

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT MEETING  
AGENDA**

TIME: 7:00 PM,  
DATE: Thursday, October 11, 2018  
PLACE: Council Chambers.

1. Call to Order
  - a) Resolution
2. Adoption of Agenda
3. Declaration of Pecuniary Interest
4. Approval of Minutes – September 13, 2018
  - a) Resolution 3 - 21
5. Motion to Appoint Secretary-Treasurer of Committee of Adjustment
  - a) Resolution to appoint Claire Dodds, Director of Development Services, as Secretary-Treasurer of the Committee of Adjustment
6. Business Arising from the Minutes
  - a) Megan Rueckwald, Manager of Community Planning, County of Frontenac and Claire Dodds, Director of Development Services, South Frontenac, will give a presentation on the topic of the Local Planning Appeal Tribunal (LPAT), which has replaced the Ontario Municipal Board (OMB), and changes to the requirements for reports and the appeal process. 22 - 40
7. Consent Applications:
  - a) S-59-18-L – Robert Rice – Part Lot 25, Concession 13, Geographic Township of Loughborough, Township of South Frontenac, municipally known as 179 Burnt Point Lane. Consent to create one new waterfront residential lot. 41 - 100
  - b) S-80-18-P – Craig Sindall and Brenda Cross – Concession 4, Lot 17, Geographic Township of Portland, Township of South Frontenac, municipally known as 4183 Camden-Portland Boundary Road. Consent to create one new commercial lot. 101 - 115
  - c) S-83-18-P, S-84-18-P and S-85-18-P – Michael Smith (R. Smith – Agent) - Part Lots 4 & 5, Concession 14, Geographic Township of Portland, Township of South Frontenac, municipally known as 1023 Pepper Lane. Consent to create three new waterfront residential lots with a new right of way over the retained parcel. 116 - 138
  - d) S-86-18-B – Douglas Terry – Part Lot 21, Concession 7, Geographic Township of Bedford, Township of South Frontenac, municipally known as 169 Green Bay Road. Consent to create one new rural residential lot. 139 - 158
  - e) S-87-18-L – Carolyn Green – Part Lot 22, Concession 8, Geographic Township of Loughborough, Township of South Frontenac, municipally known as Dean Smith Road and Leland Road. Consent 159 - 173

for a lot addition.

- f) S-88-18-S – 1324789 Ontario Inc. – Concession 3/4, Lot 23/24, Geographic Township of Storrington, Township of South Frontenac, Round Lake Road/Sweetfern Lane. Consent to create one rural residential lot (re-submission of application S-36-17-S). 174 - 185

8. Minor Variance Applications:

- a) MV-04-18-B – Guy Marchildon and Nicole Smith - Concession 10, Lot 8, Island 50, Devil Lake, District of Bedford – AMENDED – Variance to reduce the waterbody setback from 30 metres to 25 metres at the closest point to permit the construction of a seasonal dwelling on the property. 186 - 210

- b) MV-18-18-B - Eric and Cheryl Freedman - Concession 14, Part Lot 3, 1600B Massassauga Road, District of Bedford - Variance to reduce the waterbody setback from 30 metres to 4.3 metres at the closest point to permit the original cottage on the property be converted. Deferred from September Committee of Adjustment meeting. 211 - 231

9. Other Business

10. Adjournment

- a) Resolution



MINUTES 18:09

September 13, 2018

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)  
David Hahn (Bedford District)  
Alan Revill (Bedford District-C)  
Brad Barbeau (Portland District-C)  
Larry Redden (Portland District)  
John Sherbino (Loughborough District)

ABSENT WITH REGRETS: Ross Sutherland (Loughborough District-C)  
Ron Sleeth (Storrington District-C)

STAFF: Claire Dodds – Director of Development Services, South Frontenac  
Megan Rueckwald – Secretary-Treasurer, Planning Manager,  
County of Frontenac

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**Item #1: Call to Order**

RESOLUTION: C of A: 18:09:01

Moved by: John Sherbino

Seconded by: Ken Gee

THAT the September 13, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:09 p.m. with Alan Revill in the chair.

Carried

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**Item #2: Adoption of the Agenda**

Approved as circulated

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**Item #3: Declaration of Pecuniary Interest**

No Pecuniary Interest declared.

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**Item #4: Approval of Minutes**

RESOLUTION: C of A: 18:09:02

Moved By: John Sherbino

Seconded By: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the August 13, 2018 meeting of the Committee, as circulated.

Carried

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**Item #5: Local Planning Appeal Tribunal (LPAT) Presentation (M. Rueckwald)**

Presentation deferred until October Committee of Adjustment Meeting, when all Committee of Adjustment members can be in attendance.

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**Item #6: S-48-18-L (Bennett/Storms)**

Speaking to the Application: none

Discussion:

At the June 14, 2018 Committee of Adjustment meeting, the Committee granted provisional consent for application S-48-18-L. Application S-48-18-L was for a lot addition of approximately 8.75 acres of land from 1036 Storm Haven Lane to a vacant parcel of land north of the subject property with frontage on Sydenham Lake. In Condition 2 of the Notice of Decision, the land to be severed by Consent Application S-48-18-L shall be for the creation of an 8.75 +/- lot addition only to 1040 Slumber Lane (PIN 362790704). When preparing the conditions, planning staff referenced the incorrect civic address and PIN. Instead, the condition should have referenced the benefitting lands as PIN 362790703 (no civic address assigned to the vacant lot).

Section 53(23) of the *Planning Act*, states that the conditions of provisional consent may be changed at any time before consent is given. Planning staff recommend the change of condition to the correct benefitting lands and view the amendment as minor due to the fact that the Committee of Adjustment made the decision based on the correct identification of the benefitting lands but the incorrect property was referenced in the Notice of Decision. If the changes are minor, no further action is required under the *Planning Act*.

RESOLUTION: C of A: 18:09:04

Moved by: Ken Gee

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby amends the conditions of provisional consent for application S-48-18-L by Helen and Spencer Storms (Jeff Bennett – agent), to identify the benefitting lands as PIN 362790703 (vacant waterfront lot to the north with frontage along Sydenham Lake).

Carried

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**Item #7: S-63-18-S (Hiawatha Lane)**

Speaking to the Application: Leslie Briscoe

Discussion:

An application for consent has been received for the creation of one new waterfront lot from an existing property at Concession 8, Part Lots 15 and 16, District of Storrington, Township of South Frontenac, known municipally as 4071 Hiawatha Lane (see attached map). The existing lot has frontage on Dog Lake with Hood Lane, Hiawatha Lane and Hewett Lane dissecting the property. The subject property is

currently operated as recreational resort commercial property known as Hiawatha Hideaway. The proposal is to sever 2.5 acres from an existing 50 acre lot create one new lot containing an existing cottage.

Consent application S-63-18-P is for the creation of a developed waterfront limited services lot. The proposed new lot will have approximately 305 feet of frontage along Dog Lake and is approximately 2.5 acres in area. The lot will be irregularly shaped due to the configuration of the shoreline with a depth of approximately 360 feet. The lot will be accessed by Hiawatha Lane. The lot will contain a seasonal dwelling municipally known as 4065 Hiawatha Lane.

The retained lands will consist of approximately 50 acres in area with approximately 900 feet of frontage along Dog Lake and over 1km of private roads dissecting the property. The retained lands will contain three seasonal dwellings as part of the recreational resort commercial property. No further development is proposed for the retained lands at this time.

The proposed lot line configuration to sever off the existing waterfront cottage at 4065 Hiawatha Lane results in a lot line that will dissect the cottage at 4071 Hiawatha Lane. Planning staff confirmed with the applicant that the cottage at 4071 Hiawatha Lane will be removed from the subject property; planning staff are recommending the removal of the cottage as a condition of the consent.

Application S-63-18-S by 548883 Ontario Limited, to create a new lot, in Concession 8, Part Lot 15/16, Hiawatha Lane, District of Storrington, had been deferred by the Committee of Adjustment subject to review of KFL&A Health Unit comments at the August 9<sup>th</sup> meeting. Supportive comments have been received from the Health Unit now.

A Committee member noted the mapping for this applications shows a sliver of a waterfront that appeared to have an odd shape. M. Rueckwald noted this was an error in the mapping that has not yet been updated, but that the sliver was conveyed as part of an approved lot addition.

Committee members were supportive of the consent with conditions outlined by M. Rueckwald, now that Health Unit comments have been received.

RESOLUTION: C of A: 18:09:05

Moved by: John Sherbino

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-63-18-S by 548883 Ontario Ltd. For the creation of one new lot with frontage along Dog Lake and accessible by Hiawatha Lane at Part Lot 15 and 16, Concession 8, District of Storrington, Township of South Frontenac.

Carried

**Application No:** S-63-18-S  
**Owner:** 548883 Ontario Ltd.  
**Location of Property:** Concession 8, Part Lots 15 and 16, Hiawatha Lane, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Consent to create new lot  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** September 13, 2018

**DECISION:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

2. The land to be severed by Consent Application S-63-18-S shall be for the creation of residential limited service waterfront lot with a minimum area of 2.5 acres with the required 91 metres of waterfront and 76 metres of frontage along Hiawatha Lane, together with a right-of-way over Hiawatha Lane from Ormsbee Road.

3. 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.

4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

5. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-63-18-S, in lieu of parkland [Planning Act, s. 51(1)].

6. That the Owners enter into an agreement with the Township registered on title to recognize that the lot is accessible by private lane with limited services in accordance with Section 5.7.7 (ii) c. of the Township's Official Plan.

7. That the Owners obtain the required permits and remove the cottage and accessory buildings associated with the municipal address 4071 Hiawatha Lane so that the severed lands contain one seasonal residential dwelling at the 4065 Hiawatha Lane municipal address.

8. Prior to stamping of the deeds the applicant shall rezone the parcel to be created through Consent Application S-63-18-S from Resort Recreational Commercial Exception 4 (RRC-4) to Limited Service Residential – Waterfront (RLSW). Please see the Township planner to begin this process.

#### **Item #8: S-64-18-L (Roche)**

Speaking to the Application: Douglas Roche

Discussion:

This application was deferred at the August Committee of Adjustment meeting to allow the applicant to revise the application from a lot addition to a severance.

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 1, Concession 2, District of Loughborough, known municipally as 3246 Forest Road (see attached map). The existing lot has frontage on Forest Road and Murvale Road and is approximately 4.25 acres in area. The subject property is currently developed with a dwelling and multiple accessory structures including a large greenhouse and is primarily cleared land. The applicant is proposing to sever approximately 2 acres from an existing 4.25 acre property in order to create one new rural residential lot. The new lot will restore two lots that merged on title with a new confirmation that meets the provisions in the Township's Zoning Bylaw.

There was discussion among Committee members as to whether a condition for a well pumping capacity condition should be imposed as the lots merged together unintentionally, and prior to the merging the two lots were both considered building lots. The Committee felt it continues to be important to confirm the water supply for a vacant lot. The Committee approved the consent including a condition requiring a water pump test.

RESOLUTION: C of A: 18:09:06

Moved by: Ken Gee

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-64-18-L by Mr. and Mrs. Roche for the creation of one new lot with frontage on Forest Road at Part Lot 1, Concession 2, District of Loughborough, Township of South Frontenac.

Carried

**Application No:** S-64-18-L  
**Owner:** Douglas Roche  
**Location of Property:** Concession 2, Part Lot 1, 3246 Forest Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create one new rural residential lot (separate two lots that merged on title with a new configuration that complies with the current Zoning Bylaw provisions)  
**Date of Hearing:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

## CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-64-18-L shall be for the creation of a minimum 2.0 acre lot, with a minimum of 76 metres of frontage along Forest Road.
3. The surveyor who prepares the reference plan referred to in Condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
  - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:
 

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
4. 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.
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-64-18-L.

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### Item #9: S-66 & 67-18-P (Alton)

Speaking to the Application: none

Discussion:

The applicant is proposing to sever approximately 7 acres from an existing 97 acre property in order to create two new lots. The retained lot will decrease in size to approximately 90 acres in area. Currently, the property is developed with a dwelling, barn and accessory structures; consent application S-66-18-P will separate the structures from the retained lands. No new development is proposed at this time, but there exists a suitable building envelope on the retained lands outside of the mineral aggregate operation.

Comments were received from KFL&A outlining they have no objections on this application.

Committee members noted that they were happy to support the application.

RESOLUTION: C of A: 18:09:07

Moved by: Ken Gee

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-66-18-P by Mr. Alton (agent: Rob Smith) for the creation of one new lot with frontage on Harrowsmith Road and Loughborough Portland Boundary Road at Part Lot 1, Concession 5, District of Portland, Township of South Frontenac.

Carried

RESOLUTION: C of A: 18:09:08

Moved by: Ken Gee

Seconded by: John Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-67-18-P by Mr. Alton (agent: Rob Smith) for the creation of one new lot with frontage on Harrowsmith Road and Loughborough Portland Boundary Road at Part Lot 1, Concession 5, District of Portland, Township of South Frontenac.

Carried

**Application No:** S-66-18-P and S-67-18-P  
**Owner:** Mark and Sharon Alton (Agent: Rob Smith)  
**Location of Property:** Concession 5, Part of Lot 1, 3254 Harrowsmith Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create two new lots  
**Date of Hearing:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

## CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-66-18-P shall be for the creation of a rural residential lot that is approximately 4 acres in area with approximately 880 feet of road frontage combined on Harrowsmith Road and Loughborough Portland Boundary Road.
3. The land to be severed by Consent Application S-67-18-P shall be for the creation of a rural residential lot that is approximately 3 acres in area with approximately 510 feet of frontage along Harrowsmith Road.
4. The surveyor who prepares the reference plan referred to in Condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
5. 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.
  6. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
  7. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-66-18-P, in lieu of parkland [Planning Act, s. 51(1)].
  8. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-67-18-P, in lieu of parkland [Planning Act, s. 51(1)].
  9. The Owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through Consent Application S-67-18-P.

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**Item #10: S-73-18-P (Smart)**

Speaking to the Application: Willard Brown (neighbour)

Discussion:

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 12, Concession 10, District of Portland, known municipally as 5801 Cross Road (see attached map). The existing lot has frontage on Cross Road and Bellrock and is approximately 5 acres in area. The subject property is currently developed with a dwelling with the remainder naturally vegetated with cleared grass areas as well. The applicant is proposing to sever approximately 2 acres from the existing 5 acre property in order to create one new rural residential lot.

Written comments were received from Willard Brown, neighbour at 5817 Cross Road, regarding concerns over alterations to grading on the proposed new lot that may negatively impact his property; in addition to proximity of the proposed septic location to his existing well. Mr. Brown also spoke at the Committee of Adjustment meeting on August 9, 2018 to express his concerns. The committee members elected to defer the application to allow time for further evaluation of the drainage between the lots.

A site visit was completed by planning staff on August 1, 2018, to review the severance application. Following the deferral of the application, planning staff and staff from the Public Works Department met on site with the applicant and the concerned member of the public. Public Works staff discussed the inclusion of a condition for a drainage swale which the applicant and concerned member of the public were agreeable to as a way to ensure drainage was properly directed before the construction of a dwelling on the severed lands.

Public Works and KFL&A Health Unit have no objection to this severance.

Committee members were pleased to see a satisfactory resolution to the concerns about drainage and were glad to see the concerns could be addressed through conditions of the consent application.

Willard Brown, a neighbour, requested to be notified of the decision of the Committee of Adjustment for application S-73-18-P.

RESOLUTION: C of A: 18:09:09

Moved by: John Sherbino

Seconded by: Ken Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-73-18-P by Mr. and Mrs. Smart for the creation of one new lot with frontage on Cross Road at Part Lot 12, Concession 10, District of Portland, Township of South Frontenac.

Carried

**Application No:** S-73-18-P  
**Owner:** Bond and Smart  
**Location of Property:** Concession 10, Part Lot 12, 5801 Cross Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

### Conditions

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-75-18-P shall be for the creation of a lot with a minimum area of 2 acres with a minimum of 76 metres of frontage along Cross Road.
3. The surveyor who prepares the reference plan referred to in Condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:  
*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
4. 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.
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-73-18-P, in lieu of parkland [Planning Act, s. 51(1)].

7. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-73-18-P.
8. That a development agreement be registered on title requiring a drainage swale to be constructed and maintained along the northern boundary of the severed lands. The drainage easement shall be:
  - a. Located entirely on the parcel to be severed through Consent Application S-73-18-P;
  - b. Constructed with a minimum depth of swale of 150mm and a maximum depth of 300mm;
  - c. Constructed with a maximum seeded or sodded side slope of 3 horizontal to 1 vertical (3h:1v).
  - d. A sufficient width to accommodate/permit necessary maintenance or future upkeep/repairs of the swale to a maximum width of 2 metres;
  - e. Constructed through a split yard design where the drainage patterns running towards the west shall be permitted to extend near the front property line (Cross Road) and discharge into the Township ditch and where the drainage to the east will connect to a positive drainage outlet being the marsh at the rear of the property.
  - f. Maintained to ensure proper functioning and drainage patterns.
9. Under no circumstances will yard drainage be permitted to drain directly onto any neighbouring property or Township owned road.

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#### Item #11: S-74-18-B (Snelgrove)

Speaking to the Application: none

Discussion:

This application was deferred at the August Committee meeting due to a circulation error.

An application for consent has been submitted for a lot addition from Part Lot 1, Concession 2, District of Bedford, known municipally as 204 Frye Lane to Part Lot 1, Concession 11, District of Bedford Lane (see attached map). The proposal is to sever approximately 0.85 acres to facilitate a lot addition to enlarge an existing waterfront lot municipally known as 279 Frye Lane.

Consent application S-74-18-B will facilitate a lot addition of approximately 0.85 acres of land to enlarge an existing waterfront lot at 279 Frye Lane. The retained lands will consist of approximately 10 acres in area that exceed the minimum requirements for lot frontage and frontage along the private lane.

D. Hahn was pleased to see that the circulation issues with this application had been resolved and that it was good to see the lots getting bigger.

RESOLUTION: C of A: 18:09:10

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-74-18-B by Paul Snelgrove for the conveyance of a lot addition from Part Lot 1, Concession 2, District of Bedford, Township of South Frontenac.

Carried

<b>Application No:</b>	S-74-18-B
<b>Applicant:</b>	Paul Snelgrove
<b>Location of Property:</b>	Concession 2, Part Lot 1, 204 Frye Lane, District of Bedford, Township of South Frontenac
<b>Purpose of Application:</b>	Consent for lot addition
<b>Date of Hearing:</b>	September 13, 2018 (Deferred at August 2018 meeting)
<b>Date of Decision:</b>	September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

**Conditions**

7. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
8. The land to be severed by Consent Application S-74-18-B shall be for the creation of an approximately 0.85 acre lot addition only to 279 Frye Lane (Roll no. 102901003006700).
9. 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.
10. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
11. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].

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**Item #12: S-76-18-B (Tucker)**

Speaking to the Application: Fotenn Consultants, Mike Keene & Miles Weekes

**Discussion:**

An application for consent has been received to establish a permanent mainland access regime for water access properties located on Mica Island in Bobs Lake. The proposal is to sever 1.2 acres of land from an existing 9.6 acre parcel of land to create one new lot for parking and docking facilities. The lot to be created has approximately 52 metres of frontage along Dewitt Lane and fronts onto Bobs Lake and Michaels Creek Marsh which is a Provincially Significant Wetland (PSW). The intent of the application is to bring an existing non-conforming water access situation into conformity with the policies of the Official Plan by establishing a regularized access regime for the existing properties located on Mica Island. The parking area proposed will be large enough to accommodate four vehicles and will be approximately 10 metres by 12 metres; the parking area will be setback 30 metres from the high water mark and 5 metres from the neighbouring lane. The applicants have submitted a Zoning Bylaw Amendment application to restrict the uses on the severed lands to parking for the exclusive use of the owners that is setback a minimum of 30 metres from the high water mark of Bobs Lake and docking facilities. The applicants have also proposed conditions to be included in the site plan agreement to limit disturbance on the property and a restrictive covenant.

Committee members asked the consultants in attendance for this application about the restrictive covenant to be registered on title. Mr. Weekes stated that the restrictive covenant ties the mainland property to the island property so the 2 property cannot be sold separately in the future. Mr. Keen added that the restrictive covenant was recommended by the lawyer acting on this file and provides a mainland parking area and dock for two existing cottages on Mica Island. Committee member Revill noted that any future building is restricted on such a small lot.

**RESOLUTION:** C of A: 18:09:11

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-76-18-B by Tucker (Agent: Fotenn Consultants Inc and Laidlaw) for the creation of one new lot for parking and mooring facilities at Part Lot 27 & 28, Concession 7, District of Bedford, Township of South Frontenac.

Carried

**Application No:** S-76-18-B  
**Owner:** Tucker (Agent: Fotenn Consultants Inc. and Laidlaw)  
**Location of Property:** Part Lot 27 and 28, Concession 7, District of Bedford, Township of South Frontenac (668 Dewitt Lane)  
**Purpose of Application:** Consent to create one new lot to provide parking facilities to a water access only lot  
**Date of Hearing:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

### Conditions

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-76-18-B shall be for the creation of an approximately 1.2 acre lot with approximately 52 metres of frontage along Dewitt Lane.
3. 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.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-75-18-P, in lieu of parkland [Planning Act, s. 51(1)].
6. The applicants enter into a site plan agreement with the Township to be registered on title including the recommendations outlined in the September 6, 2018 letter prepared by the Rideau Valley Conservation Authority and recommendations included in the Planning Justification Report dated July 16, 2018.
7. That the severed lands be rezoned to RLSW-X to restrict the permitted uses on the property to docking and parking facilities and recognize the deficient area and road frontage requirements.

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### Item #13: S-77-18-B (Lafontaine)

Speaking to the Application: none

Discussion:

An application for consent has been received for the creation of one new residential lot, together with a right-of-way, from an existing property at Part Lot 12, Concession 7, District of Portland, known municipally as 4358 Desert Lake Road (see attached map). The existing lot has frontage on Desert Lake Road and Howes Lake and is approximately 19 acres in area. The subject property is currently developed with a dwelling and multiple accessory buildings in proximity to Desert Lake Road, with the remainder a mix of woodlands and some pasturelands. The applicant is proposing to sever a minimum of 2 acres from the existing 19 acre property in order to create one new rural residential lot. The subject property includes Woods Lane, a private road, which serves as access to eight waterfront cottage properties.

Public Works recommend accessing the retained parcel via Woods Lane for safety reasons. KFL&A Public Health commented that the proposed lot is capable of providing flexibility in siting a sewage disposal system, dependant on the proposal submitted.

No comments further comments were received at the public hearing on this application.

RESOLUTION: C of A: 18:09:12

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-77-18-P by Steven and Patricia Lafontaine for the creation of one new lot at Part Lot 7, Concession 12, District of Portland, Township of South Frontenac.

Carried

**Application No:** S-77-18-P  
**Owner:** Steve and Patricia Lafontaine  
**Location of Property:** Concession 12, Part Lot 7, 4358 Desert Lake Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new residential lot, together with a right-of-way  
**Date of Hearing:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

### Conditions

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-77-18-P shall be for the creation of a minimum 2 acre lot with a minimum of 76 metres of frontage along Desert Lake Road.
3. The land to be retained by Consent Application S-77-18-P shall be approximately 17 acres with a right-of-way over the severed lands to provide access to Woods Lane.
4. The surveyor who prepares the reference plan referred to in Condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:  
*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
5. 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.

6. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
7. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-77-18-P, in lieu of parkland [Planning Act, s. 51(1)].

#### **Item #14: S-78-18-L (VanLuven & Laframboise)**

Speaking to the Application: Michael Laframboise

Discussion:

An application for consent has been received for the creation of one new residential waterfront lot, from an existing property at Part Lot 7, Concession 5, District of Loughborough, known municipally as 2496 Rutledge Road (see attached map). The existing lot has frontage on Rutledge Road and Sydenham Lake and is approximately 70 acres in area. The subject property is currently developed with a dwelling and multiple accessory buildings near to Rutledge Road, with the remainder mostly naturally vegetated. The applicant is proposing to sever approximately 5.4 acres from the existing 70 acre property in order to create one new residential waterfront lot, together with a right-of-way over Sheila Lane for access. The subject property includes Sheila Lane, Sally Lane, Boon Lane, Carslake Lane, Fred Lane and Sparrow Ridge Lane, all private roads, which serve as access to more than 20 waterfront cottage properties. S-78-18-L is for the creation of a residential waterfront lot. The proposed new lot would have a minimum of 76 metres of frontage along Boon Lane, 91 metres of waterfrontage on Sydenham Lake and would be approximately 5.4 acres in size. The proposed lot would encompass the entire 91 metres of waterfrontage from the subject lands and lot would be vacant. The application S-78-18-L is also for the creation of a right-of-way over Sheila Lane and Boon Lane, as required for access, in favour of the severed parcel. A new entrance from Boon Lane is proposed to accommodate future development on the severed lot.

KFL&A Public Health and CRCA had no objections.

Fran Willis provided comments on behalf of herself and her husband expressing support for this application. Michael Laframboise spoke to the application and noted that there was an error in Frontenac maps and the size of the proposed lot is closer to 6 acres than 5.4 acres.

RESOLUTION: C of A: 18:09:13

Moved by: Brad Barbeau

Seconded by: Larry Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-78-18-P by Steven and Sally VanLuven (agent: Laframboise) for the creation of one new lot at Part Lot 7, Concession 5, District of Portland, Township of South Frontenac.

Carried

<b>Application No:</b>	S-78-18-L
<b>Owner:</b>	Sally Gordon VanLuven
<b>Location of Property:</b>	Concession 5, Part Lot 7, 2496 Rutledge Road, District of Loughborough, Township of South Frontenac
<b>Purpose of Application:</b>	Consent to create one new residential waterfront lot together with a right-of-way
<b>Date of Hearing:</b>	September 13, 2018
<b>Date of Decision:</b>	September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

#### **Conditions**

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one

year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

2. The land to be severed by Consent Application S-78-18-L shall be for the creation of a 5.4 +/- acre residential waterfront lot with 91 metres of frontage on Sydenham Lake and a minimum of 76 metres of frontage on Boon Lane.
3. The land to be severed by Consent Application S-78-18-L shall be accessed via a right-of-way over the existing Sheila Lane and Boon Lane. This right-of-way shall be surveyed and registered on title of both the severed and retained parcels.
4. 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.
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-78-18-L, in lieu of parkland [Planning Act, s. 51(1)]. A Letter of Opinion from a qualified real estate professional on the land value of the parcel to be severed shall accompany the parkland payment.
7. Prior to the stamping of the deeds for the land to be severed by Consent Application S-78-18-L, the applicant shall rezone the severed parcel from Rural (RU) to Limited Service Residential Waterfront (RLSW). Please contact the Township Planning Department to begin this process.
8. The applicant shall enter into a Development Agreement to be registered on title of the severed parcel, which addresses the Townships environmental policies and recognizes the limited services on private lanes.

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**Item #15: S-79-18-L (Clark Family)**

Speaking to the Application: none

Discussion:

An application for consent has been received for the creation of one new rural residential lot, from an existing property at Part Lot 4, Concession 3, District of Loughborough, known municipally as 2901 Campbell Road (see attached map). The existing lot has frontage on Campbell Road and Stagecoach Road and is approximately 119 acres in area. The subject property is currently developed with a dwelling and multiple accessory buildings, with the remainder mostly pastureland. The applicant is proposing to sever approximately 15 acres from the existing 119 acre property in order to create one new rural residential lot. S-78-18-L Consent application S-78-18-L is for the creation of a rural residential lot. The proposed new lot would have approximately 274 metres of frontage along Campbell Road and would be approximately 15 acres in size. The proposed lot is currently vacant. A new entrance from Campbell Road is proposed to accommodate future development on the severed lot.

Public Works and KFL&A had no objections to the application.

No comments further comments were received at the public hearing on this application.

RESOLUTION: C of A: 18:09:14

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-79-18-L by the Clark family for the creation of one new lot at Part Lot 3, Concession 4, District of Loughborough, Township of South Frontenac.

Carried

**Application No:** S-79-18-L  
**Owner:** Roland Clark, Stephen Clark, Emmett Williams, Leann Clark  
**Location of Property:** Concession 4, Part Lot 3, 2901 Campbell Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create one new rural residential lot  
**Date of Hearing:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

### Conditions

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-79-18-L shall be for the creation of a 15 +/- acre rural residential lot with approximately 274 metres of frontage on Campbell Road.
3. The surveyor who prepares the reference plan referred to in Condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:  
*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
4. 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.
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-79-18-L, in lieu of parkland [Planning Act, s. 51(1)]. A Letter of Opinion from a qualified real estate professional on the land value of the parcel to be severed shall accompany the parkland payment.
7. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent application S-79-18-L.

**Item #16: S-81-18-L (Sally VanLuven and Simpson)**

Speaking to the Application: none

Discussion:

An application for consent has been received for the creation of a lot addition, from an existing property at Part Lot 7, Concession 5, District of Loughborough, known municipally as 2496 Rutledge Road (see attached map). The subject property has frontage on Rutledge Road and Sydenham Lake and is approximately 70 acres in area. The subject property is currently developed with a dwelling and multiple accessory buildings near to Rutledge Road, with the remainder mostly naturally vegetated. The applicant is proposing to sever approximately 3.2 +/- acres from the existing 70 acre property in order to create a lot addition, together with a right-of-way over Sheila Lane and Carslake Lane for access. The subject property includes Sheila Lane, Sally Lane, Boon Lane, Carslake Lane, Fred Lane and Sparrow Ridge Lane, all private roads, which serve as access to more than 20 waterfront cottage properties. The proposed lot addition parcel would have approximately 164 metres of frontage along Carslake Lane and would be approximately 3.2 acres in size. The proposed lot addition has no frontage on Sydenham Lake and is currently vacant. The lot addition parcel would have to be rezoned from Rural (RU) to Limited Service Residential Waterfront (RLSW) as a condition of provisional consent.

Fran Willis provided comments on behalf of herself and her husband expressing support for this application. Committee member Barbeau inquired about \$100 cash in lieu of parkland condition was consistent. M. Rueckwald advised that for a lot addition \$100 cash in lieu is a condition that is consistently applied.

RESOLUTION: C of A: 18:09:15

Moved by: Brad Barbeau

Seconded by: David Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-81-18-L by Sally VanLuven (Agent – Simpson) for the creation of a lot addition at Part Lot 3, Concession 4, District of Loughborough, Township of South Frontenac.

Carried

**Application No:** S-81-18-L  
**Owner:** Sally VanLuven  
**Location of Property:** Concession 4, Part Lot 3, 2901 Campbell Road, District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Consent to create a lot addition, together with a right-of-way  
**Date of Hearing:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

**Conditions**

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-81-18-L shall be for the creation of a 3.2 +/- acre lot addition only to 1080 Carslake Lane (PIN 362790629).
3. 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.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

5. The Township of South Frontenac shall receive \$100, in lieu of parkland [Planning Act, s. 51(1)].

6. Prior to the stamping of the deeds the applicant shall rezone the lot addition parcel from Rural (RU) to Limited Service Residential Waterfront (RLSW). Please see the Township's planning department to begin this process.

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### Item #17: S-82-18-S (Desrochers)

Speaking to the Application: George Desrochers

Discussion:

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 13 and 14, Concession 10, Geographic Township of Storrington, Township of South Frontenac. The existing lot has frontage along Ramparts Road and Battersea Road. The lot is developed with two small agricultural buildings. The proposal is to sever approximately 75 acres of land with 345 metres of frontage along Ramparts Road and convey these lands to the Nature Conservancy of Canada for conservation of the existing area. The retained lands will be approximately 88 acres in area with 165 metres of frontage along Battersea Road. The applicant previously applied for a lot addition to facilitate the transfer of the lands to a neighbouring property and convey 75 acres of land to the Nature Conservancy of Canada under Consent Application S-11-17-S. Due to an error in the order of the stamping of the deeds and timelines for provisional consent the applicant was unable to fulfill the conditions in the required time. As such, the applicant has re-applied for a consent application; this time, the application is for a severance because the parcel of land that is the benefitting lands has been merged with a neighbouring property.

M. Rueckwald explained that there had been an error in the stamping of deeds. The second deed had been stamped prior to the first deed. George Desrochers stated they are working closely with their lawyer to ensure the severance is correctly finalized this time.

The Committee of Adjustment agreed to refund fee due to the error in the stamping of deeds for application S82-18-S.

RESOLUTION: C of A: 18:09:16

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby approves application S-82-18-S by George Desroches for the creation of one new lot at Part Lot 14, Concession 10, District of Storrington, Township of South Frontenac.

Carried

RESOLUTION: C of A: 18:09:17

Moved by: Brad Barbeau

Seconded by: David Hahn

THAT the South Frontenac Township Committee of Adjustment hereby directs staff to refund the Township application cost for consent application S-82-18-S in the amount of \$817.00.

Carried

**Application No:** S-82-18-S  
**Owner:** Desrochers  
**Location of Property:** Part Lot 13 and 14, Concession 10, Geographic Township of Storrington, Township of South Frontenac.  
**Purpose of Application:** Consent to create one new lot to be conveyed to the Nature Conservancy of Canada as part of the Loughborough Wilderness Conservation Lands  
**Date of Decision:** September 13, 2018  
**Date of Decision:** September 13, 2018

**Decision:** PROVISIONAL CONSENT BE GRANTED, subject to conditions

## Conditions

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-82-18-S shall be approximately 75 acres in area for the purposes of conservation.
3. The surveyor who prepares the reference plan referred to in Condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:  
*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
4. 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.
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

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### Item #18: MV-18-18-B

Speaking to the Application: None

Discussion:

No report had been submitted for application MV-18-18-B in advance of the public hearing as Planning was waiting for comments from the conservation authority on this application. M. Rueckwald explained that staff received comments from the conservation authority on September 13<sup>th</sup>, but did not have sufficient time to evaluate them to bring a recommendation to Committee at the September 13<sup>th</sup> meeting.

Committee members discussed that there was a history to this application. It was noted that there was no discussion when the building permit was issued that it was the applicant's intention to keep the original cottage. M. Rueckwald explained that the applicants had taken a demolition permit to remove the original cottage on the property at the time they were constructing a new cottage on the property, as well as a permit to relocated the structure outside the 30m setback. The new cottage is

outside the 30m setback. The applicants are now seeking a minor variance to recognize the existing cottage within the 30m setback in order to maintain the original cottage on the property. This application will come forward at the October 11, 2018 meeting of the Committee of Adjustment.

RESOLUTION: C of A: 18:09:18

Moved by: David Hahn

Seconded by: Brad Barbeau

THAT the South Frontenac Township Committee of Adjustment hereby defers minor variance application MV-18-18-B by Eric and Cheryl Freedman, to permit the applicant to review comments from the Conservation Authority prior to the Committee of Adjustment making a decision for the property located at Part Lot 3, Concession 12, District of Bedford, Township of South Frontenac.

Carried

#### **Item #19: Other Business**

A member of the public, Paul Snelgrove, requested to speak to the Committee. Committee granted the request. Mr. Snelgrove expressed his thanks for the excellent work that Megan Rueckwald, Interim Planner, had done stepping in to deliver planner services with the Township of South Frontenac over the past month.

#### **Item #20: Adjournment**

RESOLUTION: C of A: 18:09:19

Moved by: Brad Barbeau

Seconded by: David Hahn

THAT the September 13, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:17 p.m. to reconvene at 7:00 p.m. on Thursday, October 11, 2018 or at the call of the Chair.

Carried

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Alan Revill  
Chair

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Megan Rueckwald  
Secretary-Treasurer



FRONTENAC



# Building Better Communities and Conserving Watersheds Act, 2017



South Frontenac Committee of Adjustment  
September 13, 2018

# Presentation Outline

- Ontario Municipal Board Review
- Bill 139 Milestones
- Bill 139 Highlights
- Areas of Change
- Local Planning Appeal Tribunal
- Implications for Frontenac

# Ontario Municipal Board (OMB) Review

- Provincial review began in Spring 2016
- Recommend changes to improve OMB's role:
  - Too many decisions are appealed, hearings complex and costly
  - More respect and deference to local decisions
  - Increase mediation and reduce adversarial nature of hearings
  - Public and community groups need access to the process
- Public-wide consultation – County Council formally responded December 2016 ([Council Report 2016-141](#))

# Bill 139 Milestones

- Introduction/First Reading – May 30, 2017
- Third Reading/Royal Assent – December 12, 2017
- Proclamation – April 3, 2018

## Purpose:

- Makes transformative changes to the land use planning and appeal system

# Bill 139 Highlights

- Planning Act changes:
  - More municipal control
  - Strong community voice for local decisions
  - Protect public interest
- Local Planning Appeal Tribunal Act, 2017
  - Establishes Local Planning Appeal Tribunal (LPAT)
    - Independent, dispute-resolution body
    - Governed by the Local Planning Appeal Tribunal Act
    - Reports through Environment and Land Tribunals Ontario
- Local Planning Appeal Support Centre Act, 2017
  - Establishes the Local Planning Appeal Support Centre (LPASC)
    - Independent agency
    - Mandate to administer cost-effective support services to eligible persons for matters governed by the Planning Act under jurisdiction of the LPAT

# Key Areas of Change

- More Municipal Control
  - Two-year “time-out” – new secondary plans
  - No appeal of interim control bylaws when first passed
  - More authority for Local Appeal Bodies
  - Longer decision timelines
  - Protected Major Transit Station Area (PMTSA)
- Strong Community Voice
  - Consistency/Conformity standard
  - Requirement to send info back to approval authority
  - LPAT limited to matters that were part of Council decision
- Protecting Public Interest
  - No appeal of major Provincial decisions (including County O.P.)
  - Minister’s Zoning Orders
  - Climate change
  - Affordable housing

# Key Areas of Change

- More Municipal Control
  - Two-year “time-out” – new secondary plans
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  - Minister’s Zoning Orders
  - Climate change
  - Affordable housing

# Longer Decision Timelines

- More time to assess planning matters and hear public input
- More time to negotiate solutions and potentially avoid appeals
  - Timelines extended by 30 days:
    - Official plans and official plan amendments – 210 days
    - Zoning by-law amendments and holding by-laws – 150 days

# Consistency/Conformity Standard

- Restrict appeal grounds for official plans and zoning by-laws to only matters of consistency and/or conformity with provincial and/or municipal policies/plans
- Onus is on appellant to set out reasons why Council decision is inconsistent/does not conform with provincial policy and/or applicable official plan
- For non-decision or refusal, onus is on applicant to demonstrate how their proposal would be consistent and how existing OP policies and ZB provisions fall short

# Opportunity to Reconsider

- Requirements to return matter to a municipality for a new decision when LPAT determines that municipal decision did not follow provincial/local policies
- Municipality has 90 days to issue a new decision (does not apply to municipally-initiated matters)
  - Reassess application, provide notice of a public meeting, hold meeting, issue new decision

# Limited to Matters of Council Decision

- LPAT does not have the authority to approve or modify any part of an official plan that is already in effect and was not added, amended or revoked by the municipality when making their original decision.

# No Appeal of Major Provincial Decisions

- No appeal of provincial decision to approve, modify or refuse new official plan or update
- Appeal if no provincial decision is made within the statutory timeframe
- Appeals on non-decisions are not based solely on consistency/conformity

# Climate Change and Affordable Housing

- Climate Change
  - Must identify goals, objectives and actions to mitigate and adapt
- Affordable Housing
  - Plan for a range and mix of housing, including affordable housing

Planning Matter	Was a Decision Made?	Continued Ability to Appeal to Tribunal	Subject to Consistency/Conformity Review Standard	Ability to Appeal to LAB (currently only Toronto)
New Official Plans and s. 26 Updates approved by Province	Decision	No	n/a	n/a
	Non-decision	Yes	No	
Official Plan Amendments approved by Province	Decision	Yes	Yes	
	Non-decision	Yes	No	
Official Plans / Amendments not approved by Province	Decision	Yes*	Yes	
	Non-decision	Yes	No	
Privately-initiated Official Plan Amendments (s.22(7))	Municipal decision to refuse to adopt OPA	Yes	Yes	
	Non-decision	Yes	Yes	
Zoning By-laws / Community Planning Permit By-laws	Decision	Yes*	Yes	
	Non-decision	Yes	Yes	
Minister's Zoning Orders /Requests to amend or revoke	Decision or Non-decision	No	n/a	
Interim Control By-laws		No (unless extended beyond 1 year)	n/a	
Community Planning Permits		Yes	No** will benefit from procedural hearing improvements (e.g., hearing timelines)	
Subdivisions/ Condominiums				
Site Plans				
Consents				
Minor Variances				Yes

# Local Planning Appeal Tribunal

Local Planning Appeal Tribunal Act, 2017

S.O. 2017, CHAPTER 23  
SCHEDULE 1

**Consolidation Period:** From April 3, 2018 to the [e-Laws currency date](#).

No amendments.

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# Local Planning Appeal Tribunal

- **Purpose:** Carry out a “check-and-balance function” with respect to municipal planning decision-making
- **Standard of Review:** Appellant must explain and demonstrate how the adopted or approved OP/OPA or ZB/ZBA is inconsistent with a PPS, fails to conform with or conflicts with a provincial plan, or fails to conform with an applicable upper-tier official plan.
- **Time Limits:** 12, 10 and 6 months (postpone and resume)
- **Mandatory Case Management Conference:** Appellant, approval authority and member of the LPAT
- **New Process:** Oral and written hearing, only LPAT may call a witness, limits (75min oral, 20pg document book)

# New Rules - LPAT

- **Case Synopsis:** Focus on issues raised in the appeal, relevant policies referenced. Max 20 pages.
- **Responding to an Appeal:** File responding record if appellant's record is incomplete (within 20 days of receipt)
- **Case Management Conference:** Must notify if you wish to be involved 30 days in advance
- **Hearings:** Less adversarial

# Local Planning Appeal Support Centre

Local Planning  
Appeal Support Centre

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Welcome to Ontario's  
**Local Planning  
Appeal Support  
Centre**

## Who We Are

The Local Planning Appeal Support Centre helps people understand and navigate the land use planning and appeal process in Ontario.

# Implications for Frontenac

- **Tighter Timelines:** No canvassing potential hearing dates, timelines for case synopsis and reply, timeframe to make new decision
- **Transition Guidelines:** Outstanding appeals under current system
- **Continued Participation in Hearings:** Minor variance appeal process similar
- **Modifying Appeal Notices:** Who can and when?
- **Modifying Applications:** Conformity/consistency test
- **Court Involvement:** Possibility?



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** October 9, 2018

**Application No:** S-59-18-L  
**Owner:** Rice  
**Location of Property:** Part Lot 25, Concession 13, District of Loughborough, Township of South Frontenac, municipally known as 179 Burnt Point Lane  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** October 11, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-59-18-L for the creation of one new residential limited services waterfront lot on Buck Lake (South Basin).

### Proposal

An application for consent has been received for the creation of one new residential limited services waterfront lot from an existing property at Part Lot 25, Concession 13, District of Loughborough, municipally known as 179 Burnt Point Lane (see attached map). The existing lot has frontage on Burnt Point Lane with waterfrontage along Buck Lake (South Basin). The lot is heavily vegetated with some cleared trails throughout. The applicant is proposing to sever approximately 22 acres with 91 metres of frontage along Burnt Point Lane from the existing 29 acre lot. It is important to note that the South Basin of Buck Lake is an at-capacity lake trout lake; stricter development controls are in place for the creation of new lots within 300 metres of at-capacity lakes.

#### S-59-18-L

Consent application S-59-18-L is for the creation of a vacant residential limited services waterfront lot. The proposed new lot will have approximately 91 metres of frontage along Burnt Point Lane, 182 metres of frontage along Buck Lake and will be 22 acres in area. The lot will be irregularly shaped due to the topography of the lot and the existing frontage along Burnt Point Lane. A new entrance and driveway are proposed from Burnt Point Lane. The proposed consent and development has been reviewed in the Environmental Impact Assessment prepared by Ontario Lake Assessments Environmental Consulting in August 2018. A location for the septic system has been identified that meets the Ministry of the Environment, Conservation and Parks (formerly Ministry of the Environment and Climate Change) policies for development on at-capacity lakes.

#### Retained Lot

The retained lands will consist of approximately 7 acres in area with approximately 274 metres of frontage along Buck Lake and Burnt Point Lane terminating at the subject property. The retained land will be irregularly shaped due to the configuration of the shoreline and the natural topography of the lot. A new cottage is being constructed on the retained lands; beyond the construction of the cottage no additional development is proposed for the retained lands.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	Rural
Complies with Zoning Bylaw 2003-75:	No, rezoning recommended

### Provincial Policy Statement (2014)

The 2014 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. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands in addition to resource-based recreational uses in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The consent application will result in the creation of one new rural waterfront residential lot that is accessible by private lane.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The South Basin of Buck Lake is identified as an at-capacity lake trout lake. Policies in the PPS speak to the protection to development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Section 2.2 Water requires planning authorities to protect, improve or restore the quality and quantity of water by ensuring consideration of environmental lake capacity, where applicable. The application was reviewed by the MECP and CRCA for consistency with Section 2 and 3 of the PPS.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety. The MECP and CRCA have reviewed the application for natural hazard concerns as outlined in the comments below.

### **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.

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.

Section 3.3.3.4 Special Policies – Waterfront Area list an overall goal of the Plan to improve and protect the waterfront areas in Frontenac County as a significant cultural, recreational, economic, and natural environment resources and to maintain or enhance the quality of the land areas adjacent to the shore. Sufficient area exists on the severed lots to meet the required waterbody setbacks.

Section 7 – Environmental Sustainability includes policies for the protection of lake trout lakes including the prohibition of development within 300 metres of an at-capacity lake trout lake unless the Township Official plan contains policies to protect lake trout lakes including exceptions to the prohibition of development near at-capacity lakes, such as tile field setbacks.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. KFL&A Public Health was circulated the application and have no objection to the proposed severance as confirmed in correspondence provided June 26, 2018. A site visit was conducted by Victor Castro of the Ministry of the Environment, Conservation and Parks to verify the location of the septic system and ensure it met the Ministry's policies for at-capacity lakes.

### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies in the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.7 Limited Service Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 1 hectare with 76 metres (250 feet) of frontage along a private road and 91 metres of frontage along the waterfront for waterfront lots. Further, a maximum of three new limited services residential severances may be permitted from a lot existing as of the date of adoption of the Plan. Lots



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



shall be serviced by private water and sanitary sewage disposal systems. As a condition of severance for all new waterfront limited service residential lots, the owner of the subject property shall enter into a development agreement with the Township to be registered on title acknowledging:

- The Township does not maintain or repair private roads
- On private roads the Township does not provide municipal services normally associated with public roads
- Owners are responsible for all costs necessary to maintain the private road
- The Township is not responsible for any loss or damage created by the owner's failure to maintain the private road; and
- Owners agree to indemnify the Township for any loss or damage.

The severed and retained lots will meet the policies in the Official Plan with regard to waterfrontage and area; the retained lot will be deficient in road frontage due to the configuration of the driveway/right-of-way that provides access. The applicant spoke with previous planning staff regarding the right-of-way and how it terminates at the retained lot. As a condition of consent, planning staff are recommending that a condition be included for confirmation that the retained lot has legal deeded access and the limited frontage be recognized through the required rezoning.

An Environmental Impact Assessment was completed by Ontario Lake Assessments & Environmental Education Services (August 2018) to permit development on the South Basin of Buck Lake, an at-capacity lake trout lake. The Official Plan contains polices that speak to permitting new lot creation where:

- Drainage of the proposed lot flows to a separate, non-sensitive watershed;
- Drainage of the sewage effluent will effectively drain result in a circuitous setback of at least 300 metres;
- New technologies in sewage disposal systems, acceptable to the Ministry of Environment, will be utilized resulting in no adverse effects on lake water quality;
- A conventional septic system will be located outside 300 metres from the highwater mark; or
- The proposal is supported by a detailed site-specific hydrogeological and soil studies which assess phosphorous distribution, migration, velocity and long-term soil retention capabilities.

The proposed severed lot will conform with the policies in the Official Plan for new lot creation on an at-capacity lake. The EIA was reviewed by the Cataraqui Regional Conservation Authority as well as the Ministry of the Environment, Conservation and Parks (formally the MOECC). Comments dated October 9, 2018 indicate that the CRCA has no objection to the application provided the MECP are satisfied that the water quality objectives are achieved. The Ministry provided comments on October 4, stating that they have no objection to the application.

In addition to a review of the natural features and species on the subject property, the EIA recommends the following:

- The lot should be approved conditional upon proceeding by way of Site Plan Control;
- The septic envelope (weeping bed) and the building envelope should be surveyed and their locations indicated as a condition of approval;
- The setback for the residence should be 45m+/- horizontal distance from the water;
- The septic tank must be located in the back-slope area near the building envelope; the septic bed must be located at the site of the test evaluation; 36-38m from the lake;
- Access to the water must be by way of a floating dock; final permits for location and shoreline alteration to be arranged with the CRCA;
- The natural trees/vegetation in the 30m setback must be maintained in a natural state; allowing for minor trimming and clearing to create a view and ventilation;
- No maintained 'lawn' area is to be permitted within the 30 m setback distance;
- Best Management Practices to be used during the duration of the construction period to contain sediment and debris on site; e.g. staked hay bales across the downslope from the septic bed until a sod is established;
- No grading or construction/excavating/landscaping/ can be undertaken beyond the building envelope, particularly in the areas depicted in photos #5 and 6;



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- The location of the entrance driveway must be surveyed and identified and included in the Site Plan Control document as a condition of approval;
- A SAR Benefit Permit from MNRF for gray rat snakes will have to be acquired at the time of construction for both the driveway and the residence.

## Township of South Frontenac Zoning Bylaw

The property is zoned Rural (RU) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. Planning staff are recommending as a condition of provisional consent that the lands be rezoned to recognize that the severed and retained lands are accessible by private lane and have waterfrontage. The rezoning will be a condition of provisional consent to be completed prior to the stamping of the deeds. An exception zone is proposed to reflect the site specific environmental concerns, building envelope and septic location.

## Agency Analysis and Comments

KFL&A Public Health – In comments provided June 26, 2018, KFL&A Public Health indicated that they have no objection to the minor variance. Soil conditions on the lot will require additional suitable granular soil to construct the septic system. Due to the limitations the lot will only provide a specific location for the construction of the sewage disposal system. The most suitable location for the sewage system is the flat area previously identified and there is a minimum of 10 inches of soil over rock.

Public Comments – As of the time of writing, no written comments have been received from the public.

Cataraqui Region Conservation Authority– Comments dated October 9, 2018, indicate that Cataraqui Region Conservation Authority has no objection to the proposal provided the Township consults with the MECP. CRCA reviewed the application for natural hazards (including flooding and erosion) and relevant sections of the PPS. In addition, the CRCA reviewed the EIS submitted by Environmental Lake Assessments (August, 2018); staff find that the natural heritage considerations address the appropriate sections of the PPS and that the report contains detailed support for the development. The recommendations contained within the report are suited to the site and support the conclusion of the consultant.

Ministry of the Environment, Conservation and Parks – Comments dated October 4, 2018 indicate that Ministry staff have no objection to the proposed severance provided the recommendations listed in the EIA are included in the conditions of severance. In addition, the septic tile field would have to be located in the location provided by the following GPS UTM coordinates to conform to the criteria above as verified by the test pits and soil samples -18T 0384818 4930977.

A site visit was completed by planning staff and Township Public Works staff on September 28, 2018, to review the severance application.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-59-18-L shall be for the creation of a lot with an area of approximately 22 acres with approximately 91 metres of frontage along Burnt Point Lane and approximately 182 metres of frontage along Buck Lake (South Basin) together with a right-of-way over the Burnt Point Lane from Billy Green Road.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Survey/Reference Plan or Registerable Description

3. 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 one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
4. Provide to the satisfaction of the Municipality a survey showing the lot lines of the severed parcel and the location of septic envelope and the building envelope in addition to the location of the entrance driveway.

## Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-59-18-L, in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
8. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which recognizes that the lot is accessible by private lane, and incorporates the recommendations from the Environmental Impact Assessment prepared by Ontario Lake Assessments (August, 2018) and those outlined in the letter prepared by the Cataraqui Regional Conservation Authority and the Ministry of the Environment, Conservation and Parks submitted October 9, 2018 and Blank, October 4, 2018.
  - a. The development agreement shall require that prior to the issuance of a building permit the applicant shall enter into a Site Plan Agreement to be registered on title with the Township demonstrating the proposed development meets the required setbacks, illustrates the location of the driveway as specified in the EIA and specifies the applicant work with the CRCA to control runoff at this point, identifies the building and septic envelopes and includes the provision to alert the MNRF prior to any works of the subject property to determine if a Benefit Permit is required.

## Zoning

9. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
10. The applicant shall rezone the lot to be created through Consent Application S-59-18-L from Rural (RU) to a Special Limited Service Residential Waterfront zone to reflect the site specific environmental concerns, building envelope and septic location. Please contact the Township Planning Department to begin this process.

## Access

11. That the owner provide confirmation to the satisfaction of the Township of legal deeded access over the right-of-way and neighbouring lands to provide access to the retained lands.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Attachments

Map of the Rice property.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** October 6, 2018, Amended report with recommendation to be posted October 9, 2018

**Application No:** S-59-18-L  
**Owner:** Rice  
**Location of Property:** Part Lot 25, Concession 13, District of Loughborough, Township of South Frontenac, municipally known as 179 Burnt Point Lane  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** October 11, 2018

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### Recommendation

As of the date of preparation of the report, planning staff have not received comments from KFL&A Public Health and the Ministry of the Environment, Conservation and Parks stating they have no objection to the application. Preliminary comments have been received from the Cataraqui Region Conservation Authority with formal comments expected October 9, 2018. Upon receipt of formal comments, planning staff will put forward a recommendation to the Committee of Adjustment and upload a new version of the report on October 9, 2018.

### Proposal

An application for consent has been received for the creation of one new residential limited services waterfront lot from an existing property at Part Lot 25, Concession 13, District of Loughborough, municipally known as 179 Burnt Point Lane (see attached map). The existing lot has frontage on Burnt Point Lane with waterfrontage along Buck Lake (South Basin). The lot is heavily vegetated with some cleared trails through the lot. The applicant is proposing to sever approximately 22 acres with 91 metres of frontage along Burnt Point Lane from the existing 29 acre lot. It is important to note that the South Basin of Buck Lake is an at-capacity lake trout lake; stricter development controls are in place for the creation of new lots within 300 metres of at-capacity lakes.

#### S-59-18-L

Consent application S-59-18-L is for the creation of a vacant residential limited services waterfront lot. The proposed new lot will have approximately 91 metres of frontage along Burnt Point Lane, 182 metres of frontage along Buck Lake and will be 22 acres in area. The lot will be irregularly shaped due to the topography of the lot and the existing frontage along Burnt Point Lane. A new entrance and driveway are proposed from Burnt Point Lane. The proposed consent and development has been reviewed in the Environmental Impact Assessment prepared by Ontario Lake Assessments Environmental Consulting in August 2018. A location for the septic system has been identified that meets the Ministry of the Environment, Conservation and Parks policies for development on at-capacity lakes.

#### Retained Lot

The retained lands will consist of approximately 7 acres in area with approximately 274 metres of frontage along Buck Lake and Burnt Point Lane terminating at the subject property. The retained land will be irregularly shaped due to the configuration of the shoreline and the natural topography of the lot. A new cottage is being constructed on the retained lands; beyond the construction of the cottage no additional development is proposed for the retained lands.

### Planning Analysis

Planning analysis will be included in the report uploaded October 9, 2018 once comments have been received from the Cataraqui Region Conservation Authority.

### Agency Analysis and Comments

KFL&A Public Health – In comments provided June 26, 2018, KFL&A Public Health indicated that they have no objection to the severance application. Soil conditions on the lot will require additional suitable granular soil to construct the septic system. Due to the limitations the lot will only provide a specific location for the construction of the sewage disposal system. The most suitable location for the sewage system is the flat area (where test holes dug near water) & there is a minimum of 10 inches of soil over rock.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Public Comments – As of the time of writing, no written comments have been received from the public.

Cataraqui Region Conservation Authority– Comments are anticipated to be received on October 9, 2018. The planning report will be amended to include these comments and a recommendation put forward to the Committee of Adjustment.

Ministry of the Environment, Conservation and Parks – Comments dated October 4, 2018 indicate that Ministry staff have no objection to the proposed severance provided the recommendations listed in the EIA are included in the conditions of severance. In addition, the septic tile field would have to be located in the location provided by the following GPS UTM coordinates to conform to the criteria above as verified by the test pits and soil samples -18T 0384818 4930977.

A site visit was completed by planning staff and Township Public Works staff on September 28, 2018, to review the severance application.

## **Recommended Conditions**

**\*\*Conditions may be amended following the receipt of comments from the Cataraqui Region Conservation Authority\*\***

### Expiry Period

1. Conditions imposed must be met within one year of the date of 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-59-18-L shall be for the creation of a lot with an area of approximately 22 acres with approximately 91 metres of frontage along Burnt Point Lane and approximately 182 metres of frontage along Buck Lake (South Basin) together with a right-of-way over the Burnt Point Lane from Billy Green Road.

### Survey/Reference Plan or Registerable Description

3. 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 one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
4. Provide to the satisfaction of the Municipality a survey showing the lot lines of the severed parcel and the location of septic envelope and the building envelope in addition to the location of the entrance driveway.

### Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-59-18-L, in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



8. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which recognizes that the lot is accessible by private lane, and incorporates the recommendations from the Environmental Impact Assessment prepared by Ontario Lake Assessments (August, 2018) and those outlined in the letter prepared by the and the Ministry of the Environment, Conservation and Parks submitted October 4, 2018 and any further comments submitted by the Cataraqui Region Conservation Authority (to be amended when comments are received).
  - a. The development agreement shall require that prior to the issuance of a building permit the applicant shall enter into a Site Plan Agreement to be registered on title with the Township demonstrating the proposed development meets the required setbacks, illustrates the location of the driveway as specified in the EIA and specifies the applicant work with the CRCA to control runoff at this point, identifies the building and septic envelopes.

### Zoning

9. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
10. The applicant shall rezone the lot to be created through Consent Application S-59-18-L from Rural (RU) to a Special Limited Service Residential Waterfront zone to reflect the site specific environmental concerns, building envelope and septic location. Please contact the Township Planning Department to begin this process.

### Access

11. That the owner provide confirmation to the satisfaction of the Township of legal deeded access over the right-of-way and neighbouring lands to provide access to the retained lands.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac  
**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac



### **Attachments**

Map of the Rice property.



RICE  
S-59-18-L

**Legend**

-  Retained Lot
-  Proposed New Lot

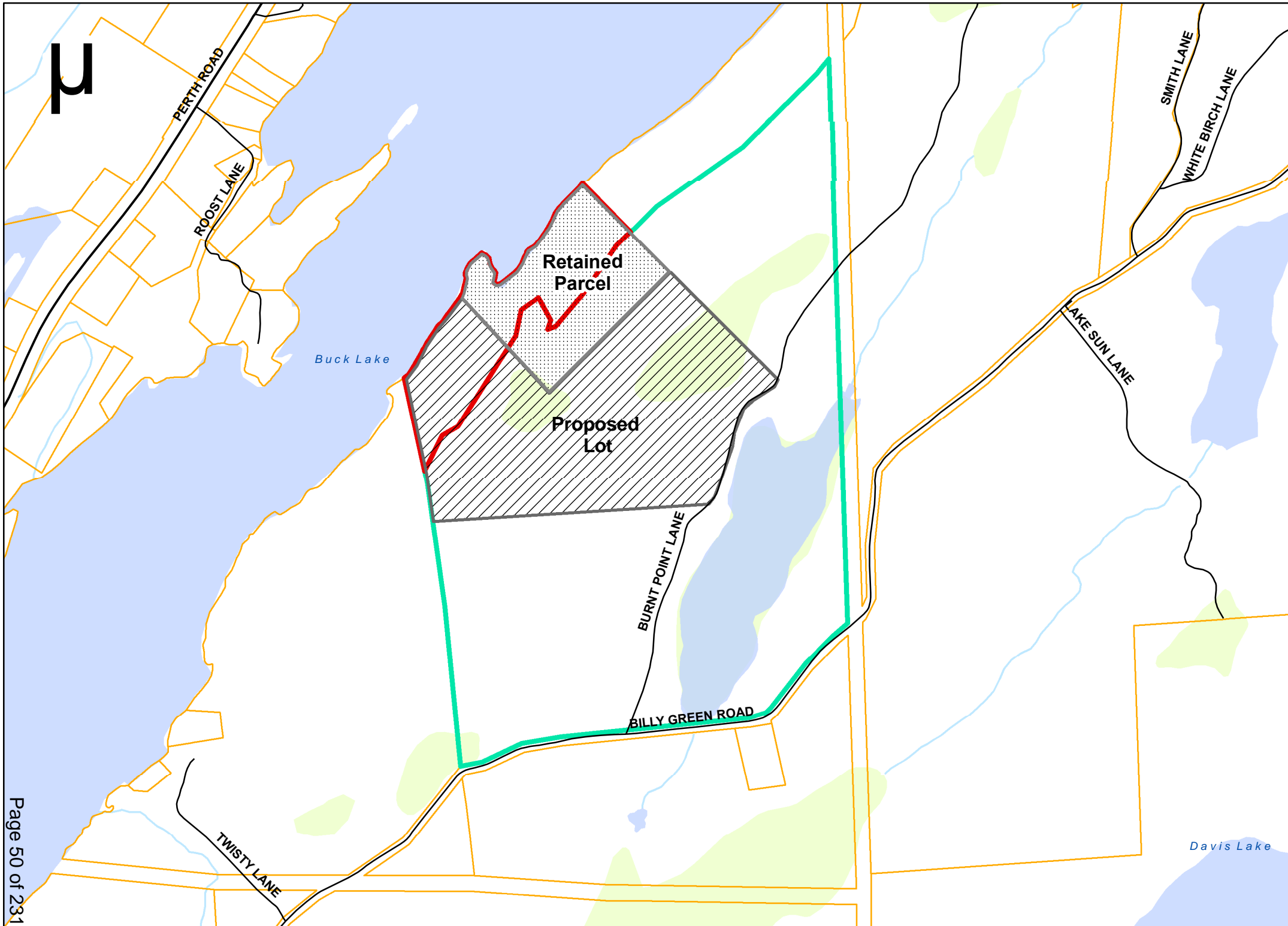
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:6,000

0 30 60 120 180 240  
Meters

UTM Projection NAD 83



**Ministry of the  
Environment,  
Conservation and Parks**  
Eastern Region  
1259 Gardiners Road, Unit 3  
Kingston ON K7P 3J6  
Phone: 613.549.4000  
or 800.267.0974

**Ministère de l'Environnement,  
de la Protection de la nature  
et des Parcs**  
Région de l'Est  
1259, rue Gardiners, unité 3  
Kingston (Ontario) K7P 3J6  
Tél: 613 549-4000  
ou 800 267-0974



**By email only**

October 4, 2018

Township of South Frontenac  
P.O. Box 100  
Sydenham, ON  
K0H 2T0

Attention: Claire Dodds, Director of Development Services, MCIP, RPP  
Email: [cdodds@southfrontenac.net](mailto:cdodds@southfrontenac.net)

Dear Ms. Dodds:

Re: Circulation S-59-18-L– Geographic Township of Loughborough, Township of  
South Frontenac, municipally known as 179 Burnt Point Lane

---

I have reviewed the application for the severance consent noted above, supporting documentation and offer the following comments. Surface water staff have also been involved in the technical review of the Environmental Impact Assessment and have attended the site with the consultant.

**S-59-18-L (Rice) – South Frontenac**

Buck Lake has been identified by the Ontario Ministry of Natural Resources and Forestry as a cold water lake trout fishery; managed for lake trout and is currently classified by the Ministry of the Environment, Conservation and Parks (MECP) as “at capacity” for development. While this designation does not preclude responsible development on existing lots of record it should be done in such a way that minimizes impact to these sensitive surface water features such as maintaining a setback that is back as far as reasonably possible and minimizing lot coverage by extra structures etc. which increases the permeability of lots and minimizes surface runoff and hardening of the landscape.

The creation of new lots are subject to a set of restrictive policies that are detailed in MECP’s Lakeshore Capacity Assessment Handbook-2010 (LCAH) and have been included in the Official Plan of the Township of South Frontenac. As noted above MECP surface water staff have attended the site and has been in contact with the consultant who prepared the Environmental Impact Assessment in support of the application. The EIS concludes that the presence of site specific criteria pertaining to specific soil characteristics exist on this site and satisfy one of the criteria that would permit development (lot creation) per the LCAH.

The characteristics include the presence of acidic overburden of adequate depth and distance to the water table. Test pits and soil samples were taken to confirm the findings. In addition, the following items outline the unique features of this site.

- The proposed lot size is large (2.38 ha)
- Lake frontage is large (183 m)
- The lake frontage cannot be further divided
- The septic location is in a back-slope area greater than 30 m from the lake
- The building envelope is greater than 45 m from the lake
- The septic location (GPS points below) has greater than 3.0 m depth of parent materials
- The parent soils are high in Al and Fe and are acidic and will bind nutrients  
And per the above meet the MECP requirements for highly sensitive at capacity lakes.
- The water table is greater than 3 m below the surface of the proposed septic bed location
- The septic system will be a Class IV system with a raised bed and will meet all the requirements of the local health unit.

Based on the information above, this ministry supports this application for severance provided the dwelling building envelope is located per the above. In addition, the septic tile field would have to be located in the location provided by the following GPS UTM coordinates to conform to the criteria above as verified by the test pits and soil samples.

- 18T 0384818 4930977

For your information the projection for the coordinates was **NAD 83** to ensure accuracy of the GPS coordinates provided. Thank you for the opportunity to review this circulation and your concern for the environment. We have no further comments on this application at this time.

Regards,



Jon K. Orpana  
Environmental Planner & Environmental Assessment Coordinator  
Ministry of the Environment, Conservation and Parks  
Kingston Regional Office  
PO Box 22032, 1259 Gardiners Road  
Kingston, Ontario  
K7M 8S5

Phone: (613) 548-6918  
Fax: (613) 548-6908  
Email: jon.orpana@ontario.ca



**CONSENT TO SEVER  
INSPECTION REPORT**

File Number: S-59-18-5		Receipt No SK-29-2018																						
Owner(s): Rice, Robert																								
Municipality: South Frontenac		Ward / Former Township: Storrington																						
Lot Pt. Lt. 25	Concession 13	Registered Plan: 6018	Part(s), Plan of Subdivision: Sublot:																					
<p>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</p> <p><b>Severed:</b> -Extremely rocky with undulating hills -Forest covered</p> <p><b>Retained:</b></p>																								
<p>Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar. Show estimated permeability (good, fair, poor) for each part where natural soil is acceptable.</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%; text-align: center;">Severed</th> <th style="width:20%; text-align: center;">Depth of Soil</th> <th style="width:50%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Clay Mix</td> <td style="text-align: center;">0.0 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">0.3 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">0.6 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">0.9 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">1.2 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">1.5 m</td> <td></td> </tr> </tbody> </table>				Severed	Depth of Soil	Retained	Clay Mix	0.0 m			0.3 m			0.6 m			0.9 m			1.2 m			1.5 m	
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	0.3 m																							
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	0.9 m																							
	1.2 m																							
	1.5 m																							
Percolation rate (estimated): >50		Percolation rate (estimated):																						
<p>NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</p> <p><b>Suitability for on-site sewage disposal:</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%; vertical-align: top;"> <p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input checked="" type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b></p> <p>- Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> <p>- Due to limitations the lot will only provide a specific location for the construction of the sewage disposal system. The most suitable location for the sewage system is the flat area (where test holes dug near water) &amp; there is a minimum of 10 inches of soil over rock</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b></p> </td> </tr> </table>				<p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input checked="" type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b></p> <p>- Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> <p>- Due to limitations the lot will only provide a specific location for the construction of the sewage disposal system. The most suitable location for the sewage system is the flat area (where test holes dug near water) &amp; there is a minimum of 10 inches of soil over rock</p>	<p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b></p>																	
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Inspector: Miranda Iezza CPHI(C), Public Health Inspector		Approved:	Date: June 26 2018																					

**PLEASE FORWARD A COPY OF THE NOTICE OF DECISION TO KFL&A PUBLIC HEALTH.**

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: June 4, 2018

File No: S-59-18-S

1. Name of Owner(s): Robert Rice

Full Mailing Address of Owner(s): [REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 13 Lot Number: PT LOT 25

Street Number: 179 Name of Road/Street: Burnt Point Lane

Reference Plan Number: 13R 6018 Part Number(s): 1

Roll Number: 040-040-12700-0000

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 1500' Frontage (on road/lane): 300'  
Depth: 800' Area: 29 acres

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

creation of new lot

6. The following information regarding the land intended to be severed and the land to be retained:  
NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. (Complete this section for a new lot only)

Proposed New Lot:	Retained Lot:
Frontage On Road: <u>300'</u>	Frontage On Road: <u>300'</u>
Frontage On Water: <u>600'</u>	Frontage On Water: <u>900'</u>
Depth: <u>800'</u>	Depth: <u>500'</u>
Area: <u>27 acres</u>	Area: <u><del>7</del> 29 acres</u>

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

New Lot:	Existing Uses	Proposed Uses
Retained:	<u>Residential</u>	<u>Residential</u>
	<u>Residential</u>	<u>Residential</u>
New Lot:	Structures Existing	Structures Proposed
	<u>None</u>	<u>None</u>

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Retained Lot: Cottage Structures Existing Structures Proposed Same Cottage

~~(b) The frontage, depth and the area. (Complete for a lot addition or right-of-way (R.O.W.) only)~~

~~Proposed Lot Addition (or right-of-way)~~

~~Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)~~

~~Frontage On Road: \_\_\_\_\_  
Frontage On Water: \_\_\_\_\_  
Depth: \_\_\_\_\_  
Area: \_\_\_\_\_~~

~~Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:~~

~~Present Use of Property Proposed Use of Property  
Lot Addition or R.O.W: \_\_\_\_\_  
Retained: \_\_\_\_\_ Structures Existing Structures Proposed  
Lot Addition (or R.O.W.): \_\_\_\_\_  
Retained Lot: \_\_\_\_\_~~

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (**if known**):

Robert Rice and Alexandra Rice

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (if known):

None

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): BURNT POINT LANE

The retained lot: BURNT POINT LANE

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot** is **by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: \_\_\_\_\_

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: lake Retained Lot: lake

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: outhouse Retained Lot: outhouse

12. The current zoning of the subject land in the applicable Zoning By-law.

R6S1D

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: 2006 (b) The decision on the application: approve

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

(c) The current use of the lot created (if applicable):  
Residential

14. If known, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you aware of?  Yes  No

16. A SKETCH must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended**

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$817.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Consent Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

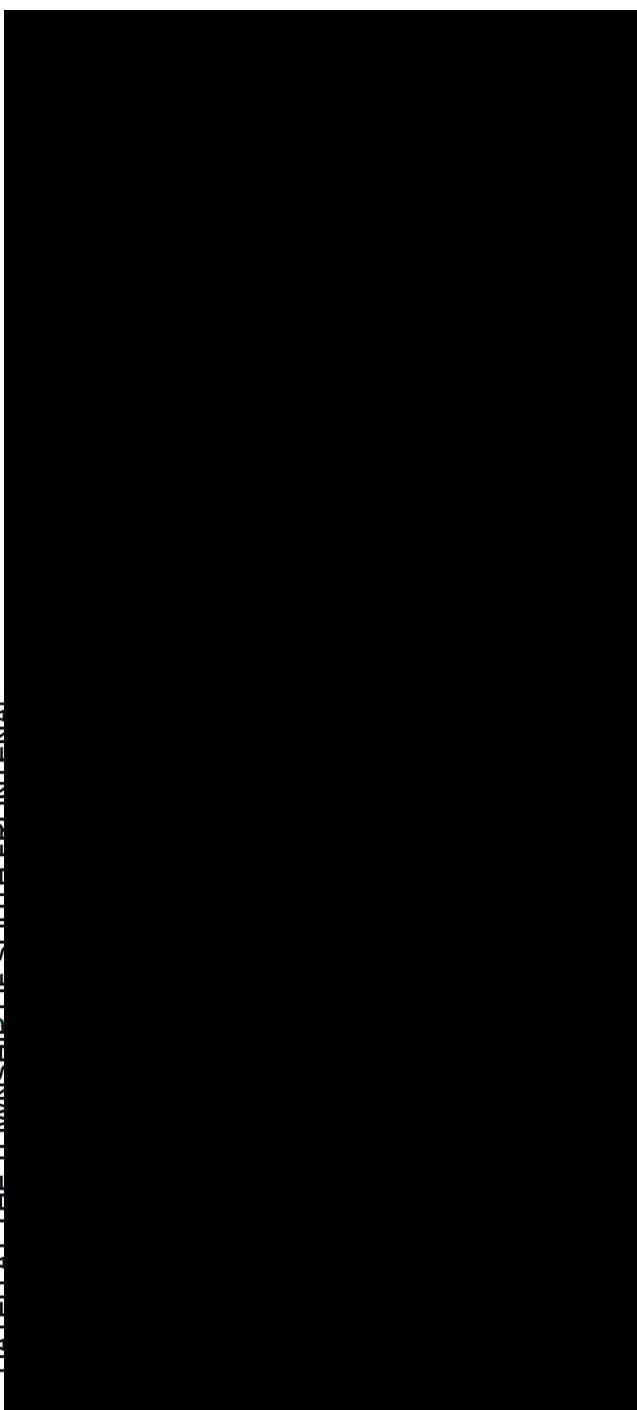
The Owner/Applicant agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend the Committee's decision to support the application.

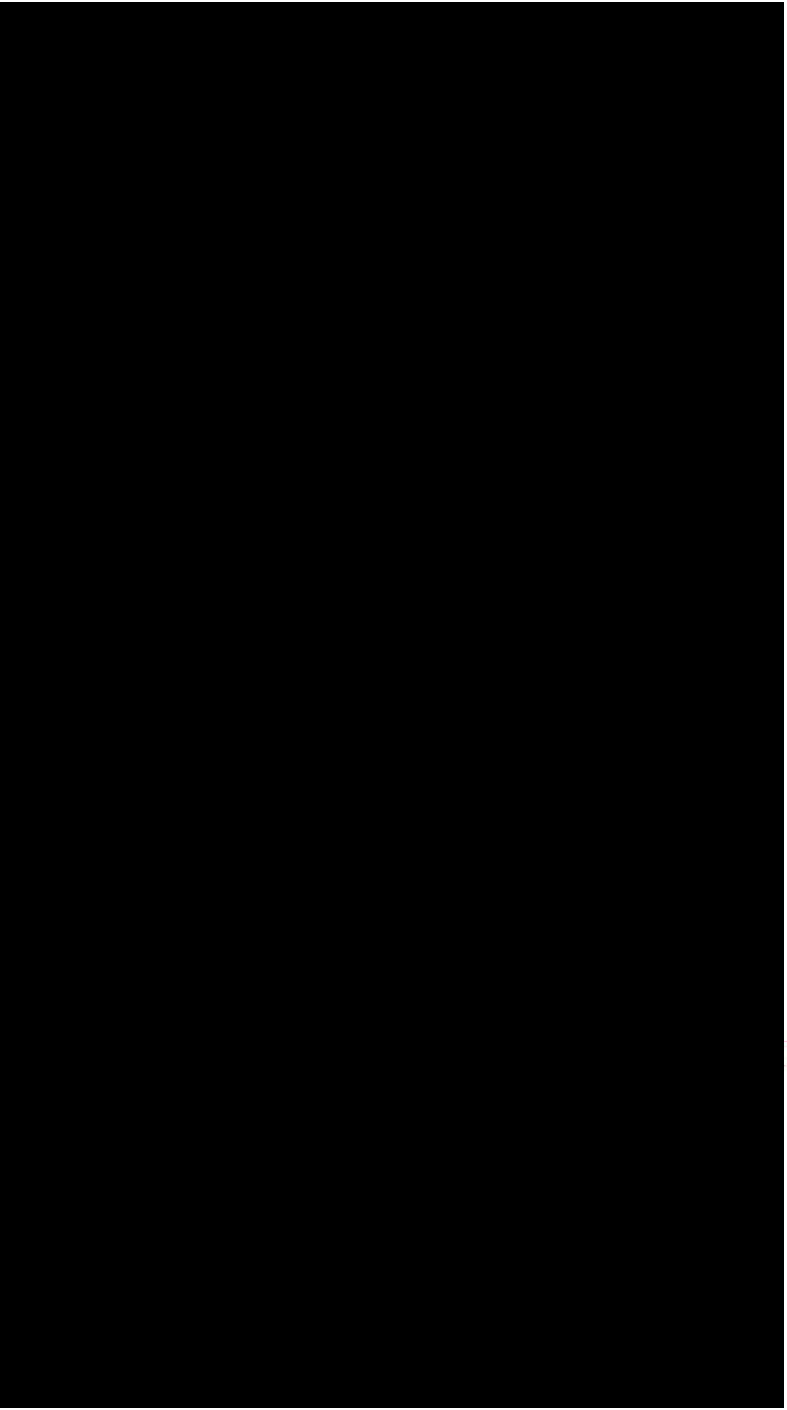
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days.

The Owner/Applicant further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC








### Legend

- Assessment Parcels
- Citations

### Notes

1: 9,028 

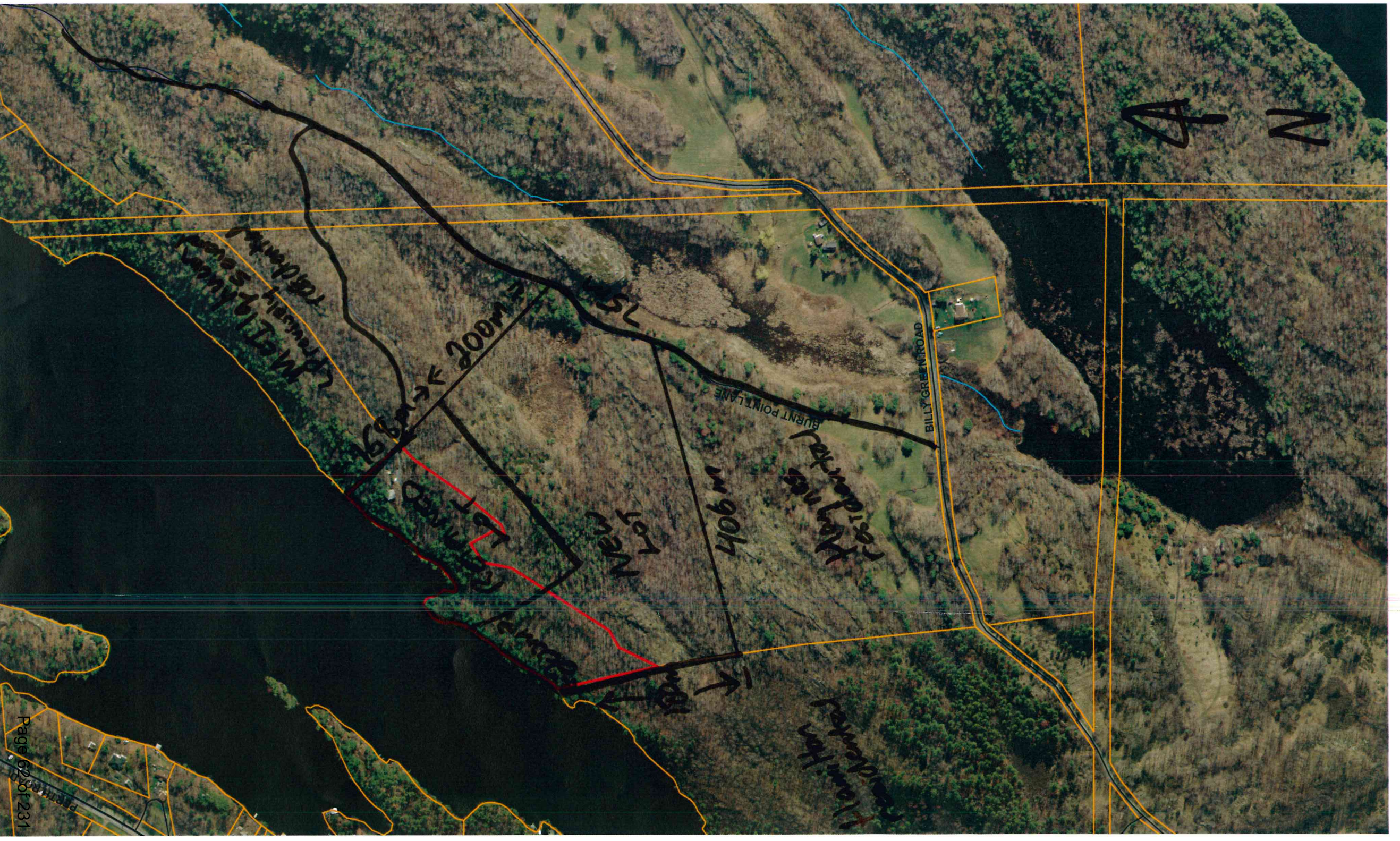
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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

0.5 0 0.23 0.5 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

A N





**ENVIRONMENTAL IMPACT ASSESSMENT  
SEVERANCE APPLICATION  
S-58-18-4  
BUCK LAKE (SOUTH BASIN)  
LOUGHBOROUGH DISTRICT  
SOUTH FRONTENAC TOWNSHIP**

**PREPARED FOR:  
ROBERT RICE  
2418 COE HILL ROAD  
GLENBURNIE, ONTARIO  
K0H 1S0**

**PREPARED BY:  
ONTARIO LAKE ASSESSMENTS  
ENVIRONMENTAL CONSULTING  
3654 STAGE COACH ROAD  
R.R. #3  
HARROWSMITH, ONTARIO  
K0H 1V0**

**AUGUST 2018**

## **Executive Summary**

**The following report examines the potential for environmental impacts as the result of creating a new residential lot on the South Basin of Buck Lake. Buck Lake is designated as 'highly sensitive' by the MOECC and is recognised as such in the OP and Zoning By-law for South Frontenac Township. This designation does not allow for the creation of new lots unless very stringent requirements of MOECC can be achieved.**

**The Natural Heritage Features and Functions of concern with this application is primarily the water quality of Buck Lake; the potential for impact on lake trout habitat; the potential for impact on nearshore fish habitat and also the potential for impact on species at risk.**

**Each of the above factors were examined in detail, both through a field presence and review of the relevant print material. In addition, satisfactory outcomes were determined and achieved through the cooperation of staffs from MOECC and MNRF, and the staffs of the Township of South Frontenac.**

**The findings indicate support for the application and recommendations are provided to achieve a low impact development with this approval.**

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## 1.0 INTRODUCTION / BACKGROUND:

The proponent, Rob Rice, wishes to sever one parcel from an existing lot of record on the east side of Buck Lake (South Basin) in Loughborough District. Severance application S-59-18-S; Part Lot 25, Concession 13, reference plan # 13R6018; 179 Burnt Point Lane, South Frontenac Township.

The existing 11.8 ha $\pm$  (29 ac $\pm$ ) parcel contains one cottage (recently lost by fire); there is on the order of 457 m  $\pm$  (1500 ft) of shoreline; the access is by way of Burnt Point Lane. The parcel to be severed will have approximately 182.9m  $\pm$  (600ft) of shoreline on the lake and will be approximately 2.83 ha (7.0 ac) in size with road frontage on Burnt Point Lane.

Buck Lake is managed by the Ministry of Natural Resources and Forestry (MNRF) for a lake trout fishery and has been determined by the Ministry of the Environment and Climate Change (MOECC) through both lake modeling and the evaluation of water quality data to be highly sensitive to increases in nutrient loading. As such, Buck Lake (South Basin) is identified as highly sensitive in the Official Plan (OP) for South Frontenac Township and on the Land Use Plan Map (Schedule A) to the OP and also identified as such in the Comprehensive Zoning By-Law 2003-75. The highly sensitive designation prohibits the creation of new waterfront lots unless it can be demonstrated to the satisfaction of MOECC that site conditions prevail that will result in nutrient containment.

This EIA demonstrates, that for this application as proposed, the strict and protective conditions required by MOECC for the creation of a new lot on a 'at capacity' lake can be achieved and that there will be no impact to the water quality of Buck Lake nor to the habitat for lake trout as a result.

## 2.0 BACKGROUND INFORMATION

### 2.1 Buck Lake (South Basin) – Location and Physical Features \*

Municipality - South Frontenac  
 District(s) - Bedford, Storrington and Loughborough Districts  
 Watershed – Cataraqui River Watershed  
 Bedrock – Precambrian Shield

Watershed Area – 51.28 km<sup>2</sup>  
 Lake Area - 4.910 x 10\*6 m<sup>3</sup>  
 Lake Volume - 60.990 x 10\*6 m<sup>3</sup>  
 Maximum Depth – 41.0 metres  
 Mean Depth – 12.4 metres

\* From MOE/MNR report Inland Lake Trout Management in Southeastern Ontario January 1993

## 2.2 Buck Lake (South Basin) – Water Quality and Lake Modeling Results

There are two water quality parameters of importance related to potential development impacts on lakes with cold water fisheries; these are lake phosphorus concentrations and oxygen concentrations below the thermocline.

The Provincial Water Quality Objective (PWQO) for phosphorus is 10 ug/L for oligotrophic lakes that are naturally below that level. A review of the MOECC Lake Partner Program sample results from 2002 to 2016 inclusive, show that Buck Lake (South Basin) is close to the 10 ug/L objective. The average total phosphorus (TP) is 9.95 for that period of record; for twelve samples collected in the South Basin of Buck Lake for the year 2016, the average TP concentration was 8.63 ug/L (see Appendix 1). As such every effort should be made to manage phosphorus levels at or below the 10 ug/L threshold.

Buck Lake (South Basin) is a deep oligotrophic lake containing a cold-water fishery and is managed by MNRF as a lake trout lake with a natural reproducing population. While it appears fairly large in both area and volume, it ranks only 40<sup>th</sup> largest by volume and 41<sup>st</sup> largest by area, when compared to 52 other lakes in the above mentioned report; it ranks only 29<sup>th</sup> of the 53 lakes when comparing the warm surface water volume to the cold water volume. The warm water volume ( $38 \times 10^6 \text{m}^3$ ) at the end of the summer is almost two times larger than the cold water volume ( $23 \times 10^6 \text{m}^3$ ). It is this factor that most contributes to the lake sensitivity. Buck Lake (South Basin) was classified as moderately sensitive in the above report. While the lake modelling undertaken in the above mentioned report is still valid today, changes in the oxygen objective to a more restrictive objective has resulted in a reclassification to the highly sensitive category.

Since the writing of that report, there is a new PWQO for oxygen and a new methodology has been developed to evaluate and classify lake trout lakes. The PWQO requires a mean volume weighted hypolimnion dissolved oxygen value of 7.0 mg/L. Using the data from both historical and more recent measured oxygen profiles, the MOECC determined that the south basin of Buck Lake could not meet the 7.0 mg/L objective and on that basis re-classified the basin as highly sensitive. This designation is recognized in the Official Plan (OP) (p.21) for South Frontenac Township and is confirmed by MOECC. (Personal communication V. Castro, MOECC).

Each of the water quality data, the lake modeling and the ‘highly sensitive’ lake designation are accepted at face value and are considered to be correct and appropriate for Buck Lake. **As such, Section 5.2.10 (p.24) of the OP is satisfied and therefore a new lake impact assessment inclusive of lake modelling is not a required to fulfill the conditions of this EIA.**

### 3.0 SITE EVALUATION APPROACH:

The evaluation of this site for the potential to sever **one new** lot on Buck Lake (South Basin) was undertaken with a view to satisfy the requirements of the Township of South Frontenac OP (March 2003) and the Comprehensive Zoning By-Law 2003-75. This approach includes Best Management Practices (BMP) not only for the retained lot but also for the proposed new lot that are protective

of the shoreline buffer area, the lake riparian area, fish habitat and the water quality of Buck Lake (South Basin) as well as the protection of habitats for species at risk.

Accordingly, every effort has been made to address the following sections of the OP:

- 1) *Section 5.2 (Environmental Protection) (p.14) addresses development requirements for areas designated Environmental Protection; this designation applies to all wetlands, lakes and watercourses. This designation requires a 30 metre setback from lakes, fish habitat, and wetlands designated/identified as EP.*
- 2) *Section 5.2.7 (p.19) (Environmentally Sensitive Areas) .... includes all lands within 90 metres (295') of the high water mark of lakes and rivers....*  
*5.2.7 (a)(i) Council may permit development and site alterations within and adjacent to Environmentally Sensitive Areas ..... when an Environmental Impact Assessment .... indicates no negative impacts on natural features or the ecological functions occur.*
- 3) *5.2.7(a) (vii)(p.19) ....site plan control will be used where appropriate to implement remedial measures/mitigation measures identified by an Environmental Impact Assessment.*
- 4) *5.2.7 (b)(p.19) (Policies for Development and Site Alteration Adjacent to Lakes and Rivers) 5.2.7 (b)(i) 'All lands within 90 metres of the high water mark of all lakes and rivers which are not designated EP are included as Environmentally Sensitive Areas'. Vegetation in the setback area should be disturbed as little as possible consistent with pedestrian passage, safety, provision of views and ventilation.*
- 5) *5.2.7(b)(ii)1(p.20) On lots created subsequent to the approval of this plan and having steep slopes, minimal wood vegetation, thin soils and soils with poor phosphorus retention capability, setbacks of up to 90 metres (295') may be required. 2) On lots created subsequent to approval of this OP which have fewer constraints, reduced setbacks are permitted with an absolute minimum of 30 metres (98') for ideal sites.*
- 6) *5.2.7(b)(ii)4(p.20) Development and/or site alterations proposed within 30 metres (98') of the high water mark will require an Environmental Impact Assessment .....*
- 7) *Section 5.2.8 Lake Trout Lakes (p.22) All development or site alterations proposed within 30 metres of the high water mark will require the submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11. A Lake Impact Assessment prepared in accordance with Section 5.2.10 of this plan may also be required.*

*All development or site alterations on or adjacent to a sensitive lake trout lake will be subject to Site Plan Control.*

- 8) *Section 5.2.10 (p.24) (Lake Impact Assessments) This section indicates that development next to any waterbody has the potential to negatively impact on water quality and fisheries. A Lake Impact Assessment (LIA) must be prepared by a qualified individual in consultation with and to the satisfaction of the municipality and the Ministry of Environment.*
- 9) *Section 5.2.11 (p.24) (Environmental Impact Assessment) This section addresses any development or site alteration within or adjacent to any Environmentally Sensitive Area, Provincially Significant Wetland....., or within 300 metres of a sensitive lake trout lake, Council in consultation with the Conservation Authority, will require a preliminary Environmental Impact Assessment (PEIA). Should the municipality determine from the results of the preliminary assessment that a more detailed Environmental Impact Assessment (EIA) is required, it shall be prepared by a qualified individual and shall consist of the elements of Section 5.2.11 (a), (b), (c), (d), (e), and (f) of the OP (p24 &25).*

Likewise, every effort has been made to address the following sections of the Comprehensive Zoning By-Law 2003 - 75:

- 1) *5.8.2(p.30) .... no building or structure ..... or septic tank installation including the weeping tile field shall be located : 1. within a minimum distance of 30 metres (98.4') horizontal of the high water mark of a waterbody..... . Additional setbacks of up to a maximum of 90 metres (295.3') horizontal may be required .....*
- 2) *5.8.4(p.31) Natural vegetation buffers should be maintained within 30 metres (98.4') of the high water mark.*
- 3) *5.37.1(p.47) Environmentally Sensitive Lands identified on the schedules to this by-law include all lands that have ..... fish habitat, significant wildlife habitat, ....., all lands within 300 metres of the high water mark of highly sensitive lake trout lakes and 90 metres of the high water mark of any other waterbody, 50 metres from Areas of Natural and Scientific Interest and significant portions of the habitat of an endangered or threatened species, 30 metres from fish habitat, ..... . An Environmental Impact Assessment shall accompany all development or site alteration applications.*
- 4) *8.3.1 ZONE REGULATIONS (p.61) For Single detached or Seasonal Dwelling  
Minimum Lot Area - 10,000 m<sup>2</sup> (107,642 ft<sup>2</sup>)  
Minimum Water Frontage - 91 metres (300')  
Minimum Setback from the High Water Mark – 30 m (98.4')*

#### 4.0 SITE LOCATION:

The property is located on the east shoreline towards the south end of the south basin of Buck Lake. The legal description is Part Lot 25, Concession 13, reference plan # 13R6018; 179 Burnt Point Lane, District of Loughborough, Township of South Frontenac. To get to the property take

Perth Road to the Opinicon Road, then Maple Leaf Road, then Billy Green Road to 179 Burnt Point Lane. The property is indicated on the 1:50,000 topographic map (Westport 31/C9) and the Google Earth image (Figure 2 below). The property is zoned rural.

Buck Lake (South Basin) is a basin in the Cataraqui River Watershed and is downstream from the north basin of Buck Lake. Both are located on the Frontenac Axis portion of the Precambrian Shield. The majority of the watershed is forested but historically contained small homesteads with small plots of cleared land; there are active farming practices within the catchment for the South basin of Buck Lake. Most lakes in the area are developed with permanent and seasonal residences.

The majority of the shoreline of Buck Lake is developed; there were 15 permanent residences and 191 seasonal residences and 100% of the shoreline is patented lands (MOE/MNR Inland Lake Trout Management in Southeastern Ontario 1993). This is dated information for Buck Lake; the reality is that many conversions to permanent residences have occurred since the publication of the above report.

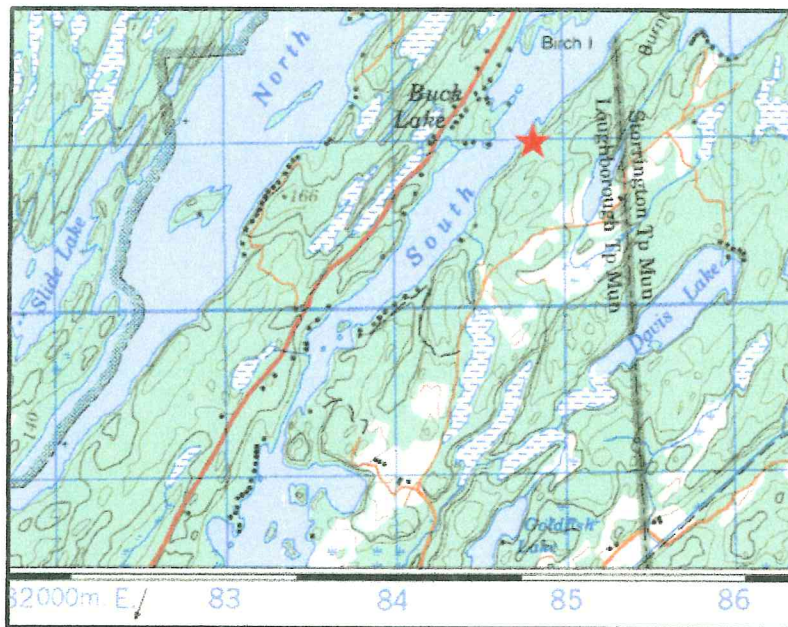


Figure 1

## 5.0 DESCRIPTION OF EXISTING LOT (PARCEL):

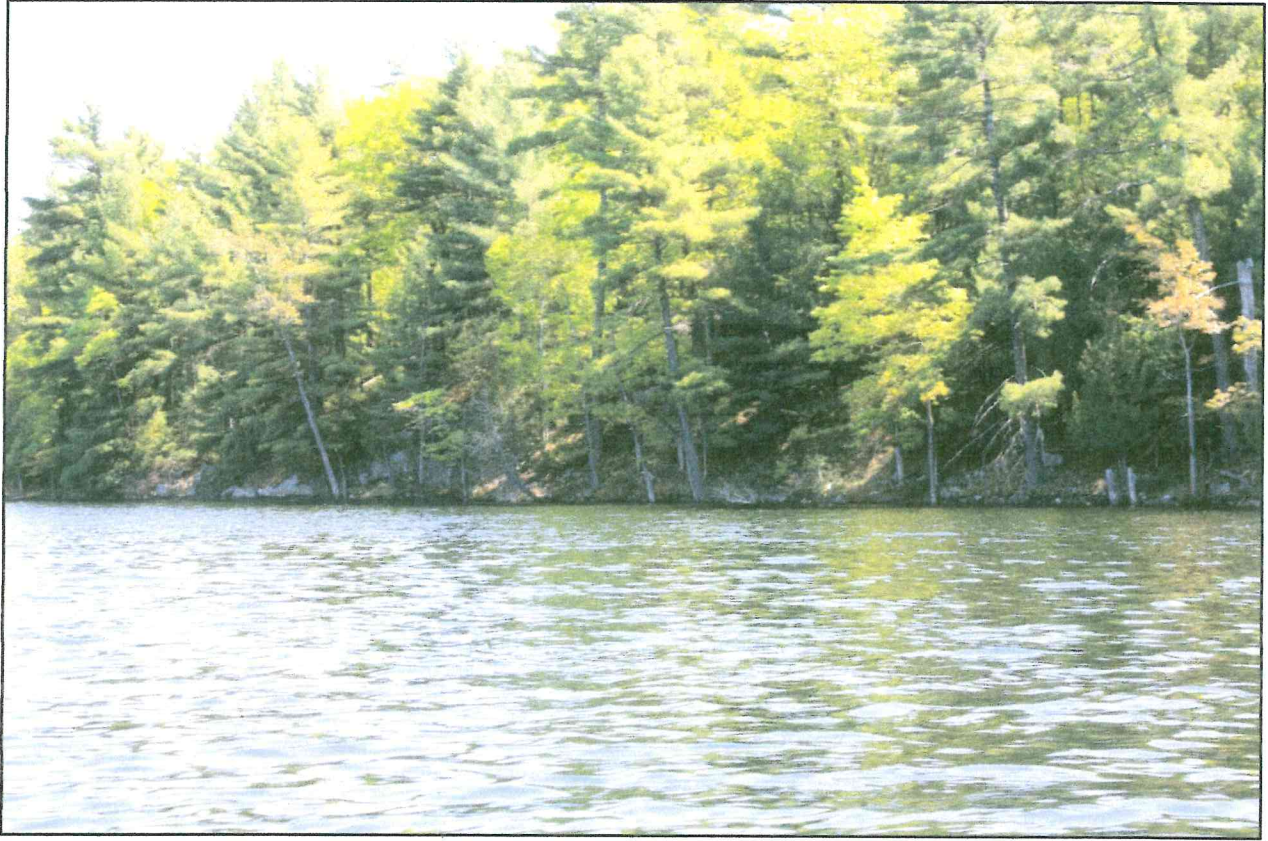
The existing lot is 11.8 ha± (29 ac±) in size (Figure 2 below). The property fronts on Buck Lake (South Basin) with the majority of the area of the property extending inland and easterly to Burnt Point Lane.



**Figure 2**

The shoreline fronting on Buck Lake is approximately  $457\pm$  m (1,500 ft) in length. Much of the shoreline rises quickly from the water and is mostly granite outcrop (see photograph 1, below). The water depths along this shoreline drop off quickly, roughly six metres of depth at six metres off shore; depths and shoreline substrates verified May 24, 2018, during in-water shoreline survey.

The interior is very rugged undulating terrain with bare rock outcrops interspersed with areas of deep soils in valley areas typical of Precambrian Shield areas on the Frontenac Axis. At this site a valley (depression) lays inland and parallels the lakeshore at a distance of  $>30$ m from the lake that has deep underlying soils in excess of 3m (10') in depth, soil depth confirmed September 26, 2017 during a site visit with Victor Castro (MOECC). The MOECC will consider approval of a new lot on at capacity lakes where it can be demonstrated that there is 3m of natural native parent material soils at the proposed site of the septic bed and in addition that there is a continuous soil mantle of the same depth in a down gradient direction to the lake for a distance of at least 15m; this site meets those conditions.



*Photograph 1 – May 24, 2018 OLA*

The property is well treed with a mixed deciduous forest containing white cedar (*Thuja occidentalis*), red oak (*Quercus velutina*), sugar maple (*Acer saccharum*), white birch (*Betula papyrifera*), ironwood (*Carpinus caroliniana*), basswood (*Tilia Americana*), shagbark hickory (*Carya ovata*), stripped maple (*Acer pensylvanicum*) and white pine (*Pinus strobes*). Juniper bush (*Juniperus horizontalis*) is located sporadically along the shoreline and interior along and over some rock outcrops.

## **6.0 WETLAND and ENVIRONMENTALLY SENSITIVE (ES) AREA**

There is an area just east of this property (east of Burnt Point Lane) that is indicated as wetland on Schedule A to the OP; it is the same area indicated as ES on Schedule B to the Comprehensive Zoning By-law; it is marked as ES-1 on Figures 2 and 3. The ES-1 area is beyond the property boundary and will not be adversely impacted as a result of development on the new proposed lot.

The site marked ES-2 (photograph 3 below) is included in the Comprehensive Zoning By-law, in addition there is an area marked ES-3 that is not identified in either document. The area indicated as ES-2 (Figures 2 and 3) is located in the eastern extent of the Rice property at a distance of > 200m from the proposed septic site and proposed building envelope; this ES area will in no way be impacted by development on the proposed new lot. The area indicated as ES-3, (Figures 2 and 3; photograph 2 below), sits behind a rock ridge from the proposed development and will be >30m

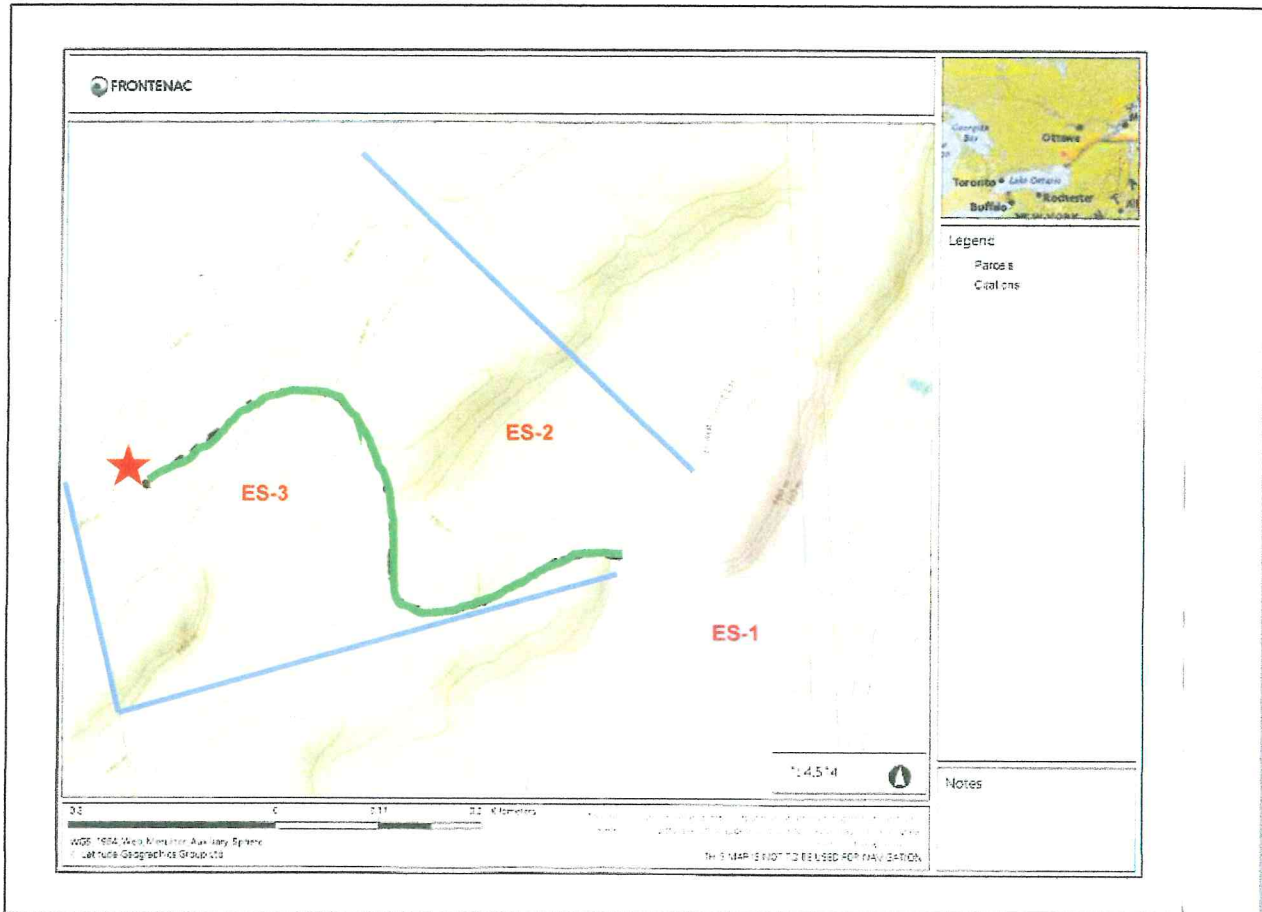
from the proposed building envelope; the proposed entrance driveway will not cross or interfere with either the ES2 or the ES-3 areas; it is marked in green on Figure 3.



*Photograph 2 - ES-3 Area (June 21, 2018)*



*Photograph 3 - ES-2 Area (June 21, 2018)*



**Figure 3- Proposed Driveway Access to Building Envelope (marked in green)**

None of the above areas indicated as ES are classified as evaluated wetlands. Correspondence from MNR related to this matter can be found in Appendix 2 (July 17, 2018).

## 7.0 SPECIES AT RISK / THREATENED OR ENDANGERED SPECIES

This property shares a lakefront that also has shoreline fronting on Frontenac Provincial Park in the north basin of Buck Lake. Frontenac Provincial Park is a threshold wilderness park included in the United Nations Educational, Scientific and Cultural Organization (UNESCO) designated Thousand Islands-Frontenac Arch Biosphere Reserve. This UNESCO designated area also includes the Thousand Islands National Park and extends into Adirondack State Park in New York State. The UNESCO designation applies to all lands, both public and private, in the geographic area known as the Frontenac Arch and includes this property.

Three threatened species of turtles and eastern rat snakes are found within the park and locally and are considered to be Species at Risk (SAR). Eastern Rat Snakes (*Elaphe obsoleta obsoleta*), northern map turtles (*Graptemys geographica*), common musk turtles (*Stenotherus odoratus*), and Blanding's Turtles (*Emydoidea blandingii*) as well as many other species are common.

In order to address these concerns, the author has communicated with Dr. Gabriel Blouin-Demers, Professor at Ottawa University and Dr. Patrick Weatherhead with the University of Illinois

Ecology and Evolutionary Biology Program; both persons have completed studies on these species in eastern Ontario. In addition, staffs from MNRF, Catherine Warren and Lisa Solomon were contacted for guidance in dealing with species at risk for this application and also for clarification on issuing Benefits Permits (see Appendix 2).

### 7.1 Eastern (Gray) Rat Snakes (*Elaphe obsoleta obsoleta*)

Eastern (gray) rat snakes are common from New England to the southern states; in Ontario the species occurs in only two locations, north of lake Erie and in the area of the Frontenac Axis, roughly Westport (Bobs and Crow Lake area, Wolfe and Big Rideau Lake area to Gananoque and Athens area (Gananoque and Charleston Lakes). Eastern rat snakes are tree-climbing constrictors that prey on birds and small rodents. This large and docile snake is subject to human persecution due to ignorance; it is protected under Ontario's Fish and Game Act. This snake is common in the U.S. and receives no special status. One of the key measures identified for protection of this species is the identification and protection of hibernacula (information from [www.rom.on.ca/ontario/risk](http://www.rom.on.ca/ontario/risk)). Dr. Blouin-Demers indicates that rat snake hibernacula are difficult to find. In his 15-year experience the only way to know for sure is to equip snakes with radio transmitters and follow them to hibernacula sites. The snakes are known to use the same sites year after year. Dr. Weatherhead also confirmed the need to use telemetry to follow snakes to hibernation sites. Hibernation sites are anywhere a dry cavity can be located below frost level.

Dr. Weatherhead did indicate that the probability of a cottage being placed on a hibernaculum is **very remote** because the density of hibernacula is so low. He has made a very proactive and practical suggestion as a mitigative measure to protect the snakes during the construction phase. Excavation and building should only be permitted during the period June 1<sup>st</sup> to September 30<sup>th</sup> when snakes have left their hibernaculum in Eastern Ontario.

This property, both the retained and the proposed parcel to be severed, contains prime habitat for eastern rat snakes. There is lots of woody debris (deadfalls) that provide nesting sites for egg laying and much of the granite ridges have broken rock rubble along their bases that could provide entry points for hibernacula as well as the 'edge effect' created by the ES-2 wetland boundary.

A gray rat snake was observed May 16, 2018 (photograph 4 below) and reported to the MNRF Natural Heritage Information Centre (NHIC) on May 22, 2018.

There is no evidence of possible hibernaculum sites in the proposed building envelope located at a distance of 45m+ from the lake nor in the selected site for the septic bed a distance of 36-38m ± from the lake (laser range finder). There is however a large granite ridge with much broken rock and fissures at 30m distance both southwest of and northeast of the proposed building envelope (photographs 5 and 6 below) that could contain access to caverns that are below frost line and could serve as hibernaculas for this species.

A survey of the proposed driveway route from Burnt Point Lane to the building envelope was conducted on July 27, 2018 to ensure the route avoided both the ES areas and any potential areas

where hibernacula sites would be most probable. The route was flagged and is indicated in green on Figure 3.



*Photograph 4 – Gray Rat Snake crossing Billy Green Road May 16, 2018*



*Photograph 5 – Broken Rock Area 30 m Northeast of Building Envelope (May 16, 2018)*



*Photograph 6- Broken Rock Area – 30m Southwest of Building Envelope (May 16, 2018)*

Construction at the site of the proposed building envelope and septic envelope as well as the defined/flagged footprint of the proposed driveway will not destroy critical habitat for gray rat snakes. However, since this area is located in prime habitat for this species a Benefit Permit will be required at the time of the construction of the laneway, residence and septic system. The terms and conditions of the Benefit Permit will be determined by MNRF; it may be as easy as building and installing nesting boxes for rat snakes and locating them on the south facing slopes of the ES-2 area. For correspondence with MNRF staffs on this matter see Appendix 2 (June 15 and 20, 2018).

## **7.2 Common Musk Turtles (Stinkpot Turtles)**

The common musk turtle or stinkpot turtle has a range over much of eastern North America from the Gulf of Mexico to Ontario. In Ontario it is largely associated with the sedimentary bedrock area south of the Precambrian Shield. It prefers shallow slow moving water typically associated with marshes and wetlands. Musk turtles do not bask in the sun on land; instead they bask at the water surface. Musk turtles are protected in Ontario under the Fish and Wildlife Conservation Act. Threats to this species include habitat loss and collisions with boat propellers (information from [www.rom.on.ca/ontario/risk](http://www.rom.on.ca/ontario/risk)). Dr. Blouin-Demers believes that the issue of boat collisions with basking musk and Blanding's turtles is not an issue because of their preference for marshy wetland areas.

**There is no habitat on the proposed lot for stinkpot turtles.**

### **7.3 Blanding's Turtle**

Blanding's turtle range is from southwest Quebec to southwestern Ontario through the Great Lakes Region west to Iowa and South Dakota and Missouri plus scattered locals in the New England states. This species is found in lakes, ponds, and marshes with productive eutrophic habitats with soft organic bottoms and abundant aquatic vegetation. Blanding's turtles often travel inland considerable distances to lay eggs; this results in significant mortality to turtles in high-density road network areas.

Wetland alteration or destruction is believed to be an important factor in the decline of several populations of Blanding's turtles. The pet trade industry has also been identified as responsible for declines in Blanding's and map turtle populations. Dr. Blouin-Demers believes that the issue of boat collisions with basking musk and Blanding's turtles is not an issue because of their preference for marshy wetland areas.

**Blanding's turtles may frequent the forested areas of the property but the development activity associated with this proposal will not impact vital habitat for this species.**

### **7.4 Northern Map Turtles**

The northern map turtle ranges from the Great Lakes down the Mississippi River to Louisiana and east to the Appalachian and Adirondack Mountain barriers. It also occurs in Ontario from Georgian Bay south to Lake Ontario and down the St. Lawrence to the Montreal area. The northern map turtle is not well studied and there is not much evidence to support the position that there has been any decline. Population declines have been documented in southwestern Ontario where up to 70 % of wetlands have been drained.

Map turtles are more of a lake dwelling species that is extremely wary and will dive at the slightest provocation (information from [www.rom.on.ca/ontario/risk](http://www.rom.on.ca/ontario/risk)). Despite this behavior Dr. Blouin-Demers reports that on the Rideau and St. Lawrence River many map turtles are injured or wounded by boat propellers. These waterways experience heavy boat traffic and fast boats and PWCs. Map turtles in Ontario are protected under the Fish and Wildlife Conservation Act.

Several map turtles were observed basking on rocks near to the existing dock on the proposed retained portion on May 24, 2018 (see photograph 7 below). Several photos of these turtles and this basking site were reported on June 11, 2018 to the MNRF Natural Heritage Information Centre (NHIC).

This basking site and the point of land to which it is attached will be part of the retained parcel and there will be no change in landuse or activities near the basking site as a result. There is no aspect of this proposal that will impact this species.



*Photograph 7 – Northern Map Turtles – Basking Rock (May 24, 2018)*

## 8.0 FISH HABITAT

The shoreline in front of and adjacent to the proposed new lot and retained lot was examined from the water May 24<sup>th</sup>, 2018; some portions of the shoreline were determined to be habitat that would be considered Type 1 or Type 2 fish habitat by the MNRF.

Type 1 fish habitats are considered by MNRF to be critical to the overall productive capacity of the fishery. It includes: spawning areas for species with stringent spawning requirements (e.g. coarse rock rubble and boulder size substrate for lake trout spawning shoals; small coarse sand and gravel substrates for bass and centrachidae to spawn); essential rearing and nursery areas for young fish and forage species; very productive feeding areas such as macrophyte beds; refuges (e.g. young-of-year small mouth bass require rocky areas in which to hide to avoid predation); plus many others.

Type 2 fish habitat while still important is not a limiting factor to the overall productive capacity. Type 2 fish habitat includes feeding areas for large fish; cool shelter and shaded refuge areas; plus others.

For Buck Lake (South Basin), of particular interest is the need to protect lake trout near-shore spawning shoals from alteration or harm as a result of dock placement and other human intrusions at the shoreline etc. Lake trout spawning shoals are usually shallow (< 1.0m depth) bolder shoals

and near-shore sites that are exposed to high energy wave wash. Additionally, pea gravel spawning substrate for large and smallmouth bass and near-shore nursery habitat could be of significance.

The entire in-water shoreline was examined and photographed on May 24, 2018. Much of the documentation of that site visit is recorded on the photographs that follow. The majority of the shoreline drops off relatively quickly into deep water (6-8m) within 6-8 metres from shore.

There is one Type 1 habitat location where suitable substrate and site conditions exist for potential lake trout spawning use; this is not likely a prime site but is worthy of documentation. (Figure 4 below). Lake trout spawning shoals typically are found near points of land on downwind shorelines in high energy wave wash zones. The location is marked on Figure 4 with 1\*.

There is some suitable habitat for small and largemouth bass spawning in the small bay fronting the proposed retained portion. Eight bass redds were located that were presently active or were used this spring.

Much of the Type 2 habitats identified in Figure 4 are characterized by aquatic vascular plants dominated by emergent grasses. Both provide nursery habitat for bass and centrachid species; many small fish were observed in the grasses and the accumulated woody debris.

The littoral zone area at the site of the proposed water access for the proposed new lot has a soft organic substrate. It is an accumulation zone here that provides a substrate that encourages a healthy growth of submergent and emergent vascular plant growth (see Photographs 2 and 3 below). Many small centrachidae and minnows were observed here as well as an adult bass. Similar conditions are also located at the mouth of the creek that outlets to the lake near the southern boundary of the property.

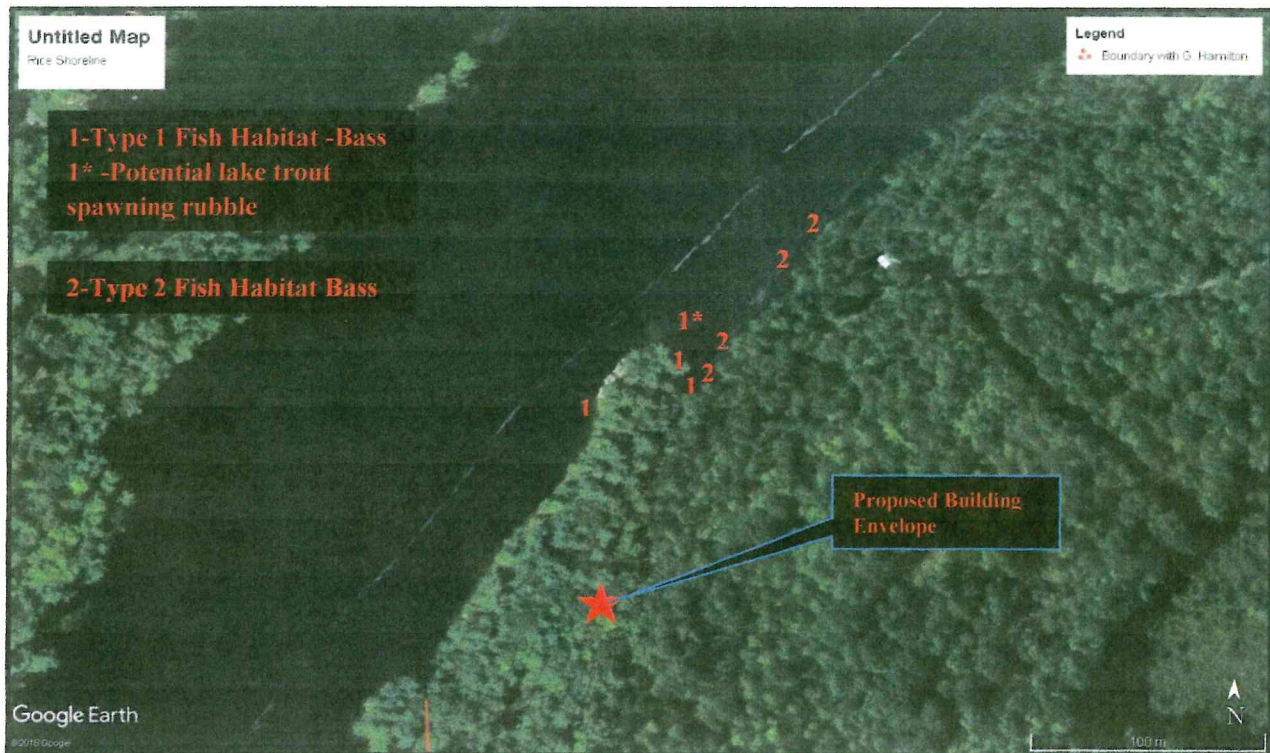


Figure 4

## 9.0 PROPOSED LOT TO BE SEVERED

The parcel to be severed will have approximately 182.9m ± (600ft) of shoreline on the lake and will be approximately 2.83 ha (7.0 ac) in size with road frontage on Burnt Point Lane. Much of the shorefront rises sharply from the water and makes for difficult water access.

The proposed building envelope is located at a distance of approximately 45m from the lake; the proposed septic (weeping bed) envelope lays in a depression between the building envelope and the lake at a distance of 36 to 38m from the lake.

The shoreline at this location rises with a slope of about 60% for the first 10m inland from shore (see photograph 8 below) and then declines into a depression where the septic envelope is to be located. Soil depths in this foreslope area are generally shallow (< 25cm) with broken rock rubble at the surface however the backslope area has three metres of soil depth.

The foreslope area is considered to be undisturbed forest and is very well treed at present with lots of dead woody debris on the forest floor. Section 5.2.7b)(iii) of the OP references the 'Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies' for guidance in determining setback distances for development. Using that scoring methodology the setback for development should be 50m from the waterfront for the building envelope and the septic bed.



*Photograph 8 – Shoreline of Proposed New Lot*



*Photograph 9 – Native Soil Depth of 3m Confirmed at Septic Envelope Site (September 26, 2017)*

That scoring works well for the foreslope area but it does not take into consideration the backslope location of the septic bed or the soil chemistry, specifically the iron and aluminum content. The location for the septic bed and test hole depths were examined by Victor Castro during a site visit (September 26, 2017); soil samples were collected and prepared for shipment to Caduceon Environmental Labs for analysis.

#### **10.0 SOIL CHEMISTRY and PROPOSED SEPTIC LOCATION:**

Discussions began with Victor Castro (MOECC) in the fall of 2016 to determine the requirements of the Ministry to create a new lot on Buck Lake. It was explained that the only circumstance where a new lot could be created was essentially a total containment of nutrients originating from the septic bed. To satisfy this request the native parent soils would have to have:

- 1)  $\geq 1\%$  of both Al and Fe and also be acidic;
- 2) three metres of native parent material soil depth below the septic bed;
- 3) and three metres depth of native parent materials in a downslope gradient for a distance of 15 metres from the proposed septic bed location and
- 4) 1.5 m of parent material above the saturated zone (water table)\*.

\*The above are delineated in the Lakeshore Capacity Assessment Handbook May 2010 p. 38 and 39.

To satisfy these requirements soil samples were collected from the 'B' soil horizon at about 1.0 metre depth from test hole (Site 1) on September 15, 2017 and submitted to Caduceon

Environmental Laboratories (see Appendix 3 for test results). The soil results show aluminum levels to be 10000 ug/g (1% by weight), iron levels to be 16800 ug/g (1.68% by weight) and calcium levels to be very low at 3320 ug/g (0.3% by weight). The very low calcium concentrations are indicative of acidic soils and the aluminum and iron concentrations are favourable and therefore satisfy requirement #1 above. Appendix 2 contains correspondence with MOECC around the analytical requirements (September & November 2017).

In order to satisfy requirements #2, #3 and #4 above, Victor Castro agreed to meet on site to examine the two test holes, one at the proposed septic location (site 1) and one down gradient at a distance of 15m; this was completed on September 26, 2017. It should be noted that two additional test holes were excavated at a greater distance from the lake but much closer to the ES-3 area. These test holes also satisfied requirements 1, 2, and 3 above but filled half full of water within 48 hours of being dug and were full of water in the spring, as such these sites were abandoned.

The excavation at site 1, confirmed >3.0m of soil depth; the surface 0.5m was brown forest mineral soil containing lots of decomposed organics; the depths below that consisted of a rusty brown-gray coloured clay; there were very few rocks (photograph 9). The presence of the clay soils at depth will necessitate the need for a raised filter-bed. In addition, the excavation to a depth of 3.0m did not intercept any water and the excavation remained dry after a 48 hour period; a re-examination in the spring (May 16, 2018) found both excavations to continue to be dry.

This site is in a backslope area 36-38m horizontal distance from the lake; the parent material soil chemistry is known to bind phosphorus in perpetuity. The heavy clay parent soils present at depth are also known to remove nutrients.

**The site conditions for the septic satisfies all the requirements of MOECC and the KFLAHU for approval of this lot.**

## **11.0 SUMMARY:**

**This proposal and this site are unique and therefore not to be considered precedent setting for the following reasons:**

- 1) The proposed lot size is large (2.83 ha<sup>±</sup>) (7 acres).**
- 2) The proposed lake frontage is large (183m <sup>±</sup>).**
- 3) The lake frontage cannot be further divided.**
- 4) The septic location is in a back-slope area > 30 m from the lake.**
- 5) The building envelope is > 45 m from the lake.**
- 6) The septic location has >3m depth of soil parent materials.**
- 7) The parent soils are high in Al and Fe and are acidic and therefore bind nutrients and meet all the requirements of MOECC for highly sensitive at capacity lakes.**
- 8) The water table is >3 metres below the surface at the proposed septic bed location.**
- 9) The septic system will be a Class IV system with a raised bed and will meet all the requirements of the KFLAHU.**

- 10) The proposed building envelope will not interfere with the geologic formations nearby that could be rat snake habitat.
- 11) Sensitive fish habitat identified will remain with the retained portion; the shoreline fronting the proposed new lot does not contain Type 1 or Type 2 fish habitat.
- 12) There are no species at risk issues with respect to the building envelope, the septic location, the proposed driveway construction/location or the waterfront access.
- 13) A SAR Benefit Permit for gray rat snakes will have to be acquired at the time of construction for both the driveway and the residence.

## 12.0 RECOMMENDATIONS:

1. The lot should be approved conditional upon proceeding by way of Site Plan Control.
2. The septic envelope (weeping bed) and the building envelope should be surveyed and their locations indicated as a condition of approval.
3. The setback for the residence should be 45m $\pm$  horizontal distance from the water.
4. The septic tank must be located in the back-slope area near the building envelope; the septic bed must be located at the site of the test excavation; 36-38m from the lake.
5. Access to the water must be by way of a floating dock; final permits for location and shoreline alteration to be arranged with the CRCA.
6. The natural trees/vegetation in the 30m setback must be maintained in a natural state; allowing for minor trimming and clearing to create a view and ventilation.
7. No maintained 'lawn' area is to be permitted within the 30m setback distance.
8. Best Management Practices to be used for the duration of the construction period to contain sediment and debris on site; e.g. staked hay bales across the downslope from the septic bed until a sod is established.
9. No grading or construction / excavating / landscaping can be undertaken beyond the building envelope, particularly in the areas depicted in photos #5 and 6.
10. The location of the entrance driveway must be surveyed and identified and included in the Site Plan Control document as a condition of approval.
11. A SAR Benefit Permit from MNRF for gray rat snakes will have to be acquired at the time of construction for both the driveway and the residence.

Prepared By:



Reginald E. Genge (Hons. B.Sc.)

Principal

Ontario Lake Assessments

Environmental Consulting

[rgenge@xplor.net.ca](mailto:rgenge@xplor.net.ca)

613-305-3863

## **APPENDIX 1**

- **Lake Partner Program (MOECC) Phosphorus Data**

## MOECC LAKE PARTNER PROGRAM PHOSPHORUS DATA

### BUCK LAKE (STN 6186, Site ID 10)

#### S Bay, S of Narrows

The Lake Partner Program is a province-wide, volunteer-based, water-quality monitoring program. Volunteers collect total phosphorus samples and make monthly water clarity observations on their lakes. This information will allow the early detection of changes in the nutrient status and/or the water clarity of the lake due to the impacts of shoreline development, climate change and other stresses.

Approximately 800 active volunteers monitor Secchi depth and total phosphorus at 728 locations in the lakes across Ontario.

Total phosphorus concentration are ideally used to interpret nutrient status in Ontario lakes, since phosphorus is the element that controls the growth of algae in most Ontario lakes. Increases in phosphorus will decrease water clarity by stimulating algal growth. In extreme cases, algal blooms will affect the aesthetics of the lake and/or cause taste and odour problems in the water.

Many limnologists place lakes into three broad categories with respect to nutrient status. Lakes with less than 10 µg/L TP are considered oligotrophic. These are dilute, unproductive lakes that rarely experience nuisance algal blooms. Lakes with TP between 10 and 20 µg/L are termed mesotrophic and are in the middle with respect to trophic status. These lakes show a broad range of characteristics and can be clear and unproductive at the bottom end of the scale or susceptible to moderate algal blooms at concentration near 20 µg/L. Lakes over 20 µg/L are classed as eutrophic and may exhibit persistent, nuisance algal blooms.

Note: Tea stained lakes, with high dissolved organic carbon (DOC), are called dystrophic lakes and do not share the algal/TP relationships described above. Generally there can be more TP in a dystrophic lake without the occurrence of algal blooms. The chemistry of these lakes is quite complex.

#### Average Total Phosphorus (TP) Concentration (µg/L)

Date	Sample 1 (µg/L)	Sample 2 (µg/L)	Average (µg/L)
2015-07-08	11.2	12.2	11.7
2015-08-03	11.2	11.2	11.2
2015-09-05	10	9.6	9.8
2015-10-04	9.2	8.8	9
2016-05-03	10.4	10	10.2
2016-06-13	12	11	11.5
2016-07-12	11.2	9.6	10.4
2016-08-09	10.4	11.2	10.8
2016-09-18	10.8	10.4	10.6
2016-10-07	10.4	9.6	10

**BUCK LAKE (STN 6186, Site ID 9) E of Burnt Point-S Bay**

**Average Total Phosphorus (TP) Concentration (µg/L)**

Date	Sample 1 (µg/L)	Sample 2 (µg/L)	Average (µg/L)
2012-05-06	9.2	9.4	9.3

Updated: June 28, 2018

**BUCK LAKE (STN 6186, Site ID 3) S Bay, Porcupine Is.**

**Average Total Phosphorus (TP) Concentration (µg/L)**

Date	Sample 1 (µg/L)	Sample 2 (µg/L)	Average (µg/L)
2002-05-04	12.6	24.5	18.55
2002-06-01	11.5	21.7	16.6
2002-06-29	29.2	12.5	20.85
2002-07-12	12.4	16.8	14.6
2002-07-26	28.9	37.8	33.35
2002-08-09	11.1	10.4	10.75
2003-05-03	9.8	14.2	12
2003-06-14	8.8	16.5	12.65
2003-06-29	10.7	11.2	10.95
2003-07-27	10.3	8.4	9.35
2003-08-01	8	8	8
2003-10-04	9.8	9	9.4
2004-05-28	9.7	8.34	9.02
2004-06-12	9	9.36	9.18
2004-07-10	13.86	16.18	15.02
2004-07-29	7.69	7.59	7.64
2004-10-02	10.2	10.8	10.5
2005-07-29	7.3	7.6	7.45
2005-08-20	7.1	8.2	7.65
2005-09-29	7.7	12.4	10.05

Updated: June 28, 2018

**BUCK LAKE (STN 6186, Site ID 5) - N/E end, deep spot**

**Average Total Phosphorus (TP) Concentration (µg/L)**

Date	Sample 1 (µg/L)	Sample 2 (µg/L)	Average (µg/L)
2005-05-24	10.4	10.78	10.59

Updated: June 28, 2018

**BUCK LAKE (STN 6186, Site ID 11) - N/E end, deep spot E. Buck Is.**

**Average Total Phosphorus (TP) Concentration (µg/L)**

Date	Sample 1 (µg/L)	Sample 2 (µg/L)	Average (µg/L)
2016-05-16	7.6	7.8	7.7
2016-06-14	7.6	7.2	7.4
2016-07-14	7.2	7.2	7.2
2016-08-18	5.8	6	5.9
2016-09-16	6	5.6	5.8
2016-10-14	6	6.2	6.1

Updated: June 28, 2018

## **APPENDIX 2**

- **Communications Between MNRF and OLA  
Regarding SAR and Benefit Permits**
- **Communications Between MOEE and OLA  
Regarding Soil Geophysical and Chemical Characteristics**

## Reg Genge

---

**From:** Solomon, Lisa (MNRF) <lisa.solomon@ontario.ca>  
**Sent:** July-17-18 1:10 PM  
**To:** Reg Genge  
**Subject:** RE: RE: Severance application S-59-18-S; Part Lot 25, Concession 13, 179 Burnt Point Lane, South Frontenac Township.

Hi Reg,

No, these wetland has never been evaluated. We don't have locally significant wetlands as part of OWES. It's either PSW or it's not. You would have to ask the municipality why these are designated EP/ ES lands.

Hope this helps.

Lisa

---

**From:** Reg Genge [mailto:rgenge@xplornet.ca]  
**Sent:** July 17, 2018 1:03 PM  
**To:** Solomon, Lisa (MNRF)  
**Subject:** RE: RE: Severance application S-59-18-S; Part Lot 25, Concession 13, 179 Burnt Point Lane, South Frontenac Township.

Lisa:

Since there are other wetlands in the area that are classified as PSWs my guess is that this wetland has been evaluated but does not carry with it the importance to be part of a PSW Wetland Complex. None-the-less they are present and indicated as either EP or ES on the schedules and still need to be protected.

All I was looking to do here is get the terminology correct. The term 'significant' can be interpreted many different ways. I didn't want to get before the OMB at some point and find out that my interpretation was wrong. In this case the property will be large enough and the setback distance for the building envelope from the wetland is great enough to satisfy the requirements of the OP and Zoning By-law.

Thank you.

Reg

---

**From:** Solomon, Lisa (MNRF) [mailto:lisa.solomon@ontario.ca]  
**Sent:** July-17-18 12:38 PM  
**To:** Reg Genge <rgenge@xplornet.ca>  
**Subject:** RE: RE: Severance application S-59-18-S; Part Lot 25, Concession 13, 179 Burnt Point Lane, South Frontenac Township.

Hi Reg,

These wetlands have not been evaluated.

Lisa

**From:** Reg Genge [<mailto:rgenge@xplornet.ca>]

**Sent:** July 17, 2018 11:15 AM

**To:** Solomon, Lisa (MNR)

**Subject:** FW: RE: Severance application S-59-18-S; Part Lot 25, Concession 13, 179 Burnt Point Lane, South Frontenac Township.

Hi Lisa:

I was just speaking with Mr. Margetson and he asked me to forward the request below to you.

Cheers,

Reg

**From:** Reg Genge [<mailto:rgenge@xplornet.ca>]

**Sent:** July-17-18 11:02 AM

**To:** Monique Charette (OMNR&F) <[monique.charette@ontario.ca](mailto:monique.charette@ontario.ca)>

**Cc:** Schmidt Andrew ([aschmidt@crca.ca](mailto:aschmidt@crca.ca)) <[aschmidt@crca.ca](mailto:aschmidt@crca.ca)>; Jennie Kapusta <[jkapusta@southfrontenac.net](mailto:jkapusta@southfrontenac.net)>

**Subject:** RE: Severance application S-59-18-S; Part Lot 25, Concession 13, 179 Burnt Point Lane, South Frontenac Township.

Hi Monique:

I am working on an EIA for a severance on Buck Lake (South Basin). In response to a letter from the CRCA to SFT regarding the application, I asked a question of Andrew Schmidt regarding the characterization of a wetland area as being classified as 'locally significant'. Andrew's reply is in red below.

On page 1 of your letter you reference a 'locally significant wetland feature' being located on the property. I cannot find any reference that supports the classification of this ES feature as being locally significant. It would be appreciated if you could provide me a reference for that evaluation. **I would suggest speaking with MNR about this since our mapping layers come from them and they should have the original evaluation in their records.**

I have attached two graphics to help locate the site. The area marked ES-1 (Environmentally Sensitive) is taken from Schedule 'B' of the SFT Zoning By-law; it is also identified as EP (Environmental Protection) on Schedule 'A' to the OP. It (the area marked ES-1) is not even on the property to be severed; it lays east of the Burnt Point Road and both north and south of the Billy Green Road. The area marked ES-2 does not show up on either the schedules to the OP or the Zoning By-law. The area marked ES-2 is however partially on the proposed parcel to be severed. I have surveyed this site, it is wet during the spring freshet period and is dry the balance of the year; dominated by wetland grass species and alder growth. The star indicated on the graphics mark the area of the proposed building envelope.

I suspect that the ES-1 sites as marked may be classified as locally significant but need some documentation that supports that classification.

Thank you for your assistance.

Regards,

Reg

Reginald E. Genge B.Sc.

## Reg Genge

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**From:** Warren, Catherine (MNRF) <Catherine.Warren@ontario.ca>  
**Sent:** June-20-18 3:07 PM  
**To:** Reg Genge  
**Cc:** Mills Lindsay; Jennie Kapusta ; Solomon, Lisa (MNRF)  
**Subject:** RE: Benefit Permit

Hello Reg,

Thanks very much for the information about this proposed severance. Regarding any potential benefit permits, the short answer is they would be negotiated just prior to when/if the building project that may affect species at risk occurs.

It is a good question because the "development" as defined by the PPS is occurring at the lot creation stage. So 2.1.7 of the PPS is relevant to this discussion, however the provincial requirements in this case are for when the species in question will be impacted (so at the building stage). It makes the most sense to assess the impacts to the species and habitat closer to the building stage so that you can have an up-to-date understanding of which species and habitats will be affected. Species locations and habitat conditions can change over time.

Please let me know if you have any questions about this.

All the best,  
Catherine

**From:** Reg Genge [mailto:rgenge@xplornet.ca]  
**Sent:** June 15, 2018 12:22 PM  
**To:** Warren, Catherine (MNRF) <Catherine.Warren@ontario.ca>  
**Cc:** Mills Lindsay <lmills@southfrontenac.net>; Jennie Kapusta <jkapusta@southfrontenac.net>; Solomon, Lisa (MNRF) <lisa.solomon@ontario.ca>  
**Subject:** Benefit Permit

Hi Catherine Warren (MNRF):

I am conducting an EIA for a proposed severance on Buck Lake (South Basin), South Frontenac Township. Buck Lake is an **at capacity designated lake**, managed for lake trout; it is recognised as such in the OP and Zoning By-law. There are however provisions in both documents that allow for creation of a new lot if certain soils/geophysical conditions are present on site. The geophysical conditions are specified by MOECC.

Victor Castro, from MOECC, has been on site with me and confirmed the soils/geophysical conditions are satisfactory for locating a septic bed. In addition, a building envelope for the residence must be identified and designated using Site Plan Control. There are rat snakes regionally and locally; I have reported them to the NHIC. A building envelope has been identified where there is the least potential to impact rat snake habitat.

My question is, 'At what stage in the planning process is a Benefits Permit required'? This property owner is trying to satisfy a future family legacy by having a lot for each of his two children. The newly created lot will not likely have a building on site for a long period of time. Is the Benefit Permit required at the lot creation stage (essentially a paper exercise) or is it required at the building permit stage which may come years later when actual disturbance of the site

occurs? If the Benefit Permit is required at the lot creation stage does it become a condition of approval and who determines whether the conditions of the Benefit Permit have been met?

If you can clarify these questions it would be helpful.

Regards,

Reg

Reginald E. Genge B.Sc.  
Ontario Lake Assessments Environmental Consulting  
3654 Stage Coach Road,  
RR # 3 HARROWSMITH, Ontario  
K0H 1V0  
613-305-3863 Cell  
[rgenge@xplornet.ca](mailto:rgenge@xplornet.ca)

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## Reg Genge

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**From:** Castro, Victor (MOECC) <Victor.Castro@ontario.ca>  
**Sent:** November-22-17 10:07 AM  
**To:** Reg Genge (rgenge@xplornet.ca)  
**Subject:** FW: Carbonate analysis in soil

Fyi – see graph. I am looking for paper this came from.

---

**From:** William Robertson [mailto:wrobertson@uwaterloo.ca]  
**Sent:** September 12, 2017 3:28 PM  
**To:** Castro, Victor (MOECC)  
**Subject:** Re: Carbonate analysis in soil

Victor,  
Yes, that's the one.

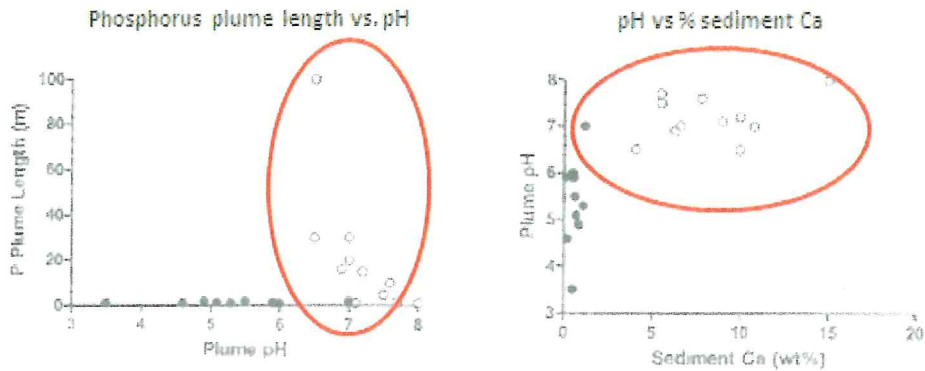
Will

---

**From:** Castro, Victor (MOECC) <[Victor.Castro@ontario.ca](mailto:Victor.Castro@ontario.ca)>  
**Sent:** Tuesday, September 12, 2017 2:41 PM  
**To:** William Robertson  
**Subject:** RE: Carbonate analysis in soil

Is it this slide?

# Phosphorus Plumes Downgradient of Septic Systems



(Robertson et al. 2016)

Western Engineering

---

**From:** William Robertson [<mailto:wrobertson@uwaterloo.ca>]  
**Sent:** September 12, 2017 2:09 PM  
**To:** Castro, Victor (MOECC)  
**Subject:** Re: Carbonate analysis in soil

Victor,

They don't do carbonate, but the Ca value tells you everything you need to know; acidic soils will have Ca < 2%. In our septic review report for Heather B.B. (23 sites) we have scatter plots of Ca vs pH and Ca vs P plume length, etc. I can forward those plots if interested.

Will

---

**From:** Castro, Victor (MOECC) <[Victor.Castro@ontario.ca](mailto:Victor.Castro@ontario.ca)>  
**Sent:** Tuesday, September 12, 2017 2:01 PM  
**To:** William Robertson  
**Subject:** RE: Carbonate analysis in soil

Thanks Will,

Does this lab also perform a total carbonate analysis for the purposes of determining whether a soil is acidic (<1% total carbonate)?

Victor

---

**From:** William Robertson [<mailto:wrobertson@uwaterloo.ca>]  
**Sent:** September 12, 2017 1:54 PM

**To:** Castro, Victor (MOECC)

**Subject:** Re: Carbonate analysis in soil

Victor,

I would recommend Activation Labs in Dundas; their aqua regia leach (acid leach) for cations. That's what we use; gives acid leachable Ca, Fe, and Al and other cations (and the assay is inexpensive).

Will

---

**From:** Castro, Victor (MOECC) <[Victor.Castro@ontario.ca](mailto:Victor.Castro@ontario.ca)>

**Sent:** Monday, September 11, 2017 11:43 AM

**To:** William Robertson

**Subject:** Carbonate analysis in soil

Hi Will,

It has been a while since we spoke. Hope all is well.

Could I please bother you for the name of an accredited lab in Ontario that does the CaCO<sub>3</sub> (equivalent by weight) analysis and the acid-extractable concentrations of iron and aluminum in soils. I have a consultant in the Kingston area that would like to test for these parameters on some local lake shorelines.

Regards

Victor Castro

Senior Aquatic Scientist

Technical Support Section

Eastern Region MOECC

## Reg Genge

---

**From:** Castro, Victor (MOECC) <Victor.Castro@ontario.ca>  
**Sent:** September-28-17 3:37 PM  
**To:** Reg Genge  
**Cc:** Rice Rob; Jennie Kapusta ; Mills Lindsay  
**Subject:** RE: Site Visit 179 Burnt Point Lane

Hi Reg,

I agree with your summary below.

The GPS UTM coordinate for the soil sample I collected is: 18T 0384818 4930977

Regards

Victor Castro

---

**From:** Reg Genge [mailto:rgenge@xplornet.ca]  
**Sent:** September 26, 2017 2:42 PM  
**To:** Castro, Victor (MOECC)  
**Cc:** Rice Rob; Jennie Kapusta ; Mills Lindsay  
**Subject:** Site Visit 179 Burnt Point Lane

Victor:

Thank you for attending at the site visit to 179 Burnt Point Lane today, Sep. 26, 2017. As you are aware the property owner is interested in creating a new lot on Buck Lake (South Basin). Buck Lake is designated as at capacity. Prior to application for the severance he is trying to determine if the site can meet all of the MOECC criteria for the creation of a new lot on 'at capacity' designated lakes.

To that end, four test holes were dug at the site. We observed them, photographed them and discussed them on site. You collected a soil sample from approximately 1.0 m depth (bottom of B-horizon) soil strata from test pit #1 for analysis at the MOECC lab. I collected a sample from this site as well (on Sep 15<sup>th</sup>) and will submit it to an independent lab for analysis. Test pits #1 and 2 have been dug since Sep15<sup>th</sup> past and both remained dry; both have heavy clay soil at depth; approximately 1.0 metre depth below the surface. Test pits #3 and #4 are located further from the lake but are very close (< 15m) to an EP area located east of the test pits; both of these pits had approximately 0.5 m of water in the bottom; the same depth that was observed on Sep. 15<sup>th</sup> ; the day they were dug.

According to my understanding, you are satisfied that the depth of parent material criteria is met on the site; both for the proposed septic location and also at a site >15m down gradient from the septic location. The next step in the process is to see if the soil analysis meets the chemical criteria, elevated Fe and Al and low CaCo3. If **both of these criteria are satisfied**, then Mr. Rice will proceed with the application for severance. The application for severance will then trigger the need for a full EIA which will cover off the above details as well as both in-water (fisheries related) and on land concerns (EP area and SAR), some of which we discussed on site.

If there are any errors or omissions please bring them to my attention.

Thanks again.

## **APPENDIX 3**

- **Soil Test Results – Caduceon Environmental Laboratories**

**C.O.C.: G65930**

**REPORT No. B17-31251**

**Report To:**  
**Ontario Lake Assessments**  
 3654 Stage Coach Rd, RR#3  
 Harrowsmith Ontario K0H 1V0 Canada  
**Attention:** Reg Genge

**Caduceon Environmental Laboratories**  
 285 Dalton Ave  
 Kingston Ontario K7K 6Z1  
 Tel: 613-544-2001  
 Fax: 613-544-2770

DATE RECEIVED: 17-Oct-17 JOB/PROJECT NO.: R.Rice DATE REPORTED: 23-Oct-17 P.O. NUMBER:

SAMPLE MATRIX: Soil

WATERWORKS NO.

<b>Client I.D.</b>	Site 1 Burnt Pt.Lane	Site 3 Burnt Pt.Lane		
<b>Sample I.D.</b>	B17-31251-1	B17-31251-2		
<b>Date Collected</b>	15-Sep-17	15-Sep-17		

Parameter	Units	R.L.	Reference Method	Date/Site Analyzed				
Aluminum	µg/g	10	EPA 6010	20-Oct-17/O	10000	14300		
Calcium	µg/g	10	EPA 6010	19-Oct-17/O	3320	5250		
Iron	µg/g	10	EPA 6010	20-Oct-17/O	16800	20700		



R.L. = Reporting Limit  
 Test methods may be modified from specified reference method unless indicated by an \*  
 Site Analyzed=K-Kingston,W-Windsor,O-Ottawa,R-Richmond Hill,B-Barrie

Michelle Dubien  
 Lab Manager

The analytical results reported herein refer to the samples as received. Reproduction of this analytical report in full or in part is prohibited without prior consent from Caduceon Environmental Laboratories.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** October 6, 2018

**Application No:** S-80-18-P  
**Owner:** Sindall and Cross  
**Location of Property:** Part Lot 17, Concession 4, District of Portland, Township of South Frontenac, municipally known as 4183 Camden Portland Boundary Road  
**Purpose of Application:** Consent to create one commercial lot  
**Date of Hearing:** October 11, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-80-18-P for the creation of one new commercial lot with frontage on Camden Portland Boundary Road.

### Proposal

An application for consent has been received for the creation of one new commercial lot from an existing rural property at Part Lot 17, Concession 4, District of Portland, Township of South Frontenac, municipally known as 4183 Camden Portland Boundary Road (see attached map). The existing lot has frontage on Camden Portland Boundary Road and is developed with an existing dwelling and recently refurbished barn. The applicant is proposing to sever approximately 5.05 acres from the existing 35 acre lot in order to create one new commercial lot with frontage on Camden Portland Boundary Road that will contain the existing dwelling and refurbished barn.

#### S-80-18-P

Consent application S-80-18-P is for the creation of a developed commercial lot that is approximately 5 acres in area. The proposed lot will have approximately 235 metres of frontage along the Township maintained road and a depth of approximately 100 metres. The lot will irregularly shaped due to the configuration of the existing lot and angle of the northern lot boundary. A commercial entrance will need to be applied for and property rezoned through an application to Council to permit commercial activities in the existing barn.

#### Retained Lot

The retained lands will consist of approximately 31 acres with approximately 144 metres of frontage along Camden Portland Boundary Road. The retained lands will be vacant, but it is anticipated that they will be developed for residential purposes. A rezoning application has been submitted to permit a dwelling and secondary unit located in an ancillary building on the property.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes, once rezoned to commercial
Current Zoning:	Rural
Complies with Zoning Bylaw 2003-75:	Yes

### Provincial Policy Statement (2014)

The 2014 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. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



residential development on rural lands and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.5.3 states that recreational, tourism and other economic opportunities should be promoted on rural lands. The proposed consent application will result in the creation of one new lot for commercial purposes; from the site plan submitted a commercial craft brewery is proposed for the severed lands.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. No further developed is proposed for the severed lands and no natural features were identified.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

### **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.

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. The Plan also speaks to promoting the tourism economy of the County by ensuring suitable lands are available to satisfy demands for tourist and tourism-related development. Economic diversification is supported including new small scale industrial-type ventures including craft breweries.

### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. The proposed new lot to be created is for commercial purposes and as such, does not fall within the maximum number of permitted rural residential severances; in the recommended conditions is the fact that the property be rezoned prior to the stamping of the deeds to ensure the property is used for commercial purposes.

Section 5.7.5 of the Official Plan permits rural commercial uses that include commercial operations related to: those which are agriculturally and rurally oriented, recreationally and resort oriented, and highway commercial uses which serve the needs of the travelling public. Under recreational and resort commercial uses include gift and craft shops as well as restaurants or snack bars and similar uses. The proposal to create a craft brewery will create a niche rural commercial use.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (R) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The applicant has submitted a zoning bylaw amendment application to rezone the severed lands from Rural to Rural Commercial to permit a commercial craft brewery; it recommended as a condition of consent that the severed lands be rezoned to meet the policy intent of the Official Plan. The retained lands will remain zoned Rural which will permit residential uses. The retained land will be of sufficient size to permit a hobby farm; an MDS calculation will be required for the construction of a livestock facility. Provisions in the Bylaw regulate the placement of future structures on both the severed and retained lands, including yard setback, parking regulation and building coverage.

### **Agency Analysis and Comments**

Public Works Department – Public Works have no objection to the proposed consent application and rezoning for commercial uses.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Public Comments – As of the time of writing, no written comments have been received from the public.

KFL&A Public Health – Comments dated October 4, 2018 indicate that Public Health has no objection to the application. Public Health does note that the site is specific in terms of where the septic system shall be placed in the future. They advise due to lot limitations, the east side of the lot through the wooded area to the south of the barn is where 10 inches of native soil over rock exist.

A site visit was completed by planning staff and Township Public Works staff on September 28, 2018, to review the severance application.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-80-18-P shall be for the creation of a lot with an area of approximately 5 acres with approximately 235 metres of frontage along Camden Portland Boundary Road.

### Survey/Reference Plan or Registerable Description

3. 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 one year [Planning Act, s. 53(41)] after the date the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

### Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 2% of the value of the parcel to be severed through Consent Applications S-80-18-S, in lieu of parkland [Planning Act, s. 51(1)] as the lands to be created are for commercial purposes.
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
9. That the applicant rezone the lands from Rural to Rural Commercial to recognize the future uses of the land as commercial and meet the intent of the lot creation policies in the Official Plan.

### Water Capacity

10. The Owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through Consent Application S-80-18-P.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac

### **Attachments**

Map of the Sindall and Cross property.



**SINDALL  
S-80-18**

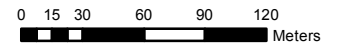
**Legend**

-  Sindall Property
-  Proposed Commercial
-  Provincially Significant Wetlands
-  Wetland

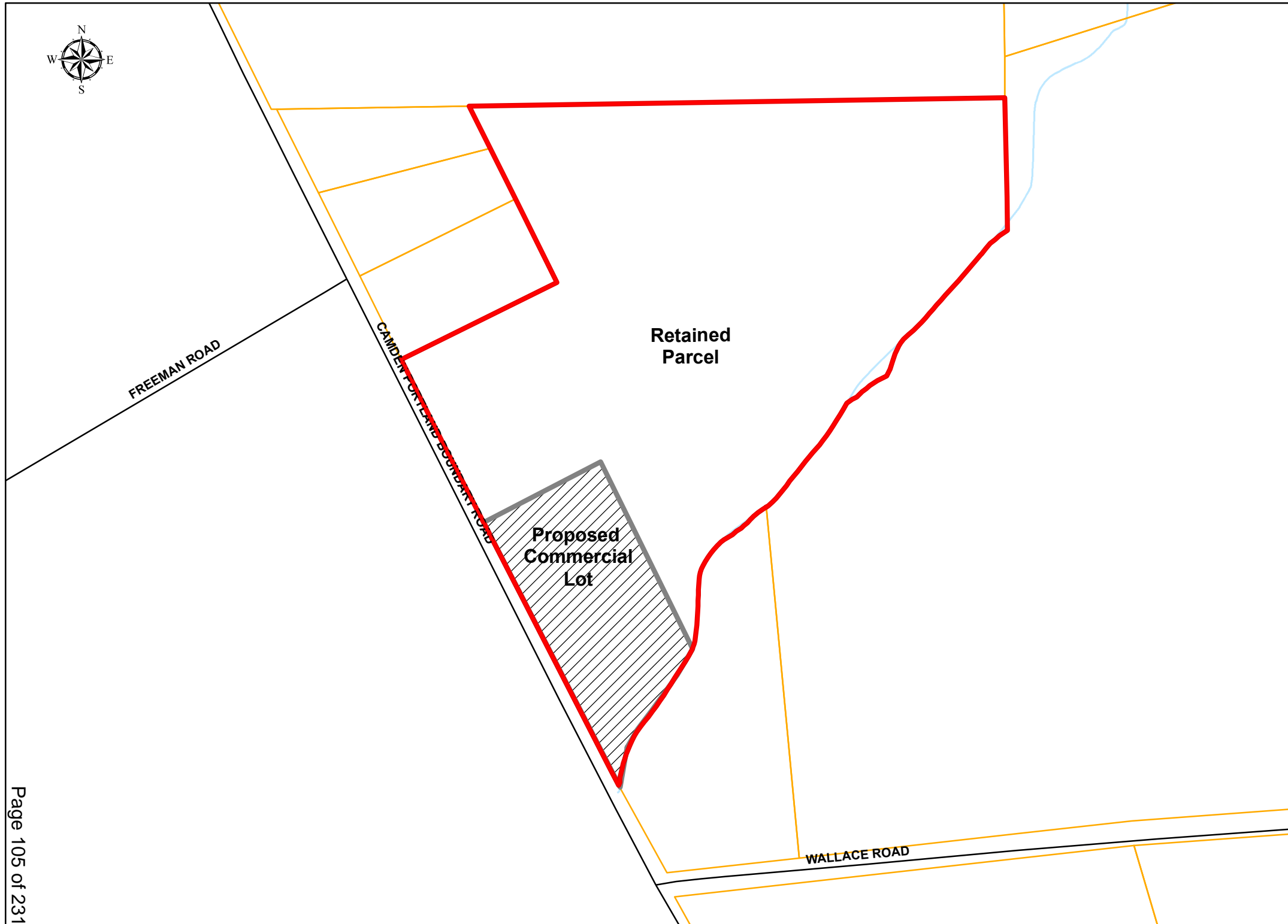
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:3,700



UTM Projection NAD 83





**CONSENT TO SEVER  
INSPECTION REPORT**

File Number: S-80-18-P			Receipt Number: SK-49-2018																							
Owner(s): Sindall, Craig & Cross, Brenda																										
Municipality: South Frontenac			Ward/Former Township: Portland																							
Lot 17	Concession 4	Registered Plan 13R2468	Part(s), 2	Plan of Subdivision:	Sublot:																					
<p>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</p> <p><b>Severed:</b> -barn and house on severed portions -low lying areas, pond/stream present at south end -Rock outcrops</p> <p><b>Retained:</b> N/A</p>																										
<p>Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar. Show estimated permeability (good, fair, poor) for each part where natural soil is acceptable.</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%; text-align: center;">Severed</th> <th style="width:20%; text-align: center;">Depth of Soil</th> <th style="width:50%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">topsoil</td> <td style="text-align: center;">0.0 m</td> <td></td> </tr> <tr> <td style="text-align: center;">Rock</td> <td style="text-align: center;">0.3 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">0.6 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">0.9 m</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td></td> <td style="text-align: center;">1.2 m</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">1.5 m</td> <td></td> </tr> </tbody> </table>						Severed	Depth of Soil	Retained	topsoil	0.0 m		Rock	0.3 m			0.6 m			0.9 m	N/A		1.2 m			1.5 m	
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Percolation rate (estimated): T>50min/cm			Percolation rate (estimated):																							
<p><b>NOTE:</b> the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</p> <p><b>Suitability for on-site sewage disposal:</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; vertical-align: top;"> <p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input checked="" type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b> - Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> <p>-Due to limitations the lot will only provide a specific location for the construction of the sewage disposal system. The most suitable area for septic is eastside of lot through wooded area to south of barn where there is 10 inches of native soil over rock</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b> N/A</p> </td> </tr> </table>						<p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input checked="" type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b> - Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> <p>-Due to limitations the lot will only provide a specific location for the construction of the sewage disposal system. The most suitable area for septic is eastside of lot through wooded area to south of barn where there is 10 inches of native soil over rock</p>	<p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b> N/A</p>																	
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Inspector: Miranda Iezzi CPHI(C), Public Health Inspector		Approved:		Date: Oct 4, 2018																						

**PLEASE FORWARD A COPY OF THE NOTICE OF DECISION TO KFL&A PUBLIC HEALTH.**

**CONDITIONS – OFFICE USE ONLY**

**SEVERED:** Satisfactory or Condition # \_\_\_\_\_

**RETAINED:** Satisfactory or Condition # \_\_\_\_\_

1. KFL&A Public Health has no objection to the proposed severance as the application states the consent is for a lot addition / easement / right of way / other.
2. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.
3. The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System.
4. Due to limitations the lot will only provide a specific location for the construction of the sewage disposal system. The most suitable location for the sewage system is 30 / 15 metres from...
5. The lot is unsatisfactory for the construction of a sewage disposal system – see attached letter.

6. Other conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**TOWNSHIP OF SOUTH FRONTENAC**  
**APPLICATION FOR CONSENT**

*Create New Lot For Commercial*

The Committee of Adjustment is a Committee of Eight persons appointed by Township Council. The Committee is formed under Section 53 of the Planning Act R.S.O. 1990 Chapter P.13. to authorize the division of property.

The Committee, in considering Consent (Severance), shall have regard, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- The effect of development on matters of provincial interest as referred to in Section 2 of the Planning Act.
- Whether the proposed severed lot is premature or in the public interest.
- Whether the consent conforms to the intent of the Official Plan.
- The suitability of the land for the purposes for which it is being severed.
- The number, width, location and proposed grades and elevations of roadways and their adequacy in relation to any proposed roadway linking the proposed severed area with the established roadway system.
- The dimensions and shape of the proposed lot.
- Any restrictions on the subject land (or on the buildings and structures to be erected on it) and any restrictions on abutting lands.
- Conservation of natural resources and flood control.
- The adequacy of utilities and municipal services.
- The adequacy of schools.
- The area of land, if any, exclusive of roadways, that is to be conveyed or dedicated for public purposes (such as for parks).
- The physical configuration of the new lot having regard to energy conservation.

**Application Requirements**

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment/Land Division Committee, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE of \$817.00** (\$732.00 application fee plus \$85.00 Building Department consultation fee) in cash or cheque made payable to the Township of South Frontenac.
2. It is required that a Fee be provided for the Health Unit and/or Conservation Authority (where applicable) when submitting an application. Separate cheques, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application.

Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit ( <i>per new lot</i> )	\$500
Cataraqui Region Conservation Authority ( <i>per new lot or lot addition</i> )	\$390

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

Quinte Conservation Authority ( <i>will invoice directly</i> )	\$325
Rideau Valley Conservation Authority ( <i>per new lot or lot addition</i> )	\$450

**3. PLEASE READ THIS ITEM CAREFULLY:**

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in question 17 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Consent Application by the Land Division Committee. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A Reference Plan (survey) is not necessarily required for the Committee to consider the application but will be required at a later date prior to the stamping of the deeds.

**4. Collection of Personal Information**

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment/Land Division Committee. (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext.2221)

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: \_\_\_\_\_

File No: \_\_\_\_\_

1. Name of Owner(s): CLAU SINDALL & BRENDA CROSS

Full Mailing Address of Owner(s): \_\_\_\_\_  
\_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_  
\_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 4 Lot Number: 17

Street Number: 4183 Name of Road/Street: CANOE PORTLAND BOUNDARY

Reference Plan Number: 13R 2468 Part Number(s): 2

Roll Number: 080 070 01650 0000

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): \_\_\_\_\_ Frontage (on road/lane): 771'  
 Depth: 344' Area: 5.05 ACRES

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

CREATE NEW COMMERCIAL LOT

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:

Retained Lot:

Frontage On Road 771'

Frontage On Road 475'

Frontage On Water \_\_\_\_\_

Frontage On Water \_\_\_\_\_

Depth 344

Depth 1745'

Area 5.05

Area 31.1 ACRES

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot: COMMERCIAL

CRAFT BREWERY

Retained: RURAL RESIDENCE

RURAL RESIDENCE

Structures Existing

Structures Proposed

New Lot: BARN 30'x40'

STORAGE BUILDING 30'x4'  
(FUTURE)

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: B

NEW HOUSE.

(b) The frontage, depth and the area. (Complete for a lot addition or right-of-way (R.O.W.) only)

Proposed Lot Addition (or right-of-way)

Frontage On Road: \_\_\_\_\_

Frontage On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)

Frontage On Road: \_\_\_\_\_

Frontage On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: \_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): \_\_\_\_\_

\_\_\_\_\_

Retained Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

CRAIG SINDALL & BRENDA CROSS

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

NONE

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): CAMDEN PORTLAND BOUNDARY

The retained lot: CAMDEN PORTLAND BOUNDARY

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot is by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: \_\_\_\_\_

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: PRIVATE WELL      Retained Lot: PRIVATE WELL

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: PRIVATE SEPTIC      Retained Lot: PRIVATE SEPTIC

12. The current zoning of the subject land in the applicable Zoning By-law.

RURAL RESIDENCE

13. If known, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_

3 LOTS SEVERED IN 2010

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (*if applicable*):

\_\_\_\_\_

14. **If known**, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:

\_\_\_\_\_

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you aware of?       Yes       No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** October 6, 2018

**Application No:** S-83-18-P, S-84-18-P, S-85-18-P  
**Owner:** Smith (Agent: Smith)  
**Location of Property:** Part Lots 4 & 5, Concession 14, District of Portland, Township of South Frontenac (1023 Pepper Lane)  
**Purpose of Application:** Consent to create three new lots  
**Date of Hearing:** October 11, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** applications S-83-18-P, S-84-18-P and S-85-18-P for the creation of three new lots with frontage on Howes Lake.

### Proposal

Applications for consent has been received for the creation of three new lots from an existing property at Part Lots 4 & 5, Concession 14, District of Portland, Township of South Frontenac, municipally known as 1023 Pepper Lane (see attached map). The existing lot has frontage on Hinchinbrooke Road North and is developed with a dwelling being accessible by Pepper Lane, a private right-of-way that dissects the property. The lot is heavily vegetated with a cleared easement for the Hydro One transmission corridor. The application is proposing to sever approximately 30 acres from the existing 55 acre lot to create three new residential lots with frontage on Howes Lake and Hinchinbrooke Road North.

#### S-83-18-P

Consent application S-83-18-P is for the creation of a vacant rural waterfront residential lot. The proposed new lot will have approximately 126 metres of frontage along Hinchinbrooke Road North, approximately 104 metres of frontage along Howes Lake and is approximately 11.5 acres in area. The lot will be irregularly shaped with a depth of approximately 225 metres; the irregular shapes results from the configuration of the existing lot and frontage along Howes Lake. A new entrance is proposed off Hinchinbrooke Road North to accommodate future development on the severed lot.

#### S-84-18-P

Consent application S-84-18-P is for the creation of a vacant rural waterfront residential lot. The proposed new lot will have approximately 84 metres of frontage along Hinchinbrooke Road North, approximately 141 metres of frontage along Howes Lake and is approximately 5.6 acres in area. The lot will be regularly shaped with a depth of approximately 275 metres. A new entrance is proposed off Hinchinbrooke Road North to accommodate future development on the severed lot. The Hydro One transmission corridor terminates at the property before crossing Howes Lake.

#### S-85-18-P

Consent application S-85-18-P is for the creation of a vacant rural waterfront residential lot. The proposed new lot will have approximately 105 metres of frontage along Hinchinbrooke Road North, approximately 105 metres of frontage along Howes Lake and is approximately 13.1 acres in area. The lot will be irregularly shaped with a depth of approximately 320 metres along each side. The irregular shape of the lot results from previous lot creation along Howes Lake and the configuration of the shoreline. A new entrance is proposed off Hinchinbrooke Road North to accommodate future development on the severed lot. A right-of-way access is also proposed from Pepper Lane to provide access to the waterfront without requiring the construction of a road under the Hydro One transmission corridor.

#### Retained Lot

The retained lands will consist of approximately 24 acres in area with approximately 193 metres of frontage along Hinchinbrooke Road North and 335 metres of frontage along Howes Lake. The retained lands will contain the dwelling on the property as well as Pepper Lane, a right-of-way that dissects the property. No further development is proposed for the retained lands.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural, Environmental Protection
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	Rural
Complies with Zoning Bylaw 2003-75:	Yes

## Provincial Policy Statement (2014)

The 2014 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. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands in addition to resource-based recreational uses in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The consent application will result in the creation of three new rural waterfront residential lots that can be adequately serviced. The proposed lots meet the Township minimum provisions for the creation of a new lot in the rural designation and for those created with waterfrontage.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. Quinte Conservation provided comments dated September 29, 2018, stating that they have no objection to the applications as presented. Quinte Conservation reviewed the proposal for natural hazard policies and natural heritage policies of the Provincial Policy Statement.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

## 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.

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.

Section 3.3.3.4 Special Policies – Waterfront Area list an overall goal of the Plan to improve and protect the waterfront areas in Frontenac County as a significant cultural, recreational, economic, and natural environment resources and to maintain or enhance the quality of the land areas adjacent to the shore. Sufficient area exists on the severed lots to meet the required waterbody setbacks.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. KFL&A Public Health was circulated the application and have no objection to the proposed severance as confirmed in correspondence provided October 1, 2018.

## Township of South Frontenac Official Plan



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



The subject property is designated as Rural and Environment Protection in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road and 91 metres of frontage along the waterfront for waterfront lots. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. Lots shall be serviced by private water and sanitary sewage disposal systems. The proposed severed lots meet the minimum lot sizes and frontage and are located along a Township road.

With regard to the Environmental Protection designation on the Official Plan Land Use Schedule, the overlay is primarily contained on the retained lands (where no further development is proposed) as well as along the lots that were previously severed before the adoption of the Official Plan. The configuration of the Official Plan Land Use schedule does not match with the survey sketch provided in terms of distance and placement of the Environmental Protection designation. However, suitable space exists on the severed lots to build outside of the Environmental Protection designation, which appears as though to encompass the 30 metre required setback. Further, Quinte Conservation reviewed the application for natural heritage policies of the Provincial Policy Statement and are satisfied that the applications as presented are consistent with the natural heritage policies of the Provincial Policy Statement.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (R) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The proposed new lots will exceed the minimum lot area and frontage requirements for single detached residential uses. Provisions in the Bylaw regulate the placement of future structures on the severed lots, including yard setbacks, building coverage and the required 30 metre setback from Howes Lake. The lots will be of sufficient size to permit a hobby farm; an MDS calculation will be required for the construction of a livestock facility with each of the lots being permitted a separate maximum nutrient unit based on overall area. Sufficient area exists on the severed lands to achieve the required setbacks from any environmental features to the north of the lot.

The proposed development conforms to both the County and Township Official Plan and meets the provisions for new lot creation in the Rural zone in the Township Zoning Bylaw.

### **Agency Analysis and Comments**

Hydro One Networks Inc. Facilities and Real Estate – Comments provided September 25, 2018 indicate that Hydro One Networks Inc. have completed a preliminary review of the severance applications and have no objection in principle to the proposed severances, provided their easement rights are protected and maintained. They advise that any placement of permanent structures, facilities or landscaping within the transmission corridor is prohibited without written approval.

Public Works Department – Public Works has no objection to approving entrance permits for the proposed lot.

KFL&A Public Health – In comments provided October 1, 2018, KFL&A Public Health indicated that they have no objection to the severance applications. Soil conditions on the lot will require additional suitable granular soil to construct the septic system. The proposed lots are flexible in siting the septic system, which will be determined when an application to construct a sewage disposal system is applied for. However, the system will need to be located in an area where there is 10 inches of naïve soil over bedrock.

Public Comments – As of the time of writing, public comments have been received from Anne Robertson, a member of the Land Acquisition Committee for the Land Conservancy of Kingston, Frontenac, Lennox and Addington, with regard to consent application S-83-18. The Land Conservancy owns the property to the north east of proposed severed lot. Questions were addressed to Township staff regarding the number of severances permitted, development proposed, provisions for protection of the waterfront area, forestry and access to the lot. The email provided to the Township is included in the Committee of Adjustment agenda. Planning staff have replied to the email and offered to set up a meeting or phone conversation in advance of the Committee meeting to address any further concerns and answer any questions.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Quinte Conservation – Comments dated September 29, 2018, indicate that Quinte Conservation has no objection to the proposal. Quinte Conservation reviewed the proposal in the following manner:

- Planning Act – Natural hazard policies under Section 3.1 of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy;
- Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses);
- Quinte Region Source Protection Plan; and
- Planning Act – Natural heritage policies under Section 2.1 of the Provincial Policy Statement.

A site visit was completed by planning staff and Township Public Works staff on September 28, 2018, to review the severance applications.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-83-18-P shall be for the creation of a lot with an area of approximately 11.5 acres with approximately 126 metres of frontage along Hinchinbrooke Road North and a minimum of 91 metres of frontage along Howes Lake.
3. The land to be severed by Consent Application S-84-18-P shall be for the creation of a lot with an area of approximately 5.6 acres with approximately 84 metres of frontage along Hinchinbrooke Road North and approximately 141 metres of frontage along Howes Lake.
4. The land to be severed by Consent Application S-84-18-P shall be for the creation of a lot with an area of approximately 13.1 acres with approximately 105 metres of frontage along Hinchinbrooke Road North and approximately 158 metres of frontage along Howes Lake. The lot to be created shall be accessible by right-of-way from Pepper Lane to avoid the construction of a roadway through the Hydro One transmission corridor to access the waterfront.

### Survey/Reference Plan or Registerable Description

5. 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 one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Road Widening

6. The surveyor who prepares the reference plan referred to in Condition #5 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:  
*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
- e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

### Municipal Requirements

7. 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.
8. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-83-18-P, S-84-18-P and S-85-18-P, in lieu of parkland [Planning Act, s. 51(1)].
9. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

10. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

### Access

11. That the right-of-way proposed in application S-85-18-P be surveyed to a width of 20 metres and the length shown on the survey sketch provided under Project 2018-284 and constructed to the Township's private lane standards to the satisfaction of the Director of Public Services or their designate.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac

### **Attachments**

Map of the Smith property.



**SMITH  
S-83-84-85-18**

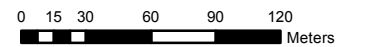
**Legend**

-  Smith Property
-  Proposed Lot
-  Provincially Significant Wetlands
-  Wetland

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:3,500



UTM Projection NAD 83



Howes Lake

Proposed Lot  
S-83-18-P

Proposed Lot  
S-84-18-P

Proposed Lot  
S-85-18-P

Retained Parcel

PEPPER LANE

HINCHINBROOKE ROAD NORTH

## QUINTE CONSERVATION - PLANNING ACT REVIEW

**QC File No. PL0242-2018**

<b>Municipality:</b>	Township of South Frontenac		
<b>Owner / Agent:</b>	Michael Smith / Ron Smith		
<b>Location:</b>	Pepper Lane and Hinchinbrooke Road North	Part of Lots 4 and 5, Concession 14	Portland
<b>Roll #:</b>	10290800502450000000		
<b>Application Description:</b>	Consent File No. S-83-18-P, S-84-18-P, and S-85-18-P	Sever three new rural lots on Howes Lake for the purposes of residential development.	
<b>Feature:</b>	Howes Lake		
<b>Comments:</b>	<p><b><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></b></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2014). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally, the policies of the PPS direct development to areas outside of hazard lands.</p> <p><u>Staff are satisfied that the application as presented is consistent with section 3.1 of the PSS as there is sufficient area for development outside of any flood hazard.</u></p> <p><b><u>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses</u></b></p> <p>The subject lands lie within the regulated area of Howes Lake. <u>Please note that the owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 30 metres of the top of the bank adjacent to Howes Lake.</u></p> <p><b><u>Quinte Region Source Protection Plan</u></b></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are not applicable to the subject property as it lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system.</p> <p><u>As such no Section 59 Clearance Notice is required.</u></p> <p><b><u>Planning Act - Natural Heritage policies of the Provincial Policy Statement</u></b></p> <p>Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects features such as; Provincially significant wetlands, significant woodlands and significant areas of natural and scientific interest.</p>		

	<p><u>Staff are satisfied that the application as presented is consistent with the natural heritage policies of the Provincial Policy Statement.</u></p> <p><b><u>Additional Notes:</u></b></p> <p>It appears that a hydro corridor traverses the subject lands. We recommend the landowner contact Hydro One for any additional approvals regarding development of the subject lands.</p>
<p><b>Final Comments:</b></p>	<p>Quinte Conservation has no objection to the application as presented.</p>



Sam Carney  
 Planning & Regulations Technician

September 29, 2018  
 Date







**CONSENT TO SEVER  
INSPECTION REPORT**

File Number: <b>S-85-18-P</b>			Receipt Number:																																					
Owner(s): <b>SMITH, Michael</b>																																								
Municipality: <b>South Frontenac</b>			Ward/Former Township: <b>Portland</b>																																					
Lot Parts 4, 5, 6	Concession 14	Registered Plan 13R-17042	Part(s), 1-11, 14-21	Plan of Subdivision:	Sublot:																																			
<p>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</p> <p><b>Severed:</b> Treed lot, undulating hills, lots of rock outcrops.</p> <p><b>Retained:</b> N/A</p>																																								
<p>Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar. Show estimated permeability (good, fair, poor) for each part where natural soil is acceptable.</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;"></th> <th style="width:20%; text-align: center;">Severed</th> <th style="width:10%; text-align: center;">Depth of Soil</th> <th style="width:30%;"></th> <th style="width:10%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td style="text-align: center;">0.0 m</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.3 m</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.6 m</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Silty soil</td> <td style="text-align: center;">0.9 m</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Rock</td> <td style="text-align: center;">1.2 m</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1.5 m</td> <td></td> <td></td> </tr> </tbody> </table>							Severed	Depth of Soil		Retained			0.0 m					0.3 m					0.6 m				Silty soil	0.9 m				Rock	1.2 m					1.5 m		
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Percolation rate (estimated):			Percolation rate (estimated): [min/cm]																																					
<p><b>NOTE:</b> the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</p> <p><b>Suitability for on-site sewage disposal:</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; vertical-align: top;"> <p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b> Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development. The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System. Even though site flexible, septic must be located in an area where a min of 10" of native soil is present over rock.</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b></p> </td> </tr> </table>						<p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b> Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development. The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependent on the proposal submitted through an Application to Construct a Sewage System. Even though site flexible, septic must be located in an area where a min of 10" of native soil is present over rock.</p>	<p><b><u>RETAINED</u></b></p> <p><input type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b></p>																															
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Inspector: <b>Miranda Iezzi</b> CPHI(C), Public Health Inspector		Approved:		Date: <b>October 1, 2018</b>																																				

**PLEASE FORWARD A COPY OF THE NOTICE OF DECISION TO KFL&A PUBLIC HEALTH.**

**Hydro One Networks Inc.**  
**Facilities & Real Estate**  
P.O. Box 4300  
Markham, Ontario L3R 5Z5  
www.HydroOne.com



**Courier:**  
185 Clegg Road  
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO [cdodds@southfrontenac.net](mailto:cdodds@southfrontenac.net)

September 25, 2018

Township of South Frontenac  
Sydenham, ON  
K0H 2T0  
Box 100

Attention: Claire Dodds

Dear Claire Dodds:

**Re: Proposed Application for Consent, Michael Smith**  
**711 Crescent Blvd. SW**  
**Calgary, AB**  
**T2S 1L3**  
**South Frontenac**  
**File: S-83-18-P**

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Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at [dennis.derango@hydroone.com](mailto:dennis.derango@hydroone.com) or at 905-946-6237.

Yours truly,

A handwritten signature in black ink that reads "Dennis De Rango".

Dennis De Rango

Specialized Services Team Lead, Real Estate  
Hydro One Networks Inc.

## Megan Rueckwald

---

**From:** Anne Robertson [REDACTED]  
**Sent:** October 5, 2018 10:35 PM  
**To:** Megan Rueckwald  
**Subject:** FW: Re: Severance 1023 Pepper Lane

Unfortunately this did not reach you earlier due to a misprint in my e mail to you  
Anne

---

**From:** Anne Robertson [REDACTED]  
**Sent:** October-05-18 1:34 PM  
**To:** 'mrueckwald@sfrontenac.net'  
**Cc:** [REDACTED]  
**Subject:** Re: Severance 1023 Pepper Lane

RE: Committee of Adjustment Hearing Thursday 11 October for 1023 Pepper Lane

Megan Rueckwald

The Land Conservancy for Kingston, Frontenac Lennox and Addington owns property abutting proposed severance S-83-18-P (off Pepper Lane and adjacent to Howes Lake). The Meyer Woods property (roughly 200 acres) is protected for its natural values by this organisation in perpetuity.

I was unable to view this application on the morning of Friday 5 October at the Township Offices

We are concerned that this severance could create a property that might impact the south east corner of our land.

Six questions/comments/concerns:

- 1 Why are **three lots** being proposed by consent rather than by plan of subdivision?
- 2 The habitat along the proposed northern boundary and Howes Lake shoreline of S-83-8-P is **unspoiled forest and lakeshore**. Development could impact the natural values of Meyer Woods
- 3 The proposed is a large lot. What is the chance of **multiple homes** or condominiums as opposed to a single dwelling as this is proposed residential?
- 4 Would the forest be left intact or could it be clear cut? May we suggest a **wide strip of forest** be maintained along the boundary.
5. Do existing rules prevent **clearing too much vegetation along the Lakeshore**.
- 6 Will **access** be from Pepper Lane or North Hinchinbrooke Road- if the latter how close to the north boundary will the access be?

Since written comments need to reach you by Thursday 11 October your prompt response will be appreciated.  
Anne

Anne Robertson for Land Acquisition Committee  
[REDACTED]



TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: Aug. 29/18

File No: 5-83-18-P

1. Name of Owner(s): [REDACTED]

Full Mailing Address of Owner(s): [REDACTED]

[REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: RON SMITH

Full Mailing Address of Authorized Agent: [REDACTED]

[REDACTED]

Phone number of Authorized Agent: [REDACTED]

Email Address of Authorized Agent: [REDACTED]

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

[Signature]  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 14 Lot Number: Part 4,5+6 Pepper Lane

Street Number: 1023 Name of Road/Street: Pepper Lane ~~Storrington~~ N.

Reference Plan Number: 13R-17042 Part Number(s): 1-11 14-21

Roll Number: 1029 080 050 24500 0000

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 738 m                      Frontage (on road/lane): 488 m  
 Depth: 488 m                                      Area: 54.6 Acres

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

Transfer for new lot

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:		Retained Lot:	
Frontage On Road	<u>126 m</u>	Frontage On Road	<u>193 m</u>
Frontage On Water	<u>104 m</u>	Frontage On Water	<u>335 m</u>
Depth	_____	Depth	<u>488 m</u>
Area	<u>11.5 Acres</u>	Area	<u>24.4 Acres</u>

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses	Proposed Uses
New Lot: _____	<u>Residential</u>
Retained: <u>Residential</u>	_____

Structures Existing	Structures Proposed
New Lot: <u>N/A</u>	_____
_____	_____

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: Cottage  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

(b) The frontage, depth and the area. **(Complete for a lot addition or right-of-way (R.O.W.) only)**

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property *from which the lot addition is being severed or over which the R.O.W. will run*)

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Area: \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Retained Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

\_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

N/A

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Hinchinbrooke Rd.

The retained lot: Hinchinbrooke Rd / Pepper Lane

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot is by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

*N/A* New Lot: \_\_\_\_\_

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: \_\_\_\_\_ Retained Lot: \_\_\_\_\_

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: Private Septic Retained Lot: Private Septic

12. The current zoning of the subject land in the applicable Zoning By-law.

RU

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
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(c) The current use of the lot created (if applicable):

\_\_\_\_\_

14. If **known**, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:

\_\_\_\_\_

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**



**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

**A GUIDE TO COMPLETING YOUR APPLICATION FORM**

1. The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
2. If there is someone acting on behalf of the listed owner(s) (e.g. a solicitor, a consultant, or a family member) then that person would be the agent, and the owner(s) must sign part (e) to indicate that the agent has the authorization to act on behalf of the owner(s).
- 1) Description of the Subject Land:
  - a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
  - b. Concession and Lot Numbers: if you are not sure, check your tax bill
  - c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
  - d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
  - e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
  - f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.
3. Please indicate the purpose of this consent application from among the choices provided.
4. Please complete all sections that pertain to your application.  
If your application is for a new lot please complete section (a).  
If your application is for a lot addition or a right-of-way, please complete section (b).
5. If you know the person who will be purchasing the new lot or lot addition, please indicate. Otherwise, indicate "self".
6. This question is asking about such things as a 20 ft. wide Bell or Ontario Hydro easement, a registered right-of-way to access another property, or something like someone having a life-long interest in the property.
7. Please indicate what road or lane will be used to access the new lot and the retained parcel.
8. If the new lot can be accessed by water only, we will need to know where you access it from, and what arrangements exist for permanent mainland parking, as access to mainland parking is a requirement of creating a new water access only lot.
9. In most cases, your answer will be private well, or lake, depending on where the lot is located.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
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10. The majority of cases will be private septic, but there may also be some privies or other situations.
11. If you do not know how your property is zoned, leave this question blank until you have talked to the planning staff.
12. Please indicate if you have ever applied for a severance application or a plan of subdivision or a plan of condominium for the subject land since September 5, 2000.
13. Please indicate if you have applied for a zoning by-law amendment, an official plan amendment, or a minor variance, and if so, indicate the file # (or date) and the purpose of the application.
14. This question is asked because no new lot will be created unless the Committee is satisfied that any abandoned wells on the property have been properly sealed in accordance with Ministry of Environment guidelines.
15. **The Sketch is probably the most important part of your application. You do not need to pay a professional to prepare it for you, but it must be drawn to scale; it must contain all of the information outlined; and it must be drawn with north direction at the top of the sketch.**
16. The Agreement to Indemnify is your agreement that your application will be processed at your expense, and that any additional expenses will be your responsibility. If there is more than one owner, both owners must sign the application, unless one person has been appointed as agent for purposes of processing the application. The signature(s) can be witnessed at the Township Office, or you can have a commissioner.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

Report Date: October 6, 2018

**Application No:** S-86-18-B  
**Owner:** Terry  
**Location of Property:** Part Lot 21, Concession 7, District of Bedford, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** October 11, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-86-18-B for the creation of one new rural residential lot, **pending receipt of comments from KFL&A Public Health indicating that the lot can be adequately serviced prior to the meeting.**

### Proposal

An application for consent has been received for the creation of one new lot from an existing property at Part Lot 21, Concession 7, District of Bedford, known municipally as 169 Green Bay Road (see attached map). The existing lot has frontage on Green Bay Road, Garrett Road, and Firehall Road and is approximately 31 hectares (77 acres) in area. The subject property is developed with a dwelling with access from Green Bay Road. The remainder of the lot is naturally vegetated and contains a tributary, wetlands, and a pond. The applicant is proposing to sever approximately 10 acres from the existing 77 acre lot to create one new rural residential lot with frontage on Green Bay Road.

#### S-86-18-B

Consent application S-86-18-B is for the creation of a vacant rural residential lot. The proposed new lot will have approximately 96 metres of frontage along Green Bay Road and is approximately 10 acres in area. The lot will be regularly shaped with a depth of approximately 380 metres. A new entrance is proposed off Green Bay Road to accommodate future development on the severed lot.

#### Retained Lot

The retained lands will consist of approximately 67 acres in area with approximately 425 metres of frontage along Green Bay Road, and approximately 280 metres of frontage along Garrett Road and Firehall Road. The retained lands will contain the dwelling located on the property. No further development is proposed for the retained lands.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	Rural
Complies with Zoning Bylaw 2003-75:	Yes

### Provincial Policy Statement (2014)

The 2014 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. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



residential development on rural lands in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The consent application will result in the creation of one new rural residential lot that can be adequately serviced. The proposed lot meets the Township minimum provisions for the creation of a new lot in the rural designation for residential purposes.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The aerial imagery indicated that there is a wetland at the rear of the subject property, as well as a pond and tributary on the retained lands. Rideau Valley Conservation Authority was circulated the application and in correspondence dated October 3, 2018 stated they have no objection to the application. RVCA did recommend that the southern boundary of the lot be moved northward approximately 200 feet to prevent the lot line from dissecting a watercourse. RVCA does not object to the application if the lot line is not adjusted.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

### **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.

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.

Section 4.2: Servicing provides policies for the use of private services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. KFL&A Public Health was circulated the application and have not yet provided formal comments. Planning staff are recommending approval of the application pending confirmation that the site can be adequately serviced in advance of the meeting.

### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. Lots shall be serviced by private water and sanitary sewage disposal systems. The proposed severed lot meets the minimum lot sizes and frontage and is located along a Township road.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (R) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The proposed new lot will meet the minimum lot area and frontage requirements for a single detached residential uses. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage. The lot will be a sufficient size to permit a hobby farm; an MDS calculation will be required for the construction of a livestock facility. Sufficient area exists on the severed lands to achieve the required setbacks from any environmental features to the south of the lot.

The proposed development conforms to both the County and Township Official Plan and meets the provisions for new lot creation in the Rural zone in the Township Zoning Bylaw.

### **Agency Analysis and Comments**



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Public Works Department – Public Works has no objection to approving an entrance permit for the proposed lot.

KFL&A Public Health – KFL&A Public Health have not provided formal comments at the time of writing. Planning staff are recommending approval of the application pending the receipt of formal comments from KFL&A Public Health confirming the site can be adequately serviced. If comments are not provided in advance of the meeting, planning staff recommend the application be deferred.

Rideau Valley Conservation Authority (RVCA) – Comments dated October 3, 2018 indicate that RVCA has no objection to the proposed severance. RVCA evaluated the application within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (2014), Rideau Valley Conservation Authority “Development, Interference with Wetlands and Alteration to Shorelines and Watercourses”, Mississippi-Rideau Source Protection Plan, Rideau Lakes – Wolfe Lake Catchment Report, and the Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies. RVCA recommend that the southern boundary of the lot b be moved northward approximately 200 feet to prevent the lot line from dissecting a watercourse. RVCA does not object to the application if the lot line is not adjusted.

Public Comments – As of the time of writing, no written comments have been received from the public.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-86-18-B shall be for the creation of a lot with an area of approximately 10 acres with approximately 96 metres of frontage along Green Bay Road.

### Survey/Reference Plan or Registerable Description

3. 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 one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
- e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

### Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-86-18-B, in lieu of parkland [Planning Act, s. 51(1)].
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

### Well Capacity

9. The Owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through Consent Application S-86-18-P.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac

### **Attachments**

Map of the Terry property.



**TERRY  
S-86-18**

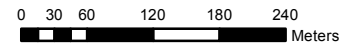
**Legend**

-  Terry Property
-  Proposed Lot
-  Provincially Significant Wetlands
-  Wetland

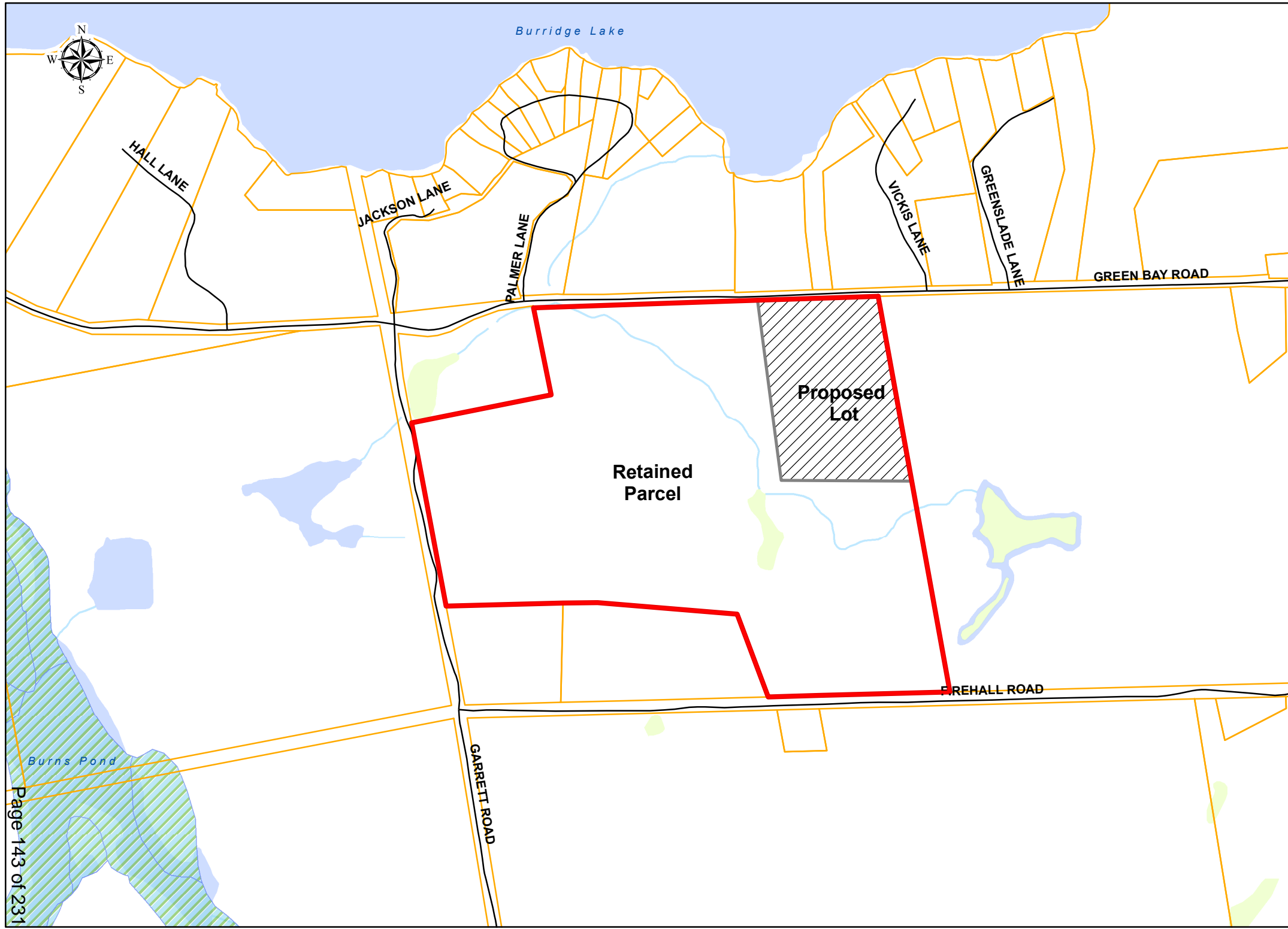
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:6,870



UTM Projection NAD 83



October 3, 2018  
18-SF-SEV (Bedford)

Township of South Frontenac  
Land Division Committee  
Box 37  
Perth, Ontario  
K7H 3E2

Attention: Claire Dodds

Subject: **TERRY, Douglas;** Application for Consent **S-68-18-B** – 169 Green Bay Road,  
Part Lot 21, Concession 7; Former Township of Bedford, Now the Township of  
South Frontenac; Roll Number: 10290100502280000000

Dear Ms. Dodds,

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject application within the context of:

- Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses” regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Mississippi-Rideau Source Water Protection Plan;
- The Rideau Lakes – Wolfe Lake Catchment Report;
- The Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies

### **The Proposal**

The Rideau Valley Conservation Authority understands this proposal to be for the creation of a new, rectangular lot with an approximate area of 4.04 hectares. The stated purpose of the lot would be for the creation of a residential dwelling serviced with private well and septic systems. The proposed, severed lot would have an approximate frontage and depth of 96 metres and 383 metres, respectively. The proposed, retained lot would be approximately 27.1 hectares in area with approximate frontage and depth of 278 metres (on Firehall Road) and 645 metres, respectively. The proposed, retained lot would be irregular in shape.

### **The Property**

The lands to be severed have a varying topography. Exposed bedrock was observed in some locations with higher relative elevations, while sandy/loamy soil was also observed throughout the site. The area is heavily treed, but also has areas with shrubby vegetation, likely due to the presence of bedrock and thin soils in some locations or unevaluated wetlands.

A review of the aerial photography for the subject property indicates the presence of a watercourse which traverses it in a roughly east-west fashion. This watercourse appears to be linked to unevaluated wetlands both down and upstream, some of which are located on the subject property. Ultimately this watercourse is connected to Burrige Lake. A map has been attached for reference and includes other features observed during the site visit to the property.

The site visit to this property occurred on the afternoon of September 26, 2018. While walking the property, a headwater drainage feature was observed at the eastern property boundary of the lot to be severed (please refer to the attached map). In consulting climatic data stations for the nearby area, Kingston had historical data of 29.4 mm of rain on September 25<sup>th</sup>, and 2.6 mm of rain was recorded on September 26<sup>th</sup>. This assisted with providing evidence of this area as a headwater drainage feature.

A review of the subject property did not indicate the presence of any unstable slopes, nor floodplain mapping.

## **Review Comments and Recommendations**

### Provincial Policy Statement

The PPS states:

*“Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) *Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) *Minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) *Identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and **surface water features** including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- e) *Implementing necessary restrictions on development and site alteration to:*
  - 1. *Protect, improve or restore...sensitive surface water features...and their hydrologic functions;*
- g) *Ensuring consideration of environmental lake capacity, where applicable, and;*
- h) *Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetation and pervious surfaces.”*

Surface water features are defined in the PPS as:

*“means water-related features on the earth’s surface, **including headwaters**, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.”*

As stated within the property description section of this report, a headwater drainage feature was observed along the eastern boundary during the site visit. The PPS indicates that these features should be protected, improved or restored. While the proposed lot creation is not anticipated to

impact the headwater drainage feature as it is predominantly on the neighbouring lot, it should be afforded the required 30 metre setback that is given to watercourses.

The zoning by-law for South Frontenac defines a watercourse as “*any surface stream or river and includes a natural channel for an **intermittent stream** and a municipal drain as defined by the Drainage Act, as amended.*”

Section 5.8.2 of the zoning by-law states that no building or structure , or septic tank installation including the weeping tile field shall be located:

- a) Within 30 metres horizontal of the highwater mark of a waterbody or permanent watercourse, notwithstanding that such body of water or watercourse is not shown on any schedule forming part of this by-law.

This setback should be respected, especially because water from this headwater drainage feature outlets into Burrige Lake.

#### Rideau Lakes – Wolfe Creek Catchment Report (2014)

The closest water body is Burrige Lake and it is downstream of this property. Burrige Lake has been given a water quality rating of “fair” based on the Provincial Water Quality Objectives (PWQO). Where this type of rating is assigned, efforts such as diversion of runoff and enhanced shoreline buffers are important to continue to protect and enhance water quality. The lake is also fairly shallow and surrounded in some areas by wetlands which contribute to elevated levels of naturally occurring nutrients. The shallow depth combined with organic rich soils make internal loading of nutrients likely as oxygen becomes depleted from the deep waters. Reduction of nutrients can be achieved through practices such as proper maintenance of septic systems, keeping shorelines natural and using phosphate free soaps and detergents.

#### Mississippi Rideau Source Water Protection Plan

Most of South Frontenac has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

#### Unevaluated Wetlands, Natural Heritage Features & Other Features, Proposed Boundary Adjustment

The PPS indicates that natural heritage systems should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features (Section 2.1.2). While these unevaluated wetlands have been identified through our aerial photography, the proposed lot lines appear to be in locations which would not negatively affect the overall natural heritage system and linkages. Therefore, the RVCA supports the location of the western property boundary for the proposed severed lot

However, as currently proposed, the severance would result in the creation of a lot with a southern lot boundary that transects the southern watercourse on the subject property. **It is the recommendation of the RVCA that the boundary be moved further to the north, by**

**approximately 200 feet. Relocating the proposed lot line further north would assist with implementing Section 2.1.2 of the PPS by maintaining the linkages between natural heritage features on the subject property.**

Unevaluated wetlands are currently not regulated by the Conservation Authority, however they may become regulated under the Conservation Authorities Act in the future (please see note on Section 139 further in this letter). Given the numerous benefits of all wetlands, the Conservation Authority strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of plants and animals (often including fish).

Please note: Bill 139 received Royal Assent on December 12th, 2017 which included amendments to the Conservation Authorities Act and redefines the Conservation Authority's role in watershed management, climate change adaptability and natural hazards. Among the changes, a new Section 28 specifically changes regulation of areas over which authorities have jurisdiction. As a result, the RVCA will be reviewing the implementation of our policies and procedures to comply with the updated Conservation Authorities Act. For further information on these changes please see the following link: <http://conservationontario.ca/policy-priorities/conservation-authorities-act/>.

***Please note that any proposed alterations to the watercourses, including replacement of culverts, requires the prior written permission of the RVCA in accordance with Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".***

## **Conclusions**

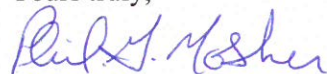
In conclusion, The Rideau Valley Conservation Authority has no objection to the subject application. The RVCA does recommend that the proposed southern lot line be moved to maintain the current natural heritage connection on the subject property.

The RVCA would like its comments and recommendations noted on any decision from the Committee.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 267-5353 x 131 should you have any questions.

Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

Yours truly,



Phil Mosher  
Planner, RVCA

cc – Douglas Terry ([dterry@rideau.net](mailto:dterry@rideau.net))  
cc – Joanne McGurn ([Joanne.McGurn@kflaph.ca](mailto:Joanne.McGurn@kflaph.ca))

Observed location of tDFA (approximate)

169 Green Bay Road



Legend

- ★ Parcel Activity
- STOP Easements
- Parcel - Assessment
- Lot
- Floodplain Cross-sections
- RVCA Admin Boundary
- Regulation Limit
- 100yr Floodline
- Floodplain
- Area of Reduced Flood Risk
- Area of Shallow Flooding
- Reg Limit Dominant Hazard
- Floodplain
- Geo-technical Hazard Limit
- Meander Belt
- Spill Line
- Stable-Toe Slope
- Top of Slope
- Unstable-Toe Slope
- Wetland
- Regulated Wetlands
- RVCA Sub-Watersheds
- RVCA Catchments
- SWP Policies Layer
- 4
- 6
- 8
- 8.1

1: 3,191.84



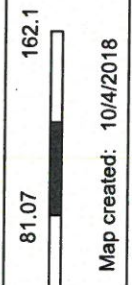
WGS, 1984, Web\_Mercator, Auxiliary\_Sphere  
Map Projection:

Notes

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This map tool is for information screening purposes only. In all cases, please contact RVCA Planning Staff for confirmation: 613.692.3571 or info@rvconline.com

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**TOWNSHIP OF SOUTH FRONTENAC  
APPLICATION FOR CONSENT**

The Committee of Adjustment is a Committee of Eight persons appointed by Township Council. The Committee is formed under Section 53 of the Planning Act R.S.O. 1990 Chapter P.13. to authorize the division of property.

The Committee, in considering Consent (Severance), shall have regard, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- The effect of development on matters of provincial interest as referred to in Section 2 of the Planning Act.
- Whether the proposed severed lot is premature or in the public interest.
- Whether the consent conforms to the intent of the Official Plan.
- The suitability of the land for the purposes for which it is being severed.
- The number, width, location and proposed grades and elevations of roadways and their adequacy in relation to any proposed roadway linking the proposed severed area with the established roadway system.
- The dimensions and shape of the proposed lot.
- Any restrictions on the subject land (or on the buildings and structures to be erected on it) and any restrictions on abutting lands.
- Conservation of natural resources and flood control.
- The adequacy of utilities and municipal services.
- The adequacy of schools.
- The area of land, if any, exclusive of roadways, that is to be conveyed or dedicated for public purposes (such as for parks).
- The physical configuration of the new lot having regard to energy conservation.

**Application Requirements**

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment/Land Division Committee, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE of \$817.00** (\$732.00 application fee plus \$85.00 Building Department consultation fee) in cash or cheque made payable to the Township of South Frontenac.
2. It is required that a Fee be provided for the Health Unit and/or Conservation Authority (where applicable) when submitting an application. Separate cheques, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application.

Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit ( <i>per new lot</i> )	\$500
Cataraqui Region Conservation Authority ( <i>per new lot or lot addition</i> )	\$390

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Quinte Conservation Authority ( <i>will invoice directly</i> )	\$325
Rideau Valley Conservation Authority ( <i>per new lot or lot addition</i> )	\$450

**3. PLEASE READ THIS ITEM CAREFULLY:**

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in question 17 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Consent Application by the Land Division Committee. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A Reference Plan (survey) is not necessarily required for the Committee to consider the application but will be required at a later date prior to the stamping of the deeds.

**4. Collection of Personal Information**

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment/Land Division Committee. (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext.2221)

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended



Date Received: \_\_\_\_\_ File No: \_\_\_\_\_

1. Name of Owner(s): DEBBIE R TERRY

Full Mailing Address of Owner(s): \_\_\_\_\_  
\_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

2. If the applicant is NOT the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

[Signature]  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: CON 7 WPT Lot Number: LOT 21

Street Number: 169 Name of Road/Street: GREEN BAY ROAD

Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_

Roll Number: 010-050-22800-0000

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**

*Planning Act, R.S.O. 1990, c. P.13 as amended*

FIRE HALL. 280M

GREEN BAY 530 M

GARAGE 280M

4. The frontage(s), depth and area of the subject land.

Frontage (on water): Ø

Frontage (on road/lane): ~~315.79 FT~~

Depth: ~~1259~~ Irregular

Area: ~~9.99 ACRES~~ 77 ACRES

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

New Lot.

6. The following information regarding the land intended to be severed and the land to be retained:  
NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. (Complete this section for a new lot only)

Proposed New Lot:

Retained Lot:

Frontage  
On Road

96.012 M.  
315.79 FT

Frontage  
On Road

GREEN BAY 434 M.

Frontage  
On Water

Ø

Frontage  
On Water

Ø

Depth

1259 FT

Depth

Area

9.99 ACRES

Area

67 ACRES

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot:

Ø

House

Retained:

House

RESIDENTIAL / HOUSE

Structures Existing

Structures Proposed

New Lot:

Ø

RESIDENTIAL / House.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: House  
 \_\_\_\_\_  
 \_\_\_\_\_

Ø  
 \_\_\_\_\_  
 \_\_\_\_\_

(b) The frontage, depth and the area. (Complete for a lot addition or right-of-way (R.O.W.) only)

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property *from which the lot addition is being severed or over which the R.O.W. will run*)

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Area: \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Retained Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

Ø  
 \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

0

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Green Bay

The retained lot: Green Bay

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot** is **by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: 0

Retained Lot: 0

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: WEW Retained Lot: WEW

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: SEPTIC Retained Lot: SEPTIC

12. The current zoning of the subject land in the applicable Zoning By-law.

RU

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (if applicable):

RESIDENTIAL

14. If known, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:

\_\_\_\_\_

(c) The current use of the land: 0 \_\_\_\_\_

15. Are there any abandoned wells on the property you are aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**



**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

**A GUIDE TO COMPLETING YOUR APPLICATION FORM**

1. The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
2. If there is someone acting on behalf of the listed owner(s) (e.g. a solicitor, a consultant, or a family member) then that person would be the agent, and the owner(s) must sign part (e) to indicate that the agent has the authorization to act on behalf of the owner(s).
- 1) Description of the Subject Land:
  - a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
  - b. Concession and Lot Numbers: if you are not sure, check your tax bill
  - c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
  - d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
  - e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
  - f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.
3. Please indicate the purpose of this consent application from among the choices provided.
4. Please complete all sections that pertain to your application.  
If your application is for a new lot please complete section (a).  
If your application is for a lot addition or a right-of-way, please complete section (b).
5. If you know the person who will be purchasing the new lot or lot addition, please indicate. Otherwise, indicate "self".
6. This question is asking about such things as a 20 ft. wide Bell or Ontario Hydro easement, a registered right-of-way to access another property, or something like someone having a life-long interest in the property.
7. Please indicate what road or lane will be used to access the new lot and the retained parcel.
8. If the new lot can be accessed by water only, we will need to know where you access it from, and what arrangements exist for permanent mainland parking, as access to mainland parking is a requirement of creating a new water access only lot.
9. In most cases, your answer will be private well, or lake, depending on where the lot is located.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

10. The majority of cases will be private septic, but there may also be some privies or other situations.
11. If you do not know how your property is zoned, leave this question blank until you have talked to the planning staff.
12. Please indicate if you have ever applied for a severance application or a plan of subdivision or a plan of condominium for the subject land since September 5, 2000.
13. Please indicate if you have applied for a zoning by-law amendment, an official plan amendment, or a minor variance, and if so, indicate the file # (or date) and the purpose of the application.
14. This question is asked because no new lot will be created unless the Committee is satisfied that any abandoned wells on the property have been properly sealed in accordance with Ministry of Environment guidelines.
15. **The Sketch is probably the most important part of your application. You do not need to pay a professional to prepare it for you, but it must be drawn to scale; it must contain all of the information outlined; and it must be drawn with north direction at the top of the sketch.**
16. The Agreement to Indemnify is your agreement that your application will be processed at your expense, and that any additional expenses will be your responsibility. If there is more than one owner, both owners must sign the application, unless one person has been appointed as agent for purposes of processing the application. The signature(s) can be witnessed at the Township Office, or you can have a commissioner.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** October 6, 2018

**Application No:** S-87-18-L  
**Owner:** Green  
**Location of Property:** Part Lot 22, Concession 8, District of Loughborough, Township of South Frontenac, municipally known as Dean Smith Road and Leland Road  
**Purpose of Application:** Consent for a lot addition  
**Date of Hearing:** October 11, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-87-18-L for the consent of a lot addition to Part Lot 22, Concession 8, District of Loughborough, municipally known as 908 Leland Road.

### Proposal

An application for consent has been received for the conveyance of a lot addition from an existing rural property at Part Lot 22, Concession 8, District of Loughborough, municipally located along Dean Smith Road and Leland Road to an abutting property municipally known as 908 Leland Road (see attached map). The existing lot has frontage on Dean Smith Road and Leland Road and is vacant. The applicant is proposing to sever approximately 1.5 acres from the existing 13 acre lot to be added to a developed rural residential lot with frontage on Leland Road.

#### S-87-18-L

Consent application S-87-18-L is for the conveyance of 1.5 acres of land with approximately 60 metres of frontage along Leland Road to a developed lot municipally known as 908 Leland Road. The proposed benefitting lands will increase in size from 1 acre to 2.5 acres and in frontage from 67 metres to 127 metres along Leland Road. This will bring the benefitting lands into compliance with the current provisions for rural residential lots.

#### Retained Lot

The retained lands will consist of approximately 11.5 acres with approximately 230 metres of frontage along Dean Smith Road. The retained lands will be vacant, but it is anticipated that they will be developed for residential purposes.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes, once rezoned to commercial
Current Zoning:	Rural
Complies with Zoning Bylaw 2003-75:	Yes

### Provincial Policy Statement (2014)

The 2014 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. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands and Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. The proposed lot addition will



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



increase the benefitting lands to create a lot that meets the rural zone provisions in the Township's Zoning Bylaw.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. No further development is proposed for the lands to be conveyed; the benefitting lands are already developed and the additional lands will create a buffer from neighbouring properties.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

### **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.

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. The proposed consent application will increase the size of the benefitting lands to bring the lands into compliance with the Township's Official Plan.

### **Township of South Frontenac Official Plan, 2003**

The subject property and benefitting lands are designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. The lot addition application does not count towards the creation of a new rural residential lot as there is no increase in development permitted. The proposal will bring the severed lot into conformity with the policies for lot sizes for rural residential uses. The retained lots will continue to conform with the Official Plan.

### **Township of South Frontenac Zoning Bylaw**

The subject property is zoned Rural (RU) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The entirety of the lands to be conveyed and the benefitting lands are zoned rural in the Township's Zoning Bylaw. The consent application will increase the area and frontage requirements of the benefitting lands and bring them into compliance with the Bylaw. The retained lands will continue to exceed the minimum requirements and have a suitable building envelope.

### **Agency Analysis and Comments**

Public Works Department – Public Works have no objection to the proposed consent application.

Public Comments – As of the time of writing, no written comments have been received from the public.

The application was not circulated to external commenting agencies as no natural features were identified on the lands and no further development was proposed beyond the potential that existed.

A site visit was completed by planning staff and Township Public Works staff on September 28, 2018, to review the severance application.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-87-18-L shall be for a lot addition with an area of approximately 1.5 acres and 60 metres of frontage along Leland Road to be conveyed only to 908 Leland Road (Roll no. 102904004019740).
3. The lands to be severed are for the purpose of a lot addition only to the adjacent lands described as Part 1 Reference Plan 13R-5588 (PIN 36283-0066), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

### Survey/Reference Plan or Registerable Description

4. 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 one year [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Road Widening

5. The surveyor who prepares the reference plan referred to in Condition #4 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



### Municipal Requirements

6. 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.
7. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
8. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

9. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac

### **Attachments**

Map of the lands proposed to enlarge the Green property at 908 Leland Road.



DEAN SMITH ROAD

**GREEN  
S-87-18**

**Legend**

-  Green Property
-  Green Lot
-  Provincially Significant Wetlands
-  Wetland

**Proposed  
Lot  
Addition**

**Retained  
Parcel**

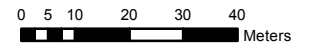
**Benefitting  
Lands**

LELAND ROAD

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:1,400



UTM Projection NAD 83



**TOWNSHIP OF SOUTH FRONTENAC  
APPLICATION FOR CONSENT**

The Committee of Adjustment is a Committee of Eight persons appointed by Township Council. The Committee is formed under Section 53 of the Planning Act R.S.O. 1990 Chapter P.13. to authorize the division of property.

The Committee, in considering Consent (Severance), shall have regard, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- The effect of development on matters of provincial interest as referred to in Section 2 of the Planning Act.
- Whether the proposed severed lot is premature or in the public interest.
- Whether the consent conforms to the intent of the Official Plan.
- The suitability of the land for the purposes for which it is being severed.
- The number, width, location and proposed grades and elevations of roadways and their adequacy in relation to any proposed roadway linking the proposed severed area with the established roadway system.
- The dimensions and shape of the proposed lot.
- Any restrictions on the subject land (or on the buildings and structures to be erected on it) and any restrictions on abutting lands.
- Conservation of natural resources and flood control.
- The adequacy of utilities and municipal services.
- The adequacy of schools.
- The area of land, if any, exclusive of roadways, that is to be conveyed or dedicated for public purposes (such as for parks).
- The physical configuration of the new lot having regard to energy conservation.

**Application Requirements**

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment/Land Division Committee, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE of \$817.00** (\$732.00 application fee plus \$85.00 Building Department consultation fee) in cash or cheque made payable to the Township of South Frontenac.
2. It is required that a Fee be provided for the Health Unit and/or Conservation Authority (where applicable) when submitting an application. Separate cheques, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application.

Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit ( <i>per new lot</i> )	\$500
Cataraqui Region Conservation Authority ( <i>per new lot or lot addition</i> )	\$390

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

Quinte Conservation Authority ( <i>will invoice directly</i> )	\$325
Rideau Valley Conservation Authority ( <i>per new lot or lot addition</i> )	\$450

**3. PLEASE READ THIS ITEM CAREFULLY:**

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in question 17 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Consent Application by the Land Division Committee. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A Reference Plan (survey) is not necessarily required for the Committee to consider the application but will be required at a later date prior to the stamping of the deeds.

**4. Collection of Personal Information**

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment/Land Division Committee. (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext.2221)

RECEIVED

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: \_\_\_\_\_  
TOWNSHIP OF SOUTH FRONTENAC  
PLANNING DEPARTMENT

File No: S-87-18-L

1. Name of Owner(s): Carolyn Green

Full Mailing Address of Owner(s): \_\_\_\_\_  
\_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: Robin Ratz

Full Mailing Address of Authorized Agent: \_\_\_\_\_  
\_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

RECEIVED  
SEP 05 2018  
TOWNSHIP OF SOUTH FRONTENAC  
PLANNING DEPARTMENT

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

\_\_\_\_\_  
\_\_\_\_\_

Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 8 Lot Number: 22

Street Number: \_\_\_\_\_ Name of Road/Street: Dean Smith

Reference Plan Number: 13R21411 Part Number(s): 8

Roll Number: 040-040-19707-0000

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): \_\_\_\_\_ Frontage (on road/lane): 290m

Depth: \_\_\_\_\_ Area: 13 acres

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

lot addition

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:

Retained Lot:

Frontage On Road \_\_\_\_\_

Frontage On Road \_\_\_\_\_

Frontage On Water \_\_\_\_\_

Frontage On Water \_\_\_\_\_

Depth \_\_\_\_\_

Depth \_\_\_\_\_

Area \_\_\_\_\_

Area \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses

Proposed Uses

New Lot: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

New Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

~~Structures Existing~~

~~Structures Proposed~~

Retained Lot: \_\_\_\_\_  
 \_\_\_\_\_

(b) The frontage, depth and the area. **(Complete for a lot addition or right-of-way (R.O.W.) only)**

Proposed Lot Addition (or right-of-way)

*Part 7 on BR 2141*

Retained Lot: (This is the property *from which the lot addition is being severed or over which the R.O.W. will run*)

Frontage On Road: 60m

Frontage On Road: 230m

Frontage On Water: \_\_\_\_\_

Frontage On Water: \_\_\_\_\_

Depth: IRC

Depth: 200m

Area: 1.5 acres

Area: 11.4 acres

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: \_\_\_\_\_

\_\_\_\_\_

Retained: vac

vac

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): \_\_\_\_\_

\_\_\_\_\_

Retained Lot: vac

vac

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

\_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (**if known**):

N/A

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Leland Road (pt 1)

The retained lot: Dean Smith

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the **new lot is by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: \_\_\_\_\_

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: Private Well      Retained Lot: Private Well

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: Private Septic      Retained Lot: Private Septic

12. The current zoning of the subject land in the applicable Zoning By-law.

Rural

13. **If known**, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (*if applicable*):

\_\_\_\_\_

14. **If known**, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:

\_\_\_\_\_

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**



**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

**A GUIDE TO COMPLETING YOUR APPLICATION FORM**

1. The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
2. If there is someone acting on behalf of the listed owner(s) (e.g. a solicitor, a consultant, or a family member) then that person would be the agent, and the owner(s) must sign part (e) to indicate that the agent has the authorization to act on behalf of the owner(s).
- 1) Description of the Subject Land:
  - a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
  - b. Concession and Lot Numbers: if you are not sure, check your tax bill
  - c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
  - d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
  - e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
  - f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.
3. Please indicate the purpose of this consent application from among the choices provided.
4. Please complete all sections that pertain to your application.  
If your application is for a new lot please complete section (a).  
If your application is for a lot addition or a right-of-way, please complete section (b).
5. If you know the person who will be purchasing the new lot or lot addition, please indicate. Otherwise, indicate "self".
6. This question is asking about such things as a 20 ft. wide Bell or Ontario Hydro easement, a registered right-of-way to access another property, or something like someone having a life-long interest in the property.
7. Please indicate what road or lane will be used to access the new lot and the retained parcel.
8. If the new lot can be accessed by water only, we will need to know where you access it from, and what arrangements exist for permanent mainland parking, as access to mainland parking is a requirement of creating a new water access only lot.
9. In most cases, your answer will be private well, or lake, depending on where the lot is located.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

10. The majority of cases will be private septic, but there may also be some privies or other situations.
11. If you do not know how your property is zoned, leave this question blank until you have talked to the planning staff.
12. Please indicate if you have ever applied for a severance application or a plan of subdivision or a plan of condominium for the subject land since September 5, 2000.
13. Please indicate if you have applied for a zoning by-law amendment, an official plan amendment, or a minor variance, and if so, indicate the file # (or date) and the purpose of the application.
14. This question is asked because no new lot will be created unless the Committee is satisfied that any abandoned wells on the property have been properly sealed in accordance with Ministry of Environment guidelines.
15. **The Sketch is probably the most important part of your application. You do not need to pay a professional to prepare it for you, but it must be drawn to scale; it must contain all of the information outlined; and it must be drawn with north direction at the top of the sketch.**
16. The Agreement to Indemnify is your agreement that your application will be processed at your expense, and that any additional expenses will be your responsibility. If there is more than one owner, both owners must sign the application, unless one person has been appointed as agent for purposes of processing the application. The signature(s) can be witnessed at the Township Office, or you can have a commissioner.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

Report Date: October 6, 2018

**Application No:** S-88-18-S  
**Owner:** 1324789 Ontario Inc.  
**Location of Property:** Part Lots 23 and 24, Concession 3/4, District of Storrington, Township of South Frontenac (Round Lake Road/Sweetfern Lane)  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** October 11, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-88-18-S for the creation of one new rural residential lot with frontage on Round Lake Road and Sweetfern Lane. **The application is the resubmission of consent application S-36-17-S which lapsed as the conditions were not fulfilled within the one year timeframe.**

### Proposal

An application for consent has been received for the creation of one new rural residential lot from an existing property at Part Lots 23 & 24, Concession 3/4, District of Storrington, Township of South Frontenac (see attached map). The existing lot has frontage on Round Lake Road and is accessed by Sweetfern Lane, a private lane dissecting the property. The lot is heavily vegetated, contains some natural features, is dissected by Sweetfern Lane and has frontage along Inverary Lake. The application is proposing to sever approximately 15 acres from 52 acre lot in order to create one rural residential lot with frontage on Round Lake Road and Sweetfern Lane.

#### S-88-18-S

Consent application S-88-18-S is for the creation of a developed rural residential lot that is approximately 15 acres in area. The proposed lot will have approximately 106 metres of frontage along Round Lake Road and over 300 metres of frontage along Sweetfern Lane. The proposed severed lot will not have frontage along Inverary Lake. The lot will be irregularly shaped due to the configuration of the existing lot and neighbouring properties. No new entrance is proposed because the lot is already developed.

#### Retained Lot

The retained lands will consist of approximately 37 acres of area with approximately 450 metres of frontage long Sweetfern Lane East. The retained lands will have approximately 450 metre of frontage along Inverary Lake and contain all of the waterfrontage of the existing parcel. No further development is proposed for the retained lands at this time, though suitable building envelopes exist to accommodate future development.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014:	Yes
Current Official Plan Designation:	Rural
Application conforms with Official Plan, 2003:	Yes
Current Zoning:	Rural and Residential Limited Services Waterfront-115
Complies with Zoning Bylaw 2003-75:	Yes

### Provincial Policy Statement (2014)

The 2014 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. When assessing consent applications on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Recourses, and Section 3: Protecting Public Health and Safety by the approval authority.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.5.2 of the PPS permits limited residential development on rural lands in addition to resource-based recreational uses in Ontario municipalities and in Section 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels. Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The consent application will result in the creation of a rural residential lot that is developed with a dwelling and accessory uses. This is a resubmission of an application previously approved by the Committee of Adjustment in 2017.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. A 40 metre setback exists on the undeveloped retained parcel; suitable area exists on the retained parcel to develop outside of this setback.

Section 3: Protecting Public Health and Safety directs development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. No natural or human-made hazards were identified on the subject property or neighbouring property that would impact public health and safety.

### **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.

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.

Section 3.3.3.4 Special Policies – Waterfront Area list an overall goal of the Plan to improve and protect the waterfront areas in Frontenac County as a significant cultural, recreational, economic, and natural environment resources and to maintain or enhance the quality of the land areas adjacent to the shore. Sufficient area exists on the severed lots to meet the required waterbody setbacks. An enhanced setback of 40 metres will further protect the waterfront.

### **Township of South Frontenac Official Plan, 2003**

The subject property is designated as Rural in the Township of South Frontenac Official Plan. Policies of the Rural designation speak to permitting development that is consistent with maintaining the Township's rural, natural heritage, and cultural landscape. Section 5.7.4 Rural Residential Policies permit limited non-agricultural development within the Rural area. As a rule, the minimum lot sizes are to be 2 acres (0.8 hectares) with 76 metres (250 feet) of frontage along a public road and 91 metres of frontage along the waterfront for waterfront lots. Further, a maximum of three rural residential severances may be permitted from a lot existing as of the date of adoption of the plan. Lots shall be serviced by private water and sanitary sewage disposal systems. The proposed severed and retained lots exceed the minimum requirements in the Township Official Plan for new lot creation. Further, the application is the resubmission of an application that lapsed on title, but is the third and final permitted rural residential lot to be created through the consent process under the Official Plan in effect.

### **Township of South Frontenac Zoning Bylaw**

The property is zoned Rural (RU) and Residential Limited Services Waterfront Exception 115 (RLSW-115) in the Township of South Frontenac Zoning Bylaw. The intent of the Rural zoning is to permit a variety of uses including agriculture and residential. The proposed new lot will exceed the minimum lot area and frontage requirements for a single detached residential uses. The lot will be of sufficient size to permit a hobby farm; an MDS calculation will be required for the construction of a livestock facility.

The retained lands are zoned RLSW-115 as per Bylaw 2017-52. The exception zone associated with the lot recognizes that a 40 metre setback is required from Inverary Lake for any future development on the retained lands. The rezoning was completed as part of the submission of application S-36-17-S to recognize that the retained lands would only be accessible by private lane. A development agreement



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



was registered on title to alert future owners of the limited services associated with a lot accessible by private lane.

Provisions in the Bylaw regulate the placement of future structures on the severed lots, including yard setbacks, building coverage and the required 40 metre setback from Inverary Lake. With each of the lots being permitted a separate maximum nutrient unit based on overall area. Sufficient area exists on the severed lands to achieve the required setbacks from any environmental features to the north of the lot.

## Agency Analysis and Comments

Public Works Department – Public Works would not support an entrance to the severed lot with access off of Round Lake Road; the applicants will be providing access from Sweetfern Lane as was proposed in the original application.

Public Comments – As of the time of writing, no written comments have been received from the public. One gentleman alerted Township staff that he had received the letter from the planning department.

A site visit was completed by planning staff and Township Public Works staff on September 28, 2018, to review the severance application.

Because the application was the re-circulation of a previously approved application for provisional consent and rezoning, the application was not re-circulated to the commenting agencies at this time. Agencies provided supportive comments on the previously approved application.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of 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 one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

### Severed Lands

2. The land to be severed by Consent Application S-88-18-S shall be for the creation of a lot with an area of approximately 15 acres with approximately 106 metres of frontage along Round Lake Road and over 300 metres of frontage along Sweetfern Lane together with a right-of-way over Sweetfern Lane.

### Survey/Reference Plan or Registerable Description

3. 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 one year [Planning Act, s. 53(41)] after the date the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

### Road Widening

4. The surveyor who prepares the reference plan referred to in Condition #3 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*

- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
- e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

### Municipal Requirements

5. 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.
6. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-88-18-S, in lieu of parkland [Planning Act, s. 51(1)] or confirmation that the Township received this through consent application S-36-17-S.
7. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.

### Zoning

8. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

### Access

9. That the right-of-way proposed in application S-88-18-S over Sweetfern Lane to the retained parcel shall be surveyed according to the Township's standards for new private lanes. The right-of-way access shall be recognized on the deeds of the lot to be accessed and the property over which is accesses.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac

### **Attachments**

Map of the 1324789 Ontario Inc. property.



3356 Round Lake Road

ROUND LAKE ROAD

Proposed Lot

1035 Sweetfern Lane

Retained Parcel

SWEETFERN LANE EAST

SWEETFERN LANE



3443 Round Lake Road

Inverary Lake



**1324789 ONTARIO INC.  
S-88-18-S**

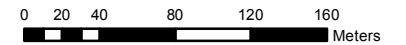
### Legend

-  1324789 Ontario Inc Property
-  1324789 Ontario Inc. proposed lot

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While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:4,000



UTM Projection NAD 83

Original Lapsed

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

New #  
5-88-18-5

Date Received: September 12, 2018

File No: \_\_\_\_\_

1. Name of Owner(s): 1324789 ONTARIO INC.  
Full Mailing Address of Owner(s): \_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 3 + 4 Lot Number: LOT 23 + 24.

Street Number: 1035 Name of Road/Street: SWEET FERN LAKE.

Reference Plan Number: 13R-20115 + 13R-20205 Part Number(s): 4, 5, 6, + 7. → 4, 5, 6, 7, 8, 9, 10, + 16.

Roll Number: 1029 0600 2016120

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): N/A 1500'      Frontage (on road/lane): 105 m  
 Depth: IRREGULAR      Area: 52 ACRES.

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

NEW LOT.

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. **(Complete this section for a new lot only)**

Proposed New Lot:		Retained Lot:	
Frontage On Road	<u>105 m</u>	Frontage On Road	<u>1500', SWEETFERN LANE EAST.</u>
Frontage On Water	<u>N/A.</u>	Frontage On Water	<u>1500'</u>
Depth	<u>IRREGULAR.</u>	Depth	<u>IRREGULAR.</u>
Area	<u>15 ACRES</u>	Area	<u>37 ACRES.</u>

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

	Existing Uses	Proposed Uses
New Lot:	<u>RESIDENCE.</u>	<u>RESIDENCE</u>
Retained:	<u>VACANT LAND.</u>	<u>VACANT LAND</u>

	Structures Existing	Structures Proposed
New Lot:	<u>RESIDENCE</u>	<u>NONE,</u>

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

Structures Existing

Structures Proposed

Retained Lot: NONE  
 \_\_\_\_\_  
 \_\_\_\_\_

NONE  
 \_\_\_\_\_  
 \_\_\_\_\_

(b) The frontage, depth and the area. (Complete for a lot addition or right-of-way (R.O.W.) only)

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Road: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Frontage  
On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Area: \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W: \_\_\_\_\_

\_\_\_\_\_

Retained: \_\_\_\_\_

\_\_\_\_\_

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Retained Lot: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (*if known*):

NO CHANGE.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

---

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): SWEETFERN LANE.

The retained lot: SWEETFERN LANE + SWEETFERN LANE EAST.

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the new lot is by water only, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: N/A.

Retained Lot: N/A.

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: EXISTING INDIVIDUAL WELL      Retained Lot: INDIVIDUAL WELL.

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: EXISTING INDIVIDUAL PRIVATE SEPTIC.      Retained Lot: INDIVIDUAL PRIVATE SEPTIC.

12. The current zoning of the subject land in the applicable Zoning By-law.

RURAL.

---

13. If known, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: APPROVED.

(2 SEVERANCES)

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

(c) The current use of the lot created (if applicable):  
\_\_\_\_\_

14. If **known**, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: Z-17/10 (b) The decision on the application:  
APPROVED

(c) The current use of the land: RESIDENTIAL

15. Are there any abandoned wells on the property you aware of?  Yes  No

16. A **SKETCH** must be submitted showing the following:

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**







# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

Report Date: October 6, 2018

**Application No:** MV-04-18-B  
**Owner:** Guy Marchildon and Nicole Smith  
**Location of Property:** Concession 10, Part Lot 8, Island 50, Devil Lake, District of Bedford, Township of South Frontenac  
**Purpose of Application:** To vary section 5.8.2.a and 11.3.1 of the Comprehensive Zoning Bylaw 2003-75 to permit a reduction of the setback from the high water mark of Devil Lake from 30 metres to 25 metres.  
**Date of Hearing:** October 11, 2018  
**Recommendation:** **Approval, Pending the receipt of comments from KFL&A Public Health prior to the meeting.**

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that minor variance application MV-04-18-B, which would to permit a reduction in the waterbody setback from 30 metres to 25 metres to permit the construction of a dwelling, **be approved pending the receipt of formal comments from KFL&A Public Health ensuring that there is a suitable location for the septic system outside of the 30 metre setback from Devil Lake. Should comments not be received in advance of the meeting, planning staff recommend that the application be deferred.**

### Proposal

An application for minor variance has been submitted to permit a 5 metre reduction in the required waterbody setback from the high water mark of Devil Lake to allow for the construction of a dwelling at Part Lot 8, Concession 10, Island 50, Devil Lake (see attached map). The island property has over 1000 metres of frontage along Devil Lake and an area of approximately 8.8 acres. The subject property is oversized compared to the current waterfront island provisions, but is relatively narrow with regard to current setback provisions. The application was previously before the Committee of Adjustment at the June meeting and was deferred to allow the Cataraqui Region Conservation Authority to complete a site visit and obtain comments from KFL&A Public Health. As a result of the site visits and preliminary EIA completed, the reduction requested in the application was amended from 10 metres to a reduction of 5 metres.

The applicant is proposing to construct a dwelling that is a 24 feet by 36 feet (864 square feet) two-storey structure on the vacant lot. The applicant has identified the topography on the lot as a constraint to achieving the required 30 metre setback. A revised preliminary EIA was completed in August 2018 following deferral of the application which has now been reviewed by the appropriate agencies. Minor variance is required to construct the dwelling as the principal dwelling will be located within the waterbody setback:

1. Section 5.8.2.a: No building or structure or septic tank installation shall be located within 30 metres horizontal of the highwater mark of a waterbody or permanent watercourse.  
Requested variance from this section:
  - a. Proposed principal dwelling located at 25 metre setback (variance request of 5 metres).
2. Section 11.3.1: Principal building setback from highwater mark or floodline of a body of water (minimum) is 30 metres.  
Requested variance from this section:
  - a. Proposed principal dwelling located at 25 metre setback (variance request of 5 metres).

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

- Does the application conform to the general intent and purpose of the Official Plan?
- Does the application conform to the general intent and purpose of the Zoning By-law?
- Is the application desirable for the appropriate development of the lands in question?
- Is the application minor?



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Background

The subject property is an oversized lot with approximately 1000 metres of frontage on Devil Lake. The subject property comprises the entirety of the island, approximately 8.8 acres in size. The Cataraqui Region Conservation Authority characterizes the topography of the island where the development is proposed as, “sloping from the water up to a high plateau area and then dropping down steeply on the south side of the plateau to the shoreline along the south side of the island,” (letter dated October 4, 2018). Correspondence submitted by Ontario Lake Assessments and Environmental Education Services dated April 23, 2015 indicate there is a water depth of 2-5 metres within a few meters of the shoreline with much submerged woody debris along most of the shoreline. Devil Lake is identified as a lake trout lake at capacity. The EIA identified potential lake trout spawning shoals exists to the north east exposure of the island; MNR staff indicated that there are no records of spawning shoals around Island 50 but emphasized that this does not eliminate the need to be vigilant in the event one does exist.

The application was previously before the Committee of Adjustment in June, 2018. At the meeting, the Committee voted to defer the application until Cataraqui Regional Conservation Authority staff could visit the property and KFL&A Public Health determine if there was a suitable location for septic in the future. A revised preliminary EIA was submitted by Ontario Lake Assessments and Environmental Education Services addressing concerns of the CRCA that were brought forward at the June meeting. The amended application seeks a reduction of 5 metres (previous reduction requested was 10 metres) which recognizes the constraints identified on the property while increasing the vegetated buffer depth an additional 5 metres.

## Planning Analysis

### Current Official Plan Designation: Rural

The property is designated as Rural in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Rural designation speak to the importance of maintaining the rural character, natural heritage and cultural landscape in the Township. Following guidance from Section 5.7.7 (“Limited Service Residential Development Policies”), permitted uses in the Rural designation include single detached dwellings and seasonal residential dwellings. Development in the Rural designation shall be designed to preserve as much as possible of the site’s physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents. Subsection (iii) of Section 5.7.7 addresses water access lots. Limited service residential development shall be permitted on water access lots provided:

- a) An adequate supply of potable water is available for each lot on the island and that a satisfactory method of sewage disposal is approved by the appropriate authority;
- b) Access to the water body in which the island is situated is available to provide appropriate services to the island;
- c) Island seasonal residential development is zoned in a separate category from other forms of seasonal residential development;
- d) That land and mooring facilities on mainland are available to permit the parking of automobiles and/or storage or docking of boats and boat trailers.

KFL&A Public Health was circulated the application to ensure that a suitable area exists on the subject property to install a septic system should the applicants wish to install plumbing in the future; pending staff are recommending the deferral of the application if formal comments have not been received in advance of the meeting. Further, the applicants have parking facilities under their ownership which provide suitable access to the island property. Finally, the subject property is zoned as Limited Services Residential – Island in the Township’s Comprehensive Zoning Bylaw; this zone recognizes the limited services and has a provision for an increased lot size for island properties. As such, the application meets the intent of the water access lot policies in the Official Plan.

Section 5.8.2 “Lake Trout Lakes” of the Official Plan contains policies that are designed to ensure that any development on or adjacent to a sensitive lake trout lake takes place in a manner which does not negatively impact water quality in order to maintain a healthy lake trout population. Since the writing of the Official Plan, Devil Lake has been classified as an at-capacity lake for development by the Ministry of the Environment, Conservation and Parks (MECP, formerly the Ministry of the Environment and Climate Change). The Official Plan requires the submission of an EIA for any development or site



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



alterations that are proposed within 30 metres of the highwater mark of the lake and contains policies for new lot creation within 300 metres of an at-capacity lake. The MECP reviewed the application and EIA with regard to water quality and Section 2.2 of the Provincial Policy Statement; the Ministry has no objection to the placement of the dwelling with the condition that the septic system is located outside of the required 30 metre setback.

## **Current Zoning: Limited Service Residential – Island**

The property is zoned Limited Service Residential – Waterfront Island in the Township of South Frontenac Comprehensive Zoning Bylaw. The intent of the RLSI zone is to permit waterfront development and while recognizing the property is an island. A 30 metre setback is required from the high water mark of the waterbody with appropriate development standards for lake protection. Section 5.8.4 states that natural vegetated buffers should be maintained within 30 metres of the highwater mark.

The CRCA raised concerns through correspondence sent to the June Committee of Adjustment meeting regarding a reduction of 10 metres for the proposed dwelling. CRCA staff reviewed the revised EIA submitted by Ontario Lake Assessments dated August 28, 2018 and do not dispute the findings of the EIA that there will be no negative impacts to natural heritage features for a reduction of 5 metres on the proposed property. The CRCA also reviewed the application for natural hazards and have concluded that the development will be located outside the setback to the regulatory flood plain and have no concerns with the proposal from an erosion hazard perspective.

## **Agency Analysis and Comments**

Public Comments – As of the date of preparing the report, one member of the public has requested to be circulated the notice of decision.

Ministry of the Environment, Conservation and Parks – Comments dated October 4, 2018, indicate that the Ministry has no objection to the proposal provided the septic system is located outside of the 30 metre setback from the high water mark. The Ministry reviewed the proposal with attention to Section 2.2 of the Provincial Policy Statement and water quality protection.

Cataraqui Region Conservation Authority – Comments dated October 4, 2018, indicate that CRCA staff have no objection to the approval of the application provided that the MECP has no concerns with potential impacts to water quality. The CRCA reviewed the application with regard to natural hazards, including flooding and erosion, and natural heritage and water quality.

KFL&A Public Health – Public Health provided verbal comments on October 4, 2018 stating that they have a few outstanding questions and require payment for their services. Formal comments will be circulated to the Township in advance of the October 11<sup>th</sup> Committee of Adjustment meeting; should comments not be received planning staff are recommending the application be deferred.

## **Conclusion**

Should comments from KFL&A Public Health be received in advance of the meeting, advising that there is a suitable location for septic outside of the 30 metre setback planning staff are recommending approval of the application. With a setback of 30 metres for the septic system, the proposed application to reduce the 30 metre setback from 30 metres to 25 metres from the highwater mark of Devil Lake will meet the four tests for a minor variance:

- The variance conforms to the general intent and purpose of the Official Plan because it is in keeping with the existing rural character, can be adequately serviced and achieves the intent of the water quality provisions for lake trout lakes.
- The variance conforms to the general intent and purpose of the Zoning Bylaw as the proposed construction seeks to maximize the waterbody setback while recognizing the constraints on the property. Natural heritage objectives of the vegetative buffer can be achieved with the proposal as confirmed by the CRCA.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- The variance is desirable for the appropriate development of the lands in question as the dwelling placement recognizes the constraints on the property resulting in less excavation and disposal of excavated material on the site.
- The variance is minor as the proposed construction achieves the natural heritage and water quality policies of the Provincial Policy Statement as demonstrated through the correspondence provided by the MECP and CRCA.

### **Recommended Conditions**

1. This minor variance is for the construction of a two-storey dwelling that is located no closer than 25 metres to the subject property with exterior dimensions of the cottage being 24 feet by 36 feet.
2. Minor variance MV-04-18-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. The applicant shall enter into a site plan agreement with the Township to be registered on title as required in the Official Plan. The agreement shall set out the Township's environmental policies, that a permit may be required from Cataraqui Region Conservation Authority for the proposed development, and for any shoreline or in-water works, and the limited access provisions required in the Official Plan.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac






### **Attachments**

Map of Marchildon and Smith property.



# MARCHILDON MV-04-18-B

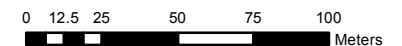
## Legend

-  Marchildon Property
-  Marchildon Proposed Cottage
-  30 metre setback
-  Marchildon Proposed 25 metre Setback
-  Frontenac Provincial Park

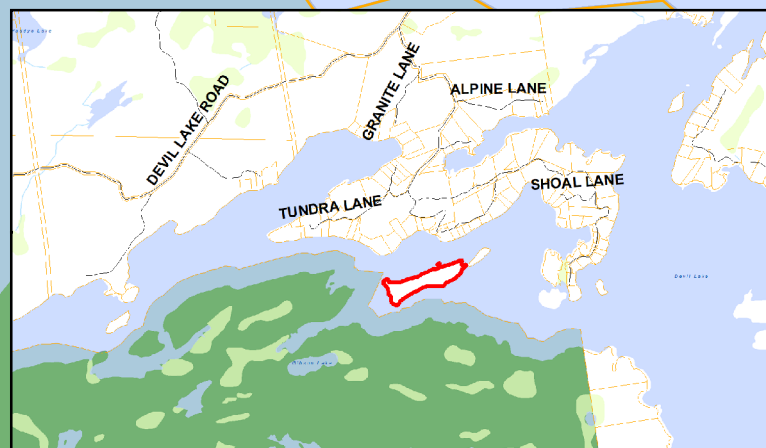
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:2,500



UTM Projection NAD 83





**CATARAQUI REGION CONSERVATION AUTHORITY**  
1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0  
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA  
Fax: (613) 547-6474 E-mail: info@crca.ca  
Websites: www.crca.ca & www.cleanwatercataraqui.ca



October 4, 2018

File: MV/FRS/24/2018

### **Sent by Email**

Ms. Claire Dodds, Director of Development Services  
Township of South Frontenac  
P.O. Box 100  
Sydenham, Ontario  
K0H 2T0

Dear Ms. Dodds:

**Re: Application for Minor Variance MV-04-18-B (Marchildon / Smith)  
Revised Submission  
Part Lot 8, Concession 10; Island 50  
Bedford District, Township of South Frontenac  
Waterbody: Devil Lake**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted revised submission for minor variance, and provide the following comments for the Committee of Adjustment's consideration. The property was visited by staff on July 30, 2018.

### **Summary of Proposal**

The proposal involves the construction of a single-family dwelling on the subject property. The revised submission is seeking a variance to:

- Reduce the required setback from the high water mark from 30 metres, as required by Section 5.8.2.(1.) of the South Frontenac Zoning By-law, to 25 metres in order to permit the construction of a dwelling.

### **Site Description**

The property is an island on Devil Lake known as Island 50. Based upon a review of Lidar mapping, the topography of the island in area where development is proposed can be characterized as sloping from the water up to a high plateau area and then dropping down steeply on the south side of the plateau to the shoreline along the south side of the island.

The property is currently designated 'Rural' in the Official Plan and 'Limited Service Residential – Island Zone' (RLSI) in the Zoning By-law for South Frontenac Township. Devil Lake has been designated as a moderately sensitive Lake Trout lake in the Official Plan for South Frontenac Township.

## Discussion

The main interest of the CRCA in this proposal are the is the protection of the water quality of Devil Lake and the avoidance of natural hazards associated with the shoreline (e.g. flooding and erosion).

### Natural Hazards

**Flooding:** The CRCA does not have floodplain mapping for Devil Lake. For Devil Lake, the maximum recorded water level is used in lieu of an engineered flood plain. The maximum recorded water level for Devil Lake is 131.96 metres geodetic. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory flood plain of a waterbody. Based upon elevation mapping data, staff have concluded that the proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

**Erosion:** The CRCA defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 3 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres. Staff have concluded that that the proposed development is located outside of the erosion hazard allowance. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

### Natural Heritage and Water Quality

**Natural Heritage:** Based upon a recommendation of the CRCA, the applicant has provided a second preliminary EIA (Ontario Lake Assessments, August 28, 2018) that discusses the development proposal in consideration of a reduction of 5 metres from the required 30 metre water setback.

The current setback requirements are the result of increased knowledge over time regarding the impacts development has on natural heritage features such as watercourses, waterbodies and/or wetlands. Preservation of a minimum 30 metre setback is the standard of today, and with each approved setback reduction, there is a contribution to the cumulative impacts that can occur. While staff do not dispute the findings of the EIA that there will be no negative impacts to the natural heritage features associated with the property, staff continue to support the preservation of the 30 metre setback as a best practice.

**Water Quality:** Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Devil Lake is identified as a moderately sensitive Lake Trout lake in the Official Plan, and as such, the waterbody is afforded additional protection to ensure development does not negatively impact the water quality of the lake.

As noted above, the applicant has provided a second preliminary EIA (Ontario Lake Assessments, August 28, 2018) that discusses the development proposal in consideration of a reduction of 5 metres from the required 30 metre water setback. However, the EIA does not appear to address potential impacts on water quality that may result from the proposed 5 metre reduction to the water setback. *Staff recommend that the municipality consult with the Ministry of Environment, Conservation and Parks (MECP) with respect to potential impacts to water quality that may result from this development.*

Ms. Claire Dodds (MV-04-18-B)  
October 4, 2018

**Recommendation**

**Staff have no objection to the approval of application MV-04-18-B provided that the MECP has no concerns with potential impacts to water quality.**

Please notify this office of any decision made by the Committee of Adjustment with regard to this application. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by email at [aschmidt@crca.ca](mailto:aschmidt@crca.ca).

Yours truly,



Andrew Schmidt, C.Tech.  
Supervisor, Development Review

/as  
c.c. Guy Marchildon & Nicole Smith, 4827 County Road 29 North, Almonte, ON, K0A 1A0  
Megan Rueckwald, Township of South Frontenac (via email)

**Ministry of the  
Environment,  
Conservation and Parks**  
Eastern Region  
*1259 Gardiners Road, Unit 3  
Kingston ON K7P 3J6*  
Phone: 613.549.4000  
or 800.267.0974

**Ministère de l'Environnement,  
de la Protection de la nature  
et des Parcs**  
Région de l'Est  
*1259, rue Gardiners, unité 3  
Kingston (Ontario) K7P 3J6*  
Tél: 613 549-4000  
ou 800 267-0974



**By email only**

October 4, 2018

Township of South Frontenac  
P.O. Box 100  
Sydenham, ON  
K0H 2T0

Attention: Claire Dodds, Director of Development Services, MCIP, RPP  
Email: [cdodds@southfrontenac.net](mailto:cdodds@southfrontenac.net)

Dear Ms. Dodds:

Re: Re-circulation – MV-04-18-B (Marchildon) – South Frontenac

---

I have reviewed the re-circulated application for the Minor Variance noted above, supporting documentation and offer the following comments.

The Ministry of the Environment, Conservation and Parks (MECP) recommends a minimum 30 metre setback from the high water mark of water bodies as a standard in local Official Plans and related ZBLs. In the case of existing lots of record the 30 m setback is a minimum; if the lot cannot accommodate the setback due to physical or topographical constraints development should be as far back from the high water mark as can be accommodated. New construction or reconstruction if applicable should take place within the footprint of the existing cottage, away from the direction of the high water mark or further back than the closest point of the existing footprint to the high water mark.

These standards are used as planning tools by municipalities to provide protection to lakes, rivers and streams from inputs of nutrients and suspended sediment consistent with Section 2.2. Water - of the Provincial Policy Statement. These contaminants originate primarily from the disturbance of soils, removal of natural vegetation, hardening of the landscape which results in increased surface runoff in addition from the migration of septic effluent from tile fields. The minimum setback of 30 metres from a water body is also recommended for water quality protection purposes. Generally, the greater the setback from the water; the greater the level of water quality protection. The 30 m buffer strip has become a standard and has been supported before the Ontario Municipal Board - now the Local Planning Appeal Tribunal.

**MV-04-18-B (Marchildon) – South Frontenac**

Devil Lake has been identified by the Ontario Ministry of Natural Resources and Forestry as a cold water lake trout fishery; managed for lake trout and is currently classified by the Ministry of the Environment, Conservation and Parks as “at capacity” for development. While this designation does not preclude responsible development on existing lots of record it should be done in such a way that minimizes impact to these sensitive surface water features such as maintaining a setback that is back as far as reasonably possible.

The minor variance is being sought to reduce the waterbody setback from 30 to 25 meters at the closest point to permit the construction of a seasonal dwelling on Island 50, Devil Lake, Concession 1, Lot 8, District of Bedford.

While it looks like every effort has been made to move the dwelling as far back as possible through the re-circulation of the Minor Variance the package of information does not include a septic tile field location. It has come to our attention that the proponent is seeking to utilize a composting toilet to service the proposed dwelling and that this overall proposal is awaiting review by the local health unit. This ministry would not have an objection to this application providing if a septic tile field could be established on site that the envelope be established (now or in the future) beyond the 30 m setback from the high water mark. In addition, disturbance to the soil mantle and removal of vegetation between the dwelling and the high watermark is to be minimized to form a vegetated buffer strip excepting a reasonable access corridor to the waterfront.

We have no further comments on this application at this time.

Regards,



Jon K. Orpana  
Environmental Planner & Environmental Assessment Coordinator  
Ministry of the Environment and Climate Change  
Kingston Regional Office  
PO Box 22032, 1259 Gardiners Road  
Kingston, Ontario  
K7M 8S5

Phone: (613) 548-6918  
Fax: (613) 548-6908  
Email: jon.orpana@ontario.ca



TOWNSHIP OF SOUTH FRONTENAC  
APPLICATION FOR MINOR VARIANCE OR PERMISSION

Date Received: December 10, 2017 File No: MV-04-18-B

1. Name of Owner(s): **Guy Marchildon & Nicole Smith**

**Full Mailing Address** of Owner(s): [REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: \_\_\_\_\_

**Full Mailing Address** of Authorized Agent:

Phone number of Authorized Agent:  
\_\_\_\_\_

Email Address of Authorized Agent:  
\_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

\_\_\_\_\_ Signature(s) of Owner(s)

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

3. The description of the subject land:

District:  Bedford  Portland  Loughborough   
Storrington

Concession Number: 10 Lot Number: PT LOT 8 ISLAND 50

Street Number: \_\_\_\_\_ Name of Road/Street:

Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_

Roll Number: 10 29 010 030 255400 0000

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 3751 ft Frontage (on road/lane): 0ft  
Depth: n/a Area: 395,839 sqft (9.09 acre)

5. The current zoning of the subject land: Recreational

6. The nature and extent of the relief from the Zoning By-law:

To request a 20m setback from the waterline.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

A 30m setback would place the cottage on a steep ridge making construction of a cottage difficult. A 20m setback would reduce excavation significantly as this area is relatively flat. The area at 30m setback also has several impressive white pines that we would prefer not to remove or disturb.

8. Does the subject property front on a municipally maintained road?  Yes  
 No OR a privately maintained road?  Yes  No

Name of Road/Lane:

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

The parking and lake access property is on West Devil Lake Lane. Please see below for details on the location of the access lot.

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

A separate lot was part of the purchase of the island for parking and docking. This lot is Bedford Con 10 pt lot 8, Con 11 pt lot 8 rd allowance. The roll number for this property is 10 29 010 030 10880 0000.

10. What are the existing uses of the subject land?

Vacant recreational land

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes       No

12. If the answer to item 11 is yes, for **EACH building or structure** indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

<b>Height of Building</b> (Also indicate if it is one story or two story)			
<b>Dimensions of Floor Area</b>			
<b>Setback from High Water Mark</b> (If applicable)			

13. The proposed uses of the subject land:

Family cottage.

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1) Off-grid cottage	(2)	(3)	(4)
<b>Setback from Front Lot Line</b>	N/A			
<b>Setback from Rear Lot Line</b>	N/A			

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

<b>Setback from Side Lot Line</b>	N/A			
<b>Height of Building</b> (Also indicate if it is one story or two story)	24ft - 2 story			
<b>Outside Dimensions of Building/Structure</b>	24ft x 36ft			
<b>Setback from High Water Mark</b> (If applicable)	20 m			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?  Yes  
 No

If yes, please provide details:

17. Do your plans include the **RAISING** of an existing structure?  
 Yes  No

If yes, please provide details:

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

18. What are the uses of the proposed development?

- |     |                                                                           |                              |                             |
|-----|---------------------------------------------------------------------------|------------------------------|-----------------------------|
| (a) | Increase in number of bedrooms                                            | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) | Increase in plumbing fixtures                                             | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) | Increase in living space                                                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) | Will the addition or structure encroach<br>on the existing septic system? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

19. The date the subject land was acquired by the current owner:

24<sup>th</sup> March 2015

20. The date the existing buildings and structures were constructed on the subject lands:

N/A vacant land \_\_\_\_\_

21. The length of time that the existing uses of the subject land have continued:

N/A

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Water will be drawn from the lake.

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

A composting toilet will be used. Above ground secondary composting will also be used as recommended by RVCA.

24. Is storm drainage provided by sewers, ditches, swales or by other means?

N/A

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

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27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

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29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$732.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
***Planning Act, R.S.O. 1990, c. P.13 as amended***

attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:





August 28, 2018

Megan Rueckwald M.P.L. (Planning Consultant)  
Township of South Frontenac  
4432 George Street  
P.O. Box 100  
SYDENHAM, Ontario  
K0H 2T0

**REGARDS: Preliminary EIA MV-04-18B; Guy Marchildon – Island 50, Devil Lake;  
Bedford District; South Frontenac Township**

Dear Megan Rueckwald:

A site visit was conducted at the above location accompanied by Guy Marchildon and his building contractor Keith Lavellee on August 23, 2018. Mr. Marchildon's application is for a minor variance to locate his cottage a setback distance of 20 metres from the water on an island on Devil Lake. A prior correspondence dated April 23, 2015 (Genge to Marchildon; cc. Lindsay Mills) regarding the location of a building envelope on this vacant lot of record contains a description of the site conditions and Natural Heritage findings and discussion pertinent to the above application (see attachments); those comments findings remain relevant for this application. It should be noted that while the island is relatively large, the northwest corner of the island is the only suitable location to build.

As a result of a site visit by Andrew Schmidt (CRCA) and to address his comments/concerns expressed by way of a subsequent telephone discussion, I conducted the above site visit with a view to reduce the setback applied for in the variance.

In order to satisfy the 30 metre setback requirement in the OP, the hillside at the rear of the cottage would be required to be excavated a depth of about 2.5 m to 3.0 m (8 - 10 feet) for footings in order to achieve a 1.0 m (3.28 feet) elevation on the front (downslope entrance) of the cottage. The 20 metre setback distance applied for in the variance seeks to avoid the ecological damage and challenging building conditions that would occur as a result.

In order to satisfy the CRCA position that a 20 metre setback is not minor, a position to which I agree, Mr. Lavellee is content that at a setback distance of 25m, the steeper slope at the rear of the cottage can be avoided. At the 25m distance, excavation will still be required in order to achieve a 1.0 m (3.28 feet) elevation at the front but not to the extreme extent that a 30 metre setback would necessitate. The location of the building and distances to the water were measured by tape and are indicated on the Google Earth image attached; the location of the front of the building (inclusive of any deck) was staked and flagged on site. A deck could be located on the eastern end of the cottage without further intruding closer than the 25 metre setback.

..... 2

August 28, 2018  
(Genge to Rucekwald)

-2-

There are no Natural Heritage constraints to locating the building envelope  $\geq 25$  metres from the water and at the indicated location; there will be less ecological destruction due to the reduction in excavation required at the 30m setback distance and also the disposal of excavated material on site. I believe that the variance at  $\geq 25$  metres is minor.

If you have any questions in the above regard, please feel free to give me a call.

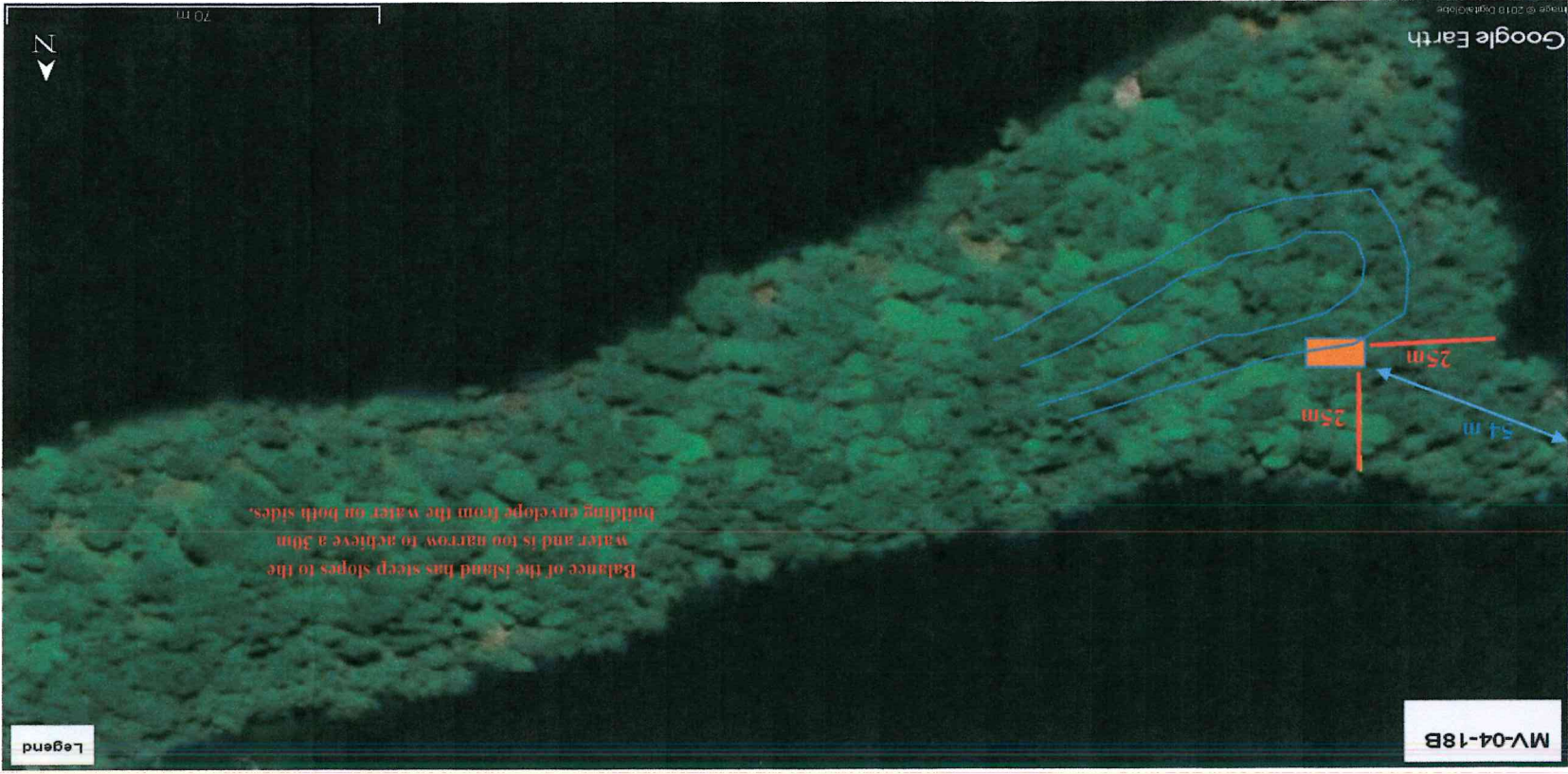
Respectfully yours,



Reginald Genge B.Sc.  
Ontario Lake Assessments  
3654 Stage Coach Road  
RR #3  
HARROWSMITH, Ontario  
K0H 1V0  
[rgenge@xplornet.ca](mailto:rgenge@xplornet.ca)  
613-305-3863

Copy to:

Guy Marchildon  
4827 County Rd. 29 N.  
RR #3  
Almonte, Ontario  
K0A 1A0



MV-04-18B

Legend

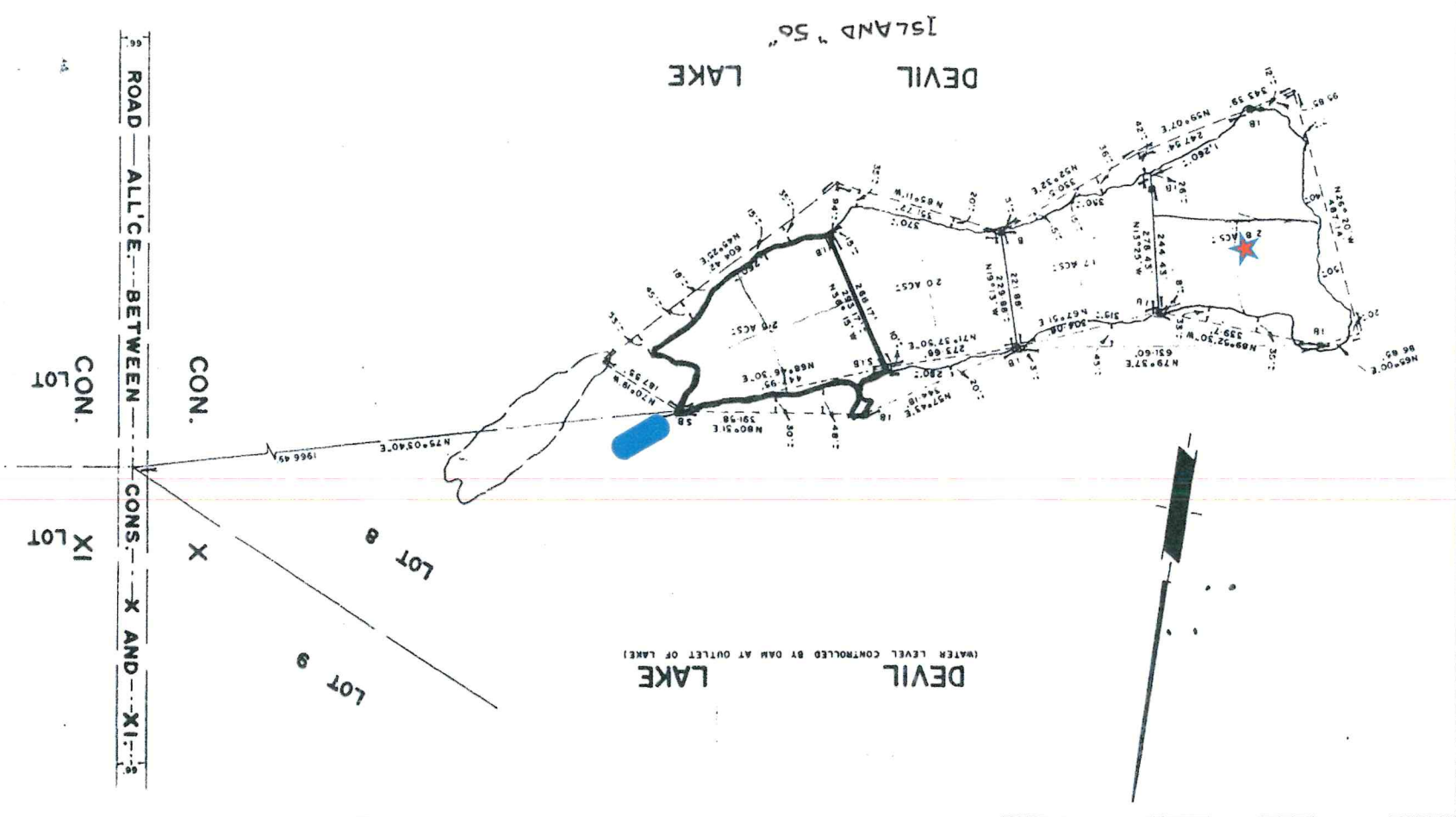
Balance of the island has steep slopes to the water and is too narrow to achieve a 50m building envelope from the water on both sides.

MERRILLS & BIRCHMAN  
 ONTARIO LAND SURVEYORS  
 CITY OF KINGSTON, ONT.  
 DATE 22 MAY, 1968  
 No. 9768

PLAN OF SURVEY OF  
 ISLAND OPPOSITE  
 LOT 8, CONCESSION X,  
 TOWNSHIP OF BEDFORD,  
 COUNTY OF FRONTENAC  
 SCALE: 1" = 200'

THIS ISLAND IS DESIGNATED AS ISLAND NO. 50 IN DEVIL LAKE  
 BY THE DEPT. OF LANDS AND FORESTS, ONTARIO.  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE MERIDIAN  
 THROUGH THE N.E. ANGLE LOT II, CON. XI, TWP. OF BEDFORD.

- All of the Island is included



**COPY**

April 23<sup>rd</sup>, 2015

Guy Marchildon  
4827 County Rd. 29 N.  
RR #3  
Almonte, Ontario  
K0A 1A0

REGARDS: **Preliminary EIA** for Island 50, Devil Lake, Island Opposite Lot 8, Concession 10;  
Bedford District, Municipality of South Frontenac; Frontenac County

Dear Mr. Marchildon:

Further to my site visit conducted on Wednesday, April 22<sup>nd</sup> 2015 to the above island, please find my comments below.

The site visit was conducted with the purpose of locating a suitable building envelope for a seasonal residence and septic facilities that would have the least impact on the environment. There are several Natural Heritage issues to be considered, the most critical of which are whole lake water quality impacts, adjacent or near-shore lake trout spawning sites and the habitats for Species at Risk (SAR).

Devil Lake is managed for a naturally reproducing native lake trout population. As such the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of the Environment & Climate (MOECC) have worked diligently to document water quality as it relates to the management of lake trout. The concern is the migration of nutrients into the lake from septic beds and lawn areas created through development; the nutrients increase algae growth and indirectly results in the loss of oxygen from the deep cold water portions. As a result of evaluation of the existing water quality and through lake modelling, Devil Lake has been designated as 'at capacity' by MOECC. No further lot creation is allowed on lake trout lakes with this designation.

Additionally, for existing vacant lots of record development all development is required to be set back 30m from the water where lot dimensions and topography allow. The 30 metre setback optimises the opportunity for the natural vegetation between the development and the lake to uptake and sequester the nutrients into the biomass. In situations where a 30 metre setback cannot be achieved then a minor variance is required to locate closer to the water.

Observations along the lakeshore of the island indicated two to five metres of depth within a few metres of the shoreline; there are no wetland areas or areas with emergent vegetation; the shoreline

.... 2

from the water's edge is steep overall with exception of the northwest quarter. Devil Lake is of course a reservoir lake and experiences a significant fall drawdown in September each year; water depths would be shallower at that time.

There is much submerged woody debris along most of the shoreline. A potential lake trout spawning shoal exists on the north east exposure of the island (see blue symbol on attached survey). Monique Charette (MNRF Fisheries Biologist) indicated that there are no records in their files of spawning shoals around Island 50 but emphasized that does not eliminate the need to be vigilant in the event one does exist. There are no other fisheries issue constraints other than the potential lake trout spawning shoal.

Species at risk (SAR) issues locally relate to habitat for eastern rat snakes, Blanding's turtles and stink pot turtles. There are no wetland habitats associated with the shoreline or inland on this parcel, as such there is little concern for impact on the turtles. The concern with respect to eastern rat snakes results from disturbance to or destruction of hibernacula sites; these are difficult to locate. Hibernacula sites are caverns located below frost depth that may be occupied by several different snake species for the winter. No areas on the island contained any obvious structures that would serve as hibernacula; central on the island is an area of rugged relief with some broken rock that could serve this purpose but is unsuitable as a building location anyway.

The west end of the island has the lowest relief and easiest access from the shoreline. Measurements were made from the north shoreline and the west shoreline; a 30 metre setback can be achieved from both shorelines (see red star on attached survey). It is approximately 55 metres to the south shoreline.

This location meets the minimum requirements of the Official Plan in terms of setbacks from the water. In the event that terrain constraints pose undue difficulties to construction such as locating foundation pillars, a minor or modest deviation from the 30 metre setback would be acceptable without the need for a full EIA. There are no constraints due to Natural Heritage concerns at this location. The most critical need is the protection of the natural tree cover between the building envelope and the water to serve as a buffer and sequester nutrients.

If you have any questions please feel free to call.

Respectfully yours,



Reginald Genge B.Sc.

Ontario Lake Assessments  
3654 Stage Coach Road  
RR# 3  
HARROWSMITH, On.  
K0H 1V0  
rgenge@kos.net 613-376-3863

.... 3



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date: October 4, 2018**

**Application No:** MV-18-18-B  
**Owner:** Cheryle and Eric Freedman  
**Location of Property:** Part Lots 3 & 4, Concession 14, District of Bedford, Township of South Frontenac municipally known as 1600B Massassauga Road  
**Purpose of Application:** To vary Section 5.8.2.a and 10.30.1 of the Comprehensive Zoning Bylaw 2003-75 to permit a reduction of 25.7 metres to recognize the conversion of the original seasonal dwelling to a workshop/storage/swimming base.  
**Date of Hearing:** October 11, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that minor variance application MV-18-18-B, which would to permit a reduction in the waterbody setback from 30 metres to 4.3 metres to recognize the change of use of the original cottage, be denied.

### Proposal

An application for minor variance has been submitted to recognize the location of the original cottage on the subject property and a change of use to a workshop/storage/swimming base at 4.3 metres from the high water mark of Buck Lake at Part Lots 3 & 4, Concession 14, District of Bedford, known municipally as 1600B Massassauga Road (see attached map). The subject property is approximately 1.1 acres in area with 100 metres of frontage along Buck Lake and an average lot depth of approximately 50 metres. The lot is undersized compared to the current standards but has an adequate depth to accommodate development outside of the 30 metre setback. The application was previously deferred at the September Committee of Adjustment meeting to allow the applicants and planning staff time to review the comments received from the commenting agencies.

The applicant is proposing to convert the original dwelling on the subject property into an accessory building that would include a workshop/storage/swimming base. The building has a floor area of 550 square feet and is located 4.3 metres from the high water mark of Buck Lake. The variance is being sought to permit additional space within the desired location in close proximity to the waterfront. Minor variance is required to recognize the placement of the structure at its current location as the structure will be located within the waterbody setback established in the South Frontenac Zoning By-law 2003-75:

1. Section 5.8.2.a: No building or structure or septic tank installation shall be located within 30 metres horizontal of the highwater mark of a waterbody or permanent watercourse.  
Requested variance from this section:
  - a. Proposed converted dwelling to workshop/storage/swimming base located 4.3 metres at the closest point (variance request of 25.7 metres).
  
2. Section 10.3.1: Principal building setback from highwater mark or floodline of a body of water (minimum) is 30 metres.  
Requested variance from this section:
  - a. Proposed converted dwelling to workshop/storage/swimming base located 4.3 metres at the closest point (variance request of 25.7 metres).

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

- Does the application conform to the general intent and purpose of the Official Plan?
- Does the application conform to the general intent and purpose of the Zoning By-law?
- Is the application desirable for the appropriate development of the lands in question?
- Is the application minor?



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Background

### Background – Property Characteristics

The subject property is approximately 1.1 acres in area with approximately 60 metres of frontage along Buck Lake. The Cataraqui Region Conservation Authority characterizes the topography of the property as having a low bank along the shoreline that rises approximately 2 metres up from the high water mark and then levelling out on a high point of land where the existing cottage structure is located. CRCA staff describe the shoreline as consisting of largely rocky material with a till overburden. The subject property contains a new dwelling that was recently constructed and is located outside of the 30 metre setback as well as smaller accessory structures used for storage and the original cottage within the 30 metre setback. Buck Lake is classified by the Ministry of Environment, Conservation and Parks (MECP, formally Ministry of the Environment and Climate Change) as an at-capacity highly sensitive lake trout lake.

### Background – File History

In 2017, the owners obtained a building permit for the construction of a new seasonal dwelling on the property outside of the 30 metre setback. The issuance of the building permit was preceded by a permit to demolish the existing cottage; this complied with the Township's Zoning Bylaw which permits one dwelling unit per lot in the Residential Limited Services – Waterfront zone. Further, it has been a Township practice to permit the original cottage to stay on the property while a new cottage is being built for the convenience of the property owners; this is permitted with the understanding that the original cottage would be demolished shortly after the new cottage is completed. The applicants then applied for a permit to relocate the structure to a location that was compliant with the Zoning Bylaw and use the structure as an accessory building. In order to recognize the structure in the current location, planning approvals are required.

## Planning Analysis

### **Provincial Policy Statement, 2014**

The 2014 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. When assessing development on rural lands, planning authorities must comply with Section 1.1.5.1 of the PPS; this section requires application of relevant policy of Section 1: Building Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety by the approval authority.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. Section 2.2 Water states that planning authorities shall protect, improve or restore the quality and quantity of water by: using the watershed as the ecologically meaningful scale for integrated and long-term planning, minimizing negative impacts and ensuring stormwater management practices minimize stormwater volumes and contaminants loads, and maintain or increase the extent of vegetative and pervious surfaces. Further, Section 2.2.1.g) requires planning authorities to ensure consideration of environmental lake capacity, where applicable. Planning staff concur with the comments provided by MECP and CRCA staff that the proposed application is not consistent with the Provincial Policy Statement with regard to natural heritage and water. Comments provided by the agencies are attached.

Section 3: Protecting Public Health and Safety of the PPS contains policies that speak to directing development outside of hazardous lands. Planning staff concur with the analysis completed by CRCA staff and support the relocation of the original cottage to a location outside of the natural hazard; further summary of CRCA staff's analysis is provided below.

### **Current Official Plan Designation: Rural**

The property is designated as Rural in the Township of South Frontenac Official Plan (2003). Official Plan policies regarding the Rural designation speak to the importance of maintaining the rural character, natural heritage and cultural landscape in the Township. Following guidance from Section 5.7.7 ("Limited Service Residential Development Policies"), permitted uses in the Rural designation include



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



single detached dwellings and seasonal residential dwellings. Section 5.2.7 b) (i) of the Official Plan places all lands within 90 metres of the highwater mark of all lakes in the Environmentally Sensitive Area. This section further states that all buildings, campsites, and structures not related to the water and all sewage disposal systems shall be setback a minimum of 30 metres from the highwater mark. Vegetation within the setback should be preserved as much as possible with some allowances for views and ventilation. Planning staff confirmed with staff from the CRCA, that the removal of trees in order to re-locate the structure outside of the 30m buffer, and then replanting tree to establish the shoreline vegetative buffer has less long term environmental impact versus allowing continued use of the original cottage in its existing 4.3m setback from the shoreline.

Section 5.8.2 "Lake Trout Lakes" of the Official Plan contains policies that are designed to ensure that any development on or adjacent to a sensitive lake trout lake takes place in a manner which does not negatively impact water quality in order to maintain a healthy lake trout population. The MECP have classified Buck Lake as an at-capacity, highly sensitive lake trout lake. The Official Plan requires the submission of an EIA for any development or site alterations that are proposed within 30 metres of the high water mark of the lake and contains policies for new lot creation within 300 metres of an at-capacity lake. In correspondence dated October 4, 2018, MECP reviewed the application with respect to Section 2.2 Water of the Provincial Policy Statement and have provided that generally the greater the setback, the greater the level of water quality protection. MECP writes that the designation of Buck Lake at-capacity does not preclude responsible development on existing lots of record, however, development should proceed in such a way that minimizes impact to these sensitive water features. MECP do not support the application for minor variance to avoid the demolition or relocation of the structure and this will not result in a net improvement and lessen the environmental impact to the water quality of Buck Lake.

The intent of the Official Plan is to maximize setback requirements, with special consideration provided for sensitive lake trout lakes. The proposal to keep the original cottage in the current location with a change of use, does not meet the general intent and purpose of the Official Plan.

### **Current Zoning: Residential Limited Service – Waterfront**

The property is zoned Limited Service Residential – Waterfront in the Township of South Frontenac Comprehensive Zoning Bylaw. The intent of the RLSW zone is to permit waterfront development recognizing that the lot is accessible by private right-of-way. Section 5.8.2.a. supports the intent of the Official Plan by requiring that no building or structure shall be located within 30 metres of the highwater mark of a waterbody. Section 5.8.4 states that natural buffers should be maintained within 30 metres of the highwater mark. The proposed application does not seek to maximize the waterbody setback. Buck Lake has been assessed as an at-capacity lake, which further supports the maintenance of the vegetated buffer across the riparian zone.

Through the CRCA's review of the application, CRCA staff determined that the existing cottage structure is located within the stable slope allowance, the area of greatest risk, of the total erosion hazard along the shoreline. Section 3.1.1 b) of the Provincial Policy Statement directs development to areas outside of hazardous lands adjacent along small inland lakes which are impacted by flooding and/or erosion hazards. CRCA staff calculated a slope angle at greater than 30%, exceeding the provision in the Township's Zoning Bylaw which requires an enhanced setback. Section 5.8.2b. states that no building or structure or septic tank shall be located within 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. The CRCA's Environmental Planning Policies (April, 2015) further require development to be directed outside of lands that are subject to hazards. The CRCA conclude that staff are unable to support the minor variance application from an erosion hazard perspective.

Overall, planning staff are of the opinion that the proposal does not meet the intent and general purpose of the Comprehensive Zoning Bylaw.

### **Agency Analysis and Comments**

Public Comments – As of the date of preparing the report, one member of the public has provided comments. Janet Watt, a neighbouring property owner, stated that they support the application and the placement of the old cottage; relocation of the cottage would result in more trees coming down and very few trees are left at the waterfront after the clearing for the new cottage. Ms. Watt writes that the old building is nicely camouflaged in the trees.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Ministry of the Environment, Conservation and Parks – Comments dated October 4, 2018, indicate that the Ministry does not support the application as outlined above.

Cataraqui Region Conservation Authority – Comments dated September 13, 2018, CRCA staff recommend denial of the application based on their consideration for natural hazards, natural heritage, and water quality and quantity protection policies for the following reasons:

- The application does not meet the intent of the water policies found in Section 2.2 of the Provincial Policy Statement;
- The application does not meet the intent of the natural hazards policies found in Section 3.1 of the Provincial Policy Statement;
- The application does not meet the intent of the water setback provisions found in Section 5.2.7 of the Official Plan and Section 5.8.2.1 of the Zoning Bylaw;
- The application does not meet the intent of the policies found in Section 4.2.1 and 6.1.5 of the CRCA's Environmental Planning Policy (April 2015);
- The application does not meet the tests of a minor variance because it is not minor in nature.

Building Department – Comments dated September 11, 2018 indicate that the Building Department does not support the application for a variance based on the history of the file and the information previously provided to the applicant.

## Conclusion

The proposed application to reduce the 30 metre setback from 30 metres to 4.3 metres from the highwater mark of Buck Lake to permit the conversion of the original dwelling into a workshop/storage/swimming base does not meet the four tests for a minor variance:

- The variance does not conform to the general intent and purpose of the Official Plan because it will result in development in close proximity to an at-capacity lake and does not strive to maximize the setback.
- The variance does not conform to the general intent and purpose of the Zoning Bylaw as there is a suitable location outside of the 30 metre setback to relocate the structure to that would result in the revegetation of the riparian zone.
- The variance is not desirable for the appropriate development of the lands in question as the structure is located within the stable slope allowance, the area of greatest risk, of the total erosion hazard along the shoreline. Further, the setback of 4.3 metres does not meet the water quality objectives of the Provincial Policy Statement and Official Plan focus on the protection of lake trout lakes.
- The variance is not minor as the proposal is inconsistent with the Provincial Policy Statement and the 30 metre setback can be achieved on the subject property.

**Submitted by:** Megan Rueckwald, Manager of Community Planning, County of Frontenac

**Reviewed by:** Claire Dodds, Director of Development Services, South Frontenac



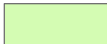

## Attachments

Map of Freedman property.



**FREEDMAN  
MV-18-18-B**

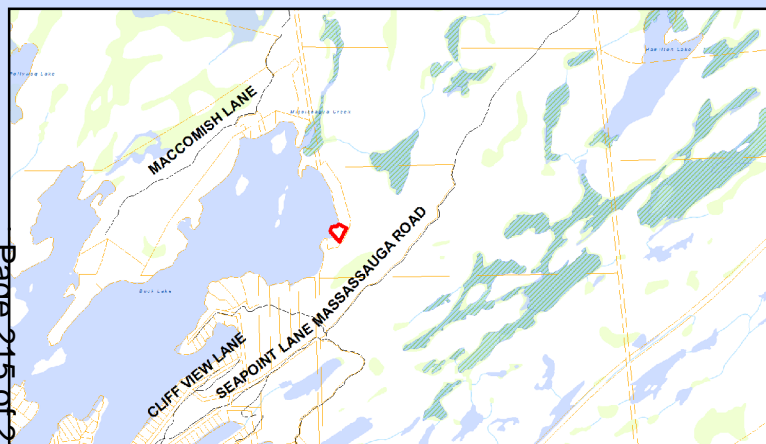
### Legend

-  Freedman Property
-  Original Cottage
-  New Cottage
-  Deck

Buck Lake

**Existing Cottage to be Converted**

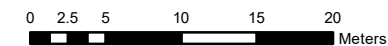
**Newly Constructed Cottage**



Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:500



UTM Projection NAD 83

**Ministry of the  
Environment,  
Conservation and Parks**  
Eastern Region  
1259 Gardiners Road, Unit 3  
Kingston ON K7P 3J6  
Phone: 613.549.4000  
or 800.267.0974

**Ministère de l'Environnement,  
de la Protection de la nature  
et des Parcs**  
Région de l'Est  
1259, rue Gardiners, unité 3  
Kingston (Ontario) K7P 3J6  
Tél: 613 549-4000  
ou 800 267-0974



## By email only

October 4, 2018

Township of South Frontenac  
P.O. Box 100  
Sydenham, ON  
K0H 2T0

Attention: Claire Dodds, Director of Development Services, MCIP, RPP  
Email: [cdodds@southfrontenac.net](mailto:cdodds@southfrontenac.net)

Dear Ms. Dodds:

Re: Circulation MV-18-18-B (Freedman) – South Frontenac

---

I have reviewed the application for the Minor Variance noted above, supporting documentation and offer the following comments.

The Ministry of the Environment, Conservation and Parks (MECP) recommends a minimum 30 metre setback from the high water mark of water bodies as a standard in local Official Plans and related ZBLs. In the case of existing lots of record the 30 m setback is a minimum; if the lot cannot accommodate the setback due to physical or topographical constraints development should be as far back from the high water mark as can be accommodated.

These standards are used as planning tools by municipalities to provide protection to lakes, rivers and streams from inputs of nutrients and suspended sediment consistent with Section 2.2. Water - of the Provincial Policy Statement. These contaminants originate primarily from the disturbance of soils, removal of natural vegetation, hardening of the landscape which results in increased surface runoff in addition from the migration of septic effluent from tile fields. The minimum setback of 30 metres from a water body is also recommended for water quality protection purposes. Generally, the greater the setback from the water; the greater the level of water quality protection. The 30 m buffer strip has become a standard and has been supported before the Ontario Municipal Board - now the Local Planning Appeal Tribunal.

### **MV-18-18-B (Freedman) – South Frontenac**

Buck Lake has been identified by the Ontario Ministry of Natural Resources and Forestry as a cold water lake trout fishery; managed for lake trout and is currently classified by the Ministry of the Environment, Conservation and Parks as “at capacity” for development. While this designation does not preclude responsible development Page 216 of 231

existing lots of record it should be done in such a way that minimizes impact to these sensitive surface water features such as maintaining a setback that is back as far as reasonably possible and minimizing lot coverage by extra structures etc. which increases the permeability of lots and minimizes surface runoff and hardening of the landscape.

The minor variance is being sought to avoid the demolition / relocation of the existing old dwelling that was maintained during the construction period of a new dwelling that was built at the appropriate setback. The demolition / relocation was a condition of two permits that formed part of the original building permit for the new dwelling.

This ministry supports the municipality in the maintenance of a dwelling during a period of construction in addition to its subsequent removal to minimize the cumulative impact to these sensitive surface water features.

While we understand that it is the intention of the current owners to discontinue the residential use of the old dwelling it does not preclude subsequent owners from changing its use down the road. Therefore to result in a net improvement and lessen the environmental impact to the water quality of Buck Lake we would not support this application for a minor variance to avoid the demolition or relocation of the structure outside of the required setback.

We have no further comments on this application at this time.

Regards,



Jon K. Orpana  
Environmental Planner & Environmental Assessment Coordinator  
Ministry of the Environment, Conservation and Parks  
Kingston Regional Office  
PO Box 22032, 1259 Gardiners Road  
Kingston, Ontario  
K7M 8S5

Phone: (613) 548-6918  
Fax: (613) 548-6908  
Email: jon.orpana@ontario.ca



## CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0  
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA  
Fax: (613) 547-6474 E-mail: info@crca.ca  
Websites: www.crca.ca & www.cleanwatercataraqui.ca



September 13, 2018

File: MV/FRS/182/2018

### Sent by E-mail

Ms. Megan Rueckwald  
Secretary-Treasurer, Committee of Adjustment  
Township of South Frontenac  
P.O. Box 100, 4432 George Street  
Sydenham, Ontario  
K0H 2T0

Dear Ms. Rueckwald:

**Re: Application for Minor Variance MV-18-18-B (Freedman)  
Part Lots 3 & 4, Concession 14; 1600B Massassauga Road  
Bedford District, Township of South Frontenac  
Waterbody: Buck Lake**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for minor variance, and provide the following comments for the Committee of Adjustment's consideration. The property was visited by staff on September 12, 2018.

### Summary of the Proposal

The proposal involves maintaining a cottage in its current location on the subject property. It is proposed that the use of the structure be changed to day-use as a workshop / storage building. It is our understanding that the building was originally intended to be removed. More specifically, the variance is requested to:

- Reduce the required setback from the high water mark from 30 metres, as required by Section 5.8.2.(1.) of the South Frontenac Zoning By-law, to 3.5 metres in order to permit a cottage to remain.
- Reduce the required setback from the top of bank from 15 metres, as required by Section 5.8.2.(2.) of the South Frontenac Zoning By-law, to 0 metres in order to permit a cottage to remain.

### Site Description

The subject property is located on Buck Lake. The topography of the property can be described as having a low bank along the shoreline that rises approximately 2 metres up from the highwater mark and then levelling out on high point of land where the existing cottage structure is located. The shoreline consists largely of rocky material with a till overburden. Currently, the property contains the existing cottage as well as a new dwelling and a septic system.

The property is currently designated 'Rural' in the Official Plan and zoned 'Limited Service Residential – Waterfront' (RLSW) in the Zoning By-law for South Frontenac Township.

Buck Lake's status as an at-capacity Lake Trout lake is acknowledged in the Official Plan through the highly sensitive Lake Trout lake designation.

## **Discussion**

The main interests of the CRCA with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Buck Lake, the protection of the water quality of the lake, and the protection of riparian lands adjacent to the waterbody.

### Natural Hazards

Section 3.1.1 b) of the Provincial Policy Statement (PPS, 2014) suggests that development shall be directed to areas outside of hazardous lands adjacent to river, stream and small inland lakes (such as Buck Lake) which are impacted by flooding and/or erosion hazards.

Additionally, a portion of the property is subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. The purpose of the regulation is to ensure that development is not affected by natural hazards, such as flooding and erosion. CRCA maintains implementation guidelines for the Regulation that are referenced below.

**Flooding:** The CRCA does not have floodplain mapping for Buck Lake. Therefore, for Buck Lake, the highest recorded water level is used to identify areas impacted by flooding hazards. The highest recorded water level for Buck Lake is 133.16 metres geodetic (April 1978). The CRCA's Guidelines for Implementing Ontario Regulation 148/06 requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Staff have concluded that the structure is located within the 6 metre setback from the flooding hazard, but outside of the area of flood risk. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

**Erosion:** Section 5.8.2. 2. of the Zoning By-law (By-law No. 2003-75) for South Frontenac suggests that no building or structure shall be located within 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Based upon a simple rise over run calculation, staff have determined that the slope angle exceeds 30% from horizontal (57%) so it appears that this policy is relevant to this application. The purpose of this requirement is to reduce the risk of development being adversely affected by erosion hazards. Staff note that the proposal will result in a reduction in the setback from the top of bank from 15 metres to 0 metres.

Consistent with Section 3.1.1 b) of the PPS, Policy 4.2.1 of the CRCA's Environmental Planning Policies (April 2015) also suggests that development and site alteration should be directed to areas outside of lands that are subject to erosion hazards. For the purposes of calculating the erosion hazard, the extent of potential erosion hazards includes an allowance for toe erosion, a stable slope allowance of 2 (vertical): 1 (horizontal) for rock / till shorelines, plus an access allowance of 6 metres (CRCA Guidelines for Implementing Ontario Regulation 148/06). Based upon a two metre high bank at the shoreline, staff have determined that the erosion hazard extends 11 metres inland from the toe of slope (1m + (2\*2m) + 6m). Since the cottage was measured to be approximately 3.5 metres from the toe of slope, staff have concluded that the cottage structure is located within the erosion hazard. Furthermore, it has been determined that the existing cottage structure is located within the stable slope allowance, the area of greatest risk, of the

total erosion hazard. Therefore, staff are concerned that the existing structure may be subject to future damage from erosion.

In the opinion of staff, the development does not meet the intent of the policies found within Section 3.1.1 of the PPS and Section 5.8.2 of the Zoning By-law. In addition, with the significant amount of relief being sought, staff would question if the reduction can be considered minor in nature.

*Based on the discussion above, staff are unable to support the minor variance application from an erosion hazard perspective.*

### Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the CRCA's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Section 5.8.2 1. of the Zoning By-law supports the intent of the Official Plan by requiring that no building or structure shall be located within 30 metres of the highwater mark of a waterbody. Based upon measurements taken at the site, staff note that the proposal will result in a reduction to the water setback of 26.5 metres. As noted above, Buck lake has been assessed as an at-capacity Lake Trout lake. The maintenance of a riparian buffer adjacent to the lake, particularly for an at-capacity Lake Trout lake, is essential. In the opinion of staff, a substantial reduction to the water setback requirements such as that being proposed is not appropriate. Further, allowing this structure to remain in its present location would seem to be counterintuitive to the intent of enforcing the 30 metre water setback for the new dwelling located on the property. Additionally, staff would question if the reduction can be considered minor in nature.

Consistent with Section 2.2 of the PPS, Policy 6.1.5 of the CRCA's Planning Policy suggests that development should incorporate a minimum 30 metre setback from the highwater mark of a waterbody. Section 6.1.7 provides exceptions for a constrained lot. However, based upon observations during the site visit, staff have concluded that there are opportunities to move the structure to a more appropriate location that would satisfy the water setback objectives and requirements noted above. For example, a relatively large area has been cleared behind the new cottage that would accommodate the building with a minimal amount of additional vegetation removal (a few trees).

*Based upon the discussion above, staff are unable to support the minor variance application from a water quality perspective.*

### **Recommendation**

**Staff recommend denial of application MV-18-18-B based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies for the following reasons:**

1. **The application does not meet the intent of the water policies found in Section 2.2 of the Provincial Policy Statement,**
2. **The application does not meet the intent of the natural hazards policies found in Section 3.1 of the Provincial Policy Statement,**
3. **The application does not meet the intent of the water setback provisions found in Section 5.2.7 of the Official Plan, and Section 5.8.2 1. of the Zoning By-law,**
4. **The application does not meet the intent of the top of bank setback provisions found in Section 5.8.2 2. of the Zoning By-law,**
5. **The application does not meet the intent of the policies found in Sections 4.2.1 and 6.1.5 of the CRCA's Environmental Planning Policy (April 2015).**
6. **The application does not meet the tests of a minor variance because it is not minor in nature.**

Please inform this office of any decision made by the Committee with regard to this application. If you have any questions, please contact the undersigned at 613-546-4228 ext. 244, or by e-mail at [aschmidt@crca.ca](mailto:aschmidt@crca.ca)

Yours truly,



Andrew Schmidt, C. Tech.  
Supervisor, Development Review

/as

c.c. Cheryle and Eric Freedman (via email)  
Jon Orpana, Ministry of Environment, Conservation and Parks (via email)

## Megan Rueckwald

---

**From:** Janet Watt [REDACTED]  
**Sent:** September 8, 2018 8:57 AM  
**To:** Megan Rueckwald  
**Subject:** 1600B Massassauga Road

I received the notice of our neighbours the Freedmans to leave the original cottage where it is on their property.

We completely support this and would be happy for the old cottage to stay where it is. If the cottage were to be moved more trees would have to come down, and very few are left at the waterfront after the clearing for construction of the new cottage. The old building is nicely camouflaged in the tress where it has always been, and we would support it staying there.

We would like to be notified of the decision.

Please let me know that is was ok to submit our opinion by email.

Thank you

Janet Watt

Cheryle and Eric Freedman



August 1, 2018

Township of South Frontenac  
Committee of Adjustment

Please find enclosed our application for a minor variance. The purpose of the application is to maintain our old cottage in its current location, however converted to a day-use only structure, and not the construction of anything new.

We have just had constructed a new house on the lot further back from the waterfront to comply with the current requirements. The building permit included 2 additional permits to either demolish or to move the old cottage (and if moved, not to be used as any type of residence or domicile).

Although we have already negotiated with a contractor to relocate the old cottage, it has become apparent that this will involve the destruction of numerous trees and associated disturbance. We do plan to keep the building, partly because it has personal and somewhat historical value (at least to us) as one of the earlier such cottages on the lake; also we have practical use for the building as a workshop, as storage and (in its current location) a base for swimming and relaxing closer to the water.

We have already discontinued the propane and water supplies as well as the drains for the sink and composting toilet we previously used, in order to convert the building to its new intended uses. The current deteriorated asphalt shingle siding will be replaced (regardless of the location of the cottage) and we have already discussed with a contractor to properly manage this; we are open to suggestions as to both the best removal method and appropriate options for replacement. We are aware that there will be a stipulation as to the non-residential use of the building and have no plans to continue use of the old cottage as an actual dwelling (having planned the new house accordingly).

We hope you will agree that moving the old cottage is far more damaging to the local environment than simply converting it to a day-use structure in its current location, and therefor approve our request for the minor variance.

Sincerely yours,

A handwritten signature in cursive script that reads "Cheryle Freedman".

Cheryle and Eric Freedman

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: August 2, 2018

File No: \_\_\_\_\_

1. Name of Owner(s): Eric + Chayle Freedman

Full Mailing Address of Owner(s): [REDACTED]  
[REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: N/A

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

\_\_\_\_\_  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford       Portland       Loughborough       Storrington

Concession Number: 14      Lot Number: 3 Pt 3+4

Street Number: 1600 B      Name of Road/Street: Massasauga Rd

Reference Plan Number: 13R1269      Part Number(s): 3+4

Roll Number: 010-030-40200-0000

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE  
Planning Act, R.S.O. 1990, c. P.13 as amended

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 330' Frontage (on road/lane): 20' (Right of way)

Depth: 160' Area: \_\_\_\_\_

5. The current zoning of the subject land:

RLSW

6. The nature and extent of the relief from the Zoning By-law:

Convert old cottage to day-use-only and maintain in current location.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

Building permit for ~~new~~ construction indicates demolition for relocation of the old cottage.

8. Does the subject property front on a municipally maintained road?  Yes  No  
OR a privately maintained road?  Yes  No

Name of Road/Lane:

unnamed lane way from Massasauga Rd

9. If access to the subject property is by water only, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

Seasonal / residential

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

Yes  No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
**Planning Act, R.S.O. 1990, c. P.13 as amended**

12. If the answer to item 11 is yes, for **EACH building or structure** indicate:

Type of Structure (E.g. residence)	(1) <i>Residence (new)</i>	(2) <i>old cottage/ new workshop</i>	(3) <i>shed</i>	(4) <i>shed</i>
Setback from Front Lot Line <i>(waterfront)</i>	120'	14'	10'	40'
Setback from Rear Lot Line	40'	180'	160'	160'
Setback from Side Lot Line	60'	60'	60'	90'
Height of Building (Also indicate if it is one story or two story)	1 story	1 story	1 story	1 story
Dimensions of Floor Area	1354 sq ft	550 sq ft	128 sq ft	50 sq ft
Setback from High Water Mark (If applicable)	120'	14'	10'	40'

13. The proposed uses of the subject land:

Seasonal / residential

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

Yes       No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
<b>Setback from Front Lot Line</b>				
<b>Setback from Rear Lot Line</b>				
<b>Setback from Side Lot Line</b>				
<b>Height of Building</b> (Also indicate if it is one story or two story)				
<b>Outside Dimensions of Building/Structure</b>				
<b>Setback from High Water Mark (If applicable)</b>				

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.  
 2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures?     Yes     No

If yes, please provide details:

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17. Do your plans include the **RAISING** of an existing structure?  Yes  No

If yes, please provide details:

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18. What are the uses of the proposed development?

- |     |                                                                        |                              |                                        |
|-----|------------------------------------------------------------------------|------------------------------|----------------------------------------|
| (a) | Increase in number of bedrooms                                         | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) | Increase in plumbing fixtures                                          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) | Increase in living space                                               | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

19. The date the subject land was acquired by the current owner:

1994

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20. The date the existing buildings and structures were constructed on the subject lands:

1952; 2018

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21. The length of time that the existing uses of the subject land have continued:

24 years

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22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Private well.

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23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

Private septic.

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24. Is storm drainage provided by sewers, ditches, swales or by other means?

Pre-existing natural drainage (seasonal) maintained.

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25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

Yes       No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

Yes       No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

1990's application for grey water system at 50' from water  
-application was approved

29. A **SKETCH** must be submitted showing the following:

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

**\*\*Note: \*\*** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
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**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$747.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

