

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

TIME: 7:00 PM,  
DATE: Thursday, September 13, 2018  
PLACE: Council Chambers.

1. Call to Order
  - a) Resolution
2. Adoption of Agenda
3. Declaration of pecuniary interest
4. Approval of Minutes – August 9, 2018
  - a) Resolution 3 - 15
5. Business Arising from the Minutes
  - a) Megan Rueckwald, Manager of Community Planning, County of 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. 16 - 34
6. Consent Applications from Previous Meetings:
  - a) S-48-18-L -Helen and Spencer Storms (Jeff Bennett-agent) - Concession 5, Part Lot 6, Storm Haven Lane/Slumber Lane, District of Loughborough - Amend conditions of Provisional Consent granted for a lot addition 35
  - b) S-63-18-S - 548883 Ontario Limited - Concession 8, Part Lot 15/16, Hiawatha Lane, District of Storrington - Consent to create a new limited service residential waterfront lot, together with a right-of-way 36 - 41
  - c) S-64-18-L - Douglas Roche - Concession 2, Part Lot 1, Forest Road, District of Loughborough - Consent to create a rural residential lot 42 - 46
  - d) S-66-18-P - Mark and Sharon Alton (Robert Smith) - Concession 5, Part Lot 1, 3254 Harrowsmith Road, District of Portland - Consent to create a new rural residential lot 47 - 60  
S-67-18-P - Mark and Sharon Alton (Robert Smith) - Concession 5, Part Lot 1, 3254 Harrowsmith Road, District of Portland - Consent to create a new rural residential lot
  - e) S-73-18-P - Raymond Bond and Beverlee Smart - Concession 10, Part Lot 12, 5081 Cross Road, District of Portland - Consent to create a new rural residential lot 61 - 66
  - f) S-74-18-B - Paul Snelgrove - Concession 2, Part Lot 1, Frye Lane, District of Bedford - Consent to create a lot addition 67 - 69
7. New Consent Applications:

- |     |  |              |
|-----|--|--------------|
| a)  | S-76-18-B - Trevor Tucker - Concession 7, Part Lot 27 and 28, Dewitt Lane, District of Bedford - Consent to create a new lot for a permanent parking area and dock, for the benefit of two water access residential lots   | 70 -<br>142  |
| b)  | S-77-18-P - Steven and Patricia Lafontaine - Concession 12, Part Lot 7, Desert Lake Road, District of Portland - Consent to create a new rural residential lot   | 143 -<br>148 |
| c)  | S-78-18-L - Sally VanLuven (Laframboise) - Concession 5, Part Lot 7, Rutledge Road, Sydenham lake, District of Loughborough - Consent to create a new waterfront residential lot, together with a right-of-way   | 149 -<br>154 |
| d)  | S-79-18-L - Roland Clark, Stephen Clark, Emmett Williams, Leann Clark - Concession 4, Part Lot 3, Campbell Road, District of Loughborough - Consent to create a new rural residential lot  | 155 -<br>160 |
| e)  | S-81-18-L - Sally VanLuven (Simpson) - Concession 5, Part Lot 7, Rutledge Road, District of Loughborough - Consent to create a lot addition  | 161 -<br>165 |
| f)  | S-82-18-S - George Desrochers -Concession 10, Part Lot 14, Ramparts Road, Battersea Road, District of Storrington - Consent to create a new agricultural lot   | 166 -<br>169 |
| 8.  | <u><i>New Minor Variance Applications:</i></u>   |              |
| a)  | MV-18-18-B - Eric and Cheryle 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 | 170          |
| 9.  | <u><i>Other Business</i></u>   |              |
| 10. | <u><i>Adjournment</i></u>  |              |
| a)  | Resolution   |              |



MINUTES 18:07

August 9, 2018

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ron Sleeth (Storrington District-C)  
Ken Gee (Storrington District)  
Larry Redden (Portland District)  
John Sherbino (Loughborough District)

ABSENT WITH REGRETS: David Hahn (Bedford District)  
Alan Revill (Bedford District-C)  
Brad Barbeau (Portland District-C)  
Ross Sutherland (Loughborough District)

STAFF: Megan Rueckwald – Secretary-Treasurer  
Jennie Kapusta – Deputy Secretary Treasurer

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**Item #1: Call to Order**

RESOLUTION: C of A: 18:07:01

Moved by: J. Sherbino

Seconded by: R. Sleeth

THAT the August 9th, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:15 p.m.

Carried

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**Item #2: Appointment of Chair & Secretary-Treasurer**

RESOLUTION: C of A: 18:07:02

Moved by: R. Sleeth

Seconded by: J. Sherbino

THAT the South Frontenac Committee of Adjustment hereby appoints Larry Redden as Chair of the Committee of Adjustment for the August 9, 2018 meeting.

Carried

RESOLUTION: C of A: 18:07:03

Moved by: J. Sherbino

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby appoints Megan Rueckwald for the position of Secretary/Treasurer of the South Frontenac Township Committee of Adjustment.

Carried

**Item #3: Adoption of the Agenda**

Approved as circulated

**Item #4: Conflict of Interest**

Jennie Kapusta, Deputy Secretary-Treasurer, declared a pecuniary interest in application S-66-18-P by Mark and Sharon Alton.

**Item #5: Approval of Minutes**

RESOLUTION: C of A: 18:07:04

Moved By: K. Gee

Seconded By: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the July 12, 2018 meeting of the Committee, as circulated.

Carried

**Item #6: S-63-18-S (548883 Ontario Limited)**

Speaking to the Application: Leslie Briscoe

Discussion:

This application is for the creation of a new lot. An adequate report had not yet been received from KFL&A Public Health.

RESOLUTION: C of A: 18:07:05

Moved by: J. Sherbino

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS 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, subject to review of KFL&A comments

Carried

**Item #7: S-64-18-L (Roche)**

Speaking to the Application: Douglas Roche

Discussion:

The applicant is making revisions to the application to satisfy concerns of KFL&A Public Health.

RESOLUTION: C of A: 18:07:06

Moved by: K. Gee

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-64-18-L by Douglas Roche, to create a new lot, in concession 2, part lot 1, Forest Road, in the District of Loughborough, subject to receipt of KFL&S comments, and revision of application.

Carried

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**Item #8: S-65-18-S (Knapp)**
**Discussion:**

This application is to create a right-of-way to provide access to a land-locked parcel. Committee members agreed that this appeared to be a straightforward and supportable request.

RESOLUTION: C of A: 18:07:07

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-65-18-S by Randy and Brenda Knapp, to create a right-of-way, in concession 10, part lot 31, Beach Lane, District of Storrington, subject to conditions.

Carried

**Application No:** S-65-18-S  
**Owner:** Randy & Brenda Knapp  
**Location of Property:** Concession 10, Part Lot 31, Burnt Hills Road/Beach Lane, District of Storrington, Township of South Frontenac  
**Purpose of Application:** Consent to create a right-of-way  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018

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

**Conditions**

1. An acceptable reference plan or legal description of the lands and right-of-way 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 registered as a right-of-way shall be for a width of 20 metres (66 feet) and a length of approximately 192 metres in length.
3. The right-of-way shall be constructed to the Township's private lane standards to the satisfaction of the Township Public Works Manager or their designate.
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.

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**Item #9: S-66-18-P, S-67-18-P (Alton)**
**Discussion:**

These applications were for the creation of two lots fronting on Harrowsmith Road. Additional information is required and applications are therefore being deferred.

RESOLUTION: C of A:18:07:08

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-66-18-P by Mark and Sharon Alton, to create a new lot, in concession 5, part lot 1, Harrowsmith Road, District of Portland.

Carried

RESOLUTION: C of A 18:07:09

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-67-18-P by Mark and Sharon Alton, to create a new lot in concession 5, part lot 1, Harrowsmith Road, District of Portland.

Carried

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**Item #10: S-68-18-B (1344938 Ontario Limited)**

Speaking to the Application: Norman Mole

Discussion:

The proposal is for a right-of-way for water access. The request was for a 20 m wide right-of-way; however, the Township Planning Department recommended 4 m. Tom Morrow, who wishes to be granted this right-of-way, supports a wider than 4 m right-of-way. There was some concern that the right-of-way just needed to access the Morrow property but did not need to go all the way to the water's edge. The Committee did not support this suggestion, and there was no seconder for such a motion.

RESOLUTION: C of A 18:07:10

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby amends the width of the right-of-way, applied for by 1344938 Ontario Ltd., concession 24/25, part lot 20, Sunset Shores Lane, District of Bedford, to 10 m from 20m as applied for on application S-68-18-B.

Carried

RESOLUTION: C of A 18:07:11

Moved by: K. Gee

Seconded by: R. Sleeth

That the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-68-18-B by 1344938 Ontario Limited, to create a right-of-way in concession 24/25, part lot 20, Sunset Shore Lane, District of Bedford, subject to conditions.

Carried

**Application No:** S-68-18-B  
**Owner:** 1344938 Ontario Limited  
**Location of Property:** Concession 5, Part Lot 23, 942 Sunset Shores, District of Bedford, Township of South Frontenac (Bobs Lake)  
**Purpose of Application:** Consent for creation of a right-of-way  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018

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

**Conditions**

1. An acceptable reference plan or legal description of the lands and right-of-way 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 registered as a right-of-way shall be for a maximum width of 10 metres.

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**Item #11: S-69-18-P (Pepper)**

Speaking to the application: Robin Pepper

Discussion: The application is for the creation of a new lot fronting on Craig Road, District of Portland. Redden expressed concern about the safety of the proposed entrances location. A report from Public Works indicated that they had visited the site and the location is acceptable. It was confirmed that legal access exists to the retained parcel.

RESOLUTION: C of A 18:07:12

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-69-18-P by Robin Pepper, to create a new lot in concession 14, part lot 6, Craig Road, District of Portland, subject to conditions.

Carried

**Application No:** S-69-18-P  
**Owner:** Robin Pepper  
**Location of Property:** Concession 14, Part Lot 6, 6724 Craig Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018

**DECISION:** PROVISIONAL CONSENT 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-69-18-P shall be for the creation of a rural residential lot that is approximately 2.75 acres in area with approximately 130 metres of frontage along Craig Road.
3. The land to be retained by Consent Application S-69-18-P shall have a minimum road frontage of 76 metres (250 ft) along Craig Road and an area of approximately 5.8 acres in area.
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-69-18-P, in lieu of parkland [Planning Act, s. 51(1)].
8. 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-69-18-P.
9. That the Owner shall submit evidence of legal deeded access to the existing residence on the retained lands as part of Consent Application S-69-18-P.
10. That the Owner shall obtain an amendment to the Township of South Frontenac Zoning Bylaw to rezone the severed lot from Urban Residential – First Density (UR1) to Rural (RU) and the retained lands from Urban Residential – First Density (UR1) to Waterfront Residential (RW).

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**Item #12: S-70-18-B, S-71-18-B (St. Arnaud/Walker)**

Speaking to the application: William St. Arnaud

**Discussion:**

The applications are the creation of two water access lots with deeded mainland parking and docking facilities in concession 8, part lot 28, St. Arnaud Acres, District of Bedford. A portion of the shoreline is considered a narrow water body, but there is sufficient frontage to accommodate the necessary frontage. The retained parcel would have 260 m.

RESOLUTION: C of A 18:07:13

Moved by R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-70-18-B by William St. Arnaud and Janice Walker, to create a new lot together with deeded mainland parking and docking facilities, in concession 5, part lot 28, St. Arnaud Acres, District of Bedford, subject to conditions.

Carried

**Application No:** S-70-18-B  
**Owner:** St. Arnaud and Walker  
**Location of Property:** Concession 5, Part Lot 28, District of Bedford, Township of South Frontenac (St. Arnaud Acres)  
**Purpose of Application:** Consent to create a new water access lot  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018

**DECISION:** PROVISIONAL CONSENT 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-70-18-P shall be for the creation of a water access lot that is approximately 14 acres in area with approximately 230 metres of frontage along Bobs Lake with legal deeded parking along Burns 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-70-18-P and S-71-18-P, in lieu of parkland [Planning Act, s. 51(1)].
- 6. That the applicant shall rezone the severed lands from Rural (RU) to Limited Service Residential Waterfront (RLSW) to recognize that the lots are not accessible by a Township maintained road and limit the permitted uses on the subject property.

RESOLUTION: C of A 18:07:14

Moved by R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-71-18-B by William St. Arnaud and Janice Walker, to create a new lot together with deeded mainland parking and docking facilities in concession 5, part lot 28, St. Arnaud Acres, District of Bedford, subject to conditions.

Carried

**Application No:** S-71-18-B  
**Owner:** St. Arnaud and Walker  
**Location of Property:** Concession 5, Part Lot 28, District of Bedford, Township of South Frontenac (St. Arnaud Acres)  
**Purpose of Application:** Consent to create a new water access lot  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018

**DECISION:** PROVISIONAL CONSENT 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-71-18-P shall be for the creation of a water access lot that is approximately 8 acres in area with approximately 130 metres of frontage along Bobs Lake with legal deeded parking along Burns 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-70-18-P and S-71-18-P, in lieu of parkland [Planning Act, s. 51(1)].
- 6. That the applicant shall rezone the severed lands from Rural (RU) to Limited Service Residential Waterfront (RLSW) to recognize that the lots are not accessible by a Township maintained road and limit the permitted uses on the subject property.

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**Item #13: S-72-18-P (Neumann)**  
 Speaking to the Application: Dana Neumann

Discussion:

The application is for the creation of a new lot on Alton Road. Committee members and agencies had no opposition.

RESOLUTION: C of A 18:07:15

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-72-18-P by Dana and Angela Neumann to create a new lot in concession 5, part lot 5, Alton Road West, District of Portland, subject to conditions.

Carried

**Application No:** S-72-18-P  
**Owner:** Dana and Angela Neumann  
**Location of Property:** Concession 5, Part Lot 5, 3886 Alton Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018

**DECISION:** PROVISIONAL CONSENT 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-72-18-P shall be for the creation of an approximately 3.75 acres lot with a minimum of 76 metres of frontage along Alton 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.
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-72-18-P, in lieu of parkland [Planning Act, s. 51(1)].
8. 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-72-18-P.

**Item #14: S-73-18-P (Smart)**

Speaking to the application: applicants

Discussion:

The application is for the creation of a new residential lot in concession 10, part lot 12, Cross Road, District of Portland. Agencies were satisfied. A neighbour to the north was concerned about drainage onto his property as a result of development on the proposed new lot. There was discussion among Committee members concerning the possible need for lot grading. The applicant asked that application be deferred so that discussions with Public Works could determine the need for, and cost of, any necessary grading.

**Item #15: S-74-18-B (Snelgrove)**

Speaking to the application – P. Snelgrove

Discussion:

The application is for a lot addition in concession 2, part lot 1, Frye Lane, District of Bedford. Information provided by the public was inconsistent with that provided by the applicant's statement. It was agreed that the application should be deferred pending amended submission.

RESOLUTION: C of A 18:07:17

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-74-18-B by Paul Snelgrove, to create a lot addition, in concession 2, part lot 1, Frye Lane, District of Bedford, subject to determination of lot to be added to, and appropriate notification.

Carried

**Item #16: S-75-18-P (Lappen)**

Speaking to the application: George Lappen

Discussion:

The application is for the creation of new lot in concession 12, part lot 25, Bellrock Road, District of Portland. There were no objections to the application.

RESOLUTION: C of A 18:07:18

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-75-18-P by George Lappen, to create a new lot, in concession 12, part lot 25, Bellrock Road, District of Portland, subject to conditions.

Carried

**Application No:** S-75-18-P  
**Owner:** George Lappen  
**Location of Property:** Concession 12, Part Lot 25, 5743 Bellrock Road, District of Portland, Township of South Frontenac  
**Purpose of Application:** Consent to create one new lot  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018

**DECISION:** PROVISIONAL CONSENT 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 an approximately 12 acre lot with approximately 260 metres of frontage along Bellrock 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-75-18-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-75-18-P.
8. The applicant must submit a report from KFL&A Public Health stating that they have no objection to the placement of a septic system on the retained lands.

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### Item #17: MV-16-18-P (Organ/McWhirter)

Speaking to the application: Michael Organ

#### Discussion:

The application is to vary section 10.3.1 of the Comprehensive Zoning By-law 2003-75 to permit an increase in lot coverage from the permitted 5% to 5.7% to allow for the proposed addition of a deck and screened in porch to a residential dwelling in concession 12, part lot 9, Deer Park Lane, District of Portland.

It was the opinion of Committee members and Planning staff that the proposal fit the four tests of a minor variance.

RESOLUTION: C of A 18:07:19

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-16-18-P by Michael Organ and Michelle McWhirter, to permit an increase in lot coverage over 5% in concession 12, part lot 9, 1154 Deer Park Lane, District of Portland, subject to conditions.

Carried

**Application No:** MV-16-18-P  
**Owner:** Michael Organ and Michelle McWhirter  
**Location of Property:** Concession 12, Part Lot 9, 1154 Deer Park Lane, District of Portland, Township of South Frontenac  
**Purpose of Application:** To vary section 10.3.1 of the Comprehensive Zoning By-law 2003-75 to permit an increase in principal building lot coverage from 5% to 5.7% for the construction of a new deck and screened in porch.  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018  
**Decision:** MINOR VARIANCE APPROVED, subject to conditions

**CONDITIONS:**

1. This minor variance is for the construction of a deck and screened in porch with a combined area of 1380 square feet as per the plans submitted, to increase the maximum lot coverage to 5.7% for the principal building.
2. Minor variance MV-16-18-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

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**Item #18: MV-17-18-S (Kirkham)**

Speaking to the application: Keith Kirkham

**Discussion:**

The application is for approval of a minor variance to permit construction within allowable top of bank setback (15m reduced to 6m), and to permit reduced required front yard setbacks for a dwelling and garage, in concession 9, part lot 16, Ormsbee Road, District of Storrington. A detailed slope assessment was provided by the applicant, and Committee members Sleeth and Gee felt that the applicant had taken all possible steps to work with the physical constraints of the property.

RESOLUTION: c OF a 18:07:20

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-17-18-S by Keitha Kirkham, to permit reduction in setback from top of bank and a reduction in front yard, I concession 9, part lot 16, Ormsbee, District of Storrington, subject to conditions.

Carried

We, the undersigned members of the Land Division Committee for the Township of South Frontenac, do hereby certify that the following is our decision with respect to the minor variance application described below:

**Application No:** MV-17-18-S

**Owner:** Keitha Kirkham  
**Location of Property:** Concession 9, Part Lot 16, Ormsbee Road, District of Storrington, Township of South Frontenac  
**Purpose of Application:** To vary Section 5.8.2 b. of the Comprehensive Zoning Bylaw 2003-75 to permit a dwelling with an attached deck and a detached garage to be located 6 metres from the horizontal bank of surface and Section 8.3.1 of the Comprehensive Zoning Bylaw 2003-75 front yard minimum to 13 metres for the principal dwelling and 14 metres for the detached garage.  
**Date of Hearing:** August 9, 2018  
**Date of Decision:** August 9, 2018  
**Decision:** MINOR VARIANCE APPROVED, subject to conditions

**CONDITIONS:**

1. Minor variance is for the construction of the dwelling and attached deck that are setback 6 metres from the top of embankment and setback 13 metres into the front yard as per the drawings and sketch submitted. The dwelling and deck have a floor area of 1,119 square feet and is two storeys.
2. Minor variance is also for the construction of a detached garage that is setback 6 metres from the top of embankment and setback 14 metres into the required front yard as per the plot plan submitted with a floor area of 440 square feet.
3. That the mitigation measures contained in the Slope Assessment (Concord Engineering, July 19, 2018) are followed including:
  - a. Sound excavation, grading and drainage practice shall be observed at all stated of construction and appropriate measures implemented to ensure that subgrade and excavation side-slope are preserved.
  - b. Care shall be taken to ensure that excavation and stockpiles do not encroach upon the crest of the slope and that boulders do not become rolling hazards on the slope.
  - c. Control measures such as silt fencing are required given the potential for erosion/siltation.
  - d. Should channelization of runoff become an issue, diffusion of runoff sources using terracing, check dams and similar means shall be used.
  - e. Disturbed areas shall be restored as soon as possible following completion of the work with erosion mats as necessary and seeded to promote re-growth.
4. Minor variance MV-17-18-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
5. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

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**Item #19: Other Business**

Committee members were informed that a presentation would be made at an upcoming meeting regarding the implications of the new LPAT (Local Planning Appeals Tribunal).

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**Item #20: Adjournment**

**RESOLUTION:** C of A: 18:07:21:

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the August 9, 2018 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:45 p.m. to reconvene at 7:00 p.m. on Thursday, September 13, 2018 or at the call of the Chair.

Carried

Larry Redden  
Acting Chair

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Megan Rueckwald  
Secretary-Treasurer

DRAFT



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

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  - No appeal of major Provincial decisions
  - 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
			Yes	
			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



## Public Meeting – Amend Conditions of Provisional Consent

Report Date: September 10, 2018

**Application No:** S-48-18-L  
**Owner:** Helen and Spencer Storms (Agent: Bennett)  
**Location of Property:** Concession 5, Pt. Part Lot 6, 1036 Storm Haven Lane (Slumber Lane), District of Loughborough, Township of South Frontenac  
**Purpose of Application:** Lot addition  
**Date of Hearing:** June 14, 2018, Amended Conditions September 13, 2018

### Recommendation

It is recommended that the Committee of Adjustment amend the conditions of provisional consent to correct the address of the benefiting lands noted in Condition 2.

### Background

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 benefiting lands as PIN 362790703 (no civic address assigned to the vacant lot).

### Planning Act, Section 53

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 benefiting 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 benefiting 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*.

### Recommended Revised 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-48-18-L shall be for the creation of an 8.75 +/- acre lot addition only to **PIN 362790703 (vacant waterfront lot to the north with frontage along Sydenham Lake)**.
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 parcel to be created through Consent Application S-48-18-L from Rural (RU) to Limited Service Residential Waterfront (RLSW). Please see the Township planner to begin this process.

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



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

Report Date: August 2, 2018

**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

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from members of the public and that the consent application S-63-18-S be **approved subject to conditions**.

### Proposal

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.

#### S-63-18-P

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.

#### Retained Lot

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.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
Current Official Plan Designation: Rural  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: Recreational Resort Commercial Exception Four (RRC-4)  
Application omplies with Zoning Bylaw 2003-75: Zoning bylaw amendment a condition of severance

### 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 resource-based recreational uses, including recreational dwellings 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 waterfront residential lot that can be adequately serviced. The proposed lot meets the Township minimum provisions for the creation of a new waterfront lot.

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. Further, Section 3: Protecting Public Health and Safety directs development away from area of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. The Rideau Waterway Development Review Team (RWDRT) reviewed the application for natural hazards, natural and cultural heritage, and water quality and quantity protection policies. In correspondence dated July 18, 2018, the RWDRT has no objection to the proposed consent.

### **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 Areas state that the goal of the Plan is to improve and protect the waterfront areas in Frontenac County as a significant cultural, recreational, economic, and natural environment resource and to maintain or enhance the quality of the land areas adjacent to the shore.

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.

### **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 5.7.7 Limited Service Residential Policies permit single detached dwellings and seasonal residential dwellings on waterbodies where the primary means of access is from a private road. As a rule, the minimum lot size shall be 1 hectare (2.5 acres) with a minimum of 91 metres (300 ft) of waterfrontage and 76 metres (250 ft) of frontage on a private road. The creation of up to three limited service residential lots per landholding existing on the day of adoption of the Plan may be permitted by consent. It is planning staff's understanding that previous lot addition and severance applications have been applied for on the subject property; however, lot addition applications do not result in the creation of new lots and therefore do not contribute to the permitted number.

Section 5.7.7 (ii) c. of the Official Plan requires that as a condition of severance approval the owner enter into an agreement with the Township to be registered against title to the lot 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.
- Owners agree to indemnify the Township for any loss or damage.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Township of South Frontenac Zoning Bylaw

The property is zoned Recreational Resort Commercial Exception Four (RRC-4) in the Township of South Frontenac Zoning Bylaw. The intent of the RRC-4 zone is to permit tourist commercial uses in the Township, many of which are associated with the waterfront. The site specific zoning permits a tourist establishment consisting of three 2-bedroom cottages and two 3-bedroom cottages and accessory buildings. The zone provisions restrict redevelopment of the existing cottages on the subject property. Planning staff are recommending that a condition be included to rezone the severed lands from RRC-4 to Limited Service Residential – Waterfront (RLSW). The RLSW will recognize that the property has waterfrontage and is accessible by private lane. The zoning will restrict the permitted uses to a seasonal dwelling. Planning staff are recommending that the retained lands remain zoned as RRC-4; the subject property meets the regulations in Section 18.3.7 of the RRC zone to permit rental cabins.

## Agency Analysis and Comments

Rideau Waterway Development Review Team (RWDRT) – Comments received July 18, 2018, indicated that RWDRT has no objection to the proposed severance. Planning staff will reach out to the RWDRT to confirm that the cottage at 4065 Hiawatha Lane is to remain on the property but that the cottage at 4071 Hiawatha Lane is to be removed.

KFL&A Public Health Unit – Comments received indicated that KFL&A have no objections to the application; that the site has an existing septic system and is flexible in terms of locating a new system if required.

## 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.

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

## Attachments

Map of 548883 Ontario Ltd. property.  
Site visit images from July 27, 2018.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT





**CONSENT TO SEVER  
INSPECTION REPORT**



File Number: S-63-18-S			Receipt Number: SK-37-2018		
Owner(s): Lesley Briscoe					
Municipality: South Frontenac			Ward/Former Township: Storrington		
Lot 15/16	Concession 8	Registered Plan 8906	Part(s),	Plan of Subdivision:	Sublot:
General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)					
Severed:					
Retained:					
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.					
Severed		Depth of Soil	Retained		
Minimum of 1 foot of soil/silt was present		0.0 m	N/A		
		0.3 m			
		0.6 m			
		0.9 m			
		1.2 m			
		1.5 m			
Percolation rate (estimated):			Percolation rate (estimated):		
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.					
Suitability for on-site sewage disposal:					
<p><b><u>SEVERED</u></b></p> <input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input checked="" type="checkbox"/> Site Flexible <input type="checkbox"/> Site Specific		<p><b>Conditions:</b></p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> <li>-Current septic system on severed portion has septic belonging to permit ST-56-96</li> </ul>			
<p><b><u>RETAINED</u></b></p> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> Site Flexible <input type="checkbox"/> Site Specific		<p><b>Conditions:</b></p>			
Inspector: Miranda Iezzi CPHI(C), Public Health Inspector		Approved: 		Date: July 31 2018	

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



548883 Ontario Limited  
S-63-18-S

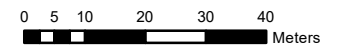
### Legend

-  548883 Ont Ltd property
-  4065 Hiawatha Lane Proposed Lot

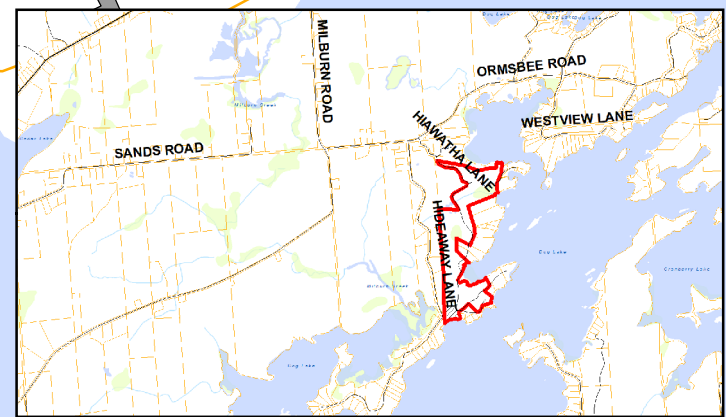
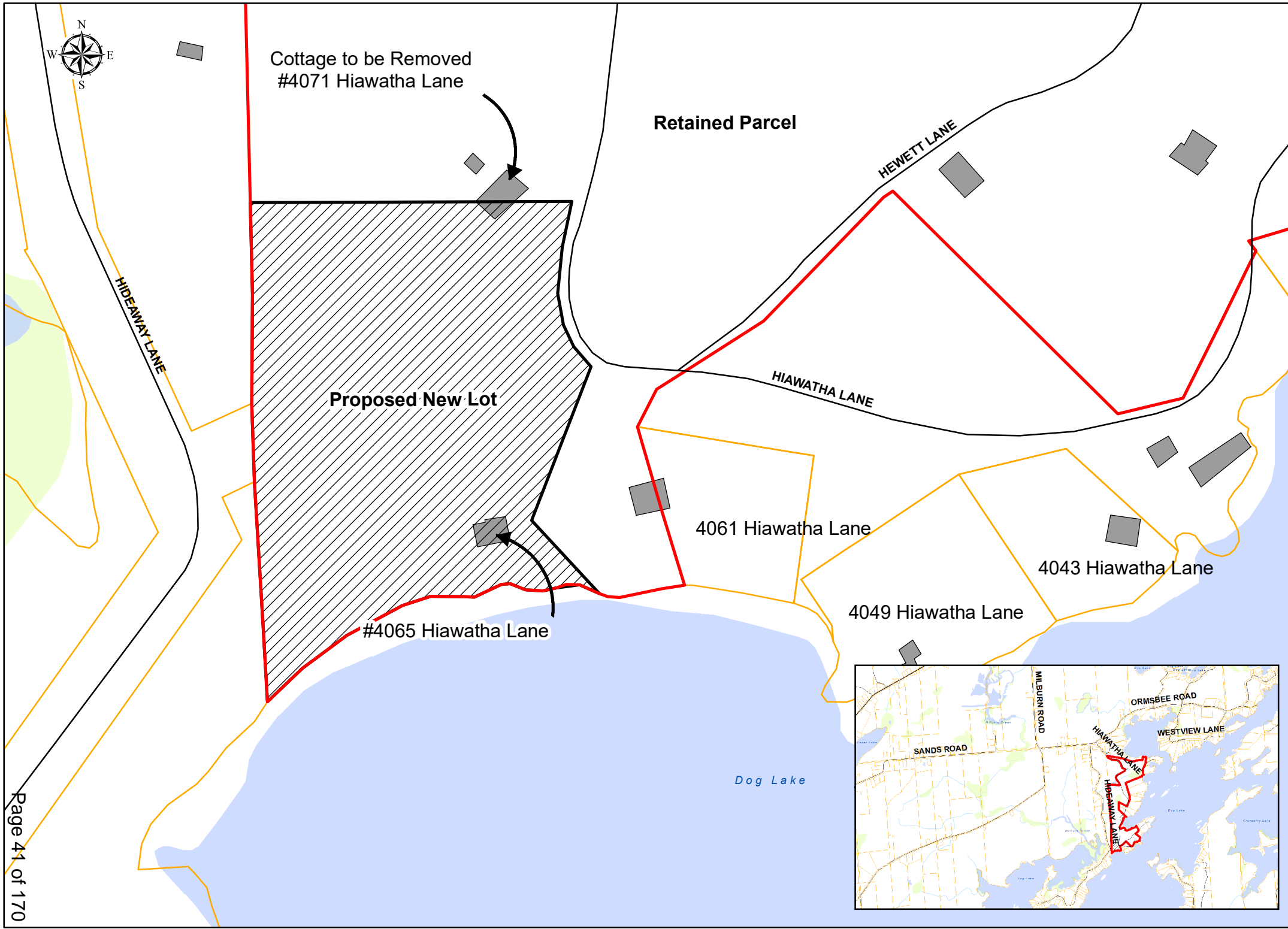
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While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses.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

Scale 1:1,250



UTM Projection NAD 83





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

Report Date: September 7, 2018, Amended September 10, 2018

**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

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that application S-64-18-L for a new rural residential lot **be approved subject to conditions**. The 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.

### Proposal

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.

#### S-64-18-L Severed Lot

Consent application S-64-18-L is for the creation of a vacant rural residential lot. The proposed new lot would have a minimum of 76 metres of frontage along Forest Road and would be a minimum 2.0 acres in area. A new entrance is proposed off Forest Road to accommodate future development.

#### Retained Lot

The retained lands will consist of approximately 2 acres in area with approximately 80 metres of frontage along Forest Road and approximately 108 metres of frontage along Murvale Road. The retained lands will contain all existing structures 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 Resources, 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 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 exceed 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. There were no natural resources or features identified on the subject property.

Section 3: Protecting Public Health and Safety directs development away from area 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.

### **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 consent application will restore two lots that merged on title with a new confirmation that meets the provisions in the Township's Zoning Bylaw.

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 have no concerns with the proposal.

### **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 severance application 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.

### **Agency Analysis and Comments**

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

KFL&A Public Health – Comments received September 5, 2018 indicate that KFL&A have no objections to the application and the site is flexible for locating a septic system.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## 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.

## Attachments



Map of Roche property.

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



**ROCHE  
S-64-18-P**

**Legend**

-  Roche Property
-  Roche Proposed Lot

1004 Fellows Road

MURVALE ROAD

**Retained Parcel**

**Proposed  
New Lot**

3246 Forest Road

3210 Forest Road

FELLOWS ROAD

FOREST ROAD

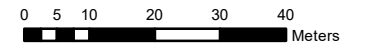
MURTON ROAD

3229 Forest Road

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Scale 1:1,157



UTM Projection NAD 83





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** August 31, 2018

**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

### Recommendation

It is recommended that the receive comments from the public and pending comments received from KFL&A Public Health **approve** application S-66-18-P and S-67-18-P for the creation of two new lots subject to the recommended conditions. Planning staff recommend deferral, if comments from KFL&A Public Health have not been received at the time of the meeting.

### Proposal

Applications for consent have been received for the creation of two new lots from an existing property at Part Lot 1, Concession 5, District of Portland, municipally known as 3254 Harrowsmith Road (see attached map). The existing lot has frontage on Harrowsmith Road and Loughborough Portland Boundary Road. The subject property is currently developed with a dwelling, barn (not capable of housing livestock) and accessory structures. The aerial imagery shows that there is a watercourse and ponds on the subject property in addition to heavily vegetated area and cleared fields used for agriculture. There is an active mineral aggregate pit to the rear of the subject property.

#### S-66-18-P (New Lot)

Consent application S-66-18-P is for the creation of a rural residential lot containing the existing structures on the property. The proposed new lot will have approximately 880 feet of frontage combined on Harrowsmith Road and Loughborough Portland Boundary Road and is approximately 4 acres in area. The lot will be regularly shaped with a depth of approximately 430 feet. The lot is proposed to have a new access created off Loughborough Portland Boundary Road (indicated on the sketch provided), with the two access points along Harrowsmith Road to be closed. The lot is developed with a dwelling, barn (not capable of housing livestock) and accessory structures. No new development is proposed for the proposed lot.

#### S-67-18-P (New Lot)

Consent application S-67-18-P is for the creation of a vacant rural residential lot from the subject property. The proposed new lot will have approximately 510 feet of frontage along Harrowsmith Road and is approximately 3 acres in area. The lot will be regularly shaped with a depth of approximately 250 feet. A new entrance is proposed from Harrowsmith Road to provide access to the proposed lot. It is anticipated that the lot will be developed with a dwelling and used for rural residential.

#### Retained Lot

The retained lands will consist of approximately 90 acres in area with over 3000 feet of frontage combined on Harrowsmith and Loughborough Portland Boundary Road. The depth of the retained lands is approximately 1700 feet. The lot will be irregularly shaped due to the previous severances and proposed severances along both Township roads. The retained lands will contain an active mineral aggregate pit and natural features including a watercourse and ponds and part of a wetland. No development is proposed in the vicinity of these features.

### Background

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.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## 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. 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 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 applications will result in the creation of two new rural residential lots; KFL&A Public Health has indicated the proposed lots can be adequately serviced. The proposed lots exceed the Township minimums for the creation of new lots 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. Section 2.5 Mineral Aggregate Resources contains policies for the protection of active mineral aggregate operations and known mineral deposits from incompatible land uses. Section 2.5.1 states that mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. Section 2.5.2 contains policies for the protection of long-term resource supply requiring that mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible. Section 2.5.2.5 states that in known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and issues of public health, public safety and environmental impact are addressed.

An active aggregate pit exists to the north of the subject property and the Official Plan Land Use Schedule designates potential mineral aggregate deposits on the subject property. Section 2.5.2.5 of the PPS states that in known deposits of mineral aggregate resources, development that would preclude or hinder the establishment of new operations or access to resources shall only be permitted if resource use would not be feasible. The location of the existing dwelling on the subject property, combined with the two lots in close proximity to the proposed severances ("bookending" the proposed severances - one along Harrowsmith Road and the other along Loughborough Portland Boundary Road) restrict the expansion or establishment of a pit in that vicinity. Further, the Township received confirmation from the Ministry of Natural Resources in September, 2014, that the aggregate on the subject property is low quality sand fill and given the existing development in the area it is unlikely that the deposit could be extracted economically.

### 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 2.1.2.1 Mineral Aggregates recognizes that the County has a variety of mineral aggregate deposits. The policies in the Plan speak to the protection of all existing mineral aggregate operations from incompatible uses and activities that would preclude or hinder their expansion or continued use. The Plan states that the County or the Townships may require the completion of a study by a qualified professional to demonstrate that the proposed use is consistent with the policies for



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



development proposals. Correspondence from the Ministry of Natural Resources in September, 2014 confirmed the aggregate is low quality sand fill and the existing development in the area makes it unlikely that the deposit could be extracted economically.

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 as part of the application review process to ensure that the retained lot and vacant severed lot could be adequately serviced. KFL&A Public Health have visited the site and have no objections to the applications.

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

Official Plan Designation: Rural, Environmental Protection and Mineral Aggregate

The subject property is designated as Rural, Environmental Protection and Mineral Aggregate in the Township of South Frontenac Official Plan. The proposed severances are within the Rural designation. 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 severances and retained lots conform to the Rural designation policies of the Plan.

The Environmental Protection designation applies to lands which play an important role in the preservation of the Township's natural heritage systems. The Official Plan sets out adjacent land distances to varying environmental features with the Township's Zoning Bylaw establishing setbacks. No development is proposed in the vicinity of the Environmental Protection designation; sufficient area exists on the retained lands to build outside of this designation.

Section 5.5 Mineral Aggregate designation includes sand, gravel and limestone resources. It is the intention of Council to protect wherever possible and practical the sand and gravel resources and a reasonable amount of bedrock resources for aggregate extraction and to ensure that the resources are utilized in accordance with proper controls. Within reserve areas, interim land uses such as agriculture, forestry and outdoor recreation uses may be permitted provided the building and activities would not preclude the establishment of a pit or quarry. Section 5.5.2 Influence Area it is a policy of Council to prohibit residential land uses within 150 metres of an existing or proposed pit above the water table and 300 metres from a pit below the water table. According to the Ministry of Natural Resources and Forestry, an active pit is in operation on the subject property under a Class B Licence. In email correspondence provided to planning staff from the Ministry of Natural Resources and Forestry (MNR), August 2, 2018, MNR confirmed that the licence is for above the water table. As such, the influence area surrounding the pit is 150 metres. The proposed development (lot creation) is outside of the 150 influence area (see attached mapping). It should be noted that any expansion of the existing licensed area of the pit would require an Official Plan Amendment and such an expansion proposal would be required to address the following issues: impact on ground and surface water; environmental and natural heritage impacts; noise and dust impacts; land use impacts; traffic impacts; and archaeological and cultural heritage impacts.

The Official Plan requires spacing considerations for new entrances from previous County Roads, such as Harrowsmith Road. The Public Works Department completed a site visit of the subject property and have no concerns with the proposal to issue a new entrance permit for consent application S-67-18. With regard to consent application S-66-18, the existing two entrances along Harrowsmith Road will be decommissioned and the property accessed by an existing entrance from Loughborough Portland Boundary Road.

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

The property is zoned Rural (R), Environmental Protection (EP), and Pit 'B' (PB) 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 severances are within the property zoned Rural. The



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



western edge of the subject property is zoned EP. Section 5.8.2 requires a 30 metre horizontal setback of an Environmental Protection zone; no development is proposed in proximity to this area.

The PB zoning identifies a pit which produces greater than 20,000 tonnes of mineral aggregate per year (19,685 tons per year). The Ministry of Natural Resources and Forestry is the agency responsible for licencing pits and quarries in Ontario. MNR maintains a database of active site across Ontario including mapping of the approved site plans. The Township's Zoning Bylaw includes a larger area as an active pit, compared to the approved MNR site plan. When measuring the influence area from around the exterior of the PB zoning, the proposed development is beyond the radius.

Section 23.3.1 ("For Excavation Area and Storage Uses") states that the setback from residential, commercial, community facility zone or use (minimum) is 30 metres. Section 23.3.2 ("For Open and Enclosed Pit Processing Operations") states that the minimum setback from residential, commercial and community facility zone or use of 90 metres. There is suitable area of the retained lot to build outside of the setbacks from the PB zone required setbacks.

## Planning Comments

The application was deferred at the August Committee of Adjustment meeting for Township staff to receive a legal opinion regarding the notice cards being removed from the subject property. The Township solicitor recommended that the notice to neighbouring properties be recirculated and new notice cards issued and placed for a minimum of 14 days before the September Committee of Adjustment meeting.

## Agency Analysis and Comments

KFL&A Public Health – Comments received from KFL&A Public Health dated August 13, 2018 indicate the lot to be created through Consent Application S-67-18-P is satisfactory for a sewage disposal system and is flexible with regards to its location.

Public Comments – As of the time of writing comments have been received from one member of the public. Ron Vandewal expressed concern that the applicant had received differing opinions from Township planning staff as to whether the application could proceed and what the requirements are under the current Official Plan regarding setback distances and potential mineral aggregate deposits.

## Attachments

Map of Alton property.

## Draft Conditions

**\*\*It is important to note that conditions are the decision of the Committee of Adjustment. Please review the proposed conditions and ask any questions you may have at the Committee of Adjustment meeting\*\***

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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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.*


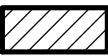
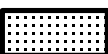
- d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the 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.

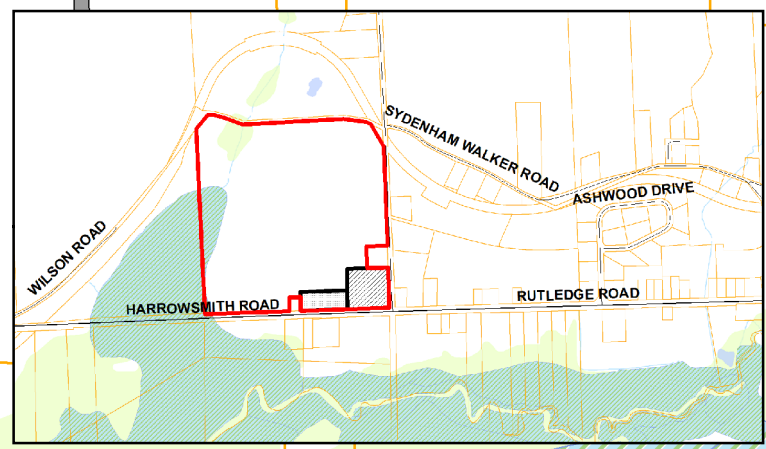
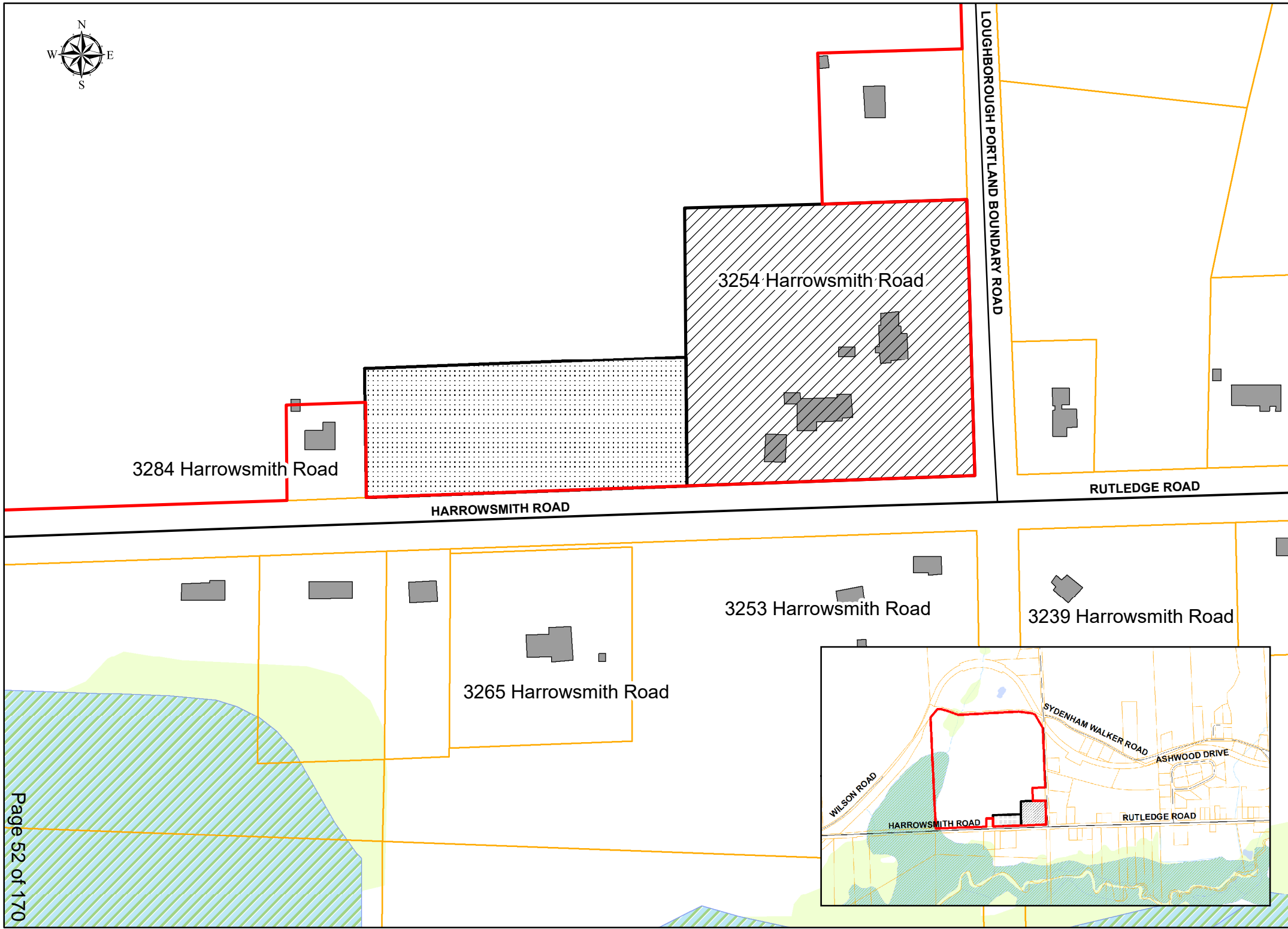
**Submitted:** Megan Rueckwald, Manager of Community Planning, County of Frontenac



**ALTON**  
**S-66-18-P**  
**S-67-18-P**

### Legend

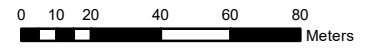
-  Alton Property
-  Alton Proposed Lot (Existing House)
-  Alton Proposed Vacant Lot



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 1:2,169



UTM Projection NAD 83

RECEIVED

JUL 25 2018

TOWNSHIP OF  
SOUTH FRONTENAC  
PLANNING DEPARTMENT

July 25, 2018

Attention Committee of Adjustment Members

I would like to bring to your attention to an application by Rob Smith ie: The Alton Farm. When Mr Alton wanted to sell his property he ended up calling me because he was getting mixed information. I went to the Township Office where we printed off a copy of the property. Then Mr Orr, Mr Mills, Ms. Kapusta and myself went through what was allowed now under our Official Plan.

Now Mr Alton was allowed to tell the purchaser that one severance on Rutledge Rd was permitted and because of a sand pit near by if the OP changes which is anticipated in 2019 the setbacks on the sand pit would be reduced and then the original house could be severed off and he would be allowed to build on the retained.

Mr Alton was told that nothing is guaranteed but the Province/County new OP would be incorporating reduced set backs on sand pits. However we are working under the Township's current OP so that could not happen until the Township's official plan has been updated. This application is contrary to the information that Mr Alton was given.

I think at the very least this should be deferred till the applicant(Rob Smith) can provide either an environmental assessment to support the changes to property and/or a letter from Pits and Quarry's to support the changes that are not currently in our OP to be fair to the seller (Mr Alton) of the property.

Thank you



Ron Vandewal



**CONSENT TO SEWER  
INSPECTION REPORT**

File Number: <b>S-67-18-P</b>		Receipt Number: <b>SK-40-18</b>																													
Owner(s): Alton, M & S																															
Municipality: South Frontenac		Ward/Former Township: Portland																													
Lot <b>1</b>	Concession <b>5</b>	Registered Plan	Part(s), Plan of Subdivision: Sublot:																												
<p><b>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</b></p> <p><b>Severed:</b>    -Open field with trees &amp; long grass                   -Relatively flat</p> <p><b>Retained:</b></p>																															
<p><b>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.</b></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;"></th> <th style="width:20%; text-align: center;">Severed</th> <th style="width:20%; text-align: center;">Depth of Soil</th> <th style="width:20%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td style="text-align: center;">0.0 m</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.3 m</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.6 m</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.9 m</td> <td></td> </tr> <tr> <td style="text-align: center;">Mottled sand/silt clay mix</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: center;">1.2 m</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1.5 m</td> <td></td> </tr> </tbody> </table>					Severed	Depth of Soil	Retained			0.0 m				0.3 m				0.6 m	N/A			0.9 m		Mottled sand/silt clay mix		1.2 m				1.5 m	
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Percolation rate (estimated):		Percolation rate (estimated):																													
<p><b>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.</b></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 checked="" type="checkbox"/> Site Flexible</p> <p><input 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>- 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.</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></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>- 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.</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>Aug 13, 2018</b>																												

**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: May 22, 2018

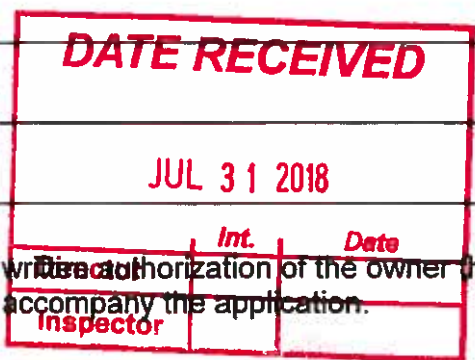
File No: 567-18-P

1. Name of Owner(s): MARK ALTON Shaaron ALTON

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: Rob Smith

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



Phone number of Authorized Agent: 613 536 9589

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.

X [Signature] Shaaron Alton  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 5 Lot Number: 1

Street Number: 3254 Name of Road/Street: Horseshoe RA

Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_

Roll Number: \_\_\_\_\_

**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): 3500 ft  
 Depth: \_\_\_\_\_ Area: 92 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.

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>510 ft</u>	Frontage On Road <del>3500 ft</del>
Frontage On Water _____	Frontage On Water _____
Depth _____	Depth _____
Area <u>2 acres</u>	Area <u>90 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: _____	_____

Structures Existing	Structures Proposed
New Lot: <u>Residential</u>	<u>New house</u>
_____	_____



**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.): Herron Smith Rd

The retained lot: houghborough 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: \_\_\_\_\_ Retained Lot: \_\_\_\_\_

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

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

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

\_\_\_\_\_

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:     Farm    

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

THIS 22<sup>nd</sup> DAY OF May, 2018

I, Rob Smith OF South Frontenac


solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

  
\_\_\_\_\_  
Signature of Applicant or Authorized Agent

DECLARED before me at the TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)



THIS 22<sup>nd</sup> DAY OF May, 2018

  
\_\_\_\_\_  
A Commissioner, etc.



**SMART  
S-73-18-P**

**Legend**

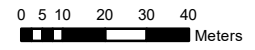
-  Smart Property
-  Smart Proposed Lot



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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 1:1,807



UTM Projection NAD 83



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date: September 7, 2018, Amended September 10, 2018**

**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, 2-18

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-73-18-P for the creation of one new rural residential new. The application was previously deferred at the August 2018 Committee of Adjustment meeting.

### Proposal

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.

#### S-73-18-P

Consent application S-73-18-P is for the creation of a vacant rural residential lot. The proposed new lot will have approximately 76 metres of frontage along Cross Road and is approximately 2 acres in area. The lot will be regularly shaped with a depth of approximately 105 metres. A new entrance is proposed off Cross Road to accommodate future development on the severed lot.

#### Retained Lot

The retained lands will consist of approximately 3 acres in area with approximately 200 metres of frontage combined along Bellrock Road and Cross 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 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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



serviced. The proposed lot meets the Township minimum provisions for the creation of a new lot in the rural designation for residential purposes.

Section 1.1.5.9 of the PPS requires that the creation of lots shall comply with the minimum distance separation formulae (MDS). A barn with the potential to house livestock was identified at 4584 Bellrock Road and an MDS I calculation completed for the creation of the new lot. The minimum distance from the livestock facility to the new lot was determined to be 125 m based on the capacity of the unoccupied facility. Section 5.41 of the Township Zoning Bylaw restricts the number of livestock, or nutrient units (NU) permitted to 5 NU on a property between 18-25 acres, such as the subject property. The MDS calculation for 5 NU results in a separation distance of 81 metres. A suitable building envelope exists on the subject property outside of the 81 metre radius.

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, the majority of which is located on the neighbouring. A suitable building envelope exists on the subject property to build outside of the required 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 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 July 25, 2018.

### **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. The lot will result in infill development along Cross Road. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage.

Overall, the proposed severance application is consistent with the PPS for the creation of limited residential development on rural lands that can be adequately serviced. 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.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Agency Analysis and Comments

Public Works Department – Public Works has no objection to approving an entrance permit for the proposed lot. In response to concerns expressed in writing and at the initial hearing planning staff and public works staff met on site with the applicants and neighbour to discuss suitable measures to address the drainage concerns. It was determined that the construction of a swale along the abutting property lines should adequately alleviate any potential negative impacts. The requirement to complete this swale will be suggested to the committee members to be included as a condition of provisional consent.

KFL&A Public Health – In comments provided July 25, 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. The proposed lot is flexible in siting the septic system, which will be determined when an application to construct a sewage disposal system is applied for.

Public Comments – 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.

## 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;



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- 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.

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

### **Attachments**

Map of Smart and Bond property.  
Site visit image from August 1, 2018.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Site visit image from August 1, 2018.





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date: September 11, 2018**

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

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-74-18-B to facilitate a lot addition.

### Proposal

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.

#### S-74-18-B

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.

#### Retained Lot

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.

### Planning Analysis

Consistent with Provincial Policy Statement, 2014: Yes  
 Current Official Plan Designation: Rural and Environmental Protection  
 Application conforms with Official Plan, 2003: Yes  
 Current Zoning: Residential Limited Service – Waterfront (RLSW-53)  
 Complies with Zoning Bylaw 2003-75: Yes, Zoning bylaw amendment 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 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 resource-based recreational uses (including recreational dwellings). Section 1.1.4.1 a. speaks to building upon rural character and leveraging rural amenities. The lot addition will facilitate the enlargement of an existing waterfront residential lot.

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. An Environmental Protection area is designated on the subject property but not in proximity to the proposed lot addition.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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 Waterfront Areas goal of the plan is to improve and protect the waterfront areas of Frontenac County; enlarging an existing lot will better protect the environment.

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.

### **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 5.7.7 Limited Service Residential Policies strive for the creation of waterfront lots that are 1 hectare (2.5 acres) in area. The proposal will increase the existing lot, allowing for additional space for redevelopment if this should occur in the future.

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

The property is zoned Residential Limited Services – Waterfront Exception 53 (RLSW-53) in the Township of South Frontenac Zoning Bylaw. The intent of the RLSW zoning is to permit a seasonal and permanent residential dwellings on waterfront properties accessible by private lane. The exception zone is to recognize that no more than one additional lot may be created by consent on lands zoned RLSW-53 without plan of subdivision proposal.

## **Agency Analysis and Comments**

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

A site visit was completed by planning staff on July 27, 2018, to review the lot addition proposal.

## **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-74-18-B shall be for the creation of an approximately 0.85 acre lot addition only to 279 Frye Lane (Roll no. 102901003006700).
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.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

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

### **Attachments**

Map of Snelgrove property.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date: September 11, 2018**

**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

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-76-18-B for the creation of one new lot to provide parking and docking facilities for a water access only lot.

### Proposal

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.

### 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. 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 1.1.5.4 promotes development that is compatible with the rural landscape and can be sustained by rural service levels, while 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 lot for parking and docking facilities. No services are required as part of the application. The proposed lot to be created is geographically separated from the retained lands due to its current configuration; as such the severance will not impact the character of the waterfront.

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. An Environmental Impact Assessment was completed on the subject property to evaluate the proposal given the proximity to Bobs Lake and the Provincially Significant Wetland. The application was reviewed by the Rideau



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Valley Conservation Authority who have no objection to the application and recommendations for the site plan agreement.

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. The Environmental Impact Assessment submitted supports development within the area of the Provincially Significant Wetland.

### **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 7: Environmental Sustainability sets out policies for the protection of natural heritage features in the County. Of particular interest is Section 7.1.4.1 which states development and site alteration shall not be permitted within lands adjacent to provincially significant wetlands or significant coastal wetlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on their features or their functions. The Environmental Impact assessment provided with the application supports the placement of the parking facilities setback 30 metres.

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

The subject property is designated as Rural and Environmental 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 5.7.7 speak to limited services residential development in the Township. The section recognizes that development shall be permitted on water access only lots provided that the owner demonstrates to Council that land and mooring facilities on the main land are available to permit the parking of automobiles and or storage or docking of boats and boat trailers. The docking facilities are to be owned or tied on perpetuity to the water access only lot and zoned for parking and docking facilities only. The proposal will create parking and docking facilities to provide access to two water access only lots on Mica Island.

Section 5.2 Environmental Protection promotes the continued protection of all significant wetlands to maintain and improve water quality, assist in flood control, provide important fish and wildlife habitat and contribute to social and economic benefits including selected outdoor recreational and tourist activities. No new development or site alteration within 120 metres of the PSW is permitted unless it has been demonstrated through an Environmental Impact Assessment that there will be no negative impacts on natural features of ecological functions of the wetland. The Environmental Impact Assessment submitted with the application supports the proposal, including the docks which are under the regulation of Rideau Valley Conservation Authority.

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

The property is zoned Limited Services Residential-Waterfront (RLSW) in the Township of South Frontenac Zoning Bylaw. A condition of provisional consent will be to rezone the severed lands to limit the uses on the subject property to docking and parking facilities.

### **Agency Analysis and Comments**

Rideau Valley Conservation Authority – Comments dated September 6, 2018, indicate that Rideau Valley Conservation have no objection to the application. They recommend conditions to be included in the Site Plan Agreement to be registered on title.

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

A site visit was completed by planning staff on August 24, 2018, to review the severance application.

### **Conditions**



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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.

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



Bobs Lake





**TUCKER  
S-76-18-P**

662 DEWITT RD

DEWITT LANE

### Legend

-  Tucker Property
-  Tucker Proposed Lot

726 DEWITT LANE

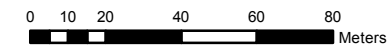
713 DEWITT RD

740 DEWITT RD

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 1:2,000



UTM Projection NAD 83

September 6, 2018  
18-SF-SEV (Bedford)

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

Attention: Megan Rueckwald

Subject: **TUCKER, Trevor**; Application for Consent **S-76-18-B** – 668 Dewitt Lane, Part Lot 27 & 28, Concession 7; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 10290100503169000000

Dear Ms. Rueckwald,

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

- Section 2.1 Natural Heritage 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 Tay River – Bobs 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 lot. The stated purpose of the lot would be for the creation of a parking lot to allow access to Mica Island. There is a concurrent application for a site specific zoning by-law amendment (although this has not been circulated to RVCA to date) to limit the permitted uses to a parking lot and dock facility. The proposed lot for parking would be approximately 1.2 acres with a water frontage of 135 metres, a road frontage of 45 metres and a depth of 110 metres. The proposed retained lot will be approximately 8.6 acres with a water frontage of 360 metres, a road frontage of 322 metres and a depth of 250 metres.

### The Property

The subject property is located on Bob’s Lake which has a regulated flood level of 163.07 metres above sea level (geodetic). A portion of the property is occupied by the Michaels Creek Marsh which is a Provincially Significant Wetland (PSW). As a result, the entire property is within the 120 metre adjacent lands from the PSW. The site is heavily vegetated. A hydro easement was observed on the site during the site visit.

A review of the subject property did not indicate the presence of any unstable slopes.

## **Review Comments and Recommendations**

### Michael's Creek Marsh

During the site visit Michael's Creek Marsh was observed. As a PSW, this wetland is regulated by the RVCA. Therefore, any development within the feature, or interference within adjacent lands (120 metres) requires the prior written approval of the RVCA.

Wetlands provide a variety of benefits. 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).

### Bobs Lake Catchment Report – East Basin

The water quality report for East Basin is “fair” according to the Bobs Lake Catchment Report. This rating has been assigned due to phosphorus concentrations which exceed the Provincial Water Quality Objective (PWQO) and instances of reduced oxygen concentration throughout much of the water column in the late summer which may stress fish population. Care should be taken to avoid further nutrient enrichment which can fuel the growth of algae and deplete oxygen levels. This can be employed through best management practices such as maintenance of a vegetative buffer and sediment and erosion controls being implemented during site disturbance.

### Rideau Lakes Study

Based on an application of the Rideau Lakes Study, an appropriate setback based on soil type, depth of soil, topography and vegetation cover would be 30 metres from the normal high water mark from Bob's Lake. It is our understanding, based on the submitted planning rationale, that the proposed parking lot will maintain a 30 metre setback from the normal high water mark. This is supported by the Rideau Lakes Study and the RVCA.

### Future Development

It is the understanding of the RVCA that a future application will be made should the current application for consent to sever create the parcel of land as described in “the proposal” section of this report. Based on a review of the planning rationale submitted in support of the consent, zoning amendment and site plan applications, it is the understanding that the future site specific zoning by-law amendment will ensure that no buildings or structures are located on the subject property, other than the proposed dock. The RVCA will comment on future applications when they are made.

For the future site plan control agreement that is referred to in the planning rationale, the RVCA would have the following recommendations for conditions of said agreement:

- Sediment and erosion controls between the construction area and Bobs Lake are to be installed prior to initiation of the work, to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township or Chief Building Official.

- All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater of Bob's Lake at a proper disposal site.
- A planting plan showing a minimum of 30 metres as a vegetative buffer, where possible, shall be prepared and submitted as part of the site plan control agreement. This will be to the satisfaction of the Township. This should take the form of a drawing which depicts the location of the parking lot, dock and vegetation to remain. This would not preclude an access path to the water.
- The following statement should be included in the site plan control agreement.

*"Should any work be undertaken along the shoreline or within the Michaels Creek Wetland, permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses")."*

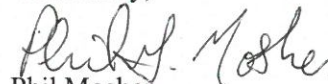
### **Conclusions**

In conclusion, The Rideau Valley Conservation Authority has no objection to the subject application. 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 – Joanne McGurn - KFLA  
cc – Angus Laidlaw  
cc – Mike Keene ([kenne@fotenn.com](mailto:kenne@fotenn.com))

**688 DEWITT LANE  
CONCEPTUAL SITE PLAN**

**LEGEND**

- Subject Property
- Proposed Lot Line
- - - 30 Metre Setback from High-Water
- Provincially Significant Wetland
- Post-Supported Dock
- Floating Dock
- Parking Area
- Trail

**Revision History:**  
 0 - Draft issued for client review  
 1 - Draft revised for client review

**FOTENN  
Planning + Design**

Created By: MW  
 Reviewed By: MK  
 Date: 07/10/2018

**KINGSTON**  
 108-6 Cataract Street  
 Kingston, ON K7K 1Z7  
 T 613.542.5454

fotenn.com

25m





**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> )	\$360

**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): TREVOR TUCKER

Full Mailing Address of Owner(s): 434 HAMILTON AVE. S.,  
OTTAWA, ON, K1Y 1E3

Phone number of Owner(s): (613) 799-5160

Email Address of Owner(s): trevor\_tucker@yahoo.com

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: Fotenn Consultants (Mike Keene), Angus Laidlaw, Campbell Laidlaw

Full Mailing Address of Authorized Agent: 6 Catarqui Street, Suite 108  
Kingston, ON K7K 1Z7

Phone number of Authorized Agent: 613-542-5454

Email Address of Authorized Agent: keene@fotenn.com; angus.laidlaw@canada.ca

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: 7                      Lot Number: 27 and 28

Street Number: 688                      Name of Road/Street: Dewitt Lane

Reference Plan Number: 13R 11231                      Part Number(s): 1 - 4

Roll Number: \_\_\_\_\_

**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): + - 495 metres      Frontage (on road/lane): + - 367 metres

Depth: + - 250 metres      Area: + - 9.3 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 the creation of a 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 + - 45 metres

Frontage On Road + - 322 metres

Frontage On Water + - 135 metres

Frontage On Water + - 360 metres

Depth + - 110 metres

Depth + - 250 metres

Area + - 1.2 acres

Area + - 8.6 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: Vacant

Parking and a dock

Retained: Vacant

Vacant

Structures Existing

Structures Proposed

New Lot: None

None

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

Structures Proposed

Retained Lot: None  
 \_\_\_\_\_  
 \_\_\_\_\_

Retained Lot: 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***):

Angus and Campbell Laidlaw

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

The subject land is together with the benefit of a right-of-way over part of the lane described as Part 3, in plan of survey 13R-3661. The land is subject to a hydro easement over the land designated as Part 2 and Part 6 on Plan 13R-11231.

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Lane described as Part 3, in plan of survey 13R-3661

The retained lot: Dewitt 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: 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: N/A Retained Lot: N/A

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

New Lot: N/A Retained Lot: N/A

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

Limited Service Residential - Waterfront Zone (RLSW)

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 #: N/A (b) The decision on the application: N/A

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

N/A

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 #: N/A (b) The decision on the application:  
N/A

(c) The current use of the land: N/A

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**  
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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 \$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 City of Ottawa, Province of Ontario. City of Ottawa TOWNSHIP OF SOUTH FRONTENAC  
THIS 16<sup>th</sup> DAY OF July, 2018 City of Ottawa

I, Angus Laird CAMPBELL LAIRD OF OTTAWA, ON.  
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Angus Laird Signature of Applicant or Authorized Agent  
City of Ottawa, Province of Ontario Signature of Applicant or Authorized Agent

DECLARED before me at the City of Ottawa, Province of Ontario TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)  
THIS 16<sup>th</sup> DAY OF July, 2018 City of Ottawa

Olajide Olatokunbo Afolabi  
A Commissioner, etc.

Bytowne Notary Public  
811 Lebreton Str. South  
Ottawa, ON., K1S 4L4

JUL 16 2018

Olajide Olatokunbo Afolabi  
LSUC #: 432111 | Year of Call: 2000

**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.

# PLANNING JUSTIFICATION

## 688 DEWITT LANE

July 16, 2018

**Ms. Jennie Kapusta**

Planning Assistant  
4432 George Street  
Sydenham, ON K0H 2T0  
T. 613-376-3027 ext. 2224

**RE: 688 Dewitt Lane, Part of Lots 27 & 28, Concession 7, Township of South Frontenac  
Planning Justification  
Zoning By-law Amendment, Site Plan Control, Consent (severance)**

Dear Ms. Kapusta,

This Planning Justification Report, prepared by Fotenn Consultants Inc. on behalf of Angus and Campbell Laidlaw (the "Laidlaws"), is being provided in support of applications for zoning by-law amendment, site plan control, and consent for the property municipally known as 688 Dewitt Lane, located in the Bedford District of the Township of South Frontenac. The proposed planning approvals would restrict the permitted uses on the proposed severed parcel of land to parking and a dock. This will allow the creation of permanent mainland access for the two existing cottages located on Mica Island in Bob's Lake.

The following materials are being submitted in support of this application:

- / Application fees;
- / Completed application forms;
- / Memorandum to Lindsay Mills, prepared by David Munday;
- / Registered Environmental Impact Assessment, prepared by Ontario Lake Assessments;
- / Plan of Survey 13R-11231, prepared by Ronald H. Smith Ltd.;
- / Plan of Survey 13R-3661, prepared by Ray Hunter – Ontario Land Surveyor;
- / Conceptual Site Plan, prepared by Fotenn Consultants Inc.;
- / This Planning Justification, prepared by Fotenn Consultants Inc.

### 1.1 Executive Summary

The purpose of this letter is to assess the appropriateness of the proposed development and the requested amendments in the context of the surrounding community and the policy and regulatory framework applicable to the subject site. It is proposed to sever an approximately 0.48-hectare (1.2 acres) parcel of land, described as Parts 1 – 4 on the registered plan of survey 13R-11231 (Appendix B), from the property municipally known as 688 Dewitt Lane.

On the severed lot, the applicant proposes to create a permanent private parking area and a dock, for the benefit of 2 water access residential lots. 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.

## 1.2 Development Applications

The property is designated as Rural and Environmental Protection on Schedule A – Land Use, in the Township of South Frontenac Official Plan, and zoned Limited Service Residential – Waterfront Zone (RLSW) in the Township of South Frontenac Comprehensive Zoning By-law 2003-75.

A zoning by-law amendment is required to restrict the permitted uses on the subject site. A site-specific RLSW zone will ensure that no future development on the severed lot will occur, other than the proposed parking and docking facilities, without approval from the Township.

Applications for site plan control and consent to sever the parcel, described as Parts 1 – 4 on the registered plan of survey, are submitted concurrently with the proposed zoning by-law amendment. As a condition of severance approval, the applicants are willing to enter into a Site Plan Agreement with the Township, to be registered against both of the Mica Island properties and the severed parcel.

As the Laidlaws each own approximately one half of Mica Island, a site plan and restrictive covenant shall be registered on title to the island properties that confirms neither party's interest in the island property can be transferred independently of the interest in the parking/docking parcel.

A Rideau Valley Conservation Authority (RVCA) permit application for "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" will be submitted concurrently with the applications for zoning by-law amendment, site plan control, and consent. The RVCA has indicated that the permit will be issued in conjunction with the municipal planning approval for the proposed severance.

## 2.0 SURROUNDING AREA & SITE CONTEXT

The Laidlaws currently own each half of Mica Island in Bob's Lake. The two island properties both contain existing cottages, built in 1907 and 1982, respectively. The properties are water-access-only lots; however, they have no formalized mainland access. Given that both cottages were built prior to the passing of the current zoning by-law requirement to have permanent mainland access, they are existing non-conforming uses. To-date, the Laidlaws have accessed the Mica Island properties by maintaining a friendly relationship with a mainland property owner who has permitted them to park and launch boats from their property via a temporary license agreement which was renewed on an annual basis.

The subject site is municipally known as 688 Dewitt Lane, a vacant site with an area of approximately 4 hectares and waterfront access on Bob's Lake to the north. The property is located approximately 0.8 kilometres south of the southern Mica Island property, and approximately 1 kilometre from the northern Mica Island property. The site is naturally divided in two by a small cove off Bob's Lake. The bulk of the property, approximately 3.5 hectares of land, is located on the west side of the cove. The remaining portion of the property, an area of approximately 0.48 hectares, is located on the eastern side of the cove. The two portions of the property are attached only by a narrow strip of land, approximately 3.2 metres in width. The site is bounded by Dewitt Lane to the south and an unnamed lane to the east, both of which are approximately 5 metres in width. The subject site has previously been severed, with an area of approximately 2.2 hectares having been severed from the western side of the original property.

The surrounding area consists primarily of limited service waterfront and island residential uses. Timmermans Island, the largest island in the vicinity of the subject site, is located approximately 475 metres to the northwest. Ashnelot Island is located approximately 420 metres north of the subject site. The shallow areas of the cove and the lands south of the subject site, across Dewitt Lane, have been identified as provincially significant wetland. An

existing boat house is located approximately 20 metres north of the eastern portion of the subject site, as well as an existing dwelling located approximately 90 metres to the north.

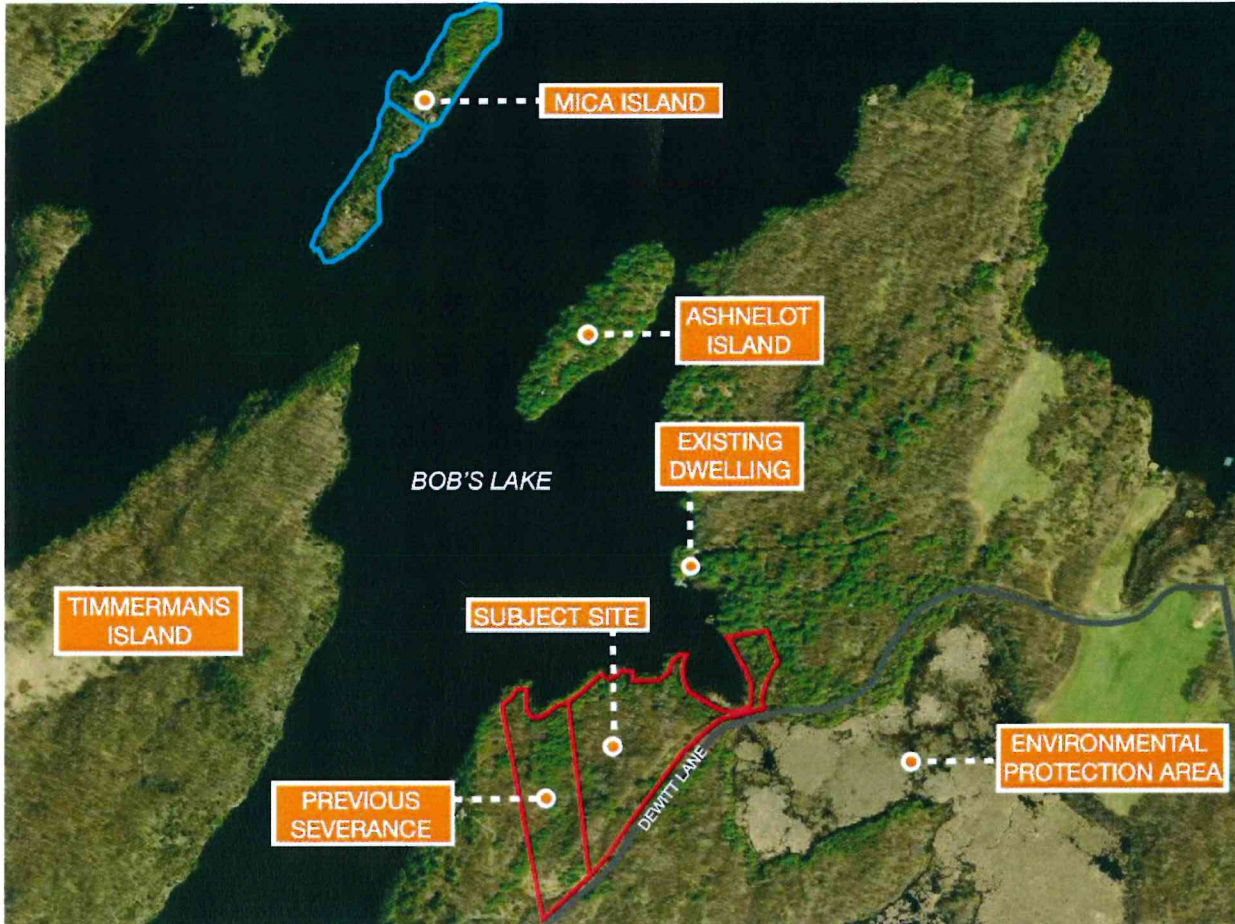


Figure 1: Site context (source: frontenacmaps.ca).

## 2.1 Development Proposal

Given that the Laidlaws' access to their properties on Mica Island is entirely dependent upon their relationship with a mainland neighbour, it is proposed to establish permanent mainland access to the Mica Island properties. In consultation with Mr. Tucker, it was determined that it would not be possible to establish an easement over his property granting the Laidlaws access to the subject site as it would vitiate Mr. Tucker's coverage under his insurance policy.

As a result, the Laidlaws have instead entered into an agreement with Mr. Tucker to sever and purchase a portion of the subject site, described as Parts 1 – 4 on the registered survey plan, subject to obtaining planning approvals from the Township. All of Mr. Tucker's property, including the lands the Laidlaws are purchasing, are together with the benefit of a right-of-way over part of the lane described as Part 3, as shown on plan of survey 13R-3661 (Appendix C). The applicants are proposing to construct parking and docking facilities on the proposed severed lot for the purpose of providing mainland access to the Mica Island properties.

The severed lot consists of the eastern portion of the subject site, an area of approximately 0.48 hectares in area, described as Parts 1 – 4 on the registered survey plan. The parcel will be used explicitly for parking and docking purposes. No further development of the parcel is proposed. The retained parcel will continue to comply with the requirements of the Limited Service Residential – Waterfront Zone (RLSW).

Four parking spaces will be provided no closer than 30 metres to the high-water mark, accessible via the laneway which runs north-south along the eastern side of the subject site. Additionally, parking will be located at least 5 metres from any lane or road.

A two-stage dock is proposed, consisting of a post-supported dock extending to a floating 12-foot by 8-foot (3.6m x 2.4m) dock, where boats may be berthed. The two portions of the dock will be attached by a hinge mechanism. The dock will be capable of berthing two boats, one for each of the water access properties.

This arrangement will provide permanent mainland access to the Laidlaws' island properties. The proposed severed lot is naturally separated from the remainder of the subject site. A site plan and restrictive covenant will be registered on title to the island properties which confirms that neither party's interest in the island property may be transferred independently of the interest in the proposed mainland access parcel, ensuring that mainland access for the Mica Island properties will be permanently established.

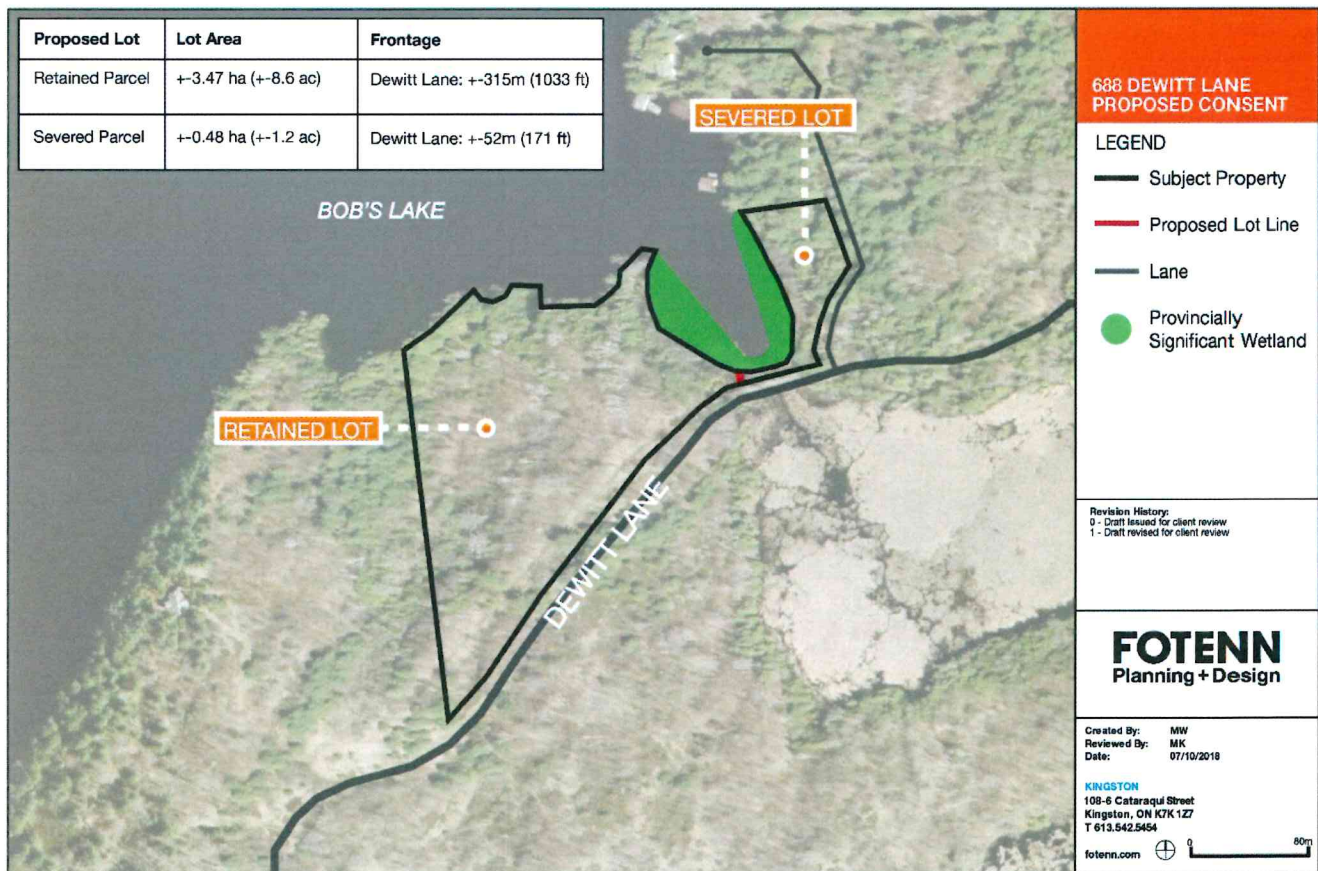


Figure 2: Proposed severance (source: frontenacmaps.ca).

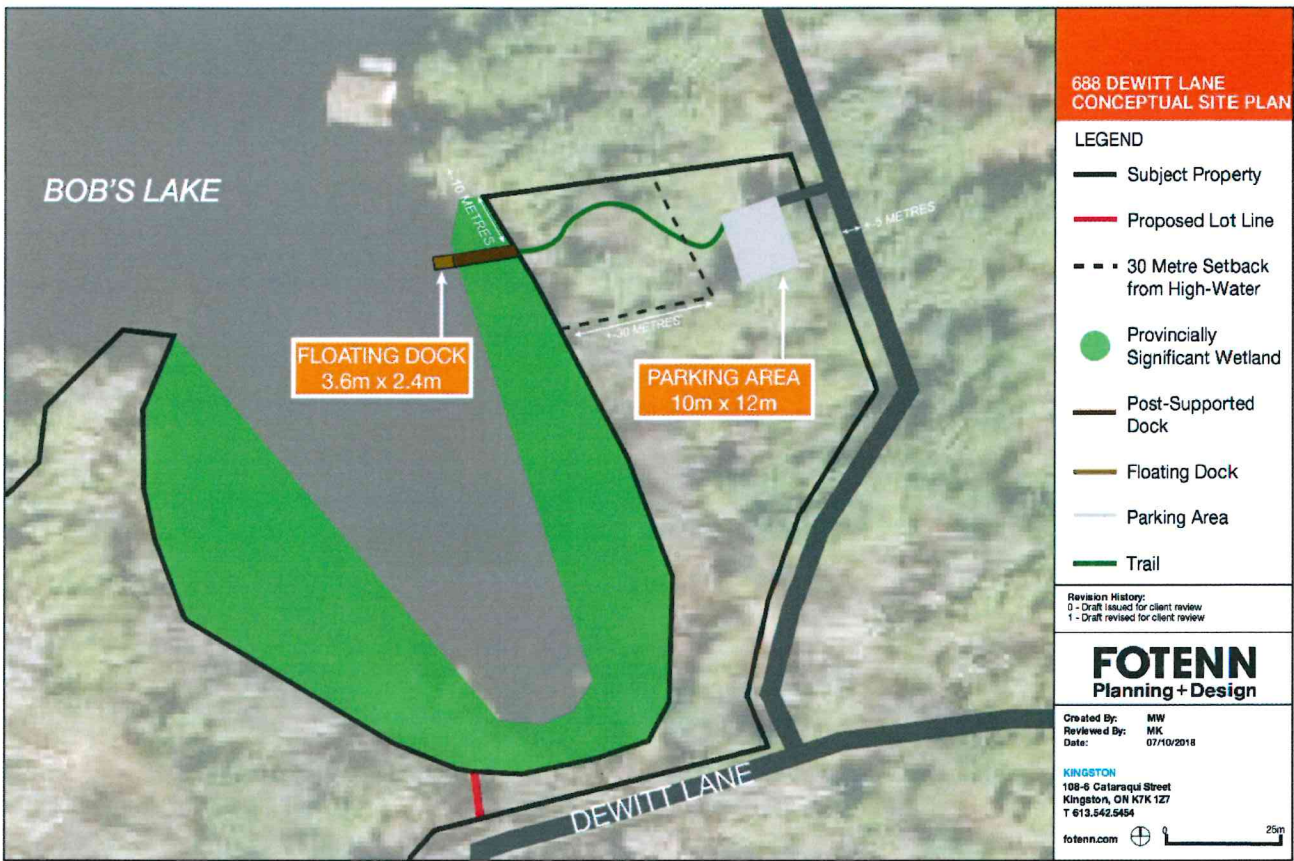


Figure 3: Conceptual Site Plan (source: frontenacmaps.ca)

### 3.0 SUPPORTING STUDIES

#### 3.1 Environmental Impact Assessment

An Environmental Impact Assessment (EIA) was completed by Ontario Lake Assessments in 2006. The assessment evaluated the subject site for the potential to create four parking spaces and locating a dock within 120 metres of a provincially significant wetland. The findings of the report demonstrate that the proposed development, given the recommendations provided, will incur no adverse impacts to the adjacent wetlands or fish habitats. The recommendations of the report are as follows:

- / Site Plan Control can be implemented to ensure that the parking area is set back from the wetland fringe a minimum distance of at least 30 metres.
- / Site Plan Control could also be used to ensure that the 30-metre buffer next to the lake and wetland fringe beyond the area of the proposed dock remain undisturbed.
- / In-water construction cannot occur between March 15<sup>th</sup> and July 15<sup>th</sup> to prevent potential interference with pike or bass spawning.
- / A two-stage dock is required; the first section being an elevated dock (either a pedestal dock on posts or a Fendock style) and the first section being hinged to the second stage floating dock along side to which boats may be moored. The first section is to be of sufficient length to extend beyond the cattail fringe. The total area of the dock should not exceed 300 square feet.

- / The decking for both stage 1 and 2 of the dock cannot be constructed with pressure treated wood. Cedar is preferred.
- / If treated lumber is to be used for dock structures above water, it should be environmentally-friendly. Cut, seal, and stain all lumber away from the water using only environmentally-friendly stains. All sealed and stained lumber should be completely dry before being used near the water.
- / Ensure plastic barrel floats are free of chemicals inside and outside of the barrel before they are placed in water.
- / There is ample opportunity to gain access to the dock from the parking area without the removal of any mature trees. Access to the dock from this location can be achieved with little or no impact on the Mitchel Creek Wetland plant community or the upland plant community.
- / During construction of the parking area, appropriate measures should be taken to ensure sediment is not eroded from the site.

## 4.0 POLICY & REGULATORY OVERVIEW

### 4.1 Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of provincial interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, encouraging economic development and preserving natural resources for their future use. In relation to the proposed development, the 2014 PPS includes the following considerations (with policies cited in *italics*):

#### Section 1.0: Building Strong Healthy Communities

Section 1 of the PPS deals with the building of strong and healthy communities. Recognition is given to urban, rural, and northern communities and their diverse populations, economic activities, pace of growth, service levels, and physical and natural conditions. The long-term prosperity, environmental health, and social well-being of communities is dependent on efficient land use and development patterns which support sustainability.

##### 1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The proposed development will not change the existing land use pattern of the rural waterfront area. The proposed permanent mainland parking access area will ensure that the Mica Island properties are accessible for the long-term, meeting the needs of the users without causing any increased servicing demand or posing any health concerns to the environment and public.

*1.1.4.1 Healthy, integrated and viable rural areas should be supported by:*

- c) Accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) Encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e) Using rural infrastructure and public service facilities efficiently;*

The existing access situation to the Mica Island properties is inefficient. By establishing a permanent mainland access point to the island properties, it guarantees that the existing dwellings on the islands will continue to be accessible and usable for the foreseeable future.

*1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

No servicing is required for the proposed development as there are no proposed buildings for the site. This represents compatible development with the rural landscape.

*1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

The minimum distance separation formulae recommend minimum distances to be provided between livestock facilities and sensitive land uses, such as residential uses. After conducting searches using aerial imagery, no nearby barns or livestock operations were identified within one kilometre of the property. Furthermore, the proposed use for the severed lot does not constitute a sensitive use.

## **Section 2.0: Wise Use and Management of Resources**

Section 2 of the PPS deals with the Wise Use and Management of Resources such as natural heritage features and areas, watersheds, prime agricultural areas, mineral and petroleum resources, and significant built and cultural heritage resources. There are no identified cultural heritage features in proximity of the subject site that will be adversely impacted by the proposed development.

*2.1.1 Natural features and areas shall be protected for the long term.*

The proposed development will protect the natural features and areas on and around the subject site for the long term by restricting the permitted uses to parking and a dock. The parking area will be setback a minimum of 30 metres from the highwater mark, ensuring that no negative impacts on the wetland features will be incurred. This is consistent with the findings and recommendations of the EIA. The proposed dock will be of a two-staged design. The first stage will consist of an elevated post-supported dock. The second stage will be a floating 12-foot by 8-foot (3.6m x 2.4m) dock where boats may be berthed. The EIA has demonstrated that this design will incur no adverse impacts to the adjacent wetlands. By restricting the permitted uses on the subject site as such, no other development may occur on the site and the wetlands will be protected for the long-term.

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

Policies 2.1.4, 2.1.5, and 2.1.6 identify the wetlands adjacent to the subject site as a provincially significant natural heritage feature. The supporting EIA has demonstrated that the proposed development will not incur any negative impacts to the significant wetlands or fish habitats. This will be ensured by restricting the permitted uses on the site to parking and a dock. The parking area will be setback a minimum of thirty metres from the highwater mark. The proposed dock will feature a two-staged design, consisting of a post-supported dock extending to a floating dock, measuring 12-feet by 8-feet (3.6m x 2.4m). The proposed development complies with all of the recommendations of the EIA.

### **Section 3.0: Protecting Public Health and Safety**

Section 3 of the PPS deals with protection of public health and safety. The policies in this section direct development away from naturally-occurring and human-made hazard lands, such as floodplains, erosion-prone areas, former mining and aggregate extraction operations, and other types of contaminated areas. The provincially significant wetlands adjacent to the subject site pose a potential natural hazard. As such, the location of the proposed parking area will be setback from the high-water mark by a minimum of 30 metres, as per the recommendations of the EIA, to ensure the safety and health of both the natural environment and the users of the site are protected.

**It is our professional planning opinion that the proposed zoning by-law amendment, site plan control, and consent applications are consistent with the policies of the Provincial Policy Statement.**

### **4.2 County of Frontenac Official Plan**

The County of Frontenac Official Plan was adopted in 2014 and was approved by the Ministry of Municipal Affairs and Housing in 2016. The County Official Plan provides a high-level framework for guiding land use changes in the County, providing policy direction on matters regarding economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

Of particular relevance to this application is the County's policies regarding wetlands, per Section 7.1.4.1. Wetlands are identified as an important natural heritage feature which contribute to the biodiversity of the county. In general, no development or site alteration shall be permitted within lands adjacent to provincially significant wetlands unless it can be demonstrated that there will be no negative impacts on their features or functions.

The proposed development will restrict permitted uses on the subject site to parking and a dock. Parking will be setback a minimum of 30 metres from the highwater mark to ensure that there are no adverse impacts on the wetland features. The proposed dock will consist of a two-stage design, featuring an elevated post-supported section, as well as a floating dock measuring 12-feet by 8-feet (3.6m x 2.4m) in size. These measures comply with the recommendations of the EIA, which states that the proposed development will have no impact upon the wetland or fish habitats.

### **4.3 Township of South Frontenac Official Plan**

The Township of South Frontenac Official Plan was adopted in 2003, with the most recent text amendments being approved by the Ministry of Municipal Affairs and Housing in 2013. There is currently a Draft Official Plan available which was presented to Council in 2015, however it is not as of yet in force or effect. As such, the following sections of the current Official Plan, as they related to this application, are reviewed below (with policies cited in *italics*):

- / Section 5: Land Use Policies
- / Section 7: Division of Land

### **Section 5: Land Use Policies**

Section 5 provides policy direction for the land resources within South Frontenac. Seven land use designations are identified, as well as the Environmentally Sensitive Areas sub-designation which identifies and protects certain environmental and resources features. The subject site is designated Environmental Protection and Rural on Schedule A – Land Use, in the Township of South Frontenac Official Plan.



### Section 5.2 Environmental Protection

Section 5.2 of the Official Plan provides policy the Environmental Protection land use designation. These lands are critical to the preservation of the Township's natural heritage systems including wetlands, watercourses and lakes and significant portions of the habitat of threatened or endangered species.

*Section 5.2.5 – Several wetland areas in the Township have been evaluated through the provincial Wetland Evaluation System as being Provincially Significant. Evaluated wetlands that have been classified as provincially significant are designated Environmental Protection and identified by the symbol 'W' on the Land Use Schedule. The Township will promote the continued protection of all significant wetlands to maintain and improve water quality, assist in flood control, provide important fish and wildlife habitat and contribute to substantial social and economic benefits which include selected outdoor recreational and tourism related activities.*

The subject site is located adjacent to identified provincially significant wetlands.

*Notwithstanding Section 5.2.1, no development or site alterations shall be permitted within any of the significant wetlands.*

*The Township will zone all provincially significant wetlands as areas for environmental protection and conservation and will encourage protection and conservation of all other wetlands in order to maintain their hydrologic, social, wildlife habitat features and recreational benefits.*

*No new development or site alteration within 120 metres (394 feet) of a provincially significant wetland, nor the expansion or redevelopment of existing development within or adjacent to a provincially significant wetland is permitted unless it has been determined through an Environmental Impact Assessment, completed in accordance with Section 5.2.11 of this plan, that there will be no negative impacts on the natural features or ecological functions of the wetland.*

*Development on existing lots of record which are located within or adjacent to a provincially significant wetland will be permitted, subject to the requirements of Section 5.2.11.*

*Notwithstanding the above, established agricultural activities are permitted within and adjacent to a provincially significant wetland without an Environmental Impact Assessment.*

The proposed development will encourage the protection and conservation of the wetlands by ensuring that only parking and docking facilities will be permitted on the subject site. No development or site alteration will occur within significant wetlands, with the exception of the placement of a post-supported dock which will be subject to permit approval by the RVCA.

An Environmental Impact Assessment was completed in 2007. The RVCA has indicated that this assessment addresses their considerations given the limited scale of the proposed development. It was noted that the dimensions of the dock required confirmation. The proposed two-stage dock will consist of a post-supported dock over the wetland grasses to minimize impact to the natural heritage feature. A 12-foot by 8-foot floating dock will attach to the post-supported dock, beyond the wetland grasses, where boats would be berthed.

*Section 5.2.1 – The uses permitted on lands designated Environmental Protection are limited to agriculture, conservation, wildlife management, research, education, appropriate passive recreational uses and public or private open space. Buildings, structures or works associated with agriculture, excluding residences, flood or erosion control, water course*

*protection or bank stabilization may be permitted. However, no development or site alterations shall be permitted within significant portions of threatened or endangered species or within a Provincially Significant Wetland although existing agricultural uses will be permitted and allowed to continue.*

No development or site alterations are permitted within the provincially significant wetland, as per Section 5.2.5, with the exception of the placement of a post-supported dock which will be subject to permit approval by the RVCA.

*Section 5.2.11 – In considering any development or site alteration, including any planning amendments or variances within or adjacent to any Environmentally Sensitive Area, Provincially Significant Wetland, Significant Portions of the Habitat of an Endangered or Threatened Species, or within 300 metres (984.3 feet) of a Sensitive Lake Trout Lake, Council, in consultation with the Conservation Authority, will require a preliminary Environmental Impact Assessment. Should the municipality determine from the results of the preliminary assessment that a more detailed Environmental Impact Assessment is required, it shall be prepared by a qualified individual and shall consist of:*

- a) a description of the proposed development, its purpose including site planning details, a general locational map, proposed buildings, existing land uses and details showing the existing vegetation, site topography, drainage, soils and fish and wildlife habitat areas;*
- b) a description of the negative impacts that will be caused or which might reasonably be expected to be caused to the environment and the ecological functions and features associated with the feature;*
- c) description of the negative impacts the proposed development will have on fish habitat including water quality requirements or effect on other features and functions;*
- d) a statement indicating whether negative impacts will result from the proposal and a description of the actions necessary or which might be expected to be necessary to prevent change or to mitigate or remedy the negative impacts which might be expected to occur upon the environment and/or ecological functions and features as a result of the proposed development;*
- e) a description of how the mitigative measures will be implemented and/or enforced;*
- f) any measures, where deemed appropriate, to monitor the mitigation measures and to assess the long-term impacts associated with the proposal.*

An EIA was completed in 2007 and is summarized above, in Section 3.0 – Supporting Studies. Given the nature of the proposed development, a more detailed EIA has not been required by the municipality.

Section 5.7 Rural

The Rural land designation provides policy direction for lands characterized by a rural landscape which reinforces the historical relationship between the Settlement Areas and the surrounding farm, rural and seasonal residential communities. Land uses in the Rural designation include but are not limited to: limited service residential; agriculture; open space; and conservation.

*Section 5.7.7(i) – The uses permitted shall be single detached residential dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations.*

The proposed development will not result in the construction of any dwellings. The subject site will provide mainland access to the water access only properties owned by the applicants on Mica Island.

*Section 5.7.7(ii) (a) (d) (e) (f) and (g) – Limited Service Residential Development Policies*

- a) The frontage, size and shape of any lot created for limited service residential purposes through the severance approval process shall be appropriate for the proposed use and shall conform with the provisions of the zoning by-law. As a rule, the minimum lot size shall be 1*

*hectare (2.5 acres) with a minimum of 91 metres (300 feet) of water frontage and 76 metres (250 feet) of frontage on a private road. The municipality may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Plan is maintained.*

The proposed development does not meet the minimum requirements for lot size or frontage on a private road, however the overall intent of the Plan is maintained because the proposed lot will only provide access to existing island development. The proposed development would, as per the provisions of Section 5.7.7(iii), bring the Mica Island properties into conformity with the Official Plan by establishing permanent mainland access. The proposed zoning by-law amendment will ensure that no uses other than parking and docking facilities be permitted on the site. As such, the reduced lot size and frontage of the site are appropriate given the limited proposed uses, and will resolve the long-standing issue of a non-conforming access regime for the Mica Island properties.

*d) Limited service residential development shall be serviced by private water and sanitary sewage disposal systems. Such systems shall be approved by the appropriate authority.*

No development, other than the creation of a permanent parking and docking area, will be built on the subject site. No servicing is required for the proposed uses. This again will be ensured through the site-specific zoning by-law amendment.

*e) Limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.*

As many of the site's natural physical attributes as possible will be maintained. Minimal tree removal and shoreline alteration above the high-water mark will be required.

*f) Limited service residential development shall be developed in accordance with the applicable policies of Section 5.2 of this Plan.*

The applicable provisions of Section 5.2 are addressed above.

*g) Where communal docking facilities are proposed, such facilities shall be located a suitable distance, generally 60 metres (196.8 feet), from the nearest residential use, residential land use designation or residential zone.*

It is our understanding that this provision regarding communal docking facilities is intended for more intensive docking facility operations than that which is proposed, such as a marina. A marina would include facilities for the berthing, storage, servicing, and repairing of boats as well as the storage of marine fuels and lubricants. The proposed dock is to be used solely by the applicants and is a communal facility only in that it will be shared by the two owners of the Mica Island properties. The dock will be setback approximately 10 metres from the northern lot line and approximately 20 metres from the nearest boat house to the north. The nearest residential dwelling is located approximately 100 metres north of the proposed dock.

*Section 5.7.7(iii) (b) and (d) – Lakes and rivers within the Township contain a number of islands and remote areas. Many islands and remote areas of the Township offer the opportunity for limited service residential use. Consequently, limited service residential development shall be permitted on water access only lots providing:*

- b) that access to the water body in which the island is situated is available via a navigable waterway and/or a public road or an existing private or unassumed public road of sufficient quality to ensure the provision of appropriate services to the island;*
- d) that in the case of a lot which has water access only, the owner of the water access lot demonstrates to the satisfaction of Council that land and mooring facilities on the mainland are available to permit the parking of automobiles and/or the storage or docking of boats and boat*

*trailers etc. associated with the use of the water access lot, in this way ensuring minimal disruption to residents on the mainland. Such facilities shall be owned or tied in perpetuity to the water access only lot and be zoned for parking and docking facilities only;*

The Mica Island properties, owned by the applicants, are existing non-conforming sites in that they are water access only lots with unsecured mainland access. The proposed development will result in the creation of a permanent mainland access for the subject sites. Land and mooring facilities on the mainland will be provided to permit the parking of automobiles and the docking of boats associated with the use of the water access lots. This will be a significant improvement to the existing situation which requires the goodwill of a neighbour to allow the applicants to access their property. It is proposed to tie the mainland lot to the island properties in perpetuity and to rezone the mainland lot to exclusively permit private parking and a dock.

## **Section 7: Division of Land**

### Section 7.1 General Consent Policies Applicable to All Land Use Designations

The provisions of section 7.1 apply in addition to all other policies of the Official Plan. Only points (a) and (c) – (f) are relevant to the proposed development.

- a) Consents shall only be granted when it is clearly not necessary in the public interest that a Plan of Subdivision be registered. In this regard, consents will be considered when the creation of new lots, in the opinion of the Municipality, will clearly have no adverse environmental, social or economic impact on the Township or adjacent land uses.*

Given the limited impact of the proposed development, a Plan of Subdivision has not been identified as a requirement of the Township.

- c) The size of any parcel of land created by consent shall be appropriate for the uses proposed. No parcel of land created as a result of a consent shall be less than that prescribed in the respective land use designations of this Plan, except for parcels created as lot additions or for technical reasons.*

It is proposed to sever a parcel of land which is smaller than the size prescribed in the Rural land designation under Section 5.7.7(ii)(a); however, the parcel is to be created for the technical reason of establishing a permanent mainland access to the two Mica Island properties, in conformity with Section 5.7.7(iii).

- d) Consents should be granted which generally provide for a satisfactory geometric design of the severed and retained parcels.*

The proposed consent will divide the existing lot along a natural severance point. The geometric design of the severed and retained parcels are logical given the proposed uses.

- e) Consents shall not be granted for a parcel of land which is subject to flooding or erosion, or other physical hazard, and where no building envelope is identified on the lot, when the use of the parcel requires that a building be erected. The advice of the appropriate authority will be sought in this regard.*

The land is not subject to flooding or erosion and it is not proposed to erect a building on the land. Permits will be required for the creation of the proposed dock.

- f) All applications for consent shall be accompanied with a sketch showing to scale the dimensions of the lots (severed and retained) to be created by the proposed consent. In addition, existing buildings and setbacks from the property lines and major topographic and land features such as an escarpment, creek or wetland shall be shown. The sketch shall also identify all buildings, septic systems and wells on the lands subject to the consent application as well as on adjacent lands. For those applications which constitute an addition to a holding, the sketch shall show the location, size, use and ownership of the lot to be enlarged.*

A sketch outlining the scale and dimensions of the severed and retained lots, as well as major land features has been submitted with this application. There are no buildings on the subject site and none are proposed to be built.

- g) The creation of no more than two lots in total (i.e. including severed and retained) shall result from any one severance application for a new lot. Consents that are to establish a legal right-of-way for more than 21 years will require an application for consent when it is not part of a proposed new lot.*

The severance application for a new lot will result in two lots (including severed and retained).

- h) Consents which would result in landlocking a parcel will be denied. All new lots, except limited service residential lots, shall front onto and gain direct access from an existing public road which reflects a reasonable standard of pavement or gravel construction and is maintained year-round by the municipality.*

The proposed consent will not result in a landlocked parcel. The proposed retained and severed lots will be limited service residential lots, therefore not being required to have direct access to an existing public road with year-round maintenance by the municipality.

- i) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.*

Access will be provided in a manner that ensures appropriate site lines are maintained.

The proposed development conforms with the policies of the Official Plan. The Rural and Environmental Protection designations are generally supportive of the proposed uses, provided that sensitive environmental features are not overly adversely impacted. The overall impact of the proposed development will be minimal to the surrounding area and will serve to bring the existing non-conforming properties located on Mica Island into conformity with Section 5.7.7(iii) of the Official Plan by ensuring mainland access.

**It is our professional planning opinion that the proposed zoning by-law amendment, site plan control, and consent applications conform with the policies of the Township of South Frontenac's Official Plan.**

## 5.0 CURRENT & PROPOSED ZONING

The subject site is zoned Limited Service Residential – Waterfront Zone (RLSW) in the Township of South Frontenac Comprehensive Zoning By-law 2003-75. The proposed zoning by-law amendment will rezone severed parcel to a site-specific Special Limited Service Residential – Waterfront Zone (RLSW-X). The site-specific zone will ensure that the site be maintained as a permanent mainland access for the Mica Island properties by restricting the permitted uses to parking and docking facilities, as required for accessing the two water access residential lots. The intent of the site-specific zone is the ensure that there will be no development other than the proposed parking and docking facilities.

The retained parcel will continue to comply with the requirements of the Limited Service Residential – Waterfront Zone (RLSW).

### 5.1 Permitted Uses

It is proposed to restrict the permitted uses on the severed parcel to parking and a dock for the benefit of two water access residential lots. This will ensure that the site may only operate as a mainland access point for the Mica Island properties and that no future significant development or site alteration will occur on the site without prior municipal approvals. A boat launching pad would be prohibited and not included within the definition of a dock. A site plan agreement will control the disturbed areas.

### 5.2 Parking

The minimum parking requirements, per section 5.30.1 of the Comprehensive Zoning By-law 2003-75, states that residential uses must provide a minimum of two spaces for every dwelling unit. Given that the subject site will be used by both water access properties on Mica Island, each containing a cottage, it is proposed to provide four parking spaces to meet the requirements of the zoning by-law, per Section 5.30.1.1.

The by-law requires that parking be setback a minimum of 15 metres from the high-water mark, per Section 5.25.2. The proposed parking will be setback at least 30 metres from the high-water mark, exceeding the requirement of the zoning by-law.

## 6.0 CONCLUSION

The applicants are seeking to establish a permanent mainland access regime for their water access properties located on Mica Island. To-date, the Mica Island properties contain non-conforming cottage dwelling uses which do not have land or mooring facilities on the mainland from which they may access their respective sites, as is required per Section 5.7.7(iii) of the Official Plan.

It is proposed to rezone an area of approximately 0.48 hectares, described as Parts 1 – 4 on the registered plan of survey, to a site-specific RLSW-X zone which permits only private car parking and a dock for the benefit of the two water access residential lots located on Mica Island. The proposed zoning by-law amendment will ensure that the subject site will be maintained and used solely as a mainland access for the island properties, and that no development or site alteration, other than the parking and docking facilities, may occur without municipal approvals.

The RVCA is the responsible authority for issuing a permit for “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses,” which will allow the creation of the proposed dock. The permit will be issued concurrently with approval from the municipality for the proposed consent.

It is our professional planning opinion that this zoning by-law amendment represents good planning. If you have questions or should you require any additional information, please do not hesitate to contact us at 613.542.5454.

Respectfully,



Mike Keene, MCIP, RPP  
Associate Direction, Planning + Development  
Fotenn Consultants Inc.

# APPENDIX A: PROPOSED ZONING BY-LAW AMENDMENT

## RLSW-X (Part of Lot 28, Concession VII, Bedford District)

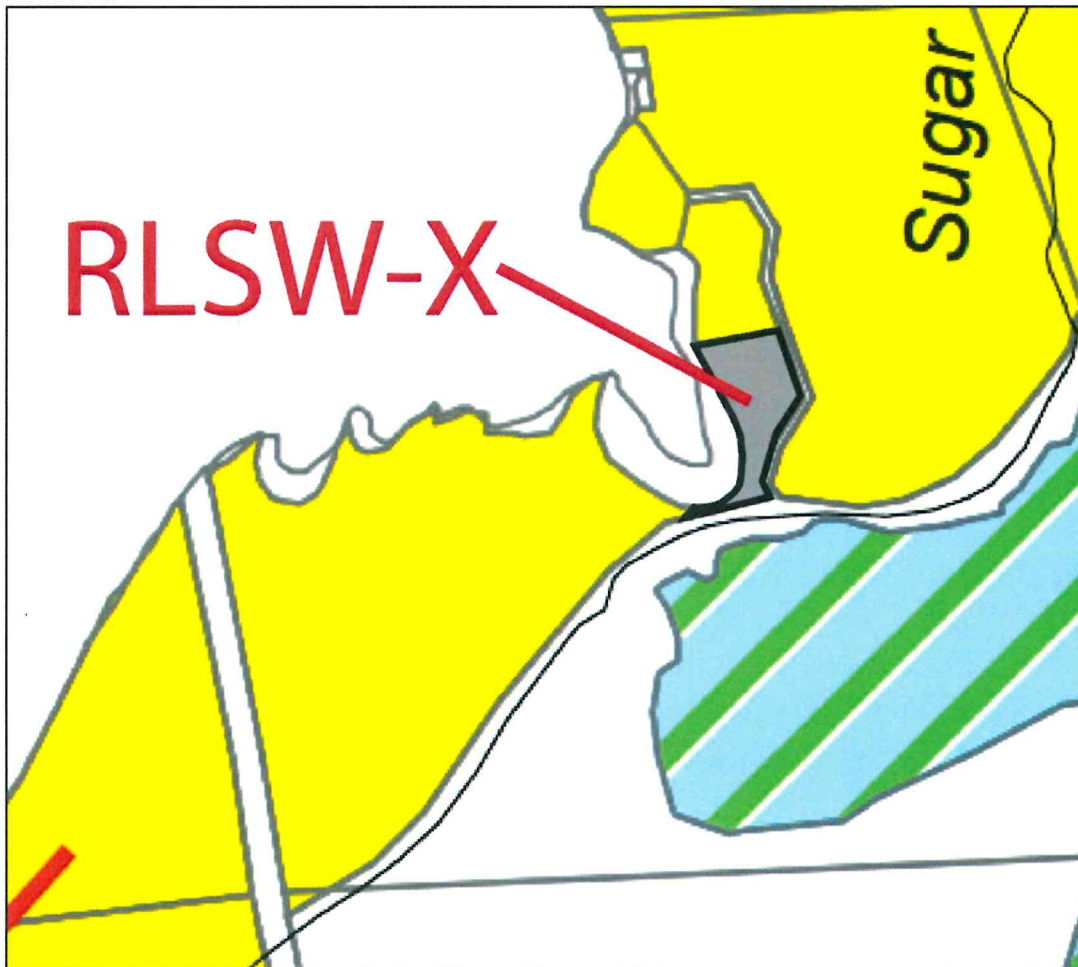
*Notwithstanding any provision of this by-law to the contrary, the lands zoned Special Limited Service Residential-Waterfront (RLSW-X) shall be used only in accordance with the following:*

*Permitted Uses:*

- *A dock for the exclusive use of the owners of the two properties located on Mica Island, subject to approval from the appropriate authority;*
- *Parking for the exclusive use of the owners of the two properties located on Mica Island, provided that the parking area is located no closer than 30 metres to the highwater mark;*

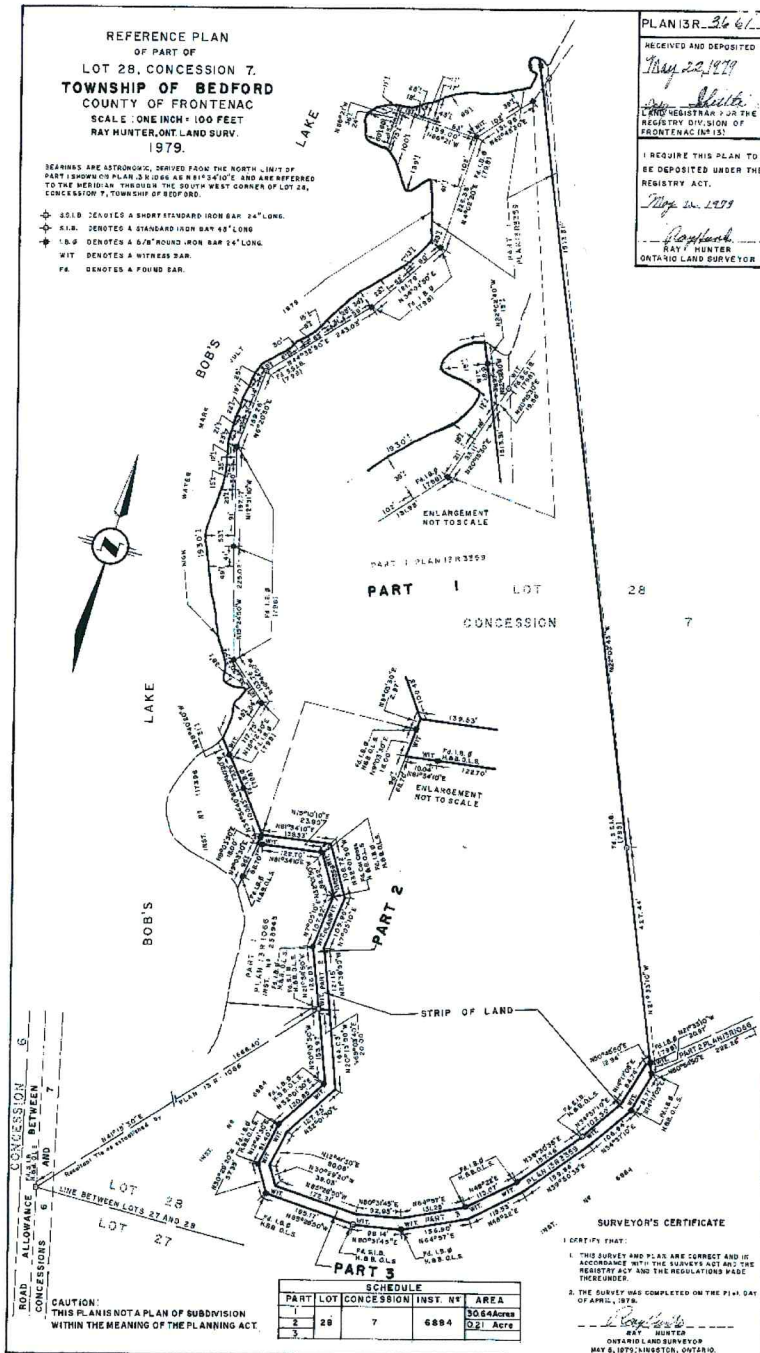
*All other provisions of this by-law shall apply.*

### Schedule A





# APPENDIX C: PLAN OF SURVEY 13R-3361



## MEMORANDUM

**TO:** LINDSAY MILLS, TOWNSHIP OF SOUTH FRONTENAC  
**COPY TO:** CAMPBELL LAIDLAW & ANGUS LAIDLAW  
**FROM:** DAVID MUNDAY  
**DATE:** APRIL 11, 2018  
**RE:** CREATION/SEVERANCE OF MAINLAND PARKING PARCEL  
**FILE NO.:** 32110-1

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Dear Mr. Mills,

Thank you for speaking with me at length February 23.

The purpose of this memorandum is to clarify our discussion and the proposal that will be forthcoming from Campbell and Angus Laidlaw to ensure everyone is proceeding on the same understanding.

As discussed with you initially at the end of 2017, we have been retained by Campbell & Angus Laidlaw (the "Laidlaws"), two brothers who each own one half (1/2) of Mica Island in Bob's Lake (GIS image attached).

The Laidlaws' island properties both contain existing cottages that were built in 1907 and 1982 respectively and pre-date the current zoning requirement of having deeded mainland access. These are "water access only" properties.

The existing mainland access situation for the Laidlaws has depended upon having friendly relations with a mainland property owner who has permitted them to park and launch boats via a temporary licence agreement that was renewed annually. This access arrangement is obviously less than ideal given its tenuous nature and the Laidlaws have therefore sought options to secure permanent mainland parking & access.

To that end, the Laidlaws have entered an agreement with Mr. Trevor Tucker, the owner of mainland property to buy an approximately 1.2 acre parcel of land (described as Parts 1 – 4 on the attached Plan), subject to obtaining planning approvals from the municipality. As discussed, the lands in question are almost naturally severed and are connected only by a very narrow land

bridge in any case (i.e. to anyone viewing the property, it would appear that it is already separate).

The owner of the lands is agreeable to selling the parcel to the Laidlaws, but is not in a position to grant an easement, as he has been advised by his insurer that doing so will vitiate coverage under his insurance policy.

Further to our telephone conversation and prior meeting at our offices to review the proposal, it is the position of the Laidlaws that a severance of the aforementioned lands for the purposes of an 'island parking/access' parcel conforms with the Township's Official Plan and can be supported, provided the lands are concurrently rezoned to a site specific zoning that precludes any future/potential basis for residential development at any point in the future.

As discussed with you, in our view, OP policy 5.7.7(iii)(d) supports the creation of the proposed lot, which will be exclusively for the use of parking/docking facilities only. The proposal will regularize the access regime for these existing island properties in the manner outlined by the Official Plan. We also note that there is precedent for this type of application in the Township.

To that end, the Laidlaws are prepared to proceed as follows:

- To submit an application for rezoning the proposed parcel to permit parking & docking only;
- Subsequent to confirmation the zoning has been approved, to submit a Consent Application to sever the parcel;
- As a condition of Severance Approval to enter into a Site Plan Agreement with the Township to be registered against both the island properties and the severed parcel, further reinforcing the nature of the property's use;
- As a further assurance, the Laidlaws will undertake to enter a Restrictive Covenant to be registered on title to the island properties that confirms neither party's interest in the island property can be transferred independently of the interest in the parking/docking parcel.

Prior to submitting all of the foregoing applications and incurring significant costs, the Laidlaws are seeking confirmation that planning staff at the municipality are supportive of the proposal and will recommend approval if/when the matter goes before Council and/or the Committee of Adjustment.

We trust everything is clear, however if you have any questions, please contact the undersigned.

Sincerely,

David C. Munday

# AUTHORIZATION LETTER

JULY 4, 2018

Applications for Zoning By-law Amendment and Consent (severance)

I TREVOR TUCKER being the authorized owner of the subject lands, located on Part of Lots 27 and 28,

Concession 7, in the former Township of Bedford, in the Township of South Frontenac, hereby authorize Fotenn

Consultants Inc. to act in all matters on my behalf pertaining to these applications; and that anyone who has

been authorized by me is not disqualified under any law from representing me in this matter.

Authorization:



Signature

6 Jul 2018

Date

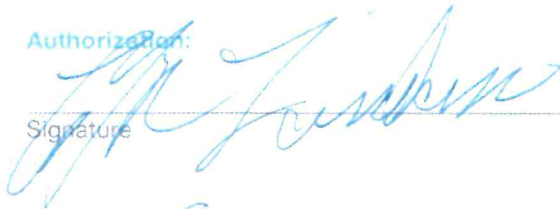
# AUTHORIZATION LETTER

JULY 4, 2018

## Authorization for Development Applications

I Campbell Laidlaw Angus Laidlaw hereby authorize Fotenn Consultants Inc. to act in all matters on my behalf pertaining to development applications relating to the subject lands, located on Part of Lots 27 and 28, Concession 7, in the former Township of Bedford, in the Township of South Frontenac; and that anyone who has been authorized by me is not disqualified under any law from representing me in this matter.

Authorization:



Signature

Date

16 July 2018



Signature

Date

16 July 2018

**ENVIRONMENTAL IMPACT ASSESSMENT**

**AN EVALUATION OF A PARCEL OF LAND ON  
PART OF LOTS 27 AND 28 CONCESSION 7  
DISTRICT OF BEDFORD  
TOWNSHIP OF SOUTH FRONTENAC  
BOBS LAKE**

**APPLICATION  
FOR  
EASEMENT**

**PREPARED FOR:**

**ANGUS LAIDLAW  
2285 BADGER CRESCENT  
OTTAWA, ONTARIO  
K2C 1H9**

**PREPARED BY:**

**ONTARIO LAKE ASSESSMENTS  
3654 STAGE COACH ROAD  
RR#3  
HARROWSMITH, ONTARIO  
K0H 1V0**

**DECEMBER 2006**

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portion of the property is zoned limited service residential waterfront (RLSW); the wetland portion is zoned EP.

## 2.0 ENVIRONMENTAL CONCERNS

### 2.1 Provincially Significant Wetland Designation

The Provincially Significant Wetland designation is determined and set by MNR and/or the Conservation Authority. Wetlands have been lost from southern Ontario at an alarming rate in the past 100 years due to draining, filling, deforestation and excavation/mining for peat and soil. Along with loss of the physical features, ecosystem function and stability, is the loss of habitat for all wetland plant and animal communities and species.

Bobs Lake lies in the Rideau River watershed. The watershed southeast of Bobs Lake has many areas classified as Provincially Significant Wetland. Inland wetland pockets east of Green Bay and the eastern basin of Bobs Lake have been complexed with others nearby to form this designation. Many of the pockets stand alone while the wetland in the area subject of this application fronts on Bobs Lake at two locations. The combination of lake surface area and shoreline, wetlands and upland areas in close proximity creates a stable, diverse and healthy ecosystem. The Mitchel Creek Wetland is not only important for maintaining water quality and ecological diversity but also provides critical habitat for many fish species.

The portion in question fronts along the lakefront and extends inland from Lots 27 and 28, Concession 7 on the east side of Bobs Lake, Bedford District (see Schedule A to the OP and Schedule D to the Comprehensive Zoning By-law 2003-75. The wetlands in the Comprehensive Zoning By-law are zoned EP. (see map below)

With respect to the area fronting the site, the plant communities are identified by Ontario Lake Assessments to be reM1 and fM2. The M1 plant community is marsh with robust emergents (reM1), cattail (*Typha spp.*) and narrow-leaved emergents, bur-reeds (*Sparganium spp.*). The fM2 plant community is offshore except for a section fronting on the northerly end of the site. This marsh community is dominated by floating leaved rooted plants (fM2) and some emergents including *Myriophyllum spp.*, *Potamogeton spp.* and *Pontederia*.

### 2.2 Fish Habitat Concerns

The Mitchel Creek Wetland serves as fish habitat for many species. There are 25 different fish species mentioned in the files of MNR as present or previously introduced to Bobs Lake; these can be found listed in Appendix 1.

The shoreline in front of and adjacent to the proposed dock site is habitat that would be considered Type 1 or Type 2 fish habitat by the MNR.

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The entire bay serves as Type 2 fish habitat for bass and the cattail fringe may serve as Type 1 spawning habitat for pike.

Docks and boathouses are common features on the shorelines of lakes and rivers in Ontario and are an important part of the recreational use of our waterways. The shoreline area in front of waterfront property is also important habitat for a variety of aquatic organisms, including fish. Fish lay their eggs, feed and hide from predators in these shoreline areas. Building a dock can impact this important habitat.

Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat across Canada. Under Section 35 of the *Fisheries Act* no one may carry out a work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat unless it has been authorized by DFO. By following the conditions and measures set out below compliance with Subsection 35(1) of the *Fisheries Act* can be achieved.

### 2.2.1 Department of Fisheries and Oceans Ontario Operational Statement

The Department of Fisheries and Oceans prepared the following Operational Statement to describe the conditions under which it is applicable and the measures to be incorporated into the design, construction, rebuild and repair of a dock in order to avoid negative impacts to fish habitat. A proponent may proceed with a dock project without DFO review by meeting the following conditions:

- 1) The project is a new, repair or rebuild of a floating, cantilever or post dock,
- 2) the total surface area for the entire dock, which occurs in a location below the ordinary high water mark including both existing and proposed structures combined, does not exceed 50m<sup>2</sup> (538 ft<sup>2</sup>) \*\*,
- 3) it is not made of concrete or steel sheeting or any other skirting that isolates the area under the dock from the rest of the water,
- 4) it does not require any dredging, blasting or infilling in the water
- 5) the combined width for all existing and proposed shoreline improvements (docks, beaches) on land and in water is less than 25% of the riparian area width (shoreline frontage width) of the property, and
- 6) the Measures to Protect Fish and Fish Habitat listed below are incorporated when building the dock.

\*\* Matt Craig of the RVCA is not supportive of this large a dock.

### 2.2.2 Measures to Protect Fish and Fish Habitat when Building a Dock

1. Floating, cantilever and post docks, and marine railways (on posts) for boathouse access can be installed at any time.
2. Time the installation of crib docks with a total combined footprint (total area of cribbing in contact with the bottom) of up to 15m<sup>2</sup> (161 ft<sup>2</sup>) to prevent disruption of

-6-

10. While this Operational Statement does not cover the clearing of riparian vegetation, the removal of select plants may be necessary to access the construction site. This removal should be kept to a minimum.

11. Vegetate any disturbed areas by planting and seeding preferably native trees, shrubs or grasses and cover such areas with mulch to prevent soil erosion and to help seeds germinate. If there is insufficient time in the growing season remaining for the seeds to germinate, stabilize the site (e.g., cover exposed areas with erosion control blankets to keep the soil in place and prevent erosion) and vegetate the following spring.

12. Maintain effective sediment and erosion control measures until complete re-vegetation of disturbed areas is achieved.

### 2.2.3 Additional Dock Construction Information

There is more detailed information on fish-friendly dock construction and maintenance practices to help you plan your project, please refer to the following document:

*The Dock Primer - A Cottager's Guide to Waterfront-Friendly Docks*

[http://www.dfo-mpo.gc.ca/canwaters-eauxcan/infocentre/guidelines-conseils/guides/dock-primer/dock1\\_e.asp](http://www.dfo-mpo.gc.ca/canwaters-eauxcan/infocentre/guidelines-conseils/guides/dock-primer/dock1_e.asp) (Ontario Edition) The "Dock Primer" contains additional helpful information. It also states that all docks must be reviewed. Please note however, that projects following this Operational Statement will not need DFO review.

Peterborough  
Fisheries and Oceans Canada  
501 Towerhill Road, Unit 102  
Peterborough, ON K9H 7S3  
Telephone: (705) 750-0269  
Fax: (705) 750-4016  
Email: ReferralsPeterborough@DFO-MPO.GC.CA

### Definitions:

#### *Environmentally-friendly lumber and stains -*

Chemical wood preservatives used in Canada are regulated by the Pest Management Regulatory Agency, Health Canada. Approved preservatives used most commonly in lumber are Alkaline Copper Quaternary (ACQ) and Copper Azole (CA). Creosote treated wood should not be used in or near water. Ask your local building supply outlet for further information on available products.

### 2.2.4 Road Culvert

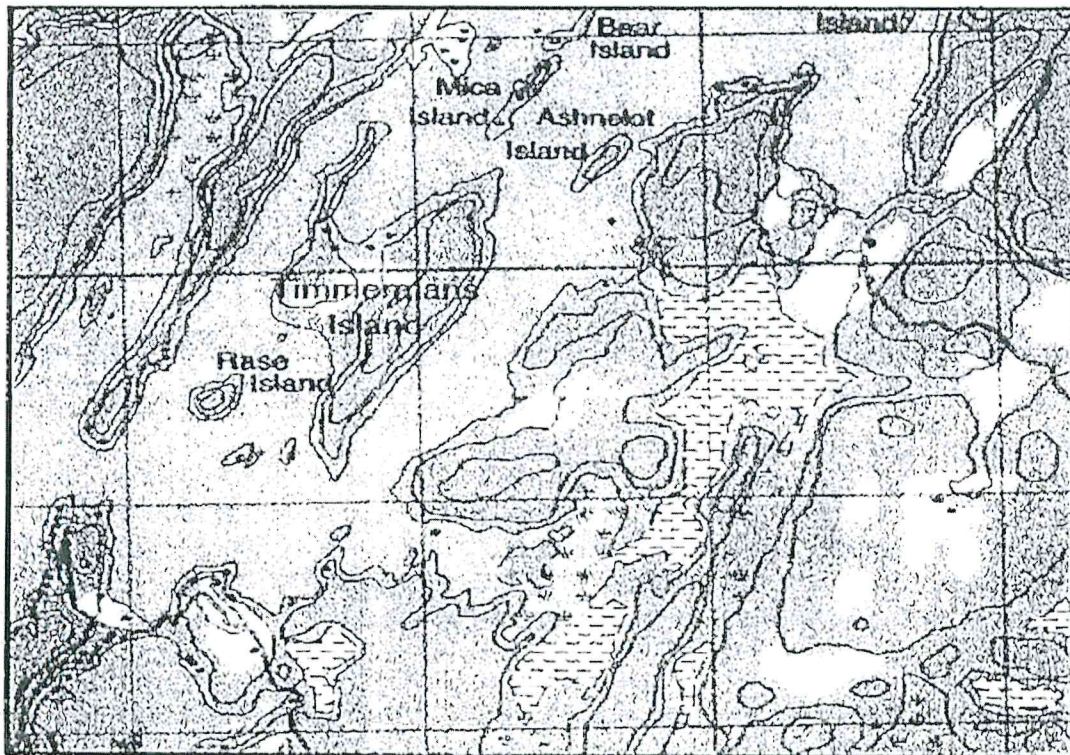
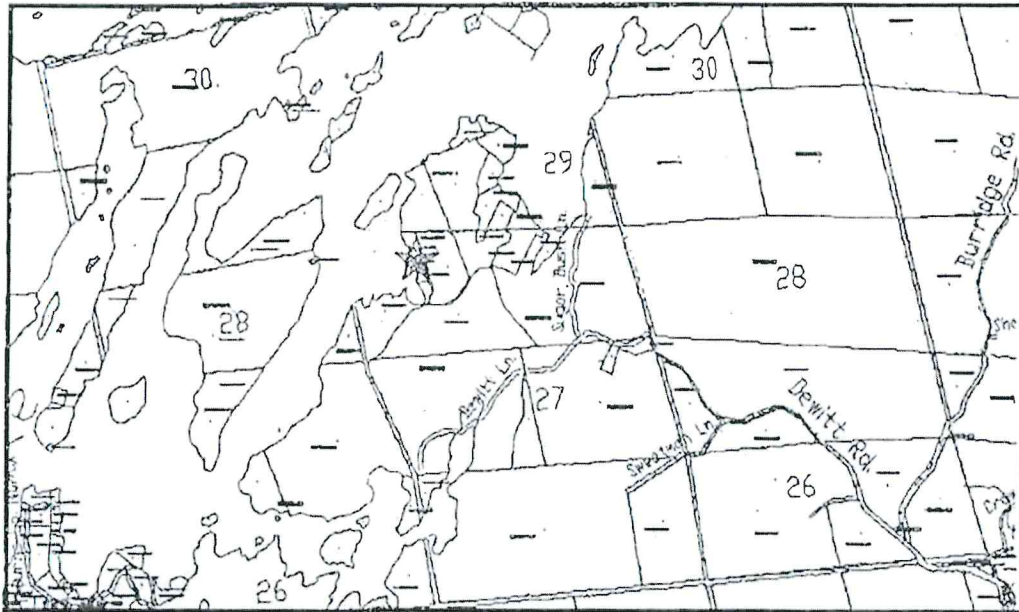
It should be noted that the culvert under the road at the head of the bay likely serves as a deterrent to pike moving beyond the bay into the wetland to spawn. The inland portion of the wetland has the most productive capacity as pike spawning habitat. The roadway has

-8-

through an Environmental Impact Assessment completed in accordance with Section 5.2.11 of this plan that there will be no negative impacts on the natural features or ecological functions of the wetland'.

- 3) Section 5.2.7 (p.18) (*Environmentally Sensitive Areas*) (a) (*Policies for Development and Site Alterations in Fish Habitat, Significant Wildlife Habitat, Areas of Natural and Scientific Interest, Woodlands and Valleylands*). Site alterations in and adjacent to the above may be permitted in accordance with the following:
- (i) when an Environmental Impact Assessment prepared according to Section 5.2.11 indicates no negative impact on natural features or ecological functions occur.
  - (ii) ... if the EIA concludes no negative impacts then ..... site alteration may proceed based on recommendations in the EIA. A completed an accepted EIA does not ensure that the proposal will automatically be permitted.
  - (v) Private land owners with lands abutting Environmentally Sensitive Areas will be encouraged to maintain their lands in a manner which preserves the attributes ...
  - (vii) ..... Site. Plan Control will be used where appropriate to implement remedial measures/mitigation measures identified in the EIA.
- 4) Section 5.2.7 (p.19) (*Environmentally Sensitive Areas*) (b) (*Policies for Development and Site Alterations 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' and 5.2.7 (b)(ii) 4) Development and /or site alterations proposed within 30 metres of the high water mark will require an Environmental Impact Assessment .... which evaluates the potential negative impacts on fish habitat.
- 5) 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.
- 6) Section 5.7.7 Limited Service Residential Policies 5.7.7 (iii) (p.52) Water Access Lots ..... limited service residential development shall be permitted on water access only lots providing: d) ..... the owner of the water access lot

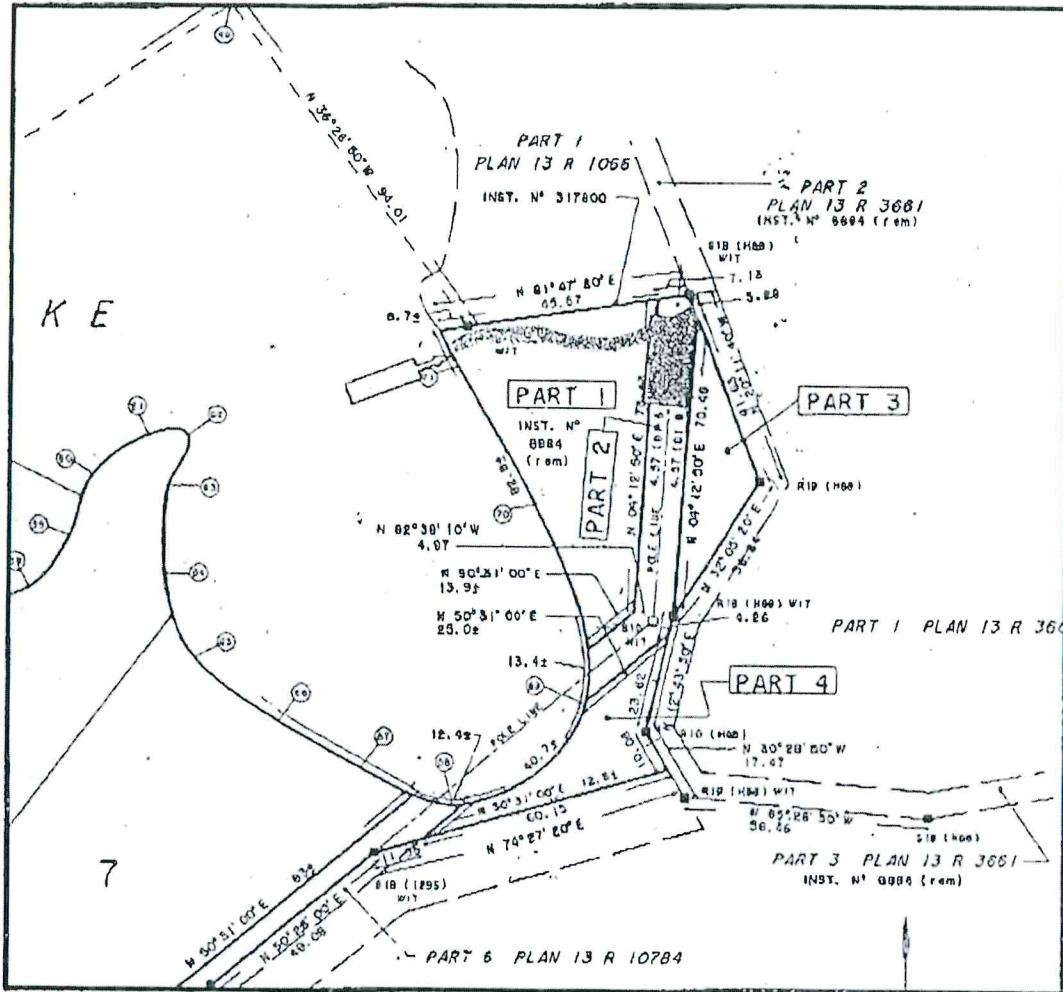
-10-



ONTARIO LAKE ASSESSMENTS

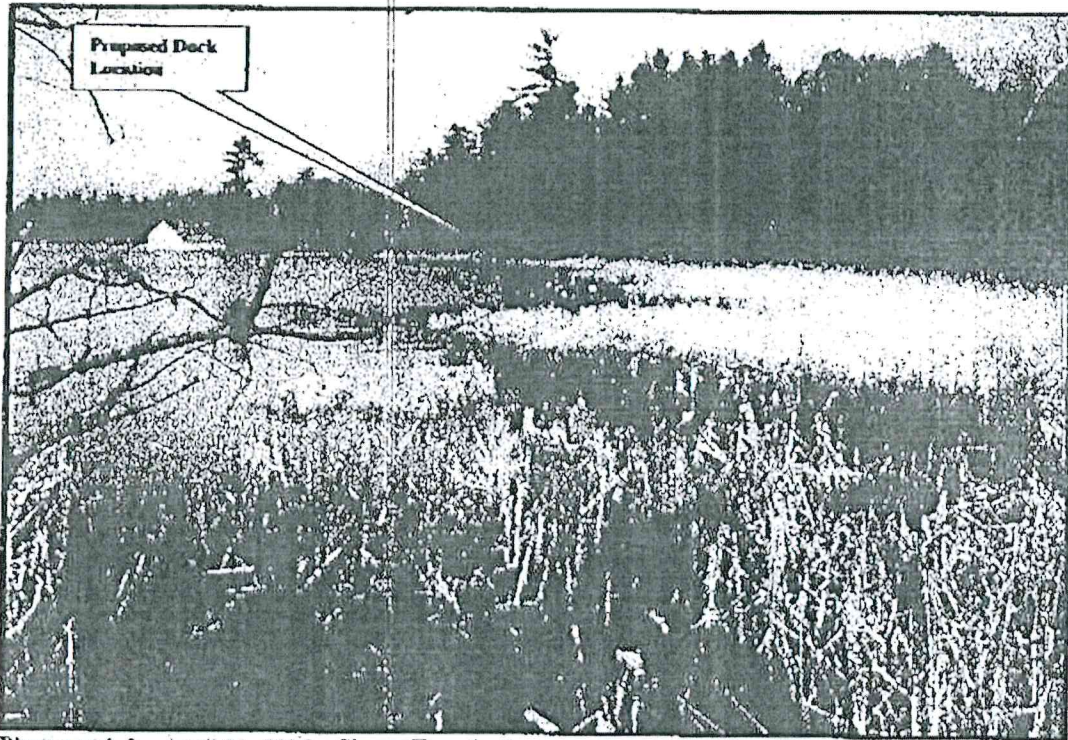
dogwood (*Cornus stolonifera*) and variety of small willow (*Salix spp.*) are more dominant although the other species are also present.

The parcels subject to this application for an easement are Parts 1, 2, 3 and 4 indicated on the survey below. The survey below shows the property and the location of the proposed parking envelope along with the proposed access point to the lake for a dock. A copy of the original survey can be found in the report jacket.

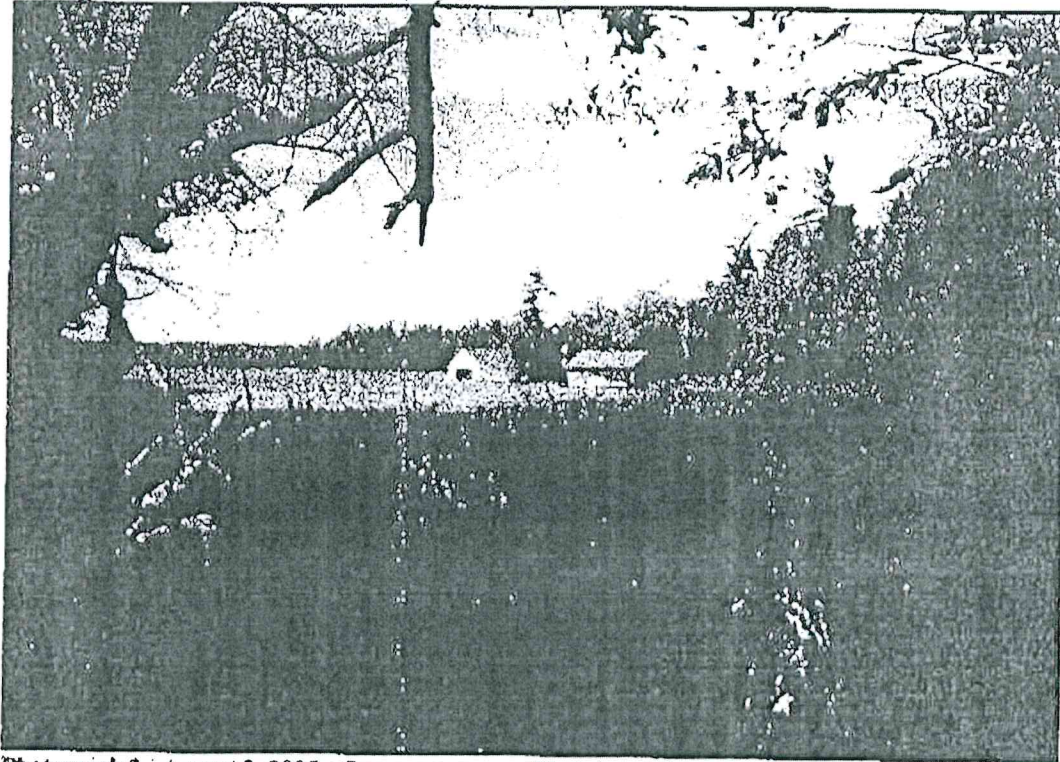


6.0 THE PROPOSAL

The proposal is to create an easement as described in the introduction. This will require the creation of a parking area for four vehicles and dock space for two boats. There is neither intent nor any opportunity to create a boat launch site or a boathouse. The intent is to provide parking at a distance of >30 metres from the water. The parking area can be located on the existing hydro right-of-way in order to reduce the need for tree removal (see survey above and in report jacket).



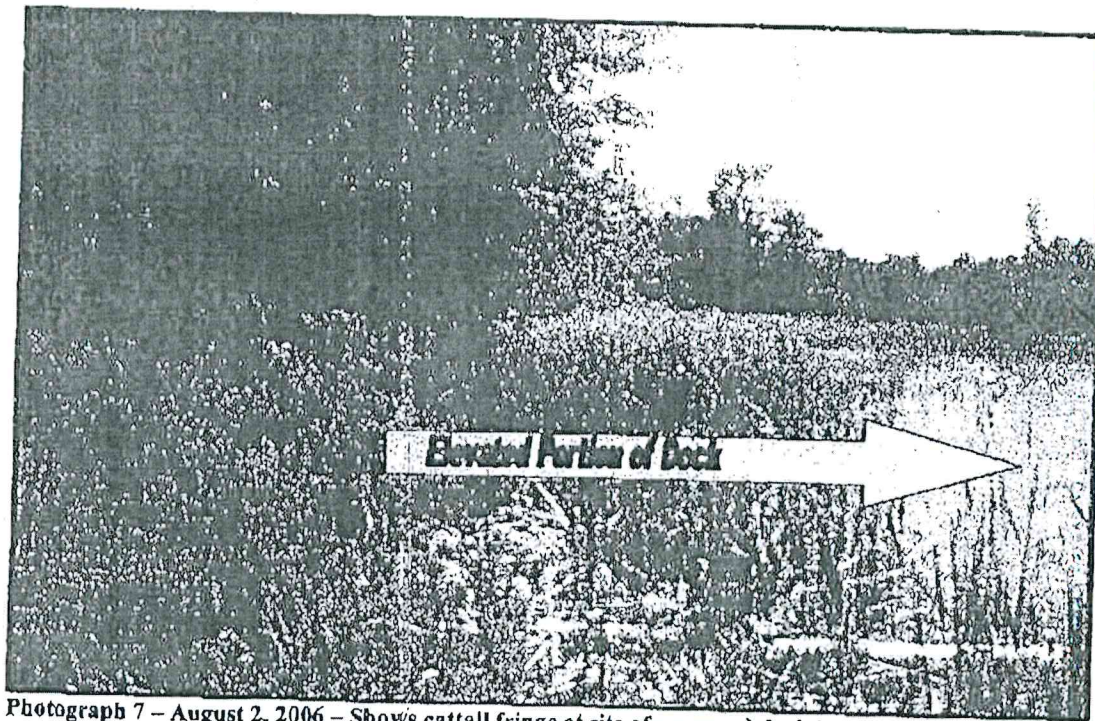
Photograph 2 – April 21, 2006 – Shows Type 1 pike spawning habitat deep into the bay and the existing boathouses at northern extremity of wetland.



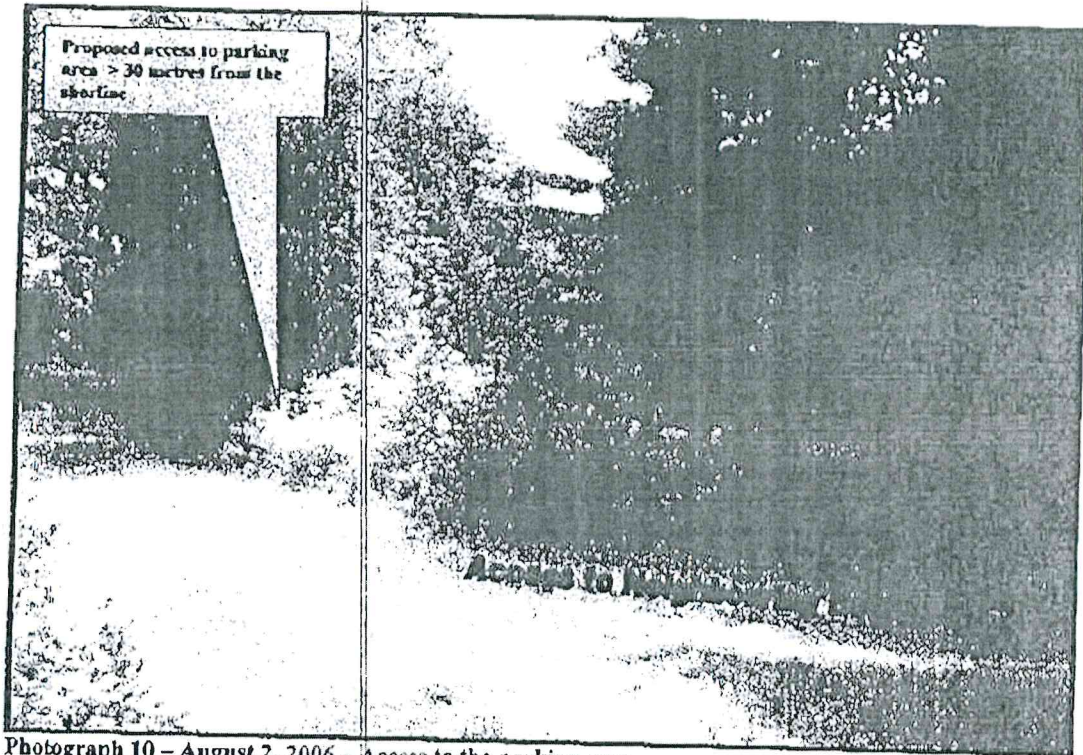
Photograph 3 - August 2, 2006 – Same exposure as Photograph 2



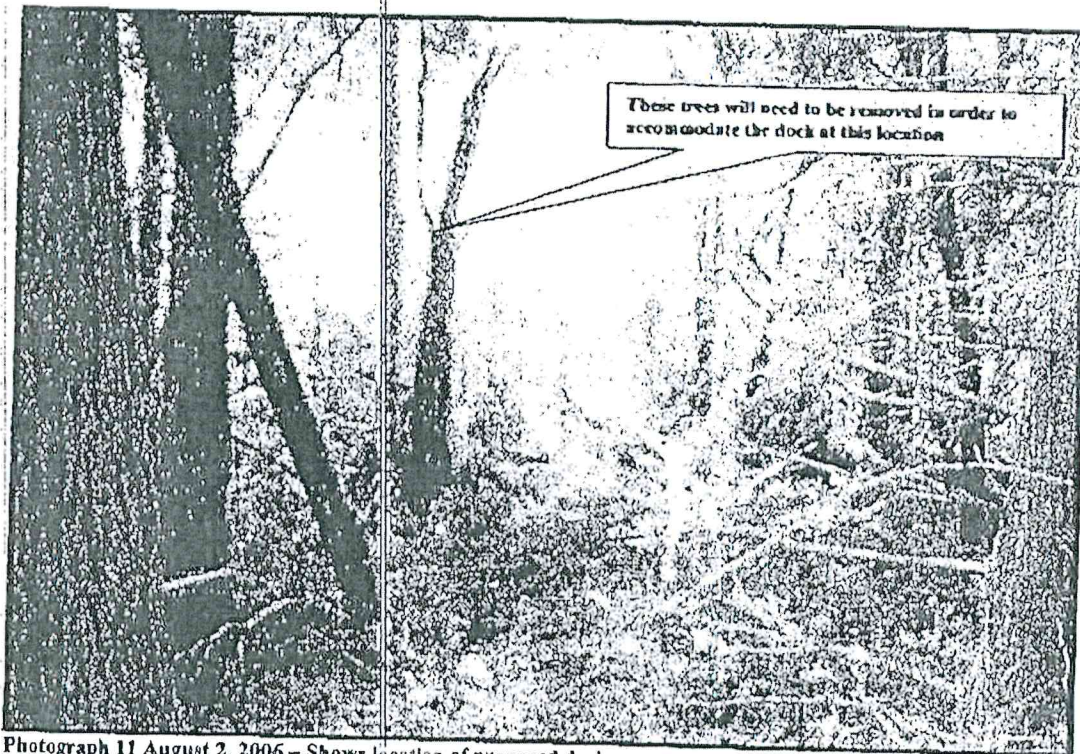
Photograph 6 – April 21, 2006 – Shows nearshore area at site of proposed dock access.



Photograph 7 – August 2, 2006 – Shows cattail fringe at site of proposed dock installation.



Photograph 10 – August 2, 2006 – Access to the parking area.



Photograph 11 August 2, 2006 – Shows location of proposed dock

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## 7.0 THE PROPOSAL AND THE REQUIREMENTS 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 for development from lakes, fish habitat, and wetlands zoned EP.

The parking area associated with this proposal will be setback a minimum distance of 30 metres from the water and wetland fringe.

2) Section 5.2.5 (*Significant Wetlands*) (p.17) addresses development within and adjacent to wetlands zoned Provincially Significant (PSW). This section states "That no new development or site alteration within 120 metres of a Provincially Significant Wetland is permitted unless it has been determined through an Environmental Impact Assessment completed in accordance with Section 5.2.11 of this plan that there will be no negative impacts on the natural features or ecological functions of the wetland".

This EIA meets the above requirement of the OP.

3) Section 5.2.7 (p.18) (*Environmentally Sensitive Areas*) (a) (*Policies for Development and Site Alterations in Fish Habitat, Significant Wildlife Habitat, Areas of Natural and Scientific Interest, Woodlands and Valleylands. Site alterations in and adjacent to the above may be permitted in accordance with the following:*

- (i) when an Environmental Impact Assessment prepared according to Section 5.2.11 indicates no negative impact on natural features or ecological functions occur.
- (ii) ... if the EIA concludes no negative impacts then .... site alteration may proceed based on recommendations in the EIA. A completed an accepted EIA does not ensure that the proposal will automatically be permitted.
- (vi) Private land owners with lands abutting Environmentally Sensitive Areas will be encouraged to maintain their lands in a manner which preserves the attributes ...
- (viii) ..... Site. Plan Control will be used where appropriate to implement remedial measures/mitigation measures identified in the EIA.

All of the above have been addressed in the EIA and are included in the recommendations below.

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- 2) 5.8.4(p.31) *Natural vegetation buffers should be maintained within 30 metres (98.4') of the high water mark.*

There is no requirement for removal of or disturbance to any of the vegetation buffer nor the riparian vegetation beyond that required to gain access to the dock. This will result in a disturbance to less than 3% of the shoreline distance based on a 4 metre access width.

- 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. 5.37.2 (p.48) In areas permanently inundated by water, the only permitted uses shall be .....and docks provided they do not interfere with ..... riparian habitat, fish habitat .....*

The dock design recommended in this application is designed to not interfere with riparian vegetation and fish habitat. The DFO recommend floating docks or post (pedestal docks) as being the least intrusive.

#### 4) Section 32 Environmental Protection Zone

##### 32.3 Zone Regulations -

- a. *All applications for development adjacent to EP lands shall be dealt with on a site-by site basis at the time of application.*
- b. *The minimum separation distance between uses and EP lands shall be 30 metres.*
- c. *The appropriate setback from the high water mark of any lake, river, creek, stream or wetland shall be established by Council at the time of application in consultation with the Conservation Authority .....*

The above concerns with respect to Section 32 have been addressed by way of a site visit with the Rideau Valley Conservation Authority (RVCA) and the recommendations below.

#### 8.0 SUMMARY AND RECOMMENDATIONS:

This proposal does not involve any filling, any excavation, any draining or any other alteration to the wetland plant community or changes to the hydrologic function of the

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## APPENDIX 1

Find below a list of all the species mentioned in the files for Bobs Lake and Crow Lake.

Species Code Number	Common Name	Scientific Name
76	rainbow trout	<u><i>Oncorhynchus mykiss</i></u>
81	lake trout	<u><i>Salvelinus namaycush</i></u>
82	splake	<u><i>S. namaycush</i> x <i>S. fontinalis</i></u>
91	lake whitefish	<u><i>Coregonus clupeaformis</i></u>
93	lake herring (cisco)	<u><i>Coregonus artedii</i></u>
131	northern pike	<u><i>Esox lucius</i></u>
132	muskellunge	<u><i>Esox masquinongy</i></u>
163	white sucker	<u><i>Catostomus commersonii</i></u>
194	golden shiner	<u><i>Notemigonus crysoleucas</i></u>
198	common shiner	<u><i>Luxilus comutis</i></u>
208	bluntnose minnow	<u><i>Pimephales notatus</i></u>
213	fallfish	<u><i>Semotilus corporalis</i></u>
232	yellow bullhead	<u><i>Ameiurus natalis</i></u>
233	brown bullhead	<u><i>Ameiurus nebulosus</i></u>
251	American eel	<u><i>Anguilla rostrata</i></u>
261	banded killifish	<u><i>Fundulus diaphanus</i></u>
271	ling (burbot)	<u><i>Lota lota</i></u>
311	rock bass	<u><i>Ambloplites rupestris</i></u>
312	green sunfish	<u><i>Lepomis cyanellus</i></u>
313	pumpkinseed	<u><i>Lepomis gibbosus</i></u>
314	bluegill	<u><i>Lepomis macrochirus</i></u>
316	smallmouth bass	<u><i>Micropterus dolomieu</i></u>
317	largemouth bass	<u><i>Micropterus salmoides</i></u>
331	yellow perch	<u><i>Perca flavescens</i></u>
334	walleye (yellow pickerel)	<u><i>Stizostedion vitreum vitreum</i></u>

## Lindsay Mills

---

**From:** Lindsay Mills  
**Sent:** May-03-18 3:02 PM  
**To:** 'David Munday'  
**Subject:** RE: Severance for parking/boat launching parcel on Bob's Lake - Campbell & Angus Laidlaw (32110-1)

David,

I think it's something we can do. My only hesitation is that it arguably doesn't meet the intent of the OP regarding minimum lot sizes ie., it would only be about 1.2 acres in size. I think as long as the covenant is registered to tie the parcels together, then it is supportable.

I hope this helps.

Lindsay

---

**From:** David Munday [mailto:dmunday@cswan.com]  
**Sent:** April-30-18 2:10 PM  
**To:** Lindsay Mills <lmills@southfrontenac.net>  
**Subject:** RE: Severance for parking/boat launching parcel on Bob's Lake - Campbell & Angus Laidlaw (32110-1)

Lindsay,

Re-sending, as per your request.

Regards,

David



**David C. Munday**  
Partner  
Cunningham, Swan, Carty, Little & Bonham LLP  
T 613.546.8091  
F 613.542.9814  
Suite 300 – 27 Princess Street, Kingston ON K7L 1A3

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---

**From:** David Munday  
**Sent:** April 25, 2018 2:18 PM  
**To:** lmills@township.southfrontenac.on.ca  
**Cc:** 'Campbell Laidlaw'; 'Laidlaw, Angus (CNSC/CCSN)'; 'CAROL LAIDLAW'  
**Subject:** RE: RE: Severance for parking/boat launching parcel on Bob's Lake - Campbell & Angus Laidlaw (32110-1)

Hello Lindsay,

I'm just following up on the prior email below. I have provided the attachments again for convenience.

David Munday



**David C. Munday**

Partner  
Cunningham, Swan, Carty, Little & Bonham LLP  
T 613.546.8091  
F 613.542.9814  
Suite 300 – 27 Princess Street, Kingston ON K7L 1A3

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---

**From:** David Munday  
**Sent:** April 11, 2018 9:10 AM  
**To:** [lmills@township.southfrontenac.on.ca](mailto:lmills@township.southfrontenac.on.ca)  
**Cc:** 'Campbell Laidlaw'; Laidlaw, Angus (CNSC/CCSN); CAROL LAIDLAW  
**Subject:** RE: Severance for parking/boat launching parcel on Bob's Lake - Campbell & Angus Laidlaw (32110-1)

Good Morning Lindsay,

Further to our prior discussions and meeting regarding the creation of a mainland access parcel for Mica Island, please see the attached memorandum & enclosures.

We look forward to hearing from you at your earliest opportunity.

Regards,

David Munday



**David C. Munday**

Partner  
Cunningham, Swan, Carty, Little & Bonham LLP  
T 613.546.8091  
F 613.542.9814  
Suite 300 – 27 Princess Street, Kingston ON K7L 1A3

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## MEMORANDUM

**TO:** LINDSAY MILLS, TOWNSHIP OF SOUTH FRONTENAC  
**COPY TO:** CAMPBELL LAIDLAW & ANGUS LAIDLAW  
**FROM:** DAVID MUNDAY  
**DATE:** APRIL 11, 2018  
**RE:** CREATION/SEVERANCE OF MAINLAND PARKING PARCEL  
**FILE NO.:** 32110-1

---

Dear Mr. Mills,

Thank you for speaking with me at length February 23.

The purpose of this memorandum is to clarify our discussion and the proposal that will be forthcoming from Campbell and Angus Laidlaw to ensure everyone is proceeding on the same understanding.

As discussed with you initially at the end of 2017, we have been retained by Campbell & Angus Laidlaw (the "Laidlaws"), two brothers who each own one half (1/2) of Mica Island in Bob's Lake (GIS image attached).

The Laidlaws' island properties both contain existing cottages that were built in 1907 and 1982 respectively and pre-date the current zoning requirement of having deeded mainland access. These are "water access only" properties.

The existing mainland access situation for the Laidlaws has depended upon having friendly relations with a mainland property owner who has permitted them to park and launch boats via a temporary licence agreement that was renewed annually. This access arrangement is obviously less than ideal given its tenuous nature and the Laidlaws have therefore sought options to secure permanent mainland parking & access.

To that end, the Laidlaws have entered an agreement with Mr. Trevor Tucker, the owner of mainland property to buy an approximately 1.2 acre parcel of land (described as Parts 1 – 4 on the attached Plan), subject to obtaining planning approvals from the municipality. As discussed, the lands in question are almost naturally severed and are connected only by a very narrow land

bridge in any case (i.e. to anyone viewing the property, it would appear that it is already separate).

The owner of the lands is agreeable to selling the parcel to the Laidlaws, but is not in a position to grant an easement, as he has been advised by his insurer that doing so will vitiate coverage under his insurance policy.

Further to our telephone conversation and prior meeting at our offices to review the proposal, it is the position of the Laidlaws that a severance of the aforementioned lands for the purposes of an 'island parking/access' parcel conforms with the Township's Official Plan and can be supported, provided the lands are concurrently rezoned to a site specific zoning that precludes any future/potential basis for residential development at any point in the future.

As discussed with you, in our view, OP policy 5.7.7(iii)(d) supports the creation of the proposed lot, which will be exclusively for the use of parking/docking facilities only. The proposal will regularize the access regime for these existing island properties in the manner outlined by the Official Plan. We also note that there is precedent for this type of application in the Township.

To that end, the Laidlaws are prepared to proceed as follows:

- To submit an application for rezoning the proposed parcel to permit parking & docking only;
- Subsequent to confirmation the zoning has been approved, to submit a Consent Application to sever the parcel;
- As a condition of Severance Approval to enter into a Site Plan Agreement with the Township to be registered against both the island properties and the severed parcel, further reinforcing the nature of the property's use;
- As a further assurance, the Laidlaws will undertake to enter a Restrictive Covenant to be registered on title to the island properties that confirms neither party's interest in the island property can be transferred independently of the interest in the parking/docking parcel.

Prior to submitting all of the foregoing applications and incurring significant costs, the Laidlaws are seeking confirmation that planning staff at the municipality are supportive of the proposal and will recommend approval if/when the matter goes before Council and/or the Committee of Adjustment.

We trust everything is clear, however if you have any questions, please contact the undersigned.

Sincerely,

David C. Munday

**SCHEDULE OF SHORELINE TIES**

INSTRUMENT	BACKSIGHT	FORESIGHT	BEARING	DISTANCE
32	34	35	N 30° 30' 00" E	10.04
	36	37	N 31° 30' 00" E	20.04
	38	39	N 32° 30' 00" E	30.04
	40	41	N 33° 30' 00" E	40.04
	42	43	N 34° 30' 00" E	50.04
	44	45	N 35° 30' 00" E	60.04
	46	47	N 36° 30' 00" E	70.04
	48	49	N 37° 30' 00" E	80.04
	50	51	N 38° 30' 00" E	90.04
	52	53	N 39° 30' 00" E	100.04
	54	55	N 40° 30' 00" E	110.04
	56	57	N 41° 30' 00" E	120.04
	58	59	N 42° 30' 00" E	130.04
	60	61	N 43° 30' 00" E	140.04
	62	63	N 44° 30' 00" E	150.04
	64	65	N 45° 30' 00" E	160.04
	66	67	N 46° 30' 00" E	170.04
	68	69	N 47° 30' 00" E	180.04
	70	71	N 48° 30' 00" E	190.04
	72	73	N 49° 30' 00" E	200.04
	74	75	N 50° 30' 00" E	210.04
	76	77	N 51° 30' 00" E	220.04
	78	79	N 52° 30' 00" E	230.04
	80	81	N 53° 30' 00" E	240.04
	82	83	N 54° 30' 00" E	250.04
	84	85	N 55° 30' 00" E	260.04
	86	87	N 56° 30' 00" E	270.04
	88	89	N 57° 30' 00" E	280.04
	90	91	N 58° 30' 00" E	290.04
	92	93	N 59° 30' 00" E	300.04
	94	95	N 60° 30' 00" E	310.04
	96	97	N 61° 30' 00" E	320.04
	98	99	N 62° 30' 00" E	330.04
	100	101	N 63° 30' 00" E	340.04
	102	103	N 64° 30' 00" E	350.04
	104	105	N 65° 30' 00" E	360.04
	106	107	N 66° 30' 00" E	370.04
	108	109	N 67° 30' 00" E	380.04
	110	111	N 68° 30' 00" E	390.04
	112	113	N 69° 30' 00" E	400.04
	114	115	N 70° 30' 00" E	410.04
	116	117	N 71° 30' 00" E	420.04
	118	119	N 72° 30' 00" E	430.04
	120	121	N 73° 30' 00" E	440.04
	122	123	N 74° 30' 00" E	450.04
	124	125	N 75° 30' 00" E	460.04
	126	127	N 76° 30' 00" E	470.04
	128	129	N 77° 30' 00" E	480.04
	130	131	N 78° 30' 00" E	490.04
	132	133	N 79° 30' 00" E	500.04
	134	135	N 80° 30' 00" E	510.04
	136	137	N 81° 30' 00" E	520.04
	138	139	N 82° 30' 00" E	530.04
	140	141	N 83° 30' 00" E	540.04
	142	143	N 84° 30' 00" E	550.04
	144	145	N 85° 30' 00" E	560.04
	146	147	N 86° 30' 00" E	570.04
	148	149	N 87° 30' 00" E	580.04
	150	151	N 88° 30' 00" E	590.04
	152	153	N 89° 30' 00" E	600.04
	154	155	N 90° 30' 00" E	610.04
	156	157	N 91° 30' 00" E	620.04
	158	159	N 92° 30' 00" E	630.04
	160	161	N 93° 30' 00" E	640.04
	162	163	N 94° 30' 00" E	650.04
	164	165	N 95° 30' 00" E	660.04
	166	167	N 96° 30' 00" E	670.04
	168	169	N 97° 30' 00" E	680.04
	170	171	N 98° 30' 00" E	690.04
	172	173	N 99° 30' 00" E	700.04
	174	175	N 100° 30' 00" E	710.04
	176	177	N 101° 30' 00" E	720.04
	178	179	N 102° 30' 00" E	730.04
	180	181	N 103° 30' 00" E	740.04
	182	183	N 104° 30' 00" E	750.04
	184	185	N 105° 30' 00" E	760.04
	186	187	N 106° 30' 00" E	770.04
	188	189	N 107° 30' 00" E	780.04
	190	191	N 108° 30' 00" E	790.04
	192	193	N 109° 30' 00" E	800.04
	194	195	N 110° 30' 00" E	810.04
	196	197	N 111° 30' 00" E	820.04
	198	199	N 112° 30' 00" E	830.04
	200	201	N 113° 30' 00" E	840.04
	202	203	N 114° 30' 00" E	850.04
	204	205	N 115° 30' 00" E	860.04
	206	207	N 116° 30' 00" E	870.04
	208	209	N 117° 30' 00" E	880.04
	210	211	N 118° 30' 00" E	890.04
	212	213	N 119° 30' 00" E	900.04
	214	215	N 120° 30' 00" E	910.04
	216	217	N 121° 30' 00" E	920.04
	218	219	N 122° 30' 00" E	930.04
	220	221	N 123° 30' 00" E	940.04
	222	223	N 124° 30' 00" E	950.04
	224	225	N 125° 30' 00" E	960.04
	226	227	N 126° 30' 00" E	970.04
	228	229	N 127° 30' 00" E	980.04
	230	231	N 128° 30' 00" E	990.04
	232	233	N 129° 30' 00" E	1000.04

PLAN 13R 11231  
RECEIVED AND DEPOSITED  
REGISTRY ACT  
(DATED) Oct 22, 1992  
RONALD H. SMITH  
ONTARIO LAND SURVEYOR

PLAN OF SURVEY OF  
PART OF LOTS 27 AND 28  
CONCESSION 7  
TOWNSHIP OF BEDFORD  
COUNTY OF FRONTENAC  
RONALD H. SMITH O.L.S. C.L.S. 1991



NOTES  
BEARINGS ARE ASTRONOMIC, DERIVED FROM EVIDENCE OF  
A BEARING OF N 31° 44' 40" W FOR PLAN 13 R 10284, HAVING  
AS SHOWN HEREIN  
THERE ARE NO FINICES ON BOUNDARIES UNLESS  
OTHERWISE INDICATED  
INSUFFICIENT OVERLAP IN SOME PLACES  
FOR STANDARD IRON BARS  
PROPERTY OF THE  
REGISTRY OFFICE

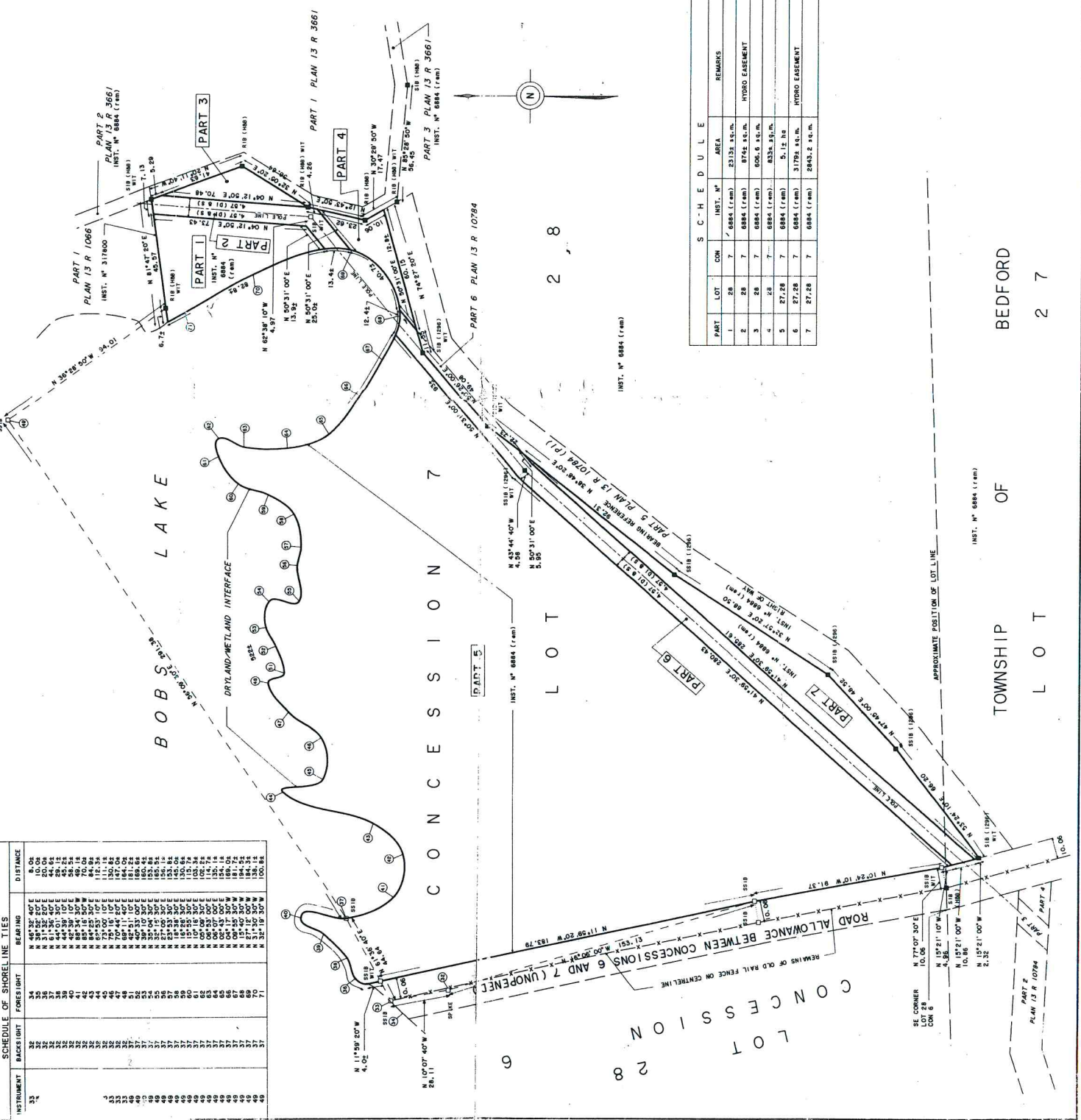
- LEGEND
- DEPICTS
  - MONUMENT PLANTED
  - IRON BAR
  - SHORT STANDARD IRON BAR
  - CONCRETE PILE
  - CUT CROSS
  - MEASURED
  - CHAIN
  - CHAIN AND WIRE FENCE
  - P.W.F.
  - HYDRO POLE
  - INST. N° 10284
  - INST. N° 10285
  - INST. N° 10286
  - INST. N° 10287
  - INST. N° 10288
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  - INST. N° 10296
  - INST. N° 10297
  - INST. N° 10298
  - INST. N° 10299
  - INST. N° 10300

SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT:  
(1) WITH THIS PLAN I HAVE MADE ALL THE CORRECT AND IN ACCORDANCE  
WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER  
(2) THE SURVEY WAS COMPLETED ON THE 30.10. DAY OF OCTOBER, 1991  
Oct 22, 1992  
RONALD H. SMITH  
ONTARIO LAND SURVEYOR

CAUTION: THIS PLAN IS NOT A PLAN OF  
SUBDIVISION WITHIN THE MEANING OF  
THE PLANNING ACT

METRIC  
DISTANCES SHOWN ON THIS PLAN ARE IN  
METRES AND CAN BE CONVERTED TO FEET  
BY DIVIDING BY 0.304 8

RONALD H. SMITH LTD.  
ONTARIO LAND SURVEYORS  
CANADA LANDS SURVEYORS  
CONSULTING OFFICE  
183 STEWART STREET  
CANADANOUE, ONTARIO  
I 613 388-3978  
HEAD OFFICE  
1000 KENNEDY ROAD  
KINGSTON, ONTARIO  
I 613 388-3133  
DISK #  
REFERENCE # 91-103



SCHEDULE

PART	LOT	CON	INST. N°	AREA	REMARKS
1	28	7	6884 (rem)	23135.95 m.	
2	28	7	6884 (rem)	8745.95 m.	HYDRO EASEMENT
3	28	7	6884 (rem)	606.6 m.	
4	28	7	6884 (rem)	8235.29 m.	
5	27,28	7	6884 (rem)	5.12 sq	
6	27,28	7	6884 (rem)	31793.45 m.	HYDRO EASEMENT
7	27,28	7	6884 (rem)	28463.2 sq.m.	

TOWNSHIP OF BEDFORD  
LOT 27

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PSW or to Bobs Lake. The proposal will not have any impact upon the wetland or fish habitat given the following:

- Site Plan Control can be implemented to ensure that the parking area is set back from the wetland fringe a minimum distance of at least 30 metres.
- Site Plan Control could also be used to ensure that the 30 metre buffer next to the lake and wetland fringe beyond the area of the proposed dock remain undisturbed.
- In-water construction cannot occur between March 15<sup>th</sup> and July 15<sup>th</sup> in order to prevent any potential interference with either pike or bass spawning.
- A two-stage dock is required; the first section being an elevated dock to get above the plant community (either a pedestal dock on posts or a Fendock style) and the first section being hinged to the second stage floating dock along side to which boats may be moored. The first section is to be of sufficient length to extend beyond the cattail fringe. The total area of the dock should not exceed 300 ft<sup>2</sup>.
- The decking for both stage 1 and stage 2 of the dock cannot be constructed with pressure treated wood; treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment, cedar is preferred.
- If treated lumber is to be used for dock structures above water, it should be environmentally-friendly (see definition below). Cut, seal and stain all lumber away from the water using only environmentally-friendly stains. All sealed and stained lumber should be completely dry before being used near water.
- Ensure plastic barrel floats are free of chemicals inside and outside of the barrel before they are placed in water.
- There is ample opportunity to gain access to the dock from the parking area without the removal of any mature trees. Access to the dock from this location can be achieved with little or no impact on the Mitchel Creek Wetland plant community or the upland plant community.
- During construction of the parking area appropriate measures should be taken to ensure sediment is not eroded from the site (see DFO control measures above).

- MWR? DFO?  
- launch  
- total size

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4) Section 5.2.7 (p.19) (*Environmentally Sensitive Areas*) (b) (*Policies for Development and Site Alterations 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' and 5.2.7 (b)(ii) 4) Development and /or site alterations proposed within 30 metres of the high water mark will require an Environmental Impact Assessment .... which evaluates the potential negative impacts on fish habitat.

The potential for impacts on fish habitat are addressed and mitigative measures are included as recommended by the Department of Fisheries and Oceans

5) 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.

The completion of this EIA according to the above satisfies this section of the OP. Both fish habitat and PSW issues are addressed.

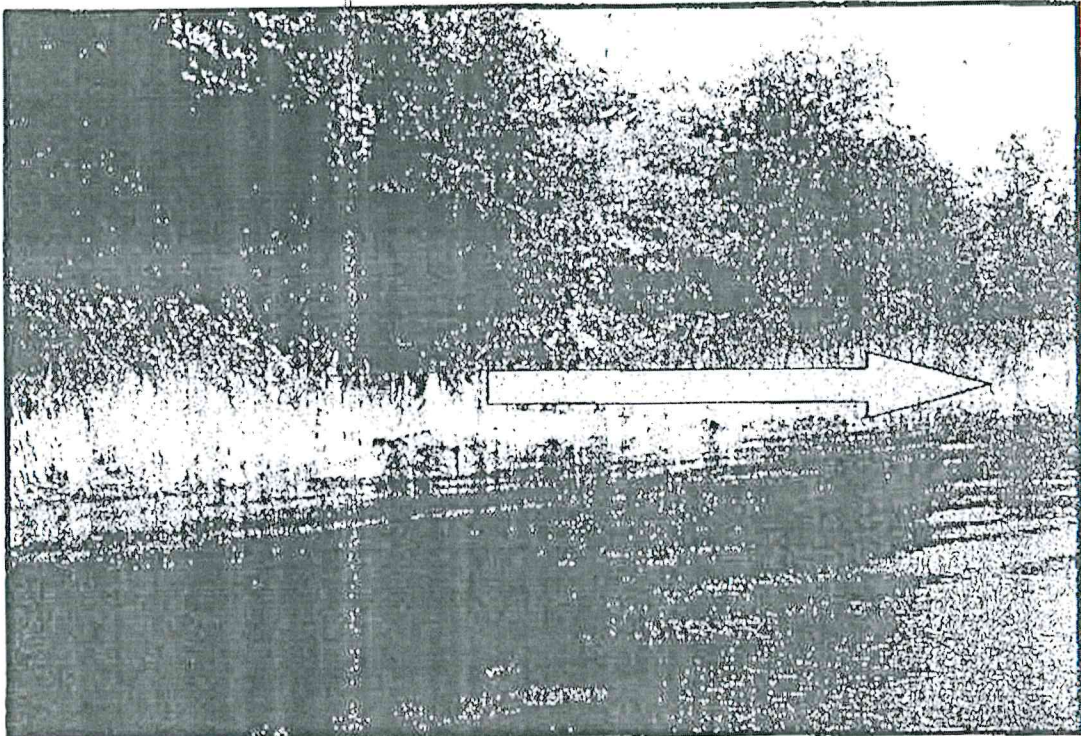
6) Section 5.7.7 Limited Service Residential Policies 5.7.7 (iii) (p.52) Water Access Lots ..... limited service residential development shall be permitted on water access only lots providing: d) ..... the owner of the water access lot demonstrates to the satisfaction of Council that land and mooring facilities on the mainland are available to permit parking of automobiles and/or the storage or docking of boats and boat trailers etc. associated with use of the water access lot, in this way ensuring minimal disruption to residents on the mainland. Such facilities shall be owned or tied in perpetuity to the water access only lot and be zoned for parking and docking facilities only.

This application for an easement seeks to meet the above requirement in the OP.

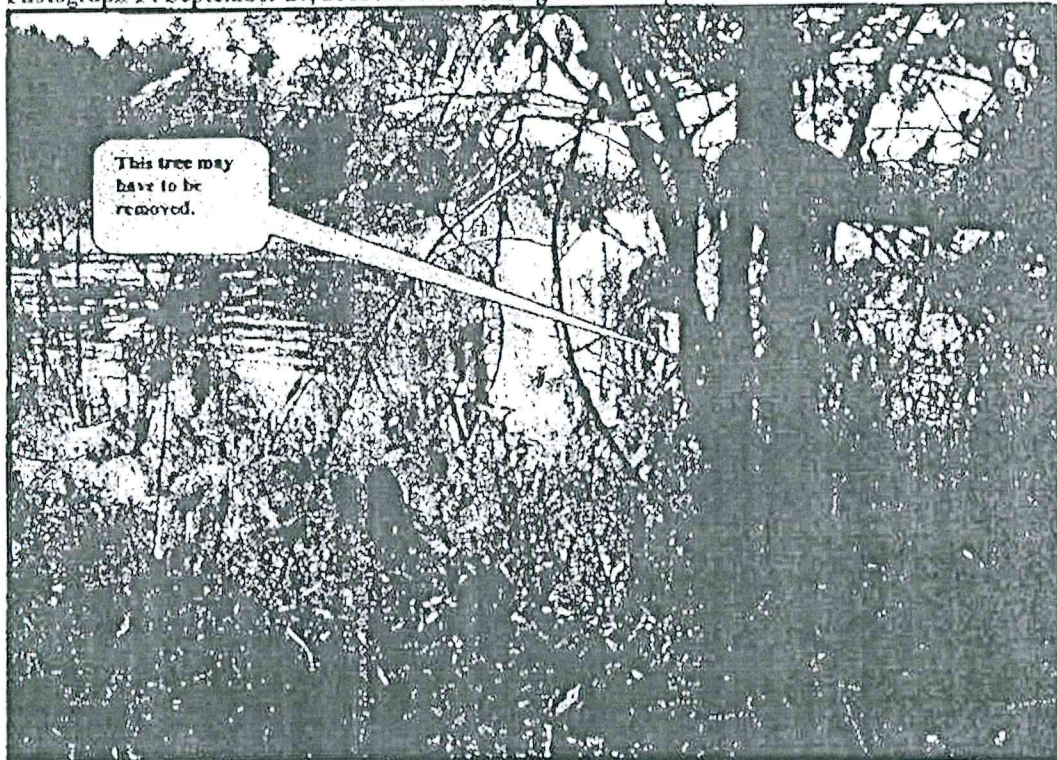
Likewise, every effort has been made to address the following sections of the Comprehensive Zoning By-Law 2003 - 75:

- 1) 5.8.2(p.30) .... no building or structure ..... 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 .....

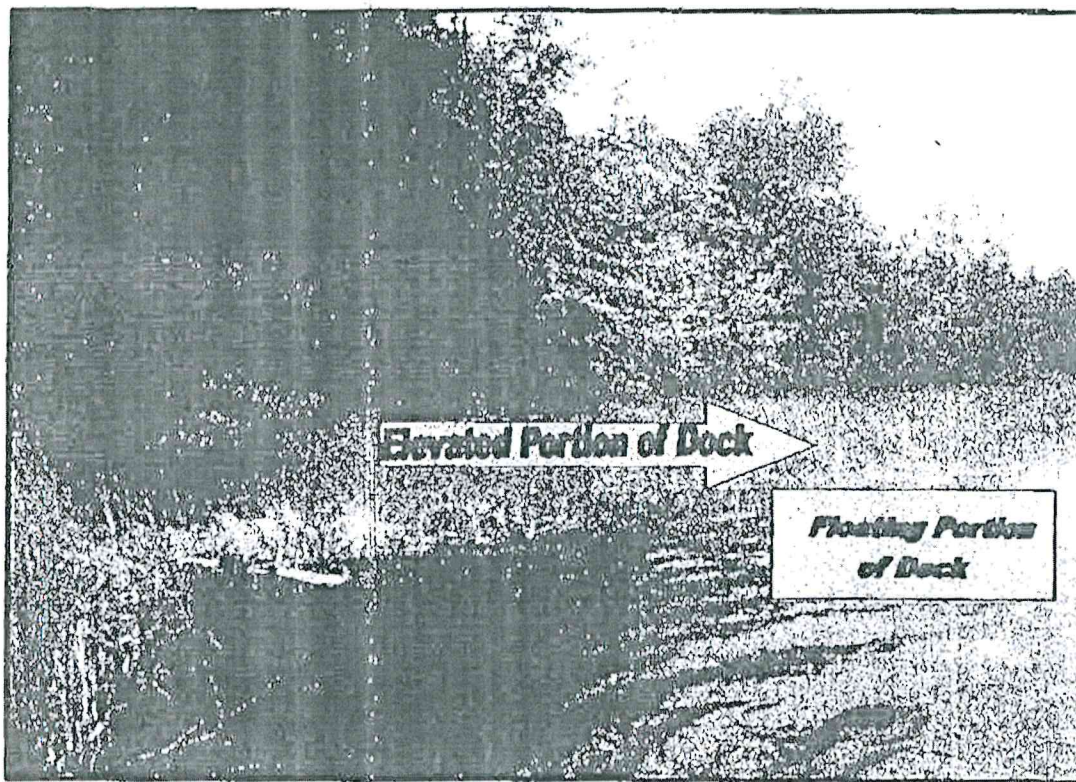
The setback of the parking area of > 30 metres meets the above requirement.



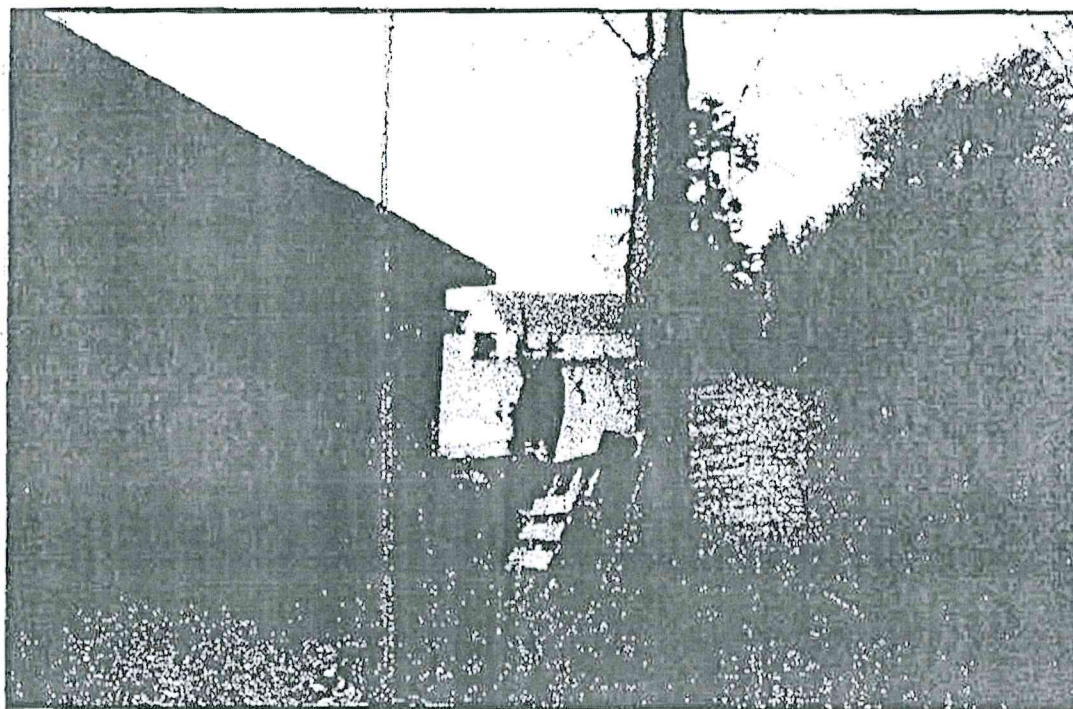
Photograph 14 September 27, 2006 Dock site during low water period



Photograph 15 September 27, 2006 Dock site at low water period.



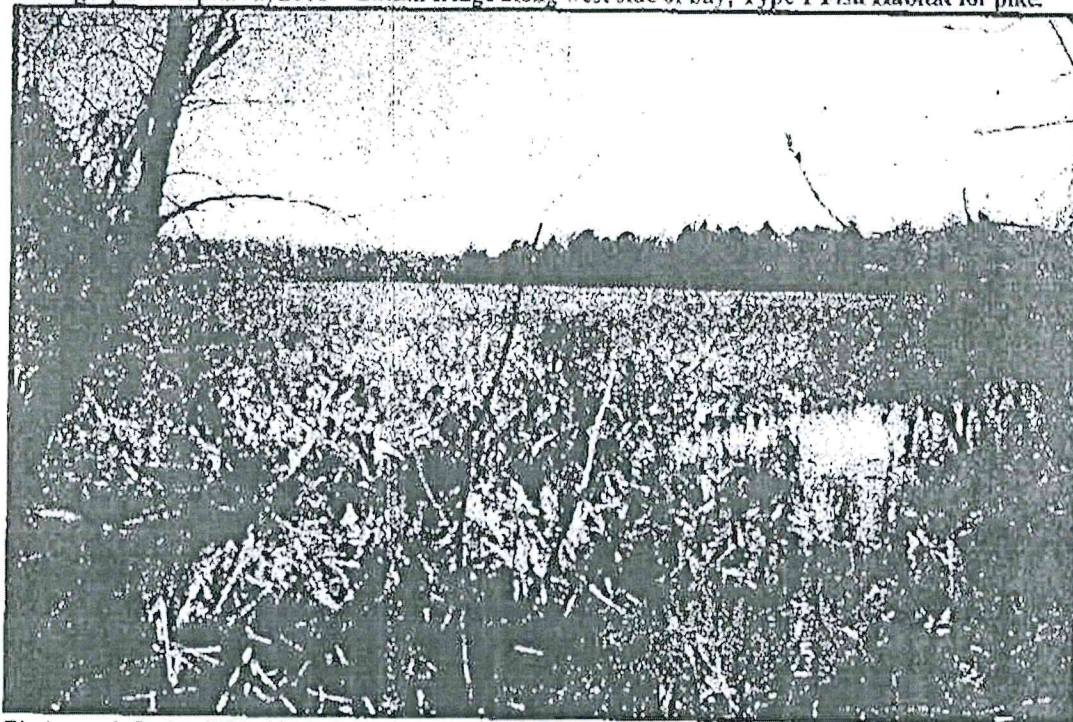
Photograph 8- August 2, 2006



Photograph 9 - August 2, 2006 - Two boat houses show existing shoreline uses in this bay.



Photograph 4 – April 21, 2006 – Cattail fringe along west side of bay; Type 1 Fish Habitat for pike.



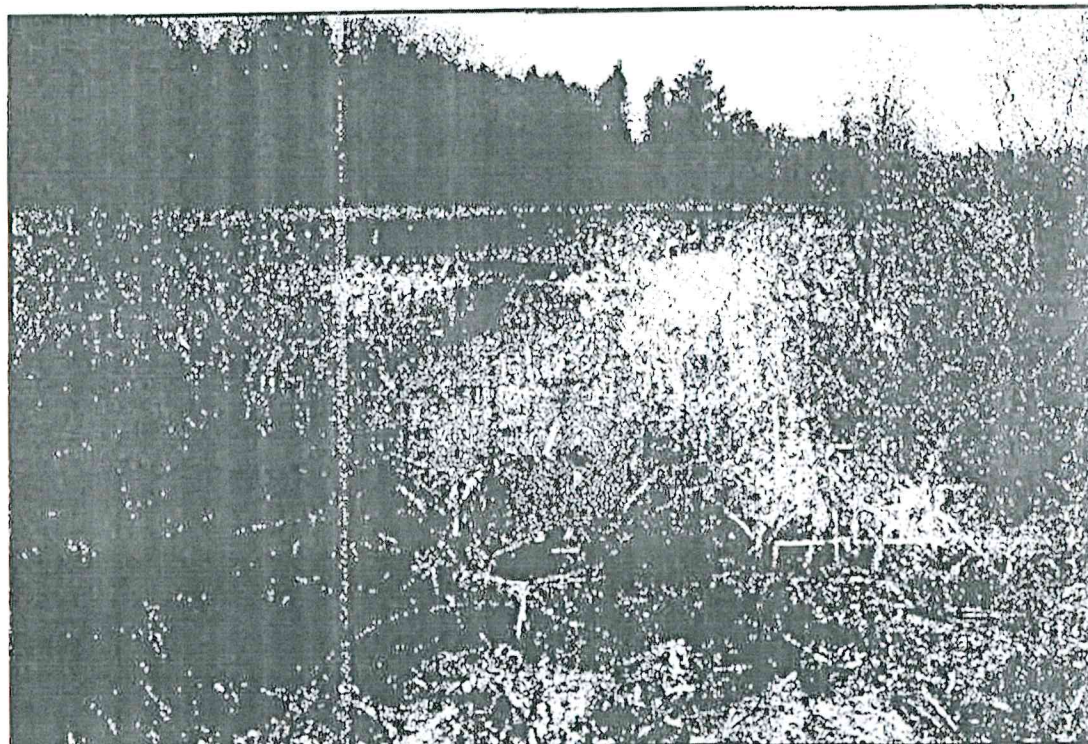
Photograph 5 – April 21, 2006 - Inland from the road; the wetland is dominated by cattails and is Type 1 pike spawning habitat.

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An elevated dock is required to be above the aquatic plant community to a distance off-shore to reach a water depth suitable to dock a boat. The elevated portion of the dock may exceed 6 metres (20 feet) in length. The floating portion of the dock is to be a size that achieves stability while at the same time keeping the surface area as small as possible. The suggested size is 2.5 m x 5.0 m (8' x 16').

The following photographs were recorded on three different dates, April 21<sup>st</sup>, August 2<sup>nd</sup> and September 27<sup>th</sup>, 2006. The intent here is to characterize the shoreline during three seasons and during high and low water levels.

In order to ensure that all issues or concerns are addressed in this EIA, a site visit was conducted with Matt Craig of the RVCA on August 2, 2006. His comments and direction are included in the recommendations.

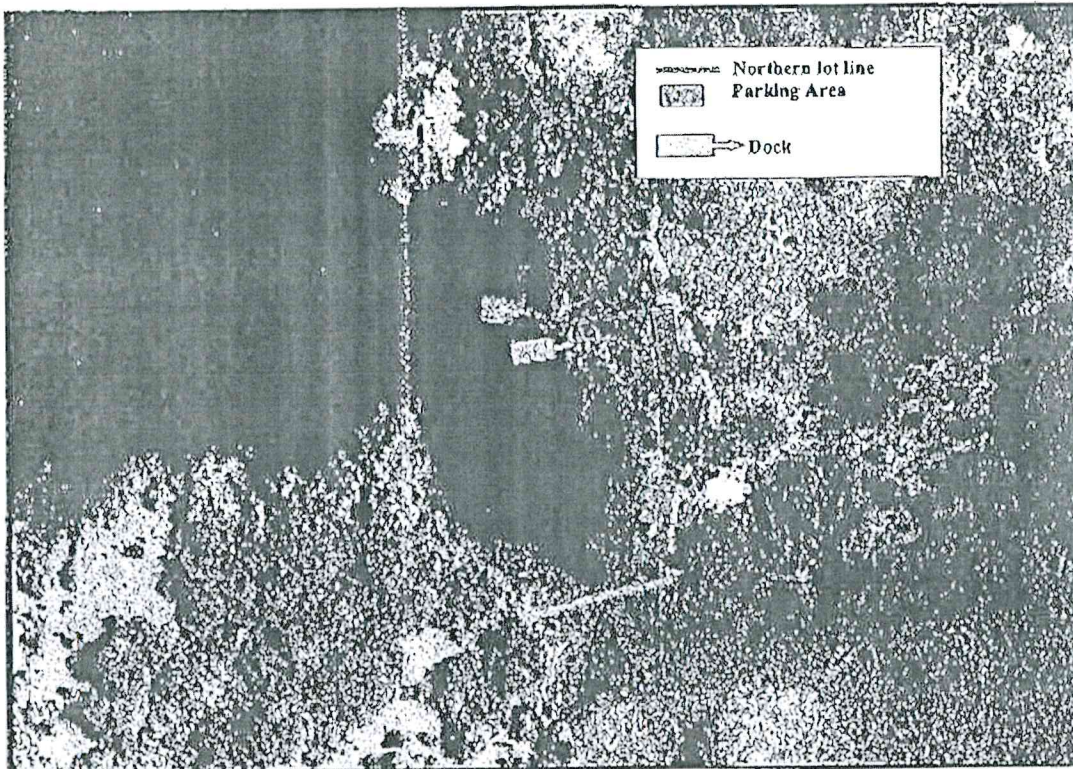


Photograph 1 – April 21, 2006 – Shows damage to wetland as a result of winter snowmobile access.

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28 Concession 7, Township of South Frontenac, Bedford District. The property is indicated on the map and the 1:50,000 topographical map (Tichbourne 31/C10) above and the aerial photograph (below). The property is zoned limited service residential waterfront overall and Environmental Protection (EP) as it pertains to the nearshore wetland fringe.

Bobs Lake is a basin in the Rideau River Watershed and is located on the Frontenac Axis portion of the Precambrian Shield.



#### 5.0 DESCRIPTION OF EXISTING PARCEL:

This property fronts on Bobs Lake at a site that includes a portion of the Provincially Significant Wetland that includes all of the shoreline fronting the property. Along the subject shoreline the wetland is lacustrine, with submergent, floating leaved and emergent plant communities and extends offshore to include the entire bay to a depth of two metres.

Soils on the property are deep relative to depths typical of Precambrian Shield areas. There are productive farms locally in this area. It is well treed with a mixed deciduous forest containing red cedar (*Juniperus virginiana*), white cedar (*Thuja occidentalis*), sugar maple (*Acer saccharum*), ash (*Fraxinus americana*), and white pine (*Pinus strobes*). Along the lakeshore soft maple (*Acer saccharinum*), alder (*Alnus spp.*).

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demonstrates to the satisfaction of Council that land and mooring facilities on the mainland are available to permit parking of automobiles and/or the storage or docking of boats and boat trailers etc. associated with use of the water access lot, in this way ensuring minimal disruption to residents on the mainland. Such facilities shall be owned or tied in perpetuity to the water access only lot and be zoned for parking and docking facilities only.

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 ..... 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. 5.37.2 (p.48) In areas permanently inundated by water, the only permitted uses shall be .....and docks provided they do not interfere with ..... riparian habitat, fish habitat .....
- 4) Section 32 Environmental Protection Zone

#### 32.3 Zone Regulations -

- All applications for development adjacent to EP lands shall be dealt with on a site-by site basis at the time of application.
- The minimum separation distance between uses and EP lands shall be 30 metres.
- The appropriate setback from the high water mark of any lake, river, creek, stream or wetland shall be established by Council at the time of application in consultation with the Conservation Authority .....

#### 4.0 LOCATION:

The property is located on the east shoreline of Bobs Lake and is accessible from Dewitt Rd to Dewitt Lane and then Sugarbush Lane. It fronts on Bobs Lake on Part Lots 27 and

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been constructed by filling the wetland to allow for the crossing however the culvert that acts as an equalization culvert allowing flow in either direction is small in diameter.

While the culvert is not located on the property subject to this approval, it is mentioned here as possibly needing some remedial attention. There is opportunity to improve the fishery by replacing this culvert with a larger one or several if needed. A cooperative project between the agencies, the Municipality and the Greater Bobs and Crow Lakes Association could benefit the fishery by providing easier unobstructed access to the interior of the wetland during the spring spawning period.

### 2.3 Bobs Lake

Bobs Lake is a multi-basined generally shallow lake containing a warm water fishery of pike, walleye and bass and other coarse species and baitfish (MNR). Green Bay of Bobs Lake is the deep basin and is managed by MNR as a lake trout basin; it also contains whitefish. The bay fronting this application is not on Green Bay.

This application is for parking and construction of a dock. There is no nutrient loading implications to Bobs Lake with respect to this application.

The riparian plant community in the area of the application is dominated by macrophyte growth; these are submergent, floating leaf and emergent plant species. These plants constitute the outer edge of the wetland and provide both Type 1 and Type 2 fish habitat.

### 3.0 SITE EVALUATION APPROACH:

The evaluation of this site for the potential to create an easement for parking four vehicles and locating a dock within 120 metres of a PSW 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. The following approach includes Best Management Practices (BMP) that are protective of the shoreline buffer area, the lake riparian and littoral zone plant community and the associated Provincially Significant Wetland.

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 for development from lakes, fish habitat, and wetlands zoned EP.
- 2) Section 5.2.5 (*Significant Wetlands*) (p.17) addresses development within and adjacent to wetlands zoned Provincially Significant (PSW). This section states 'That no new development or site alteration within 120 metres of a Provincially Significant Wetland is permitted unless it has been determined

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spawning fish, their incubating eggs and larval life stages by adhering to provincial fisheries timing windows. The timing window considered appropriate for this Operational Statement is July 15<sup>th</sup> to September 15<sup>th</sup>. If the intended work falls outside of this period, please contact your local Ontario Ministry of Natural Resources or Conservation Authority, as appropriate, regarding specific fisheries timing window restrictions. \*\*\*

**\*\*\* A crib dock is not recommended in this situation however the above 'measure' was included because it addresses the construction window timeframe.**

4. If rocks, stumps or logs need to be moved on the lake or river bottom or shoreline to build the dock, they are relocated to an area of similar depth adjacent to the dock and not removed altogether from the bottom or shoreline.

5. The entry of sediments from the construction site into the water body can harm fish and fish habitat. Ensure that the appropriate sediment and erosion control measures (i.e. silt fences) are in place before you start dock construction, particularly on sites with erodible soils such as sand and clay. \*\*\*\*

**\*\*\*\* For this site and application it is particularly applicable during construction of the parking area and the access lane.**

6. You and/or your contractor should inspect sediment and erosion control measures regularly during the course of construction and make all necessary repairs if any damage is discovered (e.g., you see silt or sediment entering the water); avoid doing work during wet and rainy periods.

7. Use naturally rot-resistant, untreated materials (e.g. cedar, hemlock, rocks, plastic) as supports for dock structures that will be submerged in water and preferably for structures above water. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment.

7.1. If treated lumber is to be used for dock structures above water, it should be environmentally-friendly (see definition below).

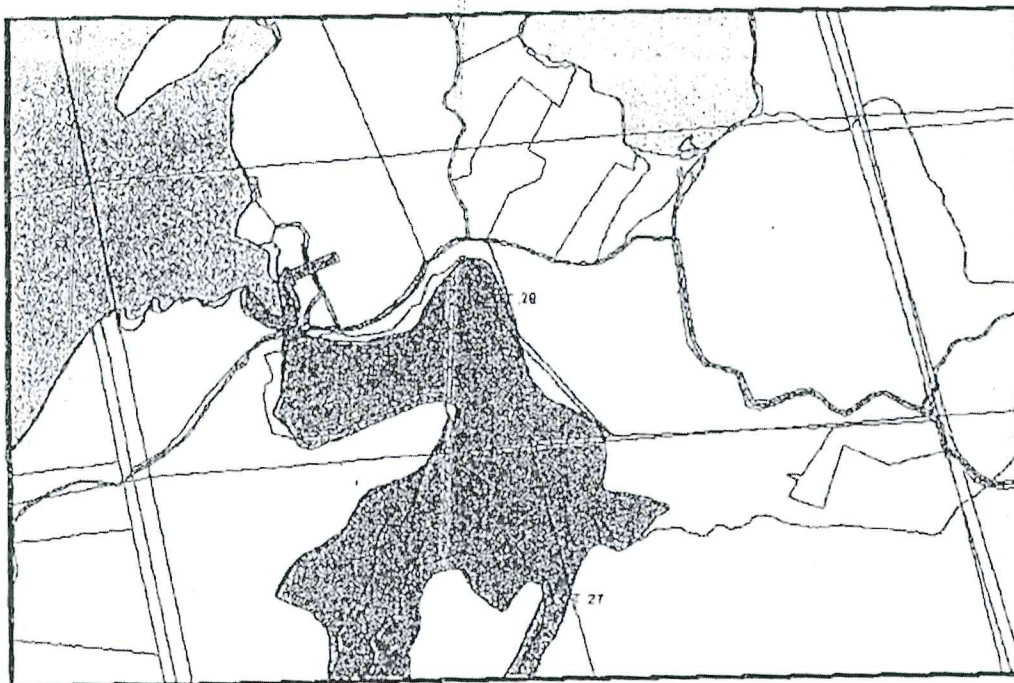
7.2. Cut, seal and stain all lumber away from the water using only environmentally-friendly stains (see definition below). All sealed and stained lumber should be completely dry before being used near water.

7.3. Ensure plastic barrel floats are free of chemicals inside and outside of the barrel before they are placed in water.

8. Whenever possible, construct the dock either from a barge or float on the water or through the ice instead of using machinery from the bank of the water body.

9. Operate machinery from outside of the water and in a manner that minimizes disturbance to the banks of the water body.

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Type 1 fish habitat is considered by MNR to be critical to the overall productive capacity of the fishery. It includes: spawning areas for species with stringent spawning requirements (e.g. cattails or grass covered areas for pike spawning, small coarse sand and gravel substrates for bass and centrachids 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; young -of-year largemouth require macrophyte beds for refuge areas); 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.

In addition to pike spawning habitat, spawning substrate for large and smallmouth bass and near-shore nursery habitat could be of significance.

The shoreline was accessed by boat and photographed on September 27, 2006. Much of the documentation of that site visit is recorded on the photographs that follow. The majority of the shoreline water depths are very shallow on this date.

The bottom substrate at this location is organic sediment overlying a mineral soil. There is not any area with exposed gravel substrate and coarse sands suitable for bass spawning. There were no remnant bass spawning nests evident from the spring spawning season.

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**1.0 INTRODUCTION / BACKGROUND:**

The proponents, Mr. Angus Laidlaw and his brother Mr. Campbell Laidlaw wish to create an easement over an existing lot of record on the east shoreline of Bobs Lake in order to secure a site for parking of four personal vehicles and a dock; this is required for two existing water access only island residences.

Campbell and Angus Laidlaw each own separate lots comprising Mica Island on Bobs Lake, in the Bedford District of South Frontenac Township. Mica Island has been in the Laidlaw family for three generations. At the time it was purchased by Dr. C. Laidlaw from Mr. H. Maynard, in 1929, the purchaser and vendor agreed (a 'gentlemen's agreement') that access to the island would be available through the mainland property of the vendor. This right-of-use was to permit the owners of Mica Island to park their vehicles and their boats on that property so as to be able to enjoy the use of Mica Island.

The Laidlaws note that they are satisfied that the current right-of-use is a prescriptive easement that would survive a legal challenge. Nevertheless, the Laidlaws are of the view that it would be beneficial for themselves, the owners of the Maynard property and the Municipality, if the Laidlaws were to acquire a separate parcel of land on the mainland to provide continued access to Mica Island. There are several reasons for this.

First, the Laidlaws have some concerns that changes in ownership in the future might precipitate challenges to the validity of the easement. This would give rise to needless expense to owners of the Maynard property, the Laidlaws or their successors and possibly to the Municipality. The Laidlaws believe it would be better for all concerned if conditions were changed to obviate such a possibility. Second, the easement represents an encumbrance on the Maynard property that would detract from the sale value if the owners choose to sell it in the future. Third, the Laidlaws continued use of the current arrangement could inhibit the ability to sell one or both properties on Mica Island as potential buyers would be concerned about the extent to which their mainland access would be guaranteed without access rights written into their deeds of ownership. The Laidlaws are of the view that it would not be in the interests of the Municipality if conditions were to exist that would inhibit the sale and thus the value of the properties under consideration.

The parcel upon which the Laidlaws are proposing to make an offer to purchase is of a size insufficient for residential development according to the OP for South Frontenac Township and could be used solely for the purpose of parking cars and boats used to access Mica Island.

The shoreline in front of this property is designated as Provincially Significant Wetland (PSW) and is identified as such in the OP for South Frontenac Township (Schedule A) and as such is zoned EP in the Comprehensive Zoning By-Law (Schedule D). The upland

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# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date: September 4, 2018**

**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

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-77-18-P for the creation of one new residential lot, together with a right-of-way

### Proposal

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.

#### S-77-18-P

Consent application S-77-18-P is for the creation of a rural residential lot. The proposed new lot would have 76 metres of frontage along Desert Lake Road and would be a minimum of 2 acres in size. The proposed lot would be irregularly shaped due to an existing lot of record, known municipally as 4342 Desert Lake Road, which was severed from the southeast corner of the subject lands. The proposed lot would contain all existing structures. The application S-77-18-P is also for the creation of a right-of-way over Woods Lane in favour of the retained parcel.

#### Retained Lot

The retained lands will consist of approximately 17 acres in area with approximately 280 metres of frontage along Desert Lake Road. The retained land will be vacant, but has a sufficiently sized building envelope to permit the construction of a new dwelling, along with required private water and sewage disposal systems. The applicant has indicated they plan to construct a new dwelling with increased proximity to Howes Lake. The retained lands will be accessed via a right-of-way over the existing Woods Lane and will have a Woods Lane municipal address.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## 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 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 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 which is already 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.

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.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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. The proposed lot is already serviced with a private well and sewage disposal system.

### **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, is currently developed with a dwelling, is serviced by private water and septic system and is located along a Township road.

Section 7.1 General Consent Policies prevent the creation of any new lot, except limited service residential lots, that do not front onto and gain access from a fully maintained public road and do not permit the creation of new lots adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades. Due to the topographical constraints and sightline challenges along this section of Desert Lake Road, along with comments received from the Public Works Department, planning staff are able to support the retained parcel gaining access from Woods Lane via a right-of-way over the proposed lot, despite having frontage on Desert Lake Road.

### **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. The proposed new lot will meet the minimum lot area and frontage requirements for a single detached residential. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage.

### **Agency Analysis and Comments**

Public Works Department – Public Works has indicated that an additional entrance from Desert Lake Road to service the retained parcel would not be possible due to topographical constraints and sightline challenges. They recommend accessing the retained parcel via Woods Lane for safety reasons.

KFL&A Public Health – In comments provided September 6, 2018 KFL&A Public Health indicated that they had no objection to the severance. Soil conditions on the retained lot will require additional suitable granular soil to construct a sewage disposal system. The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependant on the proposal submitted.

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



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



A site visit was completed by planning and public works staff, on August 24, 2018, to review the severance application.

## 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.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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)].

**Submitted by:** Jennie Kapusta, Community Planner, County of Frontenac

**Approved by:** Joe Gallivan, Director of Planning and Economic Development, County of Frontenac



### **Attachments**

Map of Lafontaine property.



### LAFONTAINE S-77-18-P

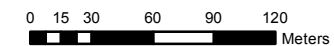
### Legend

-  Lafontaine Property
-  Lafontaine Proposed Lot

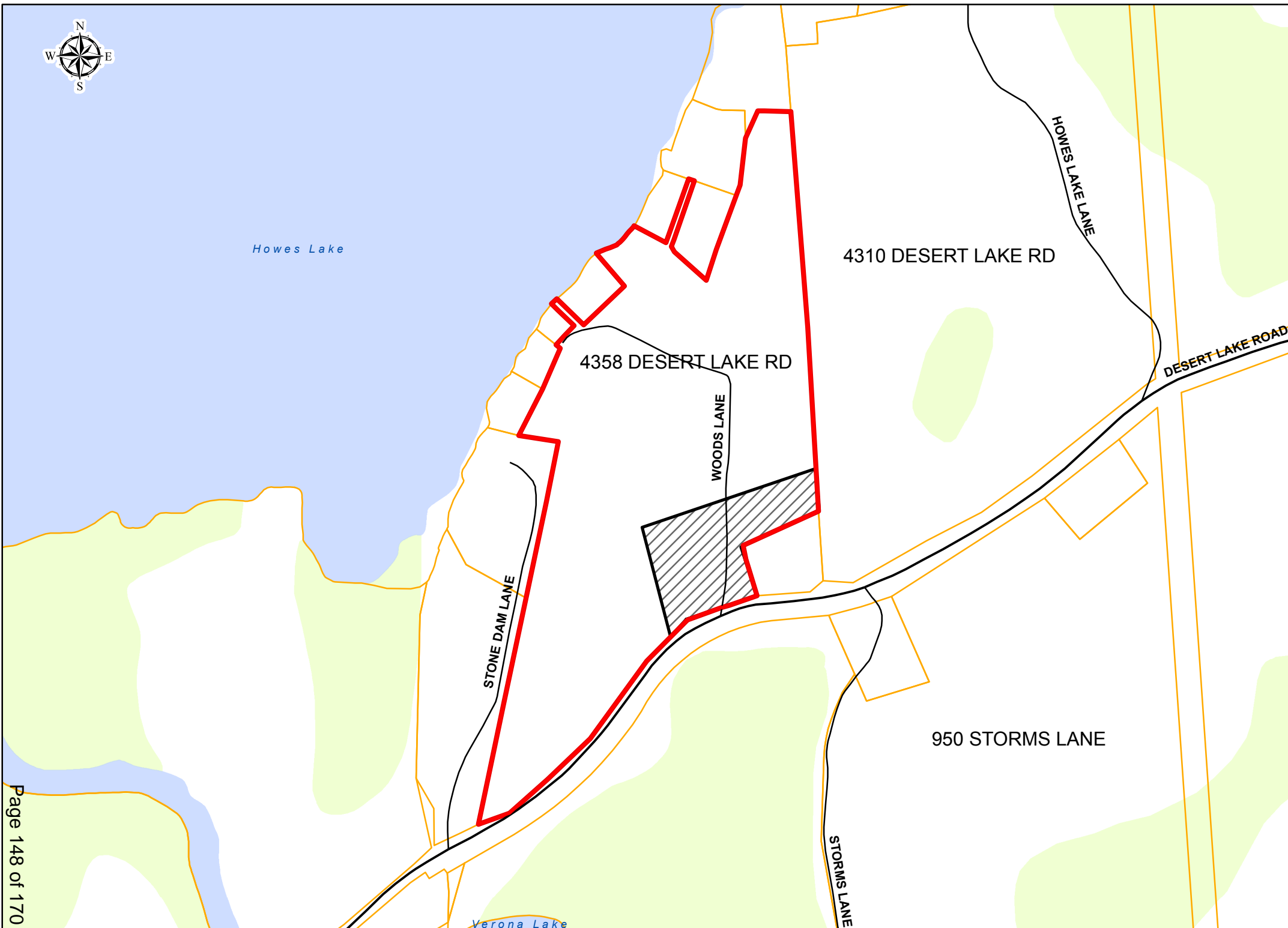
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Scale 1:3,700



UTM Projection NAD 83





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date: September 7, 2018**

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

---

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-78-18-L for the creation of one new residential waterfront lot.

### Proposal

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-77-18-P

Consent application 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.

#### Retained Lot

The retained lands will consist of approximately 65 acres in area with approximately 175 metres of frontage along Rutledge Road. The retained lands would include all the existing structures. 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  
Application conforms with Official Plan, 2003: Yes  
Current Zoning: Rural  
Complies with Zoning Bylaw 2003-75: Zoning Bylaw Amendment recommended condition

### 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 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 would result in the creation of one new residential waterfront lot which can be adequately serviced. The proposed lot would meet 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.

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.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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 Waterfront Areas contains policies for waterfront development including the goal to improve and protect waterfront areas.

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. The application was circulated to KFL&A Public Health to ensure the lot could be adequately serviced; KFL&A Public Health has no objection to the proposed severance.

### **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 5.7.7 Limited Service Residential Policies permit development within the Rural area on a body of water or natural water course where the primary means of access is from a private road or navigable waterway. As a rule, the minimum lot sizes are to be 1.0 hectare (2.5 acres) with 76 metres (250 feet) of frontage along a private road and 91 metres (300 feet) of frontage on a waterbody. Further, a maximum of three limited service 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 and accessed by either newly created private roads or extensions to existing private roads. The proposed lot exceeds the minimum lot size, meets minimum required frontages, has adequate space for services and would be located on an existing private road.

Section 5.7.7 (ii) c) Limited Service Residential Development Policies requires, as a condition of severance approval for all waterfront and non-waterfront limited service residential lots, the owner of the subject property to enter into an agreement with the Township to be registered against title to the lots 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.
- Owners agree to indemnify the Township for any loss or damage.

### **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. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage.

To recognize the private road access and frontage on a waterbody for the proposed new lot, the severed parcel, as a condition of consent, will be required to be rezoned from Rural (RU) to Limited



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Service Residential Waterfront (RLSW). The proposed new lot would meet the minimum lot area and frontage requirements for a single detached residential development.

## Agency Analysis and Comments

Public Works Department – Comments were not required from Public Works as the proposed lot is located on a private road and will not require approval for a new entrance.

KFL&A Public Health – In comments provided September 4, 2018 KFL&A Public Health indicated that they had no objection to the severance. Soil conditions on the retained lot will require additional suitable granular soil to construct a sewage disposal system. Due to limitations the lot will only provide a specific location for the construction of sewage disposal system. The most suitable location for the sewage system is the higher, flatter areas where a minimum of 10 inches of native soil is present over rock.

Cataraqui Region Conservation Authority – Comments provided September 5, 2018 CRCA staff indicated they have no objection to approval of the application based on their consideration for natural hazard, natural heritage and water resource policies.

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

## 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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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.

**Submitted by:** Jennie Kapusta, Community Planner, County of Frontenac

**Approved by:** Joe Gallivan, Director of Planning and Economic Development, County of Frontenac



### **Attachments**

Map of VanLuven property.



### VanLuven and Laframboise S-78-18-L

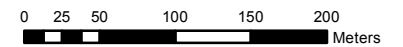
### Legend

-  VanLuvenLafram...  
Property
-  VanLuvenLafram...  
Proposed Lot

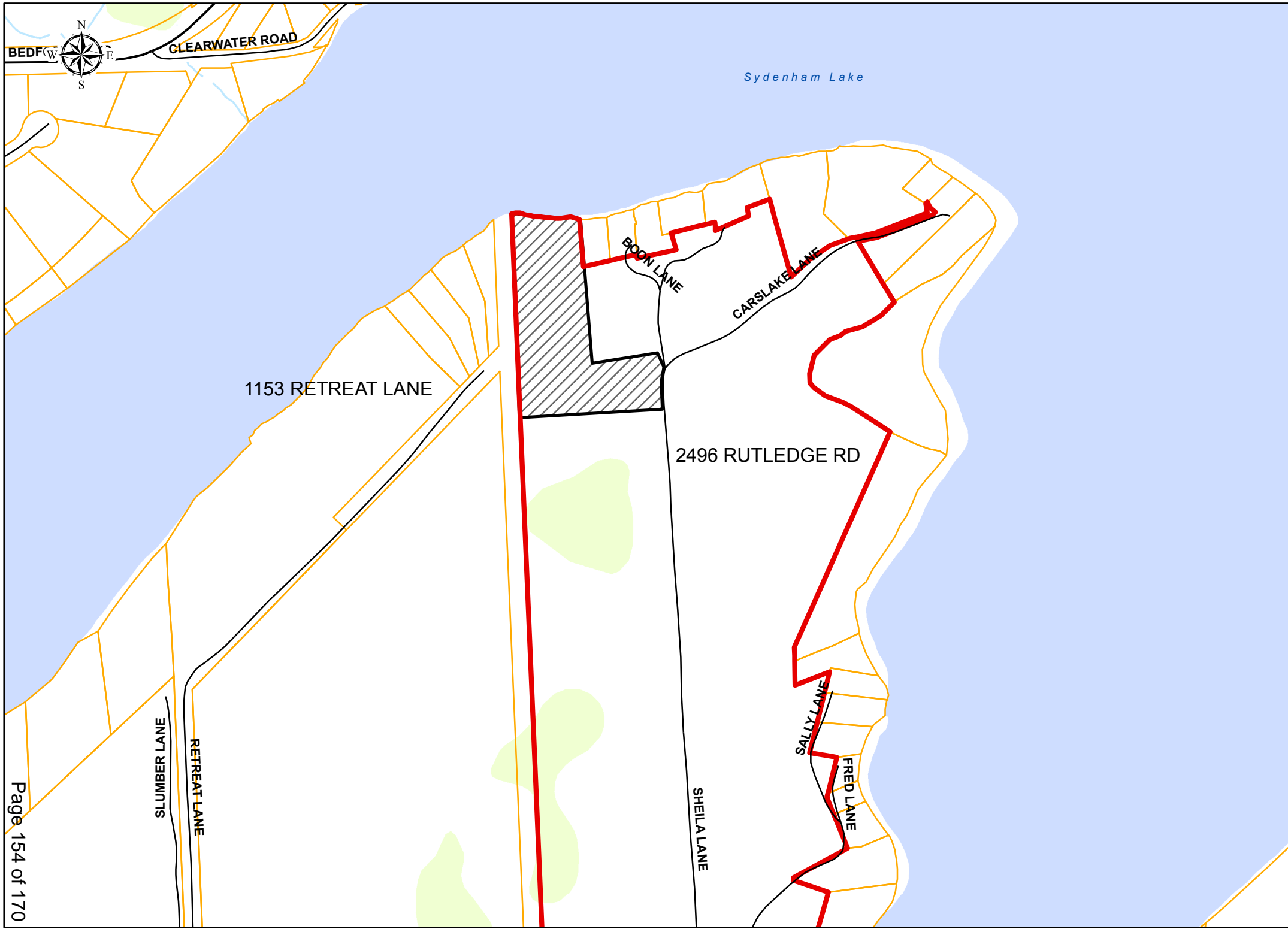
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Scale 1:5,000



UTM Projection NAD 83





# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date: September 7, 2018**

**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

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-78-18-L for the creation of one new rural residential lot.

### Proposal

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.

#### Retained Lot

The retained lands will consist of approximately 94 acres in area with approximately 323 metres of frontage along Campbell Road and 677 metres of frontage along Stagecoach Road. The retained lands would include all the existing structures. 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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



### **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 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. This consent application would result in the creation of one new rural residential lot which can be adequately serviced. The proposed lot would exceed 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.

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. The application was circulated to KFL&A Public Health to ensure the lot could be adequately serviced; KFL&A Public Health has no objection to the proposed severance.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## **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 exceeds the minimum lot size 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 in addition to rural uses including a hobby farm. Provisions in the Bylaw regulate the placement of future structures on the severed lot, including yard setbacks and building coverage.

## **Agency Analysis and Comments**

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

KFL&A Public Health – In comments provided September 5, 2018 KFL&A Public Health indicated that they had no objection to the severance. Soil conditions on the retained lot will require additional suitable granular soil to construct a sewage disposal system. The proposed lot is capable of providing flexibility in siting a sewage disposal system, dependant on the proposal submitted.

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

## **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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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.

**Submitted by:** Jennie Kapusta, Community Planner, County of Frontenac

**Approved by:** Joe Gallivan, Director of Planning and Economic Development, County of Frontenac

### Attachments



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT





Map of Clark property.



Clark  
S-79-18-L

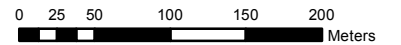
**Legend**

-  Clark Property
-  Clark Proposed Lot

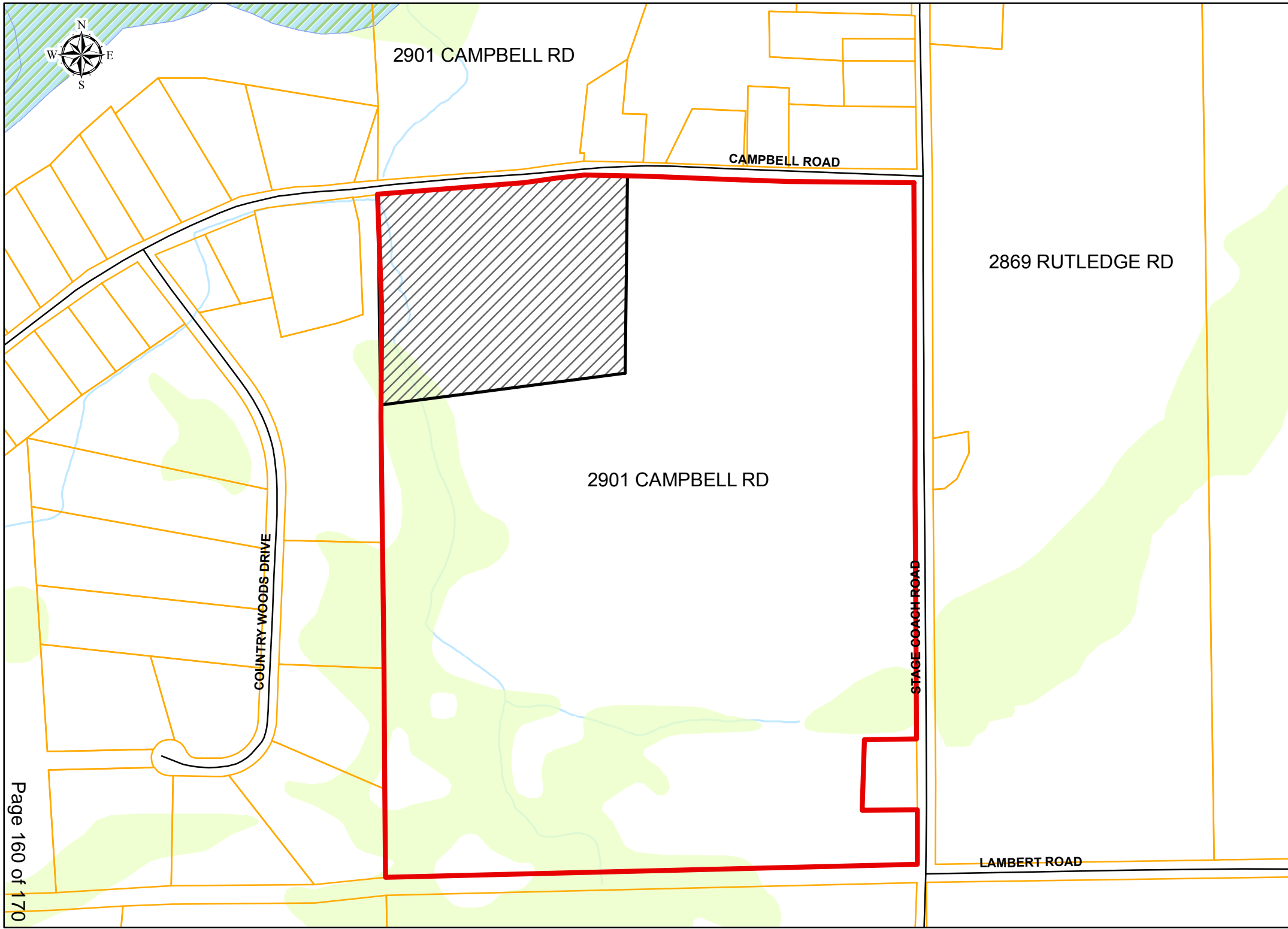
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Scale 1:5,000



UTM Projection NAD 83





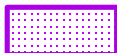


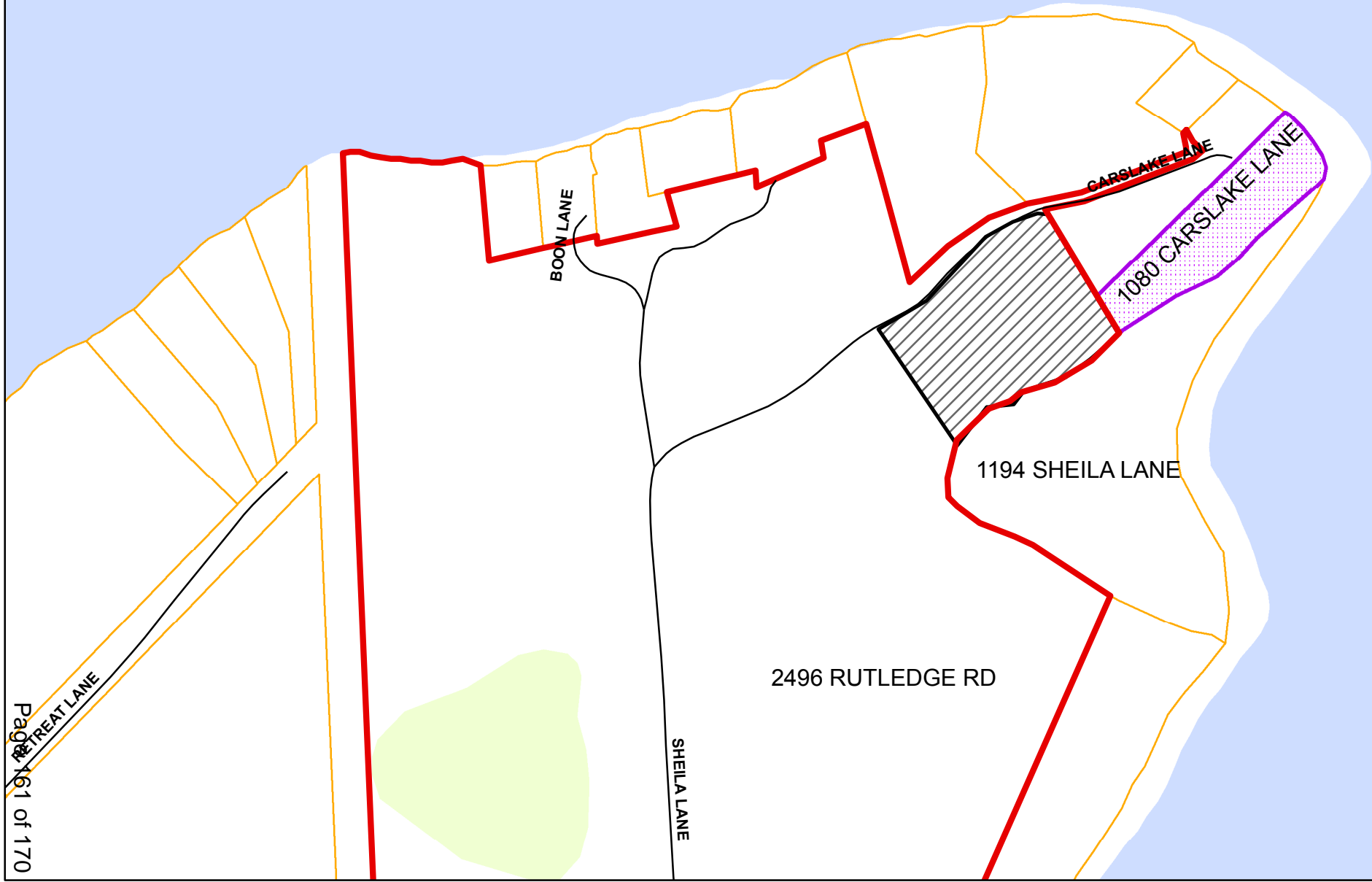
Sydenham Lake



### VanLuven and Simpson S-81-18-L

### Legend

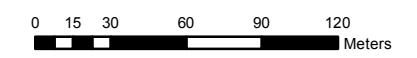
-  VanLuven Property
-  VanLuven Proposed Severance
-  Simpson Benefiting Property



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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 1:3,000



UTM Projection NAD 83



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

Report Date: September 7, 2018

**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

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### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-81-18-L for the creation of a lot addition.

### Proposal

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.

#### S-78-18-L Severed Parcel (Lot Addition)

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.

#### Retained Parcel

The retained lands will consist of approximately 65 acres in area with approximately 175 metres of frontage along Rutledge Road. The retained lands would include all the existing structures. No further development is proposed for the retained lands.

#### Benefitting Lands

The benefitting lands, known municipally as 1080 Carslake Lane, are located to the northeast of the subject property, are approximately 1.3 acres in size and have frontage on Sydenham Lake. The intention of the lot addition is to increase the size of an existing undersized waterfront lot. The lot is currently developed with a dwelling and multiple accessory buildings.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## 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: Zoning Bylaw Amendment recommended condition

## 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 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 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 natural heritage features were identified that warranted review of the Conservation Authority.

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.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



The proposed consent conforms to the County of Frontenac Official Plan, 2016.

### **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 lot addition will not affect the rural character of the retained lands.

Section 5.7.7 Limited Service Residential Policies permit development within the Rural area on a body of water or natural water course where the primary means of access is from a private road or navigable waterway. As a rule, the minimum lot sizes are to be 1.0 hectare (2.5 acres) with 76 metres (250 feet) of frontage along a private road and 91 metres (300 feet) of frontage on a waterbody. Further, a maximum of three limited service 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 and accessed by either newly created private roads or extensions to existing private roads. The proposed lot addition parcel will increase the size of an existing undersized lot of record.

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

The subject 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. Provisions in the Bylaw regulate the placement of future structures on the retained lands, including yard setbacks and building coverage. The retained lot will continue to exceed the minimum frontage and area requirements of the Rural zone. The benefitting lands are zoned Limited Service Residential Waterfront (RLSW) in the Township of South Frontenac Zoning Bylaw and are currently deficient in both frontage and area. The proposed lot addition parcel will increase the size of the existing lot to approximately 4.5 acres, which exceeds the minimum area requirements and bring the lot into greater conformity with the bylaw.

### **Agency Analysis and Comments**

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

### **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)].



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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.

**Submitted by:** Jennie Kapusta, Community Planner, County of Frontenac

**Approved by:** Joe Gallivan, Director of Planning and Economic Development, County of Frontenac

### **Attachments**

Map of subject property.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date: September 11, 2018**

**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 Hearing:** September 13, 2018

### Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-82-18-S for the creation of one new lot to be conveyed to the Nature Conservancy of Canada as part of the Loughborough Wilderness Conservation Lands

### Proposal

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.

### Background

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 applicant is for a severance because the parcel of land that is the benefitting lands has been merged to a neighbouring property.

### 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 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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



consent application will result in the creation of one new lot that will be conveyed to the Nature Conservancy of Canada as part of the Loughborough Wilderness conservation lands. The application will not result in a new lot suitable for development.

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 proposed lot will be conveyed to the Nature Conservancy of Canada to protect the natural heritage features.

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 7: Environmental Sustainability identifies significant natural areas that need to be protected and managed to form a basis for future land use decisions. A level of protection for the environment is required under Provincial policy to ensure development is sustainable to ensure a healthy and high quality of life for existing and future residents of the County. The section sets out policies that are intended to help ensure that the environment that is so valued by residents in Frontenac County can be maintained and enhanced for future generations, and the health of humans and of the environment is protected. Conveyance of the lands to the Nature Conservancy of Canada meets these objectives.

### **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 stated that the predominant use of land in the Rural designate shall be for agricultural, aquaculture, open space, conservation, limited service residential, recreational, community facility and rurally oriented non-farm residential and other commercial and industrial uses. The proposal is to create a new lot to be conveyed to the Nature Conservancy of Canada as part of the Loughborough Wilderness Conservation Lands. Included as an attachment to this report is a letter from Mr. Gary Bell the Program Director – Eastern Ontario for the Nature Conservancy of Canada confirming the intent to purchase the land. Section 5.7.4 Rural Residential Policies limits the number of residential lots that can be created through severance. It is important to note that no additional lands are being created for rural residential beyond the current lot; the proposed severed lot is not being created for residential purposes. Further, no additional development is proposed beyond the consent application previously granted provisional consent.

### **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 conservation. The proposed new lot will exceed the minimum lot area and frontage requirements for the conservation lands; the retained lot will meet the provisions for agricultural uses.

### **Agency Analysis and Comments**

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

Nature Conservancy of Canada – Attached to this report is email correspondence provided by Mr. Gary Bell from the Nature Conservancy of Canada stating that the intent of the lands are for conservation as part of the Loughborough Wilderness lands.

### **Conditions**



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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.

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

### Attachments

Email correspondence from the Nature Conservancy of Canada.

## Megan Rueckwald

---

**From:** Gary Bell <Gary.Bell@natureconservancy.ca>  
**Sent:** September 10, 2018 2:35 PM  
**To:** Megan Rueckwald  
**Subject:** Desrochers severance

Dear Ms. Rueckwald,

I received this afternoon the notice of application by George Desrochers (File S-82-18-S) for a severance of approximately 75 acres (the survey actually puts it at 78.5 acres) of property, part of Lot 13 and 14, Concession 10, Geographic Township of Storrington. I wanted to confirm that it is the intent of the Nature Conservancy of Canada (NCC) to purchase this property from Mr. Desrochers and add the land to our protected conservation lands called, "the Loughborough Wilderness". When acquired the lands will be retained and managed for nature in perpetuity according to the mission and article of incorporation of NCC. If you have any questions about the purchase or the future disposition of the land please don't hesitate to contact me.

Best regards,  
Gary Bell



**Gary P Bell**

Program Director - Eastern Ontario

**Nature Conservancy of Canada** | Ontario Region

605 Berwick Avenue

Town of Mount Royal, Quebec H3R 2A1



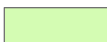

+1 (613) 862-3331

[gary.bell@natureconservancy.ca](mailto:gary.bell@natureconservancy.ca) | [www.natureconservancy.ca](http://www.natureconservancy.ca)



**FREEDMAN  
MV-18-18-B**

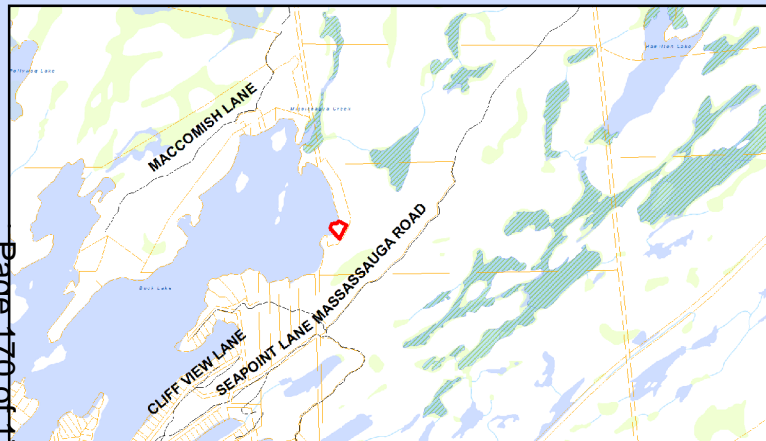
### Legend

-  Freedman Property
-  Original Cottage
-  New Cottage
-  Deck

*Buck Lake*

**Existing Cottage to be Converted**

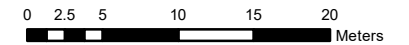
**Newly Constructed Cottage**



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Scale 1:500



UTM Projection NAD 83