

a) Official Plan Amendment #OP02/22 & Zoning By-law Amendment Z08/22 - Ompah Palmerston Cottage Co-Operative (1099A Lafolia Lane)

Craig and Amber Hall, Applicants, and Tracy Zander, Agent, attended the meeting electronically.

Sonya Bolton, Manager of Community Planning, County of Frontenac, advised this is a Public Meeting only, including a presentation by the applicants and County Planning staff. She advised members of the public and Council may provide comments and ask questions; however no decision will be made at this meeting.

Tracy Zander, Agent, advised the applicants have been working on the application for the proposed development for two years. She advised the property is located on Palmerston Lake, with 1300 metres of shoreline frontage. She noted the property is currently developed with an existing dwelling and septic system. She advised the peninsula area is well vegetated and the property has access from the east end, off Lafolia Lane.

Ms. Zander advised the proposed development includes seven (7) additional cottages and additional accessory structures. She advised the area of the lot is approximately 34-35 acres. She noted there will be a total of four (4) communal access points to the water (three points with the proposed dwellings and one point with the existing dwelling). Ms. Zander advised the applicants have provided an Environmental Impact Study (EIS), a Slope Stability Study, an Archaeological Report, a Septic Capacity Report and a Planning Justification Report in support of the proposed development.

Ms. Zander advised the framework for a Rural Co-Operative designation was created by past Councils. She noted Section 4.4 of the Township's Official Plan defines a Rural Co-Operative as "a single planned development on property owned in common, such as an incorporated co-operative where the ownership and responsibility for maintenance for all land uses, buildings, and services rest with the members". She noted with the land owned as a co-operative; it will be treated as a single entity, not severed into multiple parcels.

Ms. Zander advised the Township's Zoning By-law defines a Rural Co-Operative as "a use of land, buildings and structures for a single planned development on property which is owned in common through an incorporated co-operative, non-profit organization or land trust, where the ownership and responsibility for the maintenance of all land uses, buildings, structures and services and general management rests with the members". She advised Section 4.10 of the Zoning By-law sets out the permitted uses within a Rural Co-Operative designation; however Township Planning staff drafted a By-law identifying a site specific zone with a short list of appropriate uses for the subject property.

Ms. Zander advised the seven proposed dwellings are located outside the required 30 metre setback from the high water mark; and the three proposed new access points will have a small impact on the lake, based on the EIS findings. She noted there are no anticipated impacts to the lake or natural heritage features located on the property. She noted the recommendations included in the EIS can be used to mitigate any impacts.

Ms. Zander advised the Site Plan Control process will be used to implement these recommendations.

Ms. Zander advised the applicants have worked with the Public Works department and Emergency Services to ensure Lafolia Lane is in satisfactory condition.

Ms. Zander noted the slope stability assessment has been completed and any recommendations can be implemented through the Site Plan Control process.

Ms. Zander noted, as per the provisions in the Zoning By-law regarding development in the Residential Waterfront designation, an owner can create a 2 acre lot. She advised 10 to 15 waterfront lots could be created on the subject property, each with a dwelling and septic system. She advised the proposed development is a low density development.

Craig Hall, Applicant, advised the existing dwelling is not winterized and they are looking for options for additional dwellings for family use. He advised they reviewed the Zoning By-law and felt the Rural Co-Operative was the most appropriate fit for the anticipated use of the property. He noted the co-operative structure has an internal governance with a democratic structure to allow the body to move forward and solve issues. He advised this is not a commercial development and they have set no timeline for construction.

Amber Hall, Applicant, advised they intend to be respectful of neighbours and other owners on the lake. She noted it is important to develop the property in a sustainable manner. It appears the subdivision of the lot would have a greater impact on the lake and environment than the proposal.

Public Comments and Questions

Liz Jackson, Palmerston Lake Association, advised the presentation from the applicants and planners shed light on the proposed development. She advised the Lake Association is not prepared to comment on the applications at this time as they need more time to review the studies. She noted they would like more information regarding the capacity of Palmerston Lake and noted this could be an opportunity to determine what the lake can handle.

David Roberts and Peter Roberts advised they are residents on Lafolia Lane. They advised there is a deeded Right-of-Way crossing their property which provides access to the subject property; and they have not provided, and do not intend to provide, consent for the use of the private lane. They noted they currently pay for the year round maintenance of the lane; have a forest management plan in place, with regular reporting to the Ministry of Natural Resources and Forestry (MNRF); and they are good stewards of the land.

David Roberts and Peter Roberts advised they retained a land use planner to review the planning issues, including the additional docking area, decreased buffering area and the reduction of the shoreline vegetation on a trout sensitive lake. They advised the shoreline of the gravel point supports spawning beds, with trout beds developed with

MNRF and Mississippi Valley Conservation Authority (MVCA). They advised winter fishing in the lake is no longer permitted.

David Roberts and Peter Roberts advised the proposed development of the land will have a negative impact on the spawning beds due to the loss of trees, runoff of soil, etc. They noted the waterfront development will result in shoreline erosion and have an impact on water quality. They noted standards are put into place to ensure proper development of land. They advised the studies provided with the applications are not supported by empirical and scientific facts.

Bert Kent, resident, advised the septic systems should be looked at before development begins, as the engineering set up is from the 1930s and not acceptable for today's use.

Ken Duguay advised he is a Land Use Planner retained by David Roberts and Peter Roberts to review the planning proposal. He advised his staff visited the property and drone photos were taken, showing construction and road upgrades in progress.

Mr. Duguay noted North Frontenac appears to be the first municipality to consider a Rural Co-Operative Zoning designation on a waterfront lot. He advised, after a review of the 2020 Provincial Policy Statement (PPS), the proposed Official Plan Amendment and Zoning By-law Amendment do not appear consistent with the PPS policies. He noted the range and magnitude of the proposed development will have a large impact; and that in other communities, this type of development including four docks, eight cabins, gazebos, etc. would be considered commercial.

Mr. Duguay advised vehicular access to the property relies on the Right-of-Way through private lands, with no permission from the property owners to allow the increase in traffic. Therefore, access to the subject property has not been secured.

Mr. Duguay advised, after reviewing the application in its entirety, the range of requested By-law exemptions is extensive and represents significant development on a property with environmental fragility.

Doug Humphries advised he is a seasonal property owner on Palmerston Lake and part of the Lake Association. He advised he has several concerns regarding the application. His first concern is the proposed capacity of the septic systems. He noted the report indicated the capacity will come in just under 10,000 litres per day; however, if each bunkie is considered an additional bedroom, this could potentially push the daily capacity over the 10,000 litres. He is concerned about the potential run off to the lake and environmental impact.

Mr. Humphries advised his next concern is the potential disruption of habitat areas for trout, loons and other wildlife. He noted wildlife currently enjoys the protection of the shoreline and could be impacted by the diminished shoreline.

His next concern is the level of noise and the potential influence on the lake.

Mr. Humphries noted his concern that the proposed use of a co-op framework in a cottage waterfront environment is an attempt to skirt around the severance process and

could potentially establish a large Air BnB. He advised he has concerns with the proposed cottage placements on the steep gravel hill, as well as the potential run off to the lake during the construction process and the level of noise during construction. He noted he would like to see a report from Emergency Services to determine if access through the private lane is adequate. Mr. Humphries advised this is a unique property, with a wetland area in the middle of the lot, which will be impacted by large development. He suggested Council Members attend the site to see the terrain and condition of the lane.

John Livernois advised he is a seasonal property owner. He noted he supports the idea of a Rural Co-operative but not within the waterfront area. He advised the proposed development will change the density and number of people on a narrow peninsula. He noted he is concerned with the precedent this application may set for development on lakes.

Jenna Khoury-Hanna advised she is an associate lawyer retained by David Roberts and Peter Roberts to review the planning proposal and provide a legal opinion. Ms. Khoury-Hanna advised the subject property is accessed through a private lane, with no indication the applicants have looked for consent for the potential increase in traffic. Ms. Khoury-Hanna noted a similar application was made in 1993 (Tucker v Frontenac Municipal Board) for the construction of four (4) cottages on four (4) lots. At the time, the Board found the use of the Right-of-Way for access was inadequate; and that without safe access, further development was premature and not in the public interest.

Ms. Khoury-Hanna advised four cottages currently use Lafolia Lane for access and the proposed development would increase the amount of traffic; with upgrades potentially required. She noted Mr. Roberts is not prepared to upgrade the lane or increase maintenance of the lane. Ms. Khoury-Hanna noted the laneway is not adequate for emergency services and advised improvements would be difficult as there are a number of septic systems located along the road. Ms. Khoury-Hanna advised Council approval of planning applications on properties accessed by a private lane is not appropriate.

Bruce Moore advised he represents the North Frontenac Lake Association Alliance (NFLAA), which consists of 21 lake associations. He advised Council always needs to consider the impact of decisions on other lakes and that changes to the Official Plan may have implications or set precedent on other lakes. He suggested there should be adequate time to review applications and receive public input. He noted it is important to ensure there is independent evidence regarding the application, for example, MVCA review.

Mr. Moore advised there is a strong commitment in the Official Plan regarding the individual carrying capacity of lakes. He noted Frontenac County, in their planning capacity, has not been able to establish a system to determine the individual capacity of lakes.

Shaun Hinds advised he is a property owner on Palmerston Lake and objects to the application. He advised there are clear policies in the Official Plan and Zoning By-law regarding the creation of 2 acre parcels on a waterfront lot, with one dwelling permitted. He noted the property is approximately 35 acres, with a wetland area and a narrow

peninsula. He advised each cottage will have 2-3 bedrooms and the development also includes bunkies and Recreational Vehicle sites.

Mr. Hinds advised the proposed development is a significant deviation from the Official Plan and Zoning By-law. He noted the applicants could sever the parcel for development; however Mr. Hinds advised the Rural Co-operative is not suitable for the waterfront area. He asked Council to consider the precedent of the development and to deny the application quickly.

Joanne Allen advised she is a property owner on Palmerston Lake. She noted she has similar concerns as the other property owners. She advised she recognizes the applicants have no interest at this point to create a commercial operation; however this could potentially occur.

Amber Hall advised the slope stability study addressed the potential impact of development on Gravel Point, with an additional setback required for any development. She advised they have no intention to have direct water access; the only access will be through the communal areas. She noted there will be mitigation measures in place for erosion and potential impact on spawning beds. Ms. Hall advised the application and septic capacity report was provided to South Frontenac (Septic Approval Authority for North Frontenac) for review and comments. She noted the bunkies may impact the septic capacity; however this can be addressed. Ms. Hall advised there has been no construction on the property other than upgrades to the existing dock and laneway.

Ms. Hall advised deeded access to the private lane was granted at the time of purchase in the name of the corporation, with a shared maintenance agreement. She advised they will work with other property owners on any improvements required. She noted the Co-operative By-law will be in place to prevent negative impacts on neighbouring properties (i.e. increase in noise). Ms. Hall advised there is no intention of establishing an Air BnB on the property.

Ms. Hall advised emergency services were required at Lafolia Lane in December and there were no access issues. She noted they could request written comments, if required.

Jennie Kapusta, County Planner, provided a presentation regarding the Official Plan and Zoning By-law, amendment process; and a summary of next steps (attached).

Liz Jackson advised the Notice of Public Meeting and information regarding the application was difficult to access for seasonal residents. She noted the Township should consider a more inclusive notice for seasonal residents.

Janice Arthur, resident, asked what permitted uses would be included in the site specific draft by-law. Ms. Bolton read the proposed permitted uses under the draft site specific by-law.

Bruce Moore requested a more precise timeline with respect to the application and process. Ms. Bolton advised the February 3, 2023 date for comment submission was included to provide time for the County Planners, agent and applicants to review.

