implementation Plan 2013 – Tichborne to Sharbot Lake;

Whereas County Council approved \$247,000 of reserves (Investing in Ontario) to be used to apply for the Canada 150 Community Infrastructure Program (CIP)

Now Therefore Committee of the Whole recommends to County Council to authorize a contribution agreement through the CIP 150 program with the Federal Economic Development Agency for Southern Ontario for Project #808161 – Expansion of Frontenac Trail for a non-repayable of up to \$247,000

And Further, that staff be directed to execute said contribution agreement

And Finally that Council pass a bylaw later in the meeting to redirect the remaining Investing in Ontario funds to the K&P Trail.

Comment

In efforts to satisfy the terms for the funding agreement with FedDev, they are requesting that a Memorandum of Understanding be signed between the County and the Township of Central Frontenac to further validate the terms stated on the resolution that its Council passed in May 2015. This resolution gave permission for the County to use its land, as required, for the development of the K&P Trail from Tichborne to Sharbot Lake. (See Appendix A)

Sustainability Implications

This project supports a number of focus areas adopted in Directions for Our Future and is directly identified in Sustainable Actions under the economic pillar of sustainability as – Trail Network Development. The project supports the development of a network of trails in the County facilitating recreation and transportation networks and promoting active lifestyles.

Financial Implications

There is an allotment in the 2016 for the development of the K&P Trail from Tichborne to Sharbot Lake.

Organizations, Departments and Individuals Consulted and/or Affected

Township of Central Frontenac

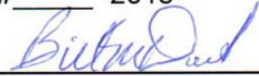
Appendix A – Resolution of Central Frontenac Council

#11

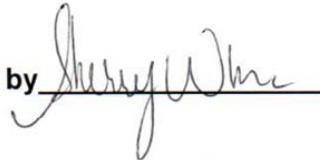
Corporation of the Township of Central Frontenac – May 26, 2015

Resolution # _____ - 2015

Moved by



Seconded by



WHEREAS the County of Frontenac is applying for the Canada 150 Community Infrastructure Program for the K&P extension between Tichborne and Sharbot Lake;

AND WHEREAS portions of the trail as it exists may require municipal road allowances and vacant land;

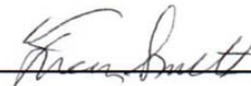
AND WHEREAS they require Council's endorsement of the application along with the use of municipal lands if required;

AND THEREFORE Council receive the presentation from Anne-Marie Young, Manager of Economic Development and endorse their application to the Canada 150 Fund and the use of municipal lands.

AND THEREFORE Council endorse the Township's application to the Canada 150 Fund for the Library Community Centre extension to the Parham Fire Hall.

Carried ✓
 Defeated _____

Mayor/Chair



Recorded Vote

F. Smith _____
 C. Kelsey _____
 B. MacDonald _____

B. Cameron _____
 T. Dewey _____
 V. Heese _____

P. Smith _____
 S. Whan _____
 J. Riddell _____



Report 2016-072

Council Recommend Report

To: Warden and Members of Council of the County of Frontenac

From: Kelly J. Pender, Chief Administrative Officer

Prepared by: Joe Gallivan, Director of Planning and Economic Development
Kelly J. Pender, Chief Administrative Officer

Date of meeting: June 15, 2016

Re: **Planning and Economic Development – Establishment of a
County of Frontenac Planning Advisory Committee (Report #3)**

Recommendation

Resolved That the Council of the County of Frontenac accept the Planning and Economic Development – Establishments of a County of Frontenac Planning Advisory Committee Reports (2016-048 and 2016-057);

And Further That Council adopt the Planning Advisory Committee (PAC) Terms of Reference appended to Report 2016-048 with a committee composition composed of the four member Municipal Mayors (or their second member of County Council – at their discretion), plus three public members appointed by Council;

And Further That a review of the effectiveness of the Committee be completed in the spring of 2018;

And Further That County of Frontenac Procedural By-law 2013-0020, Schedule B, Advisory Committees of Council be amended to add Schedule B-4 Planning Advisory Committee;

And Further That the Manager of Legislative Services/Clerk be directed to advertise for public members to sit on the Committee PAC and the four Mayors evaluate the applications and make a recommendation to County Council for their consideration as per the Procedural By-law;

And Further That the Chief Administrative Officer and/or the Director of Planning and Economic Development meet with the Council of each member municipality to review the purpose of the Committee and answer any questions.

Background

At the April 20, 2016 Council meeting, staff report #2016-048 was reviewed by Council and the following motion was passed:

Resolved That the Council of the County of Frontenac accept the Planning & Economic Development – Establishment of a County of Frontenac Planning Advisory Committee report for information;

And Further That Council discuss this proposal including the composition of the Planning Committee at an upcoming Committee of the Whole meeting scheduled for May 20th, 2016.

CARRIED AS AMENDED

At the May 18, 2016 Council meeting a supplementary report -- staff report #2016-057 -- was reviewed by Council and the following motion passed:

Resolved That Report #2016-57 be deferred and staff come back with additional options for the mandate/terms of reference/composition of the Committee.

CARRIED

Reports #2016-48 and #2016-57 have been included in the agenda package for Council's reference.

Comment

The purpose of this report is to provide Council with a series of options for the composition and mandate of the proposed Planning Advisory Committee (PAC).

As noted in the previous reports, Frontenac County will be required to establish a Planning Advisory Committee under the changes to the *Planning Act* as a result of Bill 73. Staff have now been informed by the Ministry of Municipal Affairs and Housing that these changes will come into effect on July 1st, 2016.

Committee Composition: As stated at the May 18th County Council meeting, staff recommend that the PAC be comprised of seven members: four Mayors and three County citizens. This makeup would insure that a member from each Township would sit on the Committee and the majority of votes would be from elected officials. The PAC would require only one citizen to sit on the Committee to meet the *Planning Act* requirements, however having three citizens allows for a greater opportunity for Frontenac County residents to be involved.

Committee Mandate: Approval of the first County Official Plan in January, 2016, was a significant step forward in creating regional planning policies that reflect the rural nature of the area and the ability to set priorities for management and protection of the extensive natural resources in the Frontenacs. The County plan acts as a bridge between the prescriptive policies of the Provincial Policy Statement (PPS) and the local Official Plans. Within this context, staff recommend that the PAC focus on review and development of planning policies that will affect the County, with the goal of making recommendations to County Council after having adequate time to deliberate and understand the implications of policy development.

It is also recommended that the PAC also hold the formal Public Meetings as required by the *Planning Act* for subdivision and condominium applications. Currently these meetings are held by each Township Council at the request of the County. Having the PAC hold these meetings will result in a more transparent and accountable process, as the public will be aware that they are speaking to a Committee of County Council, and that four of the eight County Council members will be present at the meeting.

Other Options: Staff have prepared a matrix of the various options for Council to consider for the composition and mandate of the PAC (see Appendix 'A', attached). The options range from having only one citizen on the PAC to having an all-citizen appointment (composition), and to having the committee only involved in public meetings or only involved in policy (mandate). The staff recommendation is indicated as Option #5 which is described above – the PAC would be involved in policy development as well as public meetings.

Committee Terms of Reference: The terms of reference for the Committee remains unchanged from the original draft. However staff would like to clarify that the mandate of the PAC would be based on issues related to the *Planning Act* and the County Official Plan. The County Economic Development Charter is mentioned in the Terms of Reference and the intent is to ensure that the PAC does not make recommendations on land use planning policies in isolation from the economic development plans promoted by the County.

Sustainability Implications

As stated in *Directions for Our Future*, Government decision-making processes are clear, transparent, forward thinking and focused on the longer term. The public is interested, informed, and meaningfully involved in local governance.

Financial Implications

As noted in Report 2016-057 there will be costs associated with the operation of the PAC including remuneration for citizen members.

At the macro level, there are three significant cost implications for Council to consider which indicate the value of having a PAC that will be involved in policy development and subdivision/ condominium review:

1. Policy reports are required for making and defending many planning decisions. For example, the Private Roads Study was required in order to advance local/regional priorities, (i.e., the ability to continue to permit development on private roads). The proposed PAC terms of references contemplates a role that will include providing advice to Council on such matters.
2. The cost of appearing before the Ontario Municipal Board (OMB) is a significant expense for any municipality. Ensuring that Council has all the information to make informed and timely decision that reflects the policy framework of the Province, the County and the member municipality is imperative in order to minimize OMB costs and the risk of the award of costs.

It is also important to recognize that planning applications in one municipality can and will translate into costs in another municipality. The diligence and advice of the PAC will be important to Council when these situations arise.

3. Time and uncertainty are a significant driver of costs in the planning process. The expectation of the Province is that planning decisions are rendered in a manner consistent with the timelines stipulated by the *Planning Act*. Delays and uncertainty increase the costs for the proponent, municipality and citizens (where they choose to participate). The Committee will provide one point of contact for proponents and citizens, thereby reducing layers and the time required to process applications through to a decision.

The format recommended by staff will provide a framework for reducing costs over the long term while promoting and implementing policies that increase economic development opportunities across the region.

Organizations, Departments and Individuals Consulted and/or Affected

Ministry of Municipal Affairs and Housing

Appendix A

Planning Advisory Committee – Implementation Options

Committee Focus Committee Composition	Only Public Meetings (All Policy Discussion At Council)	Public Meetings + Policy Input	Only Policy (Public Hearings By Council)
All Council + One (or more) Citizen Appointees	Option #1 Citizen Appointee(s) would not be familiar policy directions	Option #1 All Council familiar with public meeting and policy	Option #3 Citizen Appointee(s) would not be familiar with applications and resulting issues
Four Mayors + 3 Citizen Appointees	Option #4 Citizen Appointee(s) would not be familiar policy directions	Option #5 (Staff Recommendation) Policy would support application recommendations	Option #6 Citizen Appointee(s) would not be familiar with applications and resulting issues
All Citizen Appointees	Option #7 Council not familiar with details from Public Meetings	Option #8 Council not as familiar with applications or policy	Option #9 No Council input into the formulation of policy recommendations



Report 2016-048

Recommend Report to Council

To: Warden and Council Members of the County of Frontenac
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Joe Gallivan, Director of Planning & Economic Development
Date of meeting: April 20, 2016

Re: Planning & Economic Development – Establishment of a County of Frontenac Planning Advisory Committee

Recommendation

Resolved That the Council of the County of Frontenac accept the Planning & Economic Development – Establishment of a County of Frontenac Planning Advisory Committee report for information;

And Further That Council discuss this proposal at an upcoming Committee of the Whole meeting scheduled for May 20th, 2016.

Background

Bill 73, *Smart Growth for Our Communities Act, 2015*, received Royal Assent on December 3, 2015. The Bill is an Act to amend the Development Charges Act, 1997 and the Planning Act. The Bill has not yet been proclaimed; however staff anticipate this happening sometime during this year.

Comment

Staff prepared a report for Council on June 17, 2015 on the impacts of Bill 73 for planning across the County which can be found [here](#). Council endorsed the report and sent it to the Ministry of Municipal Affairs and Housing as part of the Ministry's public consultation on Bill 73.

The intention of many of the amendments to the *Planning Act* is to improve community consultation and in particular provide for earlier and more meaningful involvement for the public in the development approval process.

Subsection 8(1) of the *Planning Act* currently allows municipalities the option to appoint a Planning Advisory Committee. One of the proposed Bill 73 changes is that these Planning Advisory Committees be mandatory, under subsection 8(1) for:

- every upper-tier municipality; and
- every single-tier municipality that is not in a territorial district (except for the Township of Pelee)

County Council will have the authority to appoint members to the Planning Advisory Committee. Under the Bill 73 changes the *Planning Act* will require that this Committee must include at least one citizen of the County who is neither a member of a municipal council nor an employee of any of the five municipalities. One suggestion from staff is that the Committee be comprised of the four Mayors of the Townships as well as three citizens, with one of the citizens acting as Chair. The size and composition of the Committee should be considered within the context of the draft Terms of Reference. A copy of the proposed Terms of Reference is attached to this report as Appendix A.

The proposed Terms of Reference anticipates that with the County Official Plan now in place and approval of an Economic Development Charter, County Council will be more fully engaged in the regional issues affecting planning and economic development.

The Committee would act as a connection between the operations of the Planning & Economic Development Department and the strategic direction of Council. It would serve as a venue to allow for full discussion and understanding of important planning issues prior to the issues going forward to Council. The Committee would also represent Council at public meetings regarding subdivisions, condominiums, and possibly other meetings that deal with County-wide planning issues.

Sustainability Implications

As stated in *Directions for Our Future*, Government decision-making processes are clear, transparent, forward thinking and focused on the longer term. The public is interested, informed, and meaningfully involved in local governance.

Financial Implications

There is no allocation for the support of a Planning Advisory Committee in the 2016 budget.

Organizations, Departments and Individuals Consulted and/or Affected

Ministry of Municipal Affairs and Housing

Frontenac County
Planning Advisory Committee
Terms of Reference

The Planning Advisory Committee is responsible for overseeing all regional development, planning, and economic development within the County of Frontenac in accordance with the County's Official Plan document, *Directions for Our Future* sustainability plan, and the Frontenac County Economic Development Charter.

MEMBERSHIP

Membership of the Planning Committee shall consist of XXX Members of Council, as approved by Council. It shall also consist of XXX citizens who are residents of Frontenac County.

GENERAL RESPONSIBILITIES

The Planning Advisory Committee shall:

1. Be responsible directly to Council for those items emanating from the Planning & Economic Development Department.
2. Ensure co-ordination and consultation with other County Advisory Committees and departments where responsibilities overlap on planning matters and on issues relevant to the mandate of more than one Committee.
3. Subsequent to the approval of the budget, consider budget proposals and business plans for the Planning & Economic Development Department pertaining to items within the Advisory Committee mandate.
4. Consult with the City of Kingston Rural Affairs Advisory Committee on issues of joint interest and/or impact rural residents and businesses, or relating to items of interest for the agricultural and associated industries, and to issues with respect to rural affordable housing.
5. Receive reports from staff on items within the Committee's mandate.
6. Receive public delegations on matters affecting general land use planning and economic development in the County of Frontenac and hold public meetings, as required by the *Planning Act*, with respect to plans of subdivision and condominium. All such public meetings would be held in the Township where a development proposal was located.
7. Review and recommend to Council revisions to the Planning Committee Terms of Reference, as required.
8. Recommend to Council, the County of Frontenac's participation in federal or provincial cost-sharing programs for matters within the mandate of the Committee.
9. Monitor provincial and federal legislation that has an impact on planning matters.

SPECIFIC RESPONSIBILITIES

The Planning Committee shall:

Planning

1. Provide direction to staff for the implementation of the planning and development goals and policies as outlined in the City's Official Plan document.
2. Make recommendations to Council with respect to County Official Plan matters.
3. Review and make recommendations to Council concerning other planning matters of the County, including regional studies affecting planning and/or economic development, special studies, sustainability issues, and planning policy matters.
4. Encourage and support the ongoing County sustainability plan, *Directions for Our Future*.
5. When applicable, review and consider reports on the following matters that fall within the mandate of the Committee:
 1. Subdivision and condominium applications;
 2. Extensions of draft plan approvals;
 3. County and Township Official Plan amendments; and
 4. County and Township Official Plan updates.

Housing

6. Make recommendations to Council on housing policies contained in the County Official Plan, based on:
 1. housing requirements and targets for the County of Frontenac;
 2. federal and provincial housing policies and other related policy initiatives;
 3. reports outlining the periodic review and evaluation of the housing situation in the Frontenacs; and
 4. implementation of the City of Kingston/Frontenac County Municipal Housing Strategy and related housing policy initiatives.
7. Make recommendations to Council on how to adequately and affordably house Frontenac County residents, and provide options for increasing the supply of affordable housing.
8. Make recommendations to Council on issues related to any funding opportunities from other levels of government or other sources, supporting projects along the spectrum of housing-related needs from new construction, to renovations to supportive housing.

Economic Development

9. Make recommendations to Council on economic development policies, strategies, and other initiatives that have an impact on the County's rural areas and interests, including tourism.

10. Work with the County Community Development Advisory Committee (CDAC) and the Community Futures Development Corporation (CFDC) to support economic growth and stability in the Frontenacs.
11. Make recommendations to Council on matters relating to Community Improvement Plans (CIPs) as a means to support and promote economic development in the rural areas.
12. Have responsibility and focus on issues relating to economic development within Frontenac County, and provide guidance to Council and to County staff.
13. Receive advice from, and work with economic development stakeholders such as Community Futures Development Corporation, Land 'O Lakes Tourism, Kingston Economic Development Corporation (KEDCO), and Township Economic Development Committees.
14. Encourage the creation of initiatives to support the implementation of the County Economic Development Charter.



Report 2016-057

Council Recommend Report

To: Warden and Council

From: Kelly Pender, Chief Administrative Officer

Prepared by: Joe Gallivan, Director of Planning and Economic Development
Kelly Pender, Chief Administrative Officer

Date of meeting: May 18, 2016

Re: **Establishment of a County of Frontenac Planning Advisory Committee (Report #2)**

Recommendation

Resolved That the Council of the County of Frontenac accept the Planning & Economic Development – Establishments of a County of Frontenac Planning Advisory Committee Reports (2016-048 and 2016-057);

And Further That Council adopt the Planning Advisory Committee (PAC) Terms of Reference appended to Report 2016-048 with a committee composition composed of the four member Municipal Mayors (or their second member of County Council – at their discretion), plus three public members appointed by Council;

And Further That a review of the effectiveness of the Committee be completed in the spring of 2018;

And Further That County of Frontenac Procedural By-law 2013-0020, Schedule B, Advisory Committees of Council be amended to add Schedule B-4 Planning Advisory Committee;

And Further That the Manager of Legislative Services/Clerk be directed to advertise for public members to sit on the Committee PAC and the four Mayors evaluate the applications and make a recommendation to County Council for their consideration as per the Procedural By-law;

And Further That the Chief Administrative Office and/or the Director of Planning and Economic Development meet with the Council of each member municipality to review the purpose of the Committee and answer any questions.

Background

At the April 20, 2016 Council meeting, staff report #2016-048 was reviewed by Council and the following motion was passed:

Resolved That the Council of the County of Frontenac accept the Planning & Economic Development – Establishment of a County of Frontenac Planning Advisory Committee report for information;

And Further That Council discuss this proposal including the composition of the Planning Committee at an upcoming Committee of the Whole meeting scheduled for May 20th, 2016.

CARRIED AS AMENDED

A copy of Report #2016-048 and the draft terms of reference have been included in the agenda package for your reference.

Comment

With the upcoming changes to the Planning Act included in Bill 73, the Province will require all upper tier municipalities and separated cities to establish a Planning Advisory Committee (PAC) that will, in the case of the County, support and provide advice to County Council on regional planning matters. Failure to act upon this requirement may open up planning applications to appeal to the Ontario Municipal Board on procedural grounds. While the duties and responsibilities of the PAC are not detailed in the *Planning Act* our advice to Council is that there is an expectation from the Province that the role will be transparent and substantive.

The PAC format presented by staff is an attempt to stake out a middle ground between providing minimal responsibilities and oversight to the requirement for a PAC, and what could amount to a unnecessary oversight of municipal planning. It keeps intact local prerogatives regarding the level of involvement any individual municipality may choose within their mandate, while providing Council with clear, transparent and meaningful advice on legislated areas within their jurisdiction.

The terms of reference included in the report will provide the committee with a mandate that includes both plan review and policy direction. It is the opinion of staff that this approach is necessary in order to ensure that Council is both informed on any individual planning application where County Council is the approval authority and that their decisions are reflective of the policy direction provided by Council. Similar to the role of a municipal Committee of Adjustment, the PAC should be considered to be Council's resource on planning matters within their mandate. Unlike the Committee of Adjustment, the PAC will provide recommendations to Council, rather than make final decisions.

Report 2016-048 speaks to the appointment of three public members. It would be our recommendation that given the technical nature of the PAC that interviews be conducted with applicants by the four Mayors. Members with backgrounds in planning, environment, governance or another related area should be given preference. The

recommendation from the Mayors would be voted on in the usual manner by Council following the process in the Procedural By-law.

From the perspective of “good planning” it is important to build both capacity and capability in the PAC so that they function as in house planning experts that are trusted by citizens and council. The PAC needs to be in essence both judge and jury for planning applications – not an advocate for any one position.

A fundamental principle of planning is that when examining planning policies and/or applications that you start at the broadest level, moving down to the narrowest point. In simple terms, moving from the *Planning Act* and policy implications down to a minor variance. By definition, the PAC will be dealing with the broadest planning implications and committee members will be required to make planning decisions based upon a critical analysis of planning legislation, technical data and community input. This balance between legislative and policy frameworks is vitally important to the decision making process and requires a focused approach based a knowledge of local direction, the ability to critically examine technical data and recognition of Provincial interests.

The hierarchy and the various roles is summarized below:

Legislative Framework	County	County PAC	Member Municipality
Planning Act	• Input to Province as Requested • Comment/ Compliance for all County/ Member Municipal Plans	• Comment and advice to County Council as Required	• Input to Province as Requested • Comment/ Compliance for all Municipal Plans
Provincial Policy Statements (PPS)	• Input to Province as Requested • Comment/ Compliance for all County/ Member Municipal Plans	• Comment and advice to County Council as Required	• Input to Province as Requested • Comment/ Compliance for all Municipal Plans
County Official Plan	• Development and Review	• Comment and advice to County Council as Required	• Comment to County Council as required
County Policy Direction	• Approval	• Development and Review • Advice to County Council	• Comment to County Council as required
Municipal Official Plan	• Approval	• Review and advice to County Council	• Development

Municipal Policy Direction	• Comment as requested	• Comment as requested	• Development and approval
Applications	County	County PAC	Member Municipality
Municipal Zoning By-laws	• Comment and advice to member municipality if requested.	• Comment and advice to County Council if requested.	• Review and approval.
Plans of Subdivision Plans of Condominium	• Approval	• Comment and advice to County Council	• Comment and advice to PAC
Severances/Consents Minor Variances	• No role unless requested by member municipality	• No role unless requested by member municipality	• Approval

The introduction of the PAC does not displace the member municipality's role and responsibility as it pertains to their planning function as described by the *Planning Act*. Each municipality will still be able select to their level of participation in processes within their approval authority and/or collect and provide comment on matters before PAC and the County as they see fit.

Staff are available to meet with municipal Councils to review the role of the PAC and answer any questions, but will not interfere in the local decision making regarding the level of participation of any individual municipality in determining their local processes.

Finally, given that this is a newly mandated role for the County, our recommendation is that the Terms of Reference for the PAC be reviewed in 2 years. At this point the committee will have had experience with the role and there will be other County models to examine for best practice

Sustainability Implications

As stated in *Directions for Our Future*, Government decision-making processes are clear, transparent, forward thinking and focused on the longer term. The public is interested, informed, and meaningfully involved in local governance.

Financial Implications

It is anticipated that the PAC would meet anywhere from 6 to 10 times per year depending upon application levels. Every effort would be made to combine meetings with current County Council schedules to minimize travel. Council will need to reconsider their current County Council Remuneration policy in order to determine whether or not to pay a per diem for attendance. As per By-law 2015-0042, being a by-law to authorize the payment of remuneration to County of Frontenac Council Members

and Non-Council Appointees to Statutory Boards and Committees, citizen members to statutory boards and committees receive a \$75 per diem per meeting.

For planning, there are three significant cost implications for Council to consider:

1. Policy reports are required for making and defending many planning decisions. For example, the Private Roads Study was required in order to advance local/regional priorities, (i.e., the ability to continue to permit development on private roads). The proposed PAC terms of references contemplates a role that will include providing advice to Council on such matters.
2. The cost of appearing before the Ontario Municipal Board (OMB) is a significant expense for any municipality. Ensuring that Council has all the information to make informed and timely decision that reflects the policy framework of the Province, the County and the member municipality is imperative in order to minimize OMB costs and the risk of the award of costs.

It is also important to recognize that planning applications in one municipality can and will translate into costs in another municipality. The diligence and advice of the PAC will be important to Council when these situations arise.

3. Time and uncertainty are a significant driver of costs in the planning process. The expectation of the Province is that planning decisions are rendered in a manner consistent with the timelines stipulated by the *Planning Act*. Delays and uncertainty increase the costs for the proponent, municipality and citizens (where they choose to participate). The Committee will provide one point of contact for proponents and citizens, thereby reducing layers and the time required to process applications through to a decision.

In a similar manner, the PAC will expedite local decision making on County and local Official Plans, thereby reducing delays and costs. For example, decision making on O.P. amendments and O.P. reviews by member municipalities should be completed in a matter of months and be made by local politicians, rather than many months to years under the previous Provincial approvals process.

As well, policy decisions made at the County (rather than the Provincial level) will reduce uncertainty for developers and ultimately lead to more (appropriate) development and less uncertainty for citizens and applicants.

The format recommended by staff will provide a framework for reducing costs over the long term while promoting and implementing policies that increase economic development opportunities across the region.

Organizations, Departments and Individuals Consulted and/or Affected

Ministry of Municipal Affairs and Housing



Report 2016-048

Recommend Report to Council

To: Warden and Council Members of the County of Frontenac
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Joe Gallivan, Director of Planning & Economic Development
Date of meeting: April 20, 2016

Re: Planning & Economic Development – Establishment of a County of Frontenac Planning Advisory Committee

Recommendation

Resolved That the Council of the County of Frontenac accept the Planning & Economic Development – Establishment of a County of Frontenac Planning Advisory Committee report for information;

And Further That Council discuss this proposal at an upcoming Committee of the Whole meeting scheduled for May 20th, 2016.

Background

Bill 73, *Smart Growth for Our Communities Act, 2015*, received Royal Assent on December 3, 2015. The Bill is an Act to amend the Development Charges Act, 1997 and the Planning Act. The Bill has not yet been proclaimed; however staff anticipate this happening sometime during this year.

Comment

Staff prepared a report for Council on June 17, 2015 on the impacts of Bill 73 for planning across the County which can be found [here](#). Council endorsed the report and sent it to the Ministry of Municipal Affairs and Housing as part of the Ministry's public consultation on Bill 73.

The intention of many of the amendments to the *Planning Act* is to improve community consultation and in particular provide for earlier and more meaningful involvement for the public in the development approval process.

Subsection 8(1) of the *Planning Act* currently allows municipalities the option to appoint a Planning Advisory Committee. One of the proposed Bill 73 changes is that these Planning Advisory Committees be mandatory, under subsection 8(1) for:

- every upper-tier municipality; and
- every single-tier municipality that is not in a territorial district (except for the Township of Pelee)

County Council will have the authority to appoint members to the Planning Advisory Committee. Under the Bill 73 changes the *Planning Act* will require that this Committee must include at least one citizen of the County who is neither a member of a municipal council nor an employee of any of the five municipalities. One suggestion from staff is that the Committee be comprised of the four Mayors of the Townships as well as three citizens, with one of the citizens acting as Chair. The size and composition of the Committee should be considered within the context of the draft Terms of Reference. A copy of the proposed Terms of Reference is attached to this report as Appendix A.

The proposed Terms of Reference anticipates that with the County Official Plan now in place and approval of an Economic Development Charter, County Council will be more fully engaged in the regional issues affecting planning and economic development.

The Committee would act as a connection between the operations of the Planning & Economic Development Department and the strategic direction of Council. It would serve as a venue to allow for full discussion and understanding of important planning issues prior to the issues going forward to Council. The Committee would also represent Council at public meetings regarding subdivisions, condominiums, and possibly other meetings that deal with County-wide planning issues.

Sustainability Implications

As stated in *Directions for Our Future*, Government decision-making processes are clear, transparent, forward thinking and focused on the longer term. The public is interested, informed, and meaningfully involved in local governance.

Financial Implications

There is no allocation for the support of a Planning Advisory Committee in the 2016 budget.

Organizations, Departments and Individuals Consulted and/or Affected

Ministry of Municipal Affairs and Housing

Frontenac County

Planning Advisory Committee

Terms of Reference

The Planning Advisory Committee is responsible for overseeing all regional development, planning, and economic development within the County of Frontenac in accordance with the County's Official Plan document, *Directions for Our Future* sustainability plan, and the Frontenac County Economic Development Charter.

MEMBERSHIP

Membership of the Planning Committee shall consist of XXX Members of Council, as approved by Council. It shall also consist of XXX citizens who are residents of Frontenac County.

GENERAL RESPONSIBILITIES

The Planning Advisory Committee shall:

1. Be responsible directly to Council for those items emanating from the Planning & Economic Development Department.
2. Ensure co-ordination and consultation with other County Advisory Committees and departments where responsibilities overlap on planning matters and on issues relevant to the mandate of more than one Committee.
3. Subsequent to the approval of the budget, consider budget proposals and business plans for the Planning & Economic Development Department pertaining to items within the Advisory Committee mandate.
4. Consult with the City of Kingston Rural Affairs Advisory Committee on issues of joint interest and/or impact rural residents and businesses, or relating to items of interest for the agricultural and associated industries, and to issues with respect to rural affordable housing.
5. Receive reports from staff on items within the Committee's mandate.
6. Receive public delegations on matters affecting general land use planning and economic development in the County of Frontenac and hold public meetings, as required by the *Planning Act*, with respect to plans of subdivision and condominium. All such public meetings would be held in the Township where a development proposal was located.
7. Review and recommend to Council revisions to the Planning Committee Terms of Reference, as required.
8. Recommend to Council, the County of Frontenac's participation in federal or provincial cost-sharing programs for matters within the mandate of the Committee.
9. Monitor provincial and federal legislation that has an impact on planning matters.

SPECIFIC RESPONSIBILITIES

The Planning Committee shall:

Planning

1. Provide direction to staff for the implementation of the planning and development goals and policies as outlined in the City's Official Plan document.
2. Make recommendations to Council with respect to County Official Plan matters.
3. Review and make recommendations to Council concerning other planning matters of the County, including regional studies affecting planning and/or economic development, special studies, sustainability issues, and planning policy matters.
4. Encourage and support the ongoing County sustainability plan, *Directions for Our Future*.
5. When applicable, review and consider reports on the following matters that fall within the mandate of the Committee:
 1. Subdivision and condominium applications;
 2. Extensions of draft plan approvals;
 3. County and Township Official Plan amendments; and
 4. County and Township Official Plan updates.

Housing

6. Make recommendations to Council on housing policies contained in the County Official Plan, based on:
 1. housing requirements and targets for the County of Frontenac;
 2. federal and provincial housing policies and other related policy initiatives;
 3. reports outlining the periodic review and evaluation of the housing situation in the Frontenacs; and
 4. implementation of the City of Kingston/Frontenac County Municipal Housing Strategy and related housing policy initiatives.
7. Make recommendations to Council on how to adequately and affordably house Frontenac County residents, and provide options for increasing the supply of affordable housing.
8. Make recommendations to Council on issues related to any funding opportunities from other levels of government or other sources, supporting projects along the spectrum of housing-related needs from new construction, to renovations to supportive housing.

Economic Development

9. Make recommendations to Council on economic development policies, strategies, and other initiatives that have an impact on the County's rural areas and interests, including tourism.

10. Work with the County Community Development Advisory Committee (CDAC) and the Community Futures Development Corporation (CFDC) to support economic growth and stability in the Frontenacs.
11. Make recommendations to Council on matters relating to Community Improvement Plans (CIPs) as a means to support and promote economic development in the rural areas.
12. Have responsibility and focus on issues relating to economic development within Frontenac County, and provide guidance to Council and to County staff.
13. Receive advice from, and work with economic development stakeholders such as Community Futures Development Corporation, Land 'O Lakes Tourism, Kingston Economic Development Corporation (KEDCO), and Township Economic Development Committees.
14. Encourage the creation of initiatives to support the implementation of the County Economic Development Charter.

Appendix A to Report 2016-057

SCHEDULE B-4 – ADVISORY COMMITTEE TO COUNTY COUNCIL

COMMITTEE NAME: Planning Advisory Committee

ESTABLISHMENT OF THE COMMITTEE

- (i) The County of Frontenac Planning Advisory Committee shall be comprised of xxx (x) members appointed by County Council as follows:
 - xxx (x) member of the public from each of the Four (4) Townships; and
 - four (4) members of County Council, those being the Mayors of each Township.
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- (ii) The members of the County of Frontenac Planning Advisory Committee shall hold office from the date of their appointment, at the pleasure of Council, up to the end of the term of Council;
- (iii) The County of Frontenac Planning Advisory Committee shall adhere to the County's Procedural By-law No. 2013-0020 and any amendments thereto, specifically *Section 26 – Committees* for the conduct of all Meetings.

TERMS OF REFERENCE

- (i) Goal/Vision

The vision of the County of Frontenac stated in *Directions for Our Future* is *Fresh with Opportunity Growing Vibrant, Innovative, Natural, Sustainable Places*. Within the context of the Values and Principles detailed, the Community Development Advisory Committee will be guided by the Vision Statement:

Fifty years into the future, the County of Frontenac is one of the most progressive municipalities in terms of community based sustainability planning because priorities and beliefs are determined through community consultation and County-wide considerations are well thought through and incorporate the four pillars of sustainability. The vision, developed to ensure the ongoing appreciation and continued improvements to our social, cultural, economic and environmental systems, strongly defines the region.

MANDATE/TERMS OF REFERENCE: The Planning Advisory Committee is responsible for overseeing all regional development, planning, and economic development within the County of Frontenac in accordance with the County's Official Plan document, *Directions for Our Future* sustainability plan, and the Frontenac County Economic Development Charter.

The Planning Advisory Committee shall:

1. Be responsible directly to Council for those items emanating from the Planning & Economic Development Department.
2. Ensure co-ordination and consultation with other County Advisory Committees and departments where responsibilities overlap on planning matters and on issues relevant to the mandate of more than one Committee.
3. Subsequent to the approval of the budget, consider budget proposals and business plans for the Planning & Economic Development Department pertaining to items within the Advisory Committee mandate.
4. Consult with the City of Kingston Rural Affairs Advisory Committee on issues of joint interest and/or impact rural residents and businesses, or relating to items of interest for the agricultural and associated industries, and to issues with respect to rural affordable housing.
5. Receive reports from staff on items within the Committee's mandate.
6. Receive public delegations on matters affecting general land use planning and economic development in the County of Frontenac and hold public meetings, as required by the Planning Act, with respect to plans of subdivision and condominium. All such public meetings would be held in the Township where a development proposal was located.
7. Review and recommend to Council revisions to the Planning Committee Terms of Reference, as required.
8. Recommend to Council, the County of Frontenac's participation in federal or provincial cost-sharing programs for matters within the mandate of the Committee.
9. Monitor provincial and federal legislation that has an impact on planning matters.

Specific Responsibilities

The Planning Committee shall:

Planning

1. Provide direction to staff for the implementation of the planning and development goals and policies as outlined in the City's Official Plan document.
2. Make recommendations to Council with respect to County Official Plan matters.
3. Review and make recommendations to Council concerning other planning matters of the County, including regional studies affecting planning and/or economic development, special studies, sustainability issues, and planning policy matters.

4. Encourage and support the ongoing County sustainability plan, Directions for Our Future.
5. When applicable, review and consider reports on the following matters that fall within the mandate of the Committee:
 1. Subdivision and condominium applications;
 2. Extensions of draft plan approvals;
 3. County and Township Official Plan amendments; and
 4. County and Township Official Plan updates.

Housing

6. Make recommendations to Council on housing policies contained in the County Official Plan, based on:
 1. housing requirements and targets for the County of Frontenac;
 2. federal and provincial housing policies and other related policy initiatives;
 3. reports outlining the periodic review and evaluation of the housing situation in the Frontenacs; and
 4. implementation of the City of Kingston/Frontenac County Municipal Housing Strategy and related housing policy initiatives.
7. Make recommendations to Council on how to adequately and affordably house Frontenac County residents, and provide options for increasing the supply of affordable housing.
8. Make recommendations to Council on issues related to any funding opportunities from other levels of government or other sources, supporting projects along the spectrum of housing-related needs from new construction, to renovations to supportive housing.

Economic Development

9. Make recommendations to Council on economic development policies, strategies, and other initiatives that have an impact on the County's rural areas and interests, including tourism.
10. Work with the County Community Development Advisory Committee (CDAC) and the Community Futures Development Corporation (CFDC) to support economic growth and stability in the Frontenacs.

11. Make recommendations to Council on matters relating to Community Improvement Plans (CIPs) as a means to support and promote economic development in the rural areas.
12. Have responsibility and focus on issues relating to economic development within Frontenac County, and provide guidance to Council and to County staff.
13. Receive advice from, and work with economic development stakeholders such as Community Futures Development Corporation, Land 'O Lakes Tourism, Kingston Economic Development Corporation (KEDCO), and Township Economic Development Committees.
14. Encourage the creation of initiatives to support the implementation of the County Economic Development Charter.

COMPOSITION OF THE COMMITTEE

The Council of the County of Frontenac hereby appoints the following individuals to the County of Frontenac Planning Advisory Committee:

Council Liaison to Planning and Economic Development
Councillor McDougall

Three (3) Representatives from the Community:

-
-
-

Four (4) members of County Council, those being the Mayors of each Township:

- North Frontenac – Councillor Higgins
- Central Frontenac – Councillor Smith
- South Frontenac – Councillor Vandewal
- Frontenac Islands – Councillor Doyle



Report 2016-073

Council Recommend Report

To: Warden and Members of Council
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Anne Marie Young, Manager of Economic Development
Date of meeting: June 15, 2016
Re: Planning & Economic Development Department – Permission to Enter into Agreement with the Province of Ontario

Recommendation

Whereas an application was filed with the Rural Economic Development program in January 2016.

Now Therefore Be It Resolved That the Warden and the Clerk be authorized to enter into an agreement with the Province of Ontario should the said application be successful.

Background

At Council's regular meeting in September 2015 the following recommendation was approved:

Whereas at its April 2015 County Council meeting Council approved in principle the Economic Development Charter and directed staff to work with the volunteers identified at the March 4th and 5th Economic Development Days to develop implementation plans, including partnership frameworks, timelines and performance measures for consideration by County Council in September 2015,

Whereas at a workshop held on June 9, 2015, Council and community stakeholder defined a list of actions to advance economic development in the Frontenacs;

Now Therefore Committee of the Whole recommends to County Council that the Economic Development Implementation Plan be endorsed, pending a breakdown of financial implications during the budget presentation,

And Further that staff be directed to leverage the allocated \$500,000 in a funding application to the Rural Economic Development (RED) Program.

Comment

An application was filed with the RED program January 15, 2016. Should the application be successful and an agreement be forthcoming staff are asking for permission to enter into an agreement with the Province of Ontario

Sustainability Implications

This project supports a number of focus areas adopted in Directions for Our Future and is directly identified in Sustainable Actions under the economic pillar of sustainability as – Trail Network Development. The project supports the development of a network of trails in the County facilitating recreation and transportation networks and promoting active lifestyles.

Financial Implications

County Council has approved \$500,000 for advancing economic development in Frontenac.

Organizations, Departments and Individuals Consulted and/or Affected

North Frontenac
Central Frontenac
South Frontenac
Frontenac Islands
Businesses of Frontenac



Report 2016-074

Council Information Report

To: Warden and Council Members of the County of Frontenac
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Paul J. Charbonneau, Director of Transportation and Emergency Services/Chief of Paramedic Services
Date of meeting: June 15, 2016

Re: Emergency and Transportation Services – County Rural Response Time

Recommendation

This report is for information only

Background

The Province of Ontario established a new unique legislated Response Time Standard (RTS) commencing in 2013. The County of Frontenac Council establishes its RTS each year and receives annual updates as to system performance to system standards.

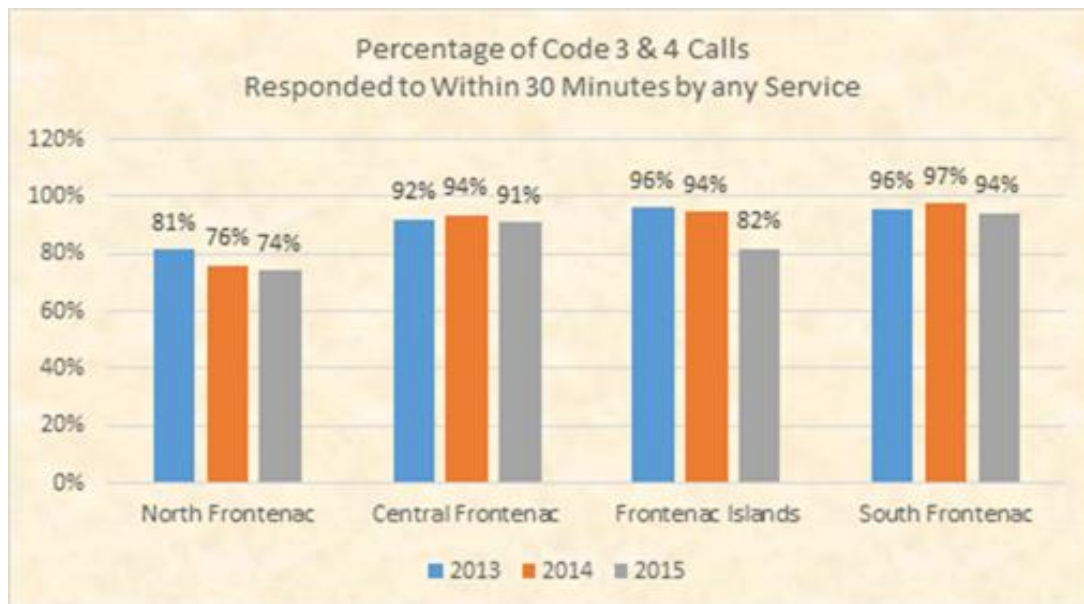
Comment

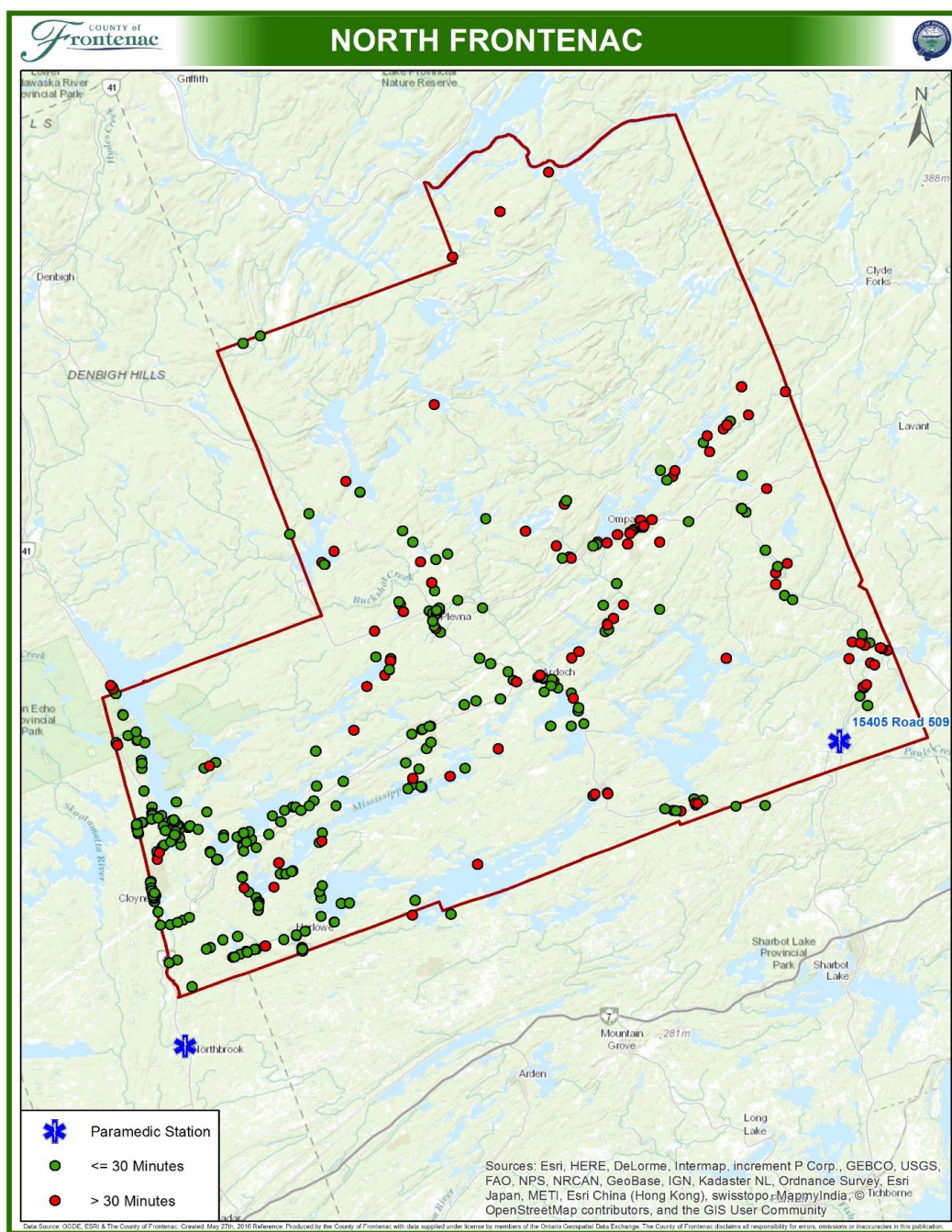
Response time standards have been around since the late 1970s when Jack Stout, the “Father of High Performance EMS” and an American EMS systems pioneer, introduced the eight (8) minutes or less concept for cardiac arrest calls.

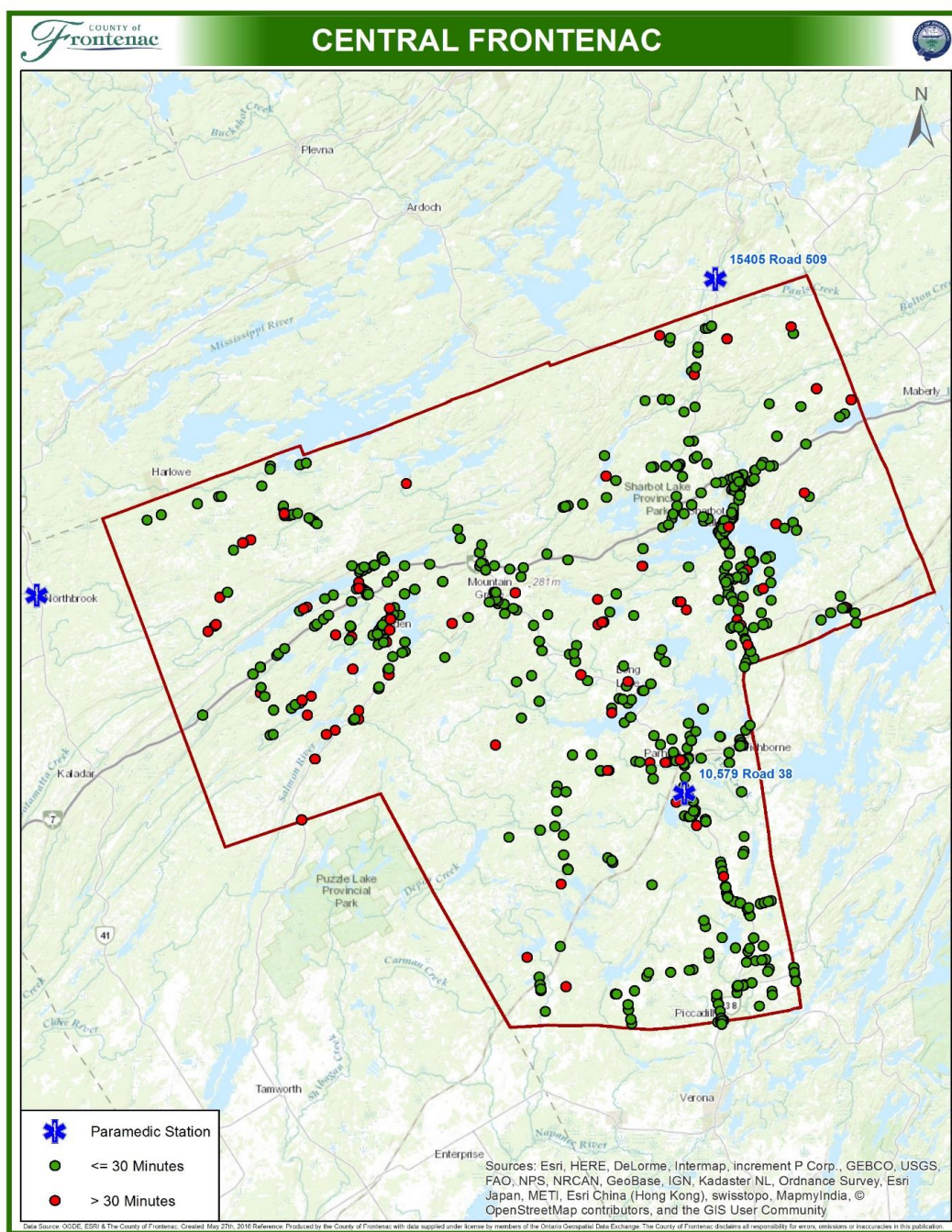
An industry standard of “response zones” consisting of urban, suburban, rural and remote/frontier has been utilized for over three (3) decades. Each “response zone” has a prescribed timeframe for response 90% of the time. The chart below illustrates this concept:

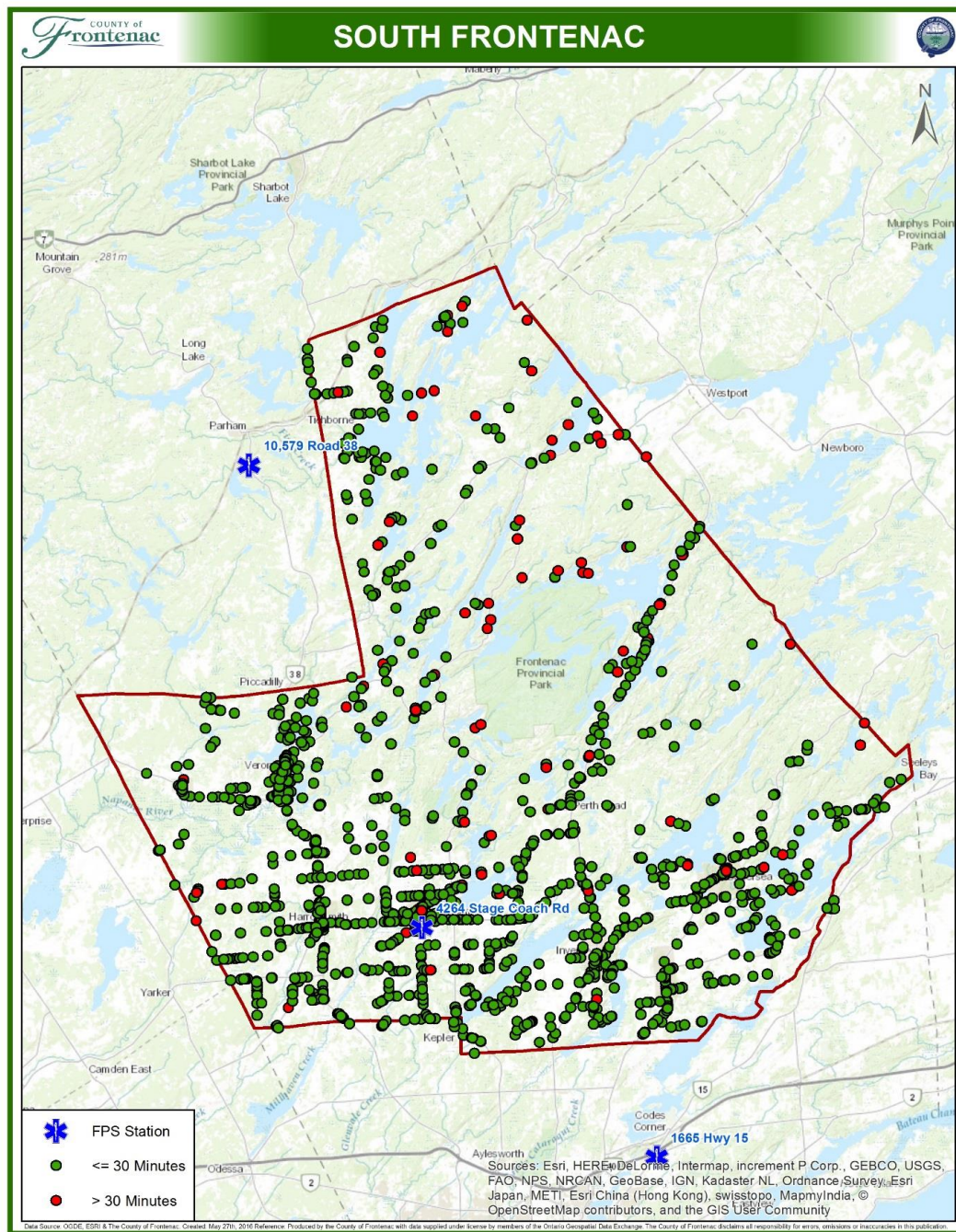


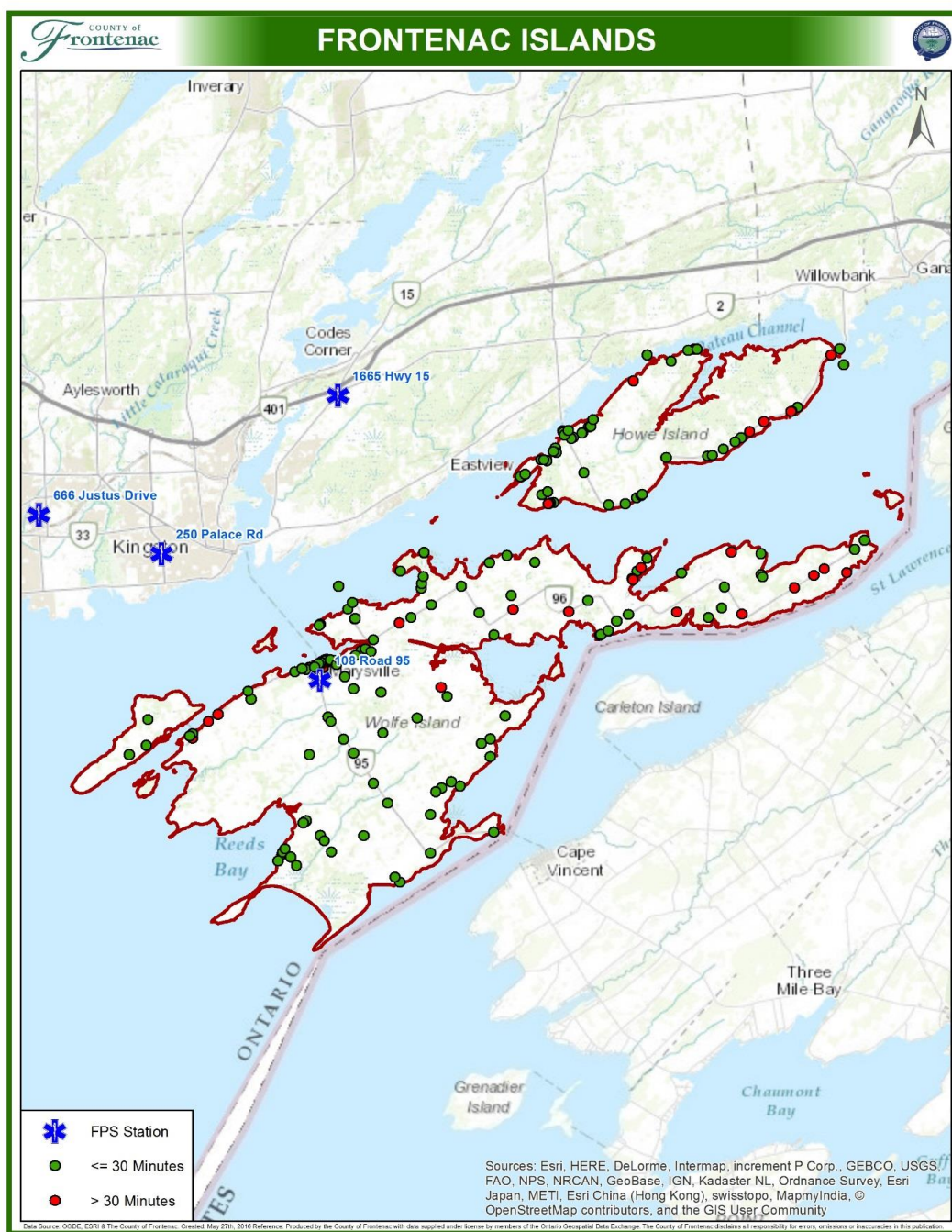
Retrospective investigation of calls in each of the member townships has been correlated and mapped. The chart below states the percentage of responses in thirty (30) minutes or less (Rural Standard) in each township.











Sustainability Implications

Good stewardship of the County's financial resources allows for the most appropriate care of our residents and visitors when in need of paramedic services.

Financial Implications

There are no financial implications associated with this report.

Organizations, Departments and Individuals Consulted and/or Affected

Kevin Farrell, GIS Specialist, County of Frontenac - Corporate Services



Information Report to Council

Report 2016-075

To: Warden and Council of the County of Frontenac
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Reid Shepherd, Community Planner
Date of meeting: June 15, 2016
Re: **Planning and Economic Development – Overview of Planning Act Changes in Bill 73**

Recommendation

This report is for information purposes only.

Background

County planning staff attended information sessions hosted by the Ministry of Municipal Affairs and Housing (MMAH) on May 3, 2016 and May 31, 2016 regarding changes to the Planning Act resulting from the implementation of Bill 73, the Smart Growth for Our Communities Act. The intention of this report is to provide an overview of some key changes that may have implications for the County of Frontenac.

In the fall of 2013, the Government of Ontario began a review of the land use planning, appeals and development charges systems in the province to determine their effectiveness and gather public input. A consultation process was initiated and concluded in January, 2014. Conclusions made from this process were that the current planning system is too complex and unpredictable.

On March 5, 2015, Bill 73, the Smart Growth for Our Communities Act, 2015 was introduced to amend the *Development Charges Act, 1997* and the *Planning Act*. On December 3, 2015, Bill 73 received 3rd Reading and Royal Assent.

Changes to the Development Charges Act, 1997 have now come into force, and certain provisions related to the Planning Act (discussed below in more detail) have also come into force. The bulk of the remaining changes to the Planning Act will come into force on July 1, 2016.

Comment

The following changes are not an exhaustive list but are intended to provide Council with an overview of the implications resulting from *Planning Act* amendments that will come into force on July 1, 2016.

In order to present the changes in an organized manner, MMAH has categorized the *Planning Act* changes into five key areas: Citizen Engagement, Certainty, Stability and Costs, Local Decision-Making and Accountability, Dispute Resolution and Transparency. The following information and tables will use these categories to outline the changes being made, and any implications to the County of Frontenac and associated Townships.

Key Planning Act changes already in force

- Restricted the ability of ministries *other* than MMAH to be added to an OMB appeal
- Review cycle for Provincial Policy Statement extended from 5 to 10 years
- Clarification that when new policies come into effect, official plan amendments are subject to the previous policies (aka “grandfathering”) *only* if all supporting materials had been submitted (application was complete) prior to the transition date

Key Planning Act changes coming into force July 1, 2016

Citizen Engagement

Change to Planning Act	Implication to County	Implication to Townships
Decisions related to planning matters must include an explanation of how public input affected the outcome	None. Planning reports already include these explanations.	Potential implications. Townships will need to ensure these policies are in place.
Public input must be considered by the OMB even in non-decision appeals	Potential implications. In previous appeals due to non-decisions, the OMB did not consider public input that had been submitted.	Potential implications. In previous appeals due to non-decisions, the OMB did not consider public input that had been submitted.
Public consultation policies must be included in Official Plans	None. County Official Plan already includes these policies.	Townships will need to ensure these policies are in place.
Planning Advisory Committees (PACs) must be established	The County is obligated to establish a PAC that includes at least 1 member of the public	Townships may choose to establish a PAC, but are not obliged.

Certainty, Stability and Costs

Change to Planning Act	Implication to County	Implication to Townships?
Increase from 5 to 10-year review cycle for new Official Plans and Zoning By-laws	Implications in the future. The current plan is subject to the existing 5-year review process.	Any <u>new</u> Official Plans will not require review for 10 years. Current plans are subject to their existing 5-year review processes.
No privately-initiated applications to amend a new Official Plan or Zoning By-law within 2 years – unless Council passes a resolution to allow them	Implications in the future. When a <u>new</u> Official Plan is adopted, Council may choose to pass a resolution to opt out of the 2-year freeze. Resolution may be specific to an application, class of applications or more general.	Township Councils may choose to pass resolutions to opt out of the 2-year freeze. Resolution may be specific to an application, class of applications or more general.
Limits to approvals and appeals of Township Official Plans unless they conform to the County Official Plan	Approvals of Township Official Plans and amendments to them must conform to the County Official Plan.	Township Official Plans and amendments to them must conform to the County Official Plan.
Draft Official Plans and Official Plan Amendments must be submitted to MMAH 90 days before notice of the public meeting	Any new draft Official Plans/Amendments must be submitted to MMAH for review within the new timeframes.	None. Township Official Plans/Amendments are not subject to this requirement because the County is the Approval Authority.
New provincial interest in promoting built environments with desirable characteristics and a requirement that built environment policies be included in Official Plans	Updates to the County Official Plan need to include policies that address the built environment.	Updates or new Township Official Plans need to include policies that address the built environment.

Local Decision-Making and Accountability

Change to Planning Act	Implication to County	Implication to Townships
Optional 90-day increase in time for approvals of Official Plans and amendments	May be beneficial in approval of Township Official Plans/amendments by allowing more than the current 180 days for a decision. Before 180 days has passed, written notice must be given by either County or Township for an additional 90 days.	May be beneficial in allowing additional time for County to approve Official Plan amendments by increasing time for them to render a decision. Before 180 days has passed, written notice must be given by either County or Township for an additional 90 days.

Dispute Resolution

Change to Planning Act	Implication to County	Implication to Townships
No appeals of specific provincially-approved matters (eg. MOE-approved source water protection boundaries)	Potential implications. Subdivision/vacant land condominium developments could be affected by source water protection or other provincially-approved boundaries.	Subdivision/vacant land condominium developments, Official Plan designations, Zoning By-laws, etc. could be affected by source water protection or other provincially-approved boundaries.
No appeals of second-unit residential policies in Official Plan updates	Current policies requiring second unit residential policies in Township Official Plans cannot be appealed.	Policies in Official Plans and implementing Zoning By-laws allowing second unit residential units cannot be appealed.
More detailed reasons for appeals related to local/provincial policy required at time of notice	Appeals launched solely for the purposes of stalling new plans or policies may be avoided.	Appeals launched solely for the purposes of stalling new plans or policies may be avoided.
No appeals of entire new Official Plans	Appeals launched over parts of future new plans will not hold up unrelated policies from coming into effect.	Appeals launched over parts of future new plans will not hold up unrelated policies from coming into effect.

Change to Planning Act	Implication to County	Implication to Townships
Optional 60-day increase in time for alternative dispute resolution prior to OMB appeal of Official Plans, Zoning By-laws, etc.	May be beneficial in potential County Official Plan appeals <u>or</u> approvals of Township Official Plans and subdivisions/vacant land condominiums by allowing an additional 60 days before going to the OMB (up from 15) to be spent on alternative dispute resolution. Both sides must agree.	May be beneficial in potential Official Plan, Zoning By-law, or other appeals by allowing an additional 60 days before going to the OMB (up from 15) to be spent on alternative dispute resolution. Both sides must agree.
No minor variances for 2 years after a site-specific rezoning – unless Council passes a resolution to allow them	None. Townships are the approval authority for minor variances.	Township Councils may choose to pass resolutions to opt out of the 2-year freeze. Resolution may be specific to an application, class of applications or more general.
Allow municipalities to establish additional criteria for minor variances	None. Townships are the approval authority for minor variances.	Township Councils may choose to pass a by-law establishing additional criteria for minor variances above and beyond the current 4-part test

Transparency

Change to Planning Act	Implication to County	Implication to Townships
Detailed reporting required for municipal collection of parkland fees	None. Townships collect parkland fees.	Townships will need to ensure these policies are in place.
Establishment of an alternative parkland dedication rate to incent acquisition of physical parkland	None. Townships collect fees and manage parklands.	Potential implications. Townships may choose to adopt alternative rates.
Require municipalities to prepare parks plans before adopting alternative parkland dedication rate policies	None. Townships collect fees and manage parklands.	Potential implications. If Townships pursue alternative rates (as above), parks plans must be in place.

Sustainability Implications

One of the key focus areas of *Directions for Our Future*, the County's Sustainability Plan, is Land Use Planning and Management. Responsible and proactive decision-making is a major component of land use planning in Frontenac County, and some of the changes in Bill 73 (ie. dispute resolution) will enable staff to make better land use planning decisions.

Financial Implications

There are no immediate financial implications to the *Planning Act* changes resulting from Bill 73. However, over the longer term, some variations in areas such as staff time may occur as a result of Bill 73. For example, fewer Official Plan appeals occurring due to Bill 73 could result in cost savings for the County of Frontenac.

Organizations, Departments and Individuals Consulted and/or Affected

The Ministry of Municipal Affairs and Housing has been consulted in the preparation of this report. In addition to the County of Frontenac, the townships of Frontenac Islands, South Frontenac, Central Frontenac and North Frontenac will all be affected by the changes resulting from Bill 73.

By-Law No. 2016-0019

Of

The Corporation of the County of Frontenac

being a by-law to appoint a municipal auditor

Whereas Subsection (1) of Section 296 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality shall appoint an auditor licensed under the *Public Accounting Act*, who is responsible for,

- (a) annually auditing the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit; and
- (b) performing duties required by the municipality or local board.

And Whereas Subsection (3) of Section 296 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended provides that an auditor of a municipality shall not be appointed for a term exceeding five years;

And Whereas By-law 2013-0028 appointed Allan Chartered Accountant Professional Corporation appointed as the municipal auditor to provide auditing services for the fiscal years 2013 to 2015:

Now Therefore Be It Resolved That the Council of The Corporation of the County of Frontenac hereby enacts as follows:

- 1. **That** Allan Chartered Accountant Professional Corporation be hereby appointed as the municipal auditor to provide auditing services for the fiscal years 2016-2017.
- 2. **That** all by-laws contrary to or inconsistent with the provisions of this by-law are hereby repealed.
- 3. This by-law shall come into force and take effect on its passing thereof.

Read a First and Second Time this 15th day of June, 2016.

Read a Third Time and Finally Passed, Signed and Sealed this 15th day of June, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Kelly Pender, Deputy Clerk

By-Law Number 2016-0020

of

The Corporation of the County of Frontenac

being a by-law to amend By-law No. 2013-0020 (to govern the proceedings of the Council and its Committees, the Conduct of Members and the Calling of Meetings) as it relates to the establishment of the Planning Advisory Committee

Whereas Section 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25, as amended* (the Act) provides that Council shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

And Whereas By-law No. 2013-0020, being a bylaw to provide for governing the proceedings of the Council and its committees, the conduct of members and the calling of meetings, was adopted by the Council of the Corporation of the County of Frontenac on May 15, 2013;

And Whereas By-law No. 2013-0020 allows Council to establish Committees, their memberships, mandates and reporting practice, with said committees forming part of By-law 2013-0020 as Schedule B;

And Whereas The Corporation of County of Frontenac deems it expedient to amend By-law No. 2013-0020 as it relates to the establishment of a Planning Advisory Committee;

Now Therefore Be It Resolved That the Council for The Corporation of the County of Frontenac hereby enacts as follows:

1. **That** By-law 2013-0020 be amended to add Schedule B-4 attached to this by-law hereto as Appendix A:
2. **That** this amending by-law shall come into force and take effect on the date of final passing.

Read a First and Second Time this 15th day of June, 2016.

Read a Third Time, Signed, Sealed and Finally Passed this 15th day of June, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Kelly Pender, Deputy Clerk

By-Law No. 2016-0021

Of

The Corporation of the County OF Frontenac

Being a by-law to declare lands legally described as Portland Con 1; Pt Lots 1 and 2; Con 2; Pt Lots 2 and 3; Con 3; Pt Lots 3 and 4; Con 4; Pt Lots 3 to 7; Con 5; Pt Lots 7 and 8; Con 6; Pt Lot 7; Con 7 surplus the purpose of transferring portions of the former K&P to the Township of South Frontenac to improve the intersection at Harrowsmith

Whereas County of Frontenac By-law No. 17-1995 establishes procedures governing the sale of real property;

And Whereas Section 2(a) requires that prior to the sale of any real property Council shall pass a by-law or resolution at a meeting open to the public to declare the real property to be surplus;

And Whereas Section 3(a) requires that notice to the public of a proposed sale of real property shall be given prior to the date of sale by publication in a newspaper that is, in the Clerk's opinion, of sufficiently general paid or unpaid circulation within the municipality to give the public reasonable notice of the sale;

And Whereas the Council for the Corporation of the County of Frontenac considers it desirable and expedient sell certain lands to the Township of South Frontenac to improve the intersection at Harrowsmith;

Now Therefore Be It Resolved That the Council of the Corporation of the County of Frontenac does hereby declare the following:

- 1. THAT** lands legally described as Portland Con 1; Pt Lots 1 and 2; Con 2; Pt Lots 2 and 3; Con 3; Pt Lots 3 and 4; Con 4; Pt Lots 3 to 7; Con 5; Pt Lots 7 and 8; Con 6; Pt Lot 7; Con 7, be declared surplus for the purpose of transferring portions of the former K&P to the Township of South Frontenac to improve the intersection at Harrowsmith, subject to the following conditions:
 - Purchase part of the said property for the purposes of constructing a street and that part of the property may be retained by the County to accommodate the trail to a 20 foot minimum
 - Re-establish and maintain the Cataraqui/ K&P Trail between Wilton Road and Colebrook Road East
 - Maintain the associated storm conveyance structure contained at this location

- Purchase the said property for \$2.00 and any associated legal and surveying fees.
- 2. **THAT** pursuant to By-law No. 17-1995, third reading of this by-law be given at the July 20, 2016 County Council meeting to accommodate public notice requirements
- 3. **THAT** this by-law shall come into force and take effect upon the date of final passing.

Read a first and second time this 15th day of June, 2016.

Read a third time, signed, sealed and finally passed this 20th day of July, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Kelly Pender, Deputy Clerk

By-law 2016-0021 – to declare lands legally described as Portland Con 1; Pt Lots 1 and 2; Con 2; Pt Lots 2 and 3; Con 3; Pt Lots 3 and 4; Con 4; Pt Lots 3 to 7; Con 5; Pt Lots 7 and 8; Con 6; Pt Lot 7; Con 7 surplus the purpose of transferring portions of the former K&P to the Township of South Frontenac to improve the intersection at Harrowsmith
June 15, 2016

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By-Law Number 2016-0022

of

The Corporation of the County of Frontenac

being a by-law to authorize the Warden and Clerk to enter into an agreement with the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) for the Canada 150 Community Infrastructure Program (CIP)

Whereas the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) provides grants and funding for the Canada 150 Community Infrastructure Program (CIP); and,

Whereas the County of Frontenac wishes to enter into an Agreement with Federal Economic Development Agency for Southern Ontario (FedDev Ontario) for the Canada 150 Community Infrastructure Program (CIP) for the K&P Trail:

Now Therefore Be It Resolved That the Council of the Corporation of the County of Frontenac enacts as follows:

1. **That** the Warden and Clerk are hereby authorized to execute an Agreement with the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) for the Canada 150 Community Infrastructure Program (CIP).
2. **That** this By-law shall come into force and take effect upon the date of final passing.

Read a First and Second Time this 15th day of June, 2016.

Read a Third Time, Signed, Sealed and Finally Passed this 15th day of June, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Kelly Pender, Deputy Clerk

By-Law Number 2016-0023

of

The Corporation of the County of Frontenac

being a by-law to authorize the Warden and Clerk to enter into an agreement with the Province of Ontario

Whereas the Province of Ontario provides grants through the Rural Economic Development (RED) Program; and,

Whereas the County of Frontenac submitted a grant application to the Rural Economic Development (RED) Program; and,

Whereas the Rural Economic Development (RED) Program requires that any potential grant applications enter into agreement with the Province of Ontario prior to any grants being awarded through the Rural Economic Development (RED) Program

Now Therefore Be It Resolved That the Council of the Corporation of the County of Frontenac enacts as follows:

1. **That** the Warden and the Clerk be authorized to enter into an agreement with the Province of Ontario for the Rural Economic Development (RED) Program should the application be successful.
2. **That** this By-law shall come into force and take effect upon the date of final passing.

Read a First and Second Time this 15th day of June, 2016.

Read a Third Time, Signed, Sealed and Finally Passed this 15th day of June, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Kelly Pender, Deputy Clerk

By-Law No. 2016-0022

of

The Corporation of the County OF Frontenac

being a by-law to confirm all actions and proceedings of County Council on
June 15, 2016

Whereas Section 8 of the *Municipal Act, S.O. 2001, c.25* and amendments thereto provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act; and;

Whereas Subsection 2 of Section 11 of the *Municipal Act, S.O. 2001, c.25* and amendments thereto provides that a lower-tier municipality and an upper-tier municipality June pass by-laws respecting matters within the spheres of jurisdiction described in the Table to Subsection 2 subject to certain provisions, and;

Whereas Section 5 of the *Municipal Act, S.O. 2001, c. 25* and amendments thereto provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 shall be exercised by its council and by by-law unless the municipality is specifically authorized to do otherwise; and;

Whereas the Council of the County of Frontenac deems it expedient to confirm its actions and proceedings;

Now Therefore Be It Resolved That the Council of the Corporation of the County of Frontenac hereby enacts as follows:

1. **That** all actions and proceedings of the Council of the County of Frontenac taken at its regular meeting held on June 15th 2016 be confirmed as actions for which the municipality has the capacity, rights, powers and privileges of a natural person.
2. **That** all actions and proceedings of the Council of the County of Frontenac taken at its regular meeting held on June 15th 2016 be confirmed as being matters within the spheres of jurisdiction described in Subsection 2 of Section 11 of the *Municipal Act, S.O. 2001, c.25* and amendments thereto.
3. **That** all actions and proceedings of the Council of the Corporation of the County of Frontenac taken at its regular meeting held on June 15th 2016 except those taken by by-law and those required by by-law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.

4. **That** this by-law shall come into force and take effect as of the final passing thereof.

Read a First and Second Time this 15th day of June 2016.

Read a Third Time and Finally Passed, Signed and Sealed this 15th day of June 2016.

The Corporation of the County Of Frontenac

Frances Smith, Warden

Kelly Pender, Deputy Clerk