



Special Council Meeting
Wednesday, August 24, 2016 – 9:30 a.m.
The Frontenac Room, 2069 Battersea Road, Glenburnie, ON

AGENDA

Page

1. Call to Order

2. Adoption of Agenda

- a) **That** the Addendum for the August 24, 2016 Special Council meeting be approved.

3. Disclosure of Pecuniary Interest and General Nature Thereof

4. Deputations and/or Presentations

5 - 21

- a) **Ms. Michelle Foxton** and **Mr. Charlie Labarge** will address County Council on behalf of the Hartington Community Association with respect to Recommend Reports from the Chief Administrative Officer, clause a) that being report 2016-093, Planning and Economic Development, Frontenac County response to the Ontario Municipal Board (OMB) hearing regarding Hartington Plan of Subdivision – County File # 10T-2013/002

5. Recommend Reports from the Chief Administrative Officer

- a) **Staff Briefing:** Michael Otis, Contract Planner, and John Pyke, Environmental Geoscientist with Malroz Engineering Inc. will brief Council with respect to Report 2016-093, Frontenac County response to the Ontario Municipal Board (OMB) hearing regarding Hartington Draft Plan of Subdivision – County File 10T-2013-002.
[See Recommend Reports from the Chief Administrative Officer clause b)]

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- b) **2016-093**
Planning and Economic Development
Frontenac County response to the Ontario Municipal Board (OMB) hearing regarding
Hartington Plan of Subdivision – County File # 10T-2013/002
Recommendation:

Whereas the Council of the County of Frontenac considered all written and oral submissions received on this application, the effect of which helped Council to make an informed decision;

Therefore Be It Resolved That the Council of the County of Frontenac receive the Planning and Economic Development – Frontenac County response to the Ontario Municipal Board (OMB) hearing regarding the Hartington Settlement Area Draft Plan of Subdivision – County File 10T-2013-002

And Further That Council endorse the approval of the Hartington residential subdivision development, including Draft Conditions of Approval attached to this report as Appendix A;

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- c) **2016-094**
Planning and Economic Development
Approval of North Frontenac Official Plan Amendment Number 7 Regarding Renewable Energy and Sustainability

Recommendation:

Whereas the Council of the County of Frontenac considered all written and oral submissions received on this application, the effect of which helped Council to make an informed decision;

Therefore Be It Resolved That the Council of the County of Frontenac receive the Planning and Economic Development - Approval of North Frontenac Official Plan Amendment Number 7 regarding Renewable Energy and Sustainability report for information;

And Further That the Council of the County of Frontenac approve North Frontenac Official Plan Amendment Number 7 to the Township of North Frontenac Official Plan as contained in Appendix A.

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- d) **2016-095**
Office of the CAO
Establishment of an Administrative Office Design Task Force

Recommendation:

That the Council of the County of Frontenac accept Chief Administrative Officer – Establishment of an Administrative Office Design Task Force report;

And Further That the Council of the County of Frontenac pass a by-law later in the meeting amending By-law 2013-0020, Schedule B to add Schedule B-5, Administrative Building Design Task Force attached as

Appendix A to this report.

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- e) **2016-096**
 **Planning and Economic Development Amendments to the K&P Trail Land Acquisition for Con 1 PT Lot 26 RP 13R7307; Part 1 and Hinchinbrooke Con 1 PT Lot; 26 RP 13R9630 Part 1**

Recommendation:


Be It Resolved That the Council of the County of Frontenac accept the Planning and Economic Development – Amendments to the K&P Trail Land Acquisition for Con 1 PT Lot 26 RP 13R7307; Part 1 and Hinchinbrooke Con 1 PT Lot; 26 RP 13R9630 Part 1 report;

And Further That the Council of the County of Frontenac authorize the Warden and Clerk to execute an Agreement of Purchase and Sale for lands described as Con 1 PT Lot 26 RP 13R7307; Part 1 and Hinchinbrooke Con 1 PT Lot; 26 RP 13R9630 Part 1 in the amount of Thirteen Thousand, Two Hundred and Fifty Dollars (\$13,250);

And Further That staff be authorized to issue a donation receipt in the amount of Thirteen Thousand, Two Hundred and Fifty Dollars (\$13,250), once appropriate documentation has been received.

6. Communications

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- a) From Charlie Labarge, Michelle Foxton, John Lesperance and Wade Leonard on behalf of the Hartington Community expressing concerns regarding the proposed Hartington Subdivision


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- b) From Hanne and Dennis Saunders expressing concerns regarding the proposed Hartington Subdivision


7. Public Question Period

8. 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) and b) that have been circulated to all Members of County Council and that by-laws a) and b) be read a first and second time.

- b) **Third Reading**

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

8..1 By-Laws

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- a) 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 Administrative Building Design Task Force
[Proposed By-law No. 2016-0028]

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- b) To authorize the Warden and Clerk to execute an Agreement of Purchase and Sale for Lands described as Con 1 PT Lot 26 RP 13R7307; Part 1 and Hinchinbrooke Con 1 PT Lot; 26 RP 13R9630 Part 1
[Proposed By-law No. 2016-0029]

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- c) To Confirm the Proceedings of Council for its Special Meeting held August 24, 2016.
[Proposed By-law No. 2016-0030]

9. Adjournment

Mark L. Dorfman, Planner Inc.

219 - 50 Westmount Road North, Waterloo, ON, N2L 2R5
Telephone: 519-888-6570 ~ Facsimilie: 519-888-6382 ~ E-mail: dmark@mldpi.ca

July 11, 2016

**Michelle Foxton,
P. O. Box 130,
HARTINGTON ON K0H 1W0**

Dear Ms. Foxton:

**Subject: Hartington Community Association
Review of Hartington Plan of Subdivision
1278804 Ontario Inc.**

In response to your request, I have reviewed and the considered the matter of a proposed development in the Township of South Frontenac. Specifically, the subject lands are located partially within the designated Settlement Area of Hartington with the balance of the property located outside the settlement.

I appreciate receiving the comprehensive file of material pertaining to this matter. Although the documentation is overwhelming, I did select the relevant information for my review.

The purpose of this review is to provide an independent planning opinion regarding the merit of this application and whether it reflects good planning practice.

Summary Opinion

In my opinion, this planning application is premature and should not be approved. The uncertainties of the evidence supporting the application are sufficient to conclude that as a matter of precaution, the municipality and the Board should not approve this application.

The Proposed Development

The subject property is located in Part of Lot 7, Concession 7 (Portland). The area of the property is in the order of 44.41 hectares. The property has frontage on Boyce Road within the designated Settlement Area of Hartington.



The application for approval of a plan of subdivision was made to the County of Frontenac on November 15, 2013. The proposal was for 49 residential lots. On March 13, 2014, the applicant revised the plan of subdivision by creating 47 lots, and blocks to accommodate a municipal drain and stormwater management.

On April 16, 2015, the owner made an application to the Township of South Frontenac for an amendment to the South Frontenac Zoning Bylaw.

Township Council held its statutory public meeting on July 7, 2015 to consider public responses to both applications. The Public Meeting considered the proposal for 47 residential lots. I understand that, on August 4, 2015, the applicant revised the plan of subdivision to establish 13 residential lots and blocks for the Municipal Drain and stormwater management. I am not aware that the zoning application has been modified to reflect the revised plan of subdivision.

Official Plan Issues

Hartington is a designated Settlement Area in the South Frontenac Official Plan that came into effect in 2003, and was amended in 2013. In keeping with the provincial interest expressed in the Provincial Policy Statement 2014 (PPS2014), growth and development in the municipality is to be focussed in settlement areas.

In the case of the Hartington Settlement Area, municipal services are not available and there, existing and new development is supported by private water supply and wastewater treatment systems. Regarding the subject development, the applicant intends to develop each lot with an individual private well and sewage disposal system.

I attach two maps that illustrate the boundary of the Hartington Settlement Area and how the subject plan of subdivision relates to the Settlement Area. It is obvious that the subject property extends beyond the southerly limit of the Settlement Area.

In particular, the proposed residential lots extend beyond the boundary of the Settlement Area. This is usually not acceptable, however, the revised plan of subdivision extends beyond the boundary. There are five proposed blocks that are located outside of the Settlement Area, and a proposed road right-of-way.



In my experience, all features supporting development should be located within the Settlement Area. Further there are proposed Blocks 14 and 20 outside the Settlement Area that are intended to be developed for residential in the future.

The South Frontenac Official Plan clearly provides that the boundaries of settlement areas are intended to accommodate the planned 20-year growth. Provincial Policy Statement 2014 directs the municipality to designate the Settlement Areas according to the municipality's growth forecast. A settlement area expansion needs to be justified by the municipality by undertaking a comprehensive review.

The Official Plan and PPS2014 allow for "limited residential development" in Rural Areas of the municipality. In my experience and my interpretation of PPS2014, the future extension of the proposed plan of subdivision southerly to add perhaps 33 residential lots is not "limited residential development". I conclude that the further extension of the plan of subdivision prejudices a settlement area expansion.

In my opinion, the proposed plan of subdivision is not in conformity with the Official Plan and it is not consistent with PPS2014. The creation of a public road right-of-way beyond the settlement area boundary for the purpose of accessing the stormwater management facility, the Municipal Drain and public parkland opens the door to pressure the municipality to extend the plan of subdivision and prejudices any future comprehensive review of growth and development in the Township.

Water Quality and Quantity

The proposal was presented to the municipality in 2013, and there has been uncertainty whether there is sufficient potable water in the aquifer to supply the new dwellings, whether the characteristics of the underlying bedrock is secure to mitigate water contamination, and whether the Municipal Drain has the capacity to control surface water drainage within the subwatershed.

The municipality, the community and agencies have expressed their interest in this matter. I am aware that there have been several water related studies and reports have been presented by ASC, Malroz, McIntosh Perry, esp, Quinte CA, and SOS during the past three years. Although I am not an expert in geology and hydrology, I am experienced in understanding the broader issues. In my opinion, there is clearly no consensus among the experts.



There is some certainty that the vertically fractured Gull River Formation bedrock is vulnerable. It is evident that Hartington is within a moderately to significantly vulnerable recharge area according to the Cataraqui Source Water Protection Assessment Report. There are serious suggestions that the bedrock may be characteristic of Karst. There is reported evidence from residents in Hartington that the existing groundwater source of potable water is contaminated and that the quantity of water in the area is not secure.

The consequence of putting pressure on this likely Karst landscape is that the weathering and the collapse of the underlying limestone create enlarged openings in the bedrock. There is uncertainty where and how the water is moving underground in the area impacting other properties.

I am aware that the Municipal Drain is a Regulated Area and that under Section 28 of the *Conservation Authorities Act*, development is prohibited within a minimum of 30 metres of the drain. The applicant needs to satisfy the Conservation Authority that this feature is conserved and protected in order to obtain the necessary permits. In my experience, this needs to be demonstrated when considering the approval of a plan of subdivision, in order to properly design the boundaries of the protected area.

In my opinion, the issue of surface water and groundwater is critical to a decision whether to allow further development in the Hartington Settlement Area. This is a matter of public health and safety.

In my experience, conditionally approving development, then requiring the demonstration that the individual dwellings can meet the tests for servicing is unwise in this case. This is particularly uncertain since one of the recommended requirements is that prior to development, each residential lot must be subject to an individual hydrogeological assessment. I wonder what happens if only some of the lots can be developed and what pressures will be placed on the municipality and the conservation authority to approve development that does not meet the surface water and groundwater tests.

Since the science is uncertain, it is prudent to not approve the plan of subdivision.



The Appeals

On February 10, 2016, the applicant appealed the lack of decision by the County and the Township regarding both the plan of subdivision and zoning bylaw amendment. The Notice of Appeal refers to the 13 lot plan of subdivision.

I am aware that the Ontario Municipal Board has scheduled a pre-hearing conference for September 6, 2016. I recommend that the community association requests Party status if it is a non-profit incorporated group. This will allow the community to bring forward its own expert evidence regarding the character of the community, the consequences of further development in Hartington, and to cross examine other like experts.

As I understand, the County of Frontenac has not yet made a decision regarding the plan of subdivision although this matter is now before the Board.

My Submission

This opinion is based upon the public information provided to me. I have read and reviewed all of the relevant information including the minutes of Council and Committee of the Whole meetings, the available reports from the Township Planner, the record submitted to the Board by the County, and some of the technical documents submitted to the municipality.

In many respects, this is a tentative opinion, however I am satisfied that the proposal is premature and should not proceed until there is scientific certainty.

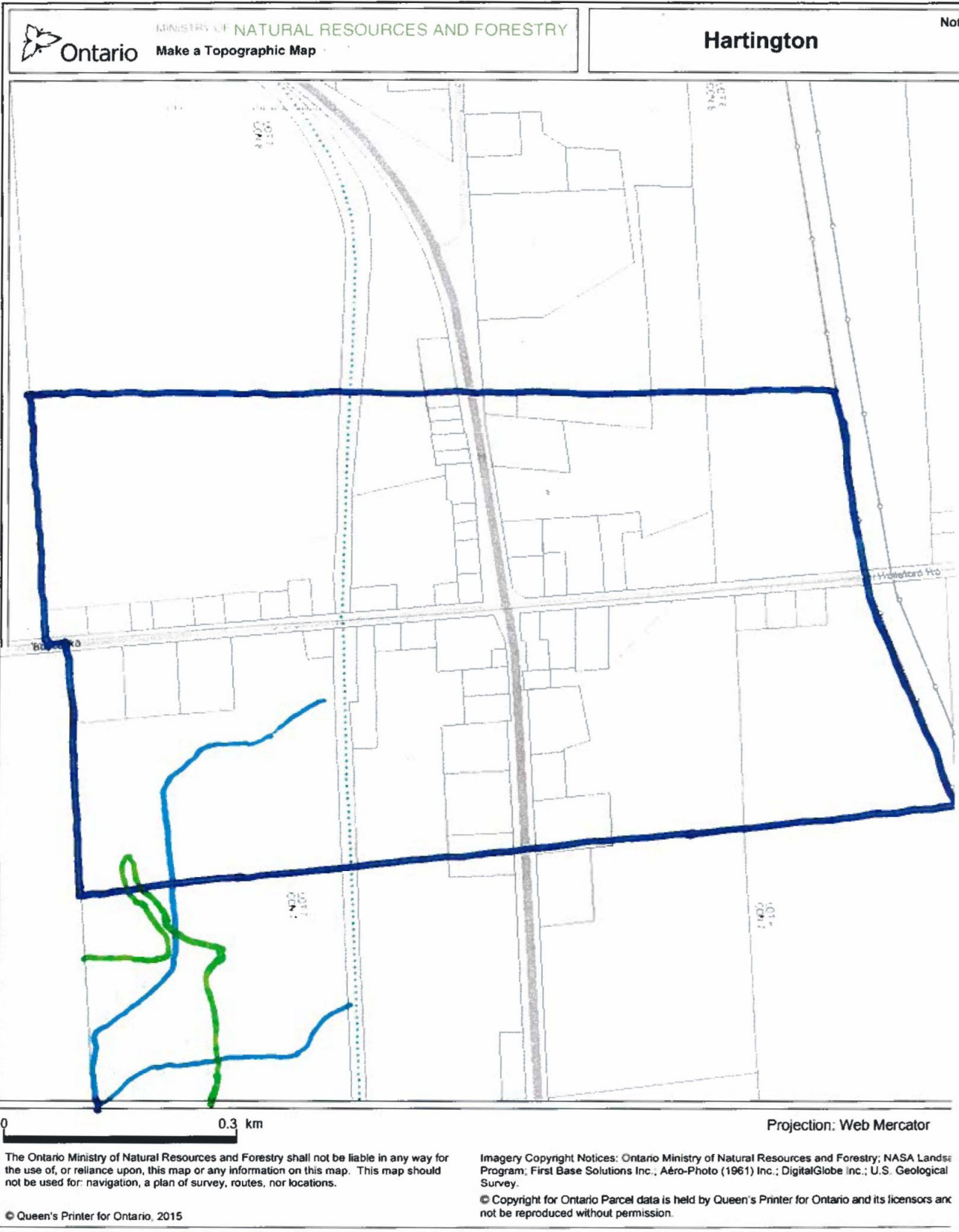
I will be pleased to further discuss this matter with you and your community members.

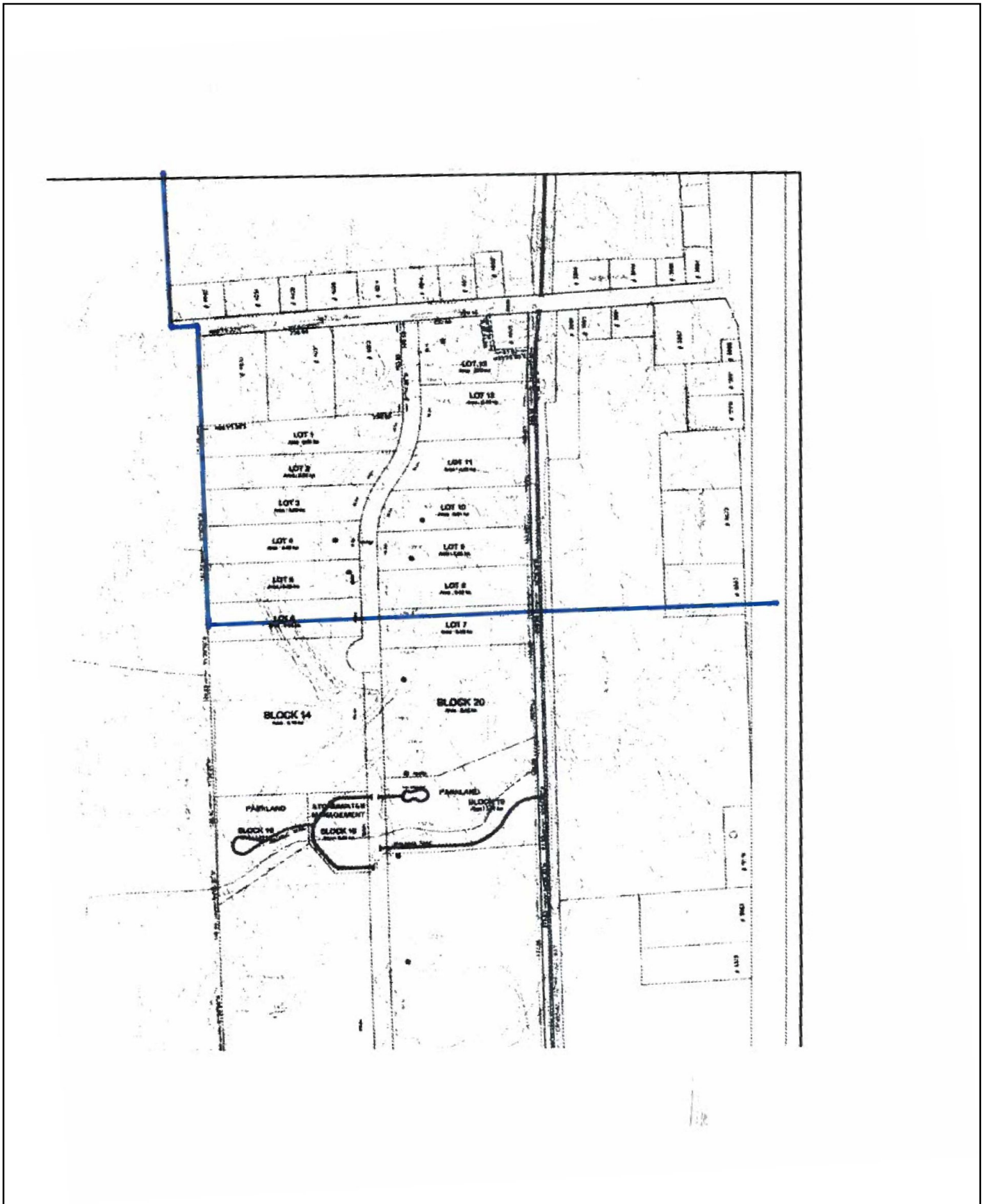
Yours truly,



Mark L. Dorfman, F.C.I.P., R.P.P.







To: Michelle Foxton, Wade Leonard, Charlie Labarge and John Lesperance

From: Wilf Ruland (P. Geo.)

Re: **Memorandum Regarding Petroleum Hydrocarbon (PHC) Contamination in the Hamlet of Hartington, Ontario**

Date: July 28, 2016

1) Introduction

I am writing to follow up on my report of May 10, 2016 which I prepared regarding a proposed development in the hamlet of Hartington. In the course of preparing my report, I had come across information about petroleum hydrocarbon (PHC) contamination from a former gas station in the centre of the hamlet which raised significant concerns. Section 6 of my report outlined some of the concerns I had at the time I prepared the report.

I have reprinted Section 6 in italics below:

"6) Impacts of Proposal on Aquifer Contamination by Petroleum Hydrocarbons

In the materials presented to me for review, there is unsettling evidence that there is an area of ongoing petroleum hydrocarbon contamination of the Hartington Aquifer near the main intersection in town (centered on the site of a former service station at Boyce Road and Highway 38). The contamination appears to have been caused by leakage of gasoline from the former service station many years ago. Site investigation activities and some remediation have been carried out in recent years.

I have real concerns about the adequacy of the investigation of the contamination site, and about the remedial works which have been carried out to date. Some information has been provided and further information will be sought through an Access to Information request.

In the meantime it appears (based on the currently available information) that the remediation of the site may not have been properly completed, and that the site investigation and remediation activities may have had the unintended effect of mobilizing the contamination which has been detected spreading into the aquifer from the site.

page 1

Current groundwater flow directions are poorly defined, but so far there have been no reports of local domestic wells being contaminated. It is quite possible that the 30% increase in the number of wells which the development proposal represents will reverse local groundwater flow directions, and induce flow from the contaminant site toward the proposed subdivision. Impacts on local wells appear likely if this scenario comes to pass.

The prudent thing to do would be to place a temporary moratorium on development in Hartington until:

- *full details about the remediation which has been done to date have been made publicly available and have been assessed for their adequacy,*
- *the contaminant concentrations and the dimensions of the petroleum hydrocarbon plume (and the threat it poses to local wells) have been adequately defined, and*
- *any further remedial work which is considered necessary has been completed."*

At this point (some 2 months after issuing my report) my concerns about the petroleum hydrocarbon contamination in Hartington are even greater than they were at the time I issued my report. I am concerned about the potential threat to public health and safety which this contamination poses, and I am concerned that the responsible authorities may not be responding as strongly and as quickly as I believe they should in response to this threat.

My concerns include the following:

- I am not convinced that all of the contaminated soils have been removed from the site, and as a result I am concerned that the remediation of the site may be incomplete.
- I am gravely concerned by the fact that groundwater contamination levels appear to have gotten worse following remedial works done at the site, and that the extent of the groundwater contamination is currently not delineated. There is off-site contamination moving through the groundwater in Hartington, and no one knows where it has gone.
- I am very concerned at the very limited testing of residential wells that has taken place to date - much broader testing involving many more homes is urgently needed.

These issues are discussed in more detail in the following sections of this Memorandum.

2) Incomplete Removal of Contaminated Soil from Site

I am currently not convinced that all of the contaminated soils which were found to be present on-site have been removed. If there are still contaminated soils in the ground then these will pose an ongoing potential threat to public health and safety.

One of the reasons I am not convinced that all of the contaminated soils have been removed is because of an unfortunate incident earlier on in the site investigation/ remediation process. As described in a September 28, 2015 report from Specialized On-site Services (SOS) the investigation and excavation of contaminated soils began in February 2015. Significant quantities of obviously contaminated material were first excavated from the contaminated area, but then rather than taking the contaminated material away for proper disposal the contaminated material was backfilled back into the excavation by the property owner (the Township of South Frontenac). Subsequent investigations in May and early June 2015 were hampered by the flow of contaminated water from the previously excavated/backfilled contaminated soils.

Moreover, after the subsequent more extensive excavations/investigations were completed on June 3, 2015 the *“excavation area proceeded to be backfilled by a contractor working for the Township at the direction of representatives of the Township”*. The wording of this section of the SOS report raises the concern that for a second time, contaminated materials could have been re-deposited back into the area of investigation/ excavation by Township officials.

The site investigation/excavation process will have disturbed the contaminated soils - and if these disturbed soils were simply dumped back into the excavation then contaminants could leach from them more easily than they would have prior to the disturbance.

A subsequent letter of January 28, 2016 from SOS indicates that about 250 tonnes of material were removed from the site in 2015. While this sounds like a lot of material, it is only a small fraction of the quantity of contaminated material which would have been present in the excavation.

The obvious question is what exactly has happened to all of the additional contaminated soils which were found during the excavation/investigation? Attempts to date to get an answer to this question since I issued my original report 2 months ago have not been successful. Despite an Access to Information request to the Township, there has been no disclosure in response to the request for records regarding off-site trucking and disposal of contaminated materials from the investigation/excavation area. Access to Information inquiries to the Ministry of the Environment and Climate Change (MOECC) have also not yielded any information to date.

I am frustrated by the fact it has proven challenging to obtain relevant information about the remediation of the PHC contamination site from the Township of South Frontenac (which owns the contaminated property), in particular information which would shed light on how much of the contaminated soils were actually removed from the site.

This information is important, because for as long as there are contaminated materials in the ground these will be a source of groundwater contamination which can threaten public health and safety in the community. It should be noted that in any event there are also contaminated materials beneath adjacent roads which won't be removed until scheduled road work is carried out in coming years.

3) Groundwater Contamination is Getting Worse and Extent is not Delineated

Normally when a contaminated site is remediated there is a slow but steady improvement in groundwater quality following the remediation. Unfortunately, at the contamination site in Hartington groundwater contamination levels have gotten worse since the site investigation/excavation work which was done in 2015.

Peak levels of the contaminant of greatest concern (benzene, which is a known carcinogen) went up from 13.4 to 66.1 micrograms per litre (ug/L) following the investigation/excavation - the Ontario Drinking Water Quality Standard (ODWQS) for benzene is 5 ug/L, and will be dropping to 1 ug/L in 2017. A benzene level of 66.1 ug/L is high enough that even with the attenuation (ie. reduction) of contaminant levels which occurs as water moves through the ground, there is still a significant potential for contamination of nearby residential wells to above the ODWQS.

What makes the current situation particularly unsettling is the fact that to date the monitoring effort has not been adequate, and as a result the extent of the off-site contamination is unknown. What is known is that badly contaminated groundwater is present on the site of the former gas station - what is not known is which direction(s) it is moving or how far off-site it has gone.

I am not confident that the additional 2 monitoring wells proposed by the Township will be adequate to delineate the plume, and I recommend that the MOECC provide the Township with further direction/guidance in this regard.

4) Precautionary Testing is Required

The fact that there is a PHC groundwater contamination plume in Hartington whose off-site extent and direction of movement have not been delineated means that precautionary testing of nearby residential wells is required. My understanding is that the wells of 4 nearby private residences have been tested (with no contamination found) to date.

I strongly recommend that additional precautionary monitoring is warranted for protection of public health and safety - given the questions surrounding the site investigation/excavation, the fact that unremediated areas of contamination are still present, and the fact that the off-site contaminants are not delineated. Testing should be done on all homes within 300 meters of the boundaries of the former gas station property. Testing should also be done on the water being pumped from the well for the car wash in Hartington, because this is widely believed to be the biggest water user in the hamlet - making the movement of groundwater and contaminants in that direction more likely.

This testing could be done by any combination of the Township, the County and the MOECC. In my experience it would be appropriate under the circumstances for the County and the MOECC to assist the Township in ensuring that public health and safety are protected through the recommended precautionary testing.

5) Summary of Recommendations

Recommendation 1

The wells of all homes within 300 meters of any boundary of the former gas station should be tested within 30 days, with follow-up testing of homes 150 meters from the site being done twice per year thereafter and with follow-up testing of homes within 150-300 meters being done once per year thereafter. Testing should be done for benzene, toluene, ethylbenzene and xylenes (BTEX) with a detection limit of 50% or less of their respective ODWQS, as well as for petroleum hydrocarbon (PHC) fractions F1 through F4.

Recommendation 2

Tests should be done (for BTEX parameters and F1 through F4 PHCs) on the water being pumped from the well for the car wash in Hartington.

Recommendation 3

Once they are available, test results should be shared with the respective property owners, together with an explanation of the test results. Test results should also be shared as soon as they are available on a confidential basis with the professionals who are currently concerned with the hydrogeology of the Hartington area.

6) Signature and Limitations

This memorandum has been prepared in its entirety by Wilf Ruland (P. Geo.).

It is based on my honest conviction and my knowledge of the matters discussed herein following careful review of the available evidence and documentation.

This memorandum has been prepared for the use of my clients.

Signed on the 28th of July, 2016



Wilf Ruland

W i l f R u l a n d
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D u n d a s , O n t
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T e l : (9 0 5) 6
d e e r s p r i n g l @

p a g e

August 18, 2016

By E-mail

Township of South Frontenac
4432 George Street
Sydenham, Ontario
K0H 2T0

County of Frontenac
2069 Battersea Road
Glenburnie, Ontario
K0H 1S0

**Attention: Mayor Vandewal
Warden Smith
Township and County Councillors**

Dear Mayor, Warden, Councillors and County Councillors:

**Re: Proposed Hartington Development – Part Lot 7, Concession 7, former
Township of Portland, now Township of South Frontenac**

Since the initial disclosure of a proposal for a subdivision in the Hartington area, local residents have asked significant questions about a number of issues surrounding this application. Unfortunately, after a very long, arduous and costly process for the community of Hartington, many of these questions remain unanswered and many of the issues raised remain unresolved. These questions and issues are critical to a proper assessment of this matter, yet adequate answers and assurances remain elusive.

The most recent communications from Malroz Engineering dated August 9, 2016, raise even further questions:

HYDROCARBONS

1. Why does Malroz state “groundwater flow is easterly” at the site of the former gas station (Malroz, August 9, 2016, p2), yet monitoring wells at the westerly extent of the former gas station property and to the west of the tank location have some of the highest contaminant readings, with MW2 (monitoring well 2) having readings 66 times greater than the acceptable level that is to be introduced in 2017? (Cambium, January 4, 2016, MW1 & MW2)
2. After stating, as indicated above, that “groundwater flow is easterly”, why does Malroz then state “the proposed development site is likely an area of recharge and that groundwater has a downward component” and that “groundwater flow is southerly, away from the Hartington Hamlet” (Malroz, August 9, 2016, p 3 & 4)?

3. After Malroz stated, as indicated above, that “groundwater has a downward component” in the subject area, why has Mr. Ruland’s recommendations for testing to be conducted on residential wells within a 300m radius of the said former gas station not been implemented?
4. Why does Malroz state they “consider the issue of the gas bar to be adequately addressed” (Malroz, August 9, 2016, p2), when the contamination plume has not yet been delineated to MOECC’s satisfaction?
5. If Malroz “does not consider the former gas station to be a risk to the proposed development” (Malroz, August 9, 2016, p2), why do they recommend further testing of wells for PHC, BTEX, volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAH), indicative of contamination associated with a rail line or gas bar (Malroz, August 9, 2016, p6)?

WATER QUANTITY AND QUALITY

6. Why has a conceptual model to describe the hydrogeology of the Hartington Aquifer not been developed, in light of the obviously diverse conditions in this area?
7. Why are ASC’s hydraulic conductivity figures, used to determine Karst, based on the mean of only three, closely situated test wells (Malroz, August 9, 2016, p3), rather than the data available for all test wells?
8. Why does Malroz state they “do not see substantiated information that the site requires the application of an alternative method of assessing the impact of septic systems” (Malroz, August 9, 2016, p3), yet they recommend at pages 5 and 6 of the same document:
 - a) pre-filtration and disinfection of drinking water systems;
 - b) a staggered well orientation to mitigate mutual well interference;
 - c) each well to be assessed by a qualified hydrogeologist for water quality and quantity;
 - d) that the proponent confirm the concentration of nitrates has not increased; and
 - e) that the individual well assessment plan be clarified to include the evaluation of nitrate and nitrite concentrations, and trends in concentration and impact to potable groundwater supplies?

9. If Malroz believes there is adequate water supply at the subject site, why do they recommend the following (Malroz, August 9, 2016, p5 & p6):
- a) “each well at the proposed subdivision should be assessed by a qualified hydrogeologist for water quality and quantity”;
 - b) “evaluation of mining of the potable water aquifer”;
 - c) production of “conclusions on the sustainability of the water supply aquifer and water quality”; and
 - d) “neighbouring wells and/or nearby wells will be monitored during the [additional] pumping test”?
10. Why has the proponent not been required to conduct proper pump testing, involving the use of holding tanks for the pumped water, during stressed conditions such as the current severe drought?
11. Why does Malroz continue to reiterate and rely on the proponent’s nitrate calculations, which include data from TW12 (test well 12), which is located outside of the proposed, revised site?

PLANNING

12. Why has the community received no response to the observations and conclusions of the community’s planner, Mark Dorfman, that the proposed, revised development is outside the boundaries of the Hamlet of Hartington and that the development is premature?

SUMMARY

13. Prior to deciding on whether the subject proposal should be supported, why would Council not first require Malroz’s recommended evaluations be completed and the corresponding results be produced?
14. Why has Malroz not referenced in any of their reports the 2007 TROW Western Cataraqui Region Groundwater Study or the February 9, 2010 Report from Frank Crossly at MOECC characterizing the subject area as highly sensitive?
15. Given the amount of uncertainty surrounding the subject proposal, can Malroz, the Township of South Frontenac and/or the County of Frontenac guarantee the residents of Hartington & the surrounding area that they will not suffer any adverse affects to the quantity & quality of their drinking water supply if the proposed development is permitted to proceed?

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16. In light of the overwhelming volume of materials alerting the municipalities to known issues and risks associated with the proposed development and hydrocarbon contamination in the Hartington area, have the Township and County's legal advisors provided advice with respect to issues of liability?

17. Why has there been no action taken on the numerous, specific and significant recommendations advanced by expert hydrogeologist, Wilf Ruland?

With such fundamental questions still unanswered, we the citizens who will be most affected by your decision ask you, in all conscience, to reject this proposed development. Require the technical experts to first prove beyond a shadow of a doubt that no harm will come to us, our children, our land, our livestock, and our livelihoods.

The community of Hartington should not be asked or expected to move forward on a "let's hope this works out" basis. Were your health and safety, or your family's or your neighbors', put at such risk, you too would ask for the same due diligence, caution and rigorous consideration that we are asking for. It is far wiser to prevent a tragedy than to attempt to recover from one.

Please vote with your conscience and refuse to support this proposal at this time!

Sincerely,

Charlie Labarge Michelle Foxtan John Lesperance Wade Leonard
on behalf of the Hartington Community

cc: Wayne Orr, Township Clerk
 Jannette Amini, County Clerk
 Lindsay Mills, Township Planner
 Joe Gallivan/Michael Otis (interim), County Planner



FRONTENAC

Report 2016-093

Council Recommend Report

To: Warden and Members of County Council

From: Kelly J. Pender, Chief Administrative Officer

Prepared by: Michael Otis, Contract Planner

Date of meeting: August 24, 2016

Re: **Planning and Economic Development – Frontenac County response to the Ontario Municipal Board (OMB) hearing regarding Hartington Draft Plan of Subdivision – County File 10T-2013-002**

Recommendation

Whereas the Council of the County of Frontenac considered all written and oral submissions received on this application, the effect of which helped Council to make an informed decision;

Therefore Be It Resolved That the Council of the County of Frontenac receive the Planning and Economic Development – Frontenac County response to the Ontario Municipal Board (OMB) hearing regarding the Hartington Settlement Area Draft Plan of Subdivision – County File 10T-2013-002

And Further That Council endorse the approval of the Hartington residential subdivision development, including Draft Conditions of Approval attached to this report as Appendix A;

Background

At the County Council meeting held on March 16, 2016, the following resolution was passed with respect to the Hartington Settlement Area draft plan of subdivision application in South Frontenac Township:

Resolved That the Council of the County of Frontenac direct staff to prepare a planning report for the Hartington Plan of Subdivision, County File # 10T-2013/002;

And Further That Council direct staff to deliver a report for the April 20, 2016 Council meeting in order for Council to provide the Ontario Municipal Board (OMB) with its position on the Hartington development prior to the Hearing

And Further That staff be directed to retain legal counsel to prepare for and represent the County at the upcoming OMB hearing.

The subject lands are described as Part of Lot 7, Concession 7, formerly municipal Township of Portland, Township of South Frontenac, County of Frontenac. It is located on the west side of the K&P Trail between Boyce Road and Petworth Road. The northern portion of the property, which contains the proposed 13 lot plan of subdivision, is within the Hartington settlement area. A map of the proposed development as originally submitted with the application is attached to this report as Appendix B.

The proposal is for a Draft Plan of Subdivision containing thirteen (13) lots for single detached dwellings. The current proposal – which is also the proposal that has been appealed to the Ontario Municipal Board (OMB) – was revised from the original submission of a forty-nine (49) lot subdivision on a 44.8 hectare (111 acre) property. The entire parcel was the focus of the former 49 lot draft plan of subdivision. On October 9, 2015, the applicant provided documentation intended to revise the original planning rationale and reduce the size of the proposed subdivision from 49 to 13 lots. A planning brief was submitted as planning justification for the 13 lot draft plan of subdivision. A copy of the planning brief from Fotenn Consultants is attached to this report as Appendix C.

A concurrent Zoning By-law Amendment was filed with the revised subdivision plan, and has also been appealed to the OMB. The zoning amendment would change the minimum lot frontage for the proposed lots to a minimum 46 metres.

Frontenac County deemed the application to be complete pursuant to the requirements of the *Planning Act* on November 15, 2013.

At the direction of the County, South Frontenac Township has held two public meetings with regard to the Hartington development to consider both the plan of subdivision and the necessary Zoning By-law amendment. A formal public meeting was held on July 7, 2015. Following the public meeting the Draft Plan was revised to include 13 instead of 49 lots. A second public meeting was held on July 15, 2015 to discuss the revised proposal.

On February 12, 2016 the applicant filed an appeal on the draft plan of subdivision and zoning by-law for lack of decision within the 180 day time period required under the *Planning Act*. Although Hearing dates have not yet been set (OMB File No. PL160168), the Board has announced that a pre-hearing conference will be held at the Township of South Frontenac offices on September 6, 2016. Such pre-hearing conferences are mainly for administrative purposes and try to narrow down the important issues that will be dealt with at the actual OMB hearing.

The purpose of this report is to formulate a planning position for the OMB on the 13 lot draft plan of subdivision, as well as to recommend a set of appropriate draft approval

conditions. It is noted that the Township of South Frontenac is holding a similar Council meeting to consider the draft plan of subdivision, the draft approval conditions and the Township Zoning By-law amendment.

Appendix D shows the general location of the proposed Hartington subdivision and Appendix E shows the proposed Hartington subdivision within the settlement area as well as adjacent land uses. Both appendices will be referred in the presentation.

Appendix F provides detailed timelines with respect to the Hartington subdivision application.

Comments and Discussion

County Planning staff is in support of the 13 lot draft plan of subdivision and is recommending that draft plan approval be granted based on the proposed draft plan conditions as set out in Appendix A.

A. General Planning Comments

Planning staff offers the following comments for the consideration of County Council.

1. The proposed 13 lot draft plan of subdivision is significantly reduced from the originally submitted draft plan which contained 49 lots and is now contained entirely within the boundaries of the Hartington settlement area. It is noted that Section 5.6-Settlement Areas of the Township of South Frontenac Official Plan provides that "It is Council's intention that a majority of new growth in the municipality will be directed to existing settlement areas, where it can be supported by existing servicing." The proposed plan of subdivision is therefore in conformity with the Township Official Plan. The proposed subdivision is also consistent with the 2014 Provincial Policy Statement (PPS) which provides that settlement areas shall be the focus of growth and development-Section 1.1.3.1

Encouraging development to take place in designated settlement areas has many benefits to a municipality. It serves to protect prime agricultural areas and mineral aggregate reserves and operations from incompatible land uses, and helps to support local businesses, and community facilities, as well as central sewage and water infrastructure, which in turn can attract new development to the settlement area.

2. The proposed 13 lots in the draft plan of subdivision are all a minimum of 0.8 hectares or approximately 2.0 acres and are similar in size to the 3 lots fronting on the south side of Boyce Road. Many of the lots in the Hartington settlement area that front on the north side of Boyce Road are significantly smaller and range in size from 0.3 acres to 0.6 acres. 2 acre lot are a commonly used standard for residential development on private on-site sewage and water services and ensure that there is sufficient area for the well, septic field and required setbacks between them. The fact that the new lots are 46 metres (150 ft.) in lot frontage does not affect this. There would also be substantial space for accessory facilities such as sheds and swimming

pools. Overall, the new lots in the proposed development are felt to be in character and scale with existing development in the hamlet.

3. A Natural Heritage- environmental impact study was undertaken by Ecological Services on behalf of the developer -Terry Grant Construction. The Consultant- Rob Snetsinger concluded that there are no significant natural heritage features on the subject site which has been used primarily as a farm field. The site contains no threatened or endangered species or related habitat, no significant wetlands or woodlands (the two small woodlots are not considered “significant”). Similarly, there are no significant wildlife/habitat or areas of natural or scientific interest. It was also noted that there are no similar natural heritage features within 120 metres of the site.
4. The developer also commissioned AECOM to undertake a traffic impact analysis of the 13 lot plan of subdivision. It was concluded by Vanessa Skelton, the AECOM traffic Engineer, that there would be minor impact on traffic flows on adjacent roads such as Road 38. The total traffic that is expected to be generated from the development would represent less than 10% of the total traffic along Road 38. The consultant also concluded that left turns onto Road 38 would not be a problem as there are sufficient gaps in the traffic along that Road to allow access with little delay.
5. Planning staff is in agreement with Appendix C – Fotenn Planning Brief

B. Draft Approval Conditions

The proposed draft approval conditions reflect the comments from the Township and other commenting agencies such as Quinte Conservation, Bell Canada, Canada Post, KFL&A Public Health, Frontenac Paramedics, etc. The Township subdivision agreement will be the main document to implement these comments. While most of the draft approval conditions are standard, Sections 5 E and F addresses the recommendations from the letter from John Pyke dated August 9, 2016 from Malroz Engineering, the County’s peer review consultant of the ASC Environmental Hydrogeological Report (Appendix G). In that letter, Mr. Pyke makes a number of recommendations, all of which are incorporated into the subject draft conditions. One of the recommendations is that each well at the proposed subdivision will be assessed by a qualified hydrogeologist for water quality and quantity. It should be noted that if Mr. Pyke is not satisfied with the nitrate levels assessed by ASC Environmental then tertiary septic tank systems may have to be employed as per draft condition 5F.

Mr. Pyke will be attending the August 24th Special Council Meeting to present his recommendations and to respond to questions from County Council.

Based on the foregoing comments and discussion, County staff is of the opinion that the draft plan of subdivision and related draft conditions can be supported.

Public Consultation and Involvement

There has been significant public interest with respect to the draft Hartington draft subdivision application. Through attendance at public meetings, delegations to Township Council, correspondence and meetings with various agencies, citizens have expressed concerns related to the proposed residential subdivision development primarily related to possible water quantity and quality impacts. Planning staff is of the opinion that much of this concern can be readily addressed through the recommendations of the County's peer review consultant, John Pyke as well as the related draft approval conditions which deal with the water quality matters.

Recommendation

It is recommended that Council endorse the 13 lot draft plan of subdivision development including the attached Draft Conditions of Approval and proposed Zoning By-law Amendment. This endorsement will serve to establish County Council's position for the upcoming Ontario Municipal Board hearing.

The application is consistent with the Provincial Policy Statement (2014), conforms to the Frontenac County Official Plan, Township of South Frontenac Official Plan, will comply with the Zoning By-law, and has been reviewed in accordance with the criteria of Section 51 (24) of the *Planning Act*.

Policy and Sustainability Implications

One of the key focus areas of Directions for Our Future, the County's Sustainability Plan, is Land Use Planning and Management. When establishing 'good planning' it is important the Council be provided with a professional planning opinion to make an informed decision.

If Council supports the recommended planning position, the costs of legal counsel will be required as well as retention of expert witnesses, such as John Pyke. There may be a risk of the OMB awarding costs to the appellant from the County.

Organizations, Departments and Individuals Consulted and/or Affected

Township of South Frontenac
Quinte Conservation Authority and other commenting agencies
County departments such as Chief Administrative Officer, Clerk and GIS
Applicant's consultants
John Pyke, Environmental Geoscientist, Malroz Engineering Inc.

Applicant: Mike Keene, Fotenn Consultants Doug Prinsen, FOREFRONT Engineering Inc.	Date of Decision:
File No.: 10T-2013/002	Date of Notice:
Subject Lands: Hartington Subdivision Part of Lot 7, Concession 7, formerly municipal Township of Portland, Township of South Frontenac, County of Frontenac.	

Appendix A

CONDITIONS TO APPROVAL Revised 15AUG16

The conditions of approval for the draft plan of subdivision are as follows:

1. Approved Draft Plan:

- A. That this draft plan approval applies to the draft plan of proposed subdivision dated September 18, 2015 prepared and certified by Forefront Engineering Inc., and Smith & Smith Surveyors, comprising a total of thirteen residential lots, two blocks and a new street.

2. Subdivision Agreement:

- A. That the owners of the subject land enter into a subdivision agreement with the Township of South Frontenac, prepared to the satisfaction of the municipality, to be registered on title of the subject land. A copy of the subdivision agreement shall be provided to the County of Frontenac by the Township of South Frontenac.
- B. That the Subdivision Agreement include text to the satisfaction of the Township, which text shall be registered on the title of all lots, that all Agreements of Purchase and Sale include provisions advising that a farming operation exists in the adjacent areas and that adverse effects may be experienced.

3. Financial Requirements:

- A. That the owner agree in writing to satisfy all the requirements, financial and otherwise of the municipality concerning the provision/upgrading of roads, installation of services and drainage, in accordance with the municipality's standards and procedures, and that this shall be reflected in the subdivision agreement.
- B. That the Owner shall reimburse the Township of South Frontenac and County of Frontenac for all legal, engineering, planning, administrative expenses and permit fees including the cost of any peer review that the Township of South Frontenac or County of Frontenac may require in relation to the plan of subdivision.

Applicant: Mike Keene, Fotenn Consultants Doug Prinsen, FOREFRONT Engineering Inc.	Date of Decision:
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4. Access

- A. That the road allowance included in this draft plan shall be identified as Street 'A' and shall be constructed to Township standards for new public roads with paved asphalt surfacing and that the road be dedicated as a public highway.
- B. That the new internal road identified as 'Street 'A' be named to the satisfaction of the municipality.
- C. That the applicant agree in the subdivision agreement that Boyce Road be upgraded at the entrance to the subdivision to the Township's satisfaction to facilitate ingress and egress.
- D. That the subdivision agreement shall provide that 0.3 metre reserves be identified by survey at the following locations: (i) along Lot 13 where the lot abuts the road allowance of Boyce Road; and (ii) around the circumference of the turning bulb at the south end of Street 'A' to be held in trust by the municipality for the purpose of denying additional access onto Boyce Road and the undeveloped lands to the south.
- E. That the Owner install a 1.5 metre wide concrete sidewalk along the east side of the new road allowance from the northern limit of Street 'A' (i.e., from Boyce Road), to the southern limit of Lot 7.
- F. That the applicant agree in the subdivision agreement that all entrances to the lots including entrance culverts be located and constructed to the satisfaction of the Township.
- G. That the subdivision agreement provide that a 3.0 metres wide Block, to be provided to the Municipality, be provided along the south lot line of Lot 7 from the south end Street 'A' to the K&P Trail to provide access from the subdivision to the Trail, such walkway to be constructed to the satisfaction of the County of Frontenac, to be constructed 1.5 metres wide with stone dust surface. Landscaping and buffering along the full length of the walkway on both the north and south sides shall be installed to the satisfaction of the County of Frontenac
- H. That, prior to final approval, the municipality shall be satisfied that all servicing issues are resolved such as road, sidewalk and walkway construction.
- I. The Owner shall submit a Landscape Plan to the satisfaction of the Township of South Frontenac, indicating appropriate tree planting and

Applicant: Mike Keene, Fotenn Consultants Doug Prinsen, FOREFRONT Engineering Inc.	Date of Decision:
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buffering, and said Landscape Plan shall be provided as a Schedule to the subdivision agreement.

5. On-Site Sewage Disposal and Water Systems:

- A. That, the subdivision agreement include a requirement that any abandoned wells must be decommissioned according to MOECC guidelines.
- B. That the recommendations outlined in the letter dated December 12, 2014 from KFL&A Public Health to Terry Grant Construction 1278804 Ontario Inc., be addressed to the satisfaction of the municipality for the thirteen lot development.
- C. That all requirements and recommendations specified in the Hydrogeological Study, Servicing Options and Terrain Analyses Report, dated October 31, 2013, from ASC Environmental, updated by covering letter dated October 7, 2015 from ASC Environmental, and all associated drawings be complied with for the thirteen lot development.
- D. That the recommendations of the Natural Heritage Report, dated August 27, 2013 from Ecological Services, be complied with for as they apply to the thirteen lot development.
- E. That the County of Frontenac and its peer review agency, Malroz Engineering Inc., be satisfied that all matters outlined in the letter from Malroz Engineering Inc. dated August 9th, 2016, specifically under Section 2.0 'Summary and Recommendations' have been addressed.
- F. That tertiary septic systems be installed for each lot in the thirteen lot development.

6. Stormwater

- A. That as part of the subdivision agreement a Final Stormwater Management Report and detailed engineering drawings addressing grading, drainage and stormwater management be submitted to the satisfaction of the Township and Quinte Conservation Authority for the thirteen lot development. The site drainage, design, construction and maintenance shall be in accordance with the recommendations contained in the final Stormwater Management Report, with all final designs incorporated into the subdivision agreement.
- B. That all legal matters associated with tying the stormwater from the development into the Pleasant Valley Municipal Drain system be resolved to the satisfaction of the Township.

Applicant: Mike Keene, Fotenn Consultants Doug Prinsen, FOREFRONT Engineering Inc.	Date of Decision:
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7. Parkland Dedication:

- A. That the owner convey up to five percent of the land included in the plan to the municipality for park purposes. Alternatively, the municipality may require cash-in-lieu for all or a portion of the conveyance.

8. Human Remains:

- A. The subdivision agreement shall contain a clause providing that any Owner(s) be advised, and also that a notice be placed in the purchase and sale agreement alerting any prospective purchasers that in the event that human remains are discovered during construction or site development of a lot, that the property owner shall immediately contact the OPP, the Ministry of Tourism, Culture and Sport and the Registrar or Deputy Registrar of the Cemeteries Unit of the Ministry of Consumer Services (or the applicable agencies at the time of final approval).

9. Archaeological Resources:

- A. That all recommendations of the Archaeological Assessment (Stage 1 & 2) Reports, dated September 16, 2013 by Archeworks Inc. be implemented to the satisfaction of the Township for the thirteen lot development.
- B. That if during the process of development any archaeological resources or human remains of Aboriginal interest are encountered, the Algonquins of Ontario Consultation Office will be contacted immediately at:

Algonquins of Ontario Consultation Office
31 Riverside Drive, Suite 101
Pembroke, Ontario K8A 8R6
Telephone: (613) 735-3759
Fax: (613) 735-6307
email: algonquins@nrtco.net

10. Utilities and On-Site Works

- A. That the applicant agree in the subdivision agreement that Centralized Community Mail Boxes be installed at a location on the road allowance of Street 'A' near the entrance to the development at Boyce Road along the west side of the road allowance of the new road and to the satisfaction of the Township and in accordance with Canada Post specifications.
- B. That the applicant agree in the subdivision agreement that all servicing including telephone, internet, Hydro, etc. generally be installed underground.

Applicant: Mike Keene, Fotenn Consultants Doug Prinsen, FOREFRONT Engineering Inc.	Date of Decision:
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- C. That the applicant agree in the subdivision agreement that street signage and lighting shall be installed to the satisfaction of the municipality including lighting at the turning bulb at the south end of the development and at the entrance to the development at Boyce Road such lighting to also illuminate the mail boxes to be located there.

11. Revisions to Draft Plan:

- A. That Prior to Final Subdivision Approval, the Owner shall submit a revised Block Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- B. That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of lots, etc.), these may be reflected in the Final Plan subject to the satisfaction of the Township of South Frontenac and the County of Frontenac.

12. General conditions:

- A. That prior to final approval, the County of Frontenac is to be advised by the municipality that this proposed subdivision conforms to the Zoning By-law in effect of the Township of South Frontenac.
- B. That when requesting final Approval from the County of Frontenac, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.
- C. That the Owner submit a draft Plan of Subdivision Declaration for approval by the Township and County to ensure all conditions of approval will be satisfied.

13. Clearance Letters:

- A. That Prior to Final Subdivision Approval, the County of Frontenac shall be advised that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- B. That Prior to Final Subdivision Approval, the County is to be advised in writing by the Township of South Frontenac the method by which conditions 1 to 13 have been satisfied.

Applicant: Mike Keene, Fotenn Consultants Doug Prinsen, FOREFRONT Engineering Inc.	Date of Decision:
File No.: 10T-2013/002	Date of Notice:
Subject Lands: Hartington Subdivision Part of Lot 7, Concession 7, formerly municipal Township of Portland, Township of South Frontenac, County of Frontenac.	

- C. That Prior to Final Subdivision Approval, the County is to be advised in writing by KFL&A Public Health the method by which condition 5B has been satisfied.
- D. That Prior to Final Subdivision Approval, the County is to be advised in writing by the Quinte Conservation Authority the method by which condition 6A has been satisfied.

14. Lapsing Provisions:

- A. That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- B. That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension of the Draft Plan Approval. The extension period may be for a period of one (1) to three (3) years subject to the approval by the County of Frontenac. Request for any extension shall be provided no less than six (6) weeks prior to the lapsing date.

DRAFT PLAN of PROPOSED SUBDIVISION
 Part of LOT 7, CONCESSION VII
 Geographic Township of Portland
 NOW IN THE TOWNSHIP OF SOUTH FRONTENAC
 COUNTY of FRONTENAC

SCALE = 1:2,000

FOREFRONT Engineering Inc.

FOREFRONT Engineering Inc.
 1329 Gardiners Road, Suite 210, Kingston, Ontario, Canada K7P 0L8
 T613.634.9009 F688.864.3392

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51.17(A-L) OF THE PLANNING ACT

- a: Shown On Draft Plan
- b: Shown On Draft Plan
- c: All Lands Owned, or In Which the Applicants Have An Interest Are Shown On the Key Plan.
- d: Residential
- e: Shown On Draft Plan
- f: Shown On Draft Plan
- g: Shown On Draft Plan
- h: Private Wells
- i: Guerrin Loam and Bondhead Sandy Loam
- j: Shown On Draft Plan
- k: Road Maintenance, Garbage Collection, Phone, and Hydro
- l: Shown On Draft Plan

OWNER'S CERTIFICATE

I, Terry Grant, Hereby Authorise
 FOREFRONT to Prepare and Submit This
 Plan
 For Review and Approval.

SIGNED:

TERRY GRANT - 1278804 Ontario Inc.

DATE: SEPTEMBER, 2015

1278804 Ontario Inc.
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
 1. THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED
 AND THE RELATIONSHIP TO THE ADJACENT LANDS ARE
 CORRECTLY SHOWN.

SMITH & SMITH SURVEYORS

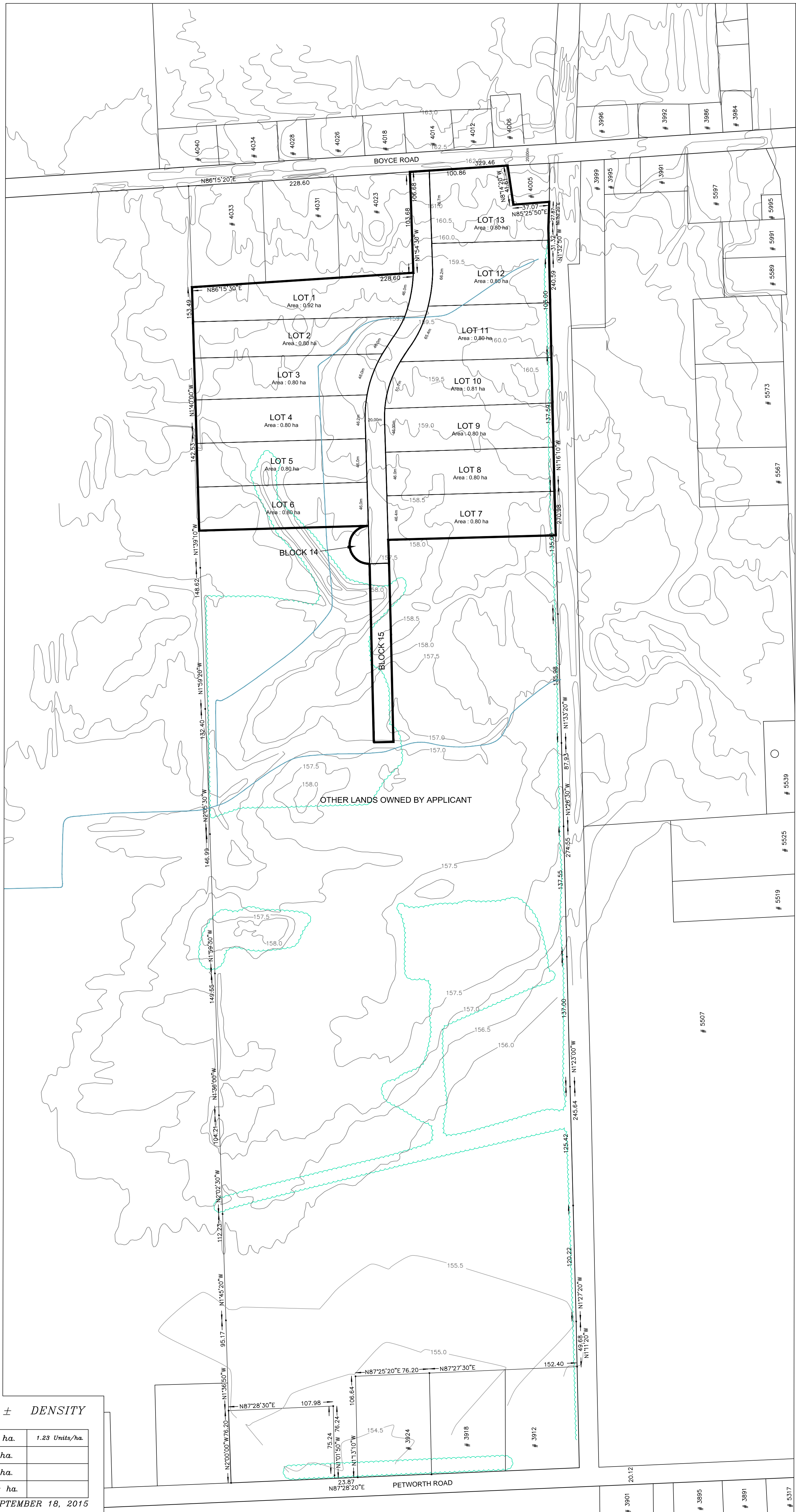
DATE: SEPTEMBER, 2015

WILLIAM H. CARD-O.L.S.

METRIC
 DISTANCES SHOWN ON THIS PLAN
 ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING
 BY 0.3048



KEY PLAN



SITE DATA

LAND USE LOTS & BLOCKS AREA ± DENSITY

LAND USE	LOTS & BLOCKS	AREA ±	DENSITY
SINGLE FAMILY DETACHED	LOTS 1 to 13	10.53 ha.	1.23 Units/ha.
STREETS/RESERVES	STREETS, BLOCK 14	0.91 ha.	
SWM FACILITY	BLOCK 15	0.38 ha.	
TOTAL SITE AREA		11.82 ± ha.	

REVISED SEPTEMBER 18, 2015

The Woolen Mill
6 Cataraqui St, Suite 108
Kingston, ON K7K 1Z7
613.542.5454
fotenn.com

October 9, 2015

FOTENN

Joe Gallivan

Director of Planning and Economic Development
County of Frontenac
2069 Battersea Road
Glenburnie, ON K0H 1S0

Re: Application for Draft Plan of Subdivision and Zoning By-law Amendment
Planning Brief
Part of Lot 7, Concession 7, Portland District, Township of South Frontenac
File Nos.: 10T-2013/002 and Z-15/03

Dear Mr. Gallivan,

The following submission is being provided to advise the County of revisions made to the proposed residential subdivision in Hartington. The original application sought to create 50 new blocks, including 47 residential lots, two parkland blocks and one stormwater management block. This letter is intended to supplement the original planning rationale, dated June 11, 2015, which was submitted in support of the development applications.

Feedback received during the Statutory Public Meeting and through written correspondence indicates there are concerns with developing the entire subdivision, due to the fact that the property is located partly within a settlement area and partly within the rural area. Concerns were also raised regarding water quality and quantity.

The applicant has thoughtfully considered this feedback from the community and has reduced the subdivision to 13 residential lots, all of which will be located within the existing hamlet boundary. The remainder of the lands will not be part of the subdivision application and will remain rural. When the applicant pursues the development of the southern portion of the property in the future, the planning process will trigger further consultation with the County and Township Council, staff and the Public.

OVERVIEW OF REVISED DESIGN

As seen in Figure 1 below, the revised plan now includes 13 residential lots, a road and the remainder of the lands are not part of the Plan of Subdivision. The two parkland blocks originally proposed have been removed along with the stormwater management block. Stormwater will be directed away from the 13 lots by enhanced ditches. The proposed new road will terminate at the end of lots 6 and 7. The right-of-way will continue south for stormwater management purposes, providing a direct connection from the proposed roadside ditches to the existing Pleasant Valley Municipal Drain. Cash-in-lieu of parkland will be provided instead of the originally proposed parkland blocks.

PLANNING BRIEF | HARTINGTON SUBDIVISION | ZBA & DRAFT PLAN OF SUBDIVISION

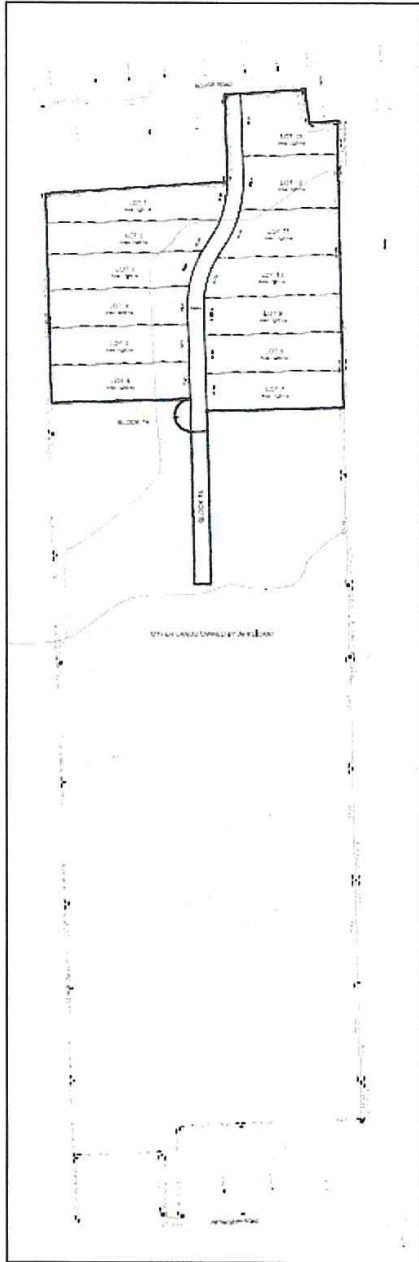


Figure 1: Revised Draft Plan of Subdivision

TECHNICAL CONSIDERATIONS

Hydrogeology

ASC Environmental has reviewed the revised draft plan and has provided an updated analysis for the proposed 13 residential lots. Based on MOE guidelines, a minimum of 3 test wells is required for sites up to 15 hectares (the reduced development area is approximately 11 hectares in size of the 45 hectare property). Currently, five drilled wells are present in the area proposed for development and a sixth well is immediately south and adjacent to the now Lot 7. On this basis, sufficient wells are in place to address the hydrogeological conditions for the proposed Hamlet development.

Water Supply

Pumping tests were conducted on the test wells in 2013 and 2014. Water supply has been assessed during spring and summer conditions with pumping test results from the 5 existing wells confirming sufficient water supply to support development of the 13 proposed lots within the Hamlet. Based on the hydrogeological work completed to date (and confirmatory peer reviews), ASC is of the opinion that the well driller's pumping tests for the remaining 8 lots will be sufficient to assess potential well yield to confirm long term viability of each lot.

Water Quality

Existing groundwater chemistry data from the test wells identified that treatment for common aesthetic parameters and health related parameters may be necessary in the Hamlet portion of the property. Bacteriological parameters are not a concern. During individual lot development, disinfection is recommended as a minimum to ensure safe drinking water for domestic consumption purposes and retaining a water treatment specialist to confirm treatment options for the identified aesthetic and health related parameters that may require treatment.

Interference

Water levels were measured in test wells and observation wells in the northern portion of the property during pumping tests conducted in March 2013, August 2014 and September 2014. The results indicated a positive response during all three test times and exceeded the requirements of MOE's guidelines.

Based on these results ASC is of the opinion that the hydrogeological analysis conducted to date and the evaluation of new wells by a qualified hydrogeologist is sufficient to adequately characterize long term water supply of the proposed 13 lot residential development.

Stormwater Management

As noted above, stormwater is proposed to be managed through enhanced ditches. Rear ditches will be provided along the east and west property lines to capture runoff from the rear portions of the proposed lots. The proposed roadside ditches would still capture runoff from the roadway, driveways, roofs, and front portions of the proposed lots. These roadside ditches would be extended northerly to Boyce Road to accommodate any future road drainage works envisioned there. The existing low lying area adjacent to the rail trail in the northeast corner of the site will still be drained through a ditch along a side lot line to the proposed roadside ditch. At the south limit of the road, a linear enhanced ditch will be extended southerly to the Pleasant Valley Drain. This lot-slope, grass lined, flat bottom ditch will be designed to provide stormwater quantity and quality control for the 13 lot development. Side and rear ditches as well as



lot grading would be detailed on the engineering drawings and in the subdivision agreement.

A final Stormwater Management report will be completed with detailed design.

Environmental Impact Statement

An Environmental Impact Assessment was prepared by Ecological Services dated August 27, 2013. This report assessed the natural features on the property to determine significance in accordance with provincial and municipal legislation. The work included site visits and analysis of aerial photography. Conclusions of the assessment include:

- No threatened or endangered species within the subject property
- Bobolinks observed on adjacent properties, however they are known to be tolerant of nearby human activity and the proposed subdivision will not constitute a negative impact to this species
- There are no wetlands within 120 metres of the proposed development area
- There are no areas of natural and scientific interest within 120 metres of the proposed development area
- There are no valleylands within 120 metres of the proposed development area
- Existing woodland is not of significant size, habitat, proximity to a significant natural heritage feature, linkage, groundwater discharge area, or diversity to be considered significant in the context of provincial or municipal regulations. The subject property does not contain any significant woodlands.
- There are no significant wildlife habitat present within the proposed development area

The findings of the previously prepared Environmental Impact Assessment are not impacted by the revised draft plan of subdivision.

Traffic Impact Review

A Traffic Impact Review was completed by AECOM on September 2, 2015. Trip generation rates from the ITE Trip Generation Manual (9th Edition) were used to estimate the number of trips generated by the development. Traffic Counts along Road 38 were also utilized in their findings including turning movements. AECOM's traffic counts were consistent with the counts provided by the Township.

The additional traffic generated by the residential development represents less than 10% of the total traffic along Road 38. With such low volumes of new traffic, no impact to the existing traffic operations is expected. It was also determined that there should be sufficient gaps in the traffic along Road 38 such that northbound left turning vehicles on Road 38 will be able to access Boyce Road with little delay.

Comments from Quinte Conservation

Quinte Conservation has accepted the development subject to two conditions:

- 1) Any new development on the subject land should demonstrate that post-development flows do not exceed pre-development levels for design storms from the 5-year to 100-year events. In addition, the Level 2 (normal) water quality protection storage criteria set out in the Ministry of the Environment Stormwater

Management Planning and Design Manual (2003) should be utilized for this application. Please note, staff have reviewed a covering letter provided by Forefront Engineering Inc. (dated August 10, 2015) and agree with the conceptual stormwater management design. We suggest however, that the Municipality consider the need for an easement over all drainage features (including rear lot swales) with access from Municipal property. Please contact Christine McClure, Water Resources Technologist at 613-968-3434 x 130 for further information regarding stormwater management comments.

- 2) Quinte Conservation suggests that a hydrogeological study be conducted which includes a baseline survey and evaluation of potential impacts on groundwater. We recommend that the consultant utilize the guidelines set forth in the Ministry of Environment (MOE) document titled '216905 D-5-5 Private Wells: Water Supply Assessment (1996)' and, '216904 D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment (1996)'. Please note, staff have been in discussion with the consulting hydrogeologist and the Municipality's peer review agent. Please contact Mark Boone, Hydrogeologist at 613-968-3434 x 120 for further information regarding the hydrogeological comments.

PLANNING CONSIDERATIONS

The subject property is regulated by the Township of South Frontenac Comprehensive Zoning By-Law. It is currently zoned within the "RU" Rural Zone which permits a range of uses including agricultural and related uses, single-detached dwellings, and other uses which are considered compatible with rural areas. There is a small area of "Environmentally Sensitive Lands Overlay" on the west side of property which requires an Environmental Impact Assessment with any development application (completed with the initial application). The existing and surrounding zoning is shown in Figure 2 below.

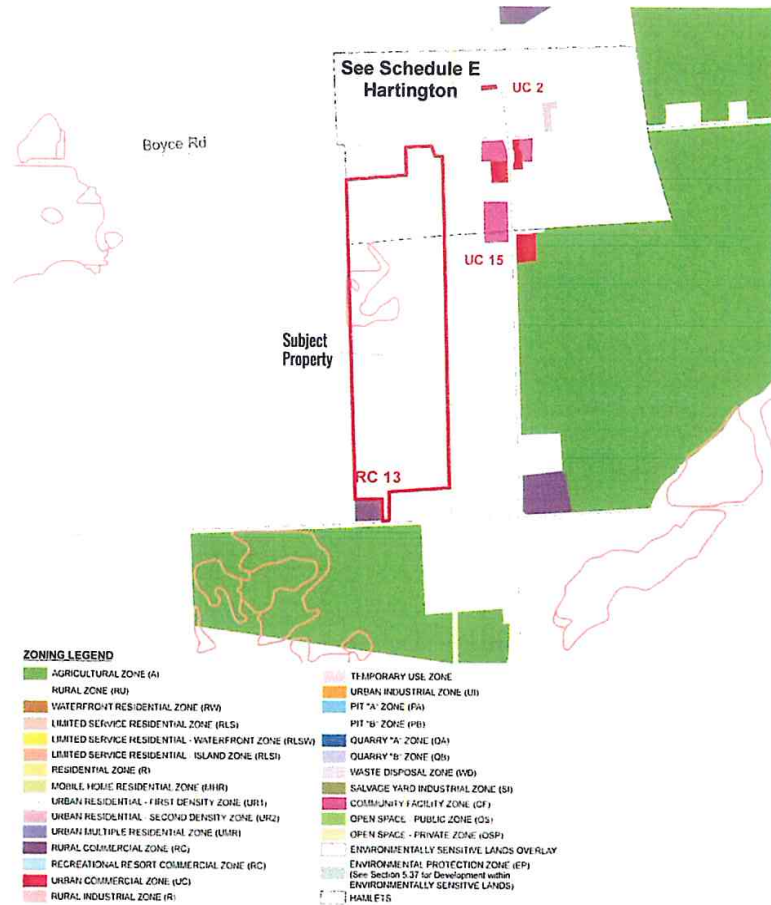


Figure 2: Current Zoning

We are proposing that the 13 residential lots be zoned a site specific Residential “R-28” zone which is an established zone within the Township. The remainder of the lands would be zoned the existing ‘RU’ Rural Zone (Figure 3). The table below provides a comparison between the parent Residential zone and the amendments necessary for the site specific zone.

Parent R Zone	Provided	Relief Necessary
Minimum Lot Area: 8,000 m ²	0.80 hectares (8,000 m ²)	No
Minimum Lot Frontage: 76 m	46 m	Yes - Request reduction to a minimum of 46 m frontage.



Minimum Yard Requirements Front Yard: 20 m Rear Yard: 10 m Int. Side Yard: 6 m Ext. Side Yard: 10 m	Development will meet these requirements.	No relief requested.
Gross Floor Area (min): 89 sq. m	Development will meet these requirements.	No relief requested.
Maximum Building Height: 11 m	Development will meet these requirements.	No relief requested.
Maximum Lot Coverage: 20%	Development will meet these requirements.	No relief requested.

Frontage Reduction

The Draft Plan provides 0.8 hectare lots with a minimum lot frontage of 46 metres. Overall, the draft plan is consistent with the general intent of the Official Plan and as such, we believe the relief requested for the zoning amendment is justified. Proposed residential lots will be located on private services and at 0.8 hectares (2 acres), each lot has sufficient space to meet the required setbacks for well and septic systems, including a back-up tile bed. Lots will also contain sufficient space for those wishing to have accessory buildings or accessory uses such as a swimming pool.

By providing sufficiently sized lots on a municipal road and by maintaining all other provisions of the Residential 'R' zone, the subdivision will achieve a scale and character similar to that of the surrounding hamlet. The images below provide a sense of the how the proposed subdivision will appropriately integrate with surrounding uses. It is important to note how much smaller the existing residential lots, but that the character is maintained with these small lots by providing a similar frontage to the existing lots.

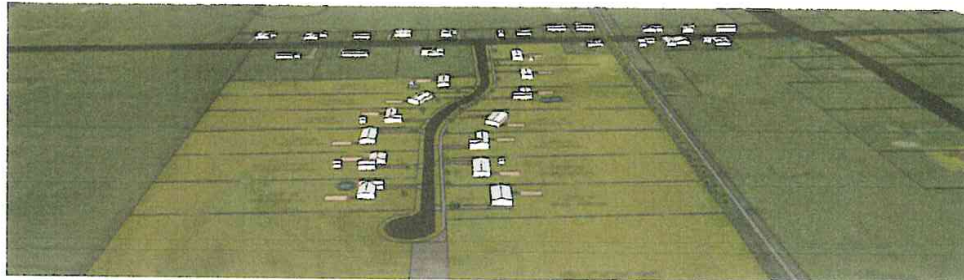
FOTENN



Proposed Lot Fabric
Existing Lot Fabric



Proposed Lot Fabric
Existing Lot Fabric



As seen in the images above, the frontages proposed are consistent with the general character of the area. They are also consistent with other decisions made in the Township to reduce frontage within the hamlet areas. Some examples include:

- R-10 - Lyons Landing, 55 m
- R-11 - Bedford District, 60 m
- R-18 - Gilbert, 30 m
- R-21 - Deer Creek Phase 2, 35 m
- R-25 & R-26 - Valleyview Estates, 25 m
- R-27 - Ouellette, 50 m
- R-28 - Willowbrook Estates, 52 m

In summary, the only provision requiring relief is the lot frontage, which is proposed to be reduced from 76 metres to 46 metres. The reduction will not disrupt the functionality of the subdivision nor will it result in a lot fabric that is out of character with the surrounding area.

The site specific zoning text will read:

R-29 (Part of Lot 7, Concession 7, Township of Portland)

Notwithstanding anything in this by-law to the contrary, the lands zoned Special Residential (R-X) shall be used only in accordance with the following:

- i. The minimum lot frontage shall be 46 m (150.9 ft).
- ii. All other provisions of this by-law shall apply.

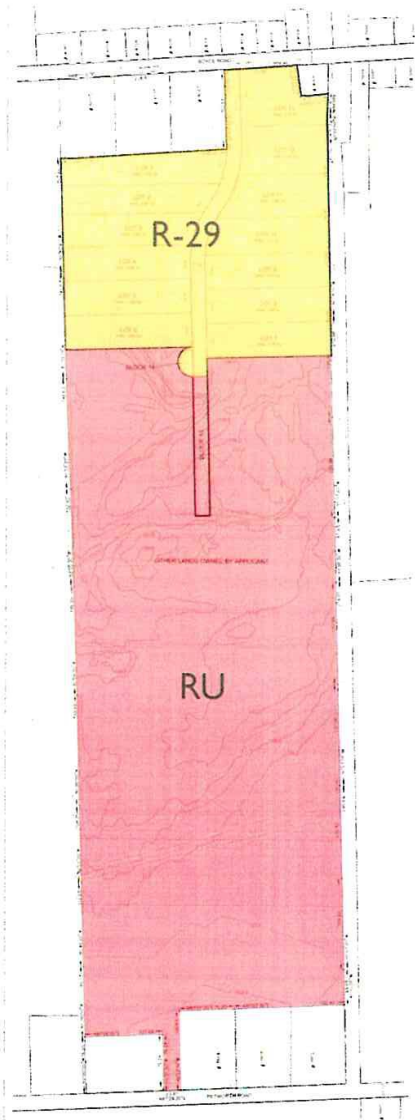


Figure 3: Proposed Zoning

FOTENN

CONCLUSIONS

As a result of comments received from the public, the applicant has significantly reduced the scale of the proposed subdivision. The original proposal, which included 47 residential lots, two parkland blocks and one stormwater management block has been reduced to 13 residential lots all located within the settlement area of Hartington. Lands located outside of the hamlet area will remain as rural and will be subject to an additional planning process when the owner proposes future development options for the lands.

Should you require any additional information, please do not hesitate to contact me at 613-542-5454 extension 221.

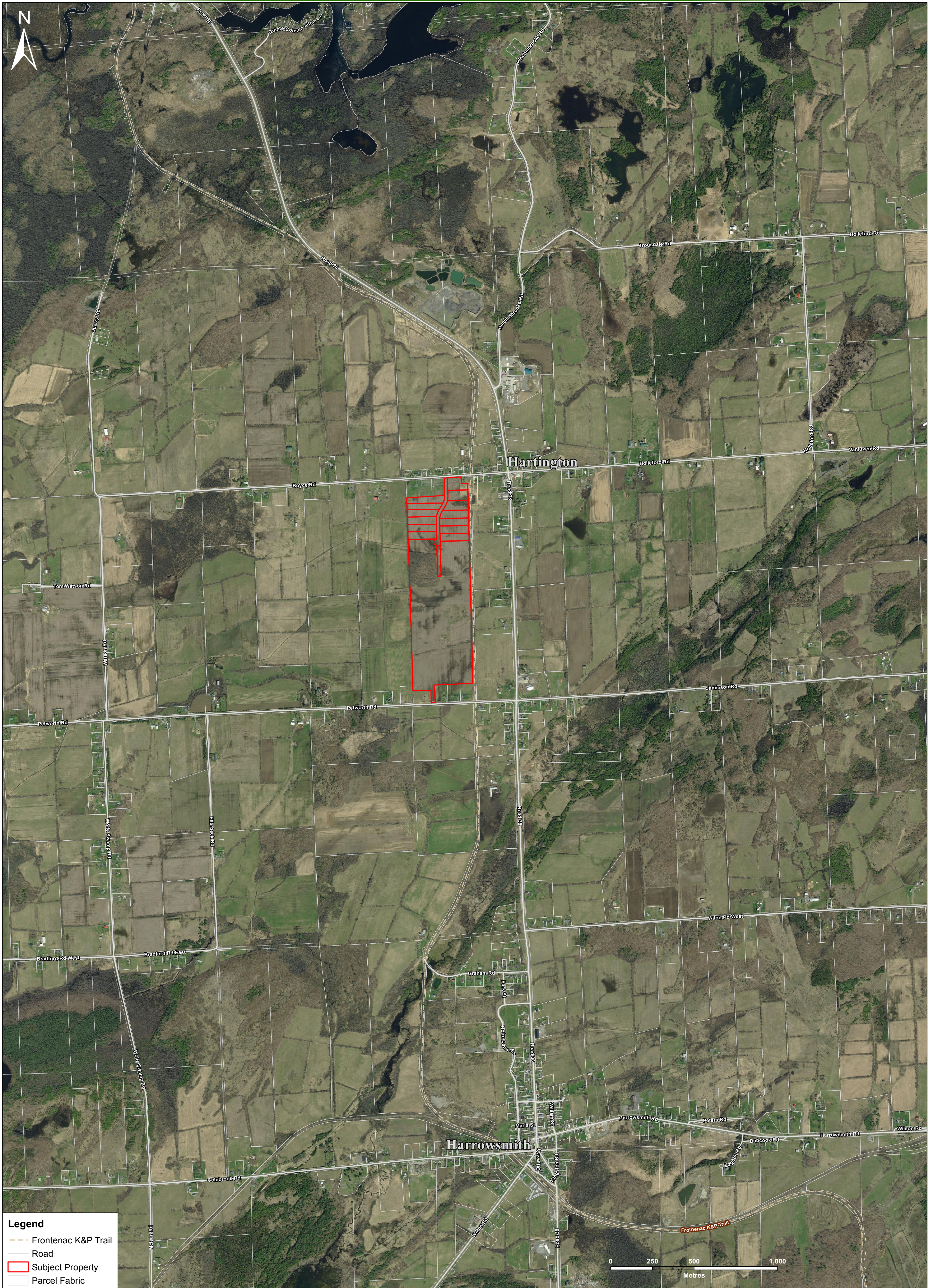
Sincerely,



Mike Keene, RPP MCIP
Manager Policy + Development
FOTENN Consultants Inc.



HARTINGTON SUBDIVISION



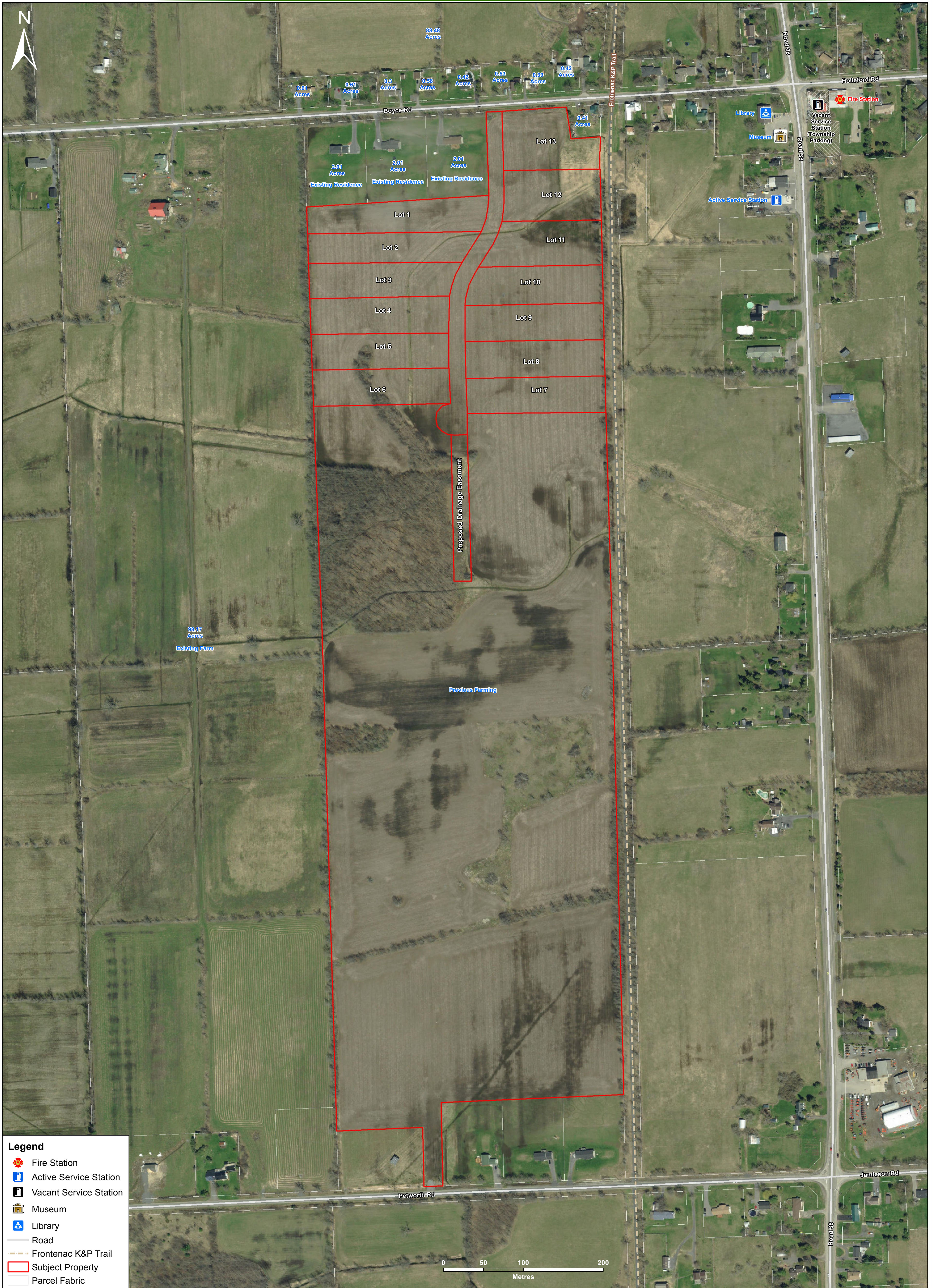
Legend

- Frontenac K&P Trail
- Road
- Subject Property
- Parcel Fabric

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HARTINGTON SUBDIVISION



Legend

- Fire Station
- Active Service Station
- Vacant Service Station
- Museum
- Library
- Road
- Frontenac K&P Trail
- Subject Property
- Parcel Fabric

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Report 2016-093 Appendix F**Hartington Plan of Subdivision – County File # 10T-2013/002****Approvals Timeline:**

Discussions concerning the Hartington Plan of Subdivision development have been ongoing for almost 3 years and have involved extensive public consultation and the subject lands are described as Part of Lot 7, Concession 7, formerly municipal Township of Portland, Township of South Frontenac, County of Frontenac. It is located on the west side of the K&P Trail between Boyce Road and Petworth Road. The northern portion of the property is within the Hartington settlement area. A map of the proposed development as originally submitted with the application is attached to this report as Appendix B.

The proposal is for a Draft Plan of Subdivision containing thirteen (13) lots for single detached dwellings. The current proposal – which is also the proposal that has been appealed to the Ontario Municipal Board (OMB) – was revised from the original submission of a forty-nine (49) lot subdivision on a 44.8 hectare (111 acre) property. On October 9, 2015, the applicant provided documentation intended to revise the original planning rationale and reduce the size of the proposed subdivision from 49 to 13 lots (see Appendix C)

A concurrent Zoning By-law Amendment was filed with the revised subdivision plan, and has also been appealed to the OMB. The zoning amendment would rezone the land from 'Rural (RU)' to 'Residential (R)' to recognize the residential development proposal.

An associated zoning by-law amendment proposal was submitted to the Township of South Frontenac to rezone the lands to a special Residential Zone (R-28) to permit the residential use of the lands and to recognize the frontages as proposed at only 46 metres.

Frontenac County deemed the application to be complete pursuant to the requirements of the Planning Act on November 15, 2013.

At the direction of the County, South Frontenac Township has held two public meetings with regard to the Hartington development to consider both the plan of subdivision and the necessary Zoning By-law amendment. A formal public meeting on July 7th, 2015. Following the public meeting the Draft Plan was revised to include 13 instead of 49 lots. A second public meeting was held on July 15th, 2015 to discuss the revised proposal.

On February 12, 2016 the applicant filed an appeal on the draft plan of subdivision and zoning by-law for lack of decision within 180 day time period required under the Planning Act. Although Hearing dates have not yet been set (OMB File No. PL160168), the Board has advised in correspondence to the County dated March 2, 2016 that all Parties should be prepared to proceed at any time. Notice for prehearings and hearings are generally mailed 35 days before the hearing and Notice for mediation meetings can

be given on shorter notice. Once dates are set, adjournments are not granted except where compelling circumstances exist and with the consent of all parties and/or the approval of the Board agency review.

2012

November 13, 2012 – Informal pre-consultation meeting with the Township, the applicant and the applicants engineering consultant.

December 18, 2012 – Informal pre-consultation meeting with County staff, Malroz Engineering, the applicant and the applicant's hydrogeologist.

2013

January 11, 2013 – Pre-consultation meeting with the County and relevant agencies.

November 15, 2013 – Application filed for a proposed draft plan of subdivision (County) and zoning amendment (Township).

November 28, 2013 – County deems proposed draft plan of subdivision application as complete as per *Planning Act* requirements.

2014

March 3, 2014 – A revised draft plan of subdivision is submitted, reducing the total number of lots to 47

2015

April 9, 2015 – The County's peer reviewer, Malroz Engineering, issues a letter signing off on the methodology of the Hydrogeological Study

April 22, 2015 – Application filed for a zoning amendment with the Township.

June 2, 2015 – Township deems zoning amendment as complete.

July 7, 2015 – Formal Public Meeting for both Plan of Subdivision application and zoning by-law amendment held on behalf of the County by South Frontenac Township Council.

August 4, 2015 – Revised Proposed Plan of Subdivision is presented to Township Council by Mike Keene, Fotenn Consultants down to 13 lots

September 15, 2015 – South Frontenac Council passes resolution expressing its serious concerns about the water quality and quantity at the Hartington Subdivision proposal and directs that all correspondence from the community predating the June 24, 2015 Planning Report along with all later correspondence be included in the submission to the County.

September 18, 2015 – Further amendments made to the draft plan restricting the revised plan to 13 residential lots located within the settlement area.

October 9, 2015 – A Planning Brief, prepared by Fotenn Consultants Inc. is provided to the County and Township along with a formal copy of the 13 lot draft plan and addendum to studies necessary

November 24, 2015 – Committee of the Whole Meeting, the Township Planner provided a Planning Report dated November 18, 2015 containing conditions of draft approval that were recommended to be received by Council and forwarded to the County.

2016

January 19, 2016 – At the Township Council meeting, Township Planner provided a further Planning Report containing slightly revised conditions of draft approval but continuing to recommend draft approval and forwarding the proposed conditions to the County for their consideration. Township Council did not discuss the application at this meeting stating that new information had been brought to their attention related to ground water and soil contamination on a nearby property, owned by the Township which was a former gas station.

February 12, 2016 – Applicant files appeal to the Ontario Municipal Board for lack of decision of the approval authority (Frontenac County) to make a decision within 180 days of the application being deemed complete under the *Planning Act*.

March 1, 2016 – Township planning report presented to Township Council meeting. Includes recommended conditions for Draft Approval. Motion passed by the Committee to direct Council to have the Township staff to engage an independent environmental consulting firm to review the reports that have been submitted to date and make a determination on the water quantity and quality in the proposed development and surrounding areas and make recommendations as to any additional testing or monitoring that should be conducted.

March 16, 2016 – County Council directs staff to retain legal counsel to prepare for and represent the County at the upcoming OMB hearing via [Report 2016-036](#).



via: e-mail

August 9, 2016
File: 840-114.00

308 Wellington Street
2nd Floor
Kingston, ON K7K 7A8
Canada

613-548-3446
www.malroz.com

Mr. Joe Gallivan,
Director of Planning and Economic Development
County of Frontenac
2069 Battersea Road
Glenburnie, Ontario, K0H 1S0

Subject: Review Technical Support Documentation - Hartington Subdivision
Part Lot 7, Concession 7, Township of South Frontenac, County of
Frontenac (MP File No. 0CP-15-0397)

Dear Mr. Gallivan,

Malroz Engineering Inc. (*Malroz*) is pleased to present our comments on the proposed Hartington Subdivision. *Malroz* was retained by the County of Frontenac to provide technical review and consulting on the proposed Hartington Subdivision. Our document review included the following:

1. *Soil and Ground Water Assessment Report – 5598 King’s Highway 38, Hartington, ON*, prepared for Environmental Contracting Services Inc. c/o Township of South Frontenac, prepared by Specialized Onsite Services Inc., dated September 28, 2015.
2. *On- and Off-Site Groundwater Sampling, 5598 Country Road 38, Hartington, Ontario, Cambium Reference No. 4560-001*, prepared for Mr. Jamie Brash, Facilities and Solid Waste Area Supervisor, Township of South Frontenac, prepared by Cambium Inc., dated January 4, 2016.
3. *Initial Independent Review of Hartington Development Proposal*, prepared for Michelle Foxton, Wade Leonard, Charlie Larbidge, John Lesperance, prepared by Wilf Ruland, dated May 10, 2016.
4. *exp. Peer Review Comments Regarding Hydrogeologic and Terrain Analysis Components of a proposed Plan of Subdivision Application, Hamlet of Hartington, Township of South Frontenac*, prepared for Lindsay Mills, Planner/Deputy Clerk, Township of South Frontenac, prepared by Chris Rancourt, dated May 5, 2016.

As a part of our review of the above documents we met with Mr. Ruland and his clients, Mr. Wayne Orr (CAO Township of South Frontenac) and yourself at the County offices on May 19, 2016. We further attended a meeting with Township of South Frontenac (South Frontenac) and Ministry of the Environment and Climate Change (MOECC) personnel to review the status of the former Hartington gas bar on July 7, 2016.

Environmental Scientists & Engineers
KINGSTON ♦ TORONTO ♦ OTTAWA

Malroz has previously issued comments on the proposed subdivision in letters dated: January 21, 2014, October 17, 2014, April 20, 2015, September 24, 2015 and supplementary emails on December 15, 2015 and April 2, 2016.

1.0 Comments

Our review considers the proposed 13 lot residential development. Our previous reviews have considered technical information and comments from:

- ASC Environmental Inc.,
- Quinte Conservation Authority,
- McIntosh Perry Consulting Engineers Ltd.

To date we have not received comments on the four documents reviewed below from the proponent's consultant. Our current comments are as follows:

Documents 1 & 2:

We have reviewed the documents provided regarding the contamination associated with the former gas station. The documents identify soil and groundwater contamination related to historic retail petroleum activities at the site. Subsequent to our review, we attended a meeting with South Frontenac and MOECC personnel to review the status of the former Hartington gas bar on July 7, 2016.

Our review identified that the groundwater contamination was identified in shallow groundwater monitoring wells installed to intersect the surface of the water table. Sampling of the onsite water wells and nearby residential wells showed that groundwater met the standards. In our opinion this indicates that the contamination has not impacted the water supply aquifer. Further groundwater flow is easterly onto lands owned by South Frontenac, not westerly towards the proposed subdivision.

We understand that the Township continues to actively manage the contamination in conjunction with regulatory oversight by the MOECC. Considering the results of domestic well water sampling and the oversight by the MOECC, we do not consider the former gas station to be a risk to the proposed development.

Document 3:

The report identifies a number of potential issues with the site characterization, impact assessment and the former Hartington gas bar. As discussed above, we consider the issue of the gas bar to be adequately addressed. We offer the following general comments on Document 3:

Malroz Engineering Inc.

1. Section 2 of Document 3 speaks to the movement of groundwater in the limestone bedrock aquifer at the site. This includes vertical flow, hydraulic conductivity, vulnerability and water resource sustainability.

We agree that the proposed development site is likely an area of recharge and that groundwater has a downward component. Furthermore recharge from precipitation is the method of recharge for the limestone aquifer. We see conflicting information in the report between the comments on the potential for karst or no impediment to vertical groundwater flow and Mr. Ruland's comments that the aquifer has a low porosity and the area is subject to more than usual amount of precipitation loss through surface runoff.

The range of hydraulic conductivities is discussed at the site. Document 3 identifies the conductivities as ranging from on the order of 10^{-4} to 10^{-7} m/s. A range of three orders of magnitude. The individual wells and their conductivities are not identified. The calibration data provided to support the analytic model in the ASC March 23, 2015 letter documented a range of hydraulic conductivities from test wells TW2, TW10 and TW12 that ranged from 10^{-6} to 10^{-7} m/s. The values reported by ASC are within typical values for limestone and below that for Karst limestone (Freeze and Cherry, 1979).

We see no substantiated evidence of Karst within the saturated aquifer. Nor do we see substantiation that surface runoff is more than usual.

2. Section 3 of Document 3 includes a discussion of the evaluation of impacts from the potential septic systems in the development. Based on the discussion in item 1 above and the work to date, including the reviews by other parties, it is our opinion the MOECC D-5-4 guideline is appropriate for application at the site. We do not see substantiated information that the site requires the application of an alternative method of assessing the impact of septic systems.

ASC in their December 3, 2015 letter provided an update nitrate dilution calculation. The calculation in their letter considered two scenarios, one for nitrates at the boundary of the 13 lots on an 11.82 ha area and one that considered the 13 lots on the full 45 ha site owned by the applicant.

Scenario one, for the 11.82 ha area, used an average background concentration for nitrates of 1.79 mg/l from the four existing test wells on the proposed 13 lots and one well just south of the development. ASC calculated through the MOECC D-5-4 predictive assessment, for residential development, that the nitrate concentration could increase to 9 mg/l.

Scenario two, for the 45 ha development, as well used an average background concentration for nitrates of 1.79 mg/l. ASC calculated through the MOECC D-5-4

Malroz Engineering Inc.

predictive assessment, for residential development, that the nitrate concentration could increase to 3.9 mg/l.

In both scenarios the proponent's consultant has identified that the potential increase in the concentration of nitrates from the proposed subdivision will remain below the drinking water standard of 10 mg/l.

Considering that the calculation for the 13 lots uses: an average concentration of 1.79 mg/l rather than the maximum concentration of 4.21 mg/l; the variability of the concentrations; the single data sampling point, and; the potential age/condition of upgradient septic systems, the proponent should consider additional confirmatory groundwater analyses for nitrates and/or measures such as, tertiary treatment systems to mitigate nitrate impacts.

Considering that groundwater flow is southerly, away from the Hartington Hamlet, an impact from septic systems on existing groundwater users in Hartington is not anticipated.

As an added precaution, future wells installed should be sampled for nitrates (see document 4 review below). Should future development of the lands to the south of the proposed subdivision will need to consider the predicted upgradient nitrate concentration calculated in scenario one.

3. Section 3. e, of Document 3 speaks to hydrofracturing. We are not aware of any hydrofracturing of test wells at the proposed development. We have asked the proponents hydrogeologist and they have reported that they are not aware of any. If someone has evidence that can substantiate hydrofracturing at the site, we ask they bring this forward for review.
4. Section 4 speaks to stormwater management. Quinte Conservation provided comment on stormwater management in a letter dated September 30, 2015. We understand based on the letter they were supportive of the plan with the conditions outlined in their letter.
5. Section 5 speaks to the future assessment of water supply wells post development. This is addressed in the summary below.

In our opinion the concerns brought forward by Mr. Ruland are similar to those previously brought forward by Malroz, Quinte Conservation, and McIntosh Perry. Through the successive iterations of the investigation and review comments to date we are satisfied that a higher level of detail and investigation has been conducted by the proponent over and above what is required by the MOECC D-5-4 and D-5-5 guidelines. The supplementary investigation of each well, and

Malroz Engineering Inc.

each lot by the proponent further exceeds the MOECC guidelines and assists to protect existing and future groundwater users in the vicinity of the proposed development.

Document 4

We have reviewed the letter prepared by exp Services Inc. (exp). Our interpretation of the letter is that it concurs with the approach outlined in our April 20, 2015 letter which provided recommendations for the planning authority to move forward with draft conditions on the plan of subdivision. In particular the assessment of each future well installed at the proposed subdivision, should it be granted by the approval authority.

The exp. letter included a recommendation to test for common agricultural pesticides. This was previously completed and reported by ASC in their letter dated, September 15, 2014. Tables 11 and 12 of the letter reported that test wells TW01, TW03, TW05 and TW07 had been tested for a range of herbicides and pesticides, and all parameters analysed were below laboratory detection limits. We consider this issue addressed.

We are satisfied that the additional testing beyond the minimum required in the D-5-5 guideline, meets the request for additional testing in our April 20, 2015 letter, Quinte Conservation's June 2, 2015 letter and the exp May 5, 2016 review, as supplemented by our comments below.

2.0 Summary and Recommendations

Considering the information that we have previously reviewed and the supplemental information reviewed in this letter we remain of the opinion that the proposed plan of subdivision be subject to the conditions as outlined in our April 20, 2015 letter. Based on our review of comments from Quinte Conservation (June 2, 2015) and exp. they appear to be of a similar opinion.

We recommend the following conditions as outlined in our April 20, 2015 letter:

- The subdivision agreement should require the reporting of elevated chloride and sodium levels to the Medical Officer of Health.
- Pre-filtration and disinfection (eg: ultra violet light) should be included in drinking water systems to maintain a bacteriological free water supply.
- The potential presence of sulphur in wells and remedial measures should be identified to potential buyers in the subdivision agreement.
- A staggered well orientation is proposed to be implemented to mitigate mutual well interference.
- Each well at the proposed subdivision should be assessed by a qualified hydrogeologist for water quality and quantity.
 - In accordance with the ASC June 23, 2015 letter supplemented for clarity by items *i* to *vi* in the summary below.

Malroz Engineering Inc.

Considering the issues the changes to the proposed subdivision since our April 20, 2015 letter, we recommend that as part of draft approval the proponent confirm that the concentration of nitrates has not increased or implement mitigation measures as discussed in the Document 3, item 2 review. Further that the individual well assessment plan be clarified to include:

- i. A minimum pumping rate for the size of residence proposed for the lot in accordance with the D-5-5 guideline for a minimum duration of 6 hours;
- ii. Neighboring wells and/or nearby wells will be monitored during the pumping test;
- iii. The suite of groundwater analytical parameters that will be analysed for shall include
 - o For each well, the suite of analyses tested for in the supporting reports by ASC,
 - o For three select wells, PHC, BTEX, volatile organic compounds (VOC) and polycyclic aromatic hydrocarbons (PAH), which would be indicative of contamination associated with a rail line or gas bar;
- iv. Evaluation of nitrate and nitrite concentrations, and trends in concentration and impact to potable groundwater supplies;
- v. Evaluation of mining of the potable water aquifer; and,
- vi. Conclusions on the sustainability of the water supply aquifer and water quality.

We recommend our comments be revisited should new information become available and remind the reader that no comments from the proponent's consultant, to Malroz, on the documents reviewed were provided prior to issuance of this letter.



3.0 Closure

Malroz reminds the reader that the purpose of this review was to assess if the proponent has used generally accepted practices to support their conclusions in the report provided. This review is not an audit and as such is not intended to detect facts that were concealed, or omissions in the report. Unless otherwise stated, this review does not consider local By-laws nor does it represent a legal opinion regarding compliance with regulations and guidelines.

Malroz hopes this process has been helpful. Please do not hesitate to contact us if you have any questions or concerns.

Yours truly;

Malroz Engineering Inc.



 per: John Pyke, P. Geo.
 Environmental Geoscientist


 reviewed: David Malcolm
 Project Manager

Malroz Engineering Inc.



FRONTENAC

Report 2016-094

Council Recommend Report

To: Warden and Members of County Council
From: Kelly J. Pender, Chief Administrative Officer
Prepared by: Reid Shepherd, Community Planner
Date of meeting: August 24, 2016

Re: **Planning and Economic Development – Approval of North Frontenac Official Plan Amendment Number 7 regarding Renewable Energy and Sustainability**

Recommendation

Whereas the Council of the County of Frontenac considered all written and oral submissions received on this application, the effect of which helped Council to make an informed decision;

Therefore Be It Resolved That the Council of the County of Frontenac receive the Planning and Economic Development - Approval of North Frontenac Official Plan Amendment Number 7 regarding Renewable Energy and Sustainability report for information;

And Further That the Council of the County of Frontenac approve North Frontenac Official Plan Amendment Number 7 to the Township of North Frontenac Official Plan as contained in Appendix A.

Background

The Township of North Frontenac has requested that an amendment to the North Frontenac Official Plan be approved by the Council of the County of Frontenac. The amendment introduces policies concerning renewable energy and clarifies the municipality's position on large-scale projects that would have a negative impact on the landscape and character of North Frontenac.

At a meeting on July 22, 2016, the Council of the Township of North Frontenac introduced a motion directing staff to prepare an amendment to their Official Plan that would clarify the Township's position on renewable energy and large-scale energy projects in the municipality. On August 12, 2016, planning staff presented the proposed amendment at a public meeting in North Frontenac. No member of the public spoke or presented any written comments, and Council adopted the amendment later on during the regular council meeting.

There is currently no land use policy direction in the Township of North Frontenac Official Plan with respect to renewable energy projects and promoting sustainability through their use.

The adopted Official Plan Amendment attached to this report is intended to provide clarity through policy that the Township supports renewable energy projects, but does not support development of these projects at an industrial scale of operation. The adopted amendment recognizes that future economic development opportunities in the region will be based on the sense of place of North Frontenac, and that the character of the area should not be disturbed by these industrial operations.

Planning Policy Considerations

Frontenac County Official Plan

The County Official Plan has policies that support the use of renewable energy as energy demand increases in Frontenac (Section 2.1.4). The plan recognizes that the community has established a vision for local renewable energy as set out in the County's sustainability plan *Directions for Our Future*.

The adopted North Frontenac Official Plan Amendment Number 7 is consistent with this regional approach and support for small scale green energy activities.

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

There are a number of sections of the PPS that support the policy intent of the adopted Official Plan Amendment Number 7:

1.1.4 Rural Areas in Municipalities

This section of the PPS recognizes that rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. In the case of North Frontenac, all the lands and waters within the Township meet the definition of 'Rural Area'. The PPS notes that it is important to leverage rural assets and

amenities and protect the environment as a foundation for a sustainable economy. It can be argued that both the Township Official Plan and its Strategic Plan recognize the special nature and landscape character of the region and the economic development potential that can be derived from these sense of place. This strategy is supported by Section 1.1.4.1 of the PPS which recognizes that the health and viability of a rural area should be supported by building upon rural character, and leveraging rural amenities and assets. The adopted Amendment is consistent with these policies as it supports future renewable energy projects that are of a size and scale that do not disrupt this landscape character.

1.6.11 Energy Supply

Section 1.6.11.1 of the PPS states that planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, to accommodate current and projected needs. Section 1.6.11.2 requires that municipalities should promote renewable energy systems and alternative energy systems, where feasible. The adopted Amendment is consistent with this policy section as it promotes new energy supply opportunities with the exception of large scale projects that could have a detrimental effect on the character of the area.

1.7 Long-Term Economic Prosperity

This section of the PPS is particularly relevant to the adopted Amendment as it recognizes the balance necessary between supporting renewable energy systems while at the same time maintaining a sense of place that can support economic development.

The following subsections of this part of the PPS are applicable and supportive of the adopted Official Plan Amendment:

1.7.1 Long-term economic prosperity should be supported by:

- a) Promoting opportunities for economic development and community investment-readiness;
- b) Optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- g) Providing opportunities for sustainable tourism development;
- h) Providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;
- i) Promoting energy conservation and providing opportunities for development of renewable energy systems and alternative energy systems, including district energy;
- j) Minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature

In summary, the proposed 'Renewable Energy and Sustainability' amendment is consistent with the Provincial Policy Statement.

Comment

The attached amendment has been reviewed to ensure consistency with the County of Frontenac Official Plan and the current Provincial Policy Statement. As of the writing of this report, no public comments had been received concerning the amendment. It is recommended that Council approve Official Plan Number 7 regarding Renewable Energy and Sustainability.

Sustainability Implications

One of the key focus areas of *Directions for Our Future*, the County's Sustainability Plan, is Land Use Planning and Management. From a sustainability perspective, this involves an approach that ensures a clean and healthy environment, a strong economy, and long term viability. Draft approval of this Official Plan Amendment will promote a strong economy and long term viability by promoting rural-based recreational development.

Financial Implications

There are no direct financial implications to this approval.

Organizations, Departments and Individuals Consulted and/or Affected

Township of North Frontenac


**AMENDMENT NUMBER 7 TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

BY-LAW NO. 64-16

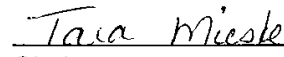
**RENEWABLE ENERGY AND SUSTAINABILITY POLICY
OFFICIAL PLAN AMENDMENT**

**AMENDMENT NUMBER 7 TO THE OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

The attached explanatory text, constituting Amendment Number 7 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



Clerk

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW #64-16

BEING A BY-LAW TO ADOPT OFFICIAL PLAN AMENDMENT NUMBER 7 TO THE OFFICIAL PLAN FOR THE TOWNSHIP OF NORTH FRONTENAC

WHEREAS Amendment Number 7 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 County of Frontenac is the approval authority for Official Plan Amendments for the Township of North Frontenac under the *Planning Act, R.S.O. 1990, as amended*;

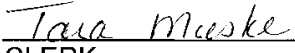
NOW THEREFORE the Council of the Corporation of the Township of North Frontenac, in accordance with the provisions of Sections 17 and 21 of the *Planning Act, R.S.O. 1990, as amended*, hereby enacts as follows:

1. THAT Amendment Number 7 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 County of Frontenac for approval of Official Plan Amendment Number 7 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 12th day of August 2016.

READ a third time and finally passed this 12th day of August 2016.


MAYOR


CLERK

**AMENDMENT NUMBER 07 TO THE OFFICAL PLAN
FOR THE CORPORATION OF THE TOWNSHIP OF NORTH 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, 6

PART B – THE AMENDMENT consisting of the following text and amending schedule constitutes Amendment Number 7 to the Official Plan for Township of North Frontenac.

Introductory Statement	6
Details of the Amendment	6, 7
Implementation and Interpretation	7

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
- APPENDIX C- Minutes of the Public Meeting
- APPENDIX D- Written Submissions
- APPENDIX E- Certification of True Copy

PART A – THE PREAMBLE

The title of this amendment is “AMENDMENT NO. 07” to the Official Plan of the Township of Central Frontenac hereinafter referred to as “AMENDMENT NO. 07”.

- **PURPOSE**

The purpose of Amendment No. 07 is to amend the Official Plan of the Township of North Frontenac to establish policies for Renewable Energy and Sustainability.

- **LOCATION**

The Amendment covers all lands within the jurisdiction of North Frontenac Township.

BASIS OF THE AMENDMENT

The purpose of this Amendment is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy, i.e., renewable resources (wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality. The Amendment also contains a special policy clarifying that the Township does not support development of industrial renewable energy projects. The Amendment recognizes that future economic development opportunities in the region will be based on the sense of place of North Frontenac, and that the character of the area should not be disturbed by these industrial operations.

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. 07 to the Official Plan of the Township of North Frontenac.

- **DETAILS OF THE AMENDMENT**

The Official Plan is amended by creating a new policy section, ‘Section 4.18 -- Energy, Air Quality and Sustainability.:

4.18 Energy, Air Quality and Sustainability

4.18.1 Scope

The Municipality recognizes the importance of its air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Council intends to examine different approaches to reach environmental sustainability by encouraging the

development of new sources of renewable into the community, together with improving the air quality.

4.18.2 Planning Principles

A. The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy, i.e., renewable resources (wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality.

B. Renewable energy sources may include but are not limited to:

- i. Geothermal energy: Heat from the earth's core can be used to generate electricity. It can also be used directly (with heat pumps) to heat and cool buildings.
- ii. Passive solar energy: Passive solar energy is incorporated into energy efficient building and landscape design, (e.g. window placement to heat retaining walls and floors).
- iii. Small hydro: Small hydro projects will generate power by using falling water at an average capacity of 20 megawatts or less. A 'run-of-the-river' project also uses falling water by directing water to the turbine using pipes, rather than dams.
- iv. Wind Energy: The energy from the wind can be harnessed by wind turbines and windmills to generate electricity and also to pump water.

C. Alternative energy projects will require the necessary approvals as per the *Green Energy and Green Economy Act, 2009*.

D. Council, in promoting energy conservation, may encourage energy audits and implementation measures to retrofit the existing stock (i.e., upgrading of windows, fixtures, energy efficient furnaces, etc.). Council will also encourage non-vehicular movement (pedestrian) within the community;

E. Council will encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc. This may be enforced through a property standards by-law;

F. Council will encourage initiation of a recycling program within the community which may include: wastes, plastics, metals, wood, etc.;

G. Energy efficient and sustainable design will be promoted for all development. Council may establish performance standards through conditional zoning, site plan control and other means; and

4.18.2.1 Special Policy -- Large Scale Renewable Energy Projects and Community Character

Council recognizes that a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing

project, as defined in subsection 1(1) of the *Planning Act* is exempt from the provisions of the *Planning Act* except as set out in subsection 62.0.2 of the *Act*.

Council will encourage a consultative process in the installation of renewable energy systems. Development of renewable energy systems will be encouraged to have regard to safe access to a lot, setbacks that are consistent with zoning standards, adequate lot size, access to and conservation of other natural resources (i.e., prime agricultural land, minerals, mineral aggregates, and natural heritage features and areas) and visual compatibility with surrounding land uses.

The landscape character of North Frontenac is unique and unspoiled. The large tracts of Crown land, hundreds of lakes, wetlands, and the hills of the Madawaska Highlands all combine to create a sense of place. This character is a key foundation for the future economic development opportunities including accommodations, recreational outfitters, small businesses, and specialty businesses such as craft breweries and artisan foods. In order to maintain this place, it is a policy of Council to not support any large scale renewable energy project, along with mining and large scale manufacturing plants that will have a negative impact on the overall landscape of the Township.

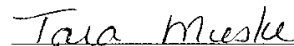
- IMPLEMENTATION AND INTERPRETATION

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 of the existing Official Plan of the Township of North Frontenac and applicable legislation.

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.



Tara Mieske, Clerk

**APPENDIX B
NOTICE OF PUBLIC MEETING**

Township of North Frontenac Official Plan Amendment Number 7
Renewable Energy Policies
By-law #64-16 - August 12, 2016

Page 9 of 12

**APPENDIX C
MINUTES OF THE PUBLIC MEETING**

Township of North Frontenac Official Plan Amendment Number 7
Renewable Energy Policies
By-law #64-16 - August 12, 2016

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**APPENDIX D
WRITTEN SUBMISSIONS**

Township of North Frontenac Official Plan Amendment Number 7
Renewable Energy Policies
By-law #64-16 - August 12, 2016

Page 11 of 12

APPENDIX E

CERTIFICATION OF TRUE COPY

I, Tara Mieske, Clerk hereby certify that the enclosed document is a true copy of the Official Plan Amendment Number 7 for the Township of North Frontenac as adopted by the Council of The Corporation of the Township of North Frontenac on the 12th day of August 2016.

Tara Mieske
Clerk

Composition of the Committee**Council Liaison to Corporate Services**

Councillor Tom Dewey

Three (3) Members of County Council:

- Councillor Natalie Nossal
- Councillor John Inglis
- Councillor Ron Vandewal

As noted in Report 2016-086, staff had recommended the establishment of a design task force with three members of County Council and senior staff to recommend the design team and to work with the architect to bring back design options/costing for Council consideration. It should be noted that senior staff will provide administrative support and guidance to the Task Force but will not form part of the Task Force composition.

The intent of the Administrative Building Design Task Force Mandate is to permit the Task Force to continue on through any refurbishing/construction phase of the administrative building through to its completion in order to address any issues that may arise that would require changes or amendments to the original design.

Staff are also recommending that the Council Liaison for Corporate Services form part of the committee composition for the task force, as under Schedule D of the Procedural by-law, the purpose of the Council Liaison is to act as a conduit between Council and senior leadership. The Council Liaison will be the primary spokesperson for issues related to the operation of the department and direction. In particular, working with the Director and Chief Administrative Officer with respect to regulatory compliance and alignment with Council strategic direction and the expectation is to become familiar with the legislative framework, operations, projects, reports, budgets and risks of the Department and participate in meetings, workshops and events related to the Department and to participate on ad hoc committees and related operations teams. Council Liaisons are included in the committee composition of all Advisory Committees of Council save and except for the Planning Advisory Committee, which was done in an effort to eliminate one township having greater voting capacity over another. A copy of Schedule D to By-law 2013-0020 is attached as Appendix B.

Pursuant to section 26.9 of the procedural by-law, the Warden is an Ex-officio Member of all Committees and Task Forces.

Sustainability Implications

Communications with citizens is a key component of the Directions for Our Future plan which states:

“It (the Plan) underlines the commitment made by the County to engage many people and organizations and to communicate with our communities throughout the process. This was a commitment made at the outset and it remains a guiding

principle as we move into a future we can all be proud to leave as a legacy to our children and grandchildren.” (page 8)

Financial Implications

There are no financial implications associated with this report; however depending on the number of meetings of the Task Force, mileage costs will be incurred.

Organizations, Departments and Individuals Consulted and/or Affected

Marian VanBruinessen, Director of Corporate Services/Treasurer

By-Law Number 2016-0028

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 Administrative Building Design Task Force

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 an Administrative Building Task Force;

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-5 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 24th day of August, 2016.

Read a Third Time, Signed, Sealed and Finally Passed this 24th day of August, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Jannette Amini, Clerk

Appendix A to By-law 2016-0028

SCHEDULE B-5 – ADVISORY COMMITTEE TO COUNTY COUNCIL

COMMITTEE NAME: Administrative Building Design Task Force

ESTABLISHMENT OF THE COMMITTEE

- (i) The County of Frontenac Administrative Building Design Task Force shall be comprised of three (3) members of County Council appointed by County Council
- (ii) The members of the County of Frontenac Administrative Building Design Task Force shall hold office from the date of their appointment, at the pleasure of Council, up to the end of the term of Council and who shall be named in this Schedule;
- (iii) The Administrative Building Design Task Force shall meet as required.
- (iv) The County of Frontenac Administrative Building Design Task Force 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/Mission

The mission of the County of Frontenac stated in its Mission Statement is *the effective, efficient and sustainable delivery of service to its citizens*. Within the context of the Values and Principles detailed, the Administrative Building Design Task Force will be guided by the Mission Statement:

- (ii) Mandate

- a) To carry out a space review and analysis of the County of Frontenac Administrative Building
- b) To review and consider options for the Administrative Building and make recommendations to Council
- c) If necessary, to review any proposals and recommend to Council a design team for any refurbishing of the Administrative Building
- d) If necessary, to work with the architect to bring back design options/costing for Council consideration
- e) If necessary, to periodically receive updates and provide input on the final details of the refurbishing/construction phase of the Administrative Building

COMPOSITION OF THE COMMITTEE

The Council of the County of Frontenac hereby appoints the following members of Council to the County of Frontenac Administrative Building Design Task Force:

Council Liaison to Corporate Services

Councillor Tom Dewey

Three (3) Members of County Council:

- Councillor Natalie Nossal
- Councillor John Inglis
- Councillor Ron Vandewal

Appendix B to report 2016-095

SCHEDULE D – COUNCIL LIAISONS

(Added by By-law 2015-0002)

Term:	Appointed by Council for a four (4) year term, at the pleasure of Council.
Eligibility:	Only second member County Councillors are eligible to be appointed to a Council Liaison position.
Description:	<p>A total of four (4) appointments will be made by Council to act as a Council Liaison with Directors and the Chief Administrative Officer.</p> <p>The four positions are as follows:</p> <ul style="list-style-type: none"> • Council Liaison – Emergency and Transportation Services • Council Liaison – Long-term Care (Fairmount Home) • Council Liaison – Corporate Services • Council Liaison – Planning & Economic Development <p>The purpose of the Council Liaison will be to act as a conduit between Council and senior leadership. The Council Liaison will be the primary spokesperson for issues related to the operation of the department and direction. In particular, working with the Director and Chief Administrative Officer with respect to regulatory compliance and alignment with Council strategic direction.</p>
Expectations:	<ul style="list-style-type: none"> • Meet with the Director and CAO at a minimum of once per month. <ul style="list-style-type: none"> ○ Meeting to be scheduled for the first Wednesday of each month. • Become familiar with the legislative framework, operations, projects, reports, budgets and risks of the Department. • Monthly, provide an overview of the Departmental activities to County Council. • Meet with Warden as required to provide background and insight. • Participate in meetings, workshops and events related to the Department.
	<ul style="list-style-type: none"> • Participate on ad hoc committees and related operations teams as follows: <ul style="list-style-type: none"> ○ Emergency and Transportation Services <ul style="list-style-type: none"> ▪ Emergency Management Program Committee ○ Council Liaison – Long-term Care (Fairmount Home) <ul style="list-style-type: none"> ▪ Quality Assurance and Assessment Committee ○ Council Liaison – Corporate Services <ul style="list-style-type: none"> ▪ Joint Accessibility Advisory Committee ○ Council Liaison – Planning & Economic Development <ul style="list-style-type: none"> ▪ Trails Advisory Committee ▪ Sustainability Advisory Committee

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

Comment

The resolution that was passed at the May 18, 2016 Council meeting was pursuant to a recommendation made by staff through report 2016-065. The price was based on the assessed MPAC value of the land at \$26,000; however during the drafting of the recommendation, staff inadvertently miscalculated both the cash and donation value by \$25 each.

Staff requires Council authorization to amend the Agreement of Purchase and Sale to reflect the correct amount of \$13,250 as well as authorization to amend the donation receipt to reflect the correct amount of \$13,250.

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

The amended amount of \$25.00 fits within the land acquisition for the K&P Trail within the budget allotment for 2016 and development is funded through the Investing in Ontario Fund and the Canada 150 Community Infrastructure Program.

Organizations, Departments and Individuals Consulted and/or Affected

Jannette Amini, Manager of Legislative Services/Clerk
Marian VanBruinessen, Director of Corporate Services/Treasurer

August 18, 2016

By E-mail

Township of South Frontenac
4432 George Street
Sydenham, Ontario
K0H 2T0

County of Frontenac
2069 Battersea Road
Glenburnie, Ontario
K0H 1S0

**Attention: Mayor Vandewal
Warden Smith
Township and County Councillors**

Dear Mayor, Warden, Councillors and County Councillors:

**Re: Proposed Hartington Development – Part Lot 7, Concession 7, former
Township of Portland, now Township of South Frontenac**

Since the initial disclosure of a proposal for a subdivision in the Hartington area, local residents have asked significant questions about a number of issues surrounding this application. Unfortunately, after a very long, arduous and costly process for the community of Hartington, many of these questions remain unanswered and many of the issues raised remain unresolved. These questions and issues are critical to a proper assessment of this matter, yet adequate answers and assurances remain elusive.

The most recent communications from Malroz Engineering dated August 9, 2016, raise even further questions:

HYDROCARBONS

1. Why does Malroz state “groundwater flow is easterly” at the site of the former gas station (Malroz, August 9, 2016, p2), yet monitoring wells at the westerly extent of the former gas station property and to the west of the tank location have some of the highest contaminant readings, with MW2 (monitoring well 2) having readings 66 times greater than the acceptable level that is to be introduced in 2017? (Cambium, January 4, 2016, MW1 & MW2)
2. After stating, as indicated above, that “groundwater flow is easterly”, why does Malroz then state “the proposed development site is likely an area of recharge and that groundwater has a downward component” and that “groundwater flow is southerly, away from the Hartington Hamlet” (Malroz, August 9, 2016, p 3 & 4)?

3. After Malroz stated, as indicated above, that “groundwater has a downward component” in the subject area, why has Mr. Ruland’s recommendations for testing to be conducted on residential wells within a 300m radius of the said former gas station not been implemented?
4. Why does Malroz state they “consider the issue of the gas bar to be adequately addressed” (Malroz, August 9, 2016, p2), when the contamination plume has not yet been delineated to MOECC’s satisfaction?
5. If Malroz “does not consider the former gas station to be a risk to the proposed development” (Malroz, August 9, 2016, p2), why do they recommend further testing of wells for PHC, BTEX, volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAH), indicative of contamination associated with a rail line or gas bar (Malroz, August 9, 2016, p6)?

WATER QUANTITY AND QUALITY

6. Why has a conceptual model to describe the hydrogeology of the Hartington Aquifer not been developed, in light of the obviously diverse conditions in this area?
7. Why are ASC’s hydraulic conductivity figures, used to determine Karst, based on the mean of only three, closely situated test wells (Malroz, August 9, 2016, p3), rather than the data available for all test wells?
8. Why does Malroz state they “do not see substantiated information that the site requires the application of an alternative method of assessing the impact of septic systems” (Malroz, August 9, 2016, p3), yet they recommend at pages 5 and 6 of the same document:
 - a) pre-filtration and disinfection of drinking water systems;
 - b) a staggered well orientation to mitigate mutual well interference;
 - c) each well to be assessed by a qualified hydrogeologist for water quality and quantity;
 - d) that the proponent confirm the concentration of nitrates has not increased; and
 - e) that the individual well assessment plan be clarified to include the evaluation of nitrate and nitrite concentrations, and trends in concentration and impact to potable groundwater supplies?

9. If Malroz believes there is adequate water supply at the subject site, why do they recommend the following (Malroz, August 9, 2016, p5 & p6):
- a) “each well at the proposed subdivision should be assessed by a qualified hydrogeologist for water quality and quantity”;
 - b) “evaluation of mining of the potable water aquifer”;
 - c) production of “conclusions on the sustainability of the water supply aquifer and water quality”; and
 - d) “neighbouring wells and/or nearby wells will be monitored during the [additional] pumping test”?
10. Why has the proponent not been required to conduct proper pump testing, involving the use of holding tanks for the pumped water, during stressed conditions such as the current severe drought?
11. Why does Malroz continue to reiterate and rely on the proponent’s nitrate calculations, which include data from TW12 (test well 12), which is located outside of the proposed, revised site?

PLANNING

12. Why has the community received no response to the observations and conclusions of the community’s planner, Mark Dorfman, that the proposed, revised development is outside the boundaries of the Hamlet of Hartington and that the development is premature?

SUMMARY

13. Prior to deciding on whether the subject proposal should be supported, why would Council not first require Malroz’s recommended evaluations be completed and the corresponding results be produced?
14. Why has Malroz not referenced in any of their reports the 2007 TROW Western Cataraqui Region Groundwater Study or the February 9, 2010 Report from Frank Crossly at MOECC characterizing the subject area as highly sensitive?
15. Given the amount of uncertainty surrounding the subject proposal, can Malroz, the Township of South Frontenac and/or the County of Frontenac guarantee the residents of Hartington & the surrounding area that they will not suffer any adverse affects to the quantity & quality of their drinking water supply if the proposed development is permitted to proceed?

4

16. In light of the overwhelming volume of materials alerting the municipalities to known issues and risks associated with the proposed development and hydrocarbon contamination in the Hartington area, have the Township and County's legal advisors provided advice with respect to issues of liability?

17. Why has there been no action taken on the numerous, specific and significant recommendations advanced by expert hydrogeologist, Wilf Ruland?

With such fundamental questions still unanswered, we the citizens who will be most affected by your decision ask you, in all conscience, to reject this proposed development. Require the technical experts to first prove beyond a shadow of a doubt that no harm will come to us, our children, our land, our livestock, and our livelihoods.

The community of Hartington should not be asked or expected to move forward on a "let's hope this works out" basis. Were your health and safety, or your family's or your neighbors', put at such risk, you too would ask for the same due diligence, caution and rigorous consideration that we are asking for. It is far wiser to prevent a tragedy than to attempt to recover from one.

Please vote with your conscience and refuse to support this proposal at this time!

Sincerely,

Charlie Labarge Michelle Foxtan John Lesperance Wade Leonard
on behalf of the Hartington Community

cc: Wayne Orr, Township Clerk
 Jannette Amini, County Clerk
 Lindsay Mills, Township Planner
 Joe Gallivan/Michael Otis (interim), County Planner

Jannette Amini

From: handen@xplornet.ca
Sent: Friday, August 19, 2016 10:45 AM
To: Jannette Amini
Cc: Hartington Subdivision
Subject: Proposed Hartington Subdivision

Ms. Amini,

This letter is intended to go on the record as a submission for the August 24th special meeting. Please acknowledge receipt of this submission.

We have written numerous letters outlining our concerns, and they are on record. Our main concerns, as decision time approaches, boil down to the following:

What happens if a particular well fails its assessment? Does all subsequent development stop?

The conditions as outlined in the latest Malroz report sound like putting the cart before the horse. The uncertainties that lead to these conditions should be resolved, one way or the other, before deciding whether to approve this proposal.

Who is liable if this subdivision goes forward and our water supply is either depleted or contaminated? What is the backup plan if this occurs?

Access to water is a basic human right, a matter of public health and safety. It is part of your mandate to protect public health and safety. You have the choice now to either reject this proposal, and do your part to protect our water, or support this proposal, and take unnecessary risks with our health and safety.

At least two reports have been submitted to you that outline a myriad of reasons to reject this proposal. We refer to the reports by Mr. Ruland and Mr. Dorfman. There are also reports that indicate just the opposite. Here, we refer to the latest report from Malroz Engineering. We urge you to consider the credentials of those who have compiled these reports, as well as their experience.

In a February 9, 2010 report on E-coli contamination of well water at 3 homes in Hartington, Mr. Frank Crossley who is a hydrogeologist for the Ministry of the Environment and Climate Change (MOECC) has stated that the following:

"The study area is classified as "environmentally sensitive" due to the geology. The thin to nonexistent overburden cover provides minimal attenuation capabilities. The overburden overlies fractured bedrock. Contaminants on or near the surface migrate vertically with gravity through the thin soils with

minimal attenuation and into the fractured bedrock to the underlying aquifer. The contaminants then migrate with the shallow groundwater flow".

Considering all the red flags raised by Mr. Ruland and Mr. Dorfman, as well as the MOECC, and the lack of consensus among the experts, we feel it would be irresponsible of you to give your support to this proposal. We have made a written submission to the Township Council meeting to be held August 23rd. We are concerned that, due to the short time between that meeting and the County Council meeting August 24th, you will not have sufficient time to study and consider the outcome of the Township meeting. We sincerely hope that you are going into the meeting on the 24th with a degree of open-mindedness.

Hanne and Dennis Saunders

4034 Boyce Road

613-376-3874

By-Law Number 2016-0028

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 Administrative Building Design Task Force

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 an Administrative Building Task Force;

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-5 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 24th day of August, 2016.

Read a Third Time, Signed, Sealed and Finally Passed this 24th day of August, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Jannette Amini, Clerk

Appendix A to By-law 2016-0028

SCHEDULE B-5 – ADVISORY COMMITTEE TO COUNTY COUNCIL

COMMITTEE NAME: Administrative Building Design Task Force

ESTABLISHMENT OF THE COMMITTEE

- (i) The County of Frontenac Administrative Building Design Task Force shall be comprised of three (3) members of County Council appointed by County Council
- (ii) The members of the County of Frontenac Administrative Building Design Task Force shall hold office from the date of their appointment, at the pleasure of Council, up to the end of the term of Council and who shall be named in this Schedule;
- (iii) The Administrative Building Design Task Force shall meet as required.
- (iv) The County of Frontenac Administrative Building Design Task Force 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/Mission

The mission of the County of Frontenac stated in its Mission Statement is *the effective, efficient and sustainable delivery of service to its citizens*. Within the context of the Values and Principles detailed, the Administrative Building Design Task Force will be guided by the Mission Statement:

- (ii) Mandate

- a) To carry out a space review and analysis of the County of Frontenac Administrative Building
- b) To review and consider options for the Administrative Building and make recommendations to Council
- c) If necessary, to review any proposals and recommend to Council a design team for any refurbishing of the Administrative Building
- d) If necessary, to work with the architect to bring back design options/costing for Council consideration
- e) If necessary, to periodically receive updates and provide input on the final details of the refurbishing/construction phase of the Administrative Building

COMPOSITION OF THE COMMITTEE

The Council of the County of Frontenac hereby appoints the following members of Council to the County of Frontenac Administrative Building Design Task Force:

Council Liaison to Corporate Services

Councillor Tom Dewey

Three (3) Members of County Council:

- Councillor Natalie Nossal
- Councillor John Inglis
- Councillor Ron Vandewal

By-Law Number 2016-0029

of

The Corporation of the County of Frontenac

being a by-law to authorize the Warden and Clerk to execute an Agreement of Purchase and Sale for Lands legally described as Con 1 PT Lot 26 RP 13R7307; Part 1 and Hinchinbrooke Con 1 PT Lot; 26 RP 13R9630 Part 1

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

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

Whereas the Council of the County of Frontenac deems it appropriate to purchase lands to develop the K&P Trail from Tichborne to Sharbot Lake:

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 be authorized to execute an Agreement of Purchase and Sale with Peter Gilbert in the amount of Thirteen Thousand, Two Hundred and Fifty Dollars (\$13,250), for lands legally described as Con 1 PT Lot 26 RP 13R7307; Part 1 and Hinchinbrooke Con 1 PT Lot; 26 RP 13R9630 Part 1; and further,
2. **That** the Treasurer be authorized to issue a tax donation receipt to Peter Gilbert in the amount of Thirteen Thousand, Two Hundred and Fifty Dollars (\$13,250) once appropriate documentation has been received; and further,
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 24th day of August, 2016.

Read a Third Time, Signed, Sealed and Finally Passed this 24th day of August, 2016.

The Corporation of the County of Frontenac

Frances Smith, Warden

Jannette Amini, Clerk

By-Law No. 2016-0030

of

The Corporation of the County OF Frontenac

being a by-law to confirm all actions and proceedings of County Council on
August 24, 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 July 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 special meeting held on August 24th, 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 special meeting held on August 24th, 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 special meeting held on August 24th, 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 24th day of August 2016.

Read a Third Time and Finally Passed, Signed and Sealed this 24th day of August 2016.

The Corporation of the County Of Frontenac

Frances Smith, Warden

Jannette Amini, Clerk