



**Committee of Adjustment  
Planning Advisory Committee Meeting  
Monday, December 19, 2022 – 1:00 p.m.  
Municipal Office – Council Chambers  
6648 Road 506, Plevna, ON  
[Zoom Meeting Registration](#)**

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Page

**1. Call to Order**

**2. Approval of Agenda**

a) December 19, 2022

**Be It Resolved That** the Committee approves the Agenda for the December 19, 2022 meeting, as circulated.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

**4. Delegations**

None.

**5. Adoption of Minutes**

a) Minutes of Meeting held November 28, 2022

**Be It Resolved That** the Committee adopts the Minutes of a Meeting held on November 28, 2022 as circulated.

**6. Business Arising from the Minutes**

**7. Zoning By-law Amendment Application (Recommendation to Council)**

None.

**8. Consent Applications**

3 - 11

- 12 - 26 a) File #B23/22 - Creation of Right-of-Way - 1239 Shiner Road (Schlegel)

**9. Minor Variance Applications**

- 27 - 45 a) File #A24/22 - Request for Permission to Expand Legal Non-Conforming/Non Complying Structure - 1015B Hanbidge Lane (Saer)

- 46 - 70 b) File #A25/22 - Minor Variance - 1161B Higgins Lane (Lyons)  
i. Relief from the following Section(s) of Zoning By-law #55-19:  
• 3.1.1 (c), 3.27(e) and 4.9.3(a) – To Construct a Dwelling and Install a Septic System within the 30 metre setback of Shabomeka Lake

**10. Other Business**

- 71 - 80 a) Notice of Public Meeting - Official Plan Amendment: Administrative Changes

- 81 - 84 b) Notice of Hearing - Official Plan Amendment and Zoning By-law Amendment: Ompah Palmerston Cottages Co-operative

**11. Adjournment**

- a) Adjournment of Meeting

**Be It Resolved That** the meeting adjourns at \_\_\_\_\_ p.m. until January 23, 2023, at 1:00 p.m. or at the call of the Chair.

“Accessible formats and communication support are available upon request. The Township of North Frontenac is committed to accessibility for persons with disabilities. Please contact Eric Korhonen, Accessibility Coordinator at [firechief@northfrontenac.ca](mailto:firechief@northfrontenac.ca) if you have an Accessible accommodation request.”



**Be It Resolved That** the Committee adopts the Minutes of a Meeting of the Committee of Adjustment/Planning Advisory Committee dated October 31, 2022, as circulated.  
**Carried**

**6. Business Arising from the Minutes**

- a) **File #A05/21– 1135 Arcol Road (Low/Williams)**
- i. **Minor Variance Application for relief from the following Section(s) of Zoning By-law #55-19:**
    - **3.1.1 (c), 3.27(e) and 4.9.3(a) – To Install an Septic System within the 30 metre setback of Palmerston Lake**
  - ii. **Request for Permission to Enlarge a Legal Non-Conforming/Non-Complying Structure**

Ryan Low, Applicant, attended the meeting, electronically.

Jennie Kapusta, County Planner, provided an overview for the initial proposal considered by the Committee in May 2021. She advised the applicants proposed to:

- Demolish and rebuild the existing deck, including squaring off a corner of the deck, resulting in a total area of 6.6 square metres;
- Install a new septic system a minimum of 15 metres of Palmerston Lake;
- Install a new entrance and parking area; and
- Construct a retaining wall (due to the steep slope of the property).

Kapusta advised the Public Works Manager expressed concerns that the proposed location of the septic system may be encroaching into the road allowance of Arcol Road; the proposed parking area had no defined entrance resulting in safety concerns; and the steep slope may require the retaining wall to be engineered. Kapusta noted Mississippi Valley Conservation Authority (MVCA) were satisfied with the proposed expansion of the deck provided the other shoreline decking was removed and the area revegetated. MVCA also advised a geotechnical study would be required for the septic installation due to the steep slope. Kapusta noted South Frontenac, as septic approval authority, had no concerns with the proposed development.

Kapusta advised comments were received from the neighbours with respect to the encroachment of the driveway on their property and requested the iron bar on the northeast corner of the lot be marked. Due to the numerous concerns raised, the Committee deferred the application, requesting a survey sketch and geotechnical evaluation.

Kapusta advised the applicants submitted a revised proposal including:

- Demolish and rebuild the existing deck, including squaring off a corner of the deck, resulting in a total area of 6.6 square metres;
- Install a new septic system a minimum of 15 metres of Palmerston Lake;
- A revised 20 foot entrance and parking area with an area of 40 feet in response to comments provided by the Public Works Manager, including the removal of a wood shed;
- Removal of a screened building, to be replaced with screened porch attached to the cottage; and
- Construction of retaining wall, compliant with Ontario Building Code regulations.







application meets the required four tests based on the following:

- no extensive vegetation removal is required;
- the applicant relocated the powerlines to increase the setback from the waterbody;
- the area of the dwelling and garage falls below permitted lot coverage; and
- the proposed septic system is outside 30 metres setback and will drain towards the road.

Kurylovich noted the Ministry of Environment, Conservation and Parks (MECP) suggest ecological benefits area is achieved with a minimum vegetative buffer of 15 metres, which results in the protection of the riparian zone. He advised the proposed setback from the waterbody is 20 metres. The proposed setback is greater than most other lots within the area

Kurylovich advised an attached garage in front of a house is generally undesirable from a streetscape perspective; and the best practice is to situate a garage away from the septic system to protect the system from accidental damage.

Kurylovich advised the Minor Variance application meets the required four tests and recommends approval of the application subject to conditions included in planning report, unless issues arise during the meeting that cannot be resolved.

Diane Reid, Environmental Planner, MVCA, noted the Conservation Authority recognize the County and Township have other considerations when reviewing planning applications. She advised MVCA's role is to look at environmental impacts, with their position being to maximize of the waterbody setback.

Reid noted the attached garage could move towards the south east corner of the lot if the proposed septic system is relocated. She noted MVCA are not experts on septic systems, and the applicant would need to consult with a sewage installer and South Frontenac, as the septic approval authority. She advised MVCA's proposed location for the septic system would be 6 metres from the proposed driveway, which is in compliance with the Ontario Building Code. She noted there are merits in exploring potential reductions, as a 6-7 metre reduction is significant.

Sproule advised she attended the site and asked if the proposed relocation of the attached garage brings it closer to the road. Reid advised the garage would have a setback of 7.5 metres from the road. Wood noted this appears to leave room for only one car and asked about overflow parking. Mr. Taylor advised there is not enough width for parking along the side of the Township road. He noted there is also a blind spot, which may be safety hazard if there are cars along the side of the road.

Mr. Taylor advised Grindstone Lake Road used to run through the property; however the road and hydro easement was moved to create a building envelope. He advised the location of the proposed septic system was identified by the septic consultant. He noted the area proposed by MVCA is rock, low lying and flat. He advised if the area is pushed up for a gravity system, the front door will be 3 feet from the ground. Mr. Taylor advised he tried to find the best utilization of the lot by doing his due diligence and changing design. He noted it is not feasible to obtain the 30 metre setback. He advised the building may be moved back slightly but he won't know until the building process starts.





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Secretary-Treasurer



6648 Road 506 Plevna, Ontario K0H 2M0

**Notice of Public Hearing –  
Application for Consent**  
Clause 53(5) of the Planning Act  
Section 3, O.Reg. 197/96

**File Number:** #B23/22  
**Subject Land:** Part of Lot 6, Concession 9, Geographic Township of Palmerston (1239 Shiner Road)  
**Applicant(s):** Sven Schlegel and Roseann Kerr

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**Take Notice:** The Township of North Frontenac Committee of Adjustment will hold a public meeting using Electronic Participation on **December 19, 2022 at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 53 of the Planning Act, R.S.O. 1990 as amended.

**Purpose and Effect:** The Applicant has submitted an application for the creation of a Right-of-Way to the abutting lot (1323 Shiner Road).

**Submissions:** Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk/Planning Manager at [clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)

Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

**Public Hearing:** You are entitled to attend this public hearing in person; or through the use of electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at [deputyclerk@northfrontenac.ca](mailto:deputyclerk@northfrontenac.ca); or call (613) 479-2231 or 1-800-234-3953 ext. 231.

**Notice of Decision:** If you wish to be notified of the decision of the Committee in respect of the proposed Lot Addition, you must make a written request to the undersigned.

**Appeal:** If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Lot Addition does not make a written submission to the Committee before a decision is made, the Ontario Land Tribunal (OLT) may dismiss the appeal.

**Additional Information:** Additional information regarding the application is available for by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

**Notice of Collection:** Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

Dated at Plevna, Ontario this 24<sup>th</sup> day of November 2022.

Tara Mieske, Secretary-Treasurer  
Township of North Frontenac  
**Email: [clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)**



## Planning Report

**To:** Members of Committee of Adjustment

**Prepared By:** Jennie Kapusta, Community Planner, County of Frontenac

**Reviewed By:** Sonya Bolton, Manager, Community Planning, County of Frontenac

**Re:** Application for Consent to Sever for the Creation of an Easement

**Address:** 1239 Shiner Road

**Legal Description:** Part Lot 6, Concession 9, Geographic Township of Palmerston

**File Number:** B23/22- (Schlegel)

**Owner(s):** Sven Schlegel, Roseann Kerr

**Applicant:** Same as owner

**Date Prepared:** December 6, 2022

**Date of Meeting:** December 19, 2022

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### Recommendation:

That the Committee of Adjustment for the Township of Central Frontenac approve this application for consent, subject to the conditions outlined in Appendix A of this report.

### Proposal:

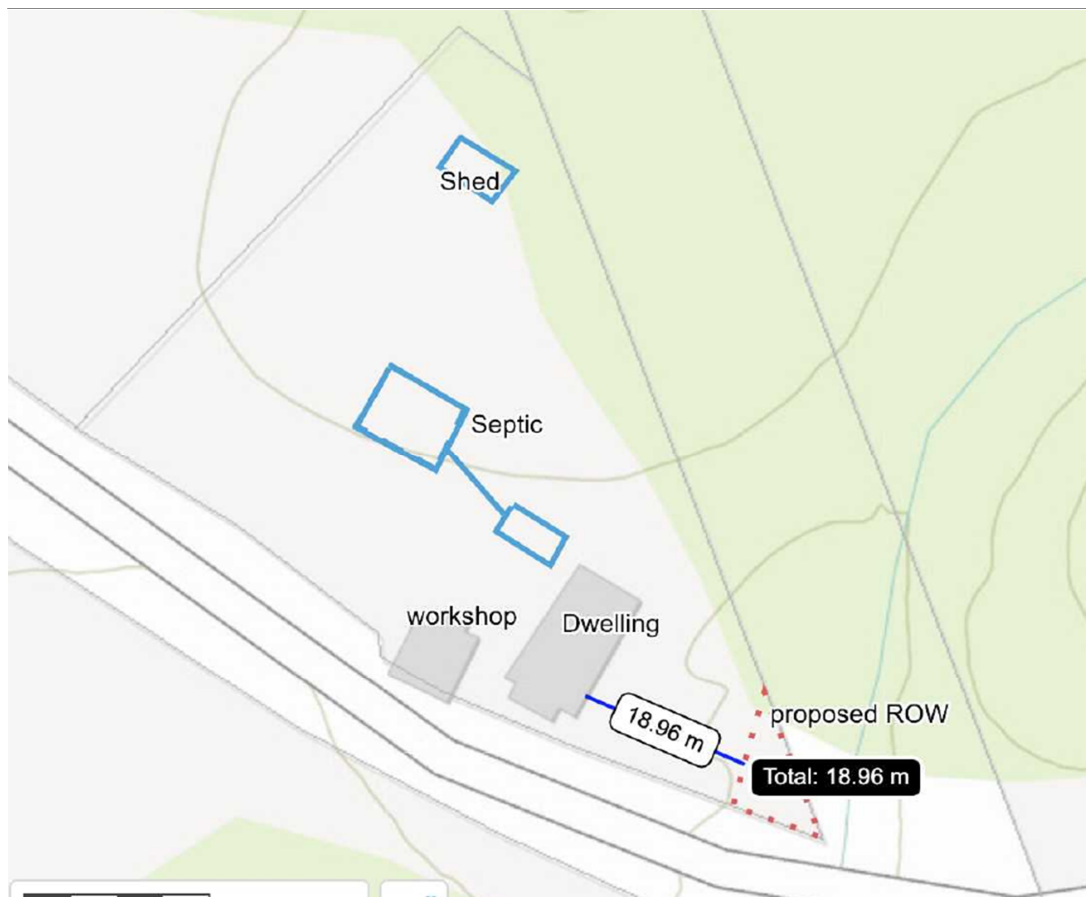
Application for consent to sever for the creation of an easement for access to an existing vacant lot.

**Easement (Right-of-Way):** The proposed easement will be triangular shaped and located in the southeast corner of the subject property (see Figure 1, below). This easement will have approximately 12.5 metres of frontage along Shiner Road and is the location of an existing field entrance to the benefitting property. There is a watercourse and wetland area that bisects the benefitting lot. There is an entrance from Shiner Road municipally known as 1323 Shiner Road, to the benefitting lot that is located east of this

watercourse. The proposed easement will access the portion of the lot that is west of this watercourse and wetland.

**Benefitting Parcel:** The lot that will benefit from this easement is a vacant parcel (PIN 362090040), approximately 31.4 hectares (77.6 acres) in area with approximately 235 metres (771 feet) of frontage along Shiner Road. This lot has an existing entrance from Shiner Road and is municipally known as 1323 Shiner Road.

**Retained Parcel** The retained parcel is an irregularly shaped lot approximately 0.33 hectares (0.81 acres) in area, with approximately 94 metres (308 feet) of frontage on Shiner Road. The retained parcel is developed with a dwelling and accessory structures. Due to the shape of the retained parcel, the proposed easement will be located in an area of the lot that is unable to be developed due to the required lot line setbacks in the Township zoning by-law.



**Figure 1:** Sketch submitted with the application form showing the existing development on the lot subject to the easement and the location of the easement.



**Figure 2:** Air photo showing the subject property, lot line setbacks, the proposed easement and the benefiting lot. The seven metre lot line setbacks are shown with the yellow dashed line, the proposed easement is shown in blue hatching.

### Background Information

Information Category	Response
Official Plan designation	Rural Area and subject to overlays for Mineral Aggregate Resource and Deer Wintering Area
Zoning	Rural (RU)

<b>Information Category</b>	<b>Response</b>
Current size (area) of subject property	0.33 hectares (0.81 acres)
Existing road frontage and access	235 metres (771 feet) on Shiner Road
Waterfrontage	Not Applicable
Natural heritage features	Not Applicable
Existing development	Dwelling and accessory structures
Surrounding land uses	An unopened Township road allowance to the east, developed rural residential lots along Shiner Road and Road 506, a Township owned waste site to the north and a licenced aggregate property to the south

### **Pre-application Consultation:**

The applicant consulted with Township staff prior to submitting this application.

### **Public Notice**

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 14 days in advance of the meeting.

### **Comments**

#### **Township of North Frontenac Public Works Department**

Email correspondence dated September 27, 2022, stated that Township staff had conducted a site inspection during the pre-application process. Staff reviewed the existing field entrance at the location proposed for the easement and found the location meets the requirements (sightlines etc.) for approval of an entrance. This email noted that when an application for an entrance permit and civic address is submitted, Township staff will address any specific requirements (if needed) for a culvert, brushing/clearing etc.

Township staff noted that they did not review the access on the unopened road allowance, or whether the proposed road [easement] will cross the road allowance or travel along it.

### **Mississippi Valley Conservation Authority (MVCA)**

This application was circulated to Mississippi Valley Conservation Authority for information purposes. MVCA staff opted not to provide formal comments.

### **Septic Approval Authority (Township of South Frontenac)**

This application is for the creation of an easement (right-of-way) over an existing developed lot of record. The proposed easement is not located near any existing septic system and as such no comments were required from the septic approval authority.

### **Public Comments**

At the time of the writing of this report, no comments have been received from the public.

### **Conformity and Consistency with Policy Planning Documents**

Applications for consent are required to be consistent with the Provincial Policy Statement, 2020 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed consents are consistent with and conform to the planning policies of all these documents.

The key policies of each document that are applicable to the subject application are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

### **Township of North Frontenac Comprehensive Zoning By-Law Number 55-19 (2019)**

The subject property is zoned Rural (RU) in the Township of North Frontenac Zoning By-Law Number 55-19. The Rural zone requires a minimum lot area of 0.8 hectares (1.98 acres) and a minimum roadside frontage of 46 metres (150.9 feet) for residential uses. The subject property does not meet the minimum lot area, but the proposed easement is located in a portion of the lot that would not be able to be developed due to lot line setback requirements.

### **Planning Analysis and Considerations**

This application was reviewed against the policies of the Provincial Policy Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to these applications are found in Appendix B of this report.

## **Rural Character**

The proposed easement will facilitate access to a portion of the benefitting property that is divided from the Shiner Road frontage by the watercourse and wetland on the benefitting lot. The easement area contains an existing traveled driveway, with no alterations to this driveway proposed. County planning staff are of the opinion that this consent application has the potential to allow for development that is both locally appropriate, that builds upon rural character, and leverages existing rural services and amenities.

## **Sewage Disposal System Services**

The proposed easement is not located in proximity to any existing sewage treatment systems and no new development is proposed at this time.

## **Natural Heritage and Natural Hazards**

Mississippi Valley Conservation Authority opted not to provide formal comments regarding this application. There is a watercourse that runs alongside the existing travelled portion of the access driveway on the Township owned unopened road allowance.

## **Mineral Aggregate Resources**

The subject property is subject to an Official Plan overlay indicating the potential for mineral aggregate development. This application is for the creation on an easement for access, with no new development proposed, as such no further studies are required to proceed with this application.

## **Minimum Distance Separation (MDS)**

No livestock facilities were identified within the applicable screening areas surrounding the subject property. There is an active Township owned waste site approximately 85 metres north of the subject property. This application is for the creation on an easement for access, with no new development proposed, as such no further studies are required to proceed with this application.

## **Conclusion**

Planning staff are of the opinion that a plan of subdivision is not required for the orderly development of the municipality in this instance, and that the proposed consent is consistent with and conforms to the required policies and provisions of the province, the County of Frontenac, and the Township of North Frontenac.

Subject to any comments that may be received at the public meeting, it is recommended that the Committee of Adjustment approve application number B23/22, subject to the conditions outlined in Appendix A of this report.

## **Attachments**

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1: Key Map

## **Appendix A: Draft Conditions of Approval**

**Note:** Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

### **Recommended Conditions for Consent Application B23/22**

#### **Expiry Period**

1. Conditions imposed must be met within two years of the date of the Notice of Decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided that all conditions are satisfied, the Certificate of Official is to be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of the Notice of Decision.
2. The Certificate of Official must be registered within two years from the issuance of the Certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

#### **Severed Lands**

3. The land to be severed by Consent Application number B23/22 shall be for the creation of an easement for access only to an existing vacant lot (PIN 362090040), municipally known as 1323 Shiner Road.

#### **Easement (Right-of-Way)**

4. The description in the Transfer and schedule for consent endorsement shall be for the creation of an easement over the retained lands (PALMERSTON CON 9 PT LOT 6 RP; 13R4804 PART 1 PART 2; MISSISSIPPI STATION) municipally known as 1239 Shiner Road, for right-of-way access to an existing vacant lot (PIN 362090040), municipally known as 1323 Shiner Road.
5. Although no minimum construction standards for the new easement have been recommended to date, should Township staff identify deficiencies in the condition of the driveway access that could prevent emergency vehicle access to the lot benefitting from this easement, the applicant shall address the deficiency prior to the issuance of a certificate of official, to the satisfaction of the Township of North Frontenac.

#### **Survey/Reference Plan or Registerable Description**

6. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to

the Secretary-Treasurer for review and consent endorsement within a period of two years [Planning Act, s. 53(41)] after the date of Decision [Planning Act, ss. 53(17) and 53(24)].

7. The applicant or his/her solicitor shall prepare and submit to The Corporation of the Township of North Frontenac, a transfer or such other required form of document necessary to implement the consent, including Form 1, Form 2, Form 3, or Form 4, as applicable, prescribed by Ontario Regulation 197-96, for endorsement by the Secretary-Treasurer of the Committee of Adjustments for the municipality. This transfer or other legal document shall be provided to the municipality within a period of two years after Notice of Decision was given under subsection 53(15) or 53(24) of the *Planning Act*.
8. The surveyor or owner shall submit the draft Reference Plan electronically, or in paper form, for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.
9. That the description of the parcel being severed and the names of the Transferor and Transferee are included on the schedule attached to the deed of the land.

#### **Municipal Requirements**

10. That the Applicant(s) shall ensure an entrance is installed from Shiner Road to the easement proposed through Consent Application B23/22.
11. That the Applicant(s) shall purchase and install a civic address sign as per Municipal Requirements.
12. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
13. In the event that there are abandoned wells located on the property being severed, they be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks.
14. Where a violation of the Township of North Frontenac Zoning By-Law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
15. That confirmation is filed with each application file that conditions have been fulfilled to the municipality's satisfaction.

## **Appendix B: Relevant Planning Policy and Legislation**

### **Planning Act**

Section 53(1) of the Planning Act allows for the division of land by consent, provided that the approval authority is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. When determining whether to grant a provisional consent, a municipality is required by Section 53(12) of the Planning Act to have regard for the matters listed in Section 51(24) of the Planning Act.

Section 51(24) of the Planning Act includes a list of criteria that need to be addressed when subdividing land, which includes: conformity with the Official Plan; suitability of the land for the proposed development; adequacy of, and connections to, public roads; dimensions and shapes of lots; conservation of natural resources and flood control; and adequacy of utilities and municipal services.

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS, which requires the approval authority to apply the relevant policies of the following sections:

- Section 1: Building Strong Healthy Communities of the PPS promotes the building of healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the PPS.

The following policies are applicable to this application:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c).
- Permitted uses on rural lands include residential development that is locally appropriate (Section 1.1.5.2.c).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 1.1.4.1.a).
- Promoting development that is compatible with the rural landscape and can be sustained by rural service levels (Section 1.1.5.4).
- New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. (Section 1.1.5.8).
- Individual on-site water and sewage services may be used provided that site conditions are suitable for the long term provision of such services with no negative impacts (Section 1.6.6.4).
- Natural features and areas shall be protected for the long term (Section 2.1.1).
- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 3).

### **County of Frontenac Official Plan (2016)**

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.1.1.6, The County is undertaking a private roads study in 2016. The results of this work will assist the County and its lower tiers in developing a measurable and enforceable mechanism aimed at creating reasonable and safe development of private roads.

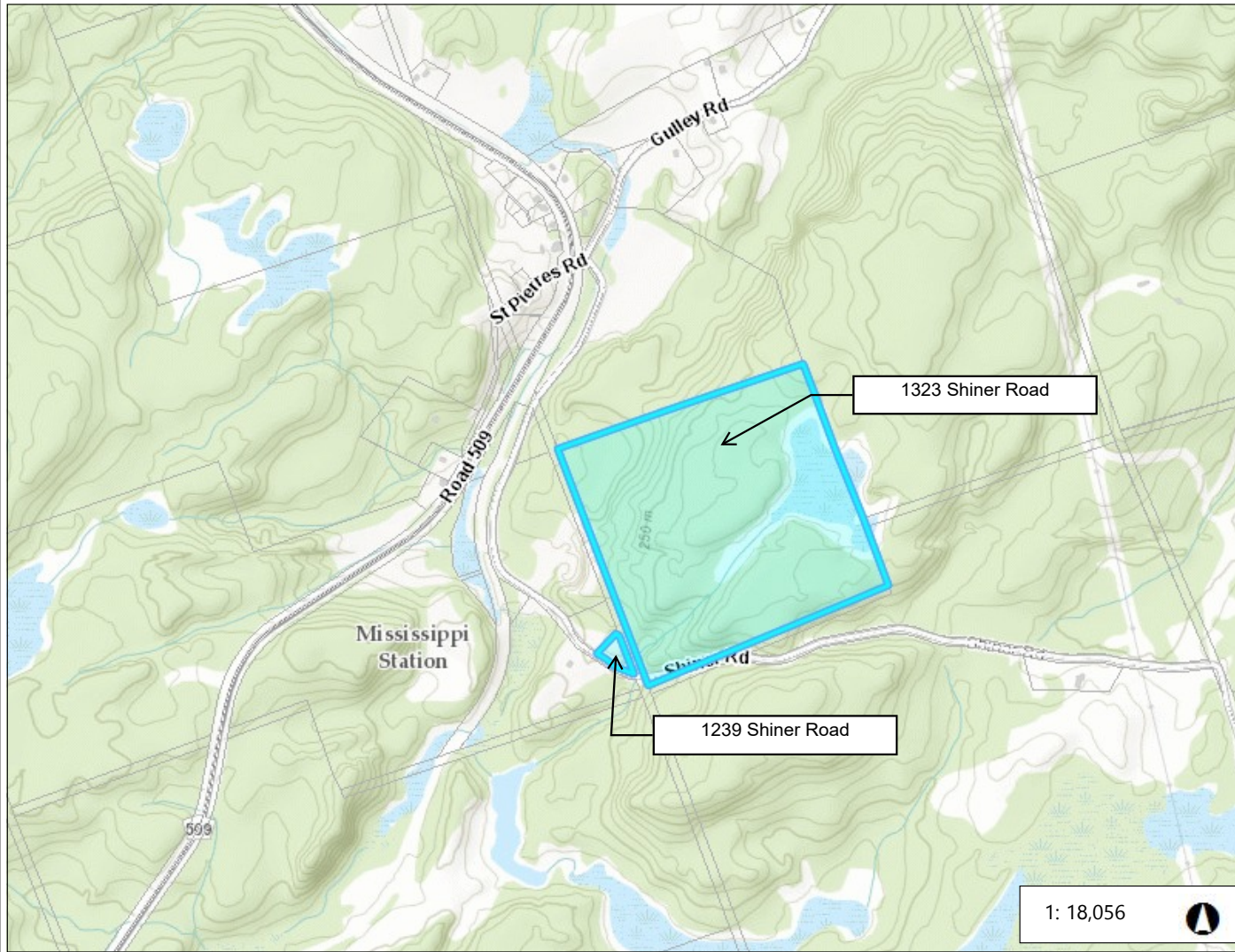
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

### **Township of North Frontenac Official Plan (2017)**

The subject property is designated as Rural Area in the Township of North Frontenac Official Plan. The intent of the policies in the Rural Area designation are to maintain rural character and ensure that properties may be adequately serviced. Within the Rural Area the plan provides for a supply of land for a diversity of traditional and evolving rural uses including: rural residential, rural co-operative, recreational oriented uses and rural commercial and industrial uses. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

The following policies are applicable to this application:

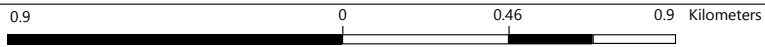
- The lot(s) to be severed and to be retained must meet the requirements of the Zoning By-law. (Section 3.15.2.D)
- Residential development may occur on individually created lots or by Plan of Subdivision. (Section 4.3.2.A)
- Lot sizes for rural residential development or waterfront residential development shall be no less than 0.8 ha (2 acres). (Section 4.3.2.A)
- Residential development shall be adequately serviced with on-site water and sewage disposal services (Section 4.3.2.B)
- Residential development will be permitted where it has frontage on and direct access to year round maintained roads, preferably the existing network of roads, or on private lanes, either of which must meet municipal standards for road construction (Section 3.15.2.H & 4.3.2.C)
- All residential development is subject to the natural and human made hazards requirements of this plan (Section 4.3.2.I)



Legend

- Road**
  - Highway
  - Major Road
  - Secondary Road
  - Ferry Route
- Assessment Parcels
- Ownership Parcels
- Citations

1: 18,056



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes



6648 Road 506 Plevna, Ontario K0H 2M0  
[www.northfrontenac.ca](http://www.northfrontenac.ca)

**Notice of Public Hearing-  
Application for Permission  
To Expand Non-Complying Structure**  
Clause 45(2) of the Planning Act  
Section 3, O.Reg. 200/96

**File No.:** #A24/22

**Subject Land:** Lot 13, Plan 1536, Geographic Township of Clarendon  
(1015B Hanbidge Lane)

**Applicant(s):** Karen Saer

**Take Notice:** The Township of North Frontenac Committee of Adjustment will hold a public meeting on **December 19, 2022 at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

**Purpose and Effect under Section 45(2):**

The Applicant is proposing to construct the following:

- a single storey addition on the side of the existing dwelling with an area of 200 square feet with no further encroachment on the waterbody setback.
- A covered porch attached to the addition on the side of the existing dwelling with an area of 84 square feet with no further encroachment on the waterbody setback.
- An uncovered deck on the side of the existing sleep cabin with an area of 140 square feet setback 2.9 metres from the interior lot line and with no further encroachment on the waterbody setback.

The existing dwelling has an area of 960 square feet and is setback 7.49 metres from the high water mark of Big Gull Lake. The existing sleep cabin has an area of 224 square feet and is setback 18 metres from the high water mark of Big Gull Lake.

**Submissions:** Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk/Planning Manager at [clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)

Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

**Public Hearing:** You are entitled to attend this public hearing in person; or through the use of electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at [deputyclerk@northfrontenac.ca](mailto:deputyclerk@northfrontenac.ca); or call (613) 479-2231 or 1-800-234-3953 ext. 231.

**Notice of Decision:** If you wish to be notified of the decision of the Committee in respect of the proposed Minor Variance, you must make a written request to the undersigned.

**Appeal:** If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Minor Variance does not make a written submission to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

**Additional Information:** Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

**Notice of Collection:** Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

Dated at Plevna, Ontario this 24<sup>th</sup> day of November 2022.

Tara Mieske, Secretary-Treasurer  
Township of North Frontenac  
**Email: [clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)**



## Planning Report

**To:** Members of Committee of Adjustment

**Prepared By:** Dmitry Kurylovich, Community Planner, County of Frontenac

**Reviewed By:** Sonya Bolton, Manager, Community Planning, County of Frontenac

**Re:** **Application for Permission to Expand Two Legal Non-Complying Structures (Dwelling and Sleep Cabin)**

**Address:** 1015B Hanbidge Lane

**Legal Description:** Part Lot 6, Concession 6; Lot 13, Clarendon Plan 1536, Geographic Township of Clarendon

**File Number:** A24/22 (Saer)

**Owner:** Karen Saer

**Applicant:** Same as Owner.

**Date Prepared:** December 13, 2022

**Date of Meeting:** December 19, 2022

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### Recommendation:

That the Committee of Adjustment for the Township of North Frontenac approve the application subject to the conditions outlined in Appendix A of this report.

### Proposal:

This application proposes to construct a:

- A one storey addition with a total floor area of 18.6 square metres (200 square feet) to the existing dwelling.
- An attached covered porch with a total area of 7.8 square metres (84 square feet) to the proposed addition.

- A new 20.8 square metre (224 square foot) sleep cabin with an attached 8.92 square metre (96 square foot) uncovered deck located within the footprint of an existing 20.8 square metre (224 square foot) sleep cabin. Since the existing sleep cabin can be constructed as of right without any planning approvals, only the uncovered deck is subject to this application.

The addition is to an existing cottage and sleep cabin that were constructed in the 1970s within the 30-metre (98.4 foot) setback to the high-water mark now required by the Township Zoning By-Law Number 55-19. Therefore, permission is required to expand the size of the non-complying structures. Refer to the site plan (Attachment 2) and the list of existing structures below for the site context.

### Existing Development

- An existing 1 storey dwelling with an approximate building footprint of 82.4 square metres (960 square feet) and two attached decks with a total footprint of 25.6 square metres (276 square feet) setback approximately 7.49 metres (24.6 feet) from the estimated highwater mark of Big Gull Lake.
- A one storey 20.8 square metre (224 square foot) sleep cabin without a deck or porch located approximately 18 metres (60 feet) from the estimated highwater mark of Big Gull Lake.
- A Class-4 septic system located on the roadside of the dwelling.

### Background Information

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	0.43 hectares (1.08 acres)
Existing road frontage and access	35 metres (116 feet) on Hanbidge Lane (private road)
Waterfront	56.5 metres (185 feet) on Big Gull Lake
Natural heritage features	No regulated features except shoreline.
Surrounding land uses	Waterfront residential properties of similar size to the north and south, large naturally vegetated Crownland parcel to the west.

## **Pre-application Consultation:**

The property owner consulted with Township, County, and Conservation Authority planning staff prior to the submission of this application.

## **Public Notice**

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 10 days in advance of the meeting.

## **Comments**

### **Mississippi Valley Conservation Authority**

Comments dated December 12, 2022 indicate no objection to the proposed development.

MVCA staff concluded that the proposed addition will not encroach into the waterbody setback and is generally acceptable in the scope of MVCA's informal development guidelines. No natural hazards were identified.

### **Septic Approval Authority (Township of South Frontenac)**

This application was not circulated to the Township of South Frontenac however a septic performance may be required as part of the building permit process. Should a septic review be required, the applicant shall provide favourable comments from the Township of South Frontenac prior to obtaining a building permit.

## **Public Comments**

No comments were received at the time of drafting this report.

## **Conformity and Consistency with Policy Planning Documents**

Applications for permission are required to be consistent with the Provincial Policy Statement, 2020 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed expansion is consistent with and conform to the planning policies of all these documents.

The key policies of each document that are applicable to the subject applications are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

## **North Frontenac Zoning By-Law Number 55-19**

The subject property is zoned as Limited Service Waterfront (LSW) in the Township of North Frontenac Zoning By-Law Number 55-19. The LSW Zone permits single detached dwellings and a variety of low-impact accessory uses.

The LSW zone permits a maximum lot coverage of 15% and a minimum waterbody setback of 30 metres (98 feet) for all principal uses and structures (dwelling) and 5% for all accessory uses and structures (sleep cabin).

The Zoning By-law permits sleep cabins on all waterfront residential lots, including properties that are zoned Limited Service Waterfront. The Zoning By-law defines sleep cabins as an accessory structure that has a maximum net floor area of 19 square metres (204 square feet) and is constructed for the purposes of providing sleep accommodation on an occasional basis.

The lot coverage proposed by this application falls below the maximum set out in the Zoning By-law. The existing dwelling is located approximately 7.49 metres (24.6 feet) from the estimated highwater mark of Big Gull Lake. The existing sleep cabin is located approximately 18 metres (60 feet) from the highwater mark of Big Gull Lake. Additionally, the 20.8 square metre (224 square foot) sleep cabin exceeds the maximum net floor area requirement of the Zoning By-law.

The existing dwelling and sleep cabin were constructed before the current zoning by-law came into effect and are therefore considered to be non-complying structures. Section 3.24 of the Zoning By-law allows the renovation, repair, or reconstruction of existing non-complying structures as long as the footprint and volume of the structures are not increased.

Since the application proposes to increase the existing footprint of both the dwelling and sleep cabin, approval is required under Section 45(2) of the Planning Act.

County planning staff are of the opinion that the proposed application complies with the purpose and intent of the zoning by-law.

## **Planning Analysis and Considerations**

This application was reviewed against the policies of the Provincial Policy Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

### **Waterfront Character**

The proposed development is modest in size and the addition is anticipated to match the façade of the existing structure. Although a few coniferous trees will need to be removed to accommodate the proposed development, County planning staff are of the

opinion that the overall development will not contribute to an overly developed shoreline.

The deck that is proposed to be attached to the sleep cabin will most likely not be visible from the water due to the terrain of the property. As such, no impact is anticipated on waterfront character as a result of the proposed development.

### **Sewage Disposal System Services**

No comments have been received at the time of drafting this report. Condition 6 will require the applicant to receive favourable comments from the septic review authority prior to receiving the building permit, to the satisfaction of the Township of North Frontenac. If the septic review authority determines that a septic performance review or upgrade is required, the applicant shall undertake the necessary work prior to the issuance of a building permit.

### **Natural Heritage**

The proposed development will require the removal of a few coniferous trees within the riparian area. County and MVCA staff asked the applicant if it was possible to relocate the addition to the opposite side of the dwelling, however this was not possible due to the existing cottage layout and purpose of the addition.

Overall, County planning staff are of the opinion that the removal of the trees will not have a negative impact on the ecological function of the riparian zone.

The deck that is proposed to be constructed onto the sleep cabin that is proposed to be reconstructed will not require the removal of any native vegetation or site alteration.

The applicant will be required to install sediment and erosion control fencing or haybales to ensure that no run-off enters the waterbody during construction.

No natural heritage concerns were identified by the MVCA.

County planning staff are of the opinion that the proposed addition will have no negative impact on the existing quality of the Big Gull Lake.

### **Minimum Distance Separation**

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property.

### **Natural Hazards**

No natural hazards were identified by MVCA staff.

### **Legal Non-Conforming**

In accordance with Section 45(2) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of an existing legal non-conforming building or

structure, where the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and following the date the By-law was passed. No permission may be given by the Committee to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated.

In considering whether to grant a permission pursuant to Section 45(2), the relevant tests are:

**1. Is the application desirable for appropriate development of the subject property?**

County planning staff are of the opinion that the application is desirable for the appropriate development of the subject property.

The proposed dwelling addition is modest in size and will not encroach closer to the water than the existing dwelling. The addition will not result in any substantial native vegetation removal or require significant grading. The addition will allow the applicants to modify the interior of the dwelling to accommodate their family and needs. The proposed addition is anticipated to conform to the aesthetic of the existing dwelling.

The proposed deck on the sleep cabin will not encroach closer to the water and will be located on uneven terrain. County planning staff are of the opinion that the deck will provide for more amenity space without requiring grading or other forms of site alteration.

**2. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?**

County planning staff are of the opinion that the proposed addition will not result in any undue adverse impacts on the surrounding properties and neighbourhood.

The proposed addition is not anticipated to have a negative impact on the existing aesthetic of the shoreline. The proposed dwelling addition will meet the required interior side yard setback and is therefore not anticipated to have a negative impact on adjacent properties. The addition is also not anticipated to have a negative impact on the quality or visual character of Big Gull Lake.

The deck proposed on the sleep cabin will not require any vegetation removal and will not be visible from the water.

**Recommendation**

Subject to any additional comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve

application A24/22, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

## **Attachments**

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1 - Key Map

Attachment 2 – Applicant Submitted Site Plan

Attachment 3 – Addition Drawings

## **Appendix A: Draft Conditions of Approval**

**Note:** Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

### **Recommended Conditions for Application A24/22 (Saer)**

#### **Applicability**

1. That the permission granted through application A24/22 is only to construct:
  - a. A one storey addition with a total floor area of 18.6 square metre (200 square feet) to the existing dwelling.
  - b. An attached covered porch with a total area of 7.8 square metre (84 square feet) to the proposed addition.
  - c. A new 20.8 square metre (224 square foot) sleep cabin with an attached 8.92 square metre (96 square foot) uncovered deck. The new sleep cabin shall be located within the footprint of an existing 20.8 square metre (224 square foot) sleep cabin.
2. This permission does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any future structures.

#### **No Adverse Impacts**

3. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

#### **Building Permits**

4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.
5. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

### **Sewage Disposal System**

6. Prior to the issuance of a building permit, the property owners shall provide the Township of North Frontenac with favourable comments from the sewage system review authority (Township of South Frontenac) if required by the Township of North Frontenac's Chief Building Official. If the septic review authority determines that a septic performance review or upgrade is required, the applicant shall undertake the necessary work prior to the issuance of a building permit, to the satisfaction of North Frontenac.

### **Conservation Authority**

7. The applicant should be advised that, pursuant to Ontario Regulation 153/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA prior to any alterations to the shoreline of the lake.

### **Construction Method**

8. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place and in good working order until all disturbed areas have been stabilized and re-vegetated.
9. All excavated material and accumulated sediment along sediment control measures shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
10. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.

## **Appendix B: Relevant Planning Policy**

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS, which requires the approval authority to apply the relevant policies of the following sections:

- Section 1: Building Strong Healthy Communities of the PPS promotes the building of healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the PPS.

The following policies are applicable to this application:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c).
- Permitted uses on rural lands include residential development that is locally appropriate (Section 1.1.5.2.c).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 1.1.4.1.a).
- Promoting development that is compatible with the rural landscape and can be sustained by rural service levels (Section 1.1.5.4).
- Natural features and areas shall be protected for the long term (Section 2.1.1).

- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 3).

### **County of Frontenac Official Plan (2016)**

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

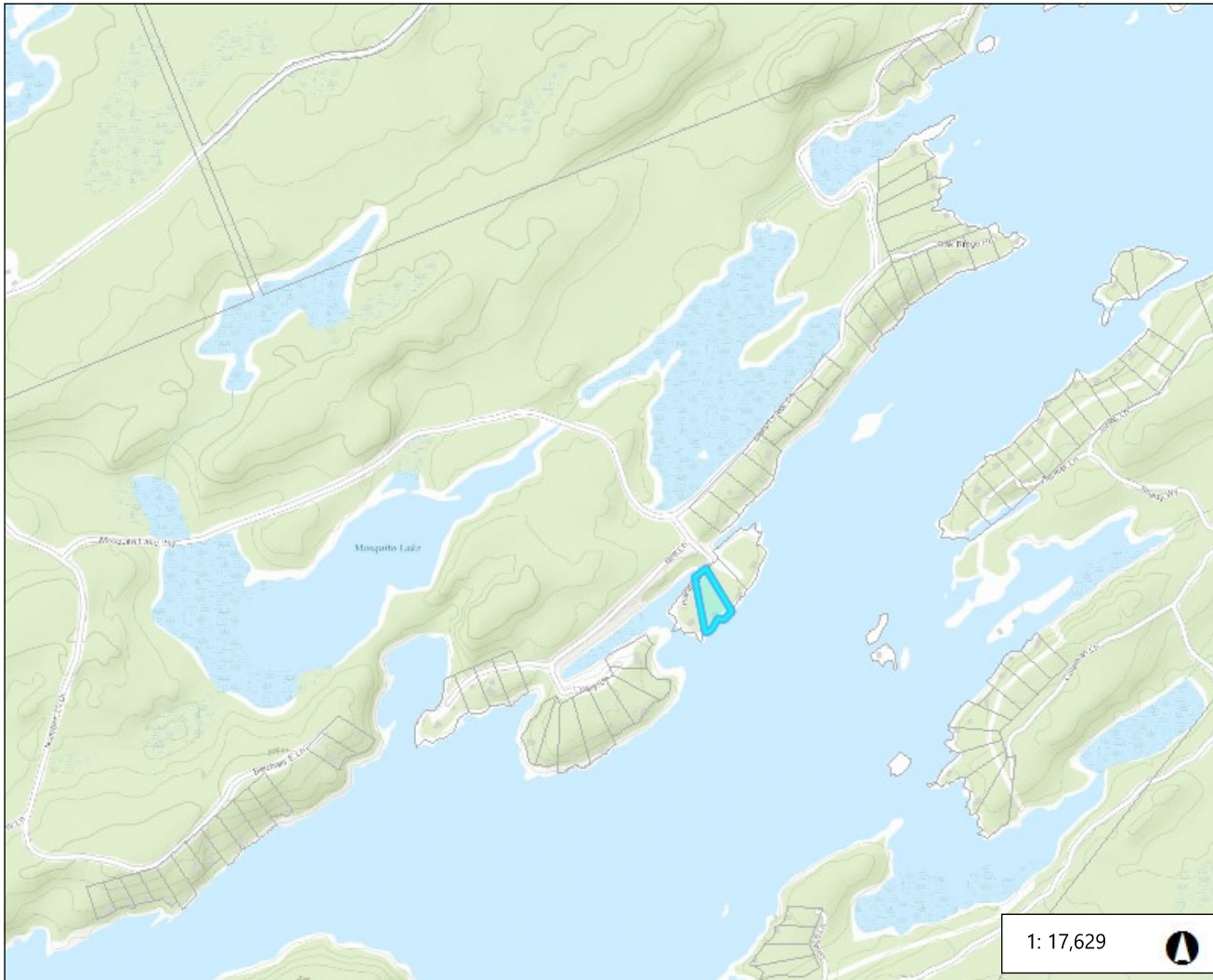
### **Township of North Frontenac Official Plan (2017)**

The property is designated as Waterfront Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the density of buildings and structures in the Waterfront Area is an important part of protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.
- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.

- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.

FRONTENAC | Key Map



Legend

- Assessment Parcels
- Citations

Notes

1: 17,629

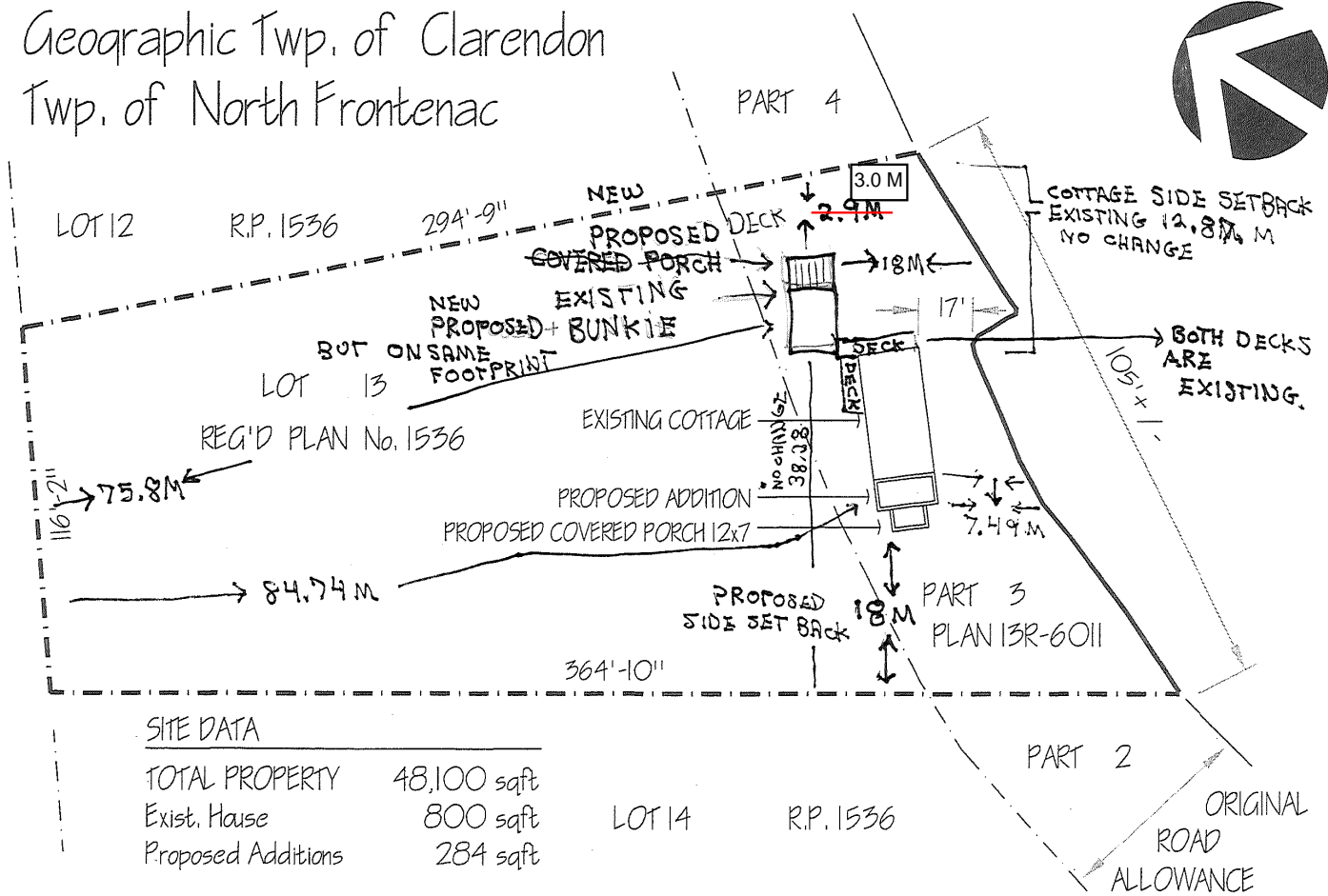
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WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

SITE PLAN  
 Part Lot 6 Con VI  
 Geographic Twp. of Clarendon  
 Twp. of North Frontenac

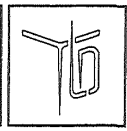


SITE DATA

TOTAL PROPERTY	48,100 sqft
Exist. House	800 sqft
Proposed Additions	284 sqft

LOT 14 R.P. 1536

SITE PLAN



CONSTRUCTION DRWGS.  
 Denbigh ON 613 333-2951  
 BCIN: 37344, 36797

DATE :	June 31, 2009
DRAWN :	y.Lindner
SCALE :	n.t.s.
PROJECT :	RJ-09-01



22-NF-MV

December 12, 2022

Tara Mieske  
Secretary-Treasurer  
Township of North Frontenac  
P.O. Box 97  
Plevna, Ontario K0H 2M0

Dear Ms. Mieske:

**Re: Application for Request for Permission – #A24/22  
Part Lot 6, Con 6, Township of North Frontenac (Clarendon)  
1015B Hanbidge Lane  
SAER**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

#### **PROPOSAL**

According to the notice, *The Applicant is proposing to construct the following:*

- *a single storey addition on the side of the existing dwelling with an area of 200 square feet with no further encroachment on the waterbody setback.*
- *A covered porch attached to the addition on the side of the existing dwelling with an area of 84 square feet with no further encroachment on the waterbody setback.*
- *An uncovered deck on the side of the existing sleep cabin with an area of 140 square feet setback 2.9 metres from the interior lot line and with no further encroachment on the waterbody setback.*

*The existing dwelling has an area of 960 square feet and is setback 7.49 metres from the high water mark of Big Gull Lake. The existing sleep cabin has an area of 224 square feet and is setback 18 metres from the high water mark of Big Gull Lake. We understand that the minimum waterbody setback requirement is 30 m.*

#### **PROPERTY CHARACTERISTICS**

The subject property is located on Big Gull Lake, which is a warm water fishery providing habitat for species such as walleye, northern pike and bass as well as a variety of non-sport and forage fish. Rocky terrain was observed on-site, with exposed bedrock throughout.

10970 Hwy 7, Carleton Place, ON K7C 3P1 • Tel. (613) 253-0006 • Fax (613) 253-0122 • [info@mvc.on.ca](mailto:info@mvc.on.ca)

*MVCA is a member of Conservation Ontario~Natural Champions*

## REVIEW

### **Natural Heritage Values**

MVCA reviews waterbody setback requirements in accordance with the Provincial Policy Statement (PPS). Guidelines prepared in support of the PPS indicate that development shall not be permitted within 30 m of fish habitat unless it has been determined that there will be no negative impacts to this natural heritage feature. The recommended 30 m setback distance for waterfront development is intended to protect the lake environment from the effects of increased nutrients from overland runoff and allow room for a natural vegetation buffer. The natural vegetation buffer prevents shoreline erosion, excess warming of shallow waters and provides wildlife and aquatic habitat.

In consideration of the PPS, as well as the necessity to limit the potential cumulative impact of development and pervious (hard) surfaces within the nearshore area, MVCA recommends consideration to several objectives outlined in the table below. In reference to these objectives, an assessment of the proposal is provided in the same table.

<b>Objectives</b>	<b>Proposed Additions and Deck</b>
New development should not result in a further encroachment towards the waterbody compared to the existing.	✓ No further encroachment into the waterbody setback is proposed.
Any increase in footprint should be limited in size.	✓ The proposed increases in footprint is acceptable in reference to informal MVCA guidelines.
Waterbody setback should be maximized to the greatest extent feasible towards the minimum requirement i.e. reasonable alternatives should be considered to achieve this.	✓ The proposed additions are located on the side of the existing structures.

**Natural Hazards:** None identified.

### **RECOMMENDATIONS AND CONCLUSIONS**

With all of the above in consideration, we do not have any objection to the proposed additions and deck provided the following mitigation measures are adhered to:

1. In accordance with the provisions of the relevant Municipal Zoning By-law, unvegetated sections of the shoreline that are not in compliance with the allowable clearing for water access, shall be planted to a minimum depth of 3m (measured from the shoreline towards the rear of the lot) with native plant species. This effort will help to mitigate the effects of erosion and surface runoff on the lake.
2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.

3. Excavated material shall be disposed of well away from the lake.
4. Natural drainage patterns on the site shall not be substantially altered.

**NOTES**

A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 –Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA for prior to any alterations to the shoreline of the lake.

We advise consultation with Fisheries and Oceans Canada (DFO) <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Should any questions arise please do not hesitate to call. Please advise us of the Committee’s decision in this matter.

Yours truly,



Diane Reid  
Environmental Planner



6648 Road 506 Plevna, Ontario K0H 2M0  
[www.northfrontenac.ca](http://www.northfrontenac.ca)

**Notice of Public Hearing-  
Application for Minor Variance**  
Clause 45(1) of the Planning Act  
Section 3, O.Reg. 200/96

**File No.: #A25/22**

**Subject Land: Lot 12, Plan 1001, Geographic Township of Barrie  
(1161B Higgins Lane)**

**Applicant(s): Eleanor Lyons and Scott Lyons**

**Take Notice:** The Township of North Frontenac Committee of Adjustment will hold a public meeting on **December 19, 2022 at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

**Purpose and Effect under Section 45(1):**

The Applicant is applying for relief from Sections 3.1.1, 3.27 and 4.9.3 of By-law #55-19, the Zoning By-law.

Section 3.1.1 (c) provides that no accessory use, building or structure shall be erected closer to the front lot line than the minimum yard setbacks required for the main building.

Section 3.27 (e) and Section 4.9.3 (a) provides that all structures shall be setback from the high water mark of all waterbodies a minimum of 30 metres.

The Applicant is proposing to demolish the existing dwelling, including the deck, four sheds, and replace the existing septic system. The following development is proposed:

- a two storey dwelling with an area of 158.8 square metres and deck with an area of 66 square metres for a total footprint of 224.8 square metres. The proposed setback to the high water mark of Shabomeka Lake for the dwelling is 22.8 metres and the setback for the deck is 19.8 metres.
- A new septic system with an area of 42 square metres, setback 22.4 metres from the high water mark.

The existing dwelling, including deck, has an area of 154.2 square metres and is setback 16.1 metres from the high water mark. The existing sheds have an overall area of 55.7 square metres and are all located within the 30 metre setback.

**Submissions:** Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk/Planning Manager at [clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)

Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

**Public Hearing:** You are entitled to attend this public hearing in person; or through the use of electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at [deputyclerk@northfrontenac.ca](mailto:deputyclerk@northfrontenac.ca); or call (613) 479-2231 or 1-800-234-3953 ext. 231.

**Notice of Decision:** If you wish to be notified of the decision of the Committee in respect of the proposed Minor Variance, you must make a written request to the undersigned.

**Appeal:** If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Minor Variance does not make a written submission to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

**Additional Information:** Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

**Notice of Collection:** Personal information collected as a result of this public hearing is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

Dated at Plevna, Ontario this 24<sup>th</sup> day of November 2022.

Tara Mieske, Secretary-Treasurer  
Township of North Frontenac  
**Email: [clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)**



## Planning Report

**To:** Members of Committee of Adjustment

**Prepared By:** Dmitry Kurylovich, Community Planner, County of Frontenac

**Reviewed By:** Sonya Bolton, Manager, Community Planning, County of Frontenac

**Re:** Application for Permission to Replace and Expand an Existing Non-Complying Structure (Dwelling)

**Address:** 1161B Higgins Lane

**Legal Description:** Lot 12, Plan 1001, Geographic Township of Barrie

**File Number:** A25/22 (Lyons)

**Owner:** Eleanor and Scott Lyons

**Applicant:** Tracy Zander – ZanderPlan

**Date Prepared:** December 14, 2022

**Date of Meeting:** December 19, 2022

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### Recommendation

That the Committee of Adjustment for the Township of North Frontenac approve the application subject to the conditions outlined in Appendix A of this report.

### Proposal

This application proposes to construct a:

- 2 storey plus walk out dwelling with a total footprint of 158.8 square metres (1,710 square feet), located approximately 22.8 metres (75 feet) from the estimated highwater mark of Shabomeka Lake.

- An attached and uncovered 66 square metre (710 square foot) deck to the proposed dwelling, located approximately 20.1 metres (66 feet) from the estimated highwater mark of Shabomeka Lake.
- A new septic system within the location of the existing.

**Existing Development**

- An existing 2 storey plus walk out dwelling with an approximate building footprint of 144.5 square metres (1,555 square feet) with an attached 9.7 square metre (104 square foot) dwelling, setback approximately 16.1 metres (52.8 feet) from the estimated highwater mark of Shabomeka Lake (to be replaced).
- A 34 square metre (111.5 square foot) open storage shed (to be removed).
- An 8.7 square metre (93 square foot) frame woodshed (to be removed).
- An 8.1 square metre (87.2 square foot) frame shed (to remain).
- A 7 square metre (23 square foot) metal clad shed (to be removed).
- A 43.7 square metre (470.4 square foot) metal clad garage (to remain).
- A Class-4 septic system located to the east of the dwelling (to be replaced).

The proposed dwelling and attached deck will be located relatively within the same footprint as the existing dwelling. The proposed development will require the removal of 3 accessory structures that are located within the waterbody setback, totalling approximately 55.7 square metres (600 square feet).

The dwelling proposed to be replaced and expanded was constructed in the 1960s within the 30-metre (98.4 foot) setback to the high-water mark now required by the Township Zoning By-Law Number 55-19. Therefore, permission is required to expand the size of the non-complying structure. Refer to the site plan (Attachment 2) and the list of existing structures above for the site context.

**Background Information**

Information Category	Response
Official Plan designation	Waterfront Area
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	0.55 hectares (1.35 acres)

Information Category	Response
Existing road frontage and access	50 metres (161 feet) on Higgins Lane (private road)
Waterfront	48 metres (157 feet) on Shabomeka Lake (At Capacity Lake Trout Lake)
Natural heritage features	No regulated features except shoreline.
Surrounding land uses	Waterfront residential properties of similar size to the west and east, large naturally vegetated Crownland parcel to the south

### Pre-application Consultation

The property owner and their agent consulted with Township and County planning staff prior to the submission of this application.

### Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 10 days in advance of the meeting.

### Comments

#### Mississippi Valley Conservation Authority

Comments dated December 12, 2022 indicate no objection to the proposed development.

MVCA indicated that the slopes at the front and rear of the proposed development meet the classification of being potentially unstable and they therefore recommend a slope stability assessment in support of the development proposal. MVCA noted that any slope that exceeds 3 metres (9.84 feet) in height with a 3:1 slope angle (33% grade) are considered to be potentially unstable.

MVCA staff did not express any concerns related to the expansion of the development footprint. They note that the enlargement is in-line with their informal development guidelines and that the proposed septic system will be located further from the water than the existing, which is ideal.

### **Septic Approval Authority (Township of South Frontenac)**

No comments have been received at the time of drafting this report. Condition 6 will require the applicant to receive favourable comments from the septic review authority prior to receiving the building permit, to the satisfaction of the Township of North Frontenac. If the septic review authority determines that a septic performance review or upgrade is required, the applicant shall undertake the necessary work prior to the issuance of a building permit.

### **Public Comments**

No comments were received at the time of drafting this report.

### **Conformity and Consistency with Policy Planning Documents**

Applications for permission are required to be consistent with the Provincial Policy Statement, 2020 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed expansion is consistent with and conform to the planning policies of all these documents.

The key policies of each document that are applicable to the subject applications are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

### **North Frontenac Zoning By-Law Number 55-19**

The subject property is zoned as Limited Service Waterfront (LSW) in the Township of North Frontenac Zoning By-Law Number 55-19. The LSW Zone permits single detached dwellings and a variety of low-impact accessory uses.

The LSW zone permits a maximum lot coverage of 15% and a minimum waterbody setback of 30 metres (98 feet) for all non-waterfront structures and sewage disposal systems.

The lot coverage proposed by this application falls below the maximum set out in the Zoning By-law. The existing dwelling is located approximately 16.1 metres (52.8 feet) from the estimated highwater mark of Shabomeka Lake.

The existing dwelling was constructed before the current zoning by-law came into effect and is therefore considered to be a non-complying structure. Section 3.24 of the Zoning By-law allows the renovation, repair, or reconstruction of existing non-complying structures as long as the footprint and volume of the structure are not increased, and the location is not modified.

Since the application proposed to increase and modify the existing footprint of the dwelling, approval is required under Section 45(2) of the Planning Act.

County planning staff are of the opinion that the proposed application complies with the purpose and intent of the zoning by-law.

## **Planning Analysis and Considerations**

This application was reviewed against the policies of the Provincial Policy Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

### **Waterfront Character**

The proposed development will be located relatively within the same footprint of the existing dwelling but turned slightly to the west and setback an additional 3 metres (9.84 feet) from the water. The footprint expansion will occur on the roadside of the dwelling, within the existing driveway. Based on the submitted elevations it appears that the proposed dwelling may be taller than the existing. However it should be noted that the existing shoreline is vegetated with tall trees that provide a buffer between the dwelling and the open portion of the waterbody. As such, no impact is anticipated on waterfront character as a result of the proposed development.

### **Sewage Disposal System Services**

This application proposes to construct a new class 4 septic system that will be situated 1 metre (3 feet) farther from the waterbody than the existing septic system. The new system is proposed to be located approximately 22.4 metres (73.5 feet) from the estimated highwater mark of Shabomeka Lake. Based on a site visit, County planning staff are of the opinion that the area proposed for the septic system replacement is the only suitable spot on the property that can support a sewage disposal system without requiring extensive filling or grading.

Overall, County planning staff are of the opinion that upgrading and replacing septic systems on at capacity lakes contributes to the gradual improvement of lake quality.

It should be noted that no comments have been received from the septic review authority at the time of drafting this report. Condition 6 will require the applicant to receive favourable comments or a sewage disposal system permit from the septic review authority prior to receiving the building permit, to the satisfaction of the Township of North Frontenac.

### **Natural Heritage**

Shabomeka Lake is identified to be an At-Capacity Lake Trout Lake by the Ministry of Environment Conservation and Parks (MECP). The Township Official Plan requires any new use or significant redevelopment of properties on an at-capacity lake to demonstrate a net reduction of phosphorus loading into the lake and be supported by an Environmental Impact Study (EIS). For developments proposing a minor variance of the

zoning provisions on existing lots of record, an EIS may be required at the discretion of planning staff, depending on the scale of the proposed development.

Based on previous discussion with MECP staff, it is understood that an EIS is not typically recommended on applications that do not result in a change of use, improve the waterbody setback to either the dwelling or septic system, and do not result in significant site alteration such as grading or shoreline vegetation removal.

In accordance with this understanding, County planning staff are of the opinion that an EIS is not required because the proposed development is not establishing a new use but rather expanding an existing footprint, and because the development will not result in extensive shoreline vegetation removal or site alteration, and will replace the existing septic system with a new system with an increased setback to the water.

This opinion is supported by the fact that MVCA staff did not identify any issues with respect to natural heritage and the proposed development. As such, County planning staff are of the opinion that although the applicant is proposing to expand the existing dwelling footprint by 70.6 square metres (760 square feet), the overall site plan demonstrates improvement to existing conditions that have the potential to contribute to the improvement of the quality of Shabomeka Lake. Generally, applications that propose to replace existing sewage disposal methods with modern class 4 septic systems and increase existing development setbacks are desirable from a lake health perspective. It should also be noted that the current site plan design proposes to remove 3 accessory structures that are located within the waterbody setback, totalling approximately 55.7 square metres (600 square feet).

The applicant will be required to install sediment and erosion control fencing or haybales to ensure no run-off enters the waterbody during construction.

County planning staff are of the opinion that the proposed addition will have no negative impact on the existing quality of the Shabomeka Lake.

### **Minimum Distance Separation**

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property.

### **Natural Hazards**

The existing dwelling is situated on top of a bench that exists between two slopes that run toward the water from south to north. The proposed development will be situated at the top of the slope to the south and imbedded into the slope to the north.

MVCA indicated that the slopes at the north and south of the proposed development meet the classification of being potential unstable and should therefore be investigated for their stability.

As such, County planning staff recommend a condition that will require the applicant to submit a slope stability assessment to demonstrate that the slopes are stabled and will not be impacted by the proposed development.

## Legal Non-Conforming

In accordance with Section 45(2) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of an existing legal non-conforming building or structure, where the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and following the date the By-law was passed. No permission may be given by the Committee to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated.

In considering whether to grant a permission pursuant to Section 45(2), the relevant tests are:

### **1. Is the application desirable for appropriate development of the subject property?**

County planning staff are of the opinion that the application is desirable for the appropriate development of the subject property.

The proposed development will increase the established waterbody setback to the existing dwelling and the septic system. The proposed dwelling footprint expansion will be located entirely on the roadside of the dwelling and within the area of an existing driveway. The existing septic system will be replaced with a new modern system and will be situated slightly farther from the water than the existing. No extensive shoreline vegetation removal is anticipated for the proposed development. The overall site plan also proposes to remove 3 accessory structures that are located within the waterbody setback, totalling approximately 55.7 square metres (600 square feet).

Due to the presence of potentially hazardous slopes, the applicant will be required to submit a slope stability assessment in support of the application prior to obtaining a building permit.

### **2. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?**

County planning staff are of the opinion that the proposed addition will not result in any undue adverse impacts on the surrounding properties and neighbourhood.

The proposed addition is not anticipated to have a negative impact on the existing aesthetic of the shoreline. The shoreline of the subject property supports a number of tall and mature trees which screen the existing and proposed development from the open portion of the waterbody. The proposed increase to the waterbody setback to both the dwelling and septic system has the potential to improve current lake conditions. The proposed development is not anticipated to have any negative impacts on established residential uses in the area.

## **Recommendation**

Subject to any additional comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve application A25/22, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

## **Attachments**

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1 - Key Map

Attachment 2 – Applicant Submitted Site Plan

Attachment 3 – Elevations and Floor Plans

## **Appendix A: Draft Conditions of Approval**

**Note:** Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

### **Recommended Conditions for Application A25/22 (Lyons)**

#### **Applicability**

1. That the permission granted through application A25/22 is only to construct:
  - a. A 2 storey plus walk out dwelling with a total footprint of 158.8 square metres (1,710 square feet), located approximately 22.8 metres (75 feet) from the estimated highwater mark of Shabomeka Lake.
  - b. An attached and uncovered 66 square metre (710 square foot) deck to the proposed dwelling, located approximately 20.1 metres (66 feet) from the estimated highwater mark of Shabomeka Lake.
  - c. A new septic system, located approximately 22.4 metres (73.5 feet) from the estimated highwater mark of Shabomeka Lane.
2. This permission does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any future structures.

#### **No Adverse Impacts**

3. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

#### **Building Permits**

4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.
5. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

### **Sewage Disposal System**

6. Prior to the issuance of a building permit, the property owners shall provide the Township of North Frontenac with favourable comments from the sewage system review authority (Township of South Frontenac).

### **Slope Stability – Conservation Authority**

7. Prior to the issuance of a building permit, the owners are required to submit a letter of approval from the Mississippi Valley Conservation Authority (MVCA) stating that the addition proposed by this application is supported by an adequate slope stability study, to the satisfaction of the MVCA and the Township of North Frontenac.

### **Conservation Authority Permits and Regulations**

8. The applicant should be advised that, pursuant to Ontario Regulation 153/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA prior to any alterations to the shoreline of the lake.

### **Construction Method**

9. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place and in good working order until all disturbed areas have been stabilized and re-vegetated.
10. All excavated material and accumulated sediment along sediment control measures shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
11. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.

## Appendix B: Relevant Planning Policy

### Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS, which requires the approval authority to apply the relevant policies of the following sections:

- Section 1: Building Strong Healthy Communities of the PPS promotes the building of healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 3.1 of the PPS.

The following policies are applicable to this application:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c).
- Permitted uses on rural lands include residential development that is locally appropriate (Section 1.1.5.2.c).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 1.1.4.1.a).
- Promoting development that is compatible with the rural landscape and can be sustained by rural service levels (Section 1.1.5.4).
- Natural features and areas shall be protected for the long term (Section 2.1.1).

- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 3).

### **County of Frontenac Official Plan (2016)**

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

### **Township of North Frontenac Official Plan (2017)**

The property is designated as Waterfront Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.


- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the density of buildings and structures in the Waterfront Area is an important part of protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.
- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.

- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.
- Section 4.10.8 states that the following policies shall apply to all lot creation or site alterations undertaken on or within 300m (984 ft.) of an identified at capacity lake trout lake. Development will be prohibited on lands adjacent to a water body where the water body has reached or may reach its development capacity except where one or more of the following conditions exists:
  - Section 4.10.9 (xi) Applications for Minor Variances to the Zoning setbacks established for at capacity lake trout lakes may be required to be supported by an Environmental Impact Assessment prepared in accordance with this Plan depending on the extent and impact of the proposal;



Legend

- Road**
  - Highway
  - Major Road
  - Secondary Road
  - Ferry Route
- Assessment Parcels
- Ownership Parcels
- Citations

1: 18,056 



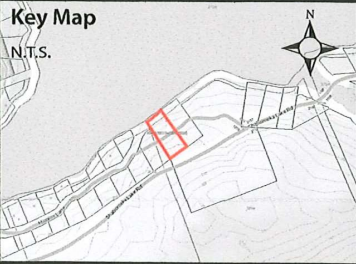
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Includes Material © 2019 of the Queen's Printer for Ontario. All Rights Reserved.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes

**Lyons Site Plan Sketch**  
 1161B Higgins Lane  
 Pt. Lot 21, Concession 12  
 Geographic Township of Barrie  
 Township of North Frontenac  
 COUNTY OF FRONTENAC



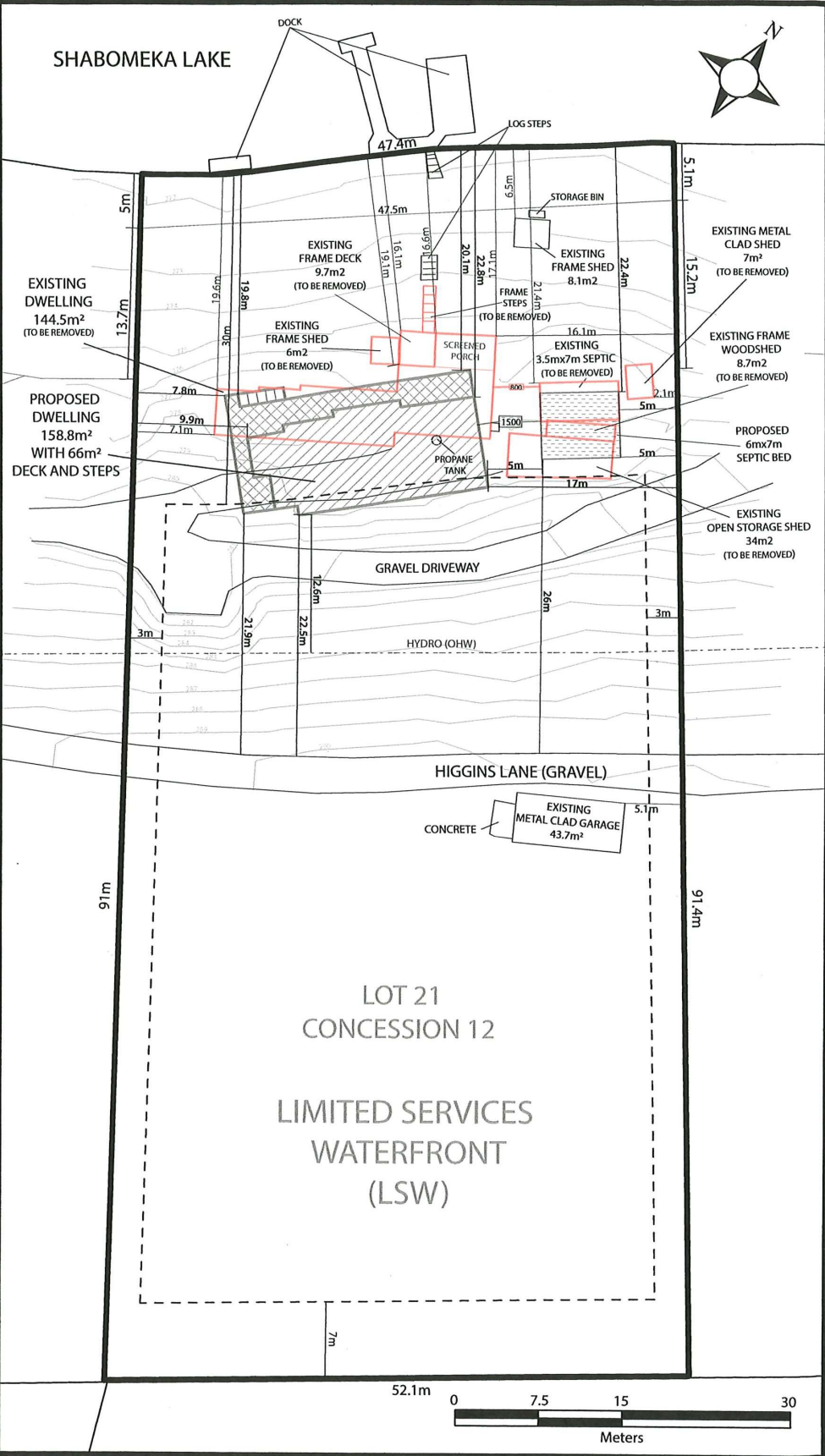
- Legend**
- Subject Lands
  - Proposed Dwelling
  - Proposed Deck
  - Existing Structures (To be Removed)
  - Proposed Septic
  - Hydro
  - Zoning Setbacks
- Notes

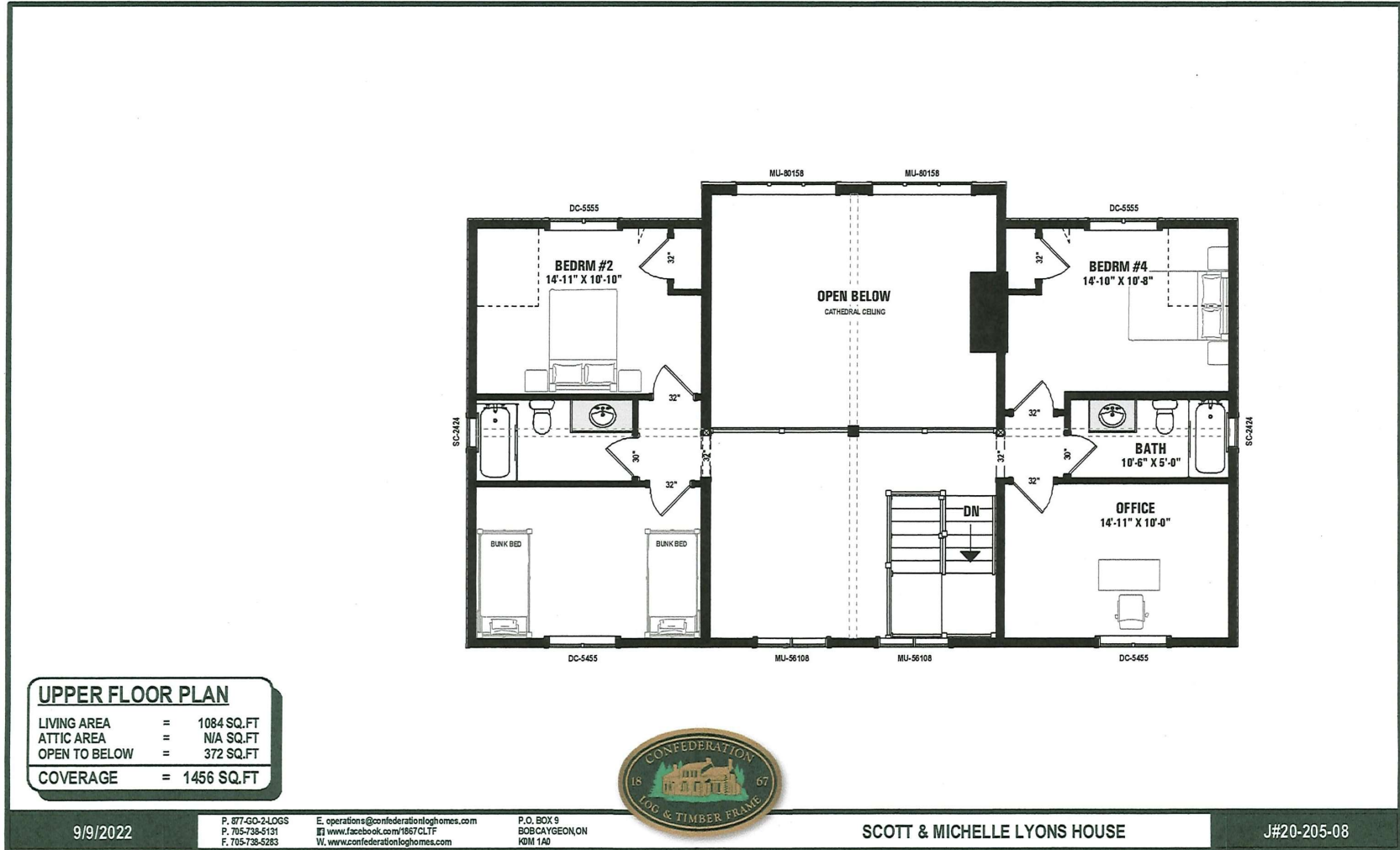
1. Boundary and dimensions for the subject property falling in Lot 21 Concession 12 derived from Plan 13R-14013 completed by Keat & Verhoef Inc. in October of 1997 and Plan of survey by McIntosh Perry Surveying Inc. in June of 2022. All other dimensions are approximate based on GIS mapping.

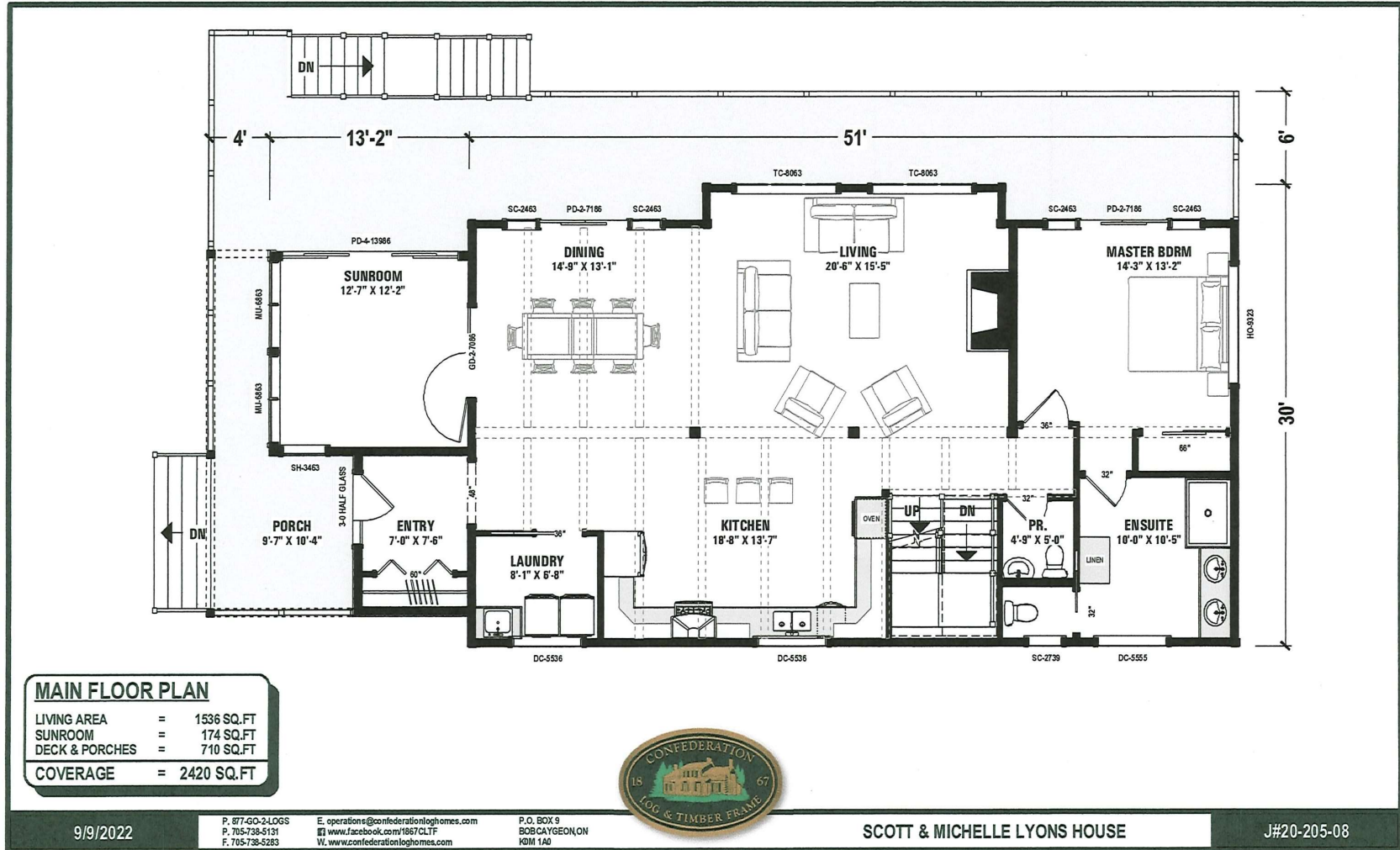
Zoning Table Limited Services Waterfront

Provision	Required	Proposed
Min. Lot Area	8000m <sup>2</sup>	5,466m <sup>2</sup>
Min. Lot Frontage	77m	47.5 m
Min. Front Yard	30m	22.8m
Min. Ext. Side Yard	7m	n/a
Min. Side Yard	3m	2.1m (Existing)
Min. Rear Yard	7m	47.5m
Max Building Height	10m	<=10m
Max. Lot Coverage	15%	5%

Version Date: October 24, 2022  
 File No. 21-328      Drawn By: TG







MAIN FLOOR PLAN	
LIVING AREA	= 1536 SQ.FT
SUNROOM	= 174 SQ.FT
DECK & PORCHES	= 710 SQ.FT
<b>COVERAGE</b>	<b>= 2420 SQ.FT</b>



9/9/2022

P. 877-GO-2-LOGS  
P. 705-738-5131  
F. 705-738-5283

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W. www.confederationloghomes.com

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BOB CAYGEON, ON  
K0M 1A0

SCOTT & MICHELLE LYONS HOUSE

J#20-205-08



1/28/2022

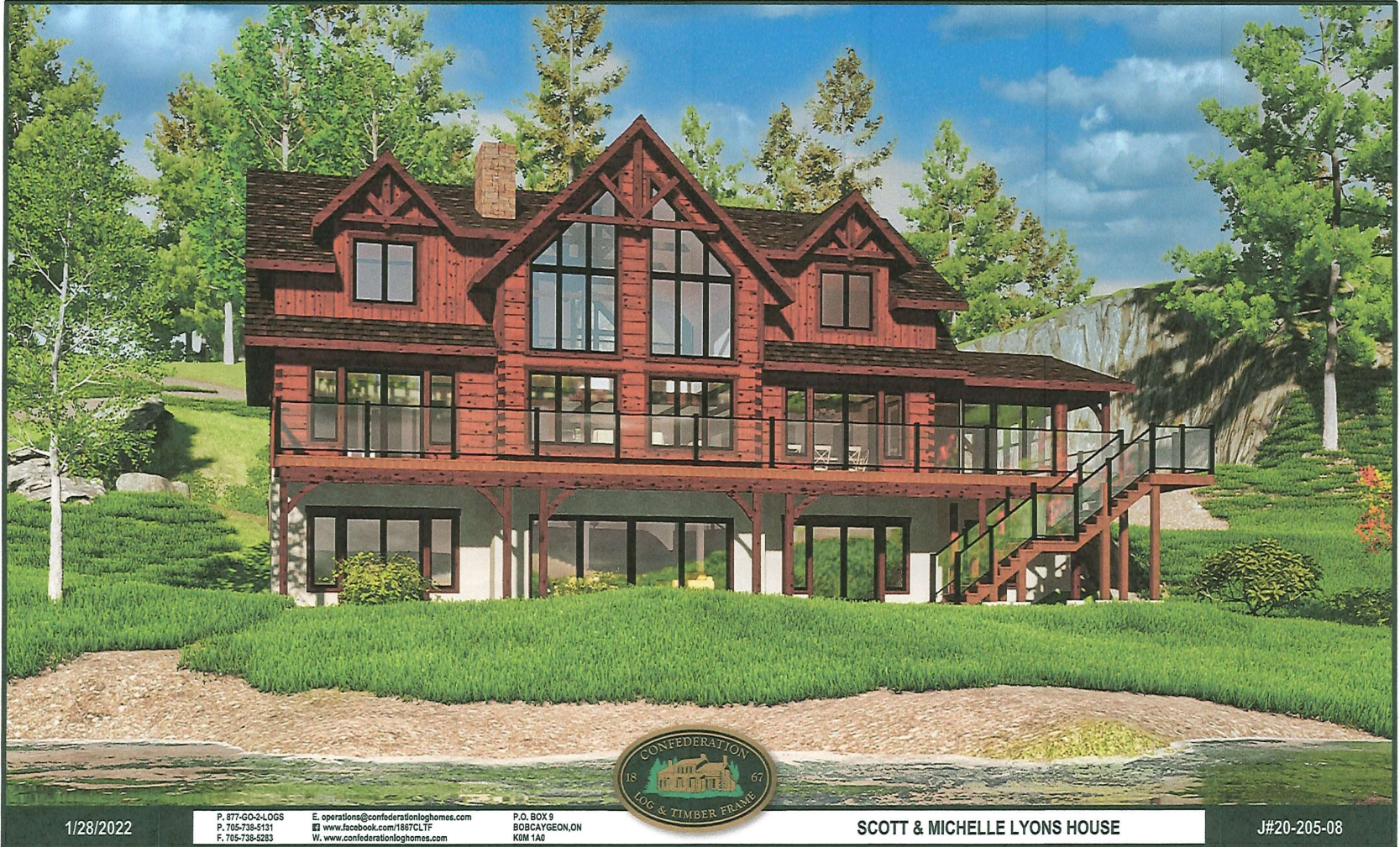
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J#20-205-08



1/28/2022

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SCOTT & MICHELLE LYONS HOUSE

J#20-205-08



22-NF-MV

December 12, 2022

Tara Mieske  
Secretary-Treasurer  
Township of North Frontenac  
P.O. Box 97  
Plevna, Ontario K0H 2M0

Dear Ms. Mieske:

**Re: Minor Variance Application- A25/22  
Part Lot 21, Con 12, Township of North Frontenac (Barrie)  
1161B Higgins Lane  
LYONS**

---

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

#### **PROPOSAL**

According to the notice, *The Applicant is proposing to demolish the existing dwelling, including the deck, four sheds, and replace the existing septic system. The following development is proposed:*

- *a two storey dwelling with an area of 158.8 square metres and deck with an area of 66 square metres for a total footprint of 224.8 square metres. The proposed setback to the high water mark of Shabomeka Lake for the dwelling is 22.8 metres and the setback for the deck is 19.8 metres.*
- *A new septic system with an area of 42 square metres, setback 22.4 metres from the high water mark.*

*The existing dwelling, including deck, has an area of 154.2 square metres and is setback 16.1 metres from the high water mark. The existing sheds have an overall area of 55.7 square metres and are all located within the 30 metre setback.*

10970 Hwy 7, Carleton Place, ON K7C 3P1 • Tel. (613) 253-0006 • Fax (613) 253-0122 • [info@mvc.on.ca](mailto:info@mvc.on.ca)

*MVCA is a member of Conservation Ontario~Natural Champions*

**PROPERTY CHARACTERISTICS**

The subject property has frontage on Shabomeka Lake, which has been classified as a highly sensitive Lake Trout Lake, which is at-capacity. As depicted on the site plan and observed during a site visit, the existing and proposed dwellings are located within a slope that leads to the lake. In addition, the proposed dwelling is at the toe of a second slope. Based on a review of the *Plan of Survey with Topography* provided with the application, the slopes on the subject property fall under the definition of a potential *Erosion Hazard* (discussed below under *Natural Hazards* section).

**REVIEW**

**Natural Heritage Values**

MVCA reviews waterbody setback requirements in accordance with the Provincial Policy Statement (PPS). Guidelines prepared in support of the PPS indicate that development shall not be permitted within 30 m of fish habitat unless it has been determined that there will be no negative impacts to this natural heritage feature. The recommended 30 m setback distance for waterfront development is intended to protect the lake environment from the effects of increased nutrients from overland runoff and allow room for a natural vegetation buffer. The natural vegetation buffer prevents shoreline erosion, excess warming of shallow waters and provides wildlife and aquatic habitat.

In consideration of the PPS, as well as the necessity to limit the potential cumulative impact of development and pervious (hard) surfaces within the nearshore area, MVCA recommends consideration to several objectives outlined in the table below. In reference to these objectives, an assessment of the proposal is provided in the same table.

Objectives	Proposed Replacement Dwelling and Septic
New development should not result in a further encroachment towards the <b>waterbody</b> compared to the existing.  <b>Existing: 16.1 m; Proposed: 19.8 m</b>	✓ Replacement dwelling results in an increase in waterbody setback, compared to the existing dwelling. ✓ The septic system also results in a minor improvement compared to the existing system.
Any increase in <b>footprint</b> should be limited in size, <u>including</u> that of decking.  <b>Existing: 1659 sq. ft; Proposed: 2420 sq. ft.</b>	✓ Proposed increase in footprint is 761 sq. ft., which is considered a reasonable increase between 15 and 30 m of the lake, in reference to informal MVCA guidelines. ✓ In addition, sheds within the waterbody setback are being removed and not replaced.
Waterbody setback should be <b>maximized</b> to the greatest extent feasible towards the minimum requirement i.e. reasonable alternatives should be considered to achieve this.	✓ Given the slope to the rear of the proposed dwelling and septic system, waterbody setback appears to have been maximized.

**Natural Hazards:** It is provincial policy that: *Development shall generally be directed to areas outside of hazardous lands adjacent to a stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (Provincial Policy Statement, Section 3.1.1.b). *Erosion hazards* include slopes which have the potential for slope instability due to their steepness and height. Slopes which exceed 3m in height and a 3:1 slope angle, are considered potentially unstable. This includes the slopes that are to the front and rear of the proposed development, on the subject property. Therefore, a slope stability analysis is recommended to assess potential impacts to slope stability as a result of the proposed development.

### **RECOMMENDATIONS AND CONCLUSIONS**

Given the presence of potential *Erosion Hazards* on the subject property, a slope stability assessment is recommended to assess potential impacts to slope stability as a result of development on the subject property. If the results of this analysis conclude that slope stability will not be compromised, MVCA does not have any objection to the subject application provided the conditions outlined below are adhered to:

1. There shall be no additional footprint permitted within the 30 m waterbody setback with any hardened structures, including decks and porches.
2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the lake.
4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.
5. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
6. In accordance with the provisions of the relevant Municipal Zoning By-law, shoreline vegetation, consisting of native shrubs, shall be planted in unvegetated sections of the shoreline, to a minimum depth of 3m (measured from the shoreline towards the rear of the lot). This effort will help to mitigate the effects of erosion and surface runoff on the lake.

### **NOTES**

A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA for prior to any alterations to the shoreline of the lake.

We advise consultation with Fisheries and Oceans Canada (DFO) <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Diane Reid".

Diane Reid  
Environmental Planner



## Notice of Public Meeting

### Proposed Amendment to the Township's Official Plan

---

**Take Notice** that the Council of The Corporation of the Township of North Frontenac is proposing to adopt an Official Plan Amendment in accordance with Section 17 of the *Planning Act*, RSO 1990, as amended, to make administrative changes to the Township Official Plan.

The Council of the Township of North Frontenac will be hosting the statutory public meeting on **Friday, January 13, 2023, at 9:00 a.m.** The public meeting will be held in person and virtually via Zoom. County Planning staff will provide a brief presentation to Council and the public. Council will then invite comments and questions from the public. Please note there may be more than one public meeting scheduled, which will be heard in the order that they appear on the Council agenda. The agenda will be available online on the [Township's Website](#) in advance of the meeting.

**Public Hearing:** You are entitled to attend this public hearing in person; or through the use of electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at [deputyclerk@northfrontenac.ca](mailto:deputyclerk@northfrontenac.ca); or call (613) 479-2231 or 1-800-234-3953 ext. 231.

**Purpose and Effect:** The purpose of the Official Plan Amendment is to make administrative changes to the Township's Official Plan to implement recent changes to the Ontario *Planning Act* through *Bill 13, Supporting Businesses and People Act, 2021* and *Bill 109, More Homes for Everyone Act, 2022*. Specifically, the amendment will include policies in the Township Official Plan regarding complete planning applications, pre-application consultation for planning applications, and delegated authority for planning approvals.

**Lands Affected:** The draft Official Plan Amendment is administrative in nature and applies to all properties within the Township. Therefore, no key map is provided.

**Other Applications:** Currently, there are no other Township-wide Planning Act applications.

**Additional Information** and material related to the proposed amendments is available for inspection by contacting the undersigned.

The draft of the Official Plan Amendment is also available on the Planning Page of the [Township's Website](#).

**Notice of Adoption:** If you wish to be notified of the decision of the Township of North Frontenac on the proposed amendments, please make a written request to the undersigned.

**Appeals:** If a person or public body would otherwise have an ability to appeal the decision of the approval authority (County of Frontenac) to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Township of North Frontenac before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Township of North Frontenac before the proposed Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

**Notice of Collection** – Personal information collected as a result of this public meeting is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Planning Act* and will be used to assist in making a decision on these matters. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to Tara Mieske, Clerk.

**Dated at the Township of North Frontenac this 22<sup>nd</sup> day of December 2022.**

Tara Mieske  
Clerk/Planning Manager  
6648 Road 506, Plevna, ON, K0H 2M0  
1-800-234-3953 or 613-479-2231 Ext. 225  
[clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)

## The Corporation of the Township of North Frontenac

### By-Law Number 2023-XX

#### A By-Law to Amend the Township of North Frontenac Official Plan (Amendment Number X, Provincial Bills 13 and 109)

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**Whereas** the Province of Ontario passed *Bill 13, Supporting Businesses and People Act, 2021*, which includes changes to the *Planning Act* regarding the delegation of authority for minor zoning by-law amendments; and,

**Whereas** the Province of Ontario passed *Bill 109, More Homes for Everyone Act, 2022*, which includes changes to the *Planning Act* that require the refunding of fees for certain types of planning applications if a decision is not made within the required provincial timeframes; and,

**Whereas** North Frontenac Council has held a Public Meeting as required by the *Planning Act* on January 13, 2023;

**Now Therefore**, the Council of The Corporation of the Township of North Frontenac, in accordance with the provisions of Section 17 of the *Planning Act, R.S.O. 1990.c.P. 13*, as amended, enacts as follows:

1. The Township of North Frontenac Official Plan is hereby amended by the following changes, which shall constitute Amendment Number X to the Township of North Frontenac Official Plan:
  - a. **Amend** the text of Section 6.9, Planning Act, of the Township of North Frontenac Official Plan as follows:
    - 1) Insert a new sub-section 6.9.1., entitled "Complete Applications".
    - 2) Renumber existing sub-sections 6.9.1 through 6.9.15 to be sub-sections 6.9.2 through 6.9.16.
    - 3) Insert the following text as a new sub-section 6.9.1.a.: "The submission of a complete application may include, but not be limited to, the completion of any applicable municipal forms, the payment of all required fees, the submission of studies, reports and drawings, and technical comments on studies, reports and drawings by all relevant departments, agencies, ministries, or third-party peer reviewers."
    - 4) The remaining three unnumbered paragraphs in Section 6.9.1 should be numbered as sub-sections "b" through "d".
    - 5) In Section 6.9.1.b., amend the fourth sentence by deleting the words "for an Official Plan Amendment, a Zoning By-law Amendment, or Subdivision" and replacing them with the words "involving an approval under the Planning Act".

- 6) In Section 6.9.1.b., amend the bullet point list of items by adding a new final bullet point that reads as follows: “Any other studies required by the Township that are not reflected in the above list.”
  - 7) In Section 6.9.1.c., amend the existing sentence by deleting the first word “These” and replacing it with the words “The above”.
  - 8) In Section 6.9.1.c., amend the existing sentence by deleting the words “Official Plan amendment, a Zoning By-law Amendment, or a Plan of Subdivision” and replace it with the words “application for approval under the Planning Act”.
  - 9) Insert the following new policy as sub-section 6.9.1.d.: “Any additional studies or information that is required as part of a complete application under the Planning Act will be at the discretion of the municipality, to ensure that all the relevant and required information pertaining to a development application is available to enable Council or its designated approval authorities to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.”
  - 10) Insert the following new policy as sub-section 6.9.1.e.: “All required reports and technical studies will be carried out by qualified persons retained by and at the expense of the proponent. The Township may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the Township at the proponent’s expense.”
- b. **Amend** the text of the Township of North Frontenac Official Plan by inserting a new sub-section 6.9.17, Pre-Application Consultation to Section 6.9, Planning Act, as follows:

**6.9.17. Pre-Application Consultation**

- a. Pre-application consultation is required for all planning applications where the Township is the approval authority. The Township may structure the pre-application consultation process to include multiple stages, where warranted, based on the complexity of the proposal and the type of application. Details regarding the process will be included in a pre-application consultation by-law.
- b. The Township may establish pre-application consultation fees to cover staff time to review and assess application information and technical studies prior to declaring an application complete.
- c. The Township may require a proponent to hold a public open house as part of the pre-application consultation process, prior to any statutory public meetings required by the Planning Act. The open houses will be

held for large or complex applications and will be at the discretion of the municipality.

- d. Where applications require the approval of the County of Frontenac (i.e., Official Plan Amendments), the County will be involved in pre-application consultation and will assist the Township in determining the requirements of a complete application. The County will be engaged early in this process to assist in ensuring any concerns or issues the approval authority may have can be addressed early in the application process.
- c. **Amend** the text of the Township of North Frontenac Official Plan by inserting a new sub-section 6.9.18, Delegated Authority to Section 6.9, Planning Act, as follows:

**6.9.18 Delegated Authority**

- a. The Township may delegate its authority for various approval or advisory functions in accordance with the provisions of enabling legislation including the Planning Act, the Municipal Act, and the Ontario Heritage Act.
- b. The Township may, by by-law, delegate its authority for various approval or advisory functions to:
  - A committee of council; or
  - An individual who is an officer, employee, or agent of the municipality.
- c. The delegation of applications under the Planning Act does not alter any notice or public meeting requirements or limit appeal rights. It also does not change the requirements under the Planning Act for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans or the County of Frontenac Official Plan.
- d. In receiving and reviewing a planning application, a committee of Council or an appointed officer, employee, or agent, which has been delegated authority, will provide information to the public and host required public meetings in accordance with the Planning Act. Consultation with the applicable Conservation Authority, the County of Frontenac, Parks Canada, provincial Ministries, Indigenous communities, and other applicable public commenting agencies will be completed.
- e. Under Section 41(2) of the Planning Act, Council has the authority to put a site plan control by-law in effect for certain lands and types of development within the Township. Section 41(4) of the Planning Act delegates the authority to make decisions on site plan control

applications to an officer, employee, or agent of the municipality as an authorized person.

f. Further to Section 6.9.18.e., the Township may delegate its authority for additional types of planning applications, by by-law, as follows:

1. Consents (Land Severances), including new lot creation, lot additions, and easements
2. Validation Certificates
3. Minor Zoning By-Law Amendments including:
  - A by-law to remove a holding symbol under Section 36 of the Planning Act where the conditions to remove the holding symbol have been met and any required agreements have been executed.
  - A by-law to permit a temporary use under Section 39 of the Planning Act.
  - Zoning By-Law Amendments that are required as a condition of approval of a provisional consent application that received no objections from the public and technical agencies during the required circulation period.

2. The Clerk be authorized and directed to make application to the County of Frontenac for approval of Official Plan Amendment Number X for The Corporation of the Township of North Frontenac.

3. This by-law shall come into force and take effect on the date of final passing by the Council of The Corporation of the County of Frontenac, subject to the provisions of the *Planning Act, R.S.O., 1990.c.P.13*, as amended.

Read a first and second time this \_\_\_ day of \_\_\_\_\_ 2023.

Read a third time and finally passed this \_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Township of North Frontenac  
Draft Official Plan Amendment Number X  
Implementation of Bills 13 and 109**

**Excerpt of Section 6, Tools of Implementation, with track changes**

**6.9 Planning Act (See also Appendix 2)**

**6.9.1. Complete Applications**

a. The submission of a complete application may include, but not be limited to, the completion of any applicable municipal forms, the payment of all required fees, the submission of studies, reports and drawings, and technical comments on studies, reports and drawings by all relevant departments, agencies, ministries, or third-party peer reviewers.

b. The procedures for applications and other matters are dealt with in sequence by section. Council intends to consult with the public prior to making a decision on a planning application. This may be in addition to any required statutory public meeting. Applications for **development** ~~for an Official Plan Amendment, a Zoning By-law Amendment, or Subdivision~~ involving an approval under the *Planning Act* shall be reviewed for completeness. The Township/approval authority will not consider an application complete or may refuse an application where studies or other information required by this Plan or the *Planning Act* are not submitted as part of the application. These studies or information may include, but are not limited to:

- A servicing options report
- A hydrogeological study and terrain analysis or water assessment report including an assessment of the carrying capacity or appropriate density of **development**
- A drainage and/or stormwater management report
- An Environmental Impact Assessment for a natural heritage feature or area
- An Archaeological Assessment
- A heritage impact assessment
- A resource impact report for **development** in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area
- A traffic study
- A **mine hazard** rehabilitation assessment

- A contaminated site assessment report (environmental site audit/assessment)
- A noise and/or vibration study
- A source protection study including a groundwater impact and/or surface water impact study
- A MDS I or II calculation
- A minimum separation distance calculation for an industry, waste management facility, pit or quarry
- An off-site septage haulage report
- A geotechnical study
- A municipal servicing capacity report for water and/or sanitary sewage system
- A water supply assessment
- A market study
- A flood plain management/slope stability report
- A lake capacity assessment
- A shoreline capability assessment
- A boat capacity study
- A cost-benefit study and/or a justification report for a private lane
- Any other studies required by the Township that are not reflected in the above list.

c. ~~These~~ The above studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06 or 547/06. Council/the Approval Authority may refuse to accept an application as complete in the absence of required studies in support of an ~~Official Plan amendment, a Zoning By-law Amendment, or a Plan of Subdivision~~ application for approval under the *Planning Act*.

d. Any additional studies or information that is required as part of a complete application under the Planning Act will be at the discretion of the municipality, to ensure that all the relevant and required information pertaining to a development application is available to enable Council or its designated approval authorities to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.

- e. All required reports and technical studies will be carried out by qualified persons retained by and at the expense of the proponent. The Township may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the Township at the proponent's expense.

**Renumber existing Sections 6.9.1. through 6.9.15 to be Sections 6.9.2 through 6.9.16.**

**6.9.17. Pre-Application Consultation (NEW SECTION)**

- a. Pre-application consultation is required for all planning applications where the Township is the approval authority. The Township may structure the pre-application consultation process to include multiple stages, where warranted, based on the complexity of the proposal and the type of application. Details regarding the process will be included in a pre-application consultation by-law.
- b. The Township may establish pre-application consultation fees to cover staff time to review and assess application information and technical studies prior to declaring an application complete.
- c. The Township may require a proponent to hold a public open house as part of the pre-application consultation process, prior to any statutory public meetings required by the Planning Act. The open houses will be held for large or complex applications and will be at the discretion of the municipality.
- d. Where applications require the approval of the County of Frontenac (i.e., Official Plan Amendments), the County will be involved in pre-application consultation and will assist the Township in determining the requirements of a complete application. The County will be engaged early in this process to assist in ensuring any concerns or issues the approval authority may have can be addressed early in the application process.

**6.9.18. Delegated Authority (NEW SECTION)**

- a. The Township may delegate its authority for various approval or advisory functions in accordance with the provisions of enabling legislation including the Planning Act, the Municipal Act, and the Ontario Heritage Act.
- b. The Township may, by by-law, delegate its authority for various approval or advisory functions to:
- A committee of council; or
  - An individual who is an officer, employee, or agent of the municipality.

- c. The delegation of applications under the Planning Act does not alter any notice or public meeting requirements or limit appeal rights. It also does not change the requirements under the Planning Act for land use planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans or the County of Frontenac Official Plan.
- d. In receiving and reviewing a planning application, a committee of Council or an appointed officer, employee, or agent, which has been delegated authority, will provide information to the public and host required public meetings in accordance with the Planning Act. Consultation with the applicable Conservation Authority, the County of Frontenac, Parks Canada, provincial Ministries, Indigenous communities, and other applicable public commenting agencies will be completed.
- e. Under Section 41(2) of the Planning Act, Council has the authority to put a site plan control by-law in effect for certain lands and types of development within the Township. Section 41(4) of the Planning Act delegates the authority to make decisions on site plan control applications to an officer, employee, or agent of the municipality as an authorized person.
- f. Further to Section 6.9.18.e, the Township may delegate its authority for additional types of planning applications, by by-law, as follows:
1. Consents (Land Severances), including new lot creation, lot additions, and easements
  2. Validation Certificates
  3. Minor Zoning By-Law Amendments including:
    - A by-law to remove a holding symbol under Section 36 of the Planning Act where the conditions to remove the holding symbol have been met and any required agreements have been executed.
    - A by-law to permit a temporary use under Section 39 of the Planning Act.
    - Zoning By-Law Amendments that are required as a condition of approval of a provisional consent application that received no objections from the public and technical agencies during the required circulation period.



## Notice of Complete Application and Public Meeting AMENDED

### Proposed Amendments to the Township's Official Plan and Zoning By-Law Number 55-19

**File No.:** Official Plan Amendment #OP02/22  
Zoning By-law Amendment #Z08/22

**Subject Land:** Part Lot 30, Concession 4, Palmerston Lake, Geographic  
Township of Palmerston, Township of North Frontenac –  
1099A Lafolia Lane

**Applicant(s):** Ompah Palmerston Cottage Co-Operative (Craig and Andrea Hall)

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**Take Notice That** an in person and electronic Public Meeting will be held on the **13th day of January, 2023** at 9:00 a.m. in the Township of North Frontenac to consider proposed amendments to the Township's Official Plan and Zoning By-Law Number 55-19 in accordance with Sections 17 and 34 of the *Planning Act*, RSO 1990, as amended.

The Official Plan Amendment Application and Zoning By-Law Amendment Application have been deemed complete and concern the property legally described as Part Lot 30, Concession 4, Palmerston Lake, Geographic Township of Palmerston. A key map showing the parcel which is the subject of the applications is attached.

**Explanation of the Purpose and Effect:** The applicants are proposing to redesignate the subject property from Rural to Rural Cooperative in the Township's Official Plan; and to rezone the subject property from Limited Service Rural (LSR) and Limited Service Waterfront (LSW) to a Site-Specific Rural Co-operative (CO) Zone. The intent is to develop a rural residential co-operative, in phases, which will include one existing dwelling, seven new dwellings, and several communal accessory structures.

**Other Applications:** No other planning applications have been submitted for the subject property, but if the proposed Official Plan Amendment and Zoning By-Law Amendment are approved, then the applicants will be required to submit an application for Site Plan Control and enter into an agreement with the Township that will be registered on title to the property.

**Any Person** may attend the public meeting in person or electronically to make a verbal presentation or provide written comments either in support of or in opposition to the proposed official plan amendment and zoning by-law amendment. If you wish to be notified of the decision of the Township of North Frontenac on the proposed amendments, please make a written request to the undersigned.

**Appeal:** If a person or public body would otherwise have an ability to appeal the decision of the Township of North Frontenac to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of North Frontenac before the by-laws are passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of North Frontenac before the by-laws are passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Please note, if the Official Plan Amendment is adopted by Township Council, it will be forwarded to the County of Frontenac for final approval, as the approval authority for all Official Plan Amendments in the Township of North Frontenac.

**Additional Information** and material related to the proposed amendments is available for inspection by contacting the undersigned.

**Public Hearing:** You are entitled to attend this public hearing in person; or through the use of electronic participation. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at [deputyclerk@northfrontenac.ca](mailto:deputyclerk@northfrontenac.ca); or call (613) 479-2231 or 1-800-234-3953 ext. 231.

**Notice of Collection:** Personal information collected as a result of this Public Meeting is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

**Dated at the Township of North Frontenac this 12<sup>th</sup> day of December, 2022.**

Tara Mieske  
Clerk/Planning Manager  
6648 Road 506, Plevna, ON, K0H 2M0  
1-800-234-3953 or 613-479-2231 Ext. 225  
[clerkplanning@northfrontenac.ca](mailto:clerkplanning@northfrontenac.ca)

FRONTENAC | Key Map



**Legend**

- Assessment Parcels
- Citations

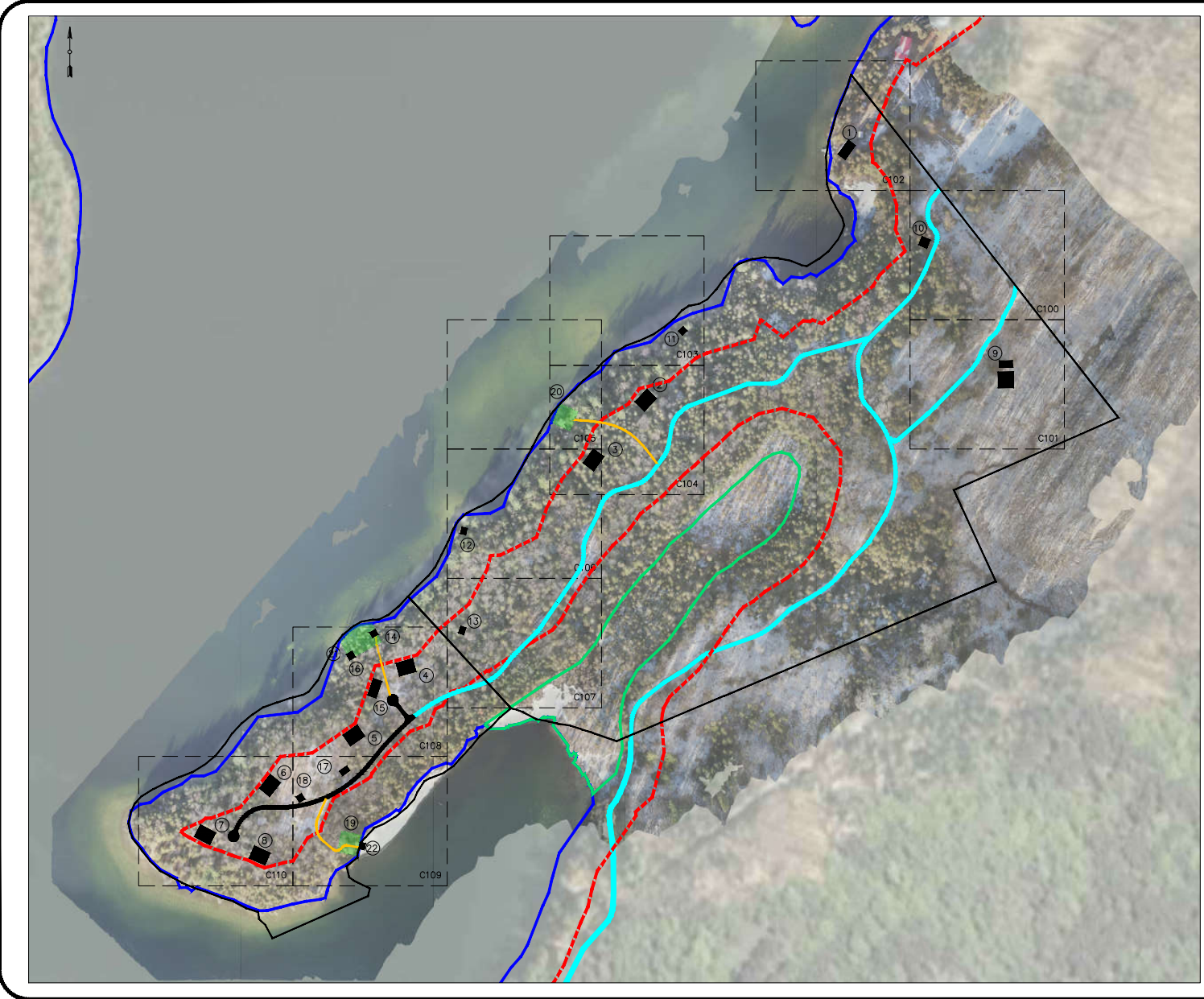
**Notes**

1.8 0 0.90 1.8 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Includes Material © 2019 of the Queen's Printer for Ontario. All Rights Reserved.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



**General Notes**

1.0 COORDINATE SYSTEM  
 CODE: NAD83/UNIVERSITY OF TORONTO  
 LOCAL TOWN/REGIONAL GEODETIC SYSTEM OF 1984)

2.0 REFER TO SHEET C003 FOR POINTS DESCRIPTION, DISTANCE, BEARING, AND ELEVATION

3.0 LEGENDS

- MAJOR CONTOUR ELEVATION
- MINOR CONTOUR ELEVATION
- PARCEL BOUNDARY
- HIGH WATER MARK
- SWAMP REGION
- SETBACK (30M)
- EXISTING ROAD
- PROPOSED ROAD/STRUCTURE
- MEANDERING WITH FAVORABLE SURFACE
- LOT BOUNDARIES

**WATERFRONT ZONES**

- ORIGINAL COTTAGE
- COTTAGE SITE #1-2 BOR
- COTTAGE SITE #1-1 BOR
- COTTAGE SITE #3-3 BOR
- COTTAGE SITE #4-3 BOR
- COTTAGE SITE #4-2 BOR
- COTTAGE SITE #4-1 BOR
- COTTAGE SITE #7-2 BOR
- WORKSHOP MEADOW
- STUDIO
- GAZEBO
- GAZEBO
- GAZEBO
- GAZEBO
- COMMUNITY BUILDING
- WATERFRONT STORAGE
- TRAILER SITE
- BUNKIE
- BOAT HOUSE
- SMALL SWM DOCK
- MAIN WATERFRONT
- BOAT DOCKS

4	004	2022.02.21
No.	Revised/Issue	Date

Plan and name:  
 847807 Canada Inc.  
 2188 Trillium Drive  
 Ottawa, Ontario, K2A2T0

Plan name and owner:  
 PALMERSTON CON #4 PF LOT 30,  
 PF PARCEL A  
 PALMERSTON CON #4 PF LOT 30,  
 PALMERSTON LAKE  
 Original: Palmerston Cottage Cooperative  
 807 Ottawa Street  
 Ottawa

Project:	0098 Letdale Lane	Plan:
Date:	2022/03/14	Code:
Scale:	N/A	Code: