TOWNSHIP OF SOUTH FRONTENAC
COUNCIL MEETING
AGENDA

Audio Broadcast to the Township's Facebook Page
https://www.facebook.com/SouthFrontenacTwp

TIME: 7:00 PM,
DATE: Tuesday, November 2, 2021
PLACE: Council Chambers & Electronic Participation.

1. *Call to Order and Roll Call*

a) Resolution

2. *Declaration of Office - Deputy Mayor*

a) Councillor Revill will take the Declaration of Office as Deputy Mayor for the term ending May 31, 2022.

3. *Declaration of pecuniary interest and the general nature thereof*

4. *Approval of Agenda*

a) **Resolution**

5. *Introduction of new Staff Sergeant - OPP Frontenac Detachment*

(Board Chairman Ron Sleeth will be making the introduction)

6. *Scheduled Closed Session (at the end of the meeting)*

7. *Delegations*

a) **Short Term Rentals** 5 - 45
Presented by Rick Ottenhof and Gabor Solymar

b) **Preliminary Cataraqui Trail Survey Results** 46 - 55
Presented by: Heather Keeling, Anna Majury and Ian Howard

8. *Public Meeting*

a) **Resolution and Public Meeting Statement**

b) **RC-21-05 - Application to stop up, close and transfer a portion of an unopened road allowance between Concessions 10 and 11, District of Storrington** 56 - 70

c) **Resolution - Close Public Meeting**

9. *Approval of Minutes*

a) **October 12, 2021 Council Meeting** 71 - 75

b) **October 19, 2021 Council Meeting** 76 - 82

10. *Business Arising from the Minutes*

a) **Notice of Motion - Commemoration for Late Councillor Barr** 83 - 84

11. *Reports Requiring Action*

a) **January 2022 Meeting Schedule** 85 - 86

- This report recommends the rescheduling of the Council and Committee of the Whole meetings for January 2022. The timing of these meetings are stipulated in the Procedural By-law 2017-76 and must be changed by resolution of Council in order to accommodate holiday closures.

b) **Restoration and Preservation of the Bellrock Mill** 87 - 89

- In May of this year, Council approved the purchase of the historic Bellrock Mill. At that time the South Frontenac Museum Society obtained a cost estimate for engineering services to preserve and restore the Mill. They also applied, unsuccessfully, for several grants to cover a portion of those costs. In the absence of other funding, this report recommends that Council fund the engineering study directly in order to prepare for shoring up the property to prevent further degradation.

c) **Committee of Adjustment Vacancy (Councillor)** 90 - 91

- Due to the passing of Councillor Pat Barr, the Bedford District seat needs to be filled on the Committee of Adjustment. This report recommends Councillor Revill, being the other Councillor representing the District of Bedford, for appointment to that vacant seat.

d) **Communal Services Business Case** 92 - 129

- This report recommends that Council provide comments to the County's Communal Services Committee regarding updates to its Frontenac Municipal Services Corporation (MSC) Business Case Study Final Draft, prior to publishing it for public comment as required under the Municipal Act. It does not bind the Township to participate in the MSC, a decision which will come before Council at a later date.

12. *Committee Meeting Minutes*

a) **Bellrock Community Hall Committee meeting held October 6, 2021** 130

13. *By-laws*

a) **By-law 2021-60 - Speed Limit reduction on Davidson Road** 131 - 132

- Further to Councils direction from October 19, 2021 this by-law will reduce the speed limit on Davidson Road to 60 km per hour

b) **By-law 2021-61 - Zoning By-law Amendment - Davidson Road/Mowoods Lane (Brice)** 133 - 228

- This report recommends that Council pass a by-law to change the zone on a property on Davidson Road and Mowoods Lane to permit a single detached dwelling

c) **By-law 2021-62 - Rezone Concession 1, Part of Lots 18 and 19 District of Storrington District (Kot/Bovey)** 229 - 235

- This report recommends that Council pass a by-law to change the zone on the severed parcel (lot addition) of Consent Application S-45-21-S to permit the commercial uses that are currently permitted on the parcel that is being enlarged, 3851 Davidson Road

d) **By-law 2021-63 - Rezone Concession 11, Part of Lots 6, 7 and 8, District of Portland (Allan)** 236 - 243

- This report recommends that Council pass a by-law to change the zone on the subject lands to acknowledge that the waterfront property is accessed from Silver Rock Lane which is a private lane.

e) **By-law 2021-64 - Authorize the use of alternative voting methods for the 2022 Municipal Election** 244

- Council previously approved the use of alternative voting methods by resolution which requires that a bylaw be passed.

f) **By-law 2021-65 - Dedicate and assume as common and public highway, certain lands (Lyons Landing)** 245 - 250

- This report recommends that several roads within the Lyon's Landing Subdivision including Kahala Court, Kam Avenue, Lakefield Drive (now municipally known as Linea Drive), and Maple Crest Court, as well as road widening Blocks 57 & 58 on Plan 13M56, be dedicated and assumed for the purpose of public use as common and public highways.

14. *Reports for Information - not applicable*

15. *Information Items*

a) **Leslie and Tom Olvet - Short Term Rental Regulations** 251 - 252

- this also appears as an attachment to the delegation portion - see 7a)

b) **Frank B. Edwards - Short Term Rental Regulations** 253 - 254

c) **CUPE - Call for Independent Review of OMERS Investment Performance** 255 - 261

16. *Notice of Motions*

17. *Announcements/Statements by Councillors*

18. *Question of Clarity (from the public on outcome of agenda items)*

19. *Closed Session*

a) **Resolution - Council will move into a Closed Session as permitted by the Municipal Act, Section 239.2 (b) to discuss personal matters about identifiable individual, including a municipal or local board employee - regarding applications submitted for the Harrowsmith Beautification Committee and to discuss developer issues, and (d) labour relations or employee negotiations - regarding the recruitment of a Director of Public Services.**

b) **Harrowsmith Beautification Committee - Applications**

c) **Recruitment of Director of Public Services**

d) **Developer Issues - Verbal Report from the CAO**

e) **Resolution - Move out of Closed Session**

20. *Rise and Report from Closed Session*

a) Harrowsmith Beautification Committee Appointments

21. *Confirmatory By-law*

a) **By-law 2021-66** 262

- This By-law confirms all the actions and proceedings of Council for this meeting.

22. *Adjournment*

a) Resolution

"... Every three days the renters turn over and we have to experience their euphoria about being on vacation yet again - with all that that entails. The worst part is that each rental seems to include four or five car loads of people staying at the cottage which increases noise and environmental impact. Our local garbage and recycling centre is a mess because they don't care. One renter told me he was paying for the cottage so he could do whatever he wanted! Its hard to have a rational reasonable discussion about our concerns with people that are constantly intoxicated"

South Frontenac Resident
Comment from Short Term Rental Petition

Short Term Rentals (STRs)

A Neighbor's Perspective

Presentation to South Frontenac Council
November 2, 2021
Presented by Gabor Solymar & Rick Ottenhof

Overall objective of this presentation

To request a system of licensing and bylaws that will accommodate, but also regulate and control, the growing Short Term Rental business in order to protect our lakes and environment as well as the rights of residents to enjoy their properties

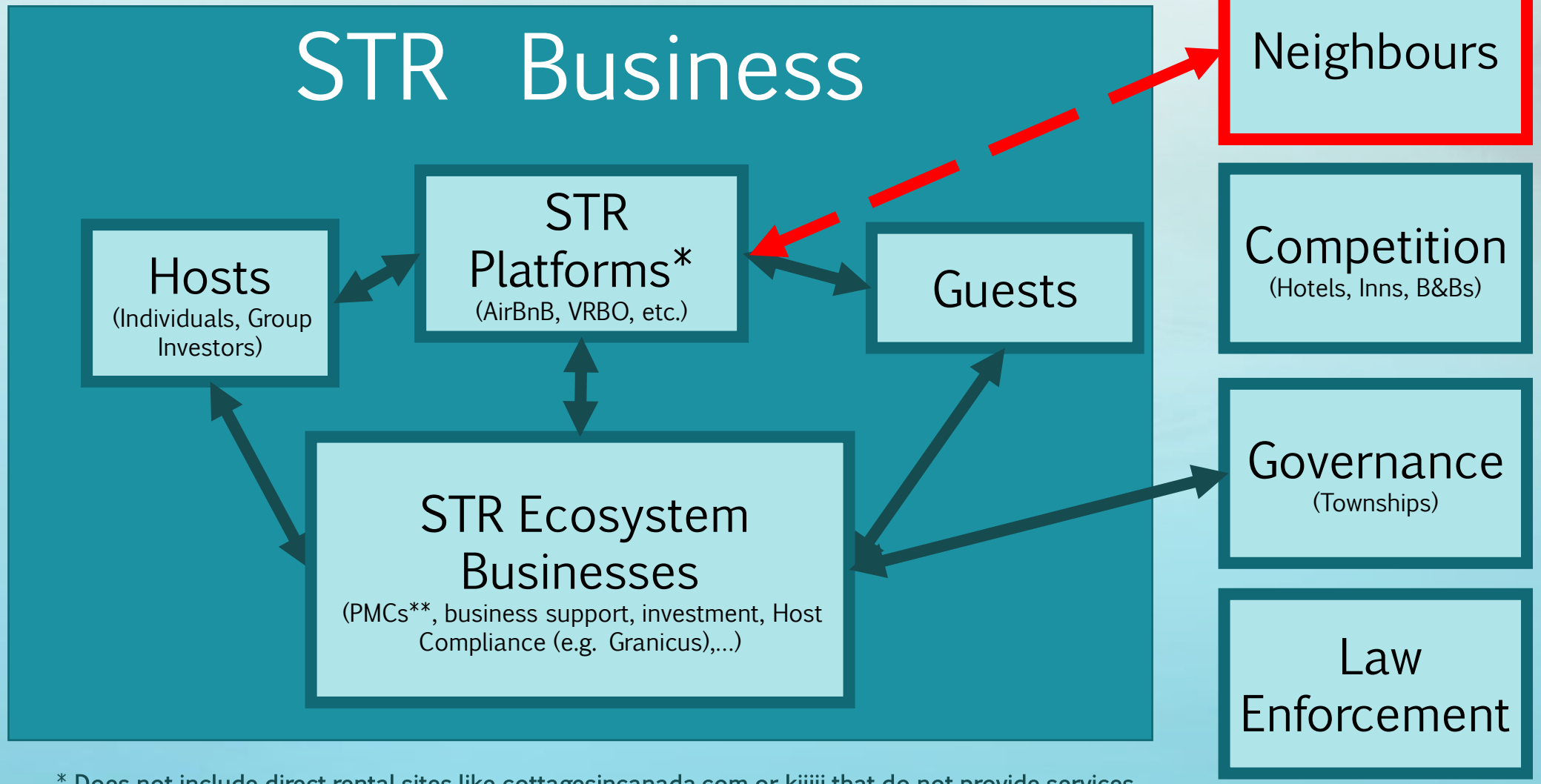


Agenda

- Introduction
- STR Growth
- Issues South Frontenac Residents face with Owner-Absent STRs
- Conclusions and Requested Actions
- Informational Backup Slides (not for presentation)

- NOTE – The focus of this presentation targets irresponsibly run OWNER-ABSENT STRs. NOT responsibly run STRs especially if the host/owner is on-site

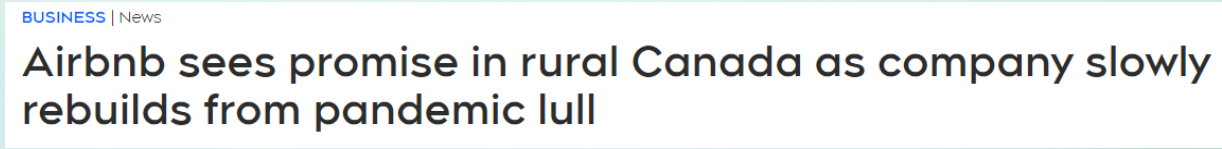
Who's involved



* Does not include direct rental sites like cottagesincanada.com or kijiji that do not provide services

**Property Management Companies (PMC) – Provide turnkey services including, Multi Platform Listing, Pay Management, Analytics/Tools, Cleaning, Condition Verification, Supplies and Response/Guest Support

STR Growth


BUSINESS | News

Airbnb sees promise in rural Canada as company slowly rebuilds from pandemic lull

How fast is it growing?

- Ontario (#1) 2015-18 3YR increased 967% to $910M (Statscan Mar/19)
- Nationally rural grew "substantially" faster year-over-year than urban including* (McGill Jun/19):
  - active listings (44%)
  - total revenue (58%)
  - hosts with multiple listings
  - whole home listings
- 83% of rural listings are "Whole Home"

Who's driving the growth in rural areas?

- Guests - Demand affordability/freedom. "Lake&Country Life". Work from home
- STR Platforms – See rural area as growth opp. Urban regulation/competition
- Investors – 2015-2021 4th mortgage growth significantly outpaced 1st, 2nd, 3rd every year (Equifax Sept/21)
- Commercial Operators – Majority of STRs (overall). Expanding (CHMC, Nov/20)

*These numbers are highly concentrated in tourism/vacation areas

STR Growth (con't)



What about South Frontenac?

- Approx 240 listings AirBnB only (Aug/21)
- Based on past growth and post pandemic predictions, SF could see 500+ STRs within 1-2 years
- Still considered "undiscovered" but a popular Toronto blog (BlogTO) called Frontenac one of "5 cottage getaways from Toronto better than Muskoka" and both BlogTO and Narcity called out this area for Fall visits
- Growing number of concerned neighbours

STR Platforms/Sites



- Many others… plus print media and sales/rent sites (e.g. Kijiji, Cottages in Canada, etc.)
- Also multi STR platform search/price comparison sites like Wimdu, Hichee











Ottawa

Massive party at Airbnb sparks short-term rental crackdown

Saturday night party in La Pêche, Que., attracted more than 500 attendees, police say

CBC News · Posted: Oct 05, 2021 10:21 AM ET | Last Updated: October 5



...what does this mean for South Frontenac neighbours of a large, "owner-absent" Short Term Rental?









BUSINESS | News

Airbnb sees promise in rural Canada as company slowly rebuilds from pandemic lull







“We’re getting an increasing number of income property purchases where the owners are nowhere to be found and when there are issues that are happening, nobody knows who to call or they don’t bother addressing issues that arise. Those are the problems and this should resolve those issues”

Mayor Janice Jackson

South Bruce Peninsula

From: South Bruce Peninsula to licence, regulate short-term rentals starting Jan. 1

https://www.shorelinebeacon.com/news/local-news/south-bruce-peninsula-to-licence-regulate-short-term-rentals-starting-jan-1-2

Sept 9, 2021

*Note – See backup slides for partial list of Ontario rural townships actively discussing or dealing with STRs

Guest Supervision/Selection



Cottage country grapples with rules to control unruly renters

'I should not be policing somebody else's rental. (The owner) is gone. He takes the money and walks away,' says property owner next to short-term rental

Aug 9, 2020 12:30 PM By: Marg. Bruineman, Local Journalism Initiative

- Owner-absent = no onsite supervision of guests
- Falls to neighbours to monitor transgressions when lake/environment ortheir rights to enjoyment of their own property is threatened (sometimes have never met owner)
- Navigating the STR platforms, complaint systems and bylaws is complicated
- Owner-absent STRs are inherently flawed within this system that depends on Guest/Host ratings
  - No complaints + no damage = GOOD REVIEW for guest
  - Guests lie to Hosts
- Even if guest is banned, it only takes one person to book

Guest Behavior

- Guests are often Weekenders and “On vacation” guests
- “We paid for this place, we can do whatever we want”
- Top Behavioral Concerns from South Frontenac Residents:
  - Noisy, drunken, above capacity, multi-all-day parties
  - Swearing, obscenities, yelling, cheering, chanting, singing
  - Loud outdoor music
  - CONSTANT party/vacation attitude and intoxication
  - Aggressive and intimidating behavior
  - Fireworks out of approved times, multiple days a week
  - Trespassing and damage
  - Guests bringing up to 3 motor boats or jet skis to small lakes
  - Excessive road and laneway parking

> “Come kill your liver at the river!”
>
> Listing for an STR on the Severn River, OrillaMatters.com
> Sept 23, 2021

Lake/Area Health and Safety

- Many guests do not share SF residents' concern for lake and environmental health
- Top Health and Safety Concerns from South Frontenac Residents:
  - Inebriation causing careless behavior e.g. watercraft and power tools use
  - Fires by inexperienced/intoxicated people in forest areas and/or during a fire ban
  - Guest capacity increases causing environmental/water issues (example: Septic systems)
  - Changes to housing to accommodate more guests
  - Importation of garbage with irresponsible handling
  - Littering
  - Increased traffic and speeding on single track lanes
  - Trespassing and damage
  - Neighbours afraid to leave their properties unattended

*Note: See list of a sample of reported incidents in Informational slides at end

Bylaws

- Bylaws need to be strengthened (broader, timely and consistent) to handle unsupervised “vacation resorts” and their effect on the neighbour communities



HOME > LOCAL NEWS

Short-term rental owner 'laughing in our face,' Severn mayor says

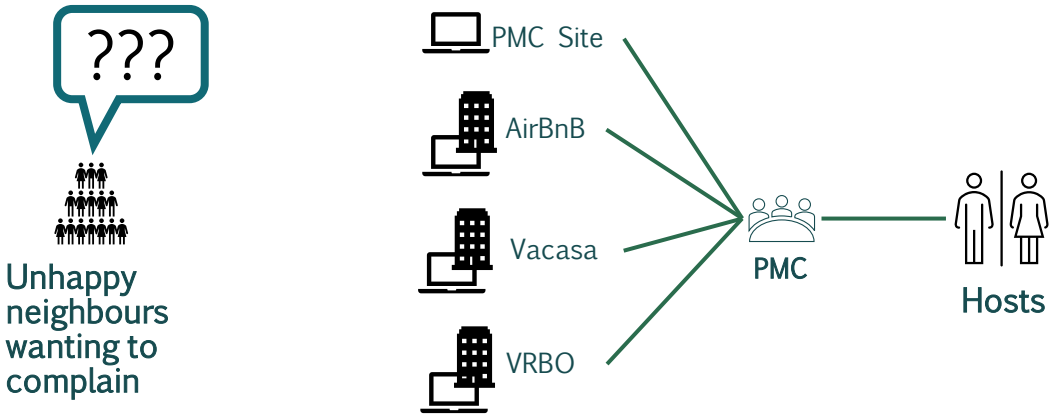
Property still listed on Airbnb despite being in violation of bylaw; 'I don't think it's worth the paper it's written on,' neighbour says of township's bylaw

Sep 13, 2021 2:45 PM By: Nathan Taylor

- Guests are often engaging in unacceptable activities all day/evening for their entire stay
- Any additional resources needed should be self supporting
- General apathy detected toward Bylaw

STR Platform complaint systems

- Experiences have been poor. No feedback past “it’s been handled”
- Proliferation of STR platforms and PMCs will further confuse complaint systems to the disadvantage of neighbours



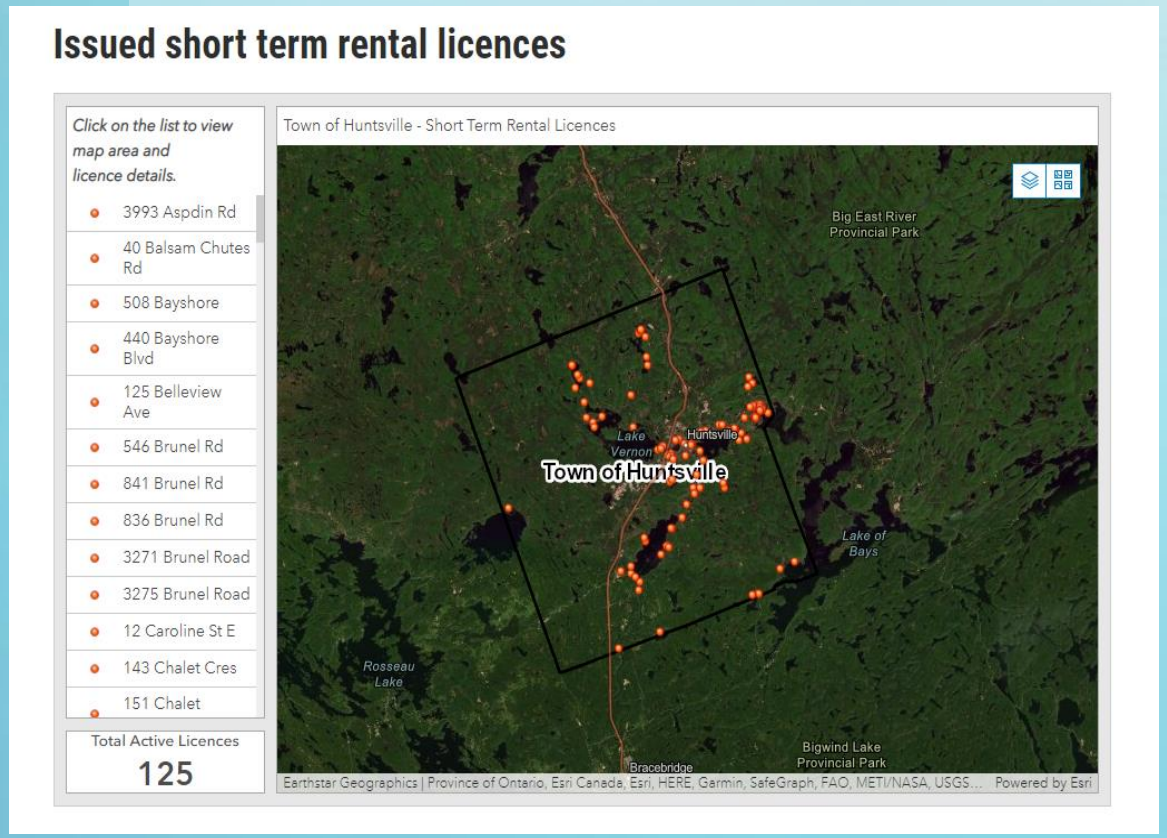
A host hires a Property Management Company (PMC) who advertises on multiple STR platforms as well as their own. The Neighbours never know which platform the STR was reserved on so cannot use the complaint system

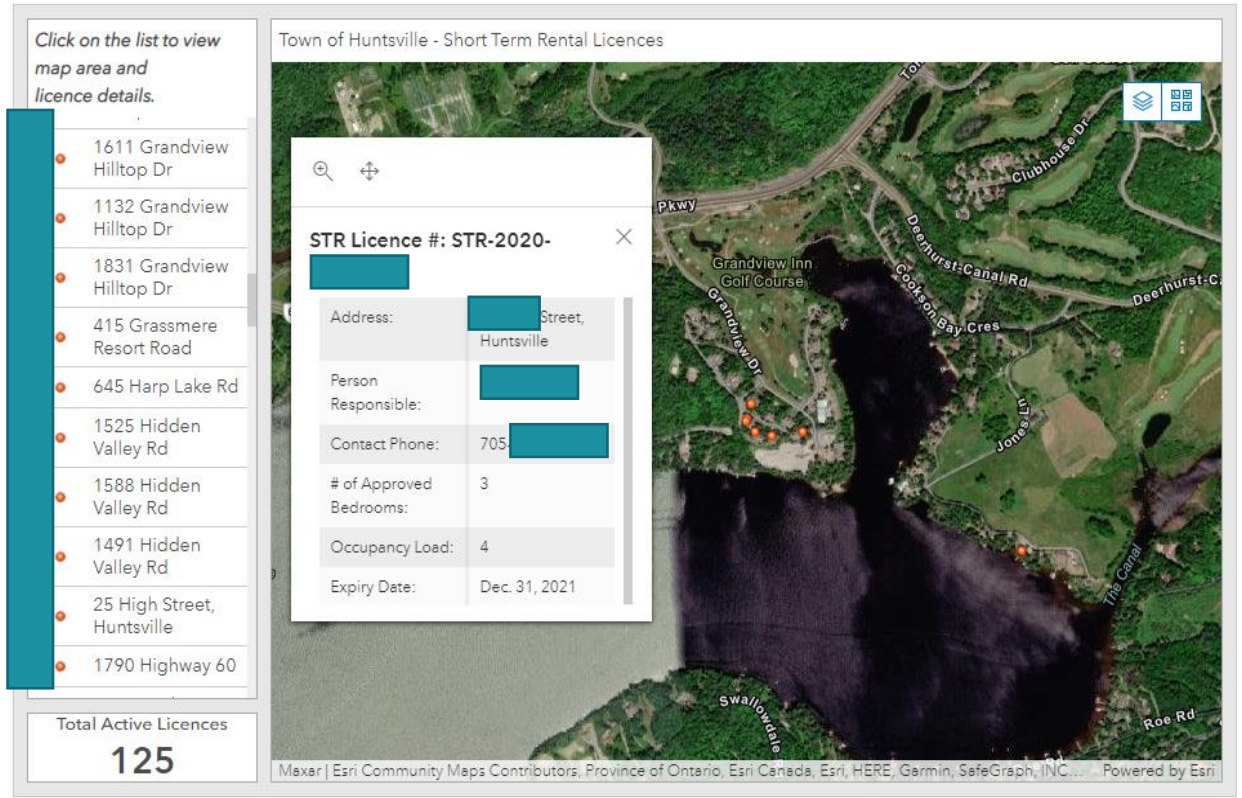
- Any Host suspended or terminated can just move to another STR Platform

STR complaint systems (con't)

- Residents and the Township need registration of STR information
- This also allows removal of a repeat offender with no option of relisting

Example - Huntsville's STR map which is part of their registration and licensing system:





Affordable housing

- Main issues:
  - Housing - More competition from aggressive investors
  - Rentals - Conversion of Long Term rentals to Short Term
    - Short Term 20-30% more profitable
    - 2018, 31000 homes converted Canada wide
- 1% increase in STR listings leads to increase of 0.018% in rents. 0.026% house prices (US median. INFORMS Feb/21)
  - This may not seem large, however with rapid growth rates in rural areas, price creep could be substantially higher

Conclusions and Requested Actions

- The authors of this presentation agree that STRs have their place and that many people run them responsibly
- However, as many townships have realized, this is a growing concern and if ignored, only makes the task of bringing it under control more difficult
- The effect on SF residents can be drastic. Some…
  - are considering moving
  - have abandoned plans to move to cottage permanently on retirement
  - don't visit their cottage on weekends
  - are in constant fear of events such as fires that would trap their families
  - fear intoxicated strangers while on their own properties
  - are afraid to leave their homes attended
- We request that South Frontenac Township study existing data and systems put in place by other townships struggling with the same issues in order to consider:
  - Licensing/Inspection/Monitoring/Enforcement for STRs
  - Emergency and transgression response OFF AND ON SITE within a reasonable period of time
  - Stronger bylaws such as 24/7 guidelines for noise including loud music and behavior
  - Appropriate Guidelines for rental type, maximum guests, maximum days rented and areas allowed
  - Ensuring these changes are financially self supported
- Moving forward, the authors would be happy to help find co-operative solutions in any way we can

Thank you for giving us the opportunity to present

*Note – Informational slides follow

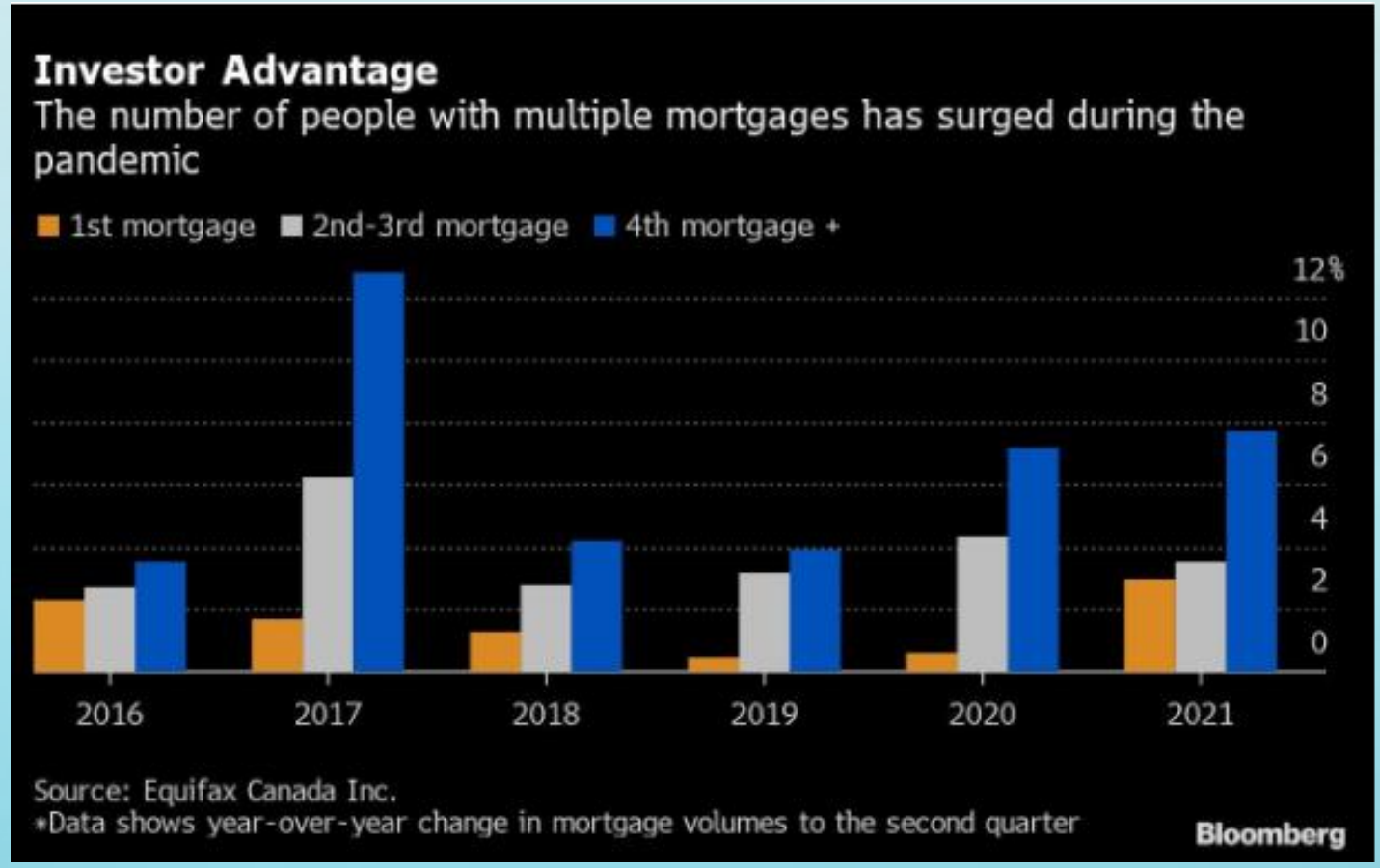
Informational Slides

NOT FOR PRESENTATION

Informational slides

1. Mortgage growth comparison barchart
2. Total Market Growth in STRs table
3. Dynamics of STR Platform Relationship diagram
4. Partial List of Rural Townships dealing with STRs
5. Sample incidents reported by South Frontenac residents
6. References (Partial List)

“Investors are gobbling up homes in Canada's hot housing market”



https://www.bnnbloomberg.ca/investors-are-gobbling-up-homes-in-canada-s-hot-housing-market-1.1659210

Total Revenue Growth - STRs

Total revenue of the private short-term accommodation market, by province and territory, 2015 to 2018
Table summary
This table displays the results of Total revenue of the private short-term accommodation market in Canada 2015, 2016, 2017 and 2018, calculated using thousands of current dollars units of measure (appearing as column headers).

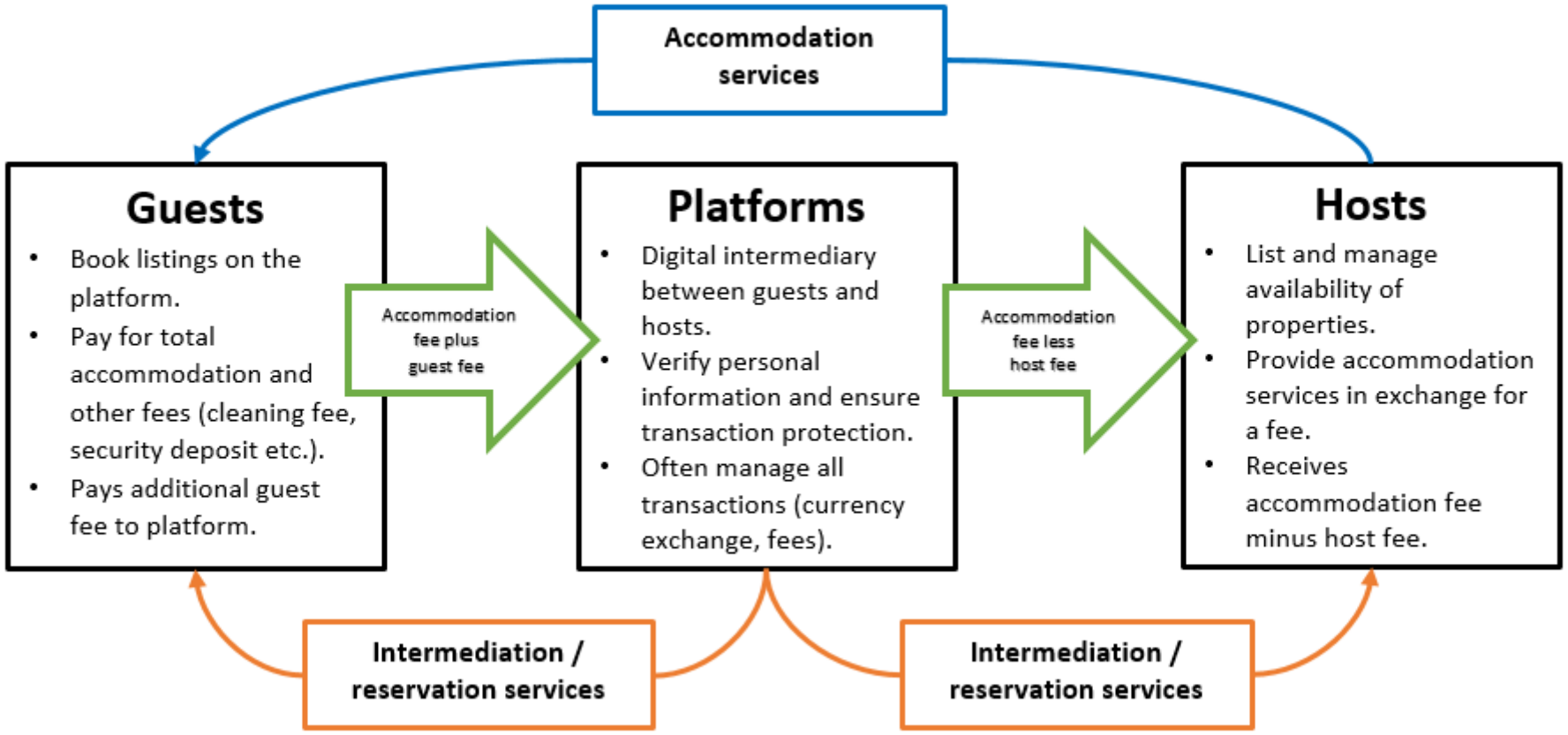
	2015	2016	2017	2018
	thousands of dollars			
Canada	**265,190**	**814,164**	**1,930,292**	**2,760,023**
Newfoundland and Labrador	435	3,430	18,239	29,406
Prince Edward Island	451	6,928	19,264	29,768
Nova Scotia	1,115	18,599	44,778	70,870
New Brunswick	421	4,127	12,287	20,510
Quebec	65,192	215,569	467,938	634,588
Ontario	93,967	257,200	628,405	909,421
Manitoba	1,538	4,376	9,784	16,052
Saskatchewan	836	2,508	6,465	11,208
Alberta	8,818	30,916	96,974	151,929
British Columbia	92,020	268,692	620,590	876,080
Yukon	308	1,071	2,777	4,678
Northwest Territories	77	699	2,556	4,797
Nunavut	10	48	234	715

Note: Numbers may not add up to totals due to rounding.
The values are expressed in current dollars.
Source: Statistics Canada, special tabulation, 2019.

https://www150.statcan.gc.ca/n1/pub/13-605-x/2019001/article/00001-eng.htm

Dynamics of STR Platform Relationship

Relationship between actors involved in a private short-term accommodation rental transaction



Source: Statistics Canada.

Note: Property Management Companies can now be inserted between “Hosts” and “Platforms”

Partial List of Townships who are dealing with STRs

- Tiny
- Oro-Medonte
- Severn
- Seguin
- Muskoka
- Minden Hills
- Tay
- Lake of Bays
- Carling
- Collingwood
- Blue Mountain
- Clearview
- Wasaga Beach
- Algonquin Highlands
- Prince Edward County
- Grey Highlands
- Huntsville
- Georgina
- Bluewater
- Lambton
- Fort Erie
- NOTL
- Lakeshore
- Sarnia
- Haliburton
- Kawartha Lakes
- North Frontenac
- North and South Bruce Peninsula
- Leeds and Thousand Islands
- Machar

Resulting actions range from

- outright bans on owner-absent STRs to…
- full license, monitor, enforcement, tougher bylaws to…
- monitor, wait-and-see plan (few)

- Many have made their studies and presentations available. For example, see Tiny Township's PDF showing Simcoe, Toronto, Lake of Bays, Blue Mountain and Oshawa studies

Sample incidents reported by South Frontenac residents

- Rescue of 10 guests from 2 canoes by OPP, rescue crews and lake citizens
- Guests throwing firewood down a 60 ft escarpment into a busy part of the lake (frequented by fishers, tubers and water skiers (some barefoot))
- Guests playing “who can go the furthest” chicken on 4 day old ice.
- Rocks thrown on ice that, when covered in snow, caused a X-country skier to fall dangerously
- Shots/Chugs in water craft, drunk “king of the dock” and kayak tipping fights

References (partial list)

- https://www.forbes.com/sites/forbestechcouncil/2020/01/27/the-growth-of-the-short-term-rental-industry-and-technologys-role-in-it/?sh=3cb2445e3359
- https://www.cmhc-schl.gc.ca/en/nhs/nhs-project-profiles/2020-nhs-projects/impact-short-term-rentals-canadian-housing
- https://www.forbes.com/sites/garybarker/2020/02/21/the-airbnb-effect-on-housing-and-rent/?sh=6a4cac402226
- https://www.policyalternatives.ca/sites/default/files/uploads/publications/Ontario%20Office/2017/06/Regulating%20Airbnb%20and%20the%20Short-Term%20Rental%20Market_FINAL.pdf
- https://www.huntsville.ca/en/home-property-and-planning/short-term-accommodation-rentals.aspx
- **https://www.informs.org/About-INFORMS/News-Room/Press-Releases/What-Impact-Does-Airbnb-Have-on-Local-Housing-Prices-and-Rents**
- https://www.tiny.ca/Pages/Short-Term-Rental-Information.aspx
- **https://www.shorelinebeacon.com/news/local-news/south-bruce-peninsula-to-licence-regulate-short-term-rentals-starting-jan-1-2**
- **https://www.tandfonline.com/doi/full/10.1080/13683500.2018.1504899#.YVCMrbXfCKU.gmail**
- **https://toronto.ctvnews.ca/perfect-dock-at-ontario-airbnb-suite-submerged-but-the-company-didn-t-allow-a-negative-review-1.5605861**
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References (partial list)

- https://www.bnnbloomberg.ca/investors-are-gobbling-up-homes-in-canada-s-hot-housing-market-1.1659210
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  https://www.guesty.com/solutions/business-type/vacation-rental/
- https://www.orilliamatters.com/local-news/meeting-draws-plenty-of-opinions-on-short-term-rentals-in-severn-4451832
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- https://www.cbc.ca/news/canada/ottawa/la-peche-quebec-party-airbnb-1.6199913
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- https://www.orilliamatters.com/local-news/short-term-rental-owner-laughing-in-our-face-severn-mayor-says-4323607
- https://www.midlandtoday.ca/local-news/tiny-bringing-the-hammer-down-on-short-term-rentals-3446907
- https://granicus.com/solution/govservice/host-compliance/
- https://upgo.lab.mcgill.ca/2019/06/20/short-term-rentals-in-canada-paper/
- https://muskokalakes.civicweb.net/FileStorage/68C2AD4595F3405FB9A15E9BB37D5D47-Code%20of%20Conduct.pdf

LETTER TO: September 20, 2021

Township of South Frontenac

Mayor Ron Vandewal

Councillors

Alan Revill

Doug Morey

Norm Roberts

Pat Barr

Randy Ruttan

Ray Leonard

Ron Sleeth

Ross Sutherland

Staff

Neil Carbone

Angela Maddocks

Claire Dodds

We are writing to the Mayor and Council in regard to Short Term Rental properties that have grown exponentially in South Frontenac over the last couple of years.

We all have stories to tell about the fun times our families had at cottages that were rented for our once a summer vacation outing. We knew the owners because of family contacts, friend referrals and postings at the corner grocery store. Today many of those same cottages are still rented to families whether under original ownership or passed down or sold to another eager family. But today the landscape is different. In addition to these cottages there are large homes that can accommodate larger sized families and relatives and additional guests. There are 5, 6 and even 8-bedroom homes available that can cost up to $9,000 a week to rent!

Most if not all properties like these are rented through Vacation Rental by Owner (VRBO) or AirBnB. One of the signatories to this letter is a member of AirBnB and has used the company to rent locally and in the USA. To use the service you research available rentals, view their occupancy policies, check rates, and send a request to the owner (Host). The Host is to then review the request and seek background info on the renter (Guest). Guest information may come from the web or through an essay that the Guest writes to the Host outlining the purpose of the rental, number of people in the rental and relationship to the Guest. However, this process is not the norm for the Hosts who are really property management companies. These are businesses that seem to care only about receiving money for their investments. Based on conversations with Hosts who are individual owners of their properties, it is not uncommon for a potential guest to be rejected because the essay smells of a party in the making.

If accepted, the guest must agree to ALL rules as provided by the STR and ALL the rules the Host prescribes. In a few instances the Host greets you when you check in looking to confirm that you are the authorized Guest, number of additional guests and a repeat reading of the rules, especially any violations like parties and noise, where the Guest can be outed. It is not uncommon for the Host to live on the property, in part of the building (adjacent unit), next door, etc. This is in fact how the AirBnB model was born, owners renting out part of their home/property. When properties are managed by a property management company there is little to no personal interaction with arriving guests and no onsite supervision. The owners of these types of properties live hundreds of kilometers away, not knowing what is happening on the property.

Today, it would not be a stretch to say that AirBnBs are operating on every lake in our Township. The rentals range from the small cottage accommodating a couple, or a family of five, and up to sites that boast occupancy of up to 20 guests. The latter is really a small motel or resort business! The STR industry has become a business, a commercial undertaking. These are not the cottage owners who wish to rent out their space for a few weeks to “cover the property tax expenses". We are talking about a 365 day a year business, and at $6000 a week, that is a big business taking in $312,000 a year!

So, where does the STR business impact its neighbours and the community as a whole? Why are we concerned and why should our Council be concerned?
The issue is that our lakes are being bombarded with full occupancy rentals where traffic on our lakes, noise, parties, disrespect for water safety and care of precious resources is on the rise. In reference to Howes Lake as an example, we now have 8 AirBnB properties compared to the 3 on our lake last year. Again, there is room for

the small cottage operations, but the large-scale operations are disrupting the character of our lakes, upsetting homeowners who have lost their peace and quiet enjoyment and our peace of paradise is disappearing. It is not a stretch to think that these numbers will double in the next few years.

We know that in our meetings with fellow waterfront homeowners, some current AirBnB owners have made it known to neighbours that "they are waiting for the place next door to go up for sale". In response to this perceived threat lake front property owners have banded together to buy the property so that the AirBnB wannabee doesn't buy the property. In other instances, development and property asset management companies are leaving brochures and business cards in mailboxes looking to buy properties for top dollar, cash, and no real-estate fees. Another issue is the poor supervision of STRs by AirBnB and the property owner Host. AirBnB will tell you that they want to be good neighbours. They say on their website "we want you to LIVE LIKE A LOCAL IN CANADA". They tout that "Day or night, we're here for you. Talk to our support team from anywhere in the world, any hour of the day". AirBnB says hosts are guided to contact neighbors before opening and to hold meetings with neighbors plus provide means of communication. When a neighbour expressed noise concerns to the AirBnB owner, he was told "I don't owe you any answers".

The posted policy of AirBnB is "No Parties" or there will be immediate expulsion. In order for a neighbour or concerned homeowner to complain about activities at the rental home you can't call the Host directly. In many cases the Host lives hundreds of miles away, not like the original AirBnB model. To register a complaint against renters one must call AirBnB, which when called, rang into a South America call centre. Following the filing of a complaint to AirBnB there is no timely follow up communication from the company to indicate what action was taken against the Guests or the Host. In our experience several calls had to be made to the call centre and the violations continued unchecked. In fact, when neighbours tried to ask for the noise to stop it broke out into louder music, swearing, verbal abuse and taunting. The police and bylaw were not called because this was within the Townships noise bylaw guidelines. In the future police will be called when the Guest reverts to swearing and verbal abuse. Also, the online "Neighbour Complaint" option on the AirBnB website is abysmal. Even as a member of AirBnB the calls that were made were not acted on. It took 2 days for a response and the noise and vulgarity continued until the end of their stay. In one conversation the agent said they couldn't get the Host to call them back! This answer displays how some Hosts don't care about the AirBnB motto or care about the impact on their Guests and that their business is having on neighbours.

Are all AirBnB experiences like the one we have recalled? Answer is no. But there are more and more STRs and AirBnBs coming, and the problem is going to grow and force homeowners out of our Township. The big property management companies are going to try and overrun our Township just like they are trying all over Ontario. We are sure you have read about what is happening in Prince Edward County where unbridled growth of STRs is impacting the availability of affordable housing and affordable rent. Municipalities like Township of Tiny, Prince Edward County, Huntsville, North Bay and Orillia, just to name a few, have acted to address the negative impacts of STRs. One point to note is that the STR business is not just AirBnB and VRBO, it includes sites like Kijiji, EBay, Craigslist, etc. We have attached a list of links to articles and reports we have researched. CMHC has even prepared a report on the impact of STRs on communities. We would encourage the Council to read all of them.

So, what are we asking for?
We ask that given the growth of the STR industry there needs to be some limitations put on the number of STRs in the Township. There needs to be a limit on the number of STRs on each lake. There needs to be a licensing regime put in place with an approval process which involves reviews and clearances by planning, building inspection, fire, police, conservation authority and health departments. The licensing needs to include a processing fee, yearly registration, and annual fees. Our community needs a set of rules that will codify the rules that STRs typically outline in their Guest policies. And appropriate resources including staff and budget to enforce the rules. This request may be in the form that is a departure from the "complaints-based" bylaw enforcement model currently in place. The current model puts the onus on neighbours to supervise the STRs not the owners. As an aside, the Township boasts close to 20,000 population, equivalent to a very large town or small city status. In order to enforce the bylaws and rules, residents need a Bylaw Enforcement presence that is commensurate with the population in our Township.

We have participated in the Township's Official Plan review and would suggest that based on our participation, our understanding of the high-level approach of an OP, and based on some preliminary discussions with the Director of Development Services; the desire to support or not support STRs needs to be considered by Council in the OP. If STRs are supported in the OP, then the outline of the mentioned licensing components needs to be enacted. You can't have STRs without enforceable policies and enforceable bylaws. The good news is that many municipalities in Ontario have taken the initiative and enacted bylaws to both deal

with their past issues with STRs and to address projected growth and the potential impacts of STRs on residents, the environment and community as a whole.

We can't leave it to STRs like AirBnB to police themselves.

We therefore request to appear soon as a delegation at a Council meeting, to share in a public forum, the many points and concerns we have raised.

Lastly, we are in the process of administering a petition to the Township of South Frontenac. Based on the concerns of many of our neighbours, and based on conversations with Township residents, and based on what we see happening in other communities across Ontario, it will be a well supported petition.

We thank you for reading this letter and look forward to a healthy dialogue in the future.

Regards

Gabor Solymar and

Rick Ottenhof

1018 High Falls Lane

Verona ON

K0H2W0

ottenhofrick@gmail.com

- https://www.orilliamatters.com/local-news/short-term-rental-owner-laughing-in-our-face-severn-mayor-says-4323607
- https://www.nugget.ca/news/vrebosch-putting-airbnb-operators-on-notice/wcm/0fcc299f-e77a-48c6-85d3-9730c9edc158/amp/
- https://granicus.com/blog/how-homeowners-associations-ease-short-term-rental-disruption-in-their-communities/
- https://globalnews.ca/news/8075235/prince-edward-county-housing-crisis/
- https://www.goodneighboursoromedonte.ca/the-str-problem/
- https://www.gensqueeze.ca/scoop-on-str
- https://www.cmhc-schl.gc.ca/en/nhs/nhs-project-profiles/2020-nhs-projects/impact-short-term-rentals-canadian-housing
- https://www.newmarkettoday.ca/local-news/cottage-country-grapples-with-rules-to-control-unruly-renters-2624107
- https://www.thepeterboroughexaminer.com/opinion/editorials/2021/08/11/peterborough-editorial-a-fix-is-clearly-needed-as-short-term-cottage-rental-industry-grows.html

- https://www.thepeterboroughexaminer.com/news/peterborough-region/2018/07/24/clear-lake-rental-cottage-subject-of-township-lawsuit.html
- https://cottagelife.com/realestate/oro-medonte-residents-rally-against-short-term-rentals/
- https://foca.on.ca/responsible-cottage-rental/
- https://storeys.com/short-term-rentals-lake-of-bays/
- https://www.frontenacnews.ca/letters/item/14585-short-term-rentals

Hi Angela ~

I am writing SF's council upon Ross Sutherland's recommendation.

My husband and I and our two kids are residents of South Frontenac and have lived on Buck Lake year round for almost 19 years.

We and many of our neighbours are becoming increasingly concerned with the growth of short term rentals in our township. More and more we are seeing individuals or corporations from afar purchasing properties to provide income through renting daily, per weekend, or per week.

For the last 5 years the cottage directly next to us has been rented weekly from mid-June to mid-September. It is rented through Airbnb. The constant turnover of inhabitants and the level and types of the activity that goes on next to us during these months has severely impacted our enjoyment of our permanent residence.

The negative impacts from our observations over these years are as follows:
1) lack of proper management - the owners are not present for the majority of the time this property is rented out and often it is my husband or myself that are policing unacceptable behaviour such as loud music being played throughout the day and night, dogs left off leash and allowed to roam on adjacent properties, etc.
2) Number of renters over capacity - often there are more people that frequent this property than what the property can accommodate
3) Environmental impacts - as a result of over capacity, this no doubt taxes the septic system which could potentially impact the health of our lake. Also, each renter brings one or two boats with them which means more boaters on our lake that are not always familiar with safe and respectful boating practices. One renter who comes every year, brings their large wakeboard boat to wake surf which has a huge impact on our shorelines.
4) Lack of respect for local community - individuals visiting for a week's vacation have no vested interest in the community that surrounds them. They drive too fast on private lanes and they are noisy and "party" often regardless of the day of the week. Also, many times fireworks have been set off outside the allowable dates set out by the township. One renter in particular set them off three times in one week.
In addition, the owner of these properties often do not have any connection to the local community either and as a result are not sensitive to the impact of their STR.

We feel that there needs to be set regulations and more by-laws around Short Term Rentals.
Currently South Frontenac has nothing in place to regulate this type of property use. The only by-law that neighbours of STRs can currently call upon is our noise by-law. This is not enough.

As full-time residents of SF and neighbours of an STR, we would like the Township to consider the following:

1) Categories for accommodation establishments to form a basis for relative by-laws and a regulatory infrastructure
2)Obligations and constraints via a classification certificate
3) consider an outright ban on short term rental of properties that are not inhabited by the owner at any time and have been purchased for the sole goal of generating income. OR require the owner to apply for rezoning in which it will be taxed and regulated as a commercial property.
4) as per 3), only allow these types of STRs in certain zones, not in residential areas and introduce a cap on the amount allowed within each zone/community of SF.
5) If it is a waterfront property, should be inspected to ensure that it is being properly maintained to avoid any negative impact on our lakes' sensitive ecosystems.

Please pass this letter on to council. I have been in contact with Rick Ottenhof and Gabor Solymar who will be presenting a deposition on this topic at November's council meeting.

Sincerely,
Leslie Kirby-Olvet
1002 Gee Ln, Perth Road, ON K0H 2L0
613-353-6072

Key South Frontenac residents' comments concerning Short Term Rentals

Submitted to South Frontenac Council

November 2, 2021

Gabor Solymar & Rick Ottenhof

Select comments captured from Petition circulated on Petitions.com entitled "South Frontenac residents' request for enactment of a Short Term Rental Policy and enhanced Bylaws"

1. I agree with the petition as written. Every three days the renters turn over and we have to experience their euphoria about being on vacation yet again - with all that that entails. The worst part is that each rental seems to include four or five car loads of people staying at the cottage which increases noise and environmental impact. Our local garbage and recycling centre is a mess because they don't care. One renter told me he was paying for the cottage so he could do whatever he wanted! Its hard to have a rational reasonable discussion about our concerns with people that are constantly intoxicated

2. There has to be a balance between occasional rentals by cottage/home owners who make their own personal property available a few times a year VS a rental property that is run as a business. We need proper zoning, licensing and inspection of STRs (septic, fire, building code) to protect neighbouring properties, the natural environment and communities before the situation gets further out of hand

3. I live too close to an unlicensed 12 person hotel, I have lived here for over 20 years and have recently started to feel unsafe in my home due to the amount of intoxicated strangers I am experiencing

4. I agree that the STR market is significantly impacting the quality of life in South Frontenac. I myself have had to clean up garbage in the lake after people using a rental. There needs to be protection for residents from negligent behavior of the owners and users of these accommodations when warranted

5. I agree that all of the issues identified in this petition are of grave concern. Cottage and home owners who choose to own property and spend time on Ontario lakes generally do so because they want to spend quiet time in a natural environment. The health of our lakes, and the planet in general, is critical for the physical and mental well-being of everyone. Please help us to preserve our lakes, and the peace and tranquility of cottage country!

6. I agree that this is an issue, I live on Holleford lake which two AirBNB have recently developed and resistances have been experiencing the obnoxious behaviours,
   Partying and being loud all hours of the night and early morning, having fires and setting off fireworks while complete burn bans were on, littering in the lake, fishing bass and pike out of season (most likely fishing without a license) and list could go on and on!!!! It causes nothing but problems for our lakes and the beauty of the Frontenac's and the only people that benefit are the tax evading unregistered landlord owners and the rest or us pay the tax bills. It's kinda like desert lake campground, they have over 50 acres, over 50 rv sites, and a huge number of camp sites, basically housing 300-400 people, 300-400 people using our roads and dumps/ recycling and their property tax is just a few hundred dollars more then my private home with 7.5 acres… their definitely needs to be some changes!!!!!

7. STR tenants do not have vested interest in our community, our infrastructure or our environment. I'm particularly concerned about possible deleterious effects on animal habitats with increased human interaction. Thank you for initiating this petition

8. STR need guidance so the users of these venues know how to fit into the local lifestyles, that includes following garbage and recycling schedules, noise and capacity bylaws and protecting lake health

9. I wish to keep our township a safe place where we can enjoy the peace and serenity and also protect the pristine environment of South Frontenac without concerns for large parties and gatherings that result from absentee landlords whose only concern is money.

10. I sign this to endorse the establishment of bylaws re: STRs that ensure well being of the environment and community of home owners regardless of the rental platform used (eg, AirBNB, VRBO, Expedia, etc.)

11. I own waterfront property in Frontenac and have experienced the disregard and disrespect that occupants of these STR's have demonstrated

12. No one wants to live beside a constant stream of strangers having overflowing bachelorette parties, and loud nightly bashes with zero concern or connection with our community

13. I fear STR conduct on the lake will be detrimental to the environment and wildlife. Often renters have no clue what proper behavior is around lakes and are only here for short term enjoyment

14. STR are businesses and need to be regulated and taxed properly

15. They are certainly affecting affordable housing. My understanding however, is that my lake is already zoned 24 hour noise bylaw. There needs to be a registration system with fees to offset the additional bylaw. Or charge owners for bylaw visits. Owners simply should not put stereo systems in the rentals

16. People own homes and properties primarily for their personal use and enjoyment. Commercial uses, including STRs, need to be regulated as a business for the protection of citizens and the environment

17. I am a property owner on a lake in South Frontenac and have concerns over the proliferation of short term rental properties on my lake. There needs to be

some regulation in South Frontenac similar to what has be passed in The County, Kingston, Ottawa and other locations across Ontario

18. I share the concerns of many residents regarding issues surrounding short term rentals. I feel there needs to be some guidance and control using the best practices of other municipalities, adjusted to fit our municipalities and residents needs

19. Our community has been negatively impacted by short term rentals, especially those whose owners do not live in the rented property. Vandalism, noise, garbage, covid breaches, loose dogs , fireworks at banned times, theft and undue wear and tear on our roads are some of the issues

20. Air BnB and short term rentals are destroying these small communities

21. I'm signing because I think this is a relevant and important issue. As STR operators are driven out of urban markets, they are increasingly focused on rural areas like South Frontenac. Our laws need to be updated to protect the rights and quality of life of its residents

22. The concerns also apply to our lake. All it takes is one change of ownership

23. I've nearly been driven off my road and I want my neighbours to be permanent

24. This is an increasing concern. Hopefully some guidelines and regulations will help to protect our neighbourhoods and especially our lakes.

25. Thank for you leading on this petition, we agree with the approach. We need more support from our local government to address these issues. Our experience with short term rentals has not been positive

26. The measures proposed are reasonable and overdue

27. We have experienced the disrespect in our community & it HAS to be addressed

28. We have seen instances of renter disrespect and lack of regard for residents and the environment on our small lake and support the importance of taking further steps to protect our environment for the future

29. Example: nearby rental, $5000 per week to rent. Owners live near Toronto. They don't see the behaviours of their renters. The police do not have the resources to attend all noise complaints in such a large area.

30. There is a rental crisis and rentals like this shouldn't be allowed

31. Am not aware of this being a problem, yet, on our lake (Verona), but I can see the potential for this to quickly get out of control. We live here for the solitude and pleasure that a waterfront property gives us, and it would be offensive to us to have a party house next door disrupting our habitat. At the very least, these STR properties need to be taxed and overseen as a business, not a recreational, private home

32. I'm signing because I have experienced firsthand the problems mentioned and another that has not been, which is the indifference and sense of entitlement displayed by the new owners when they install fences to block the view of the lake because they know the township has no height restrictions on fences

33. I reside beside a short term rental and have personal experience with the issues noted in petition along with a few issues not included

34. I'm signing because I feel short term rentals is a business and it should have to follow guidelines of a business, such as paying appropriate taxes, being registered as a business, insurance and following by laws. Also the homeowners should be held accountable for their guests

35. I support specific Bylaws that will regulate and fine offenders in short term rentals with absent landlord

36. As a responsible vacation property owner I share the concern that Airbnb/short term rental operators need to be held accountable for their renters actions and clear guidelines of these responsibilities need to be laid out in a by-law.

Cataraqui Trail Survey

Sponsored by The Friends of the Cataraqui

Agenda

1) Who are the Friends of the Cataraqui
2) Survey Objectives
3) Preliminary Results
4) Feedback from Council

Friends of the Cataraqui Trail

Friends of Cataraqui

- 132+ members
- Over 55% increase in membership over 7 months
- **Thousands of volunteer hours**
- **Increased use of the Trail – including families**

Friends of the Cataraqui Trail

Cataraqui Trail Events

50 – 75 Participants per Event

- Rudolph Run/Walk – November ‘20
- Photo Contest – Winter/Spring ‘21
- Maintenance – May ‘21 – 76km
  - Almost **60% More than ‘20**
- Quest – June ’21 through September ‘21
- Ghost Train - September ‘21

Friends of the Cataraqui Trail

Survey

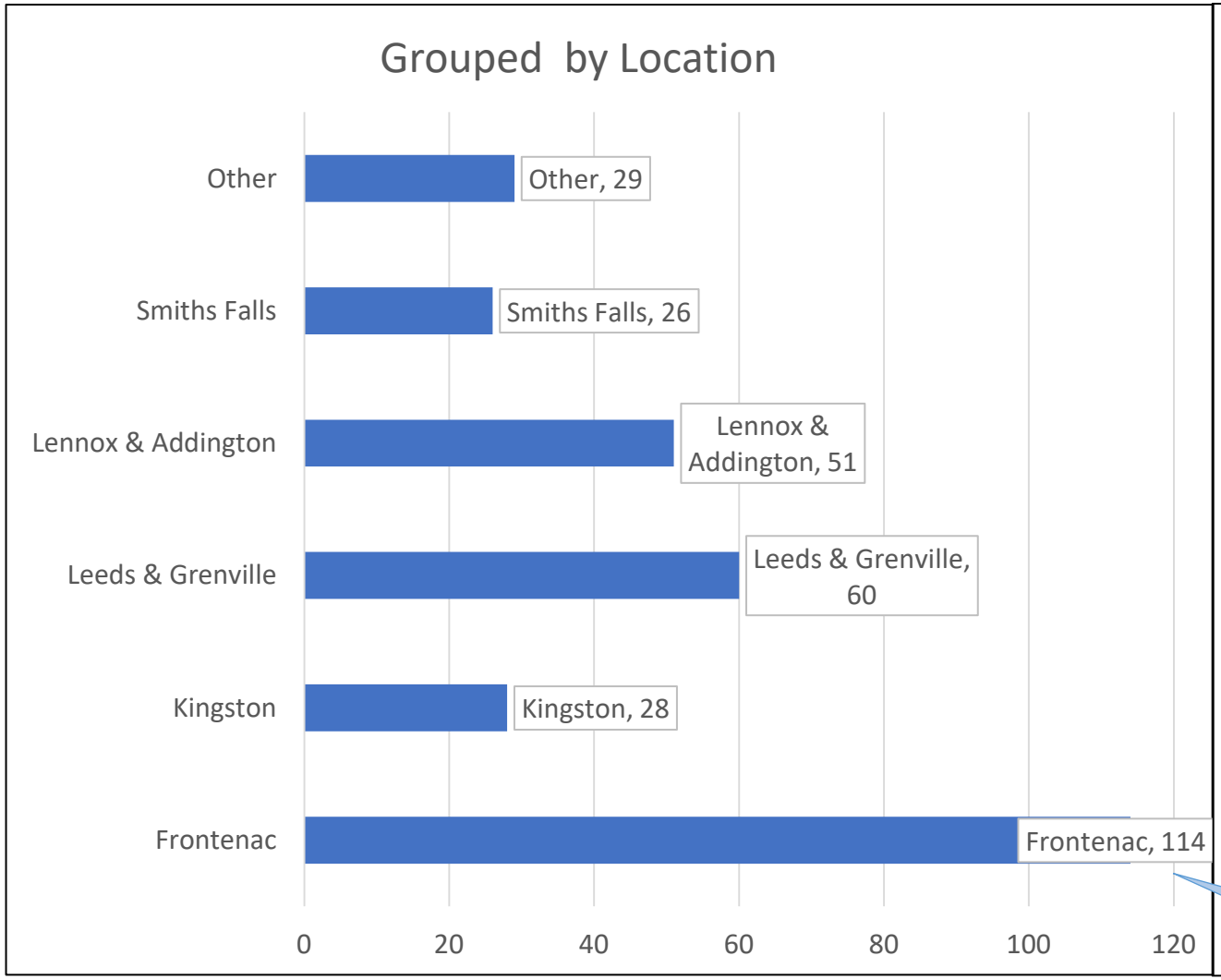
Objective – Uses + Identify Improvements

July to Oct 25th – 308 Responses – 111 South Frontenac (36%)

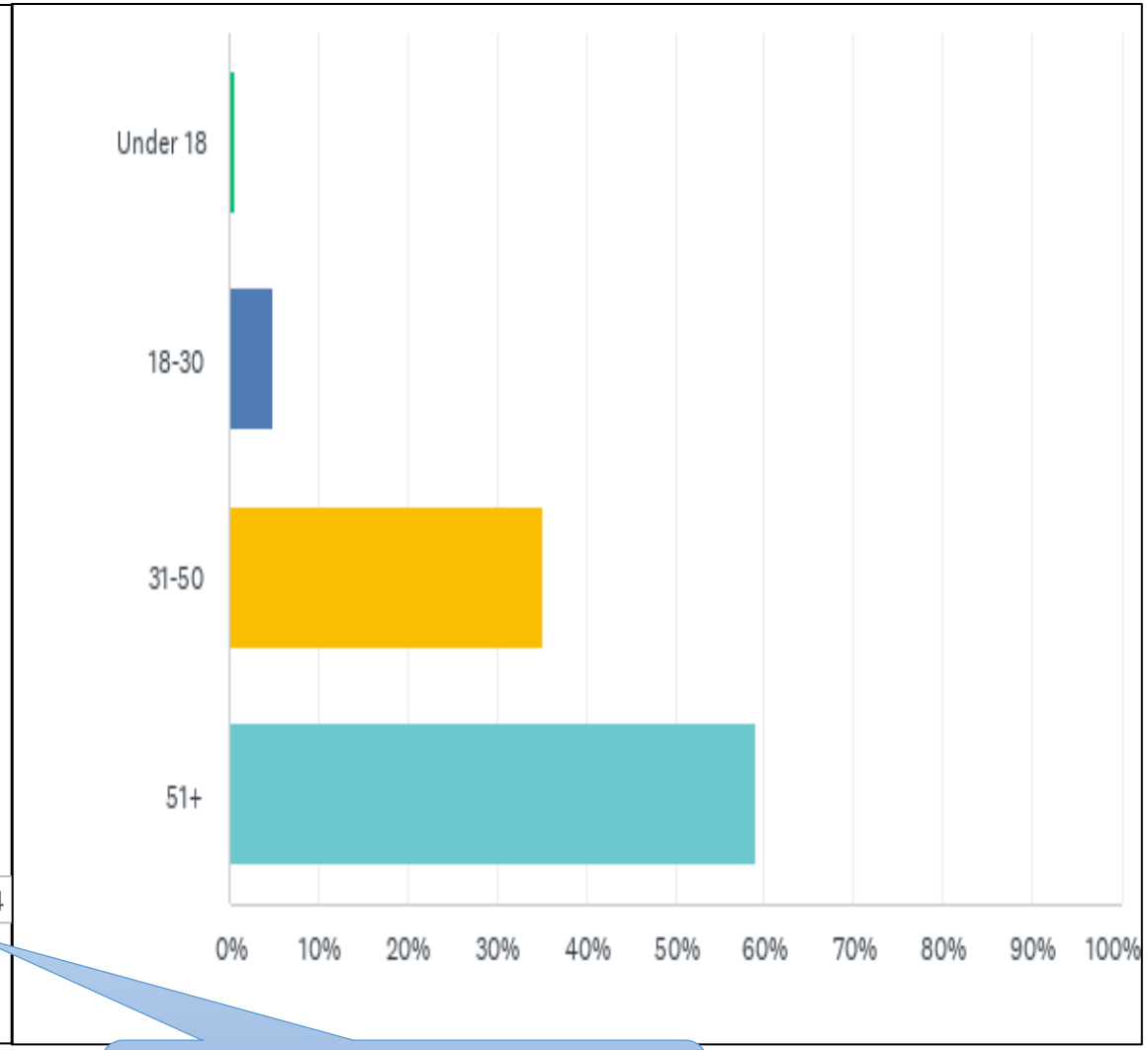
- Today – Preliminary Results
  - Common Theme – Love of The Trail
  - Written Requests – Selected Those of Interest to Council
- Ability to Ask – Specific Questions Targeted to South Frontenac Residents

Friends of the Cataraqui Trail

Q1: Where are you from?

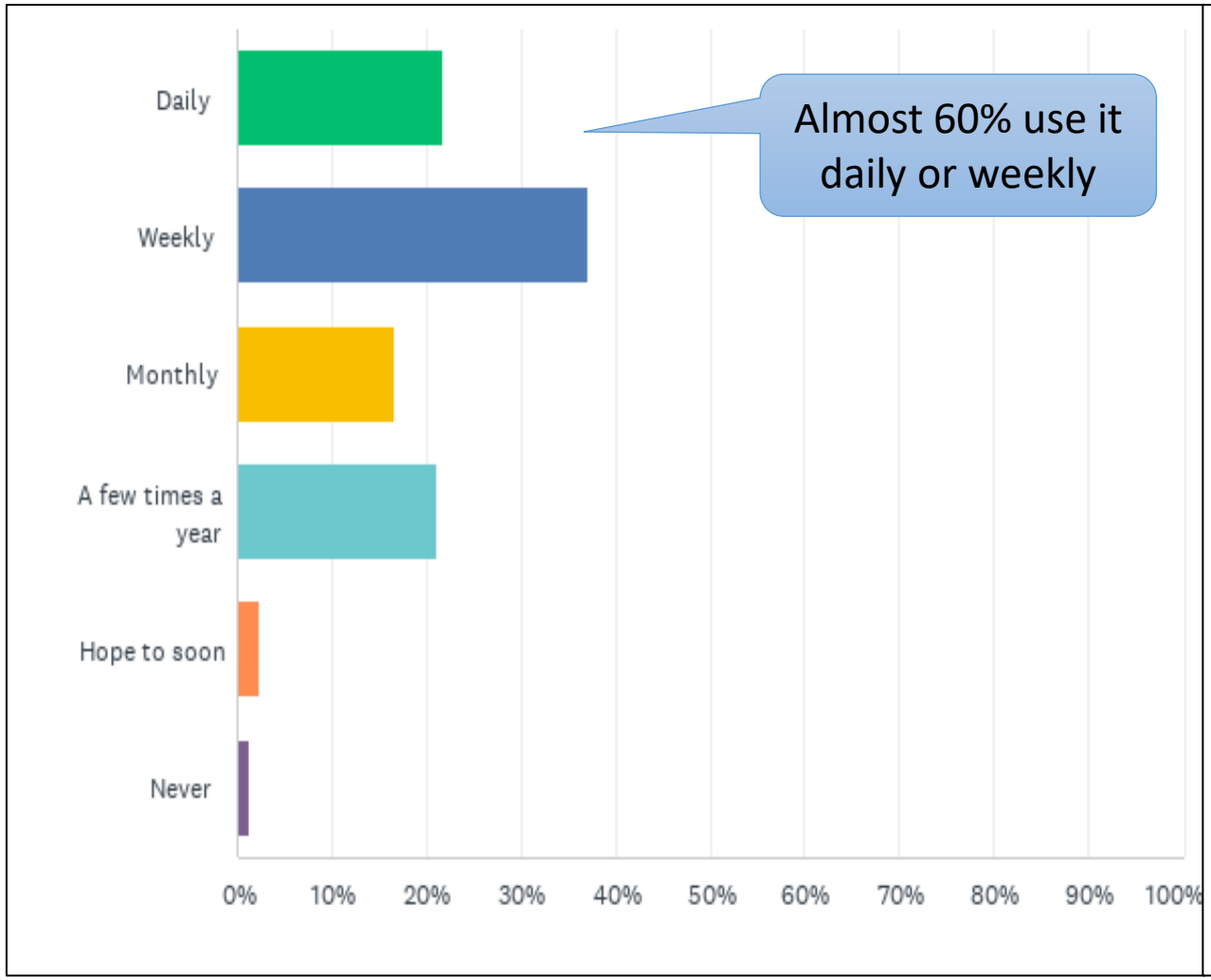


Q2: What is your age?

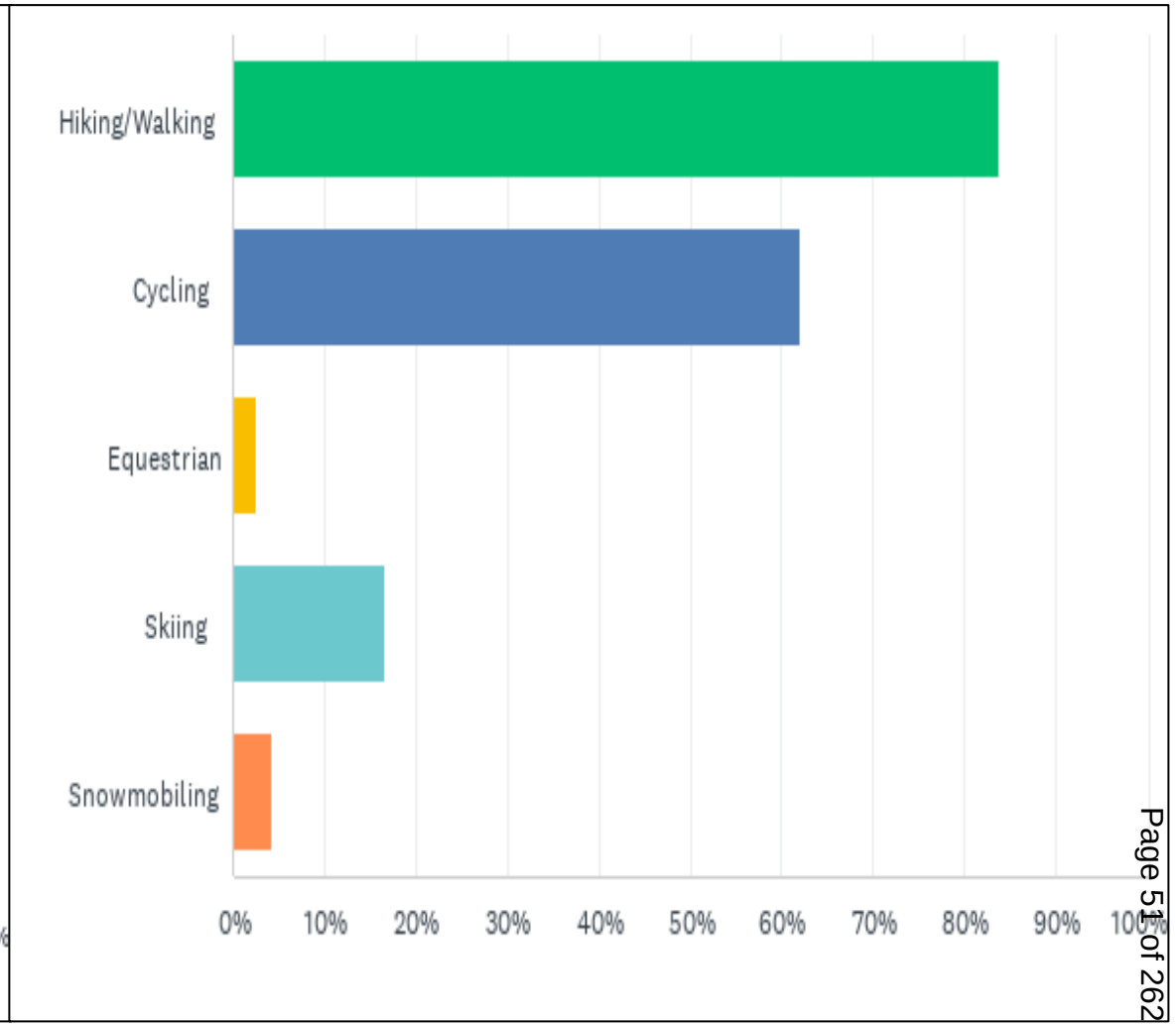


36% of respondents are from South Frontenac

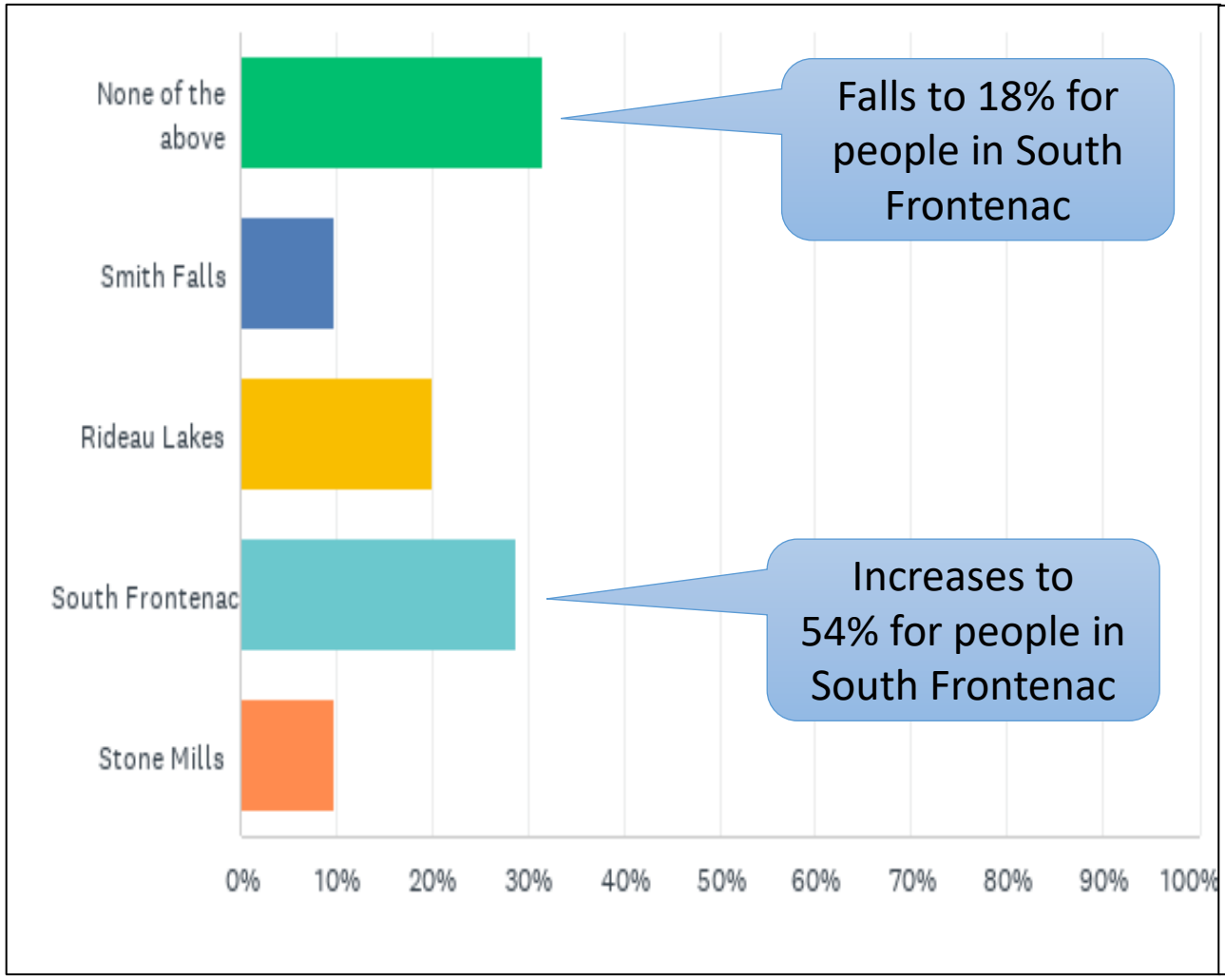
Q3: How often do you use the Cataraqui Trail?



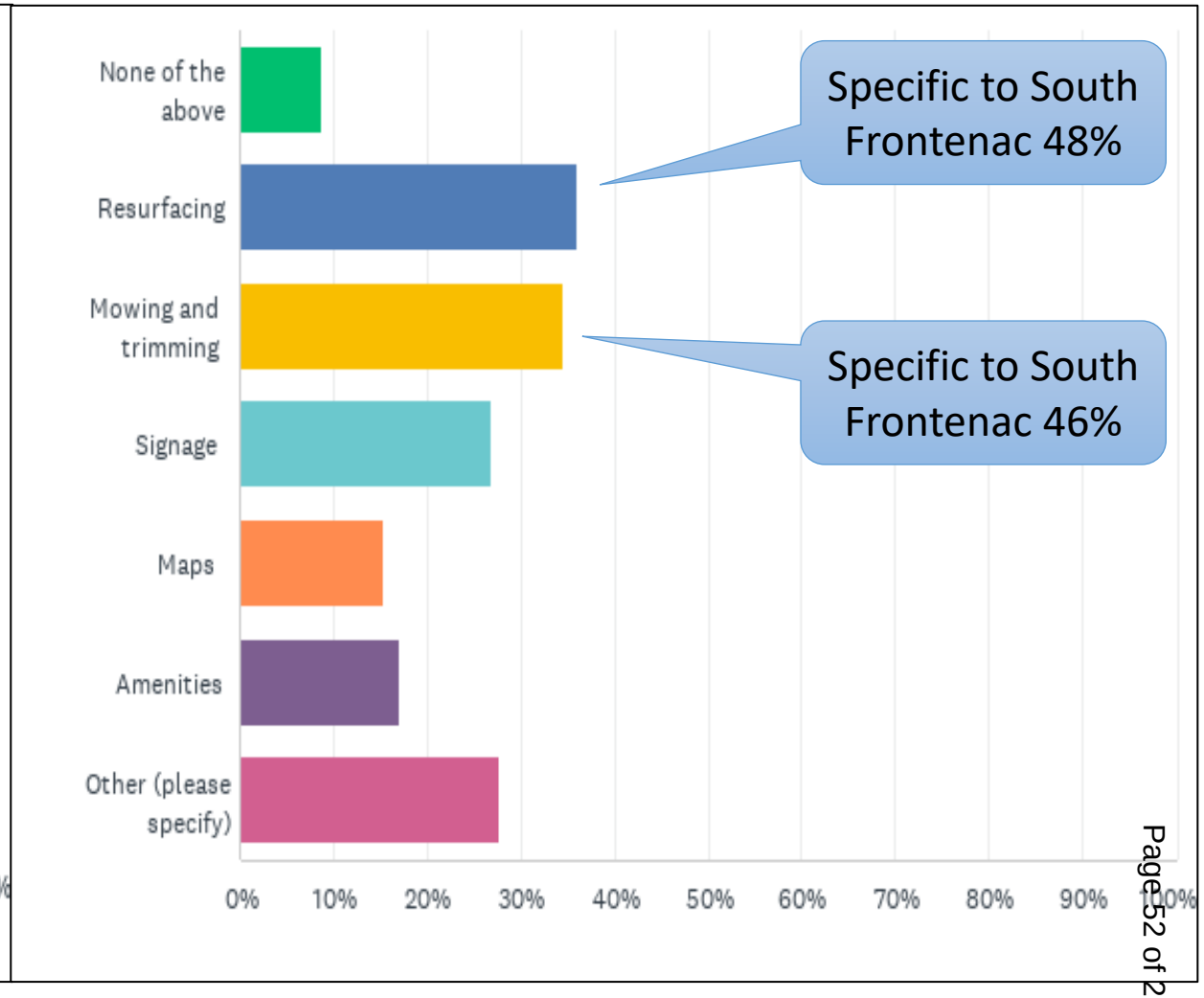
Q4: How do you use the Trail?



Q5: What part of the trail do you feel needs the most improvement



Q6: What improvements do you feel should be made?



Graphs show the percentages for all people responding across the trial

Ask South Frontenac Respondents

Suggestion:

Prioritize Locations for Resurfacing - from **1** to **4** (1 = Highest Priority)

- Where trail splits from K&P to Loughborough-Portland Rd - 3km (roughly)
- Botting Rd to McFadden Rd + 300m east of McFadden – 5.2km
- Norway Rd to Perth Rd – 2.1km
- East of Perth Rd to Township Boundary – 17.8km

Friends of the Cataraqui Trail

Council Focused Summary of Requests

Walking/Biking – Tick Concerns

- Resurfacing
- Mowing
- Removal of invasive species

Amenities

- More garbage cans, especially around Sydenham
- Empty garbage cans more often, especially in Harrowsmith
- More benches and washrooms

Safety

- Lower speed limit at Perth Road from 80 to 60, north & south of trail
- More parking at access points

Expanded Use

- Pave trail near high population areas for baby strollers, roller blades, skateboards, etc.

Friends of the Cataraqui Trail

Suggestions from Council

- What have we missed?
- Are there questions you wish added?
- Thank you for helping us keep South Frontenac a place To **Grow** and **Have Fun**!!!

Friends of the Cataraqui Trail

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Development Services Department
Date of Meeting:	November 2, 2021
Subject:	**RC-21-04 (De Groot) – Public Meeting for Application to stop up, close and transfer a portion of an Unopened Road Allowance between Concessions 10 & 11, District of Storrington**

Summary

An application has been received to close and transfer a portion of unopened road allowance in order to enlarge a piece of abutting vacant land. This report is part of a Public Meeting on the requested closure, which is required under the *Municipal Act*. A decision on the closure and transfer of the road allowance will not be made at this meeting.

Recommendation

This report is for information only.

Council will hear public comments with respect to the application to stop up, close and transfer a portion of unopened road allowance between Concessions 10 & 11, District of Storrington and staff will bring a more detailed report considering public comments to a future meeting, at which time a by-law to stop up, close and transfer the portion of unopened road allowance may be recommended for approval.

Background

This application initially came before Council for consideration on August 17, 2021. Council directed staff to move forward with the process to stop up, close and transfer a portion of unopened road allowance. The first step of the process is to hold a public meeting to hear comments and concerns from the public.

The road allowance is aligned east to west, running over the lands between Cranes Nest Lake and Little Cranberry Lake. The Road allowance is situated between Concessions 10 and 11, District of Storrington. The most westerly portion of the road allowance has previously been stopped up, closed and transferred to properties addressed on Hogans Point Lane. The middle portion of the road allowance encompasses Burnt Point Road. Some portions of the road allowance have been widened to more than 20 metres to

accommodate the travelled portion of Burnt Hills Road. Approximately 380 metres before Little Cranberry Lake, Burnt Hills Road curves to the south and no longer follows the subject road allowance, at the same point Rideau Road begins and follows the road allowance for approximately 200 metres before it curves to the north and no longer follows the subject road allowance. The most easterly portion of the road allowance is unopened and measures approximately 160 metres in length, this portion appears to be 10 metres in width, Attachment #1 illustrates the most easterly portion of the road allowance.

The benefiting property, municipally know as 572 Burnt Hills Road is undersized, approximately 0.3 acres in size, and is comprised of two parcels split by the road allowance. The house and attached garage are located on the northern parcel, a portion of the sewage disposal system and driveway are located on a portion of the road allowance and the remaining portion of the sewage system is located on the southerly parcel, illustrated in Attachment #2.

As discussed in the August 17th report to Council, previous owners of this land had applied to stop up, close and transfer this portion of the road allowance because the sewage system was historically constructed over this portion of road allowance, and the parcel of land is split in two by the road allowance. At the time of the previous application, Council denied the request based on policy to not sell road allowances that lead to bodies of water.

Discussion/Analysis

Planning staff and Public Services staff visited the site on June 1, 2021. Public Services staff advised that they have no issues with selling the road allowance as there is very little chance that a public road or boat launch will ever be feasible at this location, and because the sewage disposal system has been constructed in this location with no other viable option on the lands.

Planning staff have received a few inquiries via email and telephone for additional information about the location and intent of the application due to the notice provided in the Frontenac News. There have been no concerns or requests from the public to purchase a portion of the road allowance to date.

Financial Implications

The application fee and legal deposit has been paid by the applicant to process this road closing application. Final purchase price will be determined once the surveyor has completed a survey of the pertinent section of the road allowance. Fees to survey the portion to be transferred would be paid by the applicant.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

Notice/Consultation

- Public Service staff were consulted.
- Notice to the Public was circulated in the Frontenac News beginning on October 5th, 2021 for a period of 4 weeks. The notice was also posted on the Township website. Notice to owners abutting the subject and benefitting properties were circulated notice by mail no less than 4 weeks prior to the November 2nd Public Meeting.

Attachments

1. Attachment #1 – Location Map – pertinent easterly section
2. Attachment #2 – Sketch provided by applicant.

Approvals

Report author:



Michelle Hannah, Planning Assistant

Submitted By:



Claire Dodds, RPP, MCIP, Director of Development Services

Approved By:



Neil Carbone
Chief Administrative Officer

Public Meeting

under the *Municipal Act*

Application for Unopened Road Allowance Purchase

RC-21-05 (De Groot)

Tuesday, November 2, 2021

7:00 p.m. Virtual Council Meeting

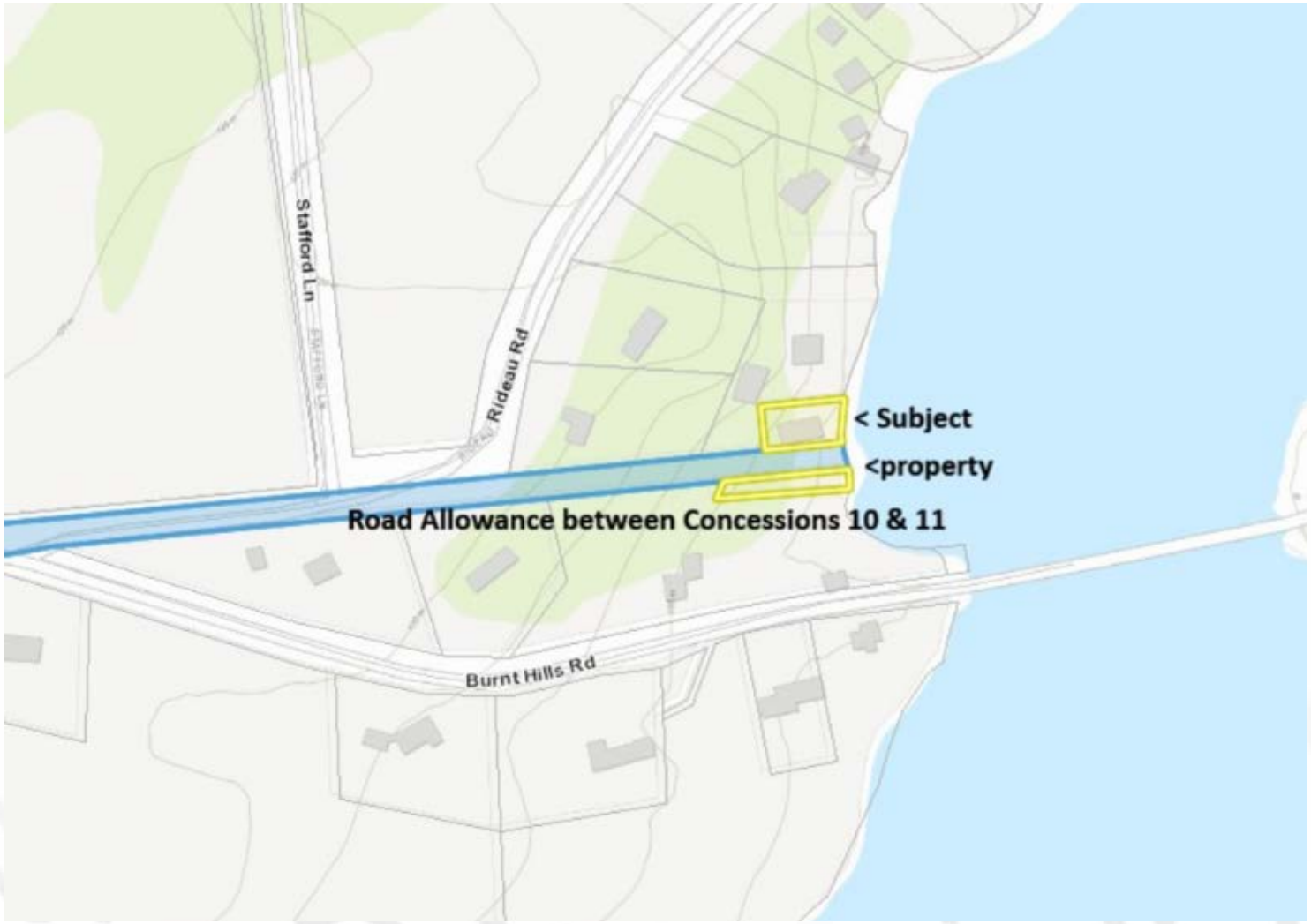
Agenda

- Planner reviews proposal and delivers report
- Questions from Council
- Comments from Applicant/Owner, Agent and the Public
- Comments/Questions from Council
- Close Public Meeting

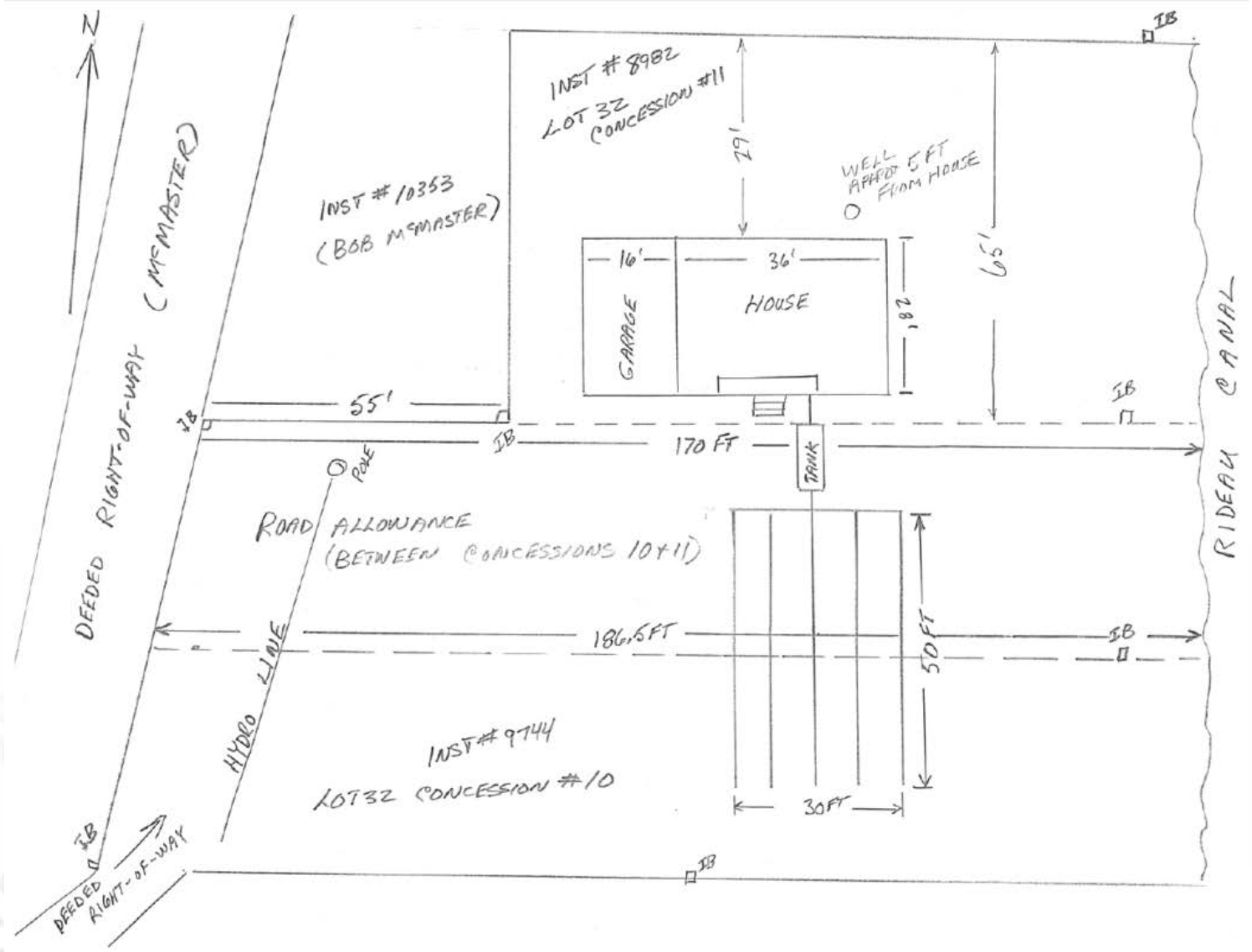
RC-21-05

Applicant: Jasper & Lana De Groot
Property: 572 Burnt Hills Road

Location Map



Sketch



SOUTH FRONTENAC

View of the road allowance from the waterfront



Department, Agency and Public Comments

- Public Services – no concerns
- Public comments – one telephone call was received after the report was posted from a neighbour, Mary McMaster of 570 Burnt Hills Road stating that she and her husband support the application 100%.

Questions and Comments

- Questions from Council
- Comments from Applicant, Agent and the Public
- Comments/Questions from Council

Questions and Comments

- Questions from Council
- Comments from Applicant, Agent and the Public
- Comments/Questions from Council

FRONTENAC | Map Title





Legend

Road
- Highway
- Major Road
- Secondary Road
- Ferry Route

Assessment Parcels

Citations

Notes

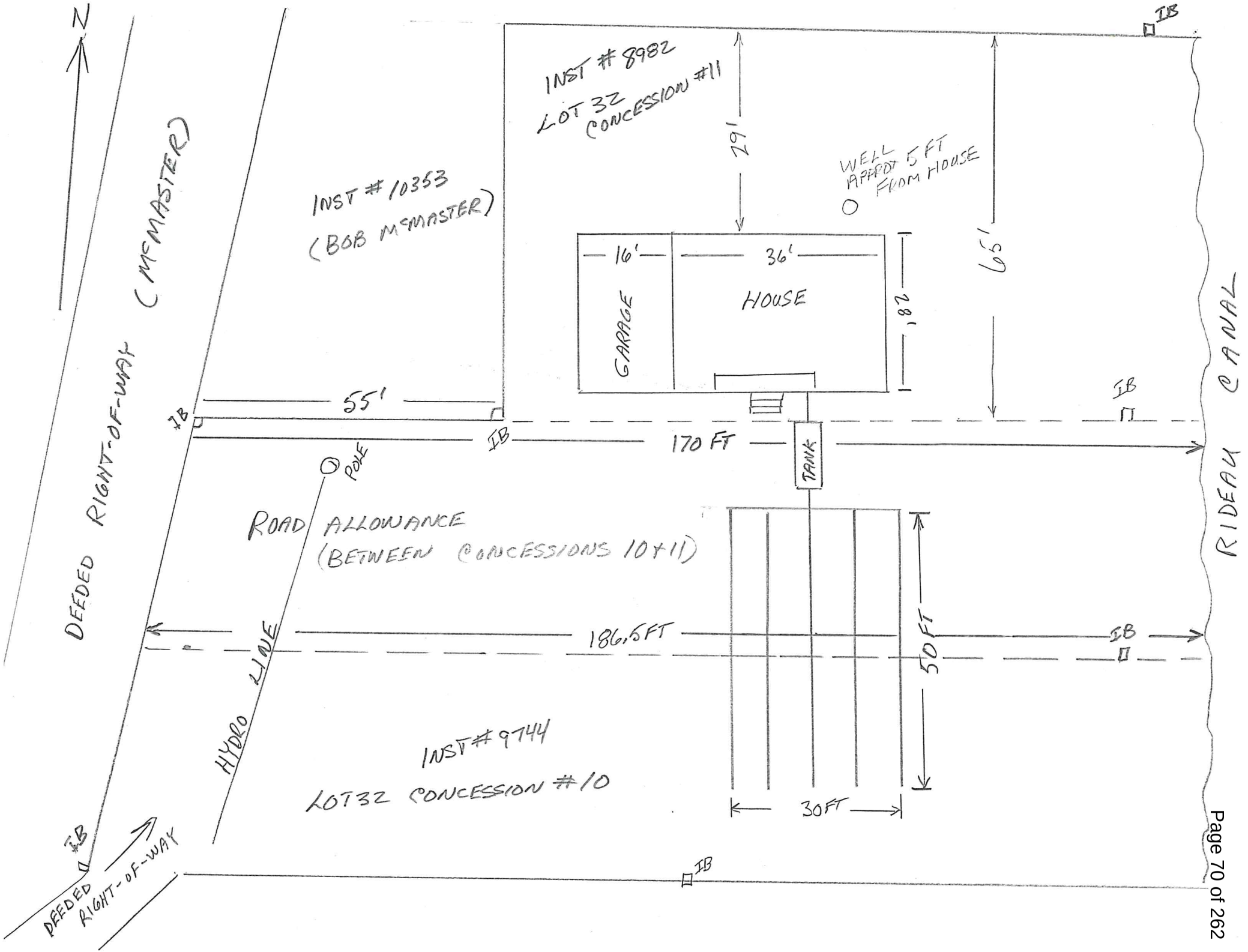
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION


N
INST # 8982
LOT 32
CONCESSION #11
INST # 10353
(BOB McMASTER)
DEEDED RIGHT-OF-WAY (McMASTER)
29'
65'
WELL APPROX 5 FT FROM HOUSE
16'
36'
GARAGE
HOUSE
28'
55'
IB
170 FT
TANK
POLE
ROAD ALLOWANCE
(BETWEEN CONCESSIONS 10 & 11)
RIDEAU CANAL
186.5FT
50 FT
30FT
HYDRO LINE
INST# 9744
LOT 32 CONCESSION #10
DEEDED RIGHT-OF-WAY

Minutes of Council
October, 12, 2021

Time: 7:00 PM
Location: Electronic Participation

Meeting # 29

Council Present in Council Chambers: Mayor Ron Vandewal, Ray Leonard, doug Morey, Alan Revill, Norm Roberts, Randy Ruttan, Ron Sleeth, Ross Sutherland

Staff Present in Council Chambers: Neil Carbone - Chief Administrative Officer, Angela Maddocks - Clerk, Claire Dodds - Director of Development Services, Troy Dunlop - Manager of Technical Services & Infrastructure, Louise Fragnito - Director of Corporate Services and Treasurer, Christine Woods - Senior Planner.

1. Call to Order and Roll Call

a) Resolution

Resolution No. 2021-29-01
Moved by Councillor Sleeth
Seconded by Councillor Morey
That the Council meeting of October 12, 2021 be called to order at 7:00 pm.

Carried

2. Recognition of the passing of Councillor Barr

a) Council observed a moment of silence in remembrance of the sudden passing of fellow Councillor Pat Barr.

Mayor Vandewal acknowledged the impact Councillor Barr had in representing Bedford District, her sense of humour and dedication to the role of Councillor.

3. Declaration of pecuniary interest and the general nature thereof

a) There were no declarations.

4. Approval of Agenda

a) Resolution

Resolution No. 2021-29-02
Moved by Councillor Ruttan
Seconded by Councillor Revill
That the agenda for the October 12, 2021 Council meeting be approved as presented.

Carried

5. Scheduled Closed Session (at the end of the agenda)

6. Delegations - none

7. Public Meeting - not applicable

8. Approval of Minutes

a) September 21, 2021

Resolution No. 2021-29-03
Moved by Councillor Sutherland
Seconded by Councillor Roberts
That the minutes of the September 21, 2021 Council meeting be approved.

Carried

9. Business Arising from the Minutes - not applicable.

10. Reports Requiring Action

a) Municipal Modernization Program - Intake 3 (Carried over from October 5, 2021 agenda)

Resolution No. 2021-29-04
Moved by Councillor Leonard
Seconded by Councillor Sleeth
That Council support the submission of an expression of interest for intake 3 of the Municipal Modernization Program with a total project cost of $175,000 on the projects identified in this report; and,

That Council approve funding the Township share of the projects in the amount of $61,250 to be allocated from Working Funds if the submission is successful; and,

That authorization be given to the Mayor and Clerk to sign a transfer payment agreement with the Province for the funding if the submission is successful.

Carried

b) Speed Reduction Request - Davidson Road (Latimer Road to Holmes Road) (Carried over from October 5, 2021 agenda)

The Clerk noted that the Roads and Parking By-law indicated in the report and recommendation should be By-law 2000-01.

Resolution No. 2021-29-05
Moved by Councillor Roberts
Seconded by Councillor Sleeth
That Council approve the staff recommendation for the implementation of a 60 km/hr speed limit on a 2.km section of Davidson Road between Latimer Road and Holmes Road;

And that Council direct staff to prepare an amendment to Roads, Traffic and Parking Bylaw 2000-01 to incorporate the proposed km/hr speed limit change on Davidson Road.

Carried

c) Site Plan Control Application - SP-05-21-S - 2290998 Ontario Inc - Christel Lane (Carried over from October 5, 2021 agenda)

See By-laws 2021-55 and 2021-56.

d) Request for closure of unopened road allowance RC-21-06 - Between Concessions 10 & 11, District of Portland (Allan) (Carried over from October 5, 2021 agenda)

Resolution No. 2021-29-06
Moved by Councillor Morey
Seconded by Councillor Leonard

That Council direct staff to move forward with the process of closing and transferring ownership of a 20 metre (66 foot) by approximately 241.64 metre (793 foot) portion of unopened road allowance located between Concessions 10 & 11, lying west of Part 2, Plan 13R5315 and east of Hardwood Creek, District of Portland, to enlarge an adjacent parcel of land owned by the applicant.

Carried

11. Committee Meeting Minutes

a) Police Services Board Meeting Minutes - July 22, 2021 (Carried over from October 5, 2021 agenda)

Resolution No. 2021-29-07
Moved by Councillor Sutherland
Seconded by Councillor Revill
That Council receives for information the minutes of the Police Services Board meeting held July 22, 2021.

Carried

12. By-laws

a) First and Second Readings of By-laws

Resolution No. 2021-29-08
Moved by Councillor Revill
Seconded by Councillor Morey
That the following By-laws be given first and second reading:

- By-law 2021-55
- By-law 2021-56

Carried

b) By-law 2021-55 - Site Plan Control Application - SP-05-21-S 2290998 Ontario Inc. (Severed Parcel on Christel Lane)

Resolution No. 2021-29-09
Moved by Councillor Ruttan
Seconded by Councillor Sutherland
That By-law 2021-55, being a by-law to authorize the Mayor and the Clerk to execute a Site Plan Agreement between the Corporation of the Township of South Frontenac and 2290998 Ontario Inc, for the severed parcel, Consent Application S-02-20-S, be given third reading, signed and sealed.

Carried

c) By-law 2021-56 - Site Plan Control Application - SP-05-21-S 2290998 Ontario Inc. (Retained Parcel on Christel Lane)

Resolution No. 2021-29-10
Moved by Councillor Revill
Seconded by Councillor Roberts
That By-law 2021-56, being a by-law to authorize the Mayor and The Clerk to execute a Site Plan Agreement between the Corporation of the Township of South Frontenac and 2290998 Ontario Inc, for the retained parcel, Consent Application S-02-20-S, be given third reading signed and sealed.

Carried

13. Reports for Information

a) Communal Services Draft Business Case Study (Carried forward from October 5, 2021 agenda)

b) Ombudsman Report - Closed Meeting Investigation of the July 13, 2021 Committee of the Whole Meeting (Carried forward from the October 5, 2021 agenda)

c) 2021 Third Quarter Planning Department Report

d) 2021 Third Quarter Building Department Report

14. Information Items

a) Naming of Petworth Bridge (Carried forward from the October 5, 2021 agenda)

Resolution No. 2021-29-11
Moved by Councillor Revill
Seconded by Councillor Roberts

That this request be deferred for a staff report on past practices on naming roads and bridges.

Carried

b) Gary Beach, re: RC-20-01 (2290998 Ontario Inc) Road Allowance Closure and Purchase, Parts 13 and 15 13R-22455

c) Aird Berlis - Integrity Commissioner Services

15. Notice of Motions - none

16. Announcements/Statements by Councillors

a) Councillor Revill asked that the Fire Chief confirm whether the lengthy message on the telephone system concerning the burning ban from June is still required.

b) Councillor Sleeth thanked the volunteers who organized the Battersea Pumpkin Festival for another successful year. There were between 600 to 800 attendees, and rules and regulations due to COVID were met. He offered a special thanks to Amanda Pantrey for her assistance in this event.

17. Question of Clarity (from the public on outcome of agenda items)

a) There were no questions from the public.

18. Closed Session

a) Closed Session as permitted by the Municipal Act, Section 239.2 c) to discuss two (2) items related to the proposed or pending acquisition of land by the municipality or local board (Carried forward from the October 5, 2021 agenda)

Resolution No. 2021-29-12
Moved by Councillor Leonard
Seconded by Councillor Revill
That Council move into a closed session as permitted by the Municipal Act, Section 239.2 c) to discuss two (2) items related to the proposed or pending acquisition of land by the municipality or local board.

Carried

b) Hinchinbrooke Road - Pending Property Acquisition

c) Potential Road 38 Land Acquisition - Verbal report

d) Resolution - Move out of Closed Session

Resolution No. 2021-29-13
Moved by Councillor Ruttan
Seconded by Councillor Sleeth
That Council move out of Closed Session.

Carried

19. Confirmatory By-law

a) By-law 2021-57

Resolution No. 2021-29-14
Moved by Councillor Morey
Seconded by Councillor Sleeth
That By-law 2021-57, being a by-law to confirm generally all actions and proceedings of the Council of the Corporation of the Township of South Frontenac, be given first and second reading this 12 day of October, 2021.

Carried

Resolution No. 2021-29-15
Moved by Councillor Roberts
Seconded by Councillor Leonard
That By-law 2021-57, being the confirmatory by-law be given third reading signed and sealed.

Carried

20. Adjournment

a) Resolution

Resolution No. 2021-29-16
Moved by Councillor Sutherland
Seconded by Councillor Leonard
That the Council meeting of October 12, 2021 be adjourned at 7:42 p.m.

Carried

Ron Vandewal, Mayor

Angela Maddocks, Clerk

Minutes of Council
October, 19, 2021

Time: 7:00 PM
Location: Electronic Participation

Meeting # 30

Council Present in Council Chambers: Mayor Ron Vandewal, Ray Leonard, Doug Morey, Alan Revill, Norm Roberts, Randy Ruttan, Ron Sleeth, Ross Sutherland

Staff Present in Council Chambers: Neil Carbone - Chief Administrative Officer, Angela Maddocks - Clerk. Claire Dodds - Director of Development Services, Troy Dunlop - Manager of Technical Services & Infrastructure, Louise Fragnito - Director of Corporate Services & Treasurer

Staff Present via Electronic Participation: Christine Woods - Senior Planner

1. Call to Order and Roll Call

a) Resolution

Resolution No. 2021-30-01
Moved by Councillor Leonard
Seconded by Councillor Roberts
That the Council meeting of October 19, 2021 be called to order at 7:00 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

a) There were no declarations.

3. Approval of Agenda

a) Resolution

Resolution No. 2021-30-02
Moved by Councillor Ruttan
Seconded by Councillor Revill
That the agenda for the October 19, 2021 Council meeting be approved as presented.

Carried

4. Scheduled Closed Session - not applicable

5. Delegations - none

6. Public Meeting

a) **Resolution and Public Meeting Statement**

Resolution No. 2021-30-03
Moved by Councillor Morey
Seconded by Councillor Sleeth
That a public meeting be held to allow for input on planning matters related to Zoning By-law Amendment Applications Z-21-12 and Z-21-13.

Carried

b) **Zoning By-law Amendment Application - Z-21-12 - Walter & Heather Freeman - 4994 Battersea Road**

Christine Woods, Senior Planner presented a brief background on this application and turned the presentation over to Chris Clarke, the agent and planner for this application.

Mr. Clarke, ZanderPlan Ltd noted that this rezoning was not a condition of the severance application that severed the existing dwelling at 4994 Battersea road from the property. The retained lands include Stonehenge Industries which is a custom dog food business. The purpose of this application is to rezone from Urban Residential- First Density to a Site Specific - Urban Industrial Exception zone and to recognize the current use that is permitted in the UR Zone. This rezoning will add an accessory dwelling as a permitted use, yard setback deficiencies and prohibit the use of agricultural buildings for livestock use. Mr. Clarke noted that Class 1 industrial uses are not permitted in the current UI Zone, accessory dwellings in this zone are only permitted for a caretaker or security guard; this exception (rezoning) will remove that requirement. Some of the existing buildings require relief as they do not meet the 22 metre side yard requirement and the newly severed lot requires relief from the setback requirements.

Mr. Clarke reviewed the background for Stonehenge Industries that started as a family business in 1956 and was restructured to Stonehenge Industries in 1992. The business produces custom raw dog foods that are sold in packages and stored. There are no cooking of products and therefore no emissions. They operate on normal business hours but are closed on Sunday and have noted that there are approximately 75 vehicle trips and 10 truck trips per week.

Mr. Clarke reviewed the Class 1 Industry - D-Series guidelines noting the minimum separation distance of 20 meters for Class 1 and the potential influence area of 70 metres. The business involves no cooking or processes that would create nuisance impacts since the majority of the residential yard is beyond 20 metres.

Christine Woods explained that this application was circulated to Public Services staff and they indicated on September 30, 2021, that they have no objection to the approval of this application. Building Services did not provide comments on the application as the proposal does not involve additional development. Cataraqui Conservation indicated on September 23, 2021, that they have no objection to the approval of this application. They noted that any future development would be required to be setback a minimum of 30 metres from the watercourse and any wetlands. At the time of writing the report no public comments were received however since then Edward Izatt who owns property across the road has indicated he supports the application.

Ms. Woods explained that staff have not completed their review in terms of policy analysis however in general it would need to meet the guidelines set out in the Provincial Policy Statement, the Frontenac County Official Plan and the Township of South Frontenac's Official Plan. She explained that the Provincial Policy Statement 2020 (PPS) states that healthy, integrated and viable rural areas, which include rural settlement areas, should be supported by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products. The County of Frontenac Official Plan, consistent with the PPS, promotes ways to enhance local employment based in settlement areas and along major transportation routes. The Township of South Frontenac Official Plan also promotes opportunities for a varied and balanced industrial/commercial base in the settlement areas. The South Frontenac Official Plan indicates that residential development should not

be located adjacent to commercial or industrial uses, and vice versus, in settlement areas. Appropriate buffering or screening is required where these uses are adjacent to residential development.

Councilor Sleeth indicated he is very familiar with this operation and urged Council to support this application noting that this is a third generation operation that has provided employment in the area for several years.

Mayor Vandewal was somewhat concerned about the main house being severed although he recognized there are two remaining residences. He noted this operation is a tremendous improvement to previous operations.

There were no comments from the pubic on this application and no one registered to comment through the electronic meeting registration process.

c) **Zoning By-law Amendment Application - Z-21-13 - Kim Kot/Kevin Bovey - Concession 1 Part of Lots 18 and 19**

Christine Woods, Senior Planner reviewed this application and indicated that the subject lands are subject to consent application S-45-21-S for a lot addition which was given provisional approval subject to conditions by the Director of Development Services on September 8, 2021 that requires these lands to be rezoned. The subject lands consist of approximately 0.6 hectares (1.5 acres) of vacant agricultural land with 15 metres of frontage on Perth Road. The lands are zoned Rural (RU) and are being added to 3851 Davidson Road which is zoned Urban Commercial – Special Provision (UC-28) . 3851 Davidson Road is developed with a lawn, garden and farm equipment and supplies sales outlet (Maple Country Home & Farm Ltd.). The sewage system for the business is located south of the building, tight to the property line. The parcel to be enlarged is subject to site plan control. The reason for the lot addition was so that the owner of 3851 Davidson Road can safely move product around the property without equipment travelling over the sewage system or through the parking lot, thus avoiding conflict with customers and vehicles. The lot addition may also facilitate a future expansion of the business which would be subject to site plan control.

Ms. Woods noted that this application did not meet the criteria for circulation to any Township departments or to the Conservation Authority and that there have been no comments have been received from members of the public to date.

With respect to the preliminary planning analysis, the proposal to rezone the lands through application Z-21-13 is consistent with the 2020 PPS as well as the County and Township Official Plans.

The lot addition to 3851 Davidson Road would support an existing commercial use in the Inverary settlement area. It would provide an opportunity to create a safer environment for customers and employees through the way product and equipment is moved around the site. The lot addition may also facilitate a future expansion of the business but would require an amended site plan agreement to address matters such as adequate buffering adjacent to residential uses, lighting, parking, drainage, noise and traffic movement. Ms. Woods noted that a detailed policy analysis will be provided in a subsequent report to Council following the public meeting.

Councillor Morey questioned whether this property is within hamlet boundaries of Inverary.

Christine Woods noted that the property at 3851 Davidson Road is zoned UC-28 and this is a zone that is associated with being in the settlement area. The

property that is providing the lot addition lands is zoned Rural and would be considered outside of the settlement area.

Councillor Roberts spoke in support of the application and that the lot addition will allow better traffic flow within the commercial lot.

Councillor Sleeth agreed this will improve their ability to move material around and provide better traffic flow.

Mayor Vandewal asked about the property going in behind an existing residential property and if this would be problematic if future commercial expansion happens. He wondered if the zoning would prohibit the commercial operation from constructing an additional larger building.

Christine Woods indicated that the UGC zone includes the provision to allow for greater setbacks from residential properties however there could be limitations on what it could be used for. She confirmed that if the owner does have plans to enlarge but this would require that the site plan agreement be amended.

There were no comments from the public.

d) **Close Public Meeting - Resolution**

Resolution No. 2021-30-04
Moved by Councillor Roberts
Seconded by Councillor Leonard
That having provided an opportunity for input on planning matters, the public meeting be closed.

Carried

7. Approval of Minutes - not applicable

8. Business Arising from the Minutes

9. Reports Requiring Action

a) **Declaration of Vacancy**

A recorded vote was requested for Resolution # 2021-30-08. Councillor Sutherland voted against the motion with the remaining Councillors voting in favour.

Resolution No. 2021-30-05
Moved by Councillor Roberts
Seconded by Councillor Revill
That in accordance with section 262 (1) of the Municipal Act, the Council of the Corporation of the Township of South Frontenac declares the office held by Councillor Pat Barr to be vacant.

And That Council fill the vacant seat through a public process by advertising for interested individuals to apply for the role, including their background, credentials and reasons for interest.

Resolution No. 2021-30-06
Moved by Councillor Sutherland
Seconded by Councillor Morey
That the motion be separated.

Carried

Resolution No. 2021-30-07
Moved by Councillor Roberts
Seconded by Councillor Revill
That in accordance with section 262 (1) of the Municipal Act, the Council of the Corporation of the Township of South Frontenac declares the office held by Councillor Pat Barr to be vacant.

Carried

Resolution No. 2021-30-08
Moved by Councillor Roberts
Seconded by Councillor Revill
That Council fill the vacant seat through a public process by advertising for interested individuals to apply for the role, including their background, credentials and reasons for interest.

Carried (Recorded Vote)

b) **2022 Municipal Election - Voting Method**

Resolution No. 2021-30-09
Moved by Councillor Revill
Seconded by Councillor Ruttan
That Council supports the continued use of internet and telephone voting for the 2022 Municipal Election, and

That staff be directed to initiate a joint RFP with the other Frontenac Municipalities for telephone and internet voting service providers for the 2022 municipal election.

Carried

c) **Deputy Mayor Appointment**

Councillor Revill was nominated by Councillor Sutherland and the nomination was seconded by Councillor Ruttan. Councillor Revill accepted the nomination.

Resolution No. 2021-30-10
Moved by Councillor Sleeth
Seconded by Councillor Morey
That Council proceed to fill the role of Deputy Mayor through a nomination process and vote by Council at the Council meeting of October 19, 2021; and
That Alan Revill be appointed as Deputy Mayor until May 31, 2022, to be effective November 2, 2021.

Carried

d) **Hartington Subdivision - Extension of Draft Plan Approval**

Resolution No. 2021-30-11
Moved by Councillor Roberts
Seconded by Councillor Leonard
That South Frontenac Council recommend the County of Frontenac extend draft plan approval for a period of two years for application 10T-2013/002, subject to the conditions approved by the Local Planning Appeal Tribunal on November 15, 2018, and direct the Clerk to forward this resolution to the County Clerk.

Carried

e) **Southern Frontenac Community Services Corporation - Request for Capital Funding**

Resolution No. 2021-30-12
Moved by Councillor Sutherland
Seconded by Councillor Roberts
That Council support making a financial contribution to SFCSC's Grace Centre Expansion Project; and,

That Council direct staff to bring forward draft terms of a contribution agreement for financial support of SFCSC's Grace Centre Expansion Project based on the principles outlined in this report and the feedback provided by Council at the October 19, 2021 meeting.

Carried

f) **Truth and Reconciliation Commission - Calls To Action**

Resolution No. 2021-30-13
Moved by Councillor Morey
Seconded by Councillor Revill
That the Council of the Corporation of the Township of South Frontenac join other municipalities across Canada in responding to the Truth and Reconciliation Commission Calls to Action by adopting the principles of reconciliation to strengthen its relationship with indigenous communities and residents; and

That the Council of the Corporation of the Township of South Frontenac recognize September 30th as a National Day for Truth and Reconciliation in accordance with the Truth and Reconciliation Commission Calls to Action; and

That staff be directed to develop and implement a land acknowledgement along with staff from the other Frontenac municipalities thereby creating a unified approach to a meaningful partnership with regional indigenous community partners and residents.

Carried

10. Committee Meeting Minutes - none

11. By-laws (with associated report)

a) **By-law 2021-58 - Appointment of Building Inspector**

Resolution No. 2021-30-14
Moved by Councillor Sutherland
Seconded by Councillor Sleeth
That By-law 2021-58, being a by-law to appoint a Building Inspector, be given first and second reading.

Carried

Resolution No. 2021-30-15
Moved by Councillor Morey
Seconded by Councillor Roberts
That By-law 2021-58, be given third reading, signed and sealed.

Carried

12. Reports for Information

a) **Hinchinbrooke Road Reopening and Final Repairs**

b) **Rural Transit Solutions Fund - Joint Grant Application**

13. Information Items - not applicable

14. Notice of Motions

a) Councillor Revill served a notice of motion that Council consider an appropriate commemoration of Pat Barr in recogntion of her service as a Councillor for the past 8 years.

15. Announcements/Statements by Councillors

a) Councillor Ruttan reported that he has received a lot of positive feedback on the multi purpose pad at Centennial Park. He noted his ongoing support for physically active communities and felt this particular site provides an opportunity or exercise for all ages and that this was a great investment in the community.

b) Mayor Vandewal commended the Social Events committee who organized a family skate party at the Frontenac Arena despite a lower than anticipated turnout.

16. Question of Clarity (from the public on outcome of agenda items)

a) Wilma Kenny had no questions of clarity but she appreciated having the opportunity to join virtually.

17. Closed Session - not applicable

18. Confirmatory By-law

a) **By-law 2021-59**

Resolution No. 2021-30-16
Moved by Councillor Leonard
Seconded by Councillor Sleeth
That By-law 2021-59 being a by-law to confirm generally all actions and proceedings of the Council of the Corporation of the Township of South Frontenac be given first and second reading this 19 day of October 2021.

Carried

Resolution No. 2021-30-17
Moved by Councillor Revill
Seconded by Councillor Morey
That By-law 2021-59, being the confirmatory by-law, be given third reading, signed and sealed this 19 day October 2021.

Carried

19. Adjournment

a) Resolution

Resolution No. 2021-30-18
Moved by Councillor Leonard
Seconded by Councillor Roberts
That the Council meeting of October 19, 2021 be adjourned at 8:50 pm.

Carried

Ron Vandewal, Mayor

Angela Maddocks, Clerk

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Office of the Clerk
Date of Meeting:	November 2, 2021
Subject:	**Notice of Motion – Commemorate Councillor Barr**

Summary

Councillor Revill filed a notice of motion for council to consider commemorating former Councillor Pat Barr for her years of dedicated service to Bedford District residents and the South Frontenac community. If seconded, Council will consider that motion at this meeting.

Recommendation

That Council approve of and provide direction on how to commemorate the dedicated community service of the late Councillor Pat Barr.

Background

There is no precedent set for commemorating Council members who passed away during their term of office.

Discussion/Analysis

Council's Procedural By-law 2017-76 establishes the process for Notice of Motion.

At the Council Meeting on October 19, 2021, Councillor Revill served a notice of motion that Council consider an appropriate commemoration of Pat Barr to recognize her service as a Councillor for the past 8 years.

A notice of motion requires a seconder at the next regular Council meeting. If seconded, the motion is debated and voted on.

Financial Implications

Unknown at this time.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

Notice/Consultation

Not applicable.

Attachments

None.

Approvals

Submitted By:

Angela Maddocks

Angela Maddocks, Clerk

Approved By:

Neil Carbone

Neil Carbone, Chief Administrative Officer

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Office of the Clerk
Date of Meeting:	November 2, 2021
Subject:	**January 2022 Council Meeting Schedule**

Summary

This report recommends the rescheduling of the Council and Committee of the Whole meetings for January 2022. The timing of these meetings are stipulated in the Procedural By-law 2017-76 and must be changed by resolution of Council in order to accommodate holiday closures.

Recommendation

That Council suspend the rules of the Procedural By-law 2017-76 and schedule the January 2022 Council Meetings for January 11 and January 25 and the Committee of the Whole meeting for January 18, 2022.

Background

By-law 2017-76, the Procedural By-law, Section 2, stipulates that Council shall meet at 7:00 pm on the first and third Tuesday in each month from January to December inclusive with the exception of the months of July and August.

Discussion/Analysis

The municipal administration offices will be closed to the public from December 27, 2021 to December 31, 2021 and offices will re-open on January 4, 2021, during which time many staff are on holidays.

Staff are recommending that for January 2022 the schedule be moved ahead one week with the first Council meeting being held on January 11 and then to follow the alternating pattern with a Committee of the Whole on January 18, 2022 and Council again on January 25, 2022.

The February meetings will follow the regular scheduling as outlined in By-law 2017-76

Financial Implications

None.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

Notice/Consultation

If Council agrees to this schedule, notification will be provided in the weekly advertising banner, website and social media starting in December.

Attachments

None.

Approvals

Submitted By:

Angela Maddocks

Angela Maddocks, Clerk

Approved By:

Neil Carbone

Neil Carbone, Chief Administrative Officer

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Public Services Deparment
Date of Meeting:	November 2, 2021
Subject:	**Restoration and Preservation of the Bellrock Mill**

Summary

In May of this year, Council approved the purchase of the historic Bellrock Mill. At that time the South Frontenac Museum Society obtained a cost estimate for engineering services to preserve and restore the Mill. They also applied, unsuccessfully, for several grants to cover a portion of those costs. In the absence of other funding, this report recommends that Council fund the engineering study directly in order to prepare for shoring up the property to prevent further degradation.

Recommendation

That Council approve $20,000 from the Working Fund reserve, to complete an initial engineering review on the feasibility of preserving and restoring the historic Bellrock Mill.

Background

In June of this year, Council was presented with options regarding the acquisition of, and conditions associated with, the Bellrock Mill. With approval from Council, conditions of a purchase and sale agreement were satisfied and the Township took possession of the Bellrock Mill property later that month.

Earlier this year, the South Frontenac Museum Society approached Roney Engineering to provide a proposal for the initial structural review of the Mill. Using this estimate, the Society applied for several grants intended to fund all or a portion of those costs.

As winter approaches, and no grants have been obtained to fund these costs, staff are recommending that the Township fund the engineering review directly to determine what can and should be done to shore up and protect the property, and prevent further degradation.

Discussion/Analysis

The initial engineering review would not be exhaustive but will be the first formal indication of whether there are any factors that would prevent the building from being retained or restored as well as what the most significant challenges will be. A further cost estimate will then be provided for the next stages including design and supervision of shoring works if necessary.

Staff feel that the condition of the building and the nature and location of its degradation require a formal engineering study prior to any shoring or remedial work being conducted. This initial assessment would include:

- Site exploration/current state of the framing and building envelope
- A 3D lidar and photographic scan of the interior and exterior of the building, providing necessary data of the building and its current contents
- Preparation of rough existing framing plans
- A brief report offering initial opinion on the viability and feasibility of saving and restoring the building.

Financial Implications

Based on an estimate from Roney Engineering, the initial engineering assessment will cost $15,570.00 plus HST, which would be funded from working fund reserves.

Relationship to Strategic Plans

☐ Not applicable to this report.

☒ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: **4. Be a catalyst for the creation of vibrant, complete communities.**
- Action Item (if applicable):

Notice/Consultation

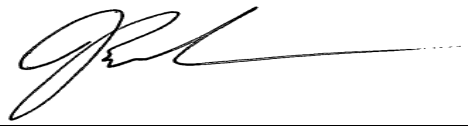
- John McDougall, South Frontenac Museum Society
- Roney Engineering Ltd.

Attachments

1. Roney Engineering Proposal for Engineering Services

Approvals

Submitted By:



Jamie Brash
Manager of Facilities & Solid Waste

Approved By:



Neil Carbone
Chief Administrative Officer

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Office of the Clerk
Date of Meeting:	November 2, 2021
Subject:	**Committee of Adjustment Vacancy**

Summary

Due to the passing of Councillor Pat Barr, the Bedford District seat needs to be filled on the Committee of Adjustment. This report recommends Councillor Revill, being the other Councillor representing the District of Bedford, for appointment to that vacant seat.

Recommendation

That Schedule A to By-law 2020-01 be amended to appoint Councillor Revill to Committee of Adjustment for the remainder of 2021.

Background

On January 26, 2021, Council passed Resolution 2021-5-06 that appointed Councillor Revill to the Committee of Adjustment from February 1, 2021 to March 31, 2021 and Councillor Barr from April 1, 2021 to December 31, 2021.

Council declared Councillor Barr's seat to be vacant at the October 19, 2021 Council meeting and all other committees to which Councillor Barr was appointed are deemed vacant under this process.

Discussion/Analysis

As Council is aware, Council members are appointed to Committee of Adjustment for a one year term and re-appointments from all districts will be determined early in 2022. For the purposes of the remainder of 2021, and given Councillor Revill's earlier appointment to this committee, from a staff perspective it seems appropriate to appoint him to the Committee of Adjustment for November and December of 2021.

While vacancies now exist on other committees that Councillor Barr was appointed to, it would be appropriate to defer those until such time as Council has appointed a new councillor to her vacant seat around the Council table.

Financial Implications

None.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

Notice/Consultation

None.

Attachments

None.

Approvals

Submitted By:

Angela Maddocks

Angela Maddocks, Clerk

Approved By:

Neil Carbone

Neil Carbone, Chief Administrative Officer

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Office of the Chief Administrative Officer
Date of Meeting:	November 2, 2021
Subject:	**Review of the Frontenac Municipal Services Corporation (MSC) Business Case Study Final Draft**

Summary

This report recommends that Council provide comments to the County's Communal Services Committee regarding updates to its Frontenac Municipal Services Corporation (MSC) Business Case Study Final Draft, prior to publishing it for public comment as required under the Municipal Act. It does not bind the Township to participate in the MSC, a decision which will come before Council at a later date.

Recommendation

That Council submit feedback, as recommended by staff in this report, to the County's Communal Services Committee for consideration prior to the publishing of the Draft Frontenac Municipal Services Corporation Business Case Study for public review and comment.

Background

At its regular meeting on May 4, 2021, Council received a delegation from WSP on behalf of the County's Communal Services Committee regarding progress to date on the Communal Services initiative and the recommendation of a Municipal Services Corporation (MSC) as the desirable governance model to deliver Communal Services.

On June 15, 2021, Council received a report from staff in response to a number of questions that were posed during the WSP presentation (Attachment #1). Council also passed the following motion, endorsing the MSC model in order to progress to the step of developing and publishing a business case as is required by the Municipal Act before an MSC can be established.

Resolution No. : 2021-22-18
Moved by Councillor Ruttan
Seconded by Councillor Revill

That Council endorse the recommendations of the Communal Service Governance/Operations Committee to create a Municipal Service Corporation (MSC) to manage communal service development across the Frontenac's, with initial municipal ownership based on a weighted assessment model; and,

That Council agree to participate in the next step in the Communal Services initiative being the development of a business case based on the recommendations of the WSP report.

Carried

On September 22, 2021, Council received a letter from the County of Frontenac, requesting comment on an initial draft of the Business Case prior to it being published for public review.

This report responds to Council and staff questions and recommends that Council provide feedback, as contained in this report, to the County so that it's Communal Services Committee can consider edits to the business case prior to it being published.

Discussion/Analysis

South Frontenac staff have been in regular contact with County staff regarding the development of the draft Frontenac Municipal Services Corporation Business Case Study, including the review and provision of feedback and revisions prior to the current draft being submitted.

Estimates about the operations and finances of the systems are included in the business case study as references to prior reports; however, some answers to recurring questions about these areas are listed below for Council's benefit:

How will Communal Servicing be financed?

Page #22 of the business case outlines the total 5 year costs, then refers to Report #2, Section 3.4.3 (Link – Report #2) for additional information. The County has provided South Frontenac staff with the detailed financial modelling that was prepared by WSP during the development of its initial report and will participate in a presentation to Township Council on the detailed operating and financial models prior to South Frontenac determining whether or not to participate in the MSC.

What are the start-up costs of the corporations contemplated in the Business Case?

A more detailed budget and pro forma of the start-up costs was reviewed with the County's Communal Services Committee and can be reviewed in the agenda package found here (Link - Agenda) on page 70 of 75.

Are grants available for Communal Servicing?

Central Frontenac recently received a grant from FCM (Green Municipal Fund) to complete the pre-engineering for implementation of communal services at the former school site in Sharbot Lake. While grants are never guaranteed, safe and efficient delivery of communal servicing is a priority of both the Provincial and Federal governments and associated grants would be pursued by the MSC at every opportunity.

Without grants, there seem to be only three other ways to finance communal services, being municipal tax dollars, developer contributions or utility rates from the users of the system. So how will it work?

The point of the Communal Services model is to alleviate the doubling of costs that would be experienced by developers which is a deterrent to their use. This results from the cost of the system, plus the additional 100% securities typically required by municipalities to insure against system failure.

The cost of infrastructure in a new development would still be borne by the developer, but the risk of future failure can be mitigated through a combination of 1) delayed municipal (MSC) ownership during a maintenance period, during which time utility fees are still collected from users, 2) Surety bonding, 3) Letters of Credit, and/or 4) pooled reserves from the operation of multiple systems over time, and/or other financial assurance through borrowing or insurance.

More information about the financial model and risk mitigation options can be found in Report #1, Section 7 (Link – Report #1) (note: this was completed prior to the selection of the MSC structure), and in Report #2, Section 2.2.4 (Link – Report #2).

For servicing of existing settlement areas, municipalities may wish to implement a local improvement charge.

What will monthly utility costs be for users and how does that compare to individual private services?

Section 7 of Report #1 estimated the annual cost of user fees (water & sewer) at $100/month or $1,200/year, which the consulting engineer estimated be to be comparable to the amortized annual cost of a new well and septic. These estimates do account for replacement and catastrophic failure; however, there are several variables regarding the degree of risk mitigation and type of financial assurances which will ultimately determine utility rates.

Staff have requested additional information regarding the calculation of utility rates which will be presented to Council in a subsequent meeting prior to any decision to participate in the MSC.

Other than recouping the initial municipal investment, what if South Frontenac doesn't want to realise a dividend by saddling users with higher fees than necessary?

The business case study provides that a dividend will not be considered until the MSC is solvent and the parties agree. The MSC would provide a recommendation to the shareholders regarding solvency and reserve balances based upon audited financial statements. Under the proposed ownership structure, South Frontenac would essentially have a veto over any consideration of dividends.

While Council may have limited interest in obtaining unrestricted dividends from a water/wastewater utility, the inclusion of a *restricted* community benefit component within the operating budgets of the utility could allow for reinvestment, system expansion and/or more rapid lot creation which could serve to reduce utility fees over time.

How would the two corporations scale up to avoid user rates covering a disproportionately high administrative burden?

This would be accomplished in two ways: 1) ownership of systems would not be transferred from the developer to the MSC until a minimum number of units are on line; and, 2) contracted services are anticipated to be the primary vehicle for initial administrative, operations and maintenance costs, which will scale with the amount of development. More information can be found in Report #2 on page 70 of 75 of the Committee Agenda (Link - Agenda).

The Business Case states that in the event of bankruptcy of the MSC, the systems would revert to municipal ownership, but I thought the MSC insulated the shareholders from liability?

The legal opinion received from the lawyer advised that "As a corporate entity, bankruptcy would not result in any *financial* obligations accruing to the shareholder municipalities." See business case study, page 25; however, that may not prevent MECP from ordering that the municipalities assume responsibility for the systems within their jurisdictions in the event that no appropriate alternative exists. Staff have requested additional information about this which will be provided to Council.

Since all municipalities are expected to sign on, do the other three (3) Frontenac Townships own a piece of the only two systems that happen to be in South Frontenac?

As per guiding principle #4 on page 17 of the business case study, existing South Frontenac assets could only be transferred to the MSC if approved by South Frontenac.

Recommended feedback

Staff is recommending that Council provide feedback on the report as indicated in the annotated Business Case document (Attachment #2). As well, staff recommend that Council request additional information as follows:

1. The Business Case confirms that the MSC's liabilities would not accrue to the shareholders (Townships) in the event of insolvency; however, it doesn't speak to the need for an MRA or other mechanism should MECP order any of the shareholders to assume ownership of the systems should the MSC dissolve. How is this addressed?

2. What are the Source Water Protection implications (for Townships and/or the MSC) of communal ground water systems?

3. Can the County or its consultant provide a more detailed breakdown of the annual operating cost estimates?

With Council approval, comments will be submitted to the County and staff will arrange for a subsequent presentation and answers to the questions above, prior to Council agreeing to participate in the MSC.

Financial Implications

None for the purposes of this report.

Relationship to Strategic Plans

☐ Not applicable to this report.

☒ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: **2. Promote and support growth than meets the community's needs while maintaining the integrity of our natural environment.**

- Action Item (if applicable): **A10 (a) Develop Communal Servicing Standards and financial model**.

Notice/Consultation

The following individuals were involved in the staff review of the Frontenac Municipal Services Corporation Business Case Study and accompanying reports:

- Claire Dodds, Director of Development Services
- Louise Fragnito, Director of Corporate Services/Treasurer
- Troy Dunlop, Manager of Technical Services & Infrastructure
- Kelly Pender, Chief Administrative Officer, County of Frontenac

Attachments

1. Staff Report, Communal Services – Approval to Conduct Business Case, June 15, 2021
2. Frontenac Municipal Services Corporation Business Case Study – Final Draft, September 9, 2021 (annotated comments)
3. Letter to South Frontenac requesting comment on Business Case Study, September 22, 2021

Approvals

Submitted and Approved By:



Neil Carbone
Chief Administrative Officer

REPORT TO COUNCIL

Office of the Chief Administrative Officer

AGENDA DATE: June 15, 2021

SUBJECT: Communal Services – Approval to Conduct Business Case

---

RECOMMENDATION:

That Council endorse the recommendations of the Communal Service Governance/Operations Committee to create a Municipal Service Corporation (MSC) to manage communal service development across the Frontenac's, with initial municipal ownership based on a weighted assessment model; and,

That Council agree to participate in the next step in the Communal Services initiative being the development of a business case based on the recommendations of the WSP report.

BACKGROUND:

At its regular meeting on May 4, 2021, Council received a delegation from WSP on behalf of the Communal Service Governance/Operations Committee regarding progress to date on the Communal Services initiative and the recommendation of a *Municipal Services Corporation* (MSC) as the desirable governance model to deliver Communal Services. An MSC would provide the following benefits:

- Facilitates the separation of politics from service provision & allows for an operational board with a technical focus
- Business Oriented: Business/financial viability-oriented (business case required) & allows flexible risk management
- Allows for allocation of dividends which could be used to provide other community benefits
- Separate Finances:
  - Can finance outside municipal budgets and constraints (i.e., may borrow and secure independently, limited liability)
  - Limits cross-subsidization and frees municipal borrowing capacity
- Allows consistent implementation and approach across Townships
- Ownership: Services and the corporation(s) remain 100% publicly owned by participating municipalities
- Transitional: Opportunity for smooth launch since no existing system in place
- Corporate Control & Flexibility: Shareholder Declarations can be used to limit MSC's authority and outline responsibilities & operating philosophy
- Management/admin flexibility: could be in-house, third-party, or municipally-contracted

ANALYSIS/DISCUSSION:

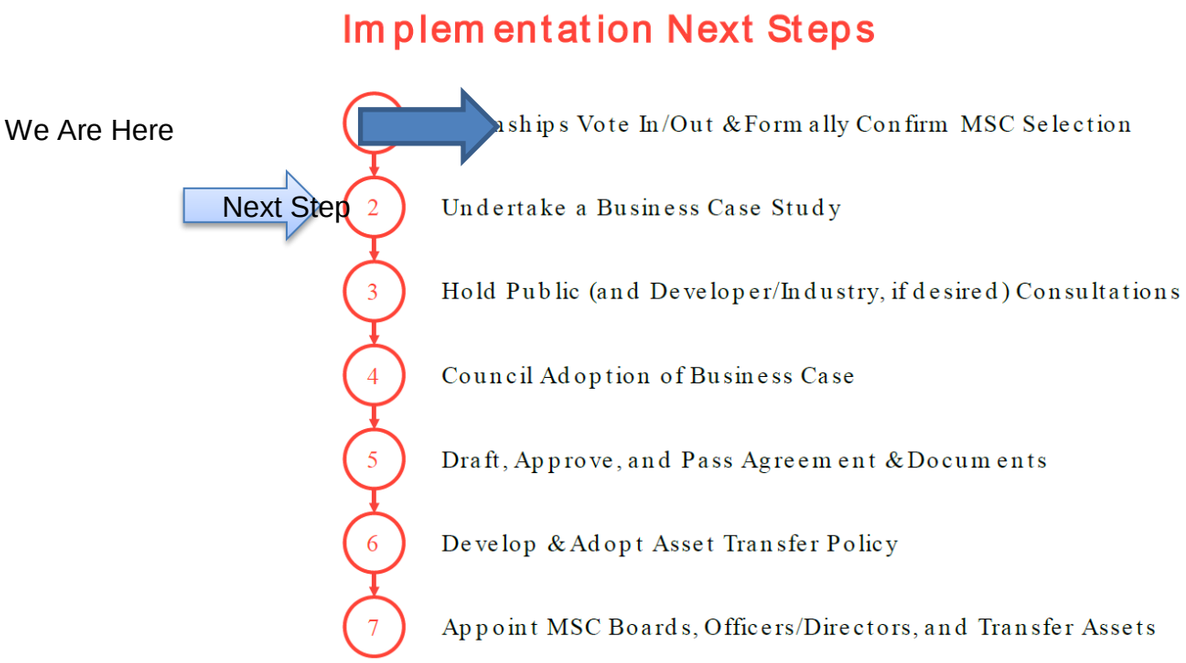
As outlined in the WSP presentation, the next step in the process is for a business case to be conducted to validate the assumptions and estimates made by the

REPORT TO COUNCIL

Office of the
Chief Administrative Officer

committee. The business case would be based on the number of municipalities involved in the model and so each of the lower tiers must decide whether or not to participate in the process moving forward.

Participation in the business case would not bind the Township to ownership in an MSC but it is a required next step to move the process forward.



DISCUSSION/ANALYSIS:

Following the May 4 presentation by Alec Knowles of WSP, a number of questions were posed by Councillors. Staff have attempted to answer those here; however, a more fulsome response would be provided as part of the business case should Council proceed.

<u>MSC vs. Township Authority</u>

The Township would retain control of the MSC as a *Shareholder*. Typically, shareholders retain responsibility for approval of auditors, passing of the corporate by-laws and the appointment/removal of directors to the Board(s) of the MSC.

That said, nothing about the establishment of an MSC for communal services alters the Townships' land-use planning authority which is entirely separate from system ownership/operation. In instances where communal services are proposed, the MSC would likely serve as a resource or commenting agency on development proposals.

<u>Dividend Options</u>

Many publicly owned utilities generate dividends for shareholders which are used to provide other public services/community benefits. While the MSC model allows for the issuance of dividends, whether or not the MSC would establish a financial model that produced dividends or how those dividends would be distributed has not been determined. This would be part of the business case process.

Development Charges

The cost of communal services, as with other development-related infrastructure, would be the responsibility of the developer. As such, it is unlikely that development charges would be levied for communal services since water/waste water has been deemed a full user-pay service. Developers would simply incorporate the cost of those works into their pricing.

In the case where a communal system is installed for the benefit of *existing* dwellings, be it Township initiated (like Sydenham water) or as an upsized installation during private development, the Township would incur the cost directly and offset that cost through a local improvement charge (LIC) to the benefitting properties so that the general tax payer does not bare any of the cost.

The benefit of communal services for developers is that the typical 100% security cost on a communal system – which effectively doubles the cost of the system, making it cost prohibitive – would no longer be required. The financial risk of system failure would instead be managed through a pooled approach via the MSC.

Sydenham Water

The Township's Sydenham Water system *could* be assumed by the MSC in accordance with the asset transfer Policy which would be developed (Step 6 in the implementation next steps). This policy would outline how the value of assets are calculated, the cash value provided and/or the change in shares that may result.

Regardless of individual system ownership, Townships will likely bear responsibility for assumption of systems in the event of MSC dissolution. A Municipal Responsibility Agreement (MRA) which applies across the Townships is the likely mechanism to outline the terms of that responsibility and transfer.

It's important to note that ownership of systems may be separate from *operations* of those systems. As noted earlier, the MSC can contract operations to a third party or maintain current contracted service relationships (e.g. Utilities Kingston with Sydenham Water) or could consider in-house operations once suitable economies of scale exist.

Limited Liability

As an independent corporate entity, it is expected that the debts and other obligations of the MSC would not accrue to the stakeholder Townships in the case of MSC insolvency. That said, in such instances the communal systems themselves would likely become the property and responsibility of the Townships. That transfer would be mandated by the Province and the terms of which likely dictated by an MRA.

During the May 4 presentation, the consultant stated that insolvency *would* result in the MSC's debts being transferred to the Municipal shareholders. Staff does not believe this is the case and the County has engaged corporate law experts with the law firm of Templemen Menninga to verify the limited liability relationship.

Borrowing Costs

A MSC receives preferential borrowing rates through Infrastructure Ontario, at a rate that is 0.3% higher than equivalent rates for municipalities.

REPORT TO COUNCIL

Office of the
Chief Administrative Officer

Private lenders such as banks also provide preferential rates to MSCs, but at the same rate as would be charged to Municipalities.

Recommendation:

Staff is recommending that Council support the recommendations of the Communal Service Governance/Operations Committee and participate in the development of a more detailed business case based on the MSC model with initial ownership shares based on weighted assessment.

STRATEGIC PLAN ALIGNMENT:

The recommendations of this report support Council's *Strategic Priorities #1: Position South Frontenac as a Regional Leader,* and *#2: Promote and Support Growth that meets the community's needs while maintaining the integrity of our natural environment.*

*The communal services initiatives was also a high priority action item within the strategic plan on account of its ability to facilitate anticipated growth, higher densities and a variety of housing types and affordability within the Township.

Additional work to determine the viability of the MSC through the completion of a business case would also inform growth management and servicing policies in the new Official Plan while it is being drafted.

		Task Name	Priority
A	10a	Develop Communal Servicing standards and financial model	High

FINANCIAL/STAFFING IMPLICATIONS:

None for the purposes of this report.

Consulting and legal costs for the Communal Services initiative and the recommended business case are being funded directly by Frontenac County.

Some senior staff time has and will continue to be involved in guiding and providing input to this process.

ATTACHMENTS:

- Communal Services Presentation from WSP – May 4, 2021

Submitted/Approved by:

Claire Dodds, RPP, MCIP
Director of Development Services

Louise Fragnito
Director of Corporate Services & Treasurer

Neil Carbone
Chief Administrative Officer

Frontenac Municipal Services Corporation

Business Case Study

FINAL DRAFT

For Discussion Purposes Only

September 15, 2021

The Shareholders:
The Township of North Frontenac
The Township of Central Frontenac
The Township of South Frontenac
The Township of Frontenac Islands
The County of Frontenac

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Table of Contents

Acknowledgements 6
Terminology & Abbreviations 7
Introduction 9
Figure One – Area Covered by the Proposed MSC 10
Background Documents 10
WSP Report #1 – County of Frontenac – Communal Services Study 11
WSP Report #2 – Communal Services Governance Model – Final Report 12
Definition of Communal Services 13
Frontenac Readiness for Communal Servicing 13
Table One – Summary of Frontenac Readiness for Communal Servicing 13
Preferred Operational Model 16
Governance and Corporate Structure 16
Guiding Principles 16
Steps for Implementation 17
Table Two – Steps for Implementation 17
Benefits of Communal Servicing 17
Municipal Responsibility Agreements 18
Risk Management 19
Asset Transfer Policy 19
Option #1 – Transfer of Assets between Partnering Municipalities and the MSC with a Value Under $100,000 19
Option #2 – Transfer of Assets between Partnering Municipalities and the MSC with a Value Over $100,000. 20
Option #3 – Transfer of Assets Between the MSC and a Non-Shareholder Municipality Valued at Under $100,000 21
Option #4 – Transfer of Assets Between the MSC and a Non-Shareholder Municipality Valued at Over $100,000. 21
Option #5 – Transfer of Assets Between the MSC and a Private/For Profit Entity or Individual 21
Option #6 – Transfer of Assets Between the MSC and a Not-For-Profit/or Charitable Entity 22
Financial Considerations 22
Borrowing from a Shareholder 23
Ownership, Share Allocation and Voting 23
Table Two – Summary of Ownership, Share Allocation and Voting 23
Restrictions Regarding a Shareholder Dividend or Community Benefit Policy 24

Option #1 – Unrestricted Dividend Policy 24
Option #2 – Restricted Community Benefit Policy 24
Option #3 – Retained by the MSC for Investment in Projects Approved by the Shareholders 25
MSC Duty to the Shareholders 25
Bankruptcy or Insolvency 25
New MSC Shareholders 25
Shareholder Withdrawal from the MSC 26
Dissolving of the MSC 26
Public Input 26

Acknowledgements

The Participating Municipalities wish to thank the following individuals for their contribution to this report over the past two years.

- The WSP Canada Inc. team, including Nadia De Santi, Alec Knowles, Sagar Kancharla, Salah Koleilat, Caitlin Larwa
- Michael Wildman, Municipal Government Wayfinders
- Members of the Communal Services Governance Committee
    - Deputy Warden Denis Doyle (Chair), Mayor of the Township of Frontenac Islands
    - Warden Ron Vandewal, Mayor of the Township of South Frontenac
    - Councillor Frances Smith, Mayor of the Township of Central Frontenac
    - Councillor Ron Higgins, Mayor of the Township of North Frontenac
    - Ms. Gwen Glover, Citizen Appointee
    - Mr. Michael Keene, Citizen Appointee
    - Mr. Wayne Robinson, Citizen Appointee
    - Mr. Jim McIntosh, Citizen Appointee
- Jon Orpana, Environmental Planner, Ministry of the Environment and Climate Change
- Peter Sizov, Municipal Advisory, Ministry of Municipal Affairs
- The Councils and staff from the participating municipalities

Numerous members of the Frontenac development community contributed to the background and technical aspects of the various reports and meetings leading up to this Business Case Study. Their participation helped keep the process grounded in the reality of construction and development in Frontenac.

The WSP team completed a best practice review of five similar municipal or joint services organizations. We are appreciative of their time and contribution to our project. Thank you to:

- The Township of Oro-Medonte
- Lakeland Holding Co.
- Grand Bend Area Joint Sewage Board
- Edwardsburgh/Cardinal & Prescott Joint Board
- Union Water Supply System

Terminology & Abbreviations

Abbreviation	Full Name	Definition/Description
MSC	Municipal Services Corporation	The generic reference to a service corporation established under the Municipal Act, S.O. 2001 and Ontario Regulation 599/06.
FMSC	Frontenac Municipal Services Corporation	Frontenac Municipal Services Corporation – the holding company anticipated by this Business Plan
FCSC	Frontenac Communal Services Corporation	Frontenac Communal Services Corporation – the operating company anticipated by this Business Plan
Frontenac	Frontenac	The geographic region encompassed by the municipalities, the County of Frontenac and the four constituent municipalities of the Township of North Frontenac, Township of Central Frontenac, Township of South Frontenac, and the Township of Frontenac Islands.
NF	Township of North Frontenac	The Lower Tier corporate entity operating under the Municipal Act, S.O. 2001.
CF	Township of Central Frontenac	The Lower Tier corporate entity operating under the Municipal Act, S.O. 2001.
SF	Township of South Frontenac	The Lower Tier corporate entity operating under the Municipal Act, S.O. 2001.
FI	Township of Frontenac Islands	The Lower Tier corporate entity operating under the Municipal Act, S.O. 2001.
CofF	County of Frontenac	The Upper Tier corporate entity operating under the Municipal Act, S.O. 2001.
Twp	Townships	The collective lower tier municipalities, namely, North Frontenac, Central Frontenac, South Frontenac and Frontenac Islands
PM	Participating Municipalities	The municipalities participating in the development of this business plan and the anticipated Municipal Service Corporation. • Township of North Frontenac • Township of Central Frontenac • Township of South Frontenac • Township of Frontenac Islands • County of Frontenac
CS	Communal Services	The broad descriptor for centralized water and wastewater services provided to a group of homes or businesses.
MA	Municipal Act, S.O. 2001	The legislative framework for the creation and operation of Ontario municipalities.
BCS or Study	Business Case	The formal requirement under the Municipal

Abbreviation	Full Name	Definition/Description
	Study	Act, S.O. 2001 and Ontario regulation 599/06 as a precursor to the establishment of a Municipal Services Corporation. [Link to Regulation]
MRA	Municipal Responsibility Agreements	The D-5-2 requirements of the Ministry of the Environment where private ownership of a communal service is established.
CSGC	Communal Services Governance Committee	The Committee established by Frontenac County to examine potential governance models for the implementation of a regional entity to oversee the operation of communal services in Frontenac

Introduction

This report has two primary objectives:

1. Provided to the citizens of Frontenac to complete the requirement of the Business Case Study as required under the Municipal Act, S.O. 2001 and Ontario Regulation 599/06.
2. Confirm the substantive elements of the Municipal Services Corporation for the partner Municipalities.

Links to the legislation are provided as follows:

Municipal Act – [Link]

Ontario Regulation 599/06 – [Link]

The BCS will focus on the guiding principles for the establishment of a Municipal Services Corporation with a mandate to own and/or operate communal services in Frontenac.

The geographic region of Frontenac includes the upper tier municipality of the County of Frontenac. The County is an upper tier municipality established under the MA covering a jurisdiction from Lake Ontario in the south to north of Provincial Highway #7, including the lower tier municipalities of:

Township of North Frontenac
Township of Central Frontenac
Township of South Frontenac
Township of Frontenac Islands.

Below, **Figure One** is a map of the area covered by this BCS and the proposed Municipal Services Corporation.

https://www.frontenaccounty.ca/en/living/living.aspx

Figure One – Area Covered by the Proposed MSC



Background Documents

In preparation for this Study, the parties engaged the services of WSP Canada Inc. to complete two (2) studies examining the potential for using communal services as an alternative to individual or full services in Frontenac. This study will rely upon the findings of these two reports but will not attempt to reiterate all the salient points of the reports. The reader is advised to refer to the source documents for further clarification of the more technical aspects of CS, or the governance aspects of this issue. Citations in the BCS to the WSP documents will be referenced as Report #1 and Report #2.

Where there is a conflict between this document and Reports #1 and 2, this document shall take precedence.

Table of Contents and links to the two reports are provided below:

WSP Report #1 – County of Frontenac – Communal Services Study
WSP Canada Inc. June 2019 [Link to WSP Report - 2019]
226 Pages

Table of Contents

Executive Summary
1. **Introduction**
   The Servicing Problem
   What are Communal Services?
   Why are Communal Services the Right Fit for the County of Frontenac?
   Study Purpose
2. **Community Overview**
   Demographic Trends
   Land Use
   Historic Villages and Main Streets
   Housing
   Environment and Natural Heritage
   Climate Change and Risk
3. **Regulatory Framework**
   Legislative and Regulatory Implications for Communal Servicing
4. **Existing Local Planning Context**
   The Role of Conservation Authorities
   Official Plan Review
   Summary
5. **Communal Services Best Practices**
6. **Engineering Best Practices**
7. **Financial Model and Risk Mitigation**
   Assumptions
   Methodology
8. **Conclusion**

Appendices

A Federal and Provincial Regulatory Framework
B County and Townships Planning Context
C Draft Official Plan Policies
D Engineering Best Practices
E Engineering Best Practices – Attachments
F Financial Model Sample Outputs

As part of this report, the parties were provided with a comprehensive financial model that will allow for the modeling of expenditures, revenues and commodity pricing for installation and operation of communal services. County of Frontenac senior financial staff were provided with training on the model.

WSP Report #2 – Communal Services Governance Model – Final Report
WSP Canada Inc. 03 March 2021 [Link to WSP Report - 2021]
52 Pages

Table of Contents

1. **Introduction**
   Context Overview
   Communal Services Definitions
   Study Purpose, Objectives & Outcomes
   WSP Mandate
   Report Structure
2. **Best-Practice Review**
   Governance and Management Structures
   Primary Research Approach
   Outcomes
   Summary
   Municipal Responsibility Agreements
   MRA Context and Requirements
   MRA Questions and Responses
   Risk Management and Other Findings
3. **Governance and Management Structure Model Assessments**
   Overview
   Municipal Services Corporation (MSC)
      Structure
      Regulatory Requirements
      Timeline & Costs
   Joint Municipal Service Board
      Structure
      Regulatory Requirements
      Timelines & Costs
   County-Level Governance
      Structure
      Regulatory Requirements
      Timelines & Costs
   Risk Analysis and Model Recommendation
      Comparative Model Analysis
      Preferred Model Selection
4. **Model Implementation**
   Next Steps for Implementation
   Implementation Recommendations
   Financial Considerations of Implementation and Return
   Appendices
   A Engagement Summary
   B Governance Model Cost Estimates

Definition of Communal Services

For the purposes of the BCS, the WSP[1] definition of communal services has been adopted. That definition is as follows:

> In principle, communal water and wastewater systems function similarly to centralized municipal services in terms of development of sewer connections to central sewage treatment and disposal facilities and/or to a communal well or water source and water-treatment facility for drinking water. Systems generally serve small-to-moderate development sizes with typical ranges between 10 to 300 units within each settlement area[2], while the Ministry of the Environment, Conservation, and Parks (MECP) defines them as those serving a minimum of five units in a development. Communal systems are typically synonymous with "decentralized systems" and the terms are used interchangeably throughout this report.
>
> Within the above descriptions, the following communal water and wastewater system definitions apply:
>
> - Communal Water Systems: shared potable water systems, including collection from groundwater or freshwater sources and treatment to drinking-water quality standards that are part of a communal service development.
> - Communal Wastewater Systems: shared facilities for the collection, treatment, and disposal of sewage that are part of a communal service development.

Frontenac Readiness for Communal Servicing

Frontenac has also taken numerous steps to be ready for residential and commercial growth that will benefit from communal services. **Table One** below provides an overview of the efforts to date.

Table One – Summary of Frontenac Readiness for Communal Servicing

Municipality	**Current Status**
Frontenac Islands	• Currently completing a Secondary Plan for the village of Marysville on Wolfe Island. Study completion will be in parallel to this report. Secondary Plan will set parameters for communal services. • Expansion of the Wolfe Island Ferry and the doubling of ferry capacity to the Island will be completed in 2022. This will further exacerbate development pressures as Wolfe Island will become a reasonable "bedroom" community option for the City of Kingston • **Timelines**: Communal servicing pressure anticipated in 2021-22.

[1] Report #2, Section 1.1.1, page 15

[2] For the purposes of the Business Case Study, the use of the term "settlement area" refers to the cluster of units connected to the communal service and is not intended to be limited to existing settlement areas.

South Frontenac	• Current Official Plan policies discourage communal services • Official Plan and settlement area boundary studies to commence in 2021. • Completed a community strategic plan that identifies regional leadership and community building as goals for the municipality. • Water quantity/quality issues exist in several areas and will require hydro-geological work in order to identify potential development areas (and likely eliminate others). • Development/growth pressures from Kingston will increase development demand. Current "strip" development will not sustain growth • Several settlement areas, namely Inverary, Battersea, Sydenham, Harrowsmith and Verona could see significant benefit from communal services • **Timelines**: Development pressure is ongoing – Official plan, settlement boundary rationalization and hydro-geological work will likely mean that the first communal service projects will be in the approval process in the 2022-23 time frame.
Central Frontenac	• The Township Official Plan was approved by Council on July 13/21. The new O.P. will encourage communal services • Waterfront policies in the new O.P. will encourage communal servicing in rural/lake front properties which will open up waterfront development potential for the community • The Township has purchased a former school site in downtown Sharbot Lake with a view towards a mixed use communal service project. Planning for the project may include connections to other municipal facilities or business in the downtown core. Funding has been received to commence the engineering feasibility component of this project. • **Timelines**: Current
North Frontenac	• Official Plan and Zoning By-laws complete in 2017. Recognize communal servicing option • Waterfront policies in the new O.P. and Zoning By-law encourage communal servicing in rural/lake front properties which will open up waterfront development potential for the community • **Timelines**: Current

County	• Regional Planning Framework:
	  o County Official Plan approved in 2016, update to commence in 2022.
	  o Completed a Regional Roads Study in 2018 in order to permit a more expansive range of development options on non-municipal roads.
	  o Population projections update complete.
	• Completed a strategic plan in 2019 that emphasis continued economic growth and regional cooperation
	• Completed a trail connection from the City of Kingston boundary to Clarendon (the K&P Trail), with the commitment to make the connection to the United States and Lanark County. Trail will be extended an additional 14 km north in 2021-22 effectively creating a regional trail corridor that is encouraging rural residential and commercial growth.
	• In 2016 completed a “regional brand” for Frontenac and implemented the first regional economic development strategy. The brand roll out included a business ambassador program that has been successful in bringing nearly 200 businesses on board with the regional brand. The economic development strategy is anticipated to be refreshed in 2021
	• The County has participated and invested in regional broadband and cellular expansion in the area through the Eastern Ontario Regional Network (EORN).
	• Selected as the preferred vendor by EORN, Rogers Communications has initiated the process of providing 5G cell to the County
	• The County has participated and invested in the establishment of the Eastern Ontario Leadership Council and region wide economic development initiatives, including workforce development, innovation and transportation.
	• The County is recognized as a regional leader in Continuous Improvement, utilizing Lean principles to drive efficiency.
	• **Timelines**: Current

Preferred Operational Model

WSP Report Number #2 was supported by the Communal Servicing Governance Committee composed of the four Township Mayors and three citizen appointees. Together with WSP they completed a best practice review of five (5) existing service providers and three (3) governance structures including:

- A Municipal Services Corporation
- A Joint Municipal Board
- County Level Governance

The recommendation of WSP and the CSGC to the member municipalities was to initiate a process to develop a BCS for the implementation of a Municipal Services Corporation. This recommendation was subsequently endorsed by the Councils of the five participating municipalities.

Governance and Corporate Structure

The recommended governance structure for the Corporation[3] was detailed by WSP and endorsed by the CSGC as a two MSCs:

1. A Holding MSC – for the purposes of this report, named the Frontenac Municipal Services Corporation (FMSC)
2. An Operating MSC – for the purposes of this report, named the Frontenac Communal Services Corporation (FCSC)

All shares in the Operating MSC will be owned by FMSC.

WSP describes the benefits to this structure as providing the ability to:

a) Establish additional operating MSCs in the future that are held by the Holding MSC; and
b) Extend service and/or ownership to other municipalities by limiting purchasing and voting powers to Holding MSC shares only.

Guiding Principles

The following guiding principles have been established for the Business Case Study and the Frontenac Municipal Services Corporation:

1. The establishment of the FMSC will not impinge upon the planning authority of any participating municipality, but rather will provide guidance and/or pre-approval for communal systems that will either be owned/operated or operated by the MSC that will lead to faster approvals by the respective planning authorities and reduce costs for developers and eventually purchases/owners of serviced units
2. One of the primary drivers for the establishment of a MSC for the ownership and operation of communal services is the ability to spread risk by

[3] Report #2, Section 3.2.1, page 23

aggregating assets. As such, the partners agree that the MSC will be the owner/operator for communal services

3. It is recognized that the operational aspects of the MSC will evolve slowly as units are constructed and that it may take several years to reach critical mass. It is understood that the Operating Board will be responsible for determining the best operating model and that it is likely that at the outset contracted operating services will be the predominant model
4. The existing Water Treatment and distribution system in the Village of Sydenham, Township of South Frontenac will remain under the ownership and control of the Township and will not be transferred to FMSC upon incorporation. There will be no mechanism or expectation that the system will be transferred to the FMSC. Only the Township of South Frontenac Council will be able to make such a determination.
5. The County of Frontenac would be a non-voting shareholder in the MSC.

Steps for Implementation

WSP Report #2 (page 7), sets out the necessary steps for the establishment of the MSC. **Table Two** below sets the seven steps.

Table Two – Steps for Implementation

#	Step	Status
1.	Formally Confirm MSC Selection	Complete
2.	Undertake a Business Case Study	This Document
3.	Hold Public Consultations	Pending
4.	Adopt of the Business Case by Council(s)	Pending
5.	Draft, Approve and Pass Necessary Agreements & Documents	Pending
6.	Develop and Adopt an Asset Transfer Policy	Pending
7.	Appoint MSC Boards, Officer/Directors, and Transfer Assets	Pending

Benefits of Communal Servicing

Within Frontenac, the use of private services dominates the residential and commercial landscape. Except for the Village of Sydenham water system, servicing largely consists of individual wells and septic systems. While this is efficient on a single home or business basis, it creates a number of issues for communities that are resolved or lessened by the installation of communal services, namely:

- **Risk:** manages and spreads risk
- **Environmental Protection and Aquifer Integrity:** fewer wells drilled into an aquifer, thereby reducing the potential for ground water contamination from surface runoff
- **Monitoring and Environmental Protection:** communal services have stricter testing and reporting requirements than individual services

- **Increased density:** thereby reducing the cost of municipal service delivery and improving community sustainability
- **Efficient Land Use:** Traditional rural pattern development results in approximately 0.57 residential units/hectare[4], while the same site on communal services could result in 2.23 units/hectare[5], or approximately 3.9 more residential units/hectare, thereby creating a more efficient use of land.
- **Community Sustainability**:
    - Residential units can be clustered to take advantage of access to recreation corridors such as the K&P or Cataraqui Trails or provide walkable communities that can help sustain rural communities and businesses
    - Existing communities can be serviced in a manner that will assist with rural community sustainability
    - Greater opportunity for main street development and redevelopment, including higher density and upper floor residential development
    - Communal service can be constructed in a scalable manner, thereby aligning costs with revenues for the developer and more reflective of the scale and pace of rural development
    - Business and/or industrial parks can be established utilizing a scalable communal services model, thereby making serviced employment an attractive option in a rural setting.

Municipal Responsibility Agreements

For a full discussion of MRAs, please refer to Report #2 by WSP.

It is the intention of partners that the majority of the communal services constructed moving forward will be owned and operated by the MSC, thereby negating the necessity for an MRA.

It is recommended that each partner municipality enter into an Indemnity Agreement with the MSC to limit future liabilities.

As a condition of a Subdivision or Condominium agreement, communal services would be the responsibility of the developer for a period to be determined by the MSC to establish a viable system, at which time ownership would transfer to the MSC.

In the rare instances where an MRA is contemplated, the WSP reports provide various methods to reduce risk and limit liability. These same tools can be utilized by the MSC to guide the assumption of communal service assets.

[4] Report #1, page 10, Figure 1-3
[5] Report #1, page 11, Figure 1-4

Risk Management

The ability to manage and mitigate risk is an important element of the ownership and operation of communal services for municipalities. The establishment of a MSC provides the partner municipalities with the ability to pool and share risk. By aggregating risk, we mean the ability to spread risk across a portfolio of installations. The analogy is the provision of car insurance. Without a pooled model whereby, risk is spread across all insured drivers, each individual owner would be required to hold substantial savings in the event of an accident. By pooling the risk, the cost to any one individual is minimized and costs are lowered to the consumer. Similarly, the risk for one individual communal service failure requires far greater securities to protect the developer, homeowner, and municipality than if the risk is spread across ten installations. This approach has the added benefit of lowering development costs and improving home affordability, both at the time of purchase and for ongoing operating costs.

For a more detailed discussion of the tools available to the MSC to mitigate risk, refer to Report #2[6].

Asset Transfer Policy

At incorporation, FMSC will not hold any capital assets. Non-capital assets in the form of cash, will be transferred to the corporation in accordance with the financial contribution described in this document and detailed in Report #2[7].

For clarity, this Policy does not apply to the transfer of communal service assets to the MSC by a developer under the terms of Subdivision or Condominium Agreement.

For the capital assets other than noted above, four (4) options are provided. They are outlined as follows:

Scenario #1 – Transfer of Assets between Partnering Municipalities and the MSC with a Value Under $100,000

Where the parties agree that an asset contemplated for transfer is valued at under $100,000, a transfer may be completed by motion of the shareholders of the FMSC and a motion of the appropriate shareholder municipality. Such a sale will be at a cash value agreed to between the parties. No option exists for such a transfer to involve the transfer of shares.

The parties may agree to conduct the transfer of an asset under this limit, utilizing the terms and conditions described Option #2.

[6] Report #2, Page 19-21
[7] Report #2, Page 37-39

It is understood that under Option #1:

- either party may elect to initiate such a process, but that both parties will base any final decision in their own interest without undue influence from the other party
- that the above option may be initiated in the reverse (i.e., the transfer of an asset from the MSC to a shareholder municipality)
- the sole authority for the MSC will be a vote of the shareholders and for the municipality, the Council of the municipality disposing or acquiring the asset.

Scenario #2 – Transfer of Assets between Partnering Municipalities and the MSC with a Value Over $100,000.

A shareholder municipality may solely elect to transfer an asset to initiate the process of transferring a municipal asset to the MSC. The FMSC (i.e., the holding company), acting in consultation with the MSC operating arm, may elect to accept the transfer and elect to compensate the municipality based on one of the following:

1. A cash payment based upon the average of two (2) independent appraisals. One completed and paid for by the MSC and a second completed and paid for by the municipality. Both independent appraisals must be accompanied by:
    a. A statement that the company/individual is qualified and competent to make such an appraisal
    b. A statement that the company/individual is not in a position of conflict
2. A payment of equivalent share in FMSC base upon the average of two (2) independent appraisals. One completed and paid for by the MSC and a second completed and paid for by the municipality. Both independent appraisals must be accompanied by:
    a. A statement that the company/individual is qualified and competent to make such an appraisal
    b. A statement that the company/individual is not in a position of conflict
3. A combination of option 1 and option 2 above (i.e., x% cash payment and y% shares, where x + y = 100% of the appraised value)

It is understood that under Option #2:

- either party may elect to initiate such a process, but that both parties will base any final decision in their own interest without undue influence from the other party
- that the above option may be initiated in the reverse (i.e., the transfer of an asset from the MSC to a shareholder municipality)
- the sole authority for the MSC will be a vote of the shareholders and for the municipality, the Council of the municipality disposing or acquiring the asset.

Scenario #3 – Transfer of Assets Between the MSC and a Non-Shareholder Municipality Valued at Under $100,000

Where an asset is proposed to be transferred between the MSC and a non-shareholder municipality and the parties agree that the value of the asset is less than $100,000, the parties may agree to a cash transaction at an agreed to fair market value.

Scenario #4 – Transfer of Assets Between the MSC and a Non-Shareholder Municipality Valued at Over $100,000.

A non-shareholder municipality may elect to transfer an asset to initiate the process of transferring a municipal asset to the MSC. FMSC may elect to accept the transfer and elect to compensate the municipality based on one of the following:

1. A cash payment based upon the average of two (2) independent appraisals. One completed and paid for by the MSC and a second completed and paid for by the municipality. Both independent appraisals must be accompanied by:
    a. A statement that the company/individual is qualified and competent to make such an appraisal
    b. A statement that the company/individual is not in a position of conflict
2. A payment of equivalent share in FMSC based upon the average of two (2) independent appraisals. One completed and paid for by the MSC and a second completed and paid for by the municipality. Both independent appraisals must be accompanied by:
    a. A statement that the company/individual is qualified and competent to make such an appraisal
    b. A statement that the company/individual is not in a position of conflict
3. A combination of option 1 and option 2 above (i.e., x% cash payment and y% shares, where x + y = 100% of the appraised value)

Scenario #5 – Transfer of Assets Between the MSC and a Private/For Profit Entity or Individual

The transfer of any asset considered to be integral to the operation of a communal water or sewer system, may not be transferred to a private/for profit entity under any circumstance.

Non-operationally integral capital assets valued at under $100,000 (e.g., a vehicle) may be transferred at an agreed upon fair market price, with a motion of the MSC Operational Board.

Non-operationally integral capital assets valued at over $100,000 (e.g., a surplus property or equipment) may be transferred at an agreed upon fair market price, with a motion of the FMSC.

Scenario #6 – Transfer of Assets Between the MSC and a Not-For-Profit/or Charitable Entity

The transfer of any asset considered to be integral to the operation of a communal water or sewer system, may not be transferred to a Not-For-Profit/or Charitable Entity under any circumstances.

Non-operationally integral capital assets valued at under $100,000 (e.g., a vehicle) may be transferred at an agreed upon fair market price, with a motion of the MSC Operational Board.

Non-operationally integral capital assets valued at over $100,000 (e.g., a surplus property) may be transferred at an agreed upon fair market price, with a motion of the FMSC Board.

The parties agree that the monetary limits presented may be amended from time to time by a majority vote the shareholders.

Financial Considerations

Report #2[8] examined four options for the start-up of the MSC and the distribution of shares, namely:

1. Weighted Tax Assessment
2. Equal Allocation
3. Weighted Population
4. Hybrid Allocation

Under all four options, the County of Frontenac would provide a 20% financial (non-voting) contribution, resulting in the remaining 80% being divided between the four remaining partner municipalities.

At the recommendation of the CSGC, the partners endorsed the option of utilizing weighted tax assessment for the distribution. The weighted assessment share will be determined based upon the percent share allocation as determined from assessment data provided by the Municipal Property Assessment Corporation (MPAC) on the date that incorporation of the MSC is received.

The anticipated five (5) year requirement of the MSC is $696,800[9]. The partners will budget for the total amount of their share in the year of incorporation. A total of 20% of the allocated amount will be transferred to the MSC with thirty (30) days of

[8] Report #2, pages 37-39
[9] Report #2, page 39

incorporation. It is anticipated that the MSC will "draw" against the remaining budgeted amount over a five-year period based upon the needs of the Corporation and a majority vote of the shareholders.

For clarity purposes, the draw may be accelerated if development and installation of communal services is accelerated, or conversely, delayed if development is slowed. In any case, the total amount will be held in a designated reserve by the member municipality and will be transferred to the MSC with thirty (30) days of receiving notice to do so. The reserve may be held in an interest-bearing account by the partner municipality. Accrued interest will remain with the municipality and will not accumulate for the benefit of the MSC.

Borrowing from a Shareholder

While a primary benefit of establishing a MSC is the ability to borrow without affecting the Annual Repayment Limit (ARL) of a municipality, from time-to-time it may be prudent for a shareholder municipality to borrow on behalf of the MSC, or to provide such terms of borrowing from internal resources (i.e., reserves) as may be deemed expedient. Such borrowing shall be at fair market terms and rates as determined by the parties. Any such borrowing under $100,000 may be negotiated between the parties without the approval of the shareholders. Borrowing over $100,000 will be subject to a vote by the shareholders. A reciprocal arrangement (i.e., a shareholder municipality borrowing from the MSC) will be subject to a vote of the shareholders under all circumstances.

Prior to borrowing being required under this provision, the MSC will establish a borrowing policy that identifies borrowing limits under this provision. Such policy will require the approval of the majority of shareholders.

Under no circumstances will the MSC borrow from a non-shareholder municipality.

Ownership, Share Allocation and Voting

As structured, the shareholders would be represented by one (1) representative from each of the four (4) lower tier partner municipalities. With votes be weighted based upon the value of their shares at incorporation.

For voting on any motion/by-law placed before the shareholders will be deemed to be carried if a minimum of two (2) shareholders, representing more than 50% of the shares votes in favour[10]. No single municipality can outvote the remainder of the shareholders.

As noted above, the County will be a contributing, non-voting shareholder. **Table Two** below summarizes the ownership, share allocation and voting that will be utilized by the FMSC.

Table Two – Summary of Ownership, Share Allocation and Voting

Partner	Owner[11]	Voting on All Matters	Distribution of Assets

[10] Report #2, page 36

Partner	Owner[11]	Voting on All Matters	Distribution of Assets
NF	Yes	Yes	Yes
CF	Yes	Yes	Yes
SF	Yes	Yes	Yes
FI	Yes	Yes	Yes
CoF	Yes	No[12]	Yes

Restrictions Regarding a Shareholder Dividend or Community Benefit Policy
A MSC can provide a dividend, or community benefit, to owners on a basis to be determined by the shareholders. As a matter of policy and practicality, the Frontenac MSC will not be in the financial position to distribute until such times as sufficient reserves and/or securities are accumulated to minimize the risk to shareholders. While this option is not a requirement, it is in the interest of the partners to establish the conditions under which such a policy may be considered.

It shall be the policy of the MSC that no dividend or community benefit will be distributed to the owners unless the following conditions are met:

1. A minimum of seven (7) years from the date of incorporation
2. A statement from the auditing firm appointed by the MSC that the risk associated with the ownership and management of the communal services has been substantially ameliorated by a combination of accumulation of reserves, insurance, and/or securities
3. A majority vote of the shareholders[13]

Should the above conditions be met, the shareholders will have three options for the use of a community benefit:

Scenario #1 – Unrestricted Dividend Policy
Community benefit can be used in any manner deemed appropriate to the shareholder municipality.

Scenario #2 – Restricted Community Benefit Policy
Community benefit can be used in a manner determined by the shareholders in a restricted manner. Potential examples include:

- Pre-engineering and/or feasibility studies for the expansion of services to an un-serviced area or employment lands

[11] The percent ownership will be determined based upon the percentage dollar contribution as determined on the date of incorporation
[12] Report #2, page 39 – Allocated to Lower Tier Municipalities based on weighted assessment on the date of incorporation
[13] As currently structured, the Township of South Frontenac would have a veto over any the implementation of a dividend/community benefit policy. At the same time, SF plus the affirmative vote of one other municipality would be required in order to approve a policy.

- In conjunction with local improvement charges, utilized for the expansion of communal services in a serviced or un-serviced hamlet or subdivision. Such a policy could benefit all residents served by the MSC by expanding the risk pool, increasing density, and decreasing costs for users
- To be utilized for a specific community enhancement project that will benefit the entire region, for example recreation facilities

Under no circumstances will the MSC provide a community benefit that will place the ongoing viability of the MSC in jeopardy.

Scenario #3 – Retained by the MSC for Investment in Projects Approved by the Shareholders
To be utilized in a manner that will support or expand communal services or expand business opportunities.

MSC Duty to the Shareholders
The MSC will at a minimum, provide the shareholders with a detailed financial update at the Annual General Meeting of the Corporation, including a presentation of the audited financial statements of the MSC and the opportunity to question the Auditor.

Within nine (9) months of incorporation, the MSC will present to the shareholders a business plan and five (5) year pro-forma budget to the shareholders for consideration and input. The plan will be revised by the Corporation annually and reviewed with the shareholders.

A majority vote of the shareholders will require a full meeting of the MSC. The vote must state the purpose and general nature of the requirement for the meeting.

The MSC will at all times have in place appropriate levels of insurance that covers the actions and decisions of the corporation and indemnifies the shareholders.

Bankruptcy or Insolvency
The MSC will make every reasonable effort to operate in a manner that will ensure the ongoing viability of the corporate entity, subject to annual audit opinions provided to the shareholders. As a corporate entity, bankruptcy would not result in any financial obligations accruing the shareholder municipalities.

New MSC Shareholders
The MSC may consider expansion of the shareholders by a two-thirds percentage vote of the shareholders. Such a vote will be supported by a business case study and, if applicable, an asset valuation as described in the Asset Transfer policy, plus a public meeting or meetings as determined by the shareholders.

New shareholders must be a municipal entity.

Should a new shareholder be approved, the shares in the corporation will be recalibrated based upon the weighted assessment on the date of approval, with the County of Frontenac shares being re-calculated accordingly.

Shareholder Withdrawal from the MSC
A municipality wishing to withdraw from the MSC will be required to provide notice to the MSC prior to September 1st in any given calendar year, with an effective date of December 31st of the subsequent year. A 16 month minimum notice period will ensure sufficient time for the MSC and the remaining shareholders to resolve the requisite legal and personnel matters.

Any municipality exercising their option to withdraw from the MSC will not be entitled to any assets of the corporation and will be required to pay their own legal expenses and the MSC.

Dissolving of the MSC
Where the Councils of all shareholder municipalities vote to dissolve the MSC, the non-cash assets of the corporation shall be valued by an independent third party. Each party will be entitled to receive proceeds from the dissolution as follows:

1. Communal Services physical assets located within the boundaries of their municipality
2. Physical assets not related to the direct operation of communal services (e.g., rolling stock, office space, or maintenance operations) will be sold and the proceeds divided based upon the shareholder's ownership stake on the date of dissolution.
    a. A shareholder may purchase such assets from the MSC for the appraised value. Where more than one shareholder expresses an interest in purchasing the asset, the successful shareholder will be randomly selected
3. Net of all costs required to wind down the MSC, cash assets and liabilities will be divided based upon shareholder value on the date of dissolution.

The parties may agree to appoint a mutually agreeable independent party to handle the disposition of assets for points 2 and 3 above. The costs of the independent party will either be deducted from the assets or apportioned to the shareholder based upon the value of their shares on the date of dissolution.

All parties will be responsible for their own costs related to the dissolution.

Public Input
This document will be posted publicly on the Frontenac public engagement channel (www.engagefrontenac.ca) for a period of thirty (30) days, commencing on XXXX xx, 2021.

Citizens of Frontenac are invited to provide written comments through the engagement site or by attending a virtual public meeting to be held on XXXX xx, 2021.

The social media channels of the partner municipalities may also be utilized to direct individuals to the engagement site or provide notice of the virtual public meeting. Please

note that comments received through social media channels will not be considered as part of the public input phase component of the BCS.

Respectfully Submitted
On behalf of the Partner Municipalities
This xx day of XXXX month, 2021.

County of Frontenac

2069 Battersea Rd.
Glenburnie, ON K0H 1S0

T: 613.548.9400
F: 613.548.8460

22 September 2021

The Township of South Frontenac
4432 George Street, Box 100
Sydenham ON
K0H 2T0

Via email: amaddocks@southfrontenac.net

Dear Township Council:

Re: Frontenac County Council Meeting – September 15, 2021 – Planning Advisory Committee – Communal Services Governance Draft Business Case Study

Please be advised that the Council of the County of Frontenac, at its regular meeting held September 15, 2021, passed the following resolution, being Reports from Advisory Committees, clause a), item 1.:

Reports from Advisory Committee Committees

a) Report of the Planning Advisory Committee

Motion #: 150-21 Moved By: Councillor Higgins
Seconded By: Warden Vandewal

That the Report received from the Planning Advisory Committee be received and adopted.

Report of the Planning Advisory Committee

The Planning Advisory Committee reports and recommends as follows:

1. **2021-068**
   Communal Service Governance
   DRAFT Business Case Study

   Be It Resolved That the Communal Service Governance – DRAFT Business Case Study (September 9, 2021) be received and amended as follows:

1. Under Asset Transfer Policy section, change the word options to scenarios
2. Under Community Benefit and Dividends section, change the word options to scenarios
3. Under MSC Duty to the Shareholders section, second paragraph, insert the words “by the Corporation” before to the word annually in the last sentence.
4. On the title page add the words The Shareholders above the 5 municipalities listed.

And Further That the DRAFT Business Case Study dated September 9, 2021, as amended, be provided to the member municipalities for their review and input prior to the end of October 2021.

Carried

Enclosed for your consideration is a copy of the Communal Services DRAFT Business Case Study dated September 9, 2021. In addition, I would respectfully request that any comments from the Township be forwarded to the County of Frontenac prior to the end of October, 2021.

I trust you will find this in order; however should you have any questions or concerns, please do not hesitate to contact me at 613-548-9400, ext. 302 or via email at jamini@frontenaccounty.ca.

Yours Truly,



Jannette Amini, Dipl.M.M., M.A. CMO
Manager of Legislative Services/Clerk

Copy: Kelly Pender, Chief Administrative Officer
Joe Gallivan, Director of Planning and Economic Development

October 6, BellRock Hall meeting Oct 6, 2021

Present: Celine Hayes, Carmel Orr, Debbie Twiddy, Doug Morey.
Minutes from last meeting : Oct 22, 2020---work meeting---approved
Treasurer: BALANCE Nov 1, 2020: Petty cash: $26.09
Chequing acc't. $1318.91

EXPENSES to Nov 1, 2020:
Property/insurance/propane/hydro/miscellaneous $3305.61

FUNDRAISING done in 2021: $4095 from donations from the community

GRANTS RECEIVED 2021: Covid relief: $4000
Community grant : $2250
-- Community grant funds used for fruit trees, bushes for yard, celebration of 160th anniversary.

CURRENT FINANCIAL STATUS SEPT 2021: Petty Cash: Current balance $407.15 Chequing balance: $6745.35
Petty cash was $740 (cash donations from fundraising as listed above). Expenses leading up to the current petty cash balance Sept 2021:
$150 tree removal,; $100 lawn maintenance; miscellaneous expenses $98.95

Insurance price increase of $20 per month as of Oct 9 2021. New price $211.92/month
Doug Morey had a good look at the insurance policy and pointed out several items we are covered for that are irrelevant for the hall. Carmel will follow up on this with the insurance company.** *UPDATED NOTE: On Oct 8, Carmen consulted with the insurance company and also Mark Foster at the township. It was suggested that we could save $302.00 annually by removing coverage for the following items from our policy:*

Earthquake
Flood
Equipment breakdown

After consultation with board members via email over the weekend of Oct 9-10, it was decided to remove coverage for these three items from our policy. Carmen will notify Mark Foster and the insurance company of this decision as of Tuesday Oct 12 (Tuesday after Thanksgiving)

Interest in rentals for the hall: 1. *Astronomical society* is interested in possible use of the hall for weekly meetings and monthly sessions, storage of their equipment. Rental rate was suggested at $2000 per year. They are considering this and may be back in the spring of 2022.
Euchre group are meeting bi-weekly. Payment is free-will offering, no charges.
Karen Holmes has a theatrical group interested in the hall.
Girl Guides are interested in running a few special events in the hall. Will notify them that we are closing the hall at the end of November and hope to re-open at the beginning of March.

Hall maintenance: We shocked the well today. Sample to be at earliest opportunity for testing. We have a new filter for the UV light, will install just before the water sample is collected for testing. Furnace filter alsto to be replaced; sizing to be done tonight.
Winter closure of the hall: Plan to close up the hall at the end of November. Need to arrange draining lines, etc.
Cupola housing for school bell: Debbie has been in contact with several restoration experts and will follow up on the project to get an estimate on what needs doing and what it will cost.

Celebration of 160th Hall anniversary: We have ordered re-useable shopping bags with the BellRock Hall logo on them. To be given as thanks to all the donors from our fund-raising campaign and distributed to various people.
DATE: Saturday Nov 6. TIME 2pm to 5pm. Tea, coffee, cookies, sandwiches . Raffle, door prizes. Debbie to send a notice to newspaper.
Upcoming bookings Oct 24 Reynolds family lunch and Oct 27 Nature Conservancy dinner

Next meeting date: Oct 27 6:30 pm.

TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021-60

A BY-LAW TO AMEND BY-LAW 2000-01, BEING A BY-LAW TO REGULATE THE USE OF TRAFFIC, PARKING AND STOPPING ON HIGHWAYS AND BRIDGES IN THE TOWNSHIP OF SOUTH FRONTENAC, TO REGULATE SPEEDS AS OUTLINED IN SCHEDULE "A".

WHEREAS By-law 2000-01 regulates the use of traffic, parking and stopping on highways and bridges under the jurisdiction of the Council of the Corporation of the Township of South Frontenac, pursuant to the Municipal Act, R.S.O. 1990, Ch. 45, as amended and the Municipal Act, 2001, Ch. 25, as amended; and

WHEREAS Council wishes to amend By-law 2000-01 as amended, for the purposes of regulating the speed on a section of Davidson Road.

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. That the attached Schedule "A-48" is hereby added to By-law 2000-01 as amended.

2. This by-law shall come into force and take effect upon the posting of the appropriate speed limit signs.

Dated at the Township of South Frontenac this 2nd day of November, 2021.

Read a first and second time this 2nd day of November, 2021.

Read a third time and finally passed this 2nd day of November, 2021.

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

_____
Ron Vandewal, Mayor

_____
Angela Maddocks, Clerk

SCHEDULE “A-48”
(By-law 2021-60)

Maximum Rate of speed 60 kilometers (35 miles) per hour.

Highway	From	To
Davidson Road	Latimer Road	Holmes Road

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Development Services Department
Date of Meeting:	November 2, 2021
Subject:	**Zoning By-law Amendment Application Z-20-15, Brice, Davidson Road/Mowoods Lane**

Summary

This report recommends that Council pass a by-law to change the zone on a property on Davidson Road and Mowoods Lane to permit a single detached dwelling.

Recommendation

THAT By-law 2021-61 to amend the zoning on Part Block 39 on Plan 13M3 and Parts 7 to 9 on Reference Plan 13R18283, Part of Lots 11 and 12, Concession 1, and Part of Lots 11 and 12, Concession 2, Storrington District, Township of South Frontenac, be passed.

Background

Council held a virtual public meeting under the Planning Act on January 12, 2021, on the proposed amendment to Zoning By-law 2003-75. Subsequent to the public meeting, planning staff have received and considered peer review, agency and public comments on the application. An application for site plan control was also submitted, and is under review. The rezoning application is now being brought before Council for a decision.

Discussion/Analysis

Summary of Application

The Owner has requested a zoning by-law amendment to change the Open Space – Private – Special Provision (OSP-5) zone on the subject lands to Limited Service Residential – Waterfront – Special Provision (RLSW-130) to facilitate the construction of a single detached dwelling on the property.

The RLSW zone is applicable to residential properties that have frontage on a private lane, or are accessed via a private lane, and have frontage on a navigable waterway. While the subject property has frontage on Davidson Road, the applicant intends to use Mowoods Lane for access. The special provision is requested to require a dwelling to be located at least 42 metres from the highwater mark of Loughborough Lake, and the leaching bed of a sewage system to be located at least 90 metres from the highwater mark. The setbacks, which are greater than the minimum 30 metre setback required in the Zoning By-law, are proposed to minimize the impact of a dwelling and septic system on the water quality of the lake. The West Basin of Loughborough Lake is an at-capacity lake trout lake.

Property Description

The subject property is 10 hectares (24.64 acres) in area. It has frontage on Davidson Road but is accessed by Mowoods Lane. The property also has frontage on the West Basin of Loughborough Lake. Attachment 1 to this report shows the location of the property subject to this rezoning.

Approximately half the property consists of an old farm field that slopes gently from Davidson Road towards the northwest. The other half of the property consists of a predominately cedar forest. The lands within approximately 45 metres of the shoreline consist of a high, steep slope. The shoreline consists of an approximately 2 metre high vertical limestone cliff.

There has been extensive site alteration and tree clearing on the property within 100 metres of the shoreline, in anticipation of development. A portion of the shoreline is developed with a boat slip. The boat slip was permitted by Cataraqui Conservation under Ontario Regulation 148/06. Permission was also granted by the Ministry of Natural Resources and Forestry. The proposed dwelling is proposed to be located 45 metres from the highwater mark, at the top of the high, steep slope.

The subject property is part of a block in the Loughborough Shores Plan of Subdivision. At the time the subdivision was developed, an Open Space zone with special provisions was established on the block in order to prohibit development until such time as a source of potable water was identified to the satisfaction of the municipality.This requirement relates to the findings of the hydrogeological assessments for the subdivision. The hydrogeological assessments identified non-potable water on the subject lands. The block is also subject to a drainage easement in favour of the Municipality. The easement and an associated agreement are registered on title.

Related Applications

The subject lands are subject to site plan control application SP-06-21-S. This application is currently under review and revision. Attachment 2 is the current proposed site plan. It will be brought forward to Council at a subsequent meeting. The site plan agreement will

address details for re-establishing the drainage outlet, the placement and maintenance of the septic system, as well as native landscaping restoration required along the shoreline and slope.

Supporting Documentation

A planning justification report, hydrogeological study and terrain analysis, an environmental site evaluation, as well as a drainage brief were submitted in support of the application.

Planning Justification Report

A Planning Justification Report (Fotenn, December 9, 2020) was submitted in support of the rezoning application. The report assessed the appropriateness of the proposed zoning by-law amendment in the context of the surrounding area as well as its conformity with the applicable policy and regulatory framework. It took into account the studies listed below. It also applied municipal site evaluation guidelines for waterfront development to support the proposed 45 metre development setback from the high water mark (Assessment of Municipal Site Evaluation Guidelines for Waterfront Development in Eastern Ontario's Lake Country, Hutchinson Environmental Sciences Ltd., April 10, 2014).

Limited Hydrogeological Study and Terrain Analysis

A Limited Hydrogeological Study and Terrain Analysis (Pinchin Ltd., November 20, 2020) was submitted in support of the rezoning application. The Hydrogeological Study concluded that the drilled well on the property is capable of providing an adequate quantity of potable water for the proposed residential development. Also, that water quality meets the Ontario Drinking Water Standards, Objectives and Guidelines, with the exception of hardness. The recorded sodium levels in the well did not exceed the aesthetic objective but does require the local Medical Officer of Health to be notified. The Medical Officer of Health may communicate this information to local medical practitioners for their use with patients on sodium restricted diets. The Terrain Analysis concluded that there is adequate space for a sewage system in areas located more than 90 metres from the lakeshore. A drawing in the report shows two potential sewage system locations approximately 100 metres from the highwater mark.

The hydrogeological portion of the report was peer reviewed by Malroz Engineering on behalf of the Municipality (January 21, 2021). Malroz Engineering recommended the proponent and their hydrogeologist provide further information related to groundwater quantity (e.g. consideration for potential interference by water taking activities to and from nearby existing wells on the property), data collection methodology, choice of pumping rate, and consideration of seasonal water table fluctuations on the availability of water.

Pinchin provided a response to Malroz Engineering comments (February 18, 2021). Pinchin explained that it was determined that other wells on the property could not be used due to non-potable water and were supposed to be decommissioned, water level data

collection method was provided, and opined that seasonal variations in the water level in the well would be minimal and have no impact on the ability of the well to service the development. Malroz Engineering was satisfied with Pinchin's response, which was reasonable and addressed their concerns (May 17, 2021).

The terrain analysis portion of the report was peer reviewed by Groundwork Engineering on behalf of the Municipality (January 11, 2021). Groundwork Engineering recommended the preparation of a nutrient impact assessment (for nitrates and phosphorus) given the property location on shallow overburden on fractured limestone near Loughborough Lake, use of a sewage system capable of reducing nutrients, and consideration for alternate effluent dispersal locations that maximize the distance from the lake.

Pinchin provided a response to Groundwork Engineering comments (February 18, 2021). Upon further review, Pinchin determined that a nutrient impact assessment is not needed based on the size of the lot, as it was recommended that a sewage system with a Level IV treatment unit that addresses phosphorous reduction and nitrate reduction be considered, and concluded that it is unlikely there are suitable locations farther from the lake due to slopes and very thin soil cover. A Level IV treatment unit has been proposed for the site. Groundwork Engineering confirmed that their comments were addressed (May 31, 2021).

These documents are Attachment 3 to this report.

Environmental Site Evaluation

An Environmental Site Evaluation (Ecological Services, September 9, 2020) was submitted in support of the rezoning application. The report concluded that the proposed residential development would not have a negative impact on natural heritage features and their ecological functions, and that the proposal is consistent with the intent of the Provincial Policy Statement. The report included several recommendations for mitigation, as well as monitoring. The recommendations, in summary, are:

1. Locate the dwelling more than 30 metres from the highwater mark and beyond the top of the high, steep slope (i.e. at least 45 metres from the highwater mark as shown on the concept plan).
2. Install and maintain appropriate sediment control until construction is complete and shoreline and slope stabilization through native plantings has been established.
3. Native landscaping restoration is required along the shoreline and slope. The restoration work should be monitored by a certified arborist for planting survival. Plantings that do not survive should be replaced. The plantings should be monitored until vegetation cover is firmly established.
4. Any removal of woody vegetation (trees and shrubs) should occur outside the bird breeding season (April 1 to August 31).

The Environmental Site Evaluation was reviewed by Cataraqui Conservation. Cataraqui Conservation staff concurred with the findings of the Environmental Site Evaluation and recommended that its recommendations be implemented through site plan control.

Township staff intend that the recommendations outlined in the Environmental Site Evaluation will be incorporated in the site plan agreement when the site plan control application comes before Council.

This document is Attachment 4 to this report.

Drainage Brief

A Drainage Brief (Forefront Engineering Inc., November 20, 2020) was submitted in support of the proposed development. The subject lands, as well as Lot 37 of the subdivision (also owned by the applicant), are subject to a drainage easement in favour of the Municipality. The purpose of the drainage easement is to convey runoff from Four Seasons Drive via a swale to a stormwater management pond and then via another swale to Loughborough Lake.

The boat slip was constructed on the easement at the outlet of the swale at the lake. While a permit was obtained from Cataraqui Conservation for the work done to the shoreline to create the boat slip, permission was not sought from the Township to locate the boat slip at the outlet of the swale.

When Township staff became aware of the construction, the Owner was advised that they needed to undertake the work to obtain an adequate alternate outlet on the subject property. The owner proposed to realign approximately 50 metres of the swale so that it outlets to the lake west (upstream) of the boat slip. The Drainage Brief provides design details for the realigned swale.

The Drainage Brief was peer reviewed by Ainley Group on behalf of the Municipality (December 24, 2020). Ainley Group recommended that a more detailed plan for construction and maintenance purposes be prepared, and that the plan include additional permanent erosion control measures. Also, that “as-built” plans be required following municipal review and acceptance of the works.

In September 2021, the owner decided to abandon the plan to realign the swale. Rather, they will reconstruct the drainage swale and outlet within the existing easement. The construction details are being reviewed through the site plan application.

Department and Agency Comments

Public Services – The former Director of Public Services provided verbal confirmation on December 15, 2020, that the department is generally satisfied with the proposal to realign the drainage easement. Public Services staff reviewed the new proposal to reconstruct the

drainage swale and outlet within the existing easement. Public Services staff are satisfied and prefer the new proposal to reconstruct the drainage swale within the boundaries of the existing easement.

Building Services (Sewage System Review) staff have reviewed the proposal and are satisfied with the proposed location of the sewage system. A permit will be required for the sewage system and will be reviewed for compliance with the Ontario Building Code, zoning and approved site plan.

Cataraqui Conservation staff provided comment on January 14, 2021 (Attachment 5). They noted that the bedrock slope appears to be stable, and that a minimum 6 metre setback from the stable top of slope should be applied to development on the property. They recommended that the Zoning Amendment Sketch be revised to indicate the stable top of slope and a minimum 6 metre setback from the top of the slope to the proposed deck. A permit would be required under Ontario Regulation 148/06 for the proposed development. Planning staff note that the drawing was revised in March 2021 to reflect a minimum 6 metre setback from the top of slope.

As indicated above, Cataraqui Conservation staff concurred with the findings of the Environmental Site Evaluation and recommended that its recommendations be implemented through site plan control.

Cataraqui Conservation staff clarified in an email (January 15, 2021), that the proposed 45 metre setback from the highwater mark for the dwelling, and 90 metre setback for the sewage system is satisfactory.

Ministry of the Environment, Conservation and Parks was not circulated the application as the property is a lot of record and the proposed setbacks from the high water mark exceed those required by the Township Official Plan. However, MECP staff did raise concerns in August 2021 after observing the property while conducting water sampling on Loughborough Lake. They raised concerns about all the trees and vegetation that have been stripped from the property and the hardened shorelands, and the potential impact of these activities on the lake.

Public Comments

A virtual public meeting was held under the Planning Act on January 12, 2021. Written comments were received from two members of the public just prior to the meeting. One member of the public, Kathy Doak, indicated that they had no problem with the application. The planning consultant for the applicant also spoke to the application and explained the proposal and the intended plans for developing the property.

Several councillors also asked questions and made comments during the meeting.

The following is a summary of the comments received through the public meeting and the staff responses.

1. Philip and Francoise Bates, of 4560 Davidson Road raised three questions and comments directly related to the proposal prior to the meeting.

a) They asked whether a stop sign would be placed on Mowoods Lane at its intersection with Davidson Road to better control traffic and speed at this dangerous intersection.

Staff response – Mowoods Lane is a private lane, so it would be the owner's discretion and responsibility to place a stop sign at the intersection with Davidson Road.

b) There are a number of homes along Davidson Road that have issues with low water-flow in their wells. They asked what effect the new dwelling would have on well water in this area.

Staff response – A hydrogeological study and terrain analysis was completed to support the proposed dwelling. This study concluded that the new well on the property is capable of providing an adequate quantity of potable water for the residential development. The study was peer reviewed by Malroz Engineering on behalf of the Township. Malroz Engineering was satisfied with the report and the consultant's response to their comments. Planning staff could not speak to any potential impact on existing wells without information about the wells (for example, whether they take water from the same aquifer as the well on the new property). However, groundwater typically flows underground towards a lake or other waterbody. In this situation, the new well would be expected to be downgradient of existing wells along Davidson Road. It is also physically about 10 metres lower on the landscape than Davidson Road.

c) There are more and more people living along Davidson Road. There are therefore more people walking, running and riding bikes along this long and winding road. However, the speed limit is still 80 km/h. When will the township make the speed limit 60 km/h consistent with many of the neighbouring roads in order to make it safer for non-vehicular traffic?

Staff response – There is a process for requesting reduced speed limits. The individuals were provided a website link to an explanation of the process and the required forms.

d) They also asked whether the public will still have access to a small road along the south-western edge of this lot that links Davidson Road with the end of Four Seasons Drive.

   Staff response – The small road along the south-western edge of the lot is on private property. The public should not be accessing the road/property without the owner's permission. I note that this road was originally a private lane, subject to a right-of-way, to access cottages on properties that are now accessed by Mowoods Lane. The right-of-way on the lane was released when Mowoods Lane was constructed.

2. Councillor Revill asked whether the request for native landscape restoration was reflective of overzealous site preparations, and if so, wanted to ensure that the site plan agreement would contain strong provisions to ensure the lake is protected from the development that has occurred to date.

   Staff response – The requirement for restoration does relate to the clearing that has happened to date, and the need to put in measures to protect lake water quality. Sediment and erosion control measures should be put in place as soon as possible, then restoration would occur over time. The Township does not have a by-law or enforcement capability in the absence of a development agreement or site plan agreement registered on title.

   Mike Keene, planning consultant for the applicant, indicated that the vegetation removal likely occurred as part of the boat slip work, and that it was taken into account in the Environmental Site Evaluation and the calculation to determine an appropriate setback from the highwater mark. He further confirmed that site plan control can ensure the area will be restored and maintained over time.

3. Councillor Morey asked how it is that they were able to find potable water when it could not be found at the plan of subdivision stage. Also, whether the land could be further divided if the zone is changed to a residential zone.

   Staff response – The subject property was originally proposed to be part of a plan of subdivision with multiple residential lots. The studies completed at that time found a large area of non-potable water (brackish) on these lands, which is why the land was not subdivided. The owners found potable water by drilling a well outside the band of non-potable water. The property does not qualify for lot creation through the consent application process as three residential lots were severed from it along Davidson Road. Any further lot creation would need to be considered through the plan of subdivision application process. It is anticipated that the required hydrogeological studies would continue to identify the area of non-potable water on the property, restricting the potential for additional lot creation. In addition, a majority of the subject property is located within 300 metres of Loughborough Lake, which is

an at-capacity lake trout lake. County and Township Official Plan policies prohibit lot creation within 300 metres of this lake.

4. Mayor Vandewal commented that he received complaints from residents about the clearing on this property. He also asked whether the applicants would need to do a slope stability study.

   Staff response – The Township was looking to Cataraqui Conservation for advice on whether a study should be required, and what setbacks should be applied. As indicated above, Cataraqui Conservation has since confirmed that the slope appears to be stable, and that they will require a minimum 6 metre setback for any buildings from the top of the stable slope.

5. Mayor Vandewal was concerned about the work that was done before an application was submitted, the drainage work that needs to be done (e.g. will there be a pond so runoff does not get to the lake), and who is going to pay for it. Councillor Sleeth agreed with the Mayor that the drainage work needs to be addressed and paid for by the owner, and completed to the satisfaction of the Township.

   Staff response – The existing easement consists of a swale and a pond that have Ministry of the Environment approvals. There is question of whether any water actually makes it to the swale and pond. The Township needs to ensure that the swale and pond will continue to able to receive water from Four Seasons Drive. The drainage report focused on the swale downstream of the pond because they proposed to redirect the swale around the boat slip and access road. Staff confirmed that all drainage works would be done at the expense of the owner. Mike Keene, planning consultant for the applicant confirmed that there was no question that the cost to make things right would be borne by the applicant.

6. Mayor Vandewal also commented that he did not know where the study requirement came in because he thought that waterfront properties did not need a well.

   Staff response – The Township Zoning By-law does not generally require wells to be drilled for newly created waterfront properties because water could be drawn from the lake. The hydrogeological study and terrain analysis were required in support of the subject application due to the OSP-5 zone requirements, which accounted for previous hydrogeological assessments that had identified non-potable water on the subject lands. It was also required on the understanding that the year-round residence was proposed to be serviced by a groundwater well.

Planning Analysis

The proposed rezoning was assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

These policies address limited service residential development on individual on-site sewage and water services, near sensitive surface water features, and that avoids erosion hazards.

Rural Residential Development

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including resource-based recreational uses, as well as residential lot creation and development that is compatible with the rural landscape (section 1.1.5). Individual on-site sewage services and individual on-site water services (i.e. septic system and well) may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts (section 1.6.6.4).

The County of Frontenac Official Plan sets out the general direction for planning and development by defining strategic goals, broad objectives and policies. Section 3 – Growth Management sets outs policies intended to help guide new development across the County as well as manage change at a regional level. The Rural Lands policies are meant to recognize the importance of rural areas for future growth and create guidelines for development that is sensitive to the surroundings.

The subject lands are designated ‘Rural’ in the Township of South Frontenac Official Plan on Schedule A. The type and amount of development on ‘Rural’ lands must maintain the rural character, natural heritage, and cultural landscape in the Township. The limited service residential policies allow the development of properties with frontage on a private road and frontage on a navigable waterway, or on a navigable waterway only, for single detached dwellings and seasonal dwellings that are serviced by private water and sewage systems.

The Limited Hydrogeological Study and Terrain Analysis was peer reviewed by consultants retained by the Municipality. These reports demonstrated that the proposed residential development can be serviced by private water and sewage systems.

Development near Sensitive Surface Water Features

Section 2.2.2 of the PPS restricts development and site alteration near sensitive surface water features such that these features and their related hydrologic functions will be protected, improved or restored. At-capacity lake trout lakes, which includes the West Basin of Loughborough Lake, are sensitive surface water features.

Section 7 of the County Official Plan speaks to the need to maintain the County's environmental health which in turn benefits the economy and society. The Environmental Site Evaluation demonstrated that the proposed development would have no negative impacts on the identified natural heritage features nor on their ecological functions subject to mitigation measures. The Township consulted with Cataraqui Conservation on the applicable findings of the Environmental Site Evaluation. As indicated above, Cataraqui Conservation staff concurred with the findings of the Environmental Site Evaluation and that its recommendations should be implemented through site plan control.

Section 5.2.8 of the Township Official Plan indicates that a lot of record on a highly sensitive (at-capacity) lake trout lake may be developed in accordance with the Official Plan policies on environmentally sensitive areas. These policies require a minimum setback of 30 metres from the highwater mark but suggest that a greater setback may be required depending on site specific conditions. These conditions include lands with steep slopes, minimal woody vegetation cover, thin soils and/or soils with poor phosphorus retention capability (section 5.2.7(b)).

The Planning Justification Report applied municipal site evaluation guidelines for waterfront development to the subject property (Assessment of Municipal Site Evaluation Guidelines for Waterfront Development in Eastern Ontario's Lake Country, Hutchinson Environmental Sciences Ltd., April 10, 2014). These site evaluation guidelines updated the "Rideau Lakes Carrying Capacities and Proposed Shoreland Development Policies" that are referenced in the Official Plan. The site evaluation guideline calculation suggested that a minimum 40 metre setback from the highwater mark should be applied to the subject property. A 45 metre setback is proposed based on the recommendation of the Environmental Site Evaluation, and the need for a setback from the top of the stable slope.

The minimum 45 metre setback from the highwater mark was measured from the natural shoreline. The proposed by-law incorporates a minimum 42 metre setback from the highwater mark, to account for the Zoning By-law requirement for measurements to be measured from the shortest distance between the highwater mark and any building or structure, which in this case would be within the boatslip that cuts into the shoreline.

Avoiding Erosion Hazards

Section 3 of the PPS requires development and site alteration to generally be directed to areas that are not impacted by flooding and erosion hazards.

The County Official Plan also requires development and site alteration to generally be directed to areas that are not impacted by flooding and erosion hazards.

The proposed dwelling would be located at the top of a high, steep slope based on the submitted concept sketch. It was unclear if this slope may be subject to shoreline erosion hazards, and should therefore be subjected to the minimum 15 metre setback from a top of

bank required by section 5.8.2 of the Zoning By-law. Section 5.2.4 of the Official Plan specifies that development and site alteration will be directed away from lands which may be subject to shoreline erosion hazards, and that the Conservation Authority should be consulted. Cataraqui Conservation staff noted that the bedrock slope appears to be stable, and that a minimum 6 metre setback from the stable top of slope should be applied to development on the property. The Zoning Amendment Sketch was revised in March 2021 to reflect a minimum 6 metre setback from the top of slope. Recent site alteration on the property revealed stepped limestone shelves on this slope.

It is the opinion of Planning staff that this rezoning is consistent and conforms to the Provincial Policy Statement 2020, the County of Frontenac Official Plan, and the South Frontenac Official Plan, and represents good planning for the subject property.

A site plan control application will be brought to Council at a future meeting. The purpose of this application is to regulate how the property is developed and to implement the recommendations of the supporting studies. No building will be permitted on the property until such time as an approved site plan control agreement has been registered on the title of the property.

Financial Implications

Not applicable.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

Notice/Consultation

Notice of the Statutory Public Meeting was given pursuant to the requirements of the Planning Act, 20 days in advance of the Public Meeting. This included notice given:

- by mail to every owner of land within 120 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage
- by e-mail to prescribed persons and public bodies (e.g. Conservation Authority, County Clerk, School Boards, Ontario Power Generation Inc. and Hydro One Inc.)

Attachments

1. Location map
2. Site plan
3. Limited Hydrogeological Study and Terrain Analysis, peer review and responses
4. Environmental Site Evaluation
5. Cataraqui Conservation letter
6. By-law 2021-61

Approvals

Report Prepared By:
Christine Woods, MCIP, RPP, Senior Planner

Submitted By:



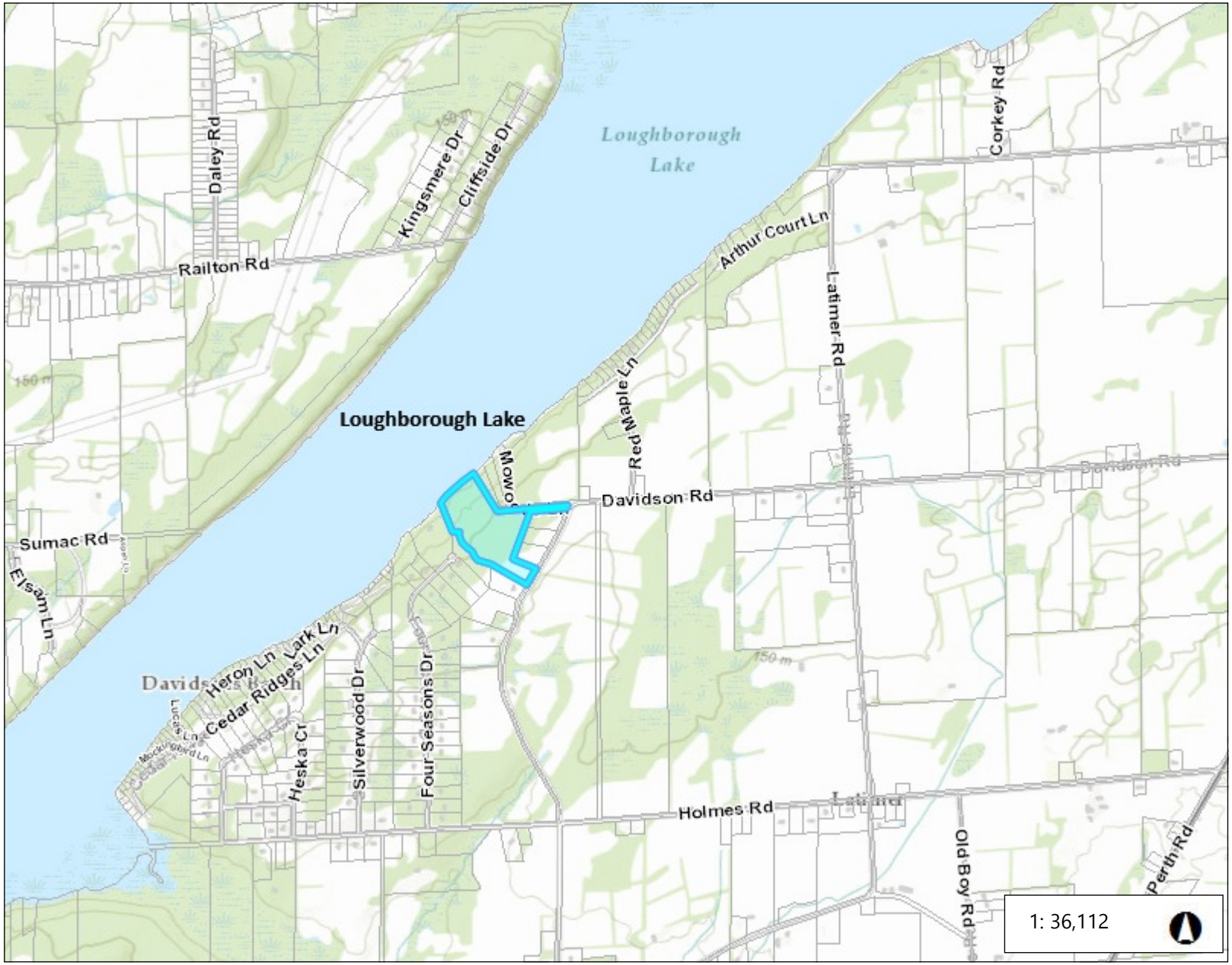
Claire Dodds, MCIP, RPP
Director of Development Services

Approved By:



Neil Carbone
Chief Administrative Officer

FRONTENAC | Attachment 1. Location Map





Legend

Road
- Highway
- Major Road
- Secondary Road
- Ferry Route

Assessment Parcels

Citations

Notes

Z-20-15

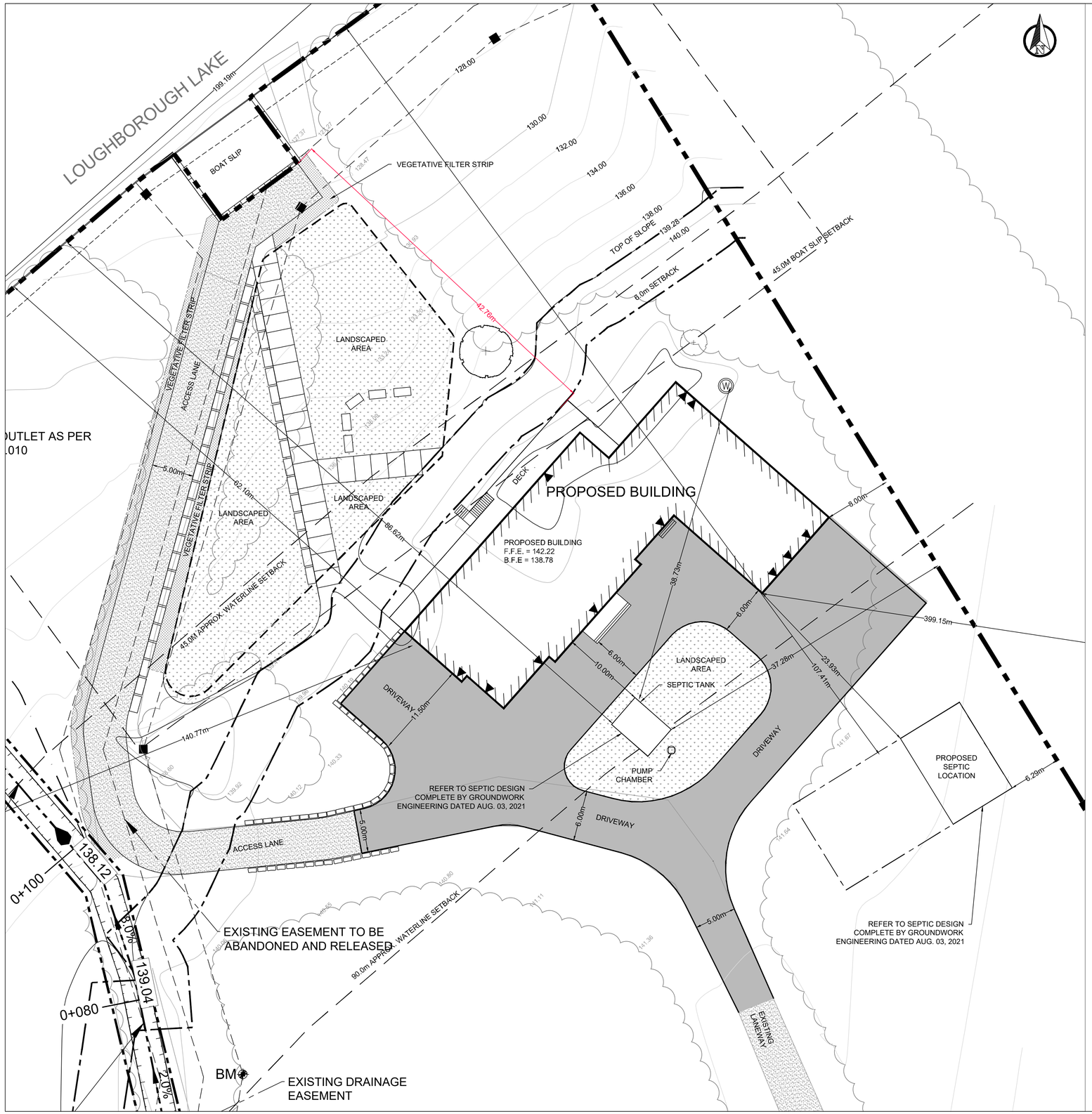
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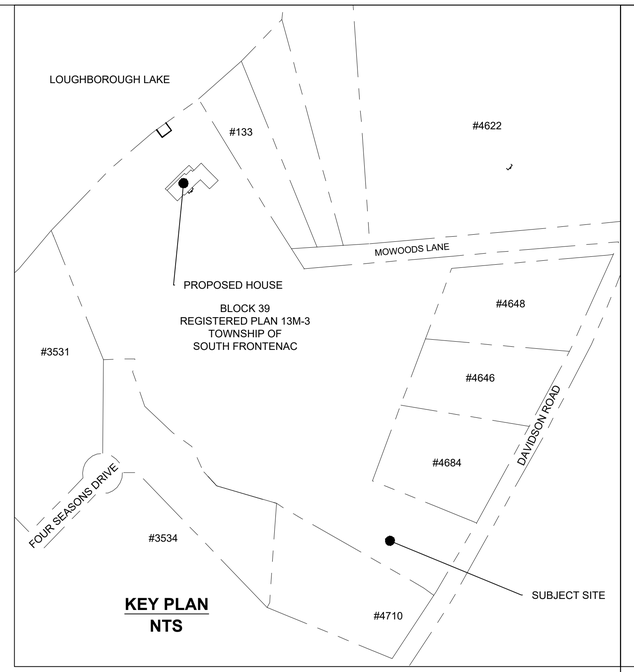
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THIS MAP IS NOT TO BE USED FOR NAVIGATION





BLOCK 39
REGISTERED PLAN 13M-3
TOWNSHIP OF SOUTH FRONTENAC

0 6.25 12.5 m H=1:250 V=1:250

Benchmark
LOCAL BENCHMARK - IRON BAR NORTHING: 4914441.871 EASTING: 377785.742
LOCAL ELEVATION: 141.18

LOUGHBOROUGH LAKE
SOUTH FRONTENAC, ON
ZONING BY-LAW ANALYSIS

BASIC SITE STATISTICS

LOT LOCATION LOUGHBOROUGH LAKE
ZONING OSP–5 OPEN SPACE PRIVATE
LOT AREA 101020m² – (10.102Ha)

Project
Loughborough Lake
South Frontenac,ON

Basic Site Statistics

Lot Area	101020.0 m²	=	10.102 Ha
Total Building Footprint	775.1 m²		
Total Building Footprint	775.1 m²	=	0.77%
Paved Area - Asphalt	1300.0 m²	=	1.29%
Granular Area	567.9 m²	=	0.56%
Hard Landscape Area - Concrete/Rock	43.8 m²	=	0.04%
Soft Landscape Area - Grass	98333.2 m²	=	97.34%
Totals	101020.0 m²	=	100.00%

SITE STATISTICS (ZONING COMPLIANCE)

DESCRIPTION		BY-LAW	REQUIRED BY BY-LAW RW	PROPOSED USES \ ZONING COMPLIANCE	REMARKS
BUILDING HEIGHT		8.3.1	11.0m	6.0m	
SETBACKS	FRONT YARD -NORTH	8.3.1	20.0m	45.0m	
	INTERIOR SIDE YARD EAST	8.3.1	3.0m	8.0m	
	INTERIOR SIDE YARD WEST	8.3.1	3.0m	140.77m	
	REAR YARD - SOUTHEAST	8.3.1	10.0m	399.15m	
LOT AREA		8.31	1.0 ha	10.02 ha	
WATER FRONTAGE		8.3.1	91m	199.19m	
LOT COVERAGE		8.3.1	5%	0.77%	

0 6.25 12.5 m H=1:250 V=1:250

No.	Revision/Issue	Date
RI	AS PER AGENCY COMMENTS	OCT. 05, 2021

Forefront Engineering Inc
1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8
613.634.9009 tel.
1.888.884.9392 fax.

Client
JOE BRICE

Project
PLAN 13M3 PT BLOCK 39 AND RP;13R18283 PARTS 7 TO 9 (DAVIDSON ROAD)

Drawing
SITE PLAN

Drawn by:	Checked by:	Project No.
BCAT	KMN	
Designed by:	Approved by:	Drawing No.
KMN	KMN	SP
Date: AUG. 2021		
Scale: 1:250 ANSI D		

November 20, 2020

Mr. Joe Brice
885 Lynwood Dr.
Kingston, ON, K7P 2K6

E-mail: joe.brice4@gmail.com

Attention: Mr. Joe Brice
Property Owner

Re: Limited Hydrogeological Study and Terrain Assessment
Plan 13M3 PT Block 39 & RP;13R18283Parts 7 - 9 (Davidson Rd.), Inverary, Ontario
Pinchin File: 270677.000

Pinchin Ltd. (Pinchin) was retained through an Authorization to Proceed signed by Mr. Joe Brice (Client) to conduct a Limited Hydrogeological Study and Terrain Assessment at the property located at Plan 13M3 PT Block 39 & RP;13R18283Parts 7 - 9 (Davidson Rd.) in Inverary, Ontario (hereafter referred to as the Site). The Site location is shown on Figure 1 (all Figures are provided in Appendix I). The Site is vacant and undeveloped.

The purpose of the limited hydrogeological study and terrain assessment is to demonstrate that a suitable potable water supply is present at the Site to supply the proposed single-family dwelling with an adequate quantity and quality water. The terrain assessment portion of the work assessed the suitability of the proposed area for inground disposal of septic effluent.

BACKGROUND

The Site is approximately 10.1 hectares (25 acres) and described as Plan 13M3 Part Block 39 and RP 13R18283 Parts 7 to 9 and is accessed from Davidson Rd. The Site is located in the Township of South Frontenac and the Township has indicated that a limited hydrogeological study and terrain assessment is required in support of the proposed development.

SCOPE OF WORK

The scope of work was developed based on the Ministry of Environment, Conservation and Parks (MECP) Guideline D5-5, Private Wells: Water Supply Assessment, D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, Communications with the Planning Department of the Township of South Frontenac and information supplied to Pinchin by Forefront Engineering (Mr. Kyle Nielissen).

The scope consisted of the following activities:

Limited Hydrogeology Study:

- Temporary installation of a pump in the on-Site water supply well (A281905) and disinfect the well in accordance with procedures outlined in the MECP Water Supply Wells: Requirements and Best Practices Manual;
- Conduct a constant discharge pumping test for six (6) hours during which the water level in the pumping well was monitored and recorded and after the pumping phase of the test was completed the recovery of the water level in the well was monitored and recorded;
- Collection of two (2) water quality samples from the pumping well during the pumping phase of the constant discharge pumping test. Samples were collected after two (2) hours of pumping and just prior to cessation of pumping at six (6) hours; and,
- The water quality samples were submitted to an independent, accredited laboratory for analysis of bacteriological, general inorganic and metal parameters. Results were compared against the Ontario Drinking Water Standards Objectives and Guidelines (ODWSOG) criteria.

Terrain Assessment:

- Two potential locations were identified as preferred location options for the inground disposal of septic effluent.
- Test pits were excavated across the two potential locations to depth until bedrock was encountered; and,
- Soil type, thickness, texture and other characteristics were logged and one representative sample from each of the two proposed locations was collected and submitted to a materials testing laboratory for grain size analysis.

METHODOLOGY

The constant discharge pumping test was conducted on September 10, 2020 in general accordance with the MECP document entitled "*Guideline D5-5, Private Wells: Water Supply Assessment"*, dated August 1996 and Pinchin's standard operating procedures (SOPs).

Jack Knox Well Drilling (Knox) of Glenburnie was contracted to provide well contractor services for the constant rate discharge test of the on-Site well. Knox is a qualified well contractor licensed with the MECP. Knox completed the installation of the pump in the well and disinfected the well in accordance with procedures outlined in the MECP Water Supply Wells: Requirements and Best Practices Manual.

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Knox conducted the constant rate discharge pumping of the well and collection of water level data during the pumping and recovery phases of the testing.

Water quality samples were collected by Pinchin Staff after two (2) hours of pumping and again after six (6) hrs of pumping, just prior to cessation of pumping and start of the well recovery phase of the test.

The groundwater samples were delivered to Paracel Laboratories Ltd., (Paracel) in Ottawa, Ontario for analysis. Paracel is an independent laboratory accredited by the Standards Council of Canada and the Canadian Association for Laboratory Accreditation. Formal chain of custody records of the sample submissions were maintained between Pinchin and the staff at Paracel.

Test pits were excavated to bedrock using a mini excavator. Soil type, thickness, texture and other characteristics were logged and one representative sample from each of the two proposed locations was collected and submitted to the laboratory for grain size analysis

QA/QC PROTOCOLS

Various quality assurance/quality control (QA/QC) protocols were followed during the Limited Hydrogeological Study and Terrain Assessment to ensure that representative groundwater samples were obtained and that representative analytical data were reported by the laboratory.

Field QA/QC protocols that were employed by Pinchin included the following:

- Groundwater samples were placed in laboratory-supplied glass sample bottles;
- Groundwater samples were placed in coolers on ice immediately upon collection, with appropriate sample temperatures maintained prior to submission to the laboratory;
- Dedicated and disposable nitrile gloves were used for sample handling; and,
- Sample collection and handling procedures were performed in general accordance with the *MECP Sampling Guideline*, the *APGO Guideline* and Pinchin's SOPs for groundwater sampling.

Paracel Laboratories Ltd. internal laboratory QA/QC consisted of the analysis of laboratory duplicate, spiked blank samples.

REGULATORY CRITERIA

The intended use for the water supply is potable water for a single-family detached residence. Water quality sample results were compared to the Ontario Drinking Water Standards, Objectives and Guidelines (ODWSOG).

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FINDINGS

Limited Hydrogeological Study

Well Construction

Well A281905 was installed by Jack Knox Well Drilling in August 11, 2020. The well was drilled by cable tool. The stratigraphy at the well is described as 0.91 m of clay overlying approximately 1.5 m of shale (most likely weathered limestone) overlying limestone to a completion depth of 43.6 meters below ground surface (mbgs). The well was cased from surface to 6.10 mbgs. Based on the well construction record and on-Site observations the well complies with O.Reg 903. The well record for A281905 is included in Appendix II. The static water level was reported to be at 16.76 meters below top of casing (mbtoc) and from the one-hour contractor pumping test the water was reported to be clear and sand free.

Constant Discharge Pumping Test Results

The well was disinfected by chlorination in accordance with procedures outlined in the MECP Water Supply Wells: Requirements and Best Practices Manual. The pumping test was initiated after approximately twelve hours of contact time. The well was pumped at 20.5 litres per minute (Lpm) for 6 hours. Water was discharged away from the well area to prevent recharge during the testing. Water levels were collected during the pumping phase of the test. Water quality samples were collected by Pinchin staff after 2 hours of pumping and again after 6 hours of pumping, just prior to the pumping being stopped. Recovery of the well was monitored until the water level recovered to pre-pumping static level. A plot of the drawdown and recovery measured during the pumping test is included in Appendix II. The maximum drawdown observed after 6 hours of pumping at 20.5 Lpm was 3.96 m. Given that the static water level in the well prior to pumping was 16.28 mbtoc the water level in the well at maximum drawdown was 20.24 mbtoc, leaving approximately 23.36 m of available water column in the well. After the pump was stopped the water level in the well recovered to over 50% of the static water (pre pumping) level within the first 15 minutes of recovery, to 95% static water level in one hour, and to 99% of static water level within three hours. Photos of the constant discharge pumping test are included in Appendix III

Water Quality Results

The summary of the groundwater analytical results for select anions, bacteriological parameters, general inorganics, and metals are provided in Appendix IV. As indicated in Table 1 reported concentrations in the groundwater samples submitted for analysis met the applicable ODWSOG criteria including no detection of E. Coli or Total Coliforms, with the exception of hardness. Hardness is an operational guideline. Hardness values were in the range that is not atypical for the area and that is readily treatable with

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commercially available systems such as water softeners. The laboratory certificate of analysis for the water quality analysis is included in Appendix IV.

It is noted that results for Sodium did not exceed aesthetic objective of 200 mg/L but did exceed 20 mg/L, which is listed as a concentration at which the local Medical Officer of Health should be notified so that this information may be communicated to local physicians for their use with patients on sodium restricted diets. The client has been made aware of this, but as this is a private supply intended for client use as potable supply for their home the notification of the Medical Officer of Health is appropriate.

Based on the findings of this Limited Hydrogeologic Study the following is concluded:

- The well (A281905) is in compliance with O.Reg. 903;
- The well is capable of providing an adequate quantity of potable water, at least 20.5 Lpm (4.5 Igpm) for the proposed development;
- The water quality is good with no adverse results with the exception of hardness (Sodium as noted above). Any operational or aesthetic concerns are within concentrations readily treatable by common commercially available treatment; and,
- The treatment system for the potable water supply should include disinfection and appropriate pre-disinfection filtration.

Limited Terrain Assessment

Proposed Septic Locations

Two potential areas (A and B) for inground disposal of wastewater were investigated. Both areas are located greater than the 90 m setback from the water which has been assigned to this property. The locations of the two potential septic bed areas are shown on Figure 2. The areas are currently forested with cedar but were open enough for test pit excavation using a mini-excavator.

Both locations are generalized by shallow topsoil overlying medium to fine sand overlying limestone bedrock. Six test pits were excavated in area A and 4 test pits were excavated in area B. Photographs of the test pits are included in Appendix III. Overburden stratigraphy and observations on soil characteristics encountered at each test pit are tabulated in Appendix V.

Soil Suitability

At all test pits locations there was a thin (less than 0.15 m) topsoil layer with roots. Some of the larger roots from the cedar trees were present in the underlying sands. Overburden thickness ranged from 0.48 m to 0.81 m in locations A and ranged from 0.44 m to 0.53 m in area B. Both areas are relatively flat and would provide good locations for septic beds. Both area A and B lack sufficient overburden to provide the

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minimum required separation of 900 mm with bedrock ,and as such a raised septic bed would be required. Grain size analysis for representative samples from area A and area B are included in Appendix V. The grain size distributions from the two areas are similar and based on the grain size distribution a T-time on the order of 8 to 20 min/cm is estimated. Design of the septic system was beyond the scope of this project and will be required based on Site specific flows and preferred treatment system.

Location B would be the preferred location as it is located closer to the proposed building site and would not require the discharge lines to cross the driveway.

Based on the findings of this Limited Terrain Assessment the following is concluded:

- There is adequate space for in-ground wastewater disposal at the site in areas located greater than 90 m from the lake shore;
- Overburden thickness at both locations is less than the 900 mm minimum required separation distance with bedrock, so the system will have to be a raised bed;
- From grain size distributions the T-time is estimated to be on the order of 8 to 20 min/cm; and,
- Both locations are suitable for a raised septic system, but location A is located further from the proposed building site and would also require that the discharge line pass beneath the laneway, and therefore location B is preferred;

SUMMARY OF CONCLUSIONS

- Well A281905 is capable of supplying an adequate quantity of potable water for the proposed development;
- Water quality from well A281905 meets the ODWSOG, with the exception of hardness. This parameter could be treated with a water softener.;
- Both potential septic locations A and B are greater than 90 m from the lake shore;
- Overburden thickness is less than the minimum 900 mm minimum separation required for bedrock, therefore a raised bed will be required; and,
- Septic location B is closer to the proposed building envelope and would not require discharge lines to be placed beneath the driveway and is therefore the preferred location.

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TERMS AND LIMITATIONS

This Limited Hydrogeological Study and Terrain Assessment was performed for Mr. Joe Brice (Client) in support of requirements for proposed development at Plan 13M3 PT Block 39 & RP;13R18283Parts 7 - 9 (Davidson Rd.), Inverary, Ontario (Site).

Conclusions derived are specific to the immediate area of study and cannot be extrapolated extensively away from sample locations.

This Limited Hydrogeological Study and Terrain Assessment was performed in general compliance with currently acceptable practices, and specific Client requests, as applicable to this Site.

This report was prepared for the exclusive use of the Client subject to the terms, conditions and limitations contained within the duly authorized proposal for this project. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, is the sole responsibility of such third parties. Pinchin accepts no responsibility for damages suffered by any third party as a result of decisions made or actions conducted.

If additional parties require reliance on this report, written authorization from Pinchin will be required. Pinchin disclaims responsibility of consequential financial effects on transactions or property values, or requirements for follow-up actions and costs. No other warranties are implied or expressed. Furthermore, this report should not be construed as legal advice. Pinchin will not provide results or information to any party unless disclosure by Pinchin is required by law.

Pinchin makes no other representations whatsoever, including those concerning the legal significance of its findings, or as to other legal matters touched on in this report, including, but not limited to, ownership of any property, or the application of any law to the facts set forth herein. With respect to regulatory compliance issues, regulatory statutes are subject to interpretation and these interpretations may change over time.

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CLOSING REMARKS

We trust that the foregoing information is satisfactory for your present requirements.

Should you have any questions about the report or require additional information, please contact the undersigned.

Pinchin Ltd.

Prepared by:



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ptibble@pinchin.com

Reviewed by:



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613.484.5607
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Encl. Appendix I – Figures
Appendix II – Well Record and Pumping Test Plot
Appendix III – Photographs
Appendix IV - Water Quality Results and Laboratory Certificate of Analysis
Appendix V – Grain Size Plots and Laboratory Certificate of Analysis

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Template: Groundwater Monitoring Report Template, EDR, May 28, 2019

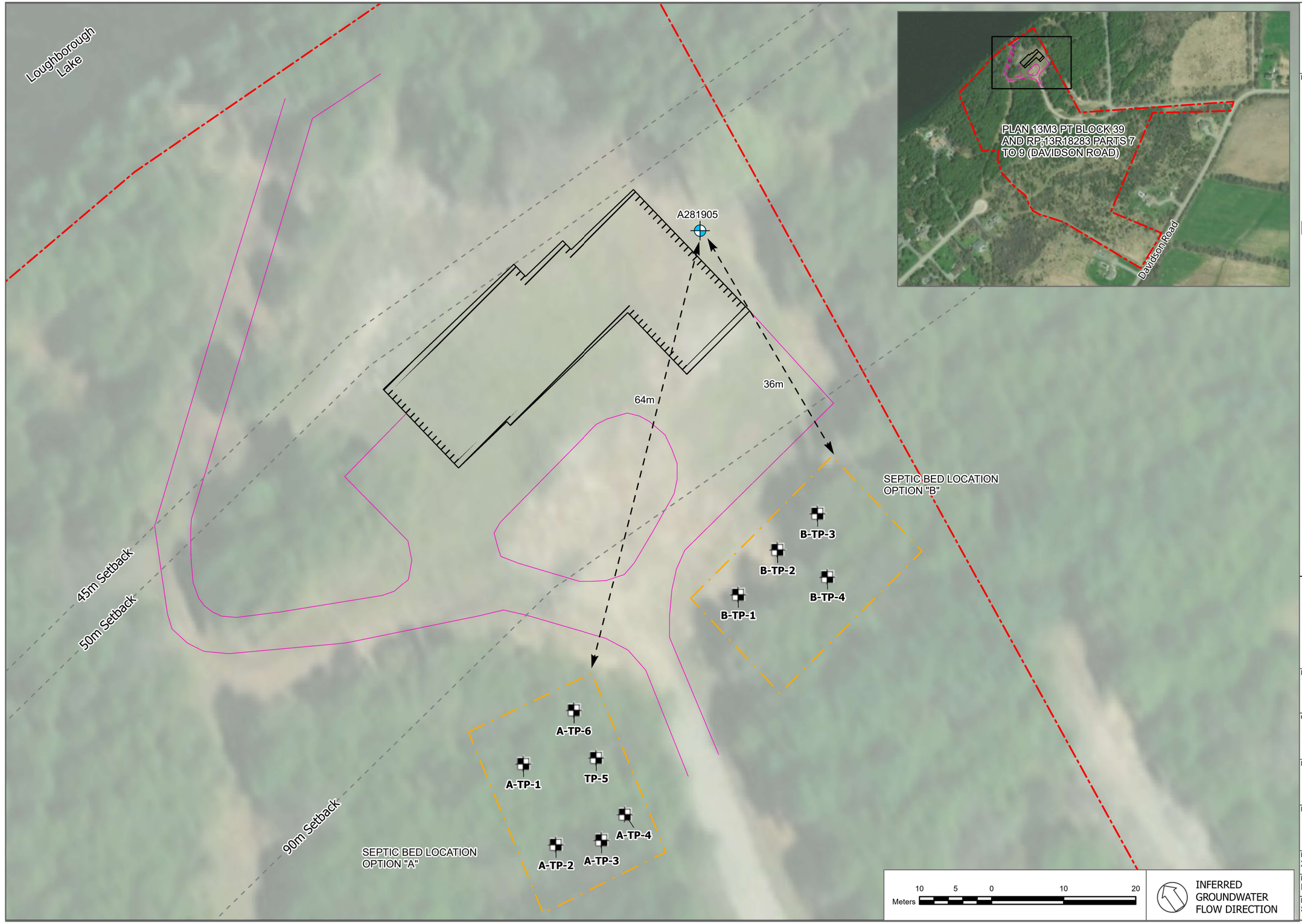
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APPENDIX I
Figures



PINCHIN

PROJECT NAME:	LIMITED HYDROGEOLOGICAL STUDY AND TERRAIN ASSESSMENT IN SUPPORT OF SEVERANCE APPLICATION				
CLIENT NAME:	J. BRICE				
PROJECT LOCATION:	PT. BLOCK 39, DAVIDSON ROAD, INVERARY, ONTARIO				
FIGURE NAME:	KEY MAP				FIGURE NUMBER: 1
PROJECT NUMBER: 279677	SCALE: 1:250,000	DRAWN BY: PKM	REVIEWED BY: PT	DATE: SEPTEMBER 2020	



N

LEGEND

- SETBACK
- DOMESTIC SUPPLY WELL
- TESTPIT
- POTENTIAL SEPTIC BED LOCATIONS
- ROAD
- SITE BOUNDARY
- PROPOSED SITE BUILDING

NOTES:
1) Proprietary information may not be reproduced or divulged without prior written consent of Pinchin Ltd.
2) Do not scale drawing.
3) This drawing may have been reduced. All scale notations indicated are based on a 11"x17" format drawings.
4)Legend is color dependent. Non-colour copies may alter interpretation.
5) Coordinate system: .
6) Source: Pinchin Ltd., Map data © OpenStreetMap contributors, Map layer by Esri, City of Kingston, GeoEye, Maxar, City of Kingston, USDA FSA, GeoEye, Maxar.

PINCHIN

PROJECT NAME
LIMITED HYDROGEOLOGICAL STUDY AND TERRAIN ASSESSMENT IN SUPPORT OF SEVERANCE APPLICATION

CLIENT NAME
J. BRICE

PROJECT LOCATION
PT. BLOCK 39, DAVIDSON ROAD, INVERARY, ONTARIO

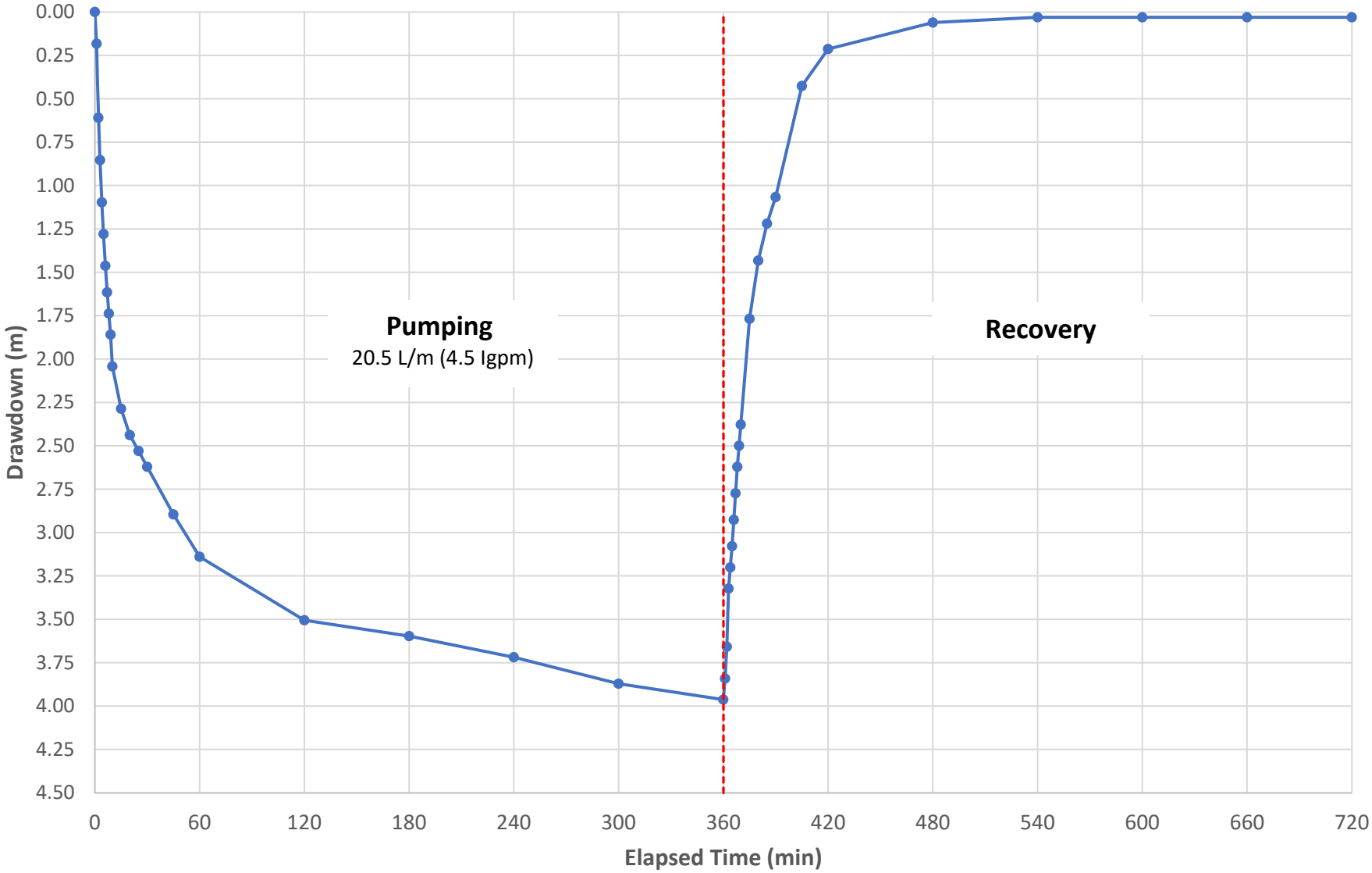
FIGURE NAME
TEST PIT AND SUPPLY WELL LOCATION PLAN

PROJECT NUMBER:	SCALE
279677	
DRAWN BY: **PKM**	REVIEWED BY: **PT**
DATE: **SEPTEMBER 2020**	FIGURE NUMBER: **2**

APPENDIX II
Well Record and Pumping Test Plot

Constant Discharge Pumping Test - Well A2819095 - September 10, 2020

Plan 13M3 PT Block 39 & RP;13R18283 Parts 7 - 9 (Davidson Rd.), Inverary, Ontario



Pinchin File No. 279677

Ontario — Ministry of the Environment, Conservation and Parks

Well Tag No. *(Place Sticker and/or Print Below)* Tag#:A281905

Well Record

Regulation 903 Ontario Water Resources Act

Page ____ of ____

Measurements recorded in: ☐ Metric ☒ Imperial

Well Owner's Information

First Name	Last Name / Organization	E-mail Address	☐ Well Constructed by Well Owner
JOE	BRICE		

Mailing Address (Street Number/Name)	Municipality	Province	Postal Code	Telephone No. (inc. area code)
885 LYNWOOD DR	KINGSTON	ONT	K7P 2K6	6135399999

Well Location

Address of Well Location (Street Number/Name)	Township	Lot	Concession
	STORRINGTON SOUTH FRONTENAC	12	2

County/District/Municipality	City/Town/Village	Province	Postal Code
FRONTENAC		Ontario	

UTM Coordinates	Zone	Easting	Northing	Municipal Plan and Sublot Number	Other
NAD 8 3	18	377845	4914566	13R18383 PT 7 TO 9	

Overburden and Bedrock Materials/Abandonment Sealing Record *(see instructions on the back of this form)*

General Colour	Most Common Material	Other Materials	General Description	Depth (m/ft) From	Depth (m/ft) To
BROWN	CLAY			0	3'
	SHALE			3'	8'
BLUE	LIMESTONE			8'	27'
GREEN	LIMESTONE			27'	63'
BLACK	LIMESTONE			63'	105'
GREEN	LIMESTONE			105'	139'
				139'	143'
		FREE CHLORINE 140			

Annular Space

Depth Set at (m/ft) From	To	Type of Sealant Used (Material and Type)	Volume Placed (m³/ft³)
20	0	CEMENT	7

Method of Construction

☒ Cable Tool ☐ Diamond
☐ Rotary (Conventional) ☐ Jetting
☐ Rotary (Reverse) ☐ Driving
☐ Boring ☐ Digging
☒ Air percussion
☐ Other, *specify*

Well Use

☐ Public ☐ Commercial ☐ Not used
☒ Domestic ☐ Municipal ☐ Dewatering
☐ Livestock ☐ Test Hole ☐ Monitoring
☐ Irrigation ☐ Cooling & Air Conditioning
☐ Industrial
☐ Other, *specify*

Construction Record - Casing

Inside Diameter (cm/in)	Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m/ft) From	Depth (m/ft) To
6¼"	STEEL	188	+2'	20'
6"	OPEN HOLE		20'	143'

Construction Record - Screen

Outside Diameter (cm/in)	Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m/ft) From	Depth (m/ft) To

Status of Well

☒ Water Supply
☐ Replacement Well
☐ Test Hole
☐ Recharge Well
☐ Dewatering Well
☐ Observation and/or Monitoring Hole
☐ Alteration (Construction)
☐ Abandoned, Insufficient Supply
☐ Abandoned, Poor Water Quality
☐ Abandoned, other, *specify*
☐ Other, *specify*

Results of Well Yield Testing

After test of well yield, water was:
☒ Clear and sand free
☐ Other, *specify*

If pumping discontinued, give reason:

Pump intake set at (m/ft): 141'

Pumping rate (l/min / GPM): 5GPM

Duration of pumping: 1 hrs + 0 min

Final water level end of pumping (m/ft): 64.2

If flowing give rate (l/min / GPM):

Recommended pump depth (m/ft): 139'

Recommended pump rate (l/min / GPM): 5+GPM

Well production (l/min / GPM): 10 GPM

Disinfected? ☒ Yes ☐ No

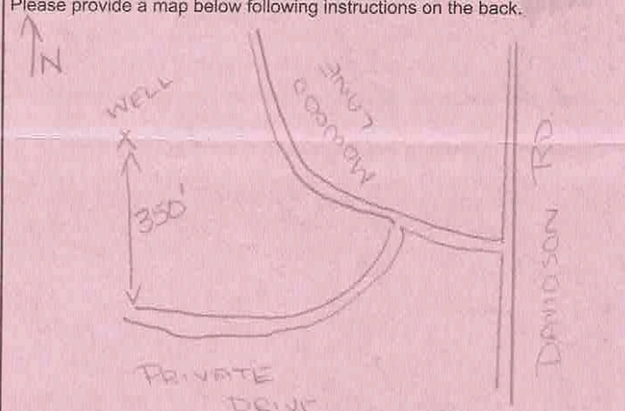
	Draw Down Time (min)	Draw Down Water Level (m/ft)	Recovery Time (min)	Recovery Water Level (m/ft)
Static Level		55'		
1	56.2		1	63
2	57.8		2	62.2
3	58.6		3	61.4
4	59.8		4	60.7
5	60.4		5	60
10	62.1		10	59.1
15	63.6		15	58.1
20	64.1		20	57.1
25	64.2		25	56.2
30	64.2		30	55.4
40	64.2		40	55
50	64.2		50	55
60	64.2		60	55

Water Details

Water found at Depth (m/ft)	Kind of Water	Hole Diameter Depth From	Hole Diameter Depth To	Hole Diameter (cm/in)
140 (m/ft) ☐ Gas	☐ Fresh ☒ Untested ☐ Other, *specify*	0	20'	10"
(m/ft) ☐ Gas	☐ Fresh ☐ Untested ☐ Other, *specify*	20'	143'	6"
(m/ft) ☐ Gas	☐ Fresh ☐ Untested ☐ Other, *specify*			

Map of Well Location

Please provide a map below following instructions on the back.



Comments:

Well Contractor and Well Technician Information

Business Name of Well Contractor	Well Contractor's Licence No.
JACK KNOX WELL DRILLING LTD	3012

Business Address (Street Number/Name)	Municipality
2580 PERTH RD PO BOX 33	GLENBURNIE

Province	Postal Code	Business E-mail Address
ONT	K0H 1S0	

Bus. Telephone No. (inc. area code)	Name of Well Technician (Last Name, First Name)
6138546110H	KNOX JOHN

Well Technician's Licence No.	Signature of Technician and/or Contractor	Date Submitted
21879		Y Y Y Y M M D D

Well owner's information package delivered	Date Package Delivered	Ministry Use Only
☐ Yes ☐ No	Y Y Y Y M M D D	Audit No. Z323717
	Date Work Completed: Y Y Y Y M M D D	Received

Well Owner's Copy

© Queen's Printer for Ontario, 2018

The *Ontario Water Resources Act* and Regulation 903

Certain Sections of the *Ontario Water Resources Act* are of interest to well owners, parts of these are described below for your information.

Under *Section 30 (1)* No person shall discharge or deposit any material directly into any well or place that may impair the quality of any water.

Under *Section 34 (3)* No person shall take more than 50,000 litres of water in a day for purposes other than domestic, farm, or fire fighting without a permit issued by the Ministry.

Under *Section 34 (7)* The Ministry may require the owner of a flowing well to stop the flow of water from the well.

Under *Section 39, 43* Well Contractors and Well Technicians operating in the Province are required to obtain the appropriate licences from the Ministry to carry on the business of constructing wells and to work at the construction of water wells.

Regulation 903 under the *Ontario Water Resources Act* prescribes the minimum construction (including abandonment) requirements as well as outlines the licensing requirements, conditions, and the roles and responsibilities required of licensed well contractors, well technicians, and well owners in supporting the regulation in Ontario. The owner of a well is required to maintain the well at all times after completion in such manner as to prevent the entry of surface water or foreign materials into the well. The well owner is required to abandon (plug) a well that is not used or maintained. The owner maybe required to abandon the well in a manner sufficient to prevent impairment of the quality of ground water if salty, sulphurous, or other non-potable water is encountered in the well. For further information on well construction, well maintenance, and well abandonment, and applicable exemptions, please refer to the *Ontario Water Resources Act* and Regulation 903, available at www.e-laws.gov.on.ca.

Instructions and Explanations for completing a Well Record

1. For use in the **Province of Ontario** only. This document is a permanent **legal** document. All **APPLICABLE** sections/fields **MUST** be completed in full and ALL COPIES MUST be LEGIBLE to avoid delays in processing and to comply with the Regulation 903. Please **PRINT** if completing by hand.
2. The Ministry's copy (top, WHITE) of the Well Record shall be returned to the Wells Help Desk, Ministry of the Environment, Conservation and Parks, 125 Resources Road, Toronto ON M9P 3V6 within thirty (30) days after the date on which the well's structural stage is complete. The PINK copy shall be submitted to the Well Owner within fourteen (14) days after the date on which the well's structural stage is complete. The YELLOW copy is for the Well Contractor. The Well Contractor must retain a copy of the Well Record for a minimum of 2 years for future reference.
3. Not shaded fields are COMMON FIELDS and must be completed for all types of work, including abandonment, as applicable. Fields shaded in YELLOW must be completed for construction and alteration work, as applicable.
4. All measurements MUST be recorded in the specified unit, metric or imperial. To indicate the unit used, check off the applicable box on the top of the form. Measurements must be reported to 1/10th of a metre if the unit is a metre. All measurements of depth **MUST** be referenced to ground surface.
5. Well Owner's Information: If the well owner is not an individual, circle the word Organization and print the Organization/Company Name in "Last Name/ Organization" field.
6. Well Location: Street Number/Name and City/Town/Village must be provided, if available. Geographic Township, Concession and Lot must be reported if the well is located in an area where such information exists. Current Municipality or Township, if reported, should be entered under "County/District/Municipality." UTM Coordinates must be recorded each time a Well Record is completed. Municipal Plan and Sublot Number may be provided, if available.
7. Abandonment details must be recorded in the "Overburden and Bedrock Materials/Abandonment Sealing Record" section. Indicate type of sealant used in "General Description" column and complete the "Depth" column.
8. Overburden and Bedrock Materials/Abandonment Sealing Record: For each formation encountered during construction, choose words from the lists below that best describe the formation on the basis of general colour, most common material, other materials, and general description of the formation. Print neatly in the correct columns.

General Colours		Materials					General Descriptions		
White	Yellow	Fill	Silt	Top Soil	Coarse Sand	Slate	Loose	Cemented	Previously Dug or Bored
Grey	Brown	Muck	Gravel	Limestone	Dolomite	Quartzite	Porous	Layered	Previously Drilled
Blue	Red	Peat	Stones	Fine Sand	Shale	Granite	Dense	Soft	Wood Fragments
Green	Black	Clay	Boulders	Medium Sand	Sandstone	Greenstone	Packed	Hard	

Clay: Composed of very fine particles. Forms dense hard lumps or clods when dry and a very elastic putty-like mass when wet. It can be rolled between fingers to form a long, flexible ribbon.

Silt: Grain size, midway between sand and clay. It may form clods which, when broken, feel soft and floury. When moist, it will form a cast that can be handled freely without breaking. Rolled between thumb and finger, it will not "ribbon" but will give a broken appearance.

Sand: Grains are loose and granular and may be seen and felt readily. Squeezed in the hand when dry, it falls apart when the pressure is released. Squeezed when moist, it will form a cast that will crumble when touched. Should be listed as fine, medium or coarse.

Gravel: Rock fragments greater than 0.3 cm in diameter.

Example: Overburden and Bedrock Materials Record for construction (measurements recorded in metric)

General Colours	Most Common Material	Other Materials	General Descriptions	Depth	
				From	To
Brown	Top Soil			0	0.6
Grey	Course Sand	Gravel, Silt	Loose, Wood Fragments	0.6	13.0
Blue	Clay	Silt, Stones	Dense	13.0	25.0
Brown	Fine Sand	Clay		25.0	31.0
Grey	Limestone		Porous, Hard	31.0	34.0

9. Water Level measurements in Results of Well Yield Testing: Distance between the surface of the ground and the top of the water in the well.
10. Water Details: Depth(s) at which water is found. The distance from the surface of the ground to the water bearing formation, or horizon, where water is found. There may be more than one water bearing formation.
11. Map of Well Location: Provide a map showing all property boundaries, and measurements sufficient to locate the well in relations to fixed points including an arrow indicating the North direction. In rural areas, one distance should be taken from a road and the other from either a road or a township lot line (Fig. 1). In a village, town or city, both distances should be taken from named streets (Fig 2). In areas where it is difficult to obtain lot and concession numbers, sufficient information should be supplied in the diagram so that the well can be related to a known unit such as a main highway, railway, or municipality (Figs. 3 & 4). Detailed drawings can be provided as attachments not larger than legal size (8.5" by 14").

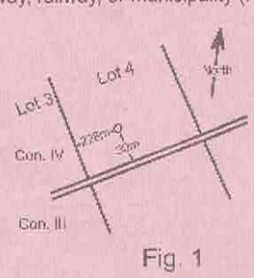


Fig. 1

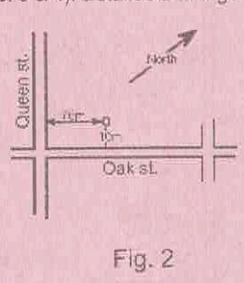


Fig. 2

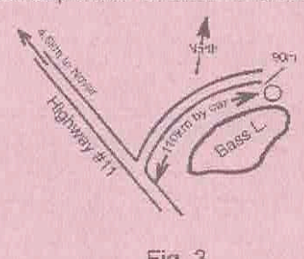


Fig. 3

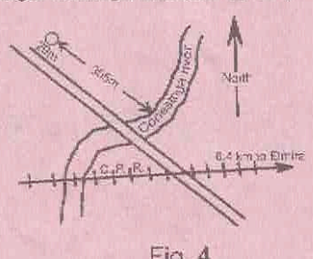


Fig. 4

Personal information contained on this form is collected pursuant to *sections 35-50* and *ss. 75(2) of the Ontario Water Resources Act, R.S.O 1990, c.o. 40* and will be used for the purpose of registering your well (and any other public record purpose). Questions about this collection should be directed to the Wells Help Desk, Ministry of the Environment, Conservation and Parks, 125 Resources Road, Toronto ON M9P 3V6 or 1-888-396-9355.

APPENDIX III
Photographs



Photo 1 – Pumping test set up well A281905.



Photo 2 – Pumping test discharge well A281905.



Photo 3 – Potential Septic Area A (looking north).



Photo 4 – Test pit A-TP-1.



Photo 5 – Test Pit A-TP-2.



Photo 6 – Test Pit A-TP-3.



Photo 7 – Test Pit A-TP-4.



Photo 8 – Test Pit A-TP-5.



Photo 9 – Test Pit A-TP-6.



Photo 10 – Potential Septic Area B (looking east).



Photo 11 – Test Pit B-TP-1.



Photo 12 – Test Pit B-TP-2.



Photo 13 – Test Pit B-TP-3.

Appendix IV

Water Quality Results and Laboratory Certificate of Analysis

Water Quality Analysis for Groundwater

Constant Discharge Pumping Test

Plan 13M3 PT Block 39 & RP;13R18283Parts 7 - 9 (Davidson Rd.), Inverary, Ontario

Parameter	Units	MDL	ODWSOG	Sample Designation	
				Sample Collection Date (dd/mm/yyyy hh:mm)	
				Brice - DW-1	Brice - DW-2
				09/10/2020 09:17 AM	09/10/2020 12:17 PM
Microbiological Parameters					
E. Coli	CFU/100 mL	1	0 (MAC)	N/A	0
Fecal Coliforms	CFU/100 mL	1	-	N/A	0
Total Coliforms	CFU/100 mL	1	0 (MAC)	N/A	0
General Inorganics					
Alkalinity, total	mg/L	5	30-500 (AO)	211	208
Ammonia as N	mg/L	0.01	-	0.1	0.06
Dissolved Organic Carbon	mg/L	0.5	5 (AO)	0.6	0.7
Colour, apparent	ACU	2	5 (AO)	6	5
Conductivity	uS/cm	5	-	760	754
Hardness	mg/L		80-100 (OG)	458	449
pH	pH Units	0.1	6.5-8.5 (OG)	7.7	7.7
Phenolics	mg/L	0.001	-	< 0.001	< 0.001
Total Dissolved Solids	mg/L	10	500 (AO)	410	440
Sulphide	mg/L	0.02	0.05 (AO)	< 0.02	< 0.02
Tannin & Lignin	mg/L	0.1	-	< 0.1	< 0.1
Total Kjeldahl Nitrogen	mg/L	0.1	-	< 0.1	< 0.1
Turbidity	NTU	0.1	5 (AO)	0.6	0.4
Anions					
Chloride	mg/L	1	250 (AO)	51	47
Fluoride	mg/L	0.1	1.5 (MAC)	0.3	0.3
Nitrate as N	mg/L	0.1	10 (MAC)	0.1	0.1
Nitrite as N	mg/L	0.05	1 (MAC)	< 0.05	< 0.05
Sulphate	mg/L	1	500 (AO)	118	115
Metals					
Calcium	mg/L	0.1	-	152	150
Iron	mg/L	0.1	0.3 (AO)	< 0.1	< 0.1
Magnesium	mg/L	0.2	-	19	18.2
Manganese	mg/L	0.005	0.05 (AO)	< 0.005	< 0.005
Potassium	mg/L	0.1	-	2.8	2.8
Sodium*	mg/L	0.2	20 (MAC)* 200 (AO)	30.8	27.4

Notes:

Value	Shaded value indicates result exceeded ODWSOG criteria
MDL	Method Detection Limit
ODWOSG	Ontario Drinking Water Standards, Objectives and Guidelines
MAC	Maximum Acceptable Concentration
IMAC	Interim Maximum Acceptable Concentration
OG	Operational Guidelines
AO	Aesthetic Objectives
CFU/100mL	Colony Forming Units per 100 mL
N/A	Not Analyzed
-	No Criteria
*	The aesthetic objective for sodium in drinking water is 200 mg/L. The local Medical Officer of Health should be notified wher the sodium concentration exceeds 20 mg/L so that this information may be communicated to local physicians for their use with patients on sodium restricted diets

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Certificate of Analysis

Pinchin Ltd. (Kingston)

1456 Centennial Drive, Suite 2
Kingston, ON K7P 0K4
Attn: Phil Tibble

Client PO:
Project: 279677
Custody: 12734

Report Date: 16-Sep-2020
Order Date: 10-Sep-2020

Order #: 2037337

This Certificate of Analysis contains analytical data applicable to the following samples as submitted:

Paracel ID	Client ID
2037337-01	Brice - DW-1
2037337-02	Brice - DW-2

Approved By:



Dale Robertson, BSc
Laboratory Director

Any use of these results implies your agreement that our total liabilty in connection with this work, however arising, shall be limited to the amount paid by you for this work, and that our employees or agents shall not under any circumstances be liable to you in connection with this work.

Order #: 2037337

Certificate of Analysis

Report Date: 16-Sep-2020

Client: Pinchin Ltd. (Kingston)

Order Date: 10-Sep-2020

Client PO:

Project Description: 279677

Analysis Summary Table

Analysis	Method Reference/Description	Extraction Date	Analysis Date
Alkalinity, total to pH 4.5	EPA 310.1 - Titration to pH 4.5	11-Sep-20	11-Sep-20
Ammonia, as N	EPA 351.2 - Auto Colour	14-Sep-20	14-Sep-20
Anions	EPA 300.1 - IC	11-Sep-20	15-Sep-20
Colour, apparent	SM2120 - Spectrophotometric	12-Sep-20	12-Sep-20
Conductivity	EPA 9050A- probe @25 °C	11-Sep-20	11-Sep-20
Dissolved Organic Carbon	MOE E3247B - Combustion IR, filtration	14-Sep-20	14-Sep-20
E. coli	MOE E3407	11-Sep-20	11-Sep-20
Fecal Coliform	SM 9222D	11-Sep-20	11-Sep-20
Metals, ICP-MS	EPA 200.8 - ICP-MS	11-Sep-20	11-Sep-20
pH	EPA 150.1 - pH probe @25 °C	11-Sep-20	11-Sep-20
Phenolics	EPA 420.2 - Auto Colour, 4AAP	14-Sep-20	14-Sep-20
Hardness	Hardness as CaCO3	11-Sep-20	11-Sep-20
Hardness	Hardness as CaCO3	11-Sep-20	11-Sep-20
Sulphide	SM 4500SE - Colourimetric	16-Sep-20	16-Sep-20
Tannin/Lignin	SM 5550B - Colourimetric	15-Sep-20	15-Sep-20
Total Coliform	MOE E3407	11-Sep-20	11-Sep-20
Total Dissolved Solids	SM 2540C - gravimetric, filtration	14-Sep-20	15-Sep-20
Total Kjeldahl Nitrogen	EPA 351.2 - Auto Colour, digestion	14-Sep-20	16-Sep-20
Turbidity	SM 2130B - Turbidity meter	11-Sep-20	11-Sep-20

Certificate of Analysis

Client: Pinchin Ltd. (Kingston)

Client PO:

Report Date: 16-Sep-2020

Order Date: 10-Sep-2020

Project Description: 279677

	Client ID:	Brice - DW-1	Brice - DW-2	-	-
	Sample Date:	10-Sep-20 09:17	10-Sep-20 12:17	-	-
	Sample ID:	2037337-01	2037337-02	-	-
	MDL/Units	Drinking Water	Drinking Water	-	-
Microbiological Parameters					
E. coli	1 CFU/100 mL	-	ND	-	-
Fecal Coliforms	1 CFU/100 mL	-	ND	-	-
Total Coliforms	1 CFU/100 mL	-	ND	-	-
General Inorganics					
Alkalinity, total	5 mg/L	211	208	-	-
Ammonia as N	0.01 mg/L	0.10	0.06	-	-
Dissolved Organic Carbon	0.5 mg/L	0.6	0.7	-	-
Colour, apparent	2 ACU	6	5	-	-
Conductivity	5 uS/cm	760	754	-	-
Hardness	mg/L	-	449	-	-
Hardness	mg/L	458	-	-	-
pH	0.1 pH Units	7.7	7.7	-	-
Phenolics	0.001 mg/L	<0.001	<0.001	-	-
Total Dissolved Solids	10 mg/L	410	440	-	-
Sulphide	0.02 mg/L	<0.02	<0.02	-	-
Tannin & Lignin	0.1 mg/L	<0.1	<0.1	-	-
Total Kjeldahl Nitrogen	0.1 mg/L	<0.1	<0.1	-	-
Turbidity	0.1 NTU	0.6	0.4	-	-
Anions					
Chloride	1 mg/L	51	47	-	-
Fluoride	0.1 mg/L	0.3	0.3	-	-
Nitrate as N	0.1 mg/L	0.1	0.1	-	-
Nitrite as N	0.05 mg/L	<0.05	<0.05	-	-
Sulphate	1 mg/L	118	115	-	-
Metals					
Calcium	0.1 mg/L	152	150	-	-
Iron	0.1 mg/L	<0.1	<0.1	-	-
Magnesium	0.2 mg/L	19.0	18.2	-	-
Manganese	0.005 mg/L	<0.005	<0.005	-	-
Potassium	0.1 mg/L	2.8	2.8	-	-
Sodium	0.2 mg/L	30.8	27.4	-	-

Certificate of Analysis

Report Date: 16-Sep-2020

Client: Pinchin Ltd. (Kingston)

Order Date: 10-Sep-2020

Client PO:

Project Description: 279677

Method Quality Control: Blank

Analyte	Result	Reporting Limit	Units	Source Result	%REC	%REC Limit	RPD	RPD Limit	Notes
Anions									
Chloride	ND	1	mg/L						
Fluoride	ND	0.1	mg/L						
Nitrate as N	ND	0.1	mg/L						
Nitrite as N	ND	0.05	mg/L						
Sulphate	ND	1	mg/L						
General Inorganics									
Alkalinity, total	ND	5	mg/L						
Ammonia as N	ND	0.01	mg/L						
Dissolved Organic Carbon	ND	0.5	mg/L						
Colour, apparent	ND	2	ACU						
Conductivity	ND	5	uS/cm						
Phenolics	ND	0.001	mg/L						
Total Dissolved Solids	ND	10	mg/L						
Sulphide	ND	0.02	mg/L						
Tannin & Lignin	ND	0.1	mg/L						
Total Kjeldahl Nitrogen	ND	0.1	mg/L						
Turbidity	ND	0.1	NTU						
Metals									
Calcium	ND	0.1	mg/L						
Iron	ND	0.1	mg/L						
Magnesium	ND	0.2	mg/L						
Manganese	ND	0.005	mg/L						
Potassium	ND	0.1	mg/L						
Sodium	ND	0.2	mg/L						
Microbiological Parameters									
E. coli	ND	1	CFU/100 mL						
Fecal Coliforms	ND	1	CFU/100 mL						
Total Coliforms	ND	1	CFU/100 mL						

Certificate of Analysis

Client: Pinchin Ltd. (Kingston)

Client PO:

Report Date: 16-Sep-2020

Order Date: 10-Sep-2020

Project Description: 279677

Method Quality Control: Duplicate

Analyte	Result	Reporting Limit	Units	Source Result	%REC	%REC Limit	RPD	RPD Limit	Notes
Anions									
Chloride	8.73	1	mg/L	8.71			0.2	10	
Fluoride	ND	0.1	mg/L	ND			NC	10	
Nitrate as N	ND	0.1	mg/L	ND			NC	10	
Nitrite as N	ND	0.05	mg/L	ND			NC	10	
Sulphate	40.4	1	mg/L	39.4			2.3	10	
General Inorganics									
Alkalinity, total	142	5	mg/L	144			1.4	14	
Ammonia as N	0.049	0.01	mg/L	0.050			1.4	17.7	
Dissolved Organic Carbon	1.6	0.5	mg/L	1.2			25.6	37	
Colour, apparent	6	2	ACU	6			0.0	12	
Conductivity	378	5	uS/cm	385			1.8	5	
pH	8.0	0.1	pH Units	8.0			0.0	3.3	
Phenolics	ND	0.001	mg/L	ND			NC	10	
Total Dissolved Solids	64.0	10	mg/L	66.0			3.1	10	
Sulphide	ND	0.02	mg/L	ND			NC	10	
Tannin & Lignin	ND	0.1	mg/L	ND			NC	11	
Total Kjeldahl Nitrogen	ND	0.1	mg/L	ND			NC	16	
Turbidity	ND	0.1	NTU	ND			NC	10	
Metals									
Calcium	155	0.1	mg/L	152			1.8	20	
Iron	ND	0.1	mg/L	ND			NC	20	
Magnesium	18.4	0.2	mg/L	19.0			3.2	20	
Manganese	ND	0.005	mg/L	ND			NC	20	
Potassium	2.8	0.1	mg/L	2.8			3.1	20	
Sodium	29.3	0.2	mg/L	30.8			4.9	20	
Microbiological Parameters									
E. coli	ND	1	CFU/100 mL	ND			NC	30	
Fecal Coliforms	ND	1	CFU/100 mL	ND			NC	30	
Total Coliforms	ND	1	CFU/100 mL	ND			NC	30	

Certificate of Analysis

Client: Pinchin Ltd. (Kingston)

Client PO:

Report Date: 16-Sep-2020

Order Date: 10-Sep-2020

Project Description: 279677

Method Quality Control: Spike

Analyte	Result	Reporting Limit	Units	Source Result	%REC	%REC Limit	RPD	RPD Limit	Notes
Anions									
Chloride	18.3	1	mg/L	8.71	95.5	77-123			
Fluoride	0.97	0.1	mg/L	ND	96.8	79-121			
Nitrate as N	0.99	0.1	mg/L	ND	98.7	79-120			
Nitrite as N	0.954	0.05	mg/L	ND	95.4	84-117			
Sulphate	48.6	1	mg/L	39.4	91.7	74-126			
General Inorganics									
Ammonia as N	0.291	0.01	mg/L	0.050	96.3	81-124			
Dissolved Organic Carbon	11.5	0.5	mg/L	1.2	103	60-133			
Phenolics	0.026	0.001	mg/L	ND	103	69-132			
Total Dissolved Solids	100	10	mg/L	ND	100	75-125			
Sulphide	0.51	0.02	mg/L	ND	102	79-115			
Tannin & Lignin	1.0	0.1	mg/L	ND	101	71-113			
Total Kjeldahl Nitrogen	2.06	0.1	mg/L	ND	103	81-126			
Metals									
Calcium	16400	0.1	mg/L	6980	94.6	80-120			
Iron	2260	0.1	mg/L	24.4	89.4	80-120			
Magnesium	10900	0.2	mg/L	1680	92.5	80-120			
Manganese	54.6	0.005	mg/L	3.15	103	80-120			
Potassium	12200	0.1	mg/L	2840	93.6	80-120			
Sodium	23200	0.2	mg/L	14800	83.3	80-120			

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Order #: 2037337

Certificate of Analysis

Report Date: 16-Sep-2020

Client: Pinchin Ltd. (Kingston)

Order Date: 10-Sep-2020

Client PO:

Project Description: 279677

Qualifier Notes:

Sample Qualifiers :

QC Qualifiers :

Sample Data Revisions

None

Work Order Revisions / Comments:

Other Report Notes:

n/a: not applicable
ND: Not Detected
MDL: Method Detection Limit
Source Result: Data used as source for matrix and duplicate samples
%REC: Percent recovery.
RPD: Relative percent difference.
NC: Not Calculated

PARACEL LABORATORIES LTD

Paracel ID: 2037337

Paracel Order Number	Chain Of Custody Ontario Drinking Water Samples
2037337	№ 12734

Client Name:	PINCHIN	Project Ref:	279677	Waterworks Name:	N/A	Samples Taken By:	
Contact Name:	PHIL TIBBLE	Quote #:		Waterworks Number:	NA	Name:	PHIL TIBBLE
Address:		PO #:		Address:	NA.	Signature:	[signature]
After Hours Contact:		E-mail:	ptibble@pinchin.com			Page 1 of 1	
Telephone:	613 449 3731	Fax:		Public Health Unit:	NA	Turn Around Time Required: ☐ 1 day ☐ 2 day ☐ 3 day ☒ 4 day	

Samples Submitted Under: (Indicate ONLY one)
☐ ON REG 170/03 ☐ ON REG 319/08 ☒ Private Well
☐ ON REG 243/07 ☐ Other

Have LSN forms been submitted to MOE/MOHLTC?: ☐ Yes ☒ No ☒ N/A

Are these samples for human consumption?: ☐ Yes ☒ No

All information must be completed before samples will be processed.

Sample Type: R = Raw ; T = Treated ; D = Distribution; P = Plumbing
Source Type: G = Ground Water; S = Surface Water
Reportable: Requires AWQI reporting as per Regulation - Y = Yes; N = No

	LOCATION NAME	SAMPLE ID	Sample Type: R/T/D/P	Source Type: G / S	Reportable: Y / N	Resample	SAMPLE COLLECTED DATE	SAMPLE COLLECTED TIME	# of Containers	Free/Combined Chlorine Residual mg/L	Standing / Flushed: S / F (REG 243)	Required Analyses: Total Coliform/E. Coli	HPC	Lead	THM	SUBDIVISION	SUBDIVISION BACT
1	BRICE	DW-1	R	G	N	N	SEPT 10 2020	9:17 AM	6	0						✓	
2	BRICE	DW-2	R	G	N	N	SEPT 10 2020	12:17 AM	6	0		✓					✓
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	

Comments:

Method of Delivery: Drop-Box

Relinquished By (Sign): [signature]	Received By Driver/Depot: Myssaf	Received at Lab: [signature]	Verified By: Myssaf
Relinquished By (Print): PHIL TIBBLE	Date/Time: Sept 10 1:50	Date/Time: 11 Sep 20 1040	Date/Time: Sept 10 2:10
Date/Time: SEPT 10 2020 1:25 pm	Temperature: 13.5 °C	Temperature: 4.8 °C	pH Verified: ☐ By: Myssa.

Appendix V

Grain Size Distribution Plots and Laboratory Certificate of Analysis

Soil Thickness and Description - Proposed Septic Location

Terrain Assessment - Test Pitting Program
Plan 13M3 PT Block 39 & RP;13R18283Parts 7 - 9 (Davidson Rd.), Inverary, Ontario

Proposed Septic Location "A"

Test Pit A-TP-1	
Depth Interval (mbgs)	**Description**
0 - 0.10	Dark Brown. Top Soil with roots. Dry
0.10 - 0.59	**Medium Brown. Medium Sand/Fine Sand. Dry [SAMPLED]**
0.59	Grey. Limestone Bedrock. Dry

Test Pit A-TP-2	
Depth Interval (mbgs)	**Description**
0 - 0.08	Dark Brown. Top Soil with roots. Dry
0.08 - 0.53	Medium Brown. Medium Sand/Fine Sand. Dry
0.53 - 0.81	Medium-Dark Brown. Fine Sand. Dry
0.81	Grey. Limestone Bedrock. Dry

Test Pit A-TP-3	
Depth Interval (mbgs)	**Description**
0 - 0.08	Dark Brown. Top Soil with roots. Dry
0.8 - 0.81	Medium Brown. Medium Sand/Silty Sand. Dry
0.81	Grey. Limestone Bedrock. Dry

Test Pit A-TP-4	
Depth Interval (mbgs)	**Description**
0 - 0.11	Dark Brown. Top Soil with roots. Dry
0.11 - 0.48	Medium Brown. Medium Sand/Fine Sand. Dry
0.48	Grey. Limestone Bedrock. Dry

Test Pit A-TP-5	
Depth Interval (mbgs)	**Description**
0.08 - 0.48	Dark Brown. Top Soil with roots. Dry
0.08 - 0.48	Medium Brown. Medium Sand/Fine Sand. Dry
0.48	Grey. Limestone Bedrock. Dry

Test Pit A-TP-6	
Depth Interval (mbgs)	**Description**
0 - 0.15	Dark Brown. Top Soil with roots. Dry
0.15 - 0.79	Medium Brown. Medium Sand with trace Fine Sand. Dry
0.79	Grey. Limestone Bedrock. Dry

Proposed Septic Location "B"

Test Pit B-TP-1	
Depth Interval (mbgs)	**Description**
0 - 0.10	Dark Brown. Top Soil with roots. Dry
0.10 - 0.48	**Medium Brown. Medium Sand. Dry [SAMPLED]**
0.48/0.52	Grey. Limestone bedrock uneven. Dry

Test Pit B-TP-2	
Depth Interval (mbgs)	**Description**
0 - 0.08	Dark Brown. Top Soil with roots. Dry
0.08 - 0.53	Medium Brown with orange. Medium Sand. Dry
0.53	Grey. Limestone Bedrock. Dry

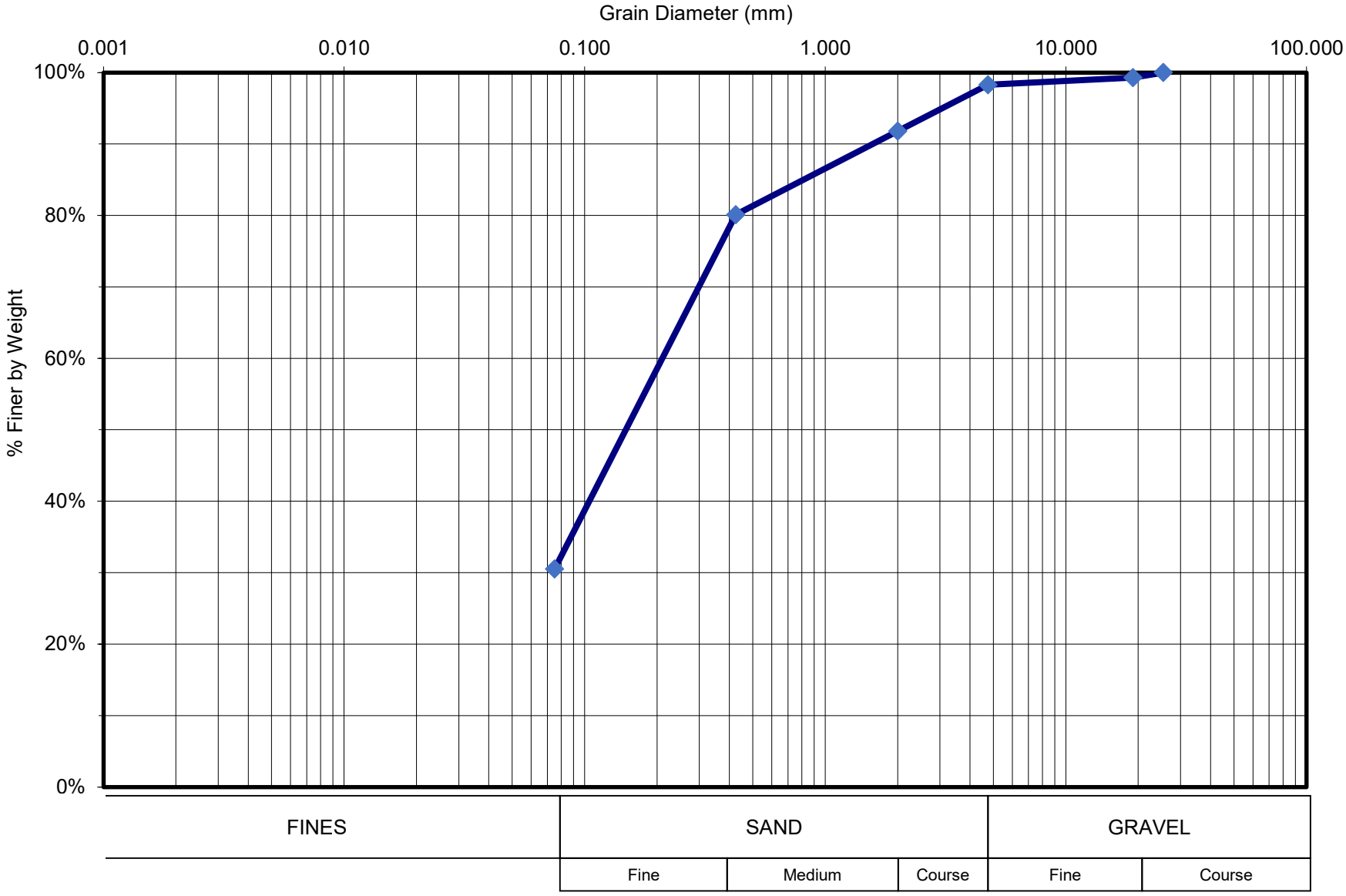
Test Pit B-TP-3	
Depth Interval (mbgs)	**Description**
0 - 0.13	Dark Brown. Top Soil with roots. Dry
0.13 - 0.44	Medium Brown. Medium Sand. Dry
0.44	Grey. Limestone bedrock. Some surface Weathering. Dry

Test Pit B-TP-4	
Depth Interval (mbgs)	**Description**
0 - 0.10	Dark Brown. Top Soil with roots. Dry
0.10 - 0.51	Medium Brown. Medium Sand with Trace Fine Sand. Dry
0.51	Grey. Limestone Bedrock. Dry

mbgs meters below ground surface
[SAMPLED] Soil sample submitted for grain size determination (sieve)

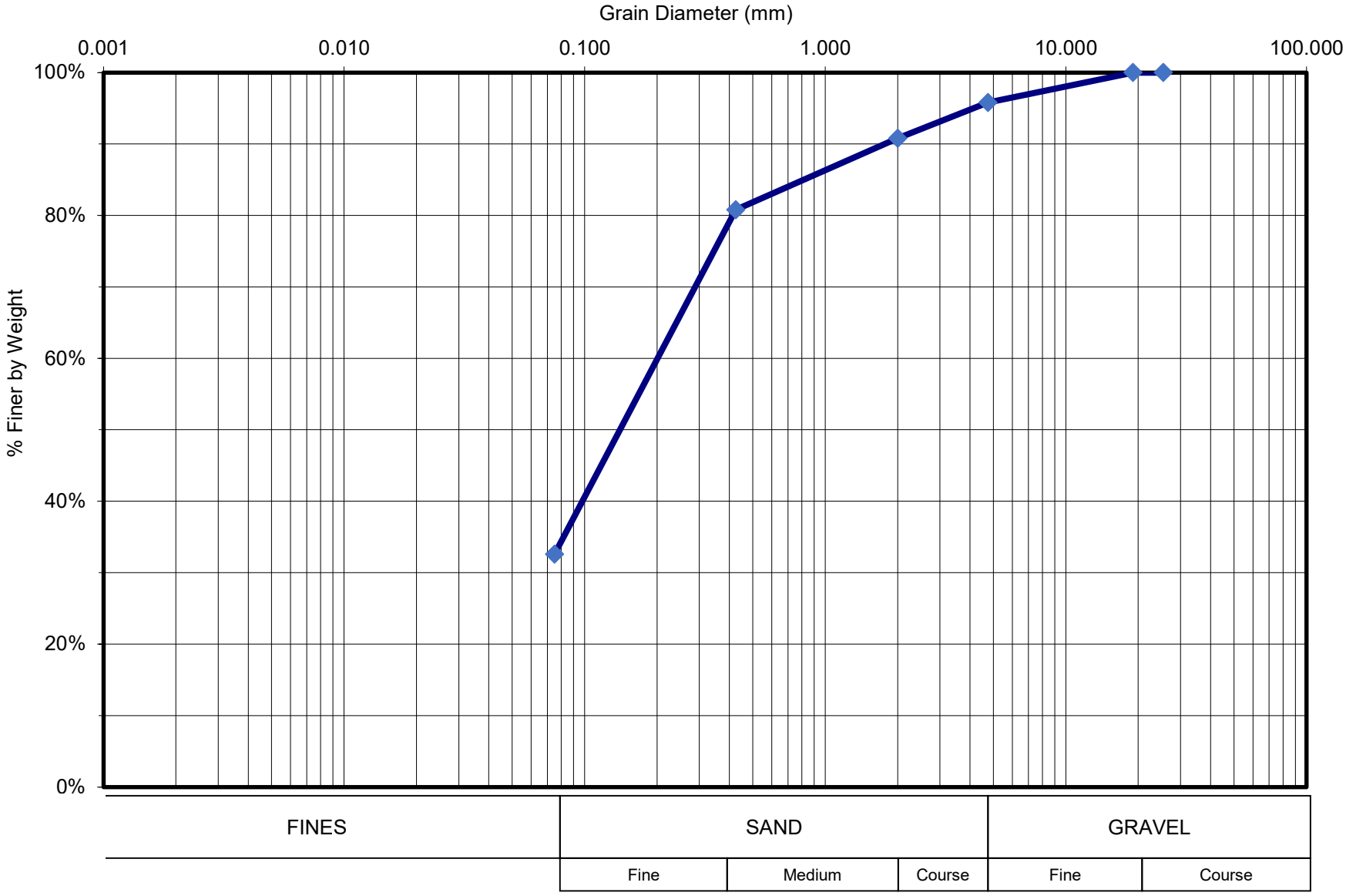
Grain Size Analysis - Test Pit A-TP-1

Plan 13M3 PT Block 39 & RP;13R18283 Parts 7 - 9 (Davidson Rd.), Inverary, Ontario



Grain Size Analysis - Test Pit B-TP-1

Plan 13M3 PT Block 39 & RP;13R18283 Parts 7 - 9 (Davidson Rd.), Inverary, Ontario



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Certificate of Analysis

Pinchin Ltd. (Kingston)

1456 Centennial Drive, Suite 2
Kingston, ON K7P 0K4
Attn: Phil Tibble

Client PO:
Project: 279677
Custody:

Report Date: 23-Sep-2020
Order Date: 17-Sep-2020

Order #: 2038431

This Certificate of Analysis contains analytical data applicable to the following samples as submitted:

Paracel ID	Client ID
2038431-01	A-TP-1
2038431-02	B-TP-1

Approved By:



Dale Robertson, BSc
Laboratory Director

Any use of these results implies your agreement that our total liabilty in connection with this work, however arising, shall be limited to the amount paid by you for this work, and that our employees or agents shall not under any circumstances be liable to you in connection with this work.

PARACEL LABORATORIES LTD.

Order #: 2038431

Certificate of Analysis

Report Date: 23-Sep-2020

Client: Pinchin Ltd. (Kingston)

Order Date: 17-Sep-2020

Client PO:

Project Description: 279677

Analysis Summary Table

Analysis	Method Reference/Description	Extraction Date	Analysis Date
Grain Size - Sieve only	Based on ASTM D2487	22-Sep-20	23-Sep-20

PARACEL LABORATORIES LTD.

Order #: 2038431

Certificate of Analysis

Report Date: 23-Sep-2020

Client: Pinchin Ltd. (Kingston)

Order Date: 17-Sep-2020

Client PO:

Project Description: 279677

	Client ID:	A-TP-1	B-TP-1	-	-
	Sample Date:	16-Sep-20 15:20	16-Sep-20 15:40	-	-
	Sample ID:	2038431-01	2038431-02	-	-
	MDL/Units	Soil	Soil	-	-
Particle Size					
>19 mm	0.1 %	<0.1	<0.1	-	-
<19 to >4.75 mm	0.1 %	0.7	<0.1	-	-
<4.75 to >2.00 mm	0.1 %	1.7	4.2	-	-
<2.00 to >0.425 mm	0.1 %	8.2	9.2	-	-
<0.425 to >0.075 mm	0.1 %	19.9	19.2	-	-
<0.075 mm	0.1 %	69.5	67.4	-	-

Qualifier Notes:

None

Sample Data Revisions

None

Work Order Revisions / Comments:

None

Other Report Notes:

n/a: not applicable
ND: Not Detected
MDL: Method Detection Limit
Source Result: Data used as source for matrix and duplicate samples
%REC: Percent recovery.
RPD: Relative percent difference.
Data QA/QC Results available upon request

Soil results are reported on a dry weight basis when the units are denoted with 'dry'.
Where %Solids is reported, moisture loss includes the loss of volatile hydrocarbons.

PARACEL LABORATORIES LTD.

Paracel ID: 2038431

Paracel Order Number (Lab Use Only)	Chain Of Custody (Lab Use Only)
2038431	

Client Name: Pinchin	Project Ref: 279677	Page __ of __
Contact Name: Phil Tibble	Quote #:	Turnaround Time
Address:	PO #:	☐ 1 day ☐ 3 day
	E-mail: ptibble@pinchin.com	☐ 2 day ☒ Regular
Telephone: 613.449.3731		Date Required:

Regulation 153/04	Other Regulation
☐ Table 1 ☐ Res/Park ☐ Med/Fine	☐ REG 558 ☐ PWQO
☐ Table 2 ☐ Ind/Comm ☐ Coarse	☐ CCME ☐ MISA
☐ Table 3 ☐ Agri/Other	☐ SU - Sani ☐ SU - Storm
☐ Table ___	Mun: ___
For RSC: ☐ Yes ☐ No	☐ Other:

Matrix Type: S (Soil/Sed.) GW (Ground Water) SW (Surface Water) SS (Storm/Sanitary Sewer) P (Paint) A (Air) O (Other)

	Sample ID/Location Name	Matrix	Air Volume	# of Containers	Sample Taken: Date	Sample Taken: Time	Required Analysis: In House Sieve
1	A-TP-1	S		1	sept 16, 2020	3:20 pm	✓
2	B-TP-1	S		1	sept 16, 2020	3:40 pm	✓
3							
4							
5							
6							
7							
8							
9							
10							

Comments:

Method of Delivery: Drop-Box

Relinquished By (Sign):	Received By Driver/Depot: Alyssa F	Received at Lab:	Verified By: Alyssa F.
Relinquished By (Print): Phil Tibble	Date/Time: Sept 17/20 8:30	Date/Time: 9-18-20 10:00	Date/Time: Sept 17/20 8:35
Date/Time: approx 4:30pm	Temperature: 9.6 °C	Temperature: 5.2	pH Verified: ☐ By:

MALROZ
ENGINEERING INCORPORATED

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

613-548-3446
www.malroz.com

via: e-mail

January 21, 2021
File: 1477-100.00

Ms. Christine Woods, MCIP, RPP
Senior Planner
Township of South Frontenac
Box 100 Sydenham ON K0H 2T0

Subject: Peer Review of the Documents Related to the Plan 13M3 Development on Davidson Road, Inverary, Ontario

Dear Ms. Woods:

Malroz Engineering Inc. (Malroz) is pleased to present our peer review of the hydrogeological assessment for a proposed residential development in Inverary, Township of South Frontenac, Ontario.

We were furnished with the following documents by you for review:

1. *Limited Hydrogeological Study and Terrain Assessment, Plan 13M3 PT Block 39 & RP;13R18283Parts 7-9 (Davidson Rd.), Inverary, Ontario, Pinchin File: 270677.000,* prepared for Mr. Joe Brice, prepared by Pinchin Ltd., dated November 2020.

2. *Zoning Amendment Sketch, Plan 13M3 PT Block 39 and RP;13R18283,* prepared by Forefront Engineering Inc., prepared for Joe Brice, dated November 2020.

Additional prior documents provided included:

3. *Additional Hydrogeological Investigation Delineation of Zone of Salty Water, Part of Lots 11 and 12, Concessions I and II, Storrington Township, Ontario,* prepared for Loughborough Shores Development Inc., prepared by Golder Associates Ltd., dated January 1991.

4. *Hydrogeological Investigation Proposed Rural Subdivision, Part of Lots 11 and 12, Concession I and Part of Lots 11 and 12, Concession II, Storrington Township, Ontario,* prepared for Real Property Investments and Management Ltd., prepared by Golder Associates Ltd., dated February 1988.

This peer review assessed if the proponent used commonly accepted practices to support their conclusions. The following regulatory document assisted in guiding the peer review of the hydrogeology study:

- *Procedure D-5-5 Technical Guidelines for Private Wells: Water Supply Assessment,* MOE, March 1995;

1.0 Background

The proposed development is described in Plan 13M3 Part Black 39 and RP 13R18283 Parts 7 to 9 in Inverary, Township of South Frontenac, County of Frontenac (the subject site). The subject site is approximately 10.1 hectares and accessed from Davidson Rd. The site is bordered by Davidson Rd. and agricultural land to the east, residential and agricultural land to the north, residential properties to the south, and Loughborough Lake to the west. The development proposes a single residence in the northwest portion of the property. The site is currently vacant.

The topography of the subject site ranges from 127 meters above sea level (masl) along the western boundary (along the shore of Loughborough Lake) to 157 masl at the northeast area of the property. The site's topography is generally characterized by what appears to be a shallow incline dipping westward from Davidson Road towards Loughborough Lake.

The following details were provided in the reviewed report.

The hydrogeology study completed by Pinchin consisted of the following:

- Drilling and development of water well (A281905) on August 11, 2020 by Jack Knox Well Drilling. The stratigraphy is described as 0.9 m of clay overlying approximately 1.5 m of shale, overlying limestone, the latter which is present to completion (a depth of 43.6 metres below ground surface (mbgs)). The well was constructed in compliance with O. Reg. 903. Static water level was reported at 16.76 metres below top of casing (mbTOC).

- Installation of a pump in the on-Site water supply well (A281905) and disinfection of the well by chlorination (in accordance with MECP Best Practices Manual for Water Supply Wells).

- Undertook a constant-rate discharge pumping test for six hours at 20.5 litres per minute (lpm). Monitoring water level and recovery time. The maximum drawdown observed was 3.96 m. The well recovered to 95% static water level in one hour after pumping stopped.

- Collection of two (2) water quality samples from the pumping well at the beginning and at the end of the 6 hour-pumping test (after 2 and 6 hours, respectively). Compare chemistry of submitted water samples against Ontario Drinking Water Standards (ODWS). An exceedance of hardness was observed, as is common in the area.

Pinchin also conducted a terrain analyses as part of their study. However, a review of this work is beyond the scope of our review. We understand that Groundwork Engineering Ltd. has provided comments on the terrain analysis performed by Pinchin at the subject site.

2.0 Comments

We offer the following comments on the hydrogeological assessment section of the report for your review and consideration.

2.1 Groundwater Quantity

The groundwater quantity assessment was completed via a 6-hour pumping test on September 10, 2020 undertaken on the newly installed test well at the site. The pumping well is approximately 43.5 meters deep. The well was pumped at a rate of approximately 20.5 litres per minute for a duration of 360 minutes (6 hours). The static water level in the well prior to the test was 16.28 mbtoc. Maximum draw down of water levels observed in the pumping well during the test was 3.96 m (20.24 mbtoc), leaving approximately 23.36 m of water column in the well. Recovery of water levels to at least 95% of pre-pumping static levels took one hour. Interference from proposed water takings to existing wells does not appear to have been investigated.

1. Ontario online water well records and previous work at the site (documents 3 and 4) suggest there are some historical wells remaining on the subject site. The consultant should note whether water levels were monitored in any of these wells during the pumping test to assess potential interference. Potential interference by water taking activities to/from nearby existing wells should be considered.

2. The consultant identifies that water levels were recorded during the pumping test, however, the method of this data collection is not specified.

3. Documents 1 and 2 do not specify the number of bedrooms in the proposed development. Thus, it is unclear how the pumping rate was determined. That said, the pumping rate is sufficient for a household of 4 or less bedrooms (based on demand assumptions in D-5-5).

4. The consultant should consider seasonal water table fluctuations on the availability of water.

2.2 Groundwater Quality

Groundwater quality was assessed by the consultant through sampling of groundwater after 2 hours and 6 hours during the pumping test. Results were compared to the Ontario Drinking Water Standards and Guidelines (ODWSOG). Analytical results showed

exceedances of the ODWSOG for hardness. No health-based ODWSOG exceedances were observed.

5. We have no comment on water quality.

3.0 Summary and Closure

Considering our comments above, we would recommend that further information be provided by the proponent and their hydrogeologist.

This peer review is based on the documents provided to Malroz by the Township of South Frontenac. We have generated our comments based on the documents provided. We recommend that the comments above be resolved to the satisfaction of the Township of South Frontenac and their consultant, prior to granting draft plan approval for this proposed development.

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

We hope this process has been helpful and please do not hesitate to contact the undersigned if you have any questions or concerns.

Yours truly,

Malroz Engineering Inc.



per: John Pyke, P.Geo.
Environmental Geoscientist

February 18, 2021

Mr. Joe Brice
885 Lynwood Dr.
Kingston, ON, K7P 2K6

E-mail: joe.brice4@gmail.com

Attention: Joe Brice
Owner

Re: Response to Reviewer Comments: Hydrogeological Study
Plan 13M3 PT Block 39 & RP;13R18283 Parts 7 - 9 (Davidson Rd.), Inverary, Ontario
Pinchin File: 270667.000

Pinchin Ltd. (Pinchin) is pleased to provide the following responses to questions raised by Mr. John Pyke of Malroz Engineering Incorporated (Malroz) in his January 21, 2021 peer review of the Pinchin report titled *"Limited Hydrogeological Study and Terrain Assessment, Plan 13M3 PT Block 39 & RP;13R18283 Parts 7-9 (Davidson Rd.), Inverary, Ontario"* which was prepared by Pinchin for Mr. Joe Brice and dated November 2020. Questions from the peer review are presented below in italics with responses in plain text.

Reviewer Comment #1: *Ontario online water well records and previous work at the site (documents 3 and 4) suggest there are some historical wells remaining on the subject site. The consultant should note whether water levels were monitored in any of these wells during the pumping test to assess potential interference. Potential interference by water taking activities to/from nearby existing wells should be considered.*

Pinchin Response: Hydrogeological investigations were completed by Golder Associates Ltd. (Golder), in February 1988 and January 1991 in support of a rural subdivision development on an approximately 66.6 ha parcel of land. The Golder investigations included installation and testing of a total of 12 test wells which were located across the area being investigated. The Subject Site is approximately 10.1 ha and is located on the northern portion of the property covered in the previous hydrogeological investigations by Golder. The work by Golder did not provide coordinates for the test wells but overlaying the Golder well location figure with the MECP water Well Records for the area and the property boundary for the Subject Site (Figure 1) shows the approximate position of the wells. Two of the twelve test wells installed by Golder (TW1 and TW4) are located to the south of the Subject Site property boundary. Test wells TW5 and TW6 are located on severed lots immediately to the east of the Subject Site property boundary. Test well TW12 is located on the Subject Site. All other test wells from the Golder investigations are further to the south of the Subject Site. TW12 is located on the Subject Property but was not monitored because, based on the high salinity identified in the Golder investigations, this well is completed in a saline zone that is not actively connected to the potable water zone intersected by the well installed on the Subject Property. Golder well TW5 was also identified as saline and both these wells (and

other saline wells identified in the Golder investigations) were recommended to be decommissioned. The proposed water supply well for the Subject Property is approximately 200 m to the north-northwest of location of TW12. Additionally, it is noted that the water level in the well tested for the Subject Site recovered to 95% static water level within one hour. Based on these observations it is concluded that the proposed water supply is not expected to cause unacceptable interference to other supply wells in the area.

Reviewer Comment #2: *The consultant identifies that water levels were recorded during the pumping test, however, the method of this data collection is not specified.*

Pinchin Response: Water levels were measured using an Echo Scientific WS2010 well sounder affixed to the well head with values recorded at intervals by the water well contractor operating the pump and generator set-up for the constant discharge pumping test.

Reviewer Comment #3: *Documents 1 and 2 do not specify the number of bedrooms in the proposed development. Thus, it is unclear how the pumping rate was determined. That said, the pumping rate is sufficient for a household of 4 or less bedrooms (based on demand assumptions in D-5-5).*

Pinchin Response: The selected pumping rate was determined based on the proposed development being a 4-bedroom house using the demand assumptions in D-5-5.

Reviewer Comment #4: *The consultant should consider seasonal water table fluctuations on the availability of water.*

Pinchin Response: The test well was drilled to a depth of 43.6 meters below ground surface (mbgs) and the observed static water level in the well was 16.28 meters below top of well casing (15.67 mbgs) prior to the pumping test. The height of the water column in the well prior to the start of the pumping test was approximately 27.93 m. The well record for the well (appended) indicates that water was found at 42.67 mbgs (140’ bgs), near the very bottom of the well.

Seasonal variations in groundwater levels are most pronounced in shallow systems and especially systems which are unconfined and/or experience recharge from short travel distance (analogous to travel time). The utilized aquifer for the well on the Subject Site is at least partially confined (static water level considerably above zone where water was found) and therefore will have limited influence from nearby surficial groundwater variations. Seasonally fluctuations in recharge to the system become muted or potentially unobservable with increased travel time/distance. Additionally, the water column in the well was 27.93 m, suggesting that regardless of potential seasonal variations, there is significant available drawdown to buffer any potential seasonal variations. It is the authors opinion that seasonal variations in the water level in the well would be minimal and have no impact on the ability of the well to service the intended development.

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This letter was prepared for the exclusive use of the Client, subject to the terms, conditions and limitations contained within the duly authorized work plan for this project. Any use which a third party makes of this letter, or any reliance on or decisions to be made based on it, is the sole responsibility of such third parties. Pinchin accepts no responsibility for damages suffered by any third party as a result of decisions made or actions conducted.

Pinchin makes no other representations whatsoever, including those concerning the legal significance of its findings, or as to other legal matters touched on in this letter, including, but not limited to, ownership of any property, or the application of any law to the facts set forth herein. With respect to regulatory compliance issues, regulatory statutes are subject to interpretation and these interpretations may change over time.

CLOSING REMARKS

We trust that the foregoing information is satisfactory for your present needs. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Pinchin Ltd.

Prepared by:

Reviewed by:

Phil Tibble, M.Sc., P.Geo., QP$_{ESA}$
Senior Technical Manager
613.449.3731
ptibble@pinchin.com

Byron O'Connor, P.Eng., QP$_{ESA}$
Senior Technical Manager
613.484.5607
boconnor@pinchin.com

Encl.: Pinchin Figure 1
MECP Well Record

\\pinchin.com\kgn\Job\279000s\0279677.000 FOREFRONT,DavidsonRdLoughborough,EDR,Hyd\Deliverables\Response to Peer Review\Hydrogeology\279677 Response to Reviewer Comments - Hydrogeolgocial Investigation.docx

Template: Master Template for Peer Review Letter, EDR, May 28, 2019

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N

LEGEND

- MECP WATER WELLS
- TEST WELLS GOLDER 1988/1991 INVESTIGATIONS
- DOMESTIC SUPPLY WELL
- SITE BOUNDARY
- PROPOSED SITE BUILDING

NOTES:
1) Proprietary information may not be reproduced or divulged without prior written consent of Pinchin Ltd.
2) Do not scale drawing.
3) This drawing may have been reduced. All scale notations indicated are based on a 11"x17" format drawings.
4)Legend is color dependent. Non-colour copies may alter interpretation.
5) Coordinate system: .
6) Source: Pinchin Ltd., MECP Water Well Records (https://www.ontario.ca/environment-and-energy/map-well-records), "Additional Hydrogeological Investigation Delineation of Zone of Salty Water, Part of Lots 11 and 12, Concessions I and II, Storrington Township, Ontario", prepared for Loughborough Shores Development Inc., Golder Associates Ltd., January 1991. City of Kingston, GeoEye, Maxar, Microsoft, Map data © OpenStreetMap contributors, Map layer by Esri, City of Kingston, USDA FSA, GeoEye, Maxar.

PINCHIN

PROJECT NAME
RESPONSE TO PEER REVIEW

CLIENT NAME
J. BRICE

PROJECT LOCATION
PT. BLOCK 39, DAVIDSON ROAD, INVERARY, ONTARIO

FIGURE NAME
PREVIOUS TEST WELLS IN VICINITY OF SUBJECT SITE

PROJECT NUMBER:	SCALE
279677	1:3000
DRAWN BY: PKM	REVIEWED BY: PT
DATE: FEBRUARY 2021	FIGURE NUMBER: 1

Ontario — Ministry of the Environment, Conservation and Parks

Well Tag No. *(Place Sticker and/or Print Below)* Tag#:A281905

Well Record

Regulation 903 Ontario Water Resources Act

Page ____ of ____

Measurements recorded in: ☐ Metric ☒ Imperial

Well Owner's Information

First Name	Last Name / Organization	E-mail Address	☐ Well Constructed by Well Owner
JOE	BRICE		

Mailing Address (Street Number/Name)	Municipality	Province	Postal Code	Telephone No. (inc. area code)
885 LYNWOOD DR	KINGSTON	ONT	K7P 2K6	6135390000

Well Location

Address of Well Location (Street Number/Name)	Township	Lot	Concession
	STORRINGTON SOUTH FRONTENAC	12	2

County/District/Municipality	City/Town/Village	Province	Postal Code
FRONTENAC		Ontario	

UTM Coordinates	Zone	Easting	Northing	Municipal Plan and Sublot Number	Other
NAD 8 3	18	377845	4914566	13R18283 PT 7 TO 9	

Overburden and Bedrock Materials/Abandonment Sealing Record *(see instructions on the back of this form)*

General Colour	Most Common Material	Other Materials	General Description	Depth (m/ft) From	Depth (m/ft) To
BROWN	CLAY			0	3'
	SHALE			3'	8'
BLUE	LIMESTONE			8'	27'
GREEN	LIMESTONE			27'	63'
BLACK	LIMESTONE			63'	105'
GREEN	LIMESTONE			105'	139'
				139'	143'
		FREE CHLORINE 140			

Annular Space

Depth Set at (m/ft) From	To	Type of Sealant Used (Material and Type)	Volume Placed (m³/ft³)
20	0	CEMENT	7

Method of Construction

☒ Cable Tool ☐ Diamond
☐ Rotary (Conventional) ☐ Jetting
☐ Rotary (Reverse) ☐ Driving
☐ Boring ☐ Digging
☒ Air percussion
☐ Other, specify

Well Use

☐ Public ☐ Commercial ☐ Not used
☒ Domestic ☐ Municipal ☐ Dewatering
☐ Livestock ☐ Test Hole ☐ Monitoring
☐ Irrigation ☐ Cooling & Air Conditioning
☐ Industrial
☐ Other, specify

Construction Record - Casing

Inside Diameter (cm/in)	Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m/ft) From	Depth (m/ft) To
6¼"	STEEL	188	+2'	20'
6"	OPEN HOLE		20'	143'

Construction Record - Screen

Outside Diameter (cm/in)	Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m/ft) From	Depth (m/ft) To

Status of Well

☒ Water Supply
☐ Replacement Well
☐ Test Hole
☐ Recharge Well
☐ Dewatering Well
☐ Observation and/or Monitoring Hole
☐ Alteration (Construction)
☐ Abandoned, Insufficient Supply
☐ Abandoned, Poor Water Quality
☐ Abandoned, other, specify
☐ Other, specify

Results of Well Yield Testing

After test of well yield, water was:
☒ Clear and sand free
☐ Other, specify

If pumping discontinued, give reason:

Pump intake set at (m/ft): 141'

Pumping rate (l/min / GPM): 5GPM

Duration of pumping: 1 hrs + 0 min

Final water level end of pumping (m/ft): 64.2

If flowing give rate (l/min / GPM):

Recommended pump depth (m/ft): 139'

Recommended pump rate (l/min / GPM): 5+GPM

Well production (l/min / GPM): 10 GPM

Disinfected? ☒ Yes ☐ No

	Draw Down Time (min)	Draw Down Water Level (m/ft)	Recovery Time (min)	Recovery Water Level (m/ft)
Static Level		55'		
1	56.2		1	63
2	57.8		2	62.2
3	58.6		3	61.4
4	59.8		4	60.7
5	60.4		5	60
10	62.1		10	59.1
15	63.6		15	58.1
20	64.1		20	57.1
25	64.2		25	56.2
30	64.2		30	55.4
40	64.2		40	55
50	64.2		50	55
60	64.2		60	55

Water Details

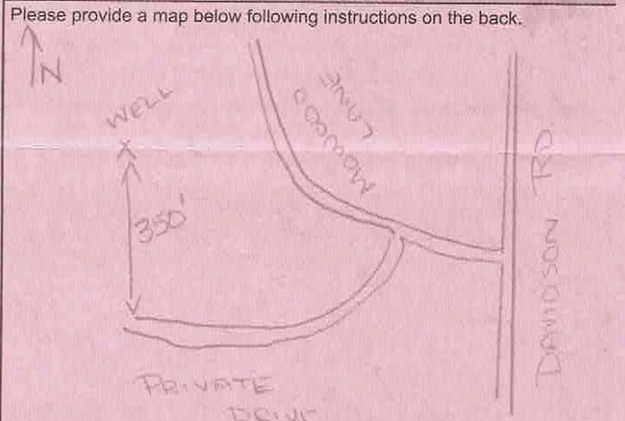
Water found at Depth (m/ft)	Gas	Kind of Water: Fresh ☒ Untested / Other, specify
140	☐	
	☐	☐ Fresh ☐ Untested / ☐ Other, specify
	☐	☐ Fresh ☐ Untested / ☐ Other, specify

Hole Diameter

Depth (m/ft) From	Depth (m/ft) To	Diameter (cm/in)
0	20'	10"
20'	143'	6"

Map of Well Location

Please provide a map below following instructions on the back.



Comments:

Well Contractor and Well Technician Information

Business Name of Well Contractor	Well Contractor's Licence No.
JACK KNOX WELL DRILLING LTD	3 2 0 2

Business Address (Street Number/Name)	Municipality
2580 PERTH RD PO BOX 33	GLENBURNIE

Province	Postal Code	Business E-mail Address
ONT	K0H 1S0	

Bus. Telephone No. (inc. area code)	Name of Well Technician (Last Name, First Name)
6138541010	KNOX JOHN

Well Technician's Licence No.	Signature of Technician and/or Contractor	Date Submitted (Y Y Y Y M M D D)
2879		

Well owner's information package delivered	Date Package Delivered (Y Y Y Y M M D D)	Ministry Use Only
☐ Yes ☐ No	Date Work Completed (Y Y Y Y M M D D)	Audit No. Z323717
		Received

Well Owner's Copy

© Queen's Printer for Ontario, 2018

The *Ontario Water Resources Act* and Regulation 903

Certain Sections of the *Ontario Water Resources Act* are of interest to well owners, parts of these are described below for your information.

Under *Section 30 (1)* No person shall discharge or deposit any material directly into any well or place that may impair the quality of any water.

Under *Section 34 (3)* No person shall take more than 50,000 litres of water in a day for purposes other than domestic, farm, or fire fighting without a permit issued by the Ministry.

Under *Section 34 (7)* The Ministry may require the owner of a flowing well to stop the flow of water from the well.

Under *Section 39, 43* Well Contractors and Well Technicians operating in the Province are required to obtain the appropriate licences from the Ministry to carry on the business of constructing wells and to work at the construction of water wells.

Regulation 903 under the *Ontario Water Resources Act* prescribes the minimum construction (including abandonment) requirements as well as outlines the licensing requirements, conditions, and the roles and responsibilities required of licensed well contractors, well technicians, and well owners in supporting the regulation in Ontario. The owner of a well is required to maintain the well at all times after completion in such manner as to prevent the entry of surface water or foreign materials into the well. The well owner is required to abandon (plug) a well that is not used or maintained. The owner maybe required to abandon the well in a manner sufficient to prevent impairment of the quality of ground water if salty, sulphurous, or other non-potable water is encountered in the well. For further information on well construction, well maintenance, and well abandonment, and applicable exemptions, please refer to the *Ontario Water Resources Act* and Regulation 903, available at www.e-laws.gov.on.ca.

Instructions and Explanations for completing a Well Record

1. For use in the **Province of Ontario** only. This document is a permanent **legal** document. All **APPLICABLE** sections/fields **MUST** be completed in full and ALL COPIES MUST be LEGIBLE to avoid delays in processing and to comply with the Regulation 903. Please **PRINT** if completing by hand.
2. The Ministry's copy (top, WHITE) of the Well Record shall be returned to the Wells Help Desk, Ministry of the Environment, Conservation and Parks, 125 Resources Road, Toronto ON M9P 3V6 within thirty (30) days after the date on which the well's structural stage is complete. The PINK copy shall be submitted to the Well Owner within fourteen (14) days after the date on which the well's structural stage is complete. The YELLOW copy is for the Well Contractor. The Well Contractor must retain a copy of the Well Record for a minimum of 2 years for future reference.
3. Not shaded fields are COMMON FIELDS and must be completed for all types of work, including abandonment, as applicable. Fields shaded in YELLOW must be completed for construction and alteration work, as applicable.
4. All measurements MUST be recorded in the specified unit, metric or imperial. To indicate the unit used, check off the applicable box on the top of the form. Measurements must be reported to 1/10th of a metre if the unit is a metre. All measurements of depth **MUST** be referenced to ground surface.
5. Well Owner's Information: If the well owner is not an individual, circle the word Organization and print the Organization/Company Name in "Last Name/ Organization" field.
6. Well Location: Street Number/Name and City/Town/Village must be provided, if available. Geographic Township, Concession and Lot must be reported if the well is located in an area where such information exists. Current Municipality or Township, if reported, should be entered under "County/District/Municipality." UTM Coordinates must be recorded each time a Well Record is completed. Municipal Plan and Sublot Number may be provided, if available.
7. Abandonment details must be recorded in the "Overburden and Bedrock Materials/Abandonment Sealing Record" section. Indicate type of sealant used in "General Description" column and complete the "Depth" column.
8. Overburden and Bedrock Materials/Abandonment Sealing Record: For each formation encountered during construction, choose words from the lists below that best describe the formation on the basis of general colour, most common material, other materials, and general description of the formation. Print neatly in the correct columns.

General Colours		Materials					General Descriptions		
White	Yellow	Fill	Silt	Top Soil	Coarse Sand	Slate	Loose	Cemented	Previously Dug or Bored
Grey	Brown	Muck	Gravel	Limestone	Dolomite	Quartzite	Porous	Layered	Previously Drilled
Blue	Red	Peat	Stones	Fine Sand	Shale	Granite	Dense	Soft	Wood Fragments
Green	Black	Clay	Boulders	Medium Sand	Sandstone	Greenstone	Packed	Hard	

Clay: Composed of very fine particles. Forms dense hard lumps or clods when dry and a very elastic putty-like mass when wet. It can be rolled between fingers to form a long, flexible ribbon.

Silt: Grain size, midway between sand and clay. It may form clods which, when broken, feel soft and floury. When moist, it will form a cast that can be handled freely without breaking. Rolled between thumb and finger, it will not "ribbon" but will give a broken appearance.

Sand: Grains are loose and granular and may be seen and felt readily. Squeezed in the hand when dry, it falls apart when the pressure is released. Squeezed when moist, it will form a cast that will crumble when touched. Should be listed as fine, medium or coarse.

Gravel: Rock fragments greater than 0.3 cm in diameter.

Example: Overburden and Bedrock Materials Record for construction (measurements recorded in metric)

General Colours	Most Common Material	Other Materials	General Descriptions	Depth	
				From	To
Brown	Top Soil			0	0.6
Grey	Course Sand	Gravel, Silt	Loose, Wood Fragments	0.6	13.0
Blue	Clay	Silt, Stones	Dense	13.0	25.0
Brown	Fine Sand	Clay		25.0	31.0
Grey	Limestone		Porous, Hard	31.0	34.0

9. Water Level measurements in Results of Well Yield Testing: Distance between the surface of the ground and the top of the water in the well.
10. Water Details: Depth(s) at which water is found. The distance from the surface of the ground to the water bearing formation, or horizon, where water is found. There may be more than one water bearing formation.
11. Map of Well Location: Provide a map showing all property boundaries, and measurements sufficient to locate the well in relations to fixed points including an arrow indicating the North direction. In rural areas, one distance should be taken from a road and the other from either a road or a township lot line (Fig. 1). In a village, town or city, both distances should be taken from named streets (Fig 2). In areas where it is difficult to obtain lot and concession numbers, sufficient information should be supplied in the diagram so that the well can be related to a known unit such as a main highway, railway, or municipality (Figs. 3 & 4). Detailed drawings can be provided as attachments not larger than legal size (8.5" by 14").

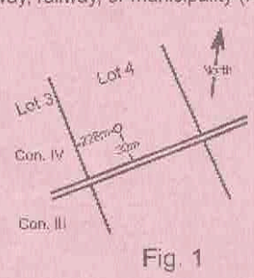


Fig. 1

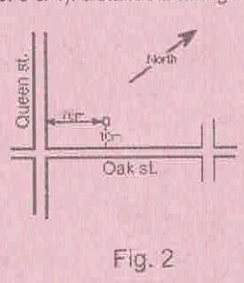


Fig. 2

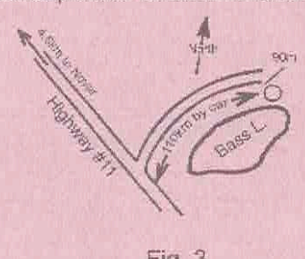


Fig. 3

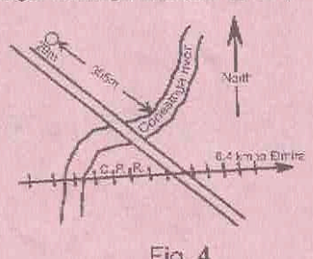


Fig. 4

Personal information contained on this form is collected pursuant to *sections 35-50* and *ss. 75(2) of the Ontario Water Resources Act, R.S.O 1990, c.o. 40* and will be used for the purpose of registering your well (and any other public record purpose). Questions about this collection should be directed to the Wells Help Desk, Ministry of the Environment, Conservation and Parks, 125 Resources Road, Toronto ON M9P 3V6 or 1-888-396-9355.

Groundwork Engineering Limited

January 11, 2021 Project No. 21002-1-1

Christine Woods, MCIP, RPP
Senior Planner
Township of South Frontenac
Box 100
Sydenham ON
K0H 2T0

Terrain Assessment Peer Review of Report Entitled "Limited Hydrogeological Study and Terrain Assessment Plan 13M3 PT Block 39 & RP;13R18283 Parts 7 – 9 (Davidson Rd.), Inverary, Ontario" by Pinchin Ltd.

Dear Christine,

The following provides a summary of our terrain assessment peer review of the report entitled "Limited Hydrogeological Study and Terrain Assessment Plan 13M3 PT Block 39 & RP;13R18283 Parts 7 – 9 (Davidson Rd.), Inverary, Ontario" by Pinchin Ltd. We have also reviewed the Planning Justification Report, Davidson Side Road, dated December 9, 2020 by Fotenn Planning + Design and the Zoning Amendment Sketch by Forefront Engineering Inc. We completed a site visit on January 8, 2021.

1.0 Introduction

The applicant is proposing a zoning by-law amendment for a 10.1-hectare property located with frontage on Davidson Side Road and Loughborough Lake in the Township of South Frontenac. The terms of reference for this peer review were provided in an agreement between Township of South Frontenac and Groundwork Engineering Limited dated 6 November, 2020 and are related to terrain analysis and do not include any review of the hydrogeological study and impacts. This peer review focussed on the following:

- Adequacy of the terrain analysis study;
- Conformity to the Township of South Frontenac Official Plan, specifically Section 5.2.8;
- Any potential impacts on adjacent properties, surface water and ground water of sewage system effluent; and
- Adequacy of any proposed mitigation measures, if appropriate.

2.0 Scope of Consultants Terrain Analysis Work Program

The scope of work of Pinchin Ltd. included the following:

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- A limited hydrogeological study which consisted of a temporary installation of a pump in the existing on-site water supply well, completion of a constant discharge pumping test and collection and analysis of two (2) water quality samples.

- A limited terrain assessment which consisted of identification of two potential preferred locations for inground disposal of septic effluent, excavation of test pits, recording of test pit stratigraphy, collection and analysis of soil samples.

The Pinchin Inc. scope of work did not include treatment system design.

The report focussed on the investigation of two potential areas (A and B) for inground disposal of wastewater. Both locations A and B are greater than 90m from the lake shore. The areas are currently heavily forested. Test pit excavation was completed using a mini-excavator. Six test pits were excavated in Area A and four in Area B. The stratigraphy at both locations consisted of shallow topsoil overlying medium to fine silty sand overlying limestone bedrock.

A review of soil suitability for effluent dispersal was completed at both locations. Overburden thickness ranged from 0.48 m to 0.81 m at test pits in Area A and ranged from 0.44 m to 0.53 m at test pits in Area B. There is insufficient overburden to achieve the minimum required Ontario Building Code (OBC) separation distance of 900 mm from bedrock therefore the effluent dispersal bed will need to be raised.

Grain size distribution analysis from the two samples tested identified the soil to be a fine to medium silty sand. The percolation rate (T-time) of the existing soil was estimated from the grain size distributions to be on the order of 8 to 20 min/cm.

No other areas on the 10.1-hectare site greater than 90m from the lakeshore were investigated for suitability for effluent dispersal.

Nitrates and phosphorous are two common nutrients that are found in sewage system effluent. These nutrients can cause a negative impact to sensitive lakes. No assessment of nutrient impact on nearby surface waters or groundwater from septic system effluent dispersal on shallow overburdens over fractured limestone was provided.

3.0 Conformance to Township of South Frontenac Official Plan Policies

This lot is an existing lot of record with water frontage on the West Basin of Loughborough Lake. The West Basin of Loughborough Lake has been identified as a highly sensitive Lake Trout lake. In accordance with 5.2.8 a) of the Official Plan (OP) *Development and/or site alterations will not be permitted on a highly sensitive Lake Trout lake*.

In accordance with 5.2.8 a) i) *existing lots of record may be developed in accordance with Section 5.2.7 b) ii) 3). Consideration may be given to servicing the lot with a new technology, other than an approved class 4 sewage*

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disposal system, where it has been demonstrated that the use of such technology will not impact on water quality over the long term. The proposed locations A and B are greater than 90m from the lakeshore. The Zoning Amendment Sketch by Forefront Engineering Inc. submitted as part of the application identifies the septic location as being 102m from the lakeshore.

All development or site alterations on or adjacent to a sensitive lake trout lake will be subject to site plan control. There are a number of OBC approved Level 4 Class 4 sewage treatment systems with nutrient reducing capabilities. Sewage disposal system types can be defined during the site plan control process.

The terrain assessment by Pinchin Ltd. is considered to be in compliance with the OP except for the following:

- The preferred location of the septic system dispersal area is on a lot with frontage on a highly sensitive Lake Trout lake.

4.0 Conclusions

The following conclusions are provided based on the peer review.

1) The limited terrain assessment report by Pinchin inc. does provide an adequate analysis of soil suitability at the two locations investigated.

2) A nutrient impact assessment according to Ministry of Environment, Conservation and Parks (MECP) Guideline D-5-4 Individual On-site Sewage Systems has not been prepared for the site.

3) The report does not provide an adequate indication of potential for nitrate and phosphorous impacts associated with sewage effluent dispersal on shallow overburden on fracture limestone on a lot with frontage on Loughborough Lake.

5.0 Recommendations

1) An evaluation of the potential for nitrate and phosphorous impacts on Loughborough Lake should be considered.

2) Sewage system types capable of reducing nutrients should be defined during the site plan control process.

3) Alternate effluent dispersal locations that maximize the distance from Loughborough Lake should be considered during the site plan control process.

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6.0 Closing

We trust that this peer review meets your requirements. Should you require further information, or have any questions please do not hesitate to contact the undersigned.

Sincerely,



Martin Burger
M.Eng., P.Eng.

February 18, 2021

Mr. Joe Brice
885 Lynwood Dr.
Kingston, ON, K7P 2K6

E-mail: joe.brice4@gmail.com

Attention: Joe Brice
Owner

Re: Response to Reviewer Comments: Terrain Assessment
Plan 13M3 PT Block 39 & RP;13R18283 Parts 7 - 9 (Davidson Rd.), Inverary, Ontario
Pinchin File: 270667.000

Pinchin Ltd. (Pinchin) is pleased to provide the following responses to items of concern and recommendations raised by Mr. Martin Burger of Groundwork Engineering Limited (GWEL) in his January 11, 2021 peer review of the Pinchin report titled *"Limited Hydrogeological Study and Terrain Assessment, Plan 13M3 PT Block 39 & RP;13R18283 Parts 7-9 (Davidson Rd.), Inverary, Ontario"* which was prepared by Pinchin for Mr. Joe Brice and dated November 2020. Items from the peer review are presented below in italics with responses in plain text.

Reviewer Item of Concern #1: *From Conclusions Section: A nutrient impact assessment according to Ministry of Environment, Conservation and Parks (MECP) Guideline D-5-4 Individual On-site Sewage Systems has not been prepared for the site. From Recommendations Section:* An evaluation of the potential for nitrate and phosphorous impacts on Loughborough Lake should be considered.

Pinchin Response: Ministry of Environment, Conservation and Parks (MECP) Guideline D-5-4 Section 3 indicates that "This guideline applies to the combined or total impact on groundwater of a development proposal of more than five units with individual on-site sewage system". However, Pinchin recognises the underlying principle of the Guideline as being that of environmental protection and as such there is value in considering aspects of D-5-4 for this Site. Section 5.2 of the Guideline identifies a "Three-Step Process" for evaluating potential impacts. The first step of the three-step process is to consider lot size and indicates that lot sizes greater than 1 ha in size are generally sufficient. The subject property is approximately 10.1 Ha in size with approximately 1.4 ha of area located immediately between the proposed septic areas and Loughborough Lake. The setback minimum for the septic bed is 90 m and the location of the areas examined are approximately 100 m from the lake. The assessment did not include treatment system design however the advantages of septic systems utilizing new technologies that are acceptable to the MECP to reduce effluent levels and provide additional protection on lake water quality over the long term and allow for installation in shallow soils have been discussed with the owner and this approach is considered the most suitable approach to address nutrient impact concerns.

Reviewer Item of Concern #2: *From Recommendations Section: Sewage system types capable of reducing nutrients should be defined during the site plan control process.*

Pinchin Response: Pinchin agrees that a system capable of reducing nutrients would be appropriate for the Site and will provide further enhanced protection of the lake in addition to the 90 m setback minimum. Such an approach has been discussed with the owner. Pinchin agrees with the reviewer that including requirement for approved systems capable of reducing nutrient loadings in the site plan control prosses is a valid approach. A variety of systems are available, and the selection of the system is the owner's responsibility. Pinchin recommends systems meeting CAN/BNQ 3680-600 standard for certification of Level IV treatment units and specifically addressing phosphorous (P-I) reduction, and nitrate (N-I) reduction as a minimum, in conjunction with being suitable for the limited soil thickness observed at the Site.

Reviewer Item of Concern #3: *Recommendations Section: Alternate effluent dispersal locations that maximize the distance from Loughborough Lake should be considered during the site plan control process.*

Pinchin Response: The two areas investigated as potential locations for sewage systems are located on flat ground with moderate soil thickness for the area. The locations are in excess of the minimum setback requirements defined for the Site. Much of the area farther from the lake (southeast) is sloped (increasing elevation) and not suitable for sewage disposal systems. Towards the southeastern extent of the Subject Property there are narrow northeast-southwest trending areas representing the underlying limestone shelves. These areas a have very thin soil cover. It is Pinchin's opinion that it is unlikely that suitable locations for the system are available in these areas.

CLOSING COMMENTS

As previously mentioned, the design of the sewage system was beyond the scope of the work completed within the Limited Terrain Assessment for the site. Pinchin is in agreement with the reviewer regarding enhanced environmental protection via tertiary treatment and recommends that the system selected for the Subject Property be such that it is suitable for the limited soil thickness observed at the locations investigated and that the system design addresses nutrient reduction as described in the response to the reviewer's item of concern #3. Additionally, it is noted that any treatment systems employed at the site shall be designed, constructed, and approved by qualified personnel in accordance with the Ontario Building Code requirements. It is recommended that a maintenance agreement between the owner and installer/technology provider that includes an annual inspection of the treatment system and sampling and analysis of effluent to ensure the treatment system is achieving effluent criteria.

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TERMS AND LIMITATIONS

This letter was prepared for the exclusive use of the Client, subject to the terms, conditions and limitations contained within the duly authorized work plan for this project. Any use which a third party makes of this letter, or any reliance on or decisions to be made based on it, is the sole responsibility of such third parties. Pinchin accepts no responsibility for damages suffered by any third party as a result of decisions made or actions conducted.

Pinchin makes no other representations whatsoever, including those concerning the legal significance of its findings, or as to other legal matters touched on in this letter, including, but not limited to, ownership of any property, or the application of any law to the facts set forth herein. With respect to regulatory compliance issues, regulatory statutes are subject to interpretation and these interpretations may change over time.

CLOSING REMARKS

We trust that the foregoing information is satisfactory for your present needs. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Pinchin Ltd.

Prepared by:

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Reviewed by:

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\\pinchin.com\kgn\Job\279000s\0279677.000 FOREFRONT,DavidsonRdLoughborough,EDR,Hyd\Deliverables\Response to Peer Review\SEPTIC\279677 Response to Reviewer Comments - Terrain Assessment.docx

Template: Master Template for Peer Review Letter, EDR, May 28, 2019

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Ecological Services
R.R. #1, 3803 Sydenham Road
Elginburg, Ontario K0H 1M0
Phone: (613) 376-6916
E-mail: mail@ecologicalservices.ca

ENVIRONMENTAL SITE EVALUATION

Municipality: South Frontenac Township (Storrington District)

Lots: 12 | Concessions: 1-2

Municipal Address: Mowoods Lane& Davidson Side Road (no number)

Site District: 6E-9 (Madoc)

Landowner: Joe Brice

Planning Application Reference: N/A

Description of Application: The landowner is proposing to develop his property on Loughborough Lake in South Frontenac Township (see Attachment 1) with a single-family residence and associated driveway and landscaping (see Attachment 2). A boat slip, which has already been approved for development, will be installed at the edge of the lake, with an access lane from the driveway down to the slip.

The development plan has evolved through our discussions with the client. The current plan situates the residence on a leveled clearing, above the top of the slope. The slope to the north of the house, which is in poor condition, will be given native planting restoration. Any of the native trees and shrubs we list in our Ecological Land Classification have some success growing in the area, but there may be other options. A certified arborist can recommend suitable native species.

Site Description:

The landowner's property is approximately 10 ha in size. The proposed development is located on the northern end of the property (see Attachments 3 and 4), with a driveway connection to Mowoods Lane. There is a large, central cleared area, surrounded by woodlands (see Attachment 5). There is also a drainage ditch that runs south-to-north through the property, emptying into Loughborough Lake. We focused our site visit on the northern end of the property, where the development is proposed.

A. Ecological Land Classification

We evaluated the different vegetation communities on the property into Ecological Land Classification (ELC) categories (see Attachment 3), after Lee et al. (1998). The site where development is proposed is a **Cultural (CU)** site. Lee et al. describe this type of site as having vegetation communities resulting from anthropogenic-based disturbances. The clearing on the property ranges from unvegetated to sparsely vegetated, with species including Red Raspberry, Purple-flowering Raspberry, Poison Ivy, Glossy Buckthorn, Bittersweet Nightshade, Coltsfoot, and Dog-strangling Vine, among others. Many of these species are commonly associated with disturbed areas.

Loughborough Lake is an **Open Aquatic (OAO)** community, with no macrophyte vegetation along the edge of the lake and deep water (> 2 m in most places).

The woodland adjacent to the proposed development is a **Dry – Fresh White Cedar Coniferous Forest Type (FOC2-2)**. White Cedar is overwhelmingly the dominant species, but some other trees included Balsam Fir, Basswood, Sugar Maple, Red Oak, and Bitternut Hickory. Cedar forest ecosites, according to Lee et al., often represent secondary growth on disturbed sites. It can be noted (see Attachments 4 and 5) that the southern half of the property does not have enough tree cover to qualify as a forested community, but that coniferous growth is present. This may be an early stage of ecological succession of woodland forming on the south part of the property.

B. Slope

The slope of the property varies, getting steeper closer to Loughborough Lake. The property has a gentle slope (percent slope 5-9%) around the area where the residence is proposed, and the actual cleared site proposed for the residence has been further leveled. North of the proposed residence, the property has a strong slope (percent slope 15-30%) down to the edge of the lake.

C. Surface Water Quality and Quantity

The provincial Lake Partner Program has over a decade of data collected for a station in the west basin of Loughborough Lake. The average phosphorous level recorded over that period is 9 µg/L, with a low variance from that value. These levels of phosphorus are representative of oligotrophic (low nutrient) levels. A eutrophic or nutrient-rich lake is one that has high levels of phosphorous (35 to 100 µg/L), based on current Canadian standards (CCME 2004).

D. Setback Requirements

There must be a minimum 30 m setback from the edge of the lake. The proposed residence is set back approximately 45 m from the lake, on leveled ground above the top of the slope. The proposed septic location is set back even further, approximately 100 m from the edge of the lake (see Attachment 2).

Is the Proposed Development:	
A. In a Provincially Significant Wetland or Coastal Wetland?	Yes ☐ ☒ No
Adjacent to a Provincially Significant Wetland or Coastal Wetland? The nearest PSW mapped by the Natural Heritage Information Centre (NHIC) is the Loughborough Lake South PSW, just under 2 km southwest of the property. According to the Natural Heritage Reference Manual for the Provincial Policy Statement (NHRM), adjacent land is the land located within 120 m of the proposed activity.	Yes ☐ ☒ No
B. In a Regionally Significant Wetland?	Yes ☐ ☒ No
Adjacent to a Regionally Significant Wetland? The South Frontenac Township Official Plan (OP) has not identified any regionally significant wetlands.	Yes ☐ ☒ No
C. In/adjacent to an Unevaluated Wetland? There is no wetland where development is proposed, and the woodlands adjacent to the proposed development are also dry. The offshore portion of Loughborough Lake is not vegetated and would not be considered wetland.	Yes ☐ ☒ No

There are some areas of unevaluated wetland mapped in NHIC on properties adjoining the subject property, but these are beyond 120 m of the proposed development.	
D. In an Area of Natural and Scientific Interest?	Yes ☐ ☒ No
Adjacent to an Area of Natural and Scientific Interest? The nearest ANSI mapped by the NHIC is the Collins Lake Upland Forest Life Science ANSI, over 6 km southeast of the subject property.	Yes ☐ ☒ No
E. In the habitat of Species at Risk? The subject property is located primarily within one of the 1-km^2 UTM blocks (18UQ7714) in the NHIC grid of Ontario, and the entire area of proposed development is located within that block. There were no SAR listings within this block or within surrounding blocks. The eBird database had sightings for several SAR birds within the area of the property: Bobolink, Eastern Meadowlark, Wood Thrush, Barn Swallow. The open clearing does not fulfill the habitat requirements for any of these species, we will discuss them in the following section. No other SAR came up in our database search, and we did not observe any while on site.	Yes ☐ ☒ No
Adjacent to habitat of Species at Risk? Of the bird species listed above, not all have suitable habitat adjacent to the proposed development. Both the Eastern Meadowlark and the Bobolink use large areas of grassland, which is not present within adjacent land. We will discuss the others below: **Barn Swallow (*Hirundo rustica*)**: designated as Threatened under both the *Species at Risk Act* (*SARA*) and Ontario's *Endangered Species Act* (*ESA)*. They are so-named as they often inhabit old barns, where they build their nests in the rafters. We observed some old sheds on the property to the east, but we do not know if those structures would provide access for nesting. We did not observe any individuals. Barn Swallows are highly tolerant of human activity, and if present in the area, are unlikely to be negatively impacted by a new construction **Wood Thrush (*Hylocichla mustelina*)**: designated as Threatened under the *SARA* and as Special Concern under the *ESA*. This species is found in deciduous and mixed forest, preferring moist stands with well-developed undergrowth and tall trees for singing perches. The coniferous woodland does not represent ideal habitat. Changes in wintering habitat outside Canada are considered a major factor in declining numbers (COSEWIC 2012, Stanley et al. 2015). This is consistent with our experience, as there is available habitat in the region, but untouched woodlands where we once noted them calling are no longer used. This suggests that the proposed development would not be a limiting factor to this species. In addition, these birds can live near urban areas so it does not appear that development is unfavorable. The proposed development is unlikely to have a negative	Yes ☒ ☐ No

impact on this species. Nevertheless, we recommend that any removal of trees or shrubs occur should outside of the breeding season (April 1 to August 31).	
F. <u>In significant wildlife habitat?</u> Significant wildlife habitat (SWH) constitutes locations where species concentrate at a vulnerable point in their annual or life cycle, rare vegetation communities or specialized habitat, and areas important to migratory or non-migratory species (animal movement corridors), as well as the habitat of rare species (including any Species at Risk not covered above). The cleared area does not qualify for most of the SWH categories, but there was one we did consider potentially relevant: *Turtle Nesting Areas*: turtles typically choose to nest in mineral soil (sand or gravel) near water. The best locations are away from human activity, which typically attracts nest predators like raccoons and skunks. The disturbed embankment (see site photos, Attachment 6) would be the most likely location for nesting to occur on the property. We did not observe any evidence of predated nests; this may indicate that there has not been recent nesting on the site, as there are likely nest predators in the area. We recommend a form of sediment control be installed to protect the lake from construction detritus. If this is installed near the edge of the lake, before turtle nesting season begins in May, then it can concurrently act as a deterrent (exclusion barrier) to nesting turtles.	Yes ☒ ☐ No
<u>Adjacent to significant wildlife habitat?</u> The criteria for most SWH categories were not met within 120 m of the property; our discussions are limited to potentially relevant SWH. *Turtle Wintering Areas*: Loughborough Lake provides a wintering area for the turtles that live in it throughout the year. It is unlikely that the proposed activity will have any impact on this SWH. *Bald Eagle and Osprey Nesting, Foraging and Perching Habitat*: NHIC compiles known nesting sites for these species, which were not listed for the area. A local birder has one sighting of each species listed in eBird, although no information about the nature of those sightings. We did not observe either of these species nor any stick nests when we visited the property. If these species are present, they are unlikely to be negatively impacted by the proposed development, as there is no removal of large trees proposed. *Special Concern and Rare Wildlife Species*: the NHIC occurrence listings did not have any rare or Special concern Species listed with the relevant 1-km^2 UTM blocks (18UQ7714), or within adjacent	Yes ☒ ☐ No

blocks. The eBird database had a Bald Eagle sighting within the area of the property. The iNaturalist database had an obscured listing for a Map Turtle in Loughborough Lake, and the Fisheries and Oceans Canada map of aquatic SAR indicated that the entire lake was habitat for Eastern Pondmussel. **Bald Eagle (*Haliaeetus leucocephalus*)**: designated as a species of Special Concern under the *ESA*, although it is deemed to be Not at Risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and has no status under the *SARA*. They use a variety of habitats and forest types, almost always near a major lake or river, and have strong nest fidelity. There is a nearby eBird record of this species, but we did not encounter any nest sites on the property. The development is unlikely to negatively impact the species. **Northern Map Turtle (*Graptemys geographica*)**: designated as a species of Special Concern under the *SARA* and the *ESA*. A highly aquatic turtle, it would be associated with the Loughborough Lake, with potential to emerge onto adjacent uplands during nesting season. There is a possibility that turtles may attempt to nest on the shoreline area of the subject property. The disturbed embankment where the native plant restoration is planned would be the most likely area, as discussed above. **Eastern Pondmussel (*Ligumia nasuta*)**: ranked as species of Special Concern under both the *SARA* and the *ESA*. It is found in sheltered areas of lakes and in slow-moving rivers and canals with sand or mud bottoms. Threats include invasive species (e.g., Zebra and Quagga mussels) and pollution from wastewater discharge, and agricultural and industrial runoffs. The residence is proposed to be set back approximately 45 m from the lake, and the planned septic location is set further back than the residence. The planned native plant restoration is expected to provide some buffering of runoff to the lake. We also recommend that the house's eavestroughs be positioned so that flow is directed away from the lake, maximizing the length of overland flow and absorption opportunity.	
G. <u>Within 120 m of a waterbody?</u> The proposed development is set approximately 45 m from the edge of Loughborough Lake. The plans place the proposed development on level ground above the embankment down to the lake edge (see Attachment 2). In our opinion, this is an appropriate setback from the lake. We are recommending that the native landscaping restoration on the embankment be monitored, to ensure that it increases the stability of the embankment. We also recommend that the eavestrough downspouts be positioned to direct flow off the house away from the embankment and the lake. During construction, a form of sediment	Yes ☒ ☐ No

control such as silt fencing, properly staked and toed in, or straw bales should be installed between the work area and the lake. The sediment control should be maintained until work is complete, including the establishment of an effective vegetation buffer.	
H. In fish habitat?	Yes ☐ ☒ No
Adjacent to fish habitat? Loughborough Lake is fish habitat. There are several game fish species listed in the Fish ON-Line database, including Northern Pike, Pumpkinseed, Largemouth Bass, Smallmouth Bass, and Lake Trout. The proposed development is set approximately 45 m from the lake, and located on a level area above the slope of the embankment. We are satisfied with this setback from general fish habitat.	Yes ☒ ☐ No
I. In or Adjacent to Highly or Moderately Sensitive Lake Trout Lake? The west basin of Loughborough Lake is considered a sensitive Lake Trout lake. In the NHRM, adjacency to a Lake Trout lake applies to the lands within 300 m of the water. The proposed residence and its associated amenities are thus adjacent to the Lake Trout lake. The Provincial Policy Statement, which the NHRM supports, does not prohibit development within adjacent lands, if it can be demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The South Frontenac Township Zoning Bylaw requires developments within 90 m of a Lake Trout lake to demonstrate that their sewage systems will not adversely impact the lake water quality. The current plan for development has the sewage system located approximately 100 m from the lake. Our company has experience researching the Lake Trout of Loughborough Lake. Ecological Services undertook Spring Littoral Index Netting (SLIN) for Lake Trout on behalf of the Ministry of Natural Resources (MNR) Kinston Management Area from 1997 to 1999. The purpose of the work was to provide data for SLIN FISHNET, with the intention of providing a better understanding of the Lake Trout populations in the region. We undertook Lake Trout SLIN work for several lakes in the region, including in 1998 and 1999 for Loughborough Lake. We also undertook a 1997 Creel survey for Loughborough Lake on behalf of the MNR. From 1955 to 1999, Loughborough Lake had been stocked with over 500,000 Lake Trout. Mark Ferguson was the fisheries biologist for the Kingston Management Area in the 90's and his recommendation had been that stocking should be greatly increased in Loughborough Lake. Consequently, stocking was increased and from 1993 to 1999, and accounted for over 350,000 Lake Trout in the lake. These were mostly the Kilalla strain from the White Lake fish hatchery, meaning they	Yes ☒ ☐ No

would likely have less genetic diversity than a wild population. According to Mr. Ferguson (pers. comm.), it was understood that Loughborough Lake did not have good potential as a self-sustaining Lake Trout lake. Accordingly, it was seen as a sacrificial lake whereby the intense stocking would provide anglers a recreational trout fishery within easy travel distance to Kingston in the hopes of taking pressure away from the more valuable trout lakes further north, such as Devil Lake. Our highest SLIN catches were from Loughborough Lake. Of the 228 Lake Trout caught, 222 had hatchery clips identifying them as hatchery raised. All the other Lake Trout lakes we surveyed had higher proportions of non-hatchery raised trout, with Devil Lake being the highest. This lack of natural trout production in Loughborough was further exhibited in the age classes of the catch. A self-sustaining wild population would have a higher percentage of young age classes in the catch, but these age classes were absent in the Loughborough Lake catch. Our results further demonstrated MNR's understanding that Loughborough Lake was not a good candidate as a self-sustaining Lake Trout lake, and our recommendation was to continue stocking the lake as per the MNR angler diversion strategy. In our opinion, the proposed development will not adversely impact the Lake Trout population of Loughborough Lake. We have observed that the population has limited natural reproduction, and may not be as sensitive as some other Lake Trout lakes. The native plant restoration will improve the stability of the slope, and reduce runoff from the slope into the lake. The position of the house above the top of the slope will limit runoff from the house. The proposal of setting the septic tank over 90 m from the lake achieves the intent of the South Frontenac Township Bylaw.	
J. <u>In a significant woodland?</u> The area where development has been proposed is cleared of trees, and will not be within woodland.	Yes ☐ ☒ No
<u>Adjacent to a significant woodland?</u> Woodlands are considered as a single unit, even if they cross several properties. We have considered this woodland with a combination of on-site evaluation on the property and assessment of satellite imagery. According to the NHRM, there are several criteria that may qualify a woodland for significance. Most do not apply to the woodland that crosses this property (e.g., woodland size, interior habitat size, significant habitat linkage, species diversity, rare species composition, and ecological/social values). There is one criterion that may confer significance:	Yes ☒ ☐ No

Water protection: this woodland is located on the sloping bank down to Loughborough Lake, and may provide some water protection to the fish habitat in the lake (including the sensitive Lake Trout). The woodland may provide some buffering functions, stabilizing the shoreline slope and protecting the lake from some overland runoff. The placement of the proposed development within the open clearing will not negatively impact any water protection functions provided by the adjacent woodland. However, we have suggested that the slope north of the proposed development should be restored with native plant species. The intent of this recommendation is to protect the integrity of the slope, and to reduce runoff from the development by creating an effective buffer of vegetation.	
K. In a significant valleyland?	Yes ☐ ☒ No
Adjacent to a significant valleyland? Significant valleylands are not designated provincially, and South Frontenac Township identifies them as Environmentally Sensitive Areas on the map for the Official Plan. There are none identified adjacent to the subject property.	Yes ☐ ☒ No

In our opinion, is a more detailed Environmental Impact Statement (EIS) required to demonstrate the appropriateness of the proposed development? Yes ☐ ☒ No
If yes, which natural feature(s) should the assessment focus on?
Recommendations for Mitigation: 1. The residence must be set back a minimum of 30 m, and must also be set above the top of the slope. The setback in the current plan is in accord with this. 2. We recommend that the eavestrough downspouts be positioned to direct flow off the house away from the embankment and from the lake. 3. Before work begins, a form of sediment control such as silt fencing, properly staked and toed in, or straw bales should be installed between the work area and the lake. The sediment control should be maintained during construction, until work is complete and shoreline stabilization through native landscaping has been established. 4. The native landscaping restoration should be planned and carried out (or directed) by a certified arborist. The arborist should monitor the plantings for survival and replace plantings that do not take. 5. Any removal of woody vegetation (trees and shrubs) should occur outside of the breeding season (April 1 to August 31) to comply with the intent of the Migratory Birds Convention Act.

Environmental Impact Statement: It is our opinion that the proposed undertaking will have no negative impact on the natural heritage features or on their ecological functions, and that the proposal is consistent with the intent of the Provincial Policy Statement.	Yes ☒ ☐ No

Is monitoring recommended? Yes ☒ No ☐

The arborist contracted for the native landscaping restoration should monitor the plantings for survival, and there should be replacement of plantings that did not take. The plantings should be monitored until vegetation cover is firmly established, as evaluated by the professional arborist.

Contacts, References & Literature Cited:

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Denholm, K.L. and L. W. Schut (comp.). 1993. Field manual for describing soils in Ontario. 4th edition. 2009 printing. Land Resource Science, University of Guelph.

Ferguson, Mark. (Retired) Biologist with the Ministry of Natural Resources (Napanee District, Frontenac Management Area) and Fish Habitat Biologist with Fisheries and Oceans Canada (Prescott Office).

Fisheries and Oceans Canada: Aquatic species at risk map. Web site maintained by Fisheries and Oceans Canada, compiling critical habitat and distribution data for aquatic species. <http://www.dfo-mpo.gc.ca/species-especes/sara-lep/map-carte/index-eng.html>

Fish ON-Line. Web site maintained by the Ontario Ministry of Natural Resources and Forestry, with information on element occurrences. <https://www.gisapplication.lrc.gov.on.ca/FishONLine/Index.html?site=FishONLine&viewer=FishONLine&locale=en-US>

Henson, B.L. and K.E. Brodribb 2005. Great Lakes Conservation Blueprint for Terrestrial Biodiversity, Volume 2: Ecodistrict Summaries. Nature Conservancy of Canada.

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Natural Heritage Information Center. Make a Map: Natural Heritage Areas. Web site maintained by the Ontario Ministry of Natural Resources and Forestry, with species rarity rankings and information on element occurrences. < https://www.gisapplication.lrc.gov.on.ca/mamnh/

Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage &locale=en-US> .

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OMNR, Ontario Ministry of Natural Resources. 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. 2nd edition. Toronto: Queen's Printer for Ontario. 248 pp.

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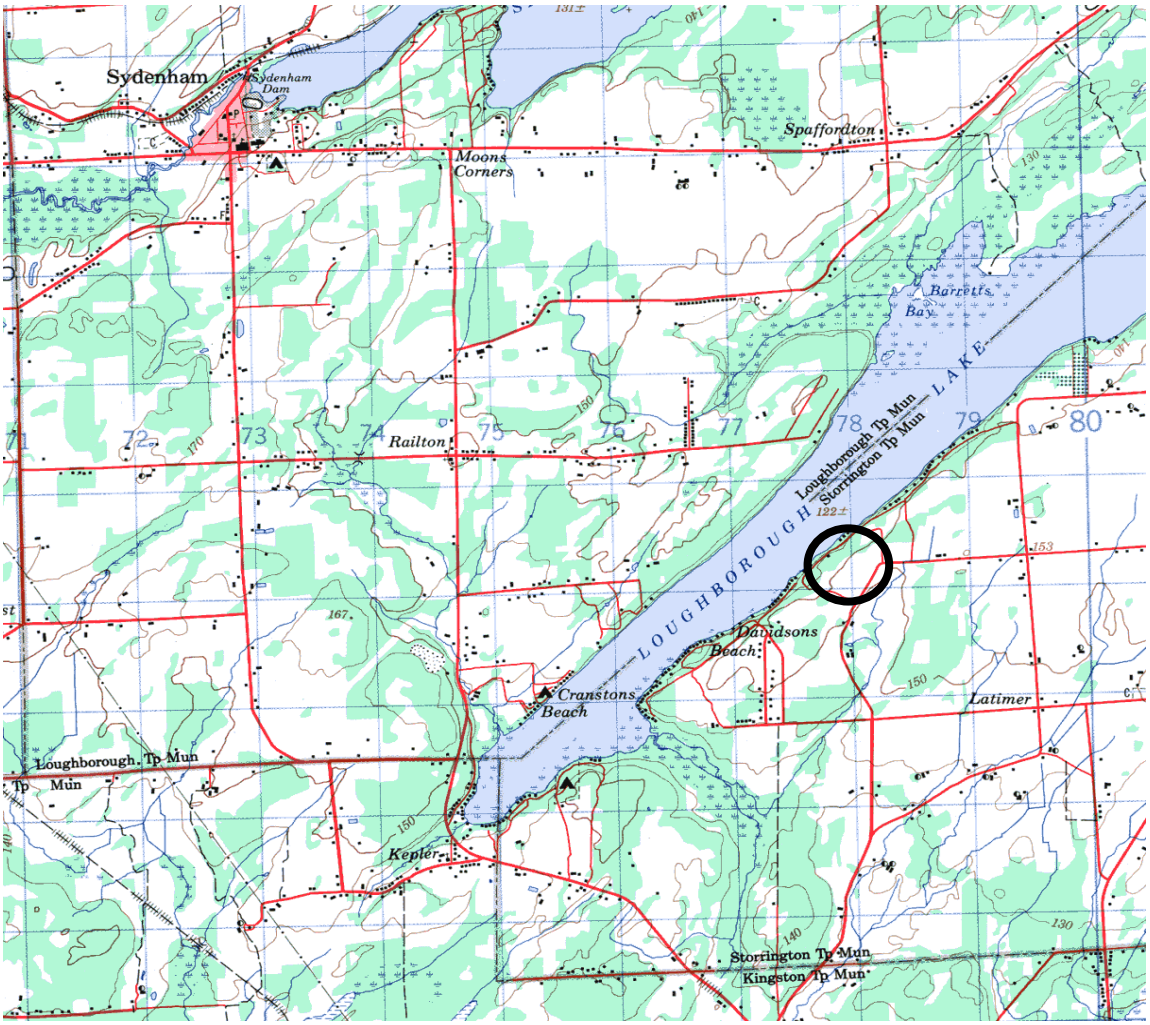
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Township of South Frontenac: Official Plan. March 2003. Text amendments May 2013.

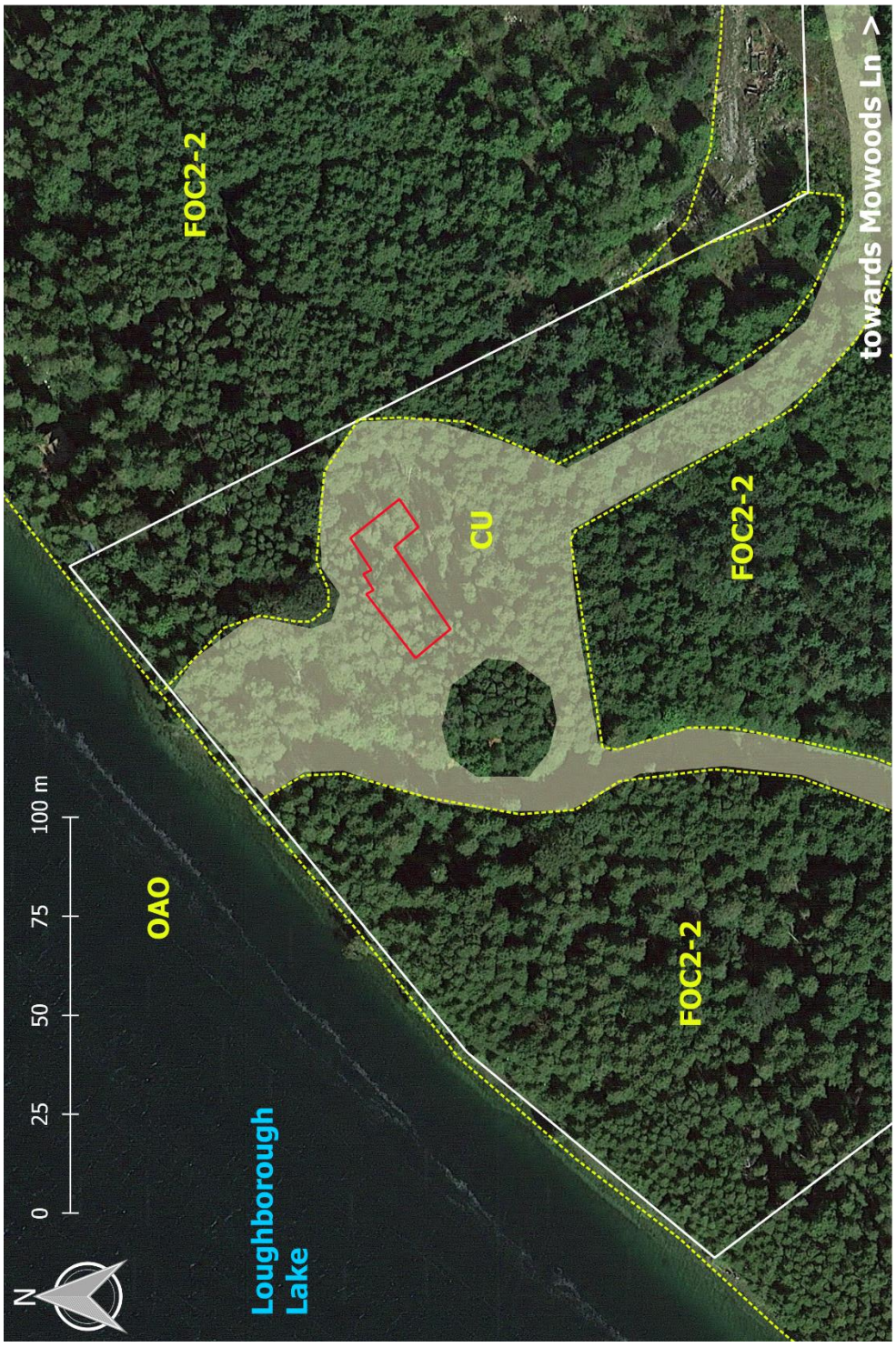
Environmental Site Evaluation Completed By: Megan Snetsinger
Field Personnel: Megan Snetsinger and Mary Alice Snetsinger
Date of Site Inspection: June 5, 2020
Date of Report: September 9, 2020
Signature: 



Attachment 1. Topographic key map, with the approximate location of the subject property indicated with the black circle. Annotated detail from topographic map Sydenham 31 C/7.



Attachment 2. Site plan of the proposed development, detail of plan from Forefront Engineering.



Attachment 3. The north end of the subject property (approximate boundary in white), showing the ELC community boundaries (yellow), including the cleared area (shaded). ELC codes after Lee et al. (1998). The red outline indicates the proposed residence. The map was created with QGIS, using Google Earth base imagery.



Attachment 4. The entire subject property (approximate boundary in white). The red outline indicates the proposed residence. The map was created with QGIS, using Google Earth base imagery.



Attachment 5. Imagery from April 2017 of the subject property, showing the approximate outline of the property in red. The size and position of the cleared area can be noted at the northern end of the property. Image from Google Earth.

Attachment 6. Site photos from June 5, 2020, to be included with the final report.



Photo 1. The site where development is proposed. Note the open clearing where construction will occur, and the top of the slope on the right.



Photo 2. The access lane down to the water from the clearing.



Photo 3. The embankment north of the proposed building location, where we are recommending that landscape restoration should occur.



Photo 4. The edge of Loughborough Lake at the north end of the property, where the boat slip will be constructed.

January 14, 2020 File: ZBL/FRS/305/2020

Sent by E-mail

Ms. Angela Maddocks, Clerk
c/o Department of Development Services
Township of South Frontenac
4432 George Street
P.O. Box 100
Sydenham, Ontario K0H 2T0

Dear Ms. Maddocks:

Re: Application for Zoning By-law Amendment Z-20-15 (Brice)
Plan 13M3, Part Block 39; R.P. 13R-18283 Parts 7 to 9
Township of South Frontenac (District of Storrington)
Waterbody: Loughborough Lake (west basin)

Cataraqui Conservation staff have reviewed the above-noted re-zoning application and provide the following comments for consideration by the Township. *Cataraqui Conservation recommends deferral of application Z-20-15 based on our consideration for natural hazard, natural heritage, and water quality and quantity protection policies.*

The purpose of the proposal is to rezone a 10.1 hectare lot from Site Specific Open Space – Private (OSP-5) Zone to a Site Specific Waterfront Residential (RW ##) Zone to allow for the construction of a single detached dwelling on the site.

Site Description

The subject property is located along the southern shoreline of the west basin of Loughborough Lake having approximately 98 metres of frontage onto Davidson Side Road and approximately 199 metres of water frontage. The topography of the site can be characterized as rising up quickly from the shoreline, levelling out in a narrow plateau area, then rising up quickly again in a southerly direction toward the proposed building site which has been levelled.

The west basin of Loughborough Lake has been designated as a highly sensitive Lake Trout lake by the Ministry of Environment, Conservation and Parks (MECP). This designation is recognized within the Official Plan for South Frontenac Township.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards associated with the shoreline of Loughborough Lake (e.g. flooding and erosion), and the protection of the lake's water quality.

Natural Hazards

Flooding: For Loughborough Lake, the regulatory flood plain has been established as elevation 125.1 metres geodetic. Section 4.1.3 of the Cataraqui Conservation's Environmental Planning Policy (April 2015) recommends a 15 metre horizontal setback from the regulatory flood plain to account for variations in the regulatory flood plain elevation, changes over time in the anticipated extent of the regulatory flood plain, and situations such as debris or ice jams that may affect flood levels. Based upon the information provided with the application and a review of Lidar elevation mapping, staff have concluded that the proposed development will be greater than 15 metres from the regulatory flood plain of Loughborough Lake.

Erosion: Cataraqui Conservation's Environmental Planning Policy defines the erosion hazard limit as the sum of an allowance for toe erosion, a stable slope allowance of 3(h):1(v) for till shorelines and a minimum access allowance of 6 metres or 6 metres from the stable top of bank. In this instance, there is a level area between the lower slope at the shoreline and the upper bank, and the upper bank appears to be stable so a 6 metre allowance is applied from the stable top of slope. However, it is unclear from the drawing provided (Drawing SK, Forefront Engineering dated November 2020) how far the proposed development will be from the top of slope. *Staff recommend that the drawing be amended to indicate the stable top of slope and the minimum 6 metre setback from the top of slope to the proposed deck.*

Water Quality

As noted above, the west basin of Loughborough Lake has been designated as a highly sensitive Lake Trout lake by MECP. This designation is recognized in the Township of South Frontenac's Official Plan which states: "Development is one of the factors which may reduce the ability of a lake to maintain a healthy self-sustaining Lake Trout population by adding nutrients (phosphorous and others) which may negatively impact water quality, thereby reducing the Lake Trout habitat."

The Official Plan recognizes the need to minimize lake impacts by reducing phosphorous inputs, preventing erosion and maintaining natural appearances. Accordingly, policies have been included that can vary the setback from the highwater mark from 30 to 90 m depending on the site characteristics such as steepness of slope, vegetation cover, soil

depth and soil phosphorus retention. Section 5.2.7 (b)(ii)(3) of the Official Plan indicates that a reduction from the setback may only be considered if it is not physically possible or environmentally desirable to meet the 30 metre setback requirement, and that there will be no negative impacts to fish habitat or water quality.

According to the information provided in support of the application, the applicant is proposing to construct the dwelling approximately 45 metres from the highwater mark of Loughborough Lake. In addition, the applicant has provided an Environmental Site Evaluation (Ecological Services, dated September 9, 2020) in support of the application. *Staff concur with the findings of the Environmental Site Evaluation report and recommend that its recommendations be implemented as part of site plan control for the property.*

Recommendation

Staff recommend deferral of application Z-20-15 to allow the applicant to amend the site plan drawing to indicate the top of slope and a 6 metre setback from the top of slope to the proposed deck.

Ontario Regulation 148/06

Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a flood plain and within 15 metres of the top of valley. Staff note that the proposed development will be located within 15 metres of the top of valley. The applicant will be required to contact Cataraqui Conservation at the building permit stage to obtain a permit under Ontario Regulation 148/06.

Please notify this office of any decision made by the Committee of Adjustment with regard to this application. If you have any questions about these comments, please contact the undersigned at (613) 546-4228 extension 244 or by e-mail to aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Christine Woods, Township of South Frontenac (via e-mail)
Michelle Hannah, Township of South Frontenac (via e-mail)

TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021-61

BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LAND FROM OPEN SPACE – PRIVATE – SPECIAL PROVISION (OSP-5) TO LIMITED SERVICE RESIDENTIAL – WATERFRONT – SPECIAL PROVISION (RLSW-130) ON LANDS DESCRIBED AS PART BLOCK 39 ON PLAN 13M3 AND PARTS 7 TO 9 ON REFERENCE PLAN 13R18283, PART OF LOTS 11 AND 12, CONCESSION 1, AND PART OF LOTS 11 AND 12, CONCESSION 2, DISTRICT OF STORRINGTON: BRICE

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

AND WHEREAS By-law 2003-75 being the Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

AND WHEREAS the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received on this application, the effect of which helped Council make an informed decision;

AND that there be no further notice pursuant to Section 34 (17) of the *Planning Act*;

NOW THEREFORE, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. **THAT** Schedule “C”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Open Space – Private – Special Provision (OSP-5) to Limited Service Residential – Waterfront – Special Provision (RLSW-130) for the lands shown on Schedule “1”.

2. **THAT** Zoning By-law number 2003-75 as amended is hereby further amended by adding a new section RLSW-130 (Part Block 39 on Plan 13M3 and Parts 7 to 9 on Reference Plan 13R18283, Part of Lots 11 and 12, Concession 1, and Part of Lots 11 and 12, Concession 2, District of Storrington – Brice) immediately after Section RLSW-129 (Parts 4 to 14 on Plan 13R22179, Part of Lot 9, Concession 9, Geographic Township of Pittsburgh, District of Storrington – 2290998 Ontario Inc.) to read as follows:

   RLSW-130 (Part Block 39 on Plan 13M3 and Parts 7 to 9 on Reference Plan 13R18283, Part of Lots 11 and 12, Concession 1, and Part of Lots 11 and 12, Concession 2, District of Storrington – Brice)

   Notwithstanding the provisions of Section 7 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential - Waterfront (RLSW-130), the following provisions shall apply:

   - *For the principal building*
     - *a) Front Yard (Minimum) — 42 Metres (137.5 ft.)*
     - *b) Set back from high water mark or floodline (Minimum) — 42 Metres (137.5 ft.)*
     - *c) Set back from top of bank (Minimum) — 6 Metres (19.6 ft.)*
   - *For accessory buildings*
     - *a) Set back from high water mark or floodline (Minimum) — 42 Metres (137.5 ft.)*
     - *b) Set back from top of bank (Minimum) — 6 Metres (19.6 ft.)*
   - *For septic tank*
     - *a) Set back from high water mark or floodline (Minimum) — 70 Metres (229.6 ft.)*
   - *For leaching bed*
     - *a) Set back from high water mark*

or floodline (Minimum)	*90 Metres (295.3 ft.)*

All other provisions of this by-law shall apply.

3. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said section 34.

Dated at the Township of South Frontenac this 2nd day of November, 2021.

Read a first and second time this 2nd day of November, 2021.

Read a third time and finally passed this 2nd day of November, 2021.

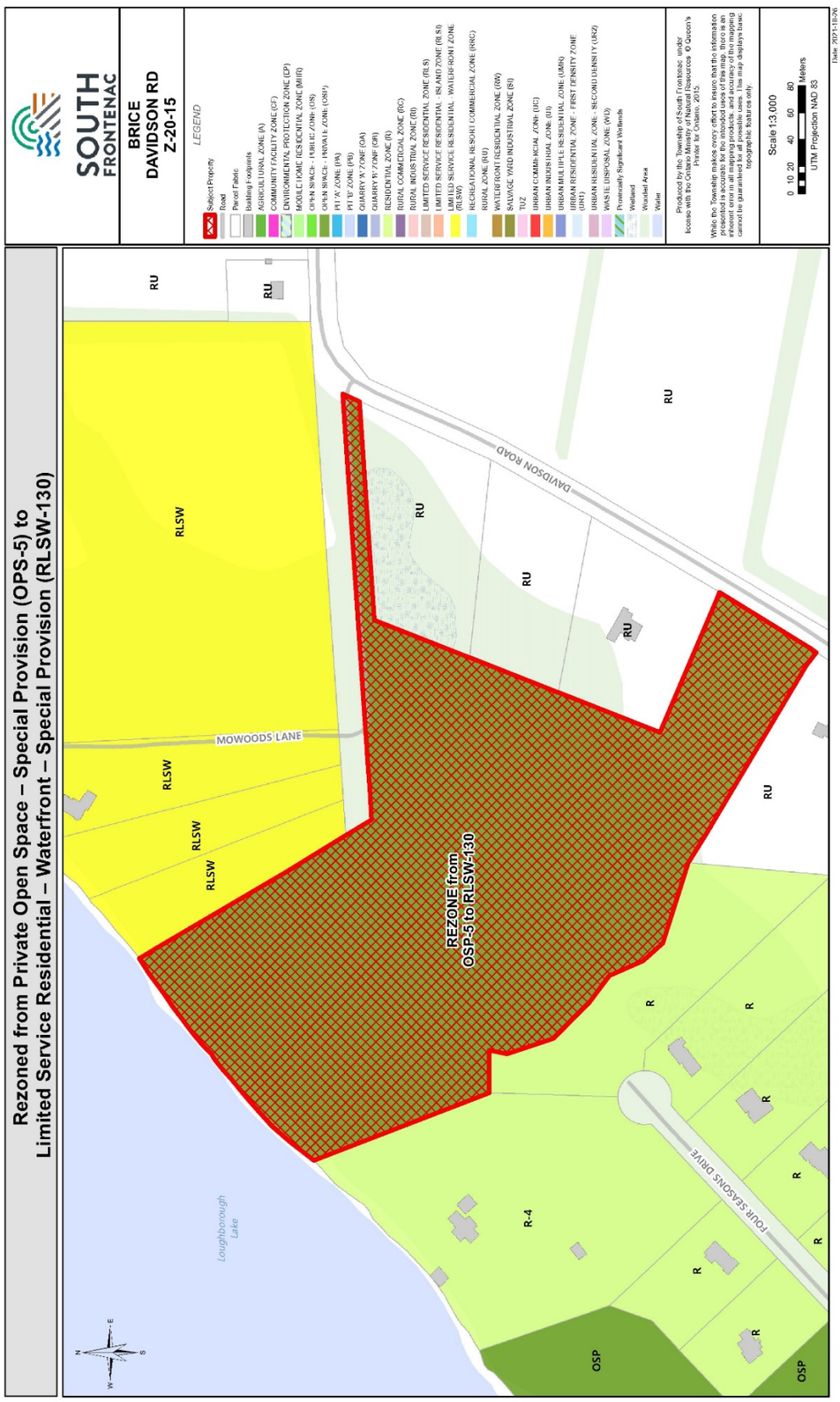
THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC

_____
Ron Vandewal, Mayor

_____
Angela Maddocks, Clerk

Schedule 1

This is Schedule "1" to By-law No. 2021-61.



Passed this 2nd day of November, 2021

_____

Ron Vandewal, Mayor

_____

Angela Maddocks, Clerk

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Development Services Department
Date of Meeting:	November 2, 2021
Subject:	**Zoning By-law Amendment Application Z-21-13, Kim Kot/Kevin Bovey, Severed Parcel of S-45-21-S, Part of Lots 18 and 19, Part of Road Allowance, Concession 1, District of Storrington**

Summary

This report recommends that Council pass a by-law to change the zone on the severed parcel (lot addition) of Consent Application S-45-21-S to permit the commercial uses that are currently permitted on the parcel that is being enlarged, 3851 Davidson Road.

Recommendation

THAT By-law 2021-62 to amend the zoning on lands in Part of Lots 18 and 19, Part of Road Allowance, Concession 1, District of Storrington, Township of South Frontenac be passed.

Background

Council held a virtual public meeting under the Planning Act on October 19, 2021, regarding the proposed amendment to Zoning By-law 2003-75. Council should now make a decision on the rezoning application.

Discussion/Analysis

Summary of Application

The applicant has requested a zoning by-law amendment to change the Rural (RU) zone on the subject lands to the Urban Commercial – Special Provision (UC-28) zone to fulfill a condition of the provisional approval of consent (lot addition) application S-45-21-S, and to permit the commercial uses that are currently permitted on the parcel that is being enlarged, 3851 Davidson Road.

The stated reason for the lot addition was so that the Owner of 3851 Davidson Road can safely move product around the property without equipment travelling over the sewage system or through the parking lot, thus avoiding conflict with customers and vehicles. The lot addition may also facilitate a future expansion of the business. Any expansion of the business would be subject to site plan control.

Property Description

The subject lands consist of approximately 0.6 hectares (1.5 acres) of vacant agricultural land with 15 metres of frontage on Perth Road. The lands are zoned Rural (RU).

The subject lands are being added to 3851 Davidson Road. 3851 Davidson Road is zoned Urban Commercial – Special Provision (UC-28). It is developed with a lawn, garden and farm equipment and supplies sales outlet (Maple Country Home & Farm Ltd.). The sewage system for the business is located south of the building, tight to the property line. The parcel to be enlarged is subject to site plan control.

Related Applications

The subject lands are subject to consent application S-45-21-S for a lot addition. Provisional approval of the consent application was granted subject to conditions by the Director of Development Services on September 8, 2021.

Department and Agency Comments

The application did not meet the criteria for circulation to any Township departments or to the Conservation Authority.

Public Comments

A virtual public meeting was held under the Planning Act on October 19, 2021. No comments were received from members of the public at the meeting, nor in writing. Several councillors also asked questions and made comments during the meeting.

Councillor Roberts and Councillor Sleeth spoke in favour of the application, noting that it supports a local business and will improve how the site functions.

The following is a summary of the questions received through the public meeting and the staff responses.

1. Councillor Morey asked whether the lot addition is in the settlement area.

Staff response – The parcel that is being expanded, 3851 Davidson Road, is within the Inverary settlement area, as indicated by the Urban Commercial (UC-28) zone. The subject lands (lot addition) is outside the settlement area, as indicated by the Rural zone. The Official Plan permits minor variations in the approximate boundaries provided the intent of the Plan is preserved. The lot addition is needed to make an existing property more viable. As such, a minor adjustment to the Settlement Area boundary of Inverary is appropriate. The Settlement Area boundary will be adjusted when the consent application is finalized, and the new boundary will be formalized with the new Official Plan.

2. Mayor Vandewal asked whether the subject lands are behind a residential lot and if this would mean that they could not be developed.

   Staff response – The subject lands are behind a residential lot. The Urban Commercial zone requires greater setbacks between commercial uses and residential properties. 3851 Davidson Road is subject to a site plan control. The site plan agreement would need to be amended for any proposal to expand the business on the land behind the residential property. An application to amend the site plan agreement would be brought to Council for consideration.

Planning Analysis

The proposed zoning by-law amendment needs to be assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

The Provincial Policy Statement 2020 (PPS) states that healthy, integrated and viable rural areas, which include rural settlement areas, should be supported by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products (section 1.1.4). The County of Frontenac Official Plan, consistent with the PPS, promotes ways to enhance local employment based in settlement areas and along major transportation routes (section 3.2). The Township of South Frontenac Official Plan also promotes opportunities for a varied and balanced industrial/commercial base in the settlement areas (section 5.6).

The Director of Development Services had consideration for the 2020 PPS as well as the County and Township Official Plans in the decision to grant draft approval to consent application S-45-21-S. The proposal to rezone the lands through application Z-21-13 is consistent with the 2020 PPS as well as the County and Township Official Plans.

The lot addition to 3851 Davidson Road would support an existing commercial use in the Inverary settlement area. It would provide an opportunity to create a safer environment for customers and employees through the way product and equipment is moved around the site. The lot addition may also facilitate a future expansion of the business.

It is noted that any future expansion of the business would need to comply with Zoning By-law No. 2003-75. Any expansion would also require an amended site plan agreement at the time the expansion is proposed. The agreement would address matters such as adequate buffering adjacent to residential uses, lighting, parking, drainage, noise and traffic movement.

The proposed zoning by-law amendment is consistent and conforms to the Provincial Policy Statement 2020, the County of Frontenac Official Plan, and the South Frontenac Official Plan, and represents good planning for the subject property.

Financial Implications

Not applicable.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A.

Notice/Consultation

Notice of the Statutory Public Meeting was given pursuant to the requirements of the Planning Act, 20 days in advance of the Public Meeting. This included notice given:

- by mail to every owner of land within 120 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage
- by e-mail to prescribed persons and public bodies (e.g. County Clerk, School Boards, Ontario Power Generation Inc. and Hydro One Inc.)

The application did not meet the criteria for circulation to any Township departments or to the Conservation Authority.

Attachments

1. By-law 2021-62

Approvals

Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

Submitted By:



Claire Dodds, MCIP, RPP
Director of Development Services

Approved By:



Neil Carbone
Chief Administrative Officer

TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021- 62

BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LAND FROM RURAL (RU) TO URBAN COMMERCIAL – SPECIAL PROVISION (UC-28) ON LANDS DESCRIBED AS PART OF LOTS 18 AND 19, PART OF ROAD ALLOWANCE, CONCESSION 1, DISTRICT OF STORRINGTON: KOT/BOVEY

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

AND WHEREAS By-law 2003-75 being the Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

AND WHEREAS the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received on this application, the effect of which helped Council make an informed decision;

NOW THEREFORE, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. **THAT** Schedule “C” to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Rural (RU) to Urban Commercial – Special Provision (UC-28) for the lands shown on Schedule “1”.

2. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said Section 34.

Dated at the Township of South Frontenac this 2nd day of November, 2021.

Read a first and second time this 2nd day of November, 2021.

Read a third time and finally passed this 2nd day of November, 2021.

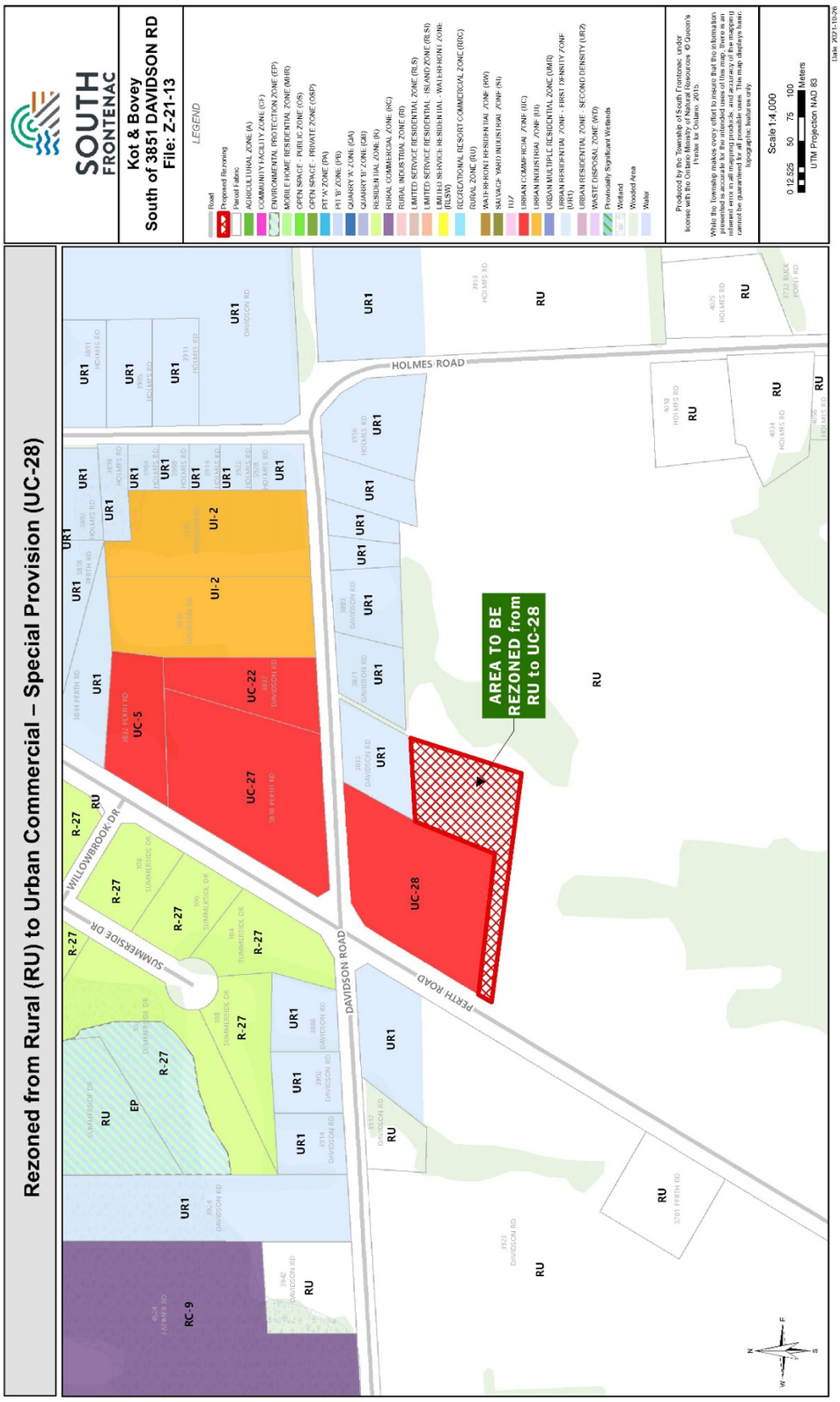
THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC

_____
Ron Vandewal, Mayor

_____
Angela Maddocks, Clerk

Schedule 1

This is Schedule "1" to By-law No. 2021-62.



Passed this 2nd day of November, 2021

_____

Ron Vandewal, Mayor

_____

Angela Maddocks, Clerk

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Development Services Department
Date of Meeting:	November 2, 2021
Subject:	**Zoning By-law Amendment Application Z-21-17, Don Allan, Part of Lots 6, 7 and 8, Concession 11, District of Portland**

Summary

This report recommends that Council pass a by-law to change the zone on the subject lands to acknowledge that the waterfront property is accessed from Silver Rock Lane which is a private lane.

Recommendation

THAT By-law 2021-63 to amend the zoning on lands in Part of Lots 6, 7 and 8, Concession 11, District of Portland, Township of South Frontenac be passed.

Background

Council held a virtual public meeting under the Planning Act on September 21, 2021, on the proposed amendment to Zoning By-law 2003-75. At the time, staff indicated that a report with a recommendation would be brought to Council after a decision had been made on consent application S-51-21-P in the event that there were any special zoning considerations associate with the proposed new lot. The expectation was that a decision on the consent application would be made relatively soon after the public meeting.

On October 15th, the applicant requested that the rezoning application be moved ahead as Quinte Conservation review of consent application S-51-21-P will be delayed by several weeks. Moving ahead would allow him to finalize consent applications S-31-21-P and S-32-21-P, which were provisionally approved in August 2021. He noted that there were no special zoning considerations for a lot that was severed from the property immediately to the east on the same peninsula (i.e. S-29-20-P and Z-20-09). He accepted that he may need to submit an additional rezoning application should there be unique conditions for the new lot that is proposed to be created through application S-51-21-P.

This application is being brought forward to Council for a decision.

Discussion/Analysis

Summary of Application

The applicant has requested a zoning by-law amendment to change the Rural (RU) zone on the subject property to the Limited Service Residential – Waterfront (RLSW) zone to fulfill a condition of the provisional approval of consent (lot addition) applications S-31-21-P and S-32-21-P, to establish the correct zoning for a new lot proposed to be created by S-51-21-P and a lot addition proposed by S-67-21-P, and to acknowledge that the subject property is waterfront property, accessed by a private lane (Silver Rock Lane).

Property Description

The subject property is located east of Verona on Hinchinbrooke Road. The 30 hectare (76.3 acre) property consists of forest and wetlands. The subject property has frontage on Little Mud Lake and Hardwood Creek. Silver Rock Lane, Hambly Lane, Morning Glory Lane, and Rocky Shore Lane all run through the subject property. Multiple residential waterfront properties are accessed from these lanes.

Related Applications

The subject property is subject to consent applications S-31-21-P and S-32-21-P for lot additions. Provisional approval of the consent applications was granted subject to conditions by the Director of Development Services on August 6, 2021.

The subject property is also subject to consent application S-67-21-P for a lot addition, and S-51-21-P for the creation of a new lot. These applications are currently under review by the Township.

Road allowance closure application RC-21-06 is for an unopened road allowance south of the subject property. At its October 12th, 2021, meeting, Council directed staff to move forward with the process of closing and transferring ownership of the road allowance to the applicant. Approval of the road closing application would facilitate further lot addition applications.

Department and Agency Comments

As part of the circulation for the consent applications, Township departments and Quinte Conservation have been asked to provide comments relative to the zoning on the property.

Building Services reviews consent applications for new lots to ensure that the site characteristics are suitable for a sewage system. It is not anticipated that Building Services will provide comments relative to the zoning.

Quinte Conservation review will be delayed by several weeks as a result of the current volume of applications they have to review throughout the Quinte Conservation watershed. It is not anticipated that Quinte Conservation will provide comments that would substantively impact the rezoning. If the rezoning application is approved by Council now, any zoning-related comments received related to the consent application for the creation of a new lot would require a subsequent rezoning application. The applicant is fully aware of this risk and is requesting at this time for Council to make a decision on this application. Should a subsequent rezoning be required, the applicant accepts that a subsequent rezoning application would need to be filed at their request.

Public Comments

A virtual public meeting was held under the Planning Act on September 21, 2021. No comments were received from members of the public at the meeting, nor in writing.

Councillor Morey asked for clarification on why the application to rezone from RU to RLSW is being presented the way it is rather than having multiple applications as conditions of consent approval.

Staff responded that two of the consent applications were approved with the condition for rezoning, and that the other two consent applications, if approved, would be subject to a condition for rezoning. Staff were trying to be proactive and efficient by starting the rezoning process with the public meeting but holding off on a recommendation until all the consent applications have been approved. It makes sense to change the zone on the entire subject property to acknowledge it is a waterfront parcel of land accessed from a private lane.

Following the public meeting, the Township received written comments from Jennifer Eastman (2114 Hambly Lane). She indicated that she has no objection to the rezoning for the purpose of the lot additions becoming compliant with the Zoning By-law as a condition of their provisional approval, nor to acknowledge that the waterfront property is on a lane.

However, she does object to the creation of the new lot proposed by application S-51-21-P and to the road closing application RC-20-06. While planning staff recognize the objections that Ms. Eastman may extend to this rezoning, the rezoning is technically acknowledging circumstances that exist today on the subject property. Any objections to the creation of a new lot and the road closing will be dealt with through those respective applications.

Planning Analysis

The proposed zoning by-law amendment needs to be assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

There are two main policy themes that apply to the proposed rezoning. These themes are (1) limited service residential development, and (2) protecting natural heritage resources for long-term use.

Although the property has frontage on Hinchinbrooke Road, it is accessed from Silver Rock Lane. Essentially, the property's frontage is the intersection of the road and the lane. The RLSW zone is applicable to waterfront properties that are accessed from a private lane, such as Silver Rock Lane. For this reason, it is appropriate to consider this rezoning application for the entire parcel regardless of the outcome of any decision on the additional consent applications (i.e. S-51-21-P and S-67-21-P).

Staff anticipate that consent application S-67-21-P, being a lot addition to an existing developed limited service residential waterfront property on Silver Rock Lane, will be an undisputed consent.

Staff note that special zoning considerations may arise through the review of consent application S-51-21-P when the proposed severed and retained parcels are assessed for appropriate building envelopes and conditions of development. For example, a requirement for greater than 30 metre minimum building setbacks from the highwater mark and wetlands could be recommended by an agency. If the rezoning application is approved by Council now, any zoning-related comments received related to the consent application for the creation of a new lot may require a subsequent rezoning application. The applicant is aware of this risk and is requesting Council make a decision on this rezoning at the current time. Any subsequent applications required to fulfill conditions of consent would be at the landowner's time and expense.

The proposed zoning by-law amendment is consistent and conforms to the Provincial Policy Statement 2020, the County of Frontenac Official Plan, and the South Frontenac Official Plan, and represents good planning for the subject property.

Financial Implications

Not applicable.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

Notice/Consultation

Notice of the Statutory Public Meeting was given pursuant to the requirements of the Planning Act, 20 days in advance of the Public Meeting. This included notice given:

- by mail to every owner of land within 120 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage
- by e-mail to prescribed persons and public bodies (e.g. Conservation Authority, County Clerk, School Boards, Ontario Power Generation Inc. and Hydro One Inc.)

Attachments

1. By-law 2021-63

Approvals

Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

Submitted By:



Claire Dodds, MCIP, RPP
Director of Development Services

Approved By:



Neil Carbone
Chief Administrative Officer

TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021-63

BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LAND FROM RURAL (RU) TO LIMITED SERVICE RESIDENTIAL – WATERFRONT (RLSW) ON LANDS DESCRIBED AS PART OF LOTS 6, 7 AND 8, CONCESSION 11, DISTRICT OF PORTLAND: ALLAN

WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

AND WHEREAS By-law 2003-75 being the Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

AND WHEREAS the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received on this application, the effect of which helped Council make an informed decision;

NOW THEREFORE, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. **THAT** Schedule “A”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Rural (RU) to Limited Service Residential – Waterfront (RLSW) for the lands shown on Schedule “1”.

2. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said Section 34.

Dated at the Township of South Frontenac this 2nd day of November, 2021.

Read a first and second time this 2nd day of November, 2021.

Read a third time and finally passed this 2nd day of November, 2021.

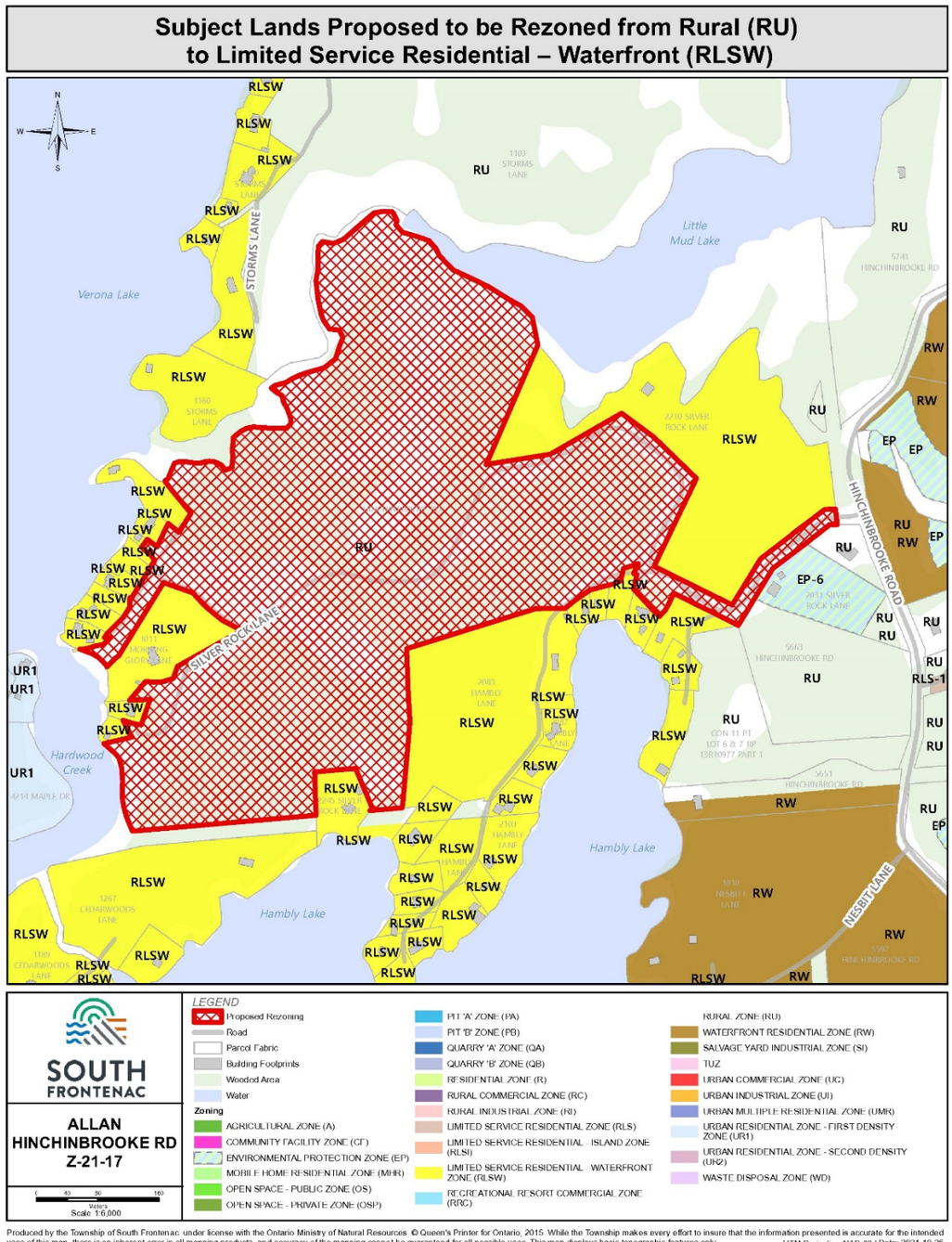
THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC

_____
Ron Vandewal, Mayor

_____
Angela Maddocks, Clerk

Schedule 1

This is Schedule "1" to By-law No. 2021-63.



Passed this 2nd day of November, 2021

_____

Ron Vandewal, Mayor

_____

Angela Maddocks, Clerk

TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021-64

BEING A BY-LAW TO AUTHORIZE THE USE OF ALTERNATIVE VOTING METHODS FOR THE 2022 MUNICIPAL ELECTION

Whereas Section 42 (1) (b) of the Municipal Elections Act, S.O. 1996, c. 32, as amended, provides that a municipal council may pass a by-law authorizing electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote;

And Whereas Section 42(2) of the Municipal Elections Act, S.O 1996, c. 32 as amended requires a By-law under Section 42 (1) be passed by May 1, 2022 to be effective for the municipal election to be held in 2022;

Now Therefore the Council of the Corporation of the Township of South Frontenac enacts as follows:

- Internet/Telephone Voting is authorized to be used as an alternative voting method for the municipal election to be in October 2022.

Read a first and second time this 2nd day of November 2021.

Read a third time and passed this 2nd day of November 2021.

THE CORPORAITON OF
THE TOWNSHIP OF SOUTH FRONTENAC

_____
Ron Vandewal, Mayor

_____
Angela Maddocks, Clerk

Township of South Frontenac

Staff Report

To:	Council
Prepared by:	Development Services Department
Date of Meeting:	November 2, 2021
Subject:	**Dedication and Assumption of Kahala Court, Kam Avenue, Lakefield Drive (now Linea Drive), Maple Crest Court, Block 57 & Block 58, Plan 13M56, Lyon's Landing**

Summary

This report recommends that several roads within the Lyon's Landing Subdivision including Kahala Court, Kam Avenue, Lakefield Drive (now municipally known as Linea Drive), and Maple Crest Court, as well as road widening Blocks 57 & 58 on Plan 13M56, be dedicated and assumed for the purpose of public use as common and public highways.

Recommendation

It is recommended that Council pass by-law 2021-65 to dedicate and assume Kahala Court, Kam Avenue, Lakefield Drive (now known as Linea Drive), Maple Crest Court and Blocks 57 & 58 on Plan 13M56, for the purposes of public use as common and public highways.

Background

The Subdivision Agreement for Phase II of Lyon's Landing was registered on December 17, 2004, subsequently Plan 13M56 was registered and in March of 2005 an Application General was registered to amend the register noting in an affidavit by Timothy Wilkin that the Owner's Certificate on Plan 13M56 dedicated as public highways Kahala Court, Kam Avenue, Kona Crescent, Lakefield Drive and Maple Crest Court and the street widenings, namely Blocks 57 and 58.

Discussion/Analysis

Staff are satisfied that Kahala Court, Kam Avenue, Lakefield Drive (now known as Linea Drive) and Maple Crest Court are laid out and properly constructed in the Lyon's Landing Subdivision in accordance with the Township's road construction standards and the road specifications in the Subdivision Agreement. A joint site inspection was completed by Public Services and Development Services staff on October 13, 2021. Public Services staff

indicated they are satisfied with the condition of the roads and issued a letter of final acceptance on October 22, 2021.

The said lands were deeded to the Township of South Frontenac for the purposes of dedicating them to public use as common and public highways, Instrument Number LT090277.

Now that a letter of final acceptance of the roads has been issued to the developer, Kahala Court, Kam Avenue, Lakefield Drive (Linea Drive), Maple Crest Court, Block 57 and Block 58 on Plan 13M56 will now be dedicated and assumed by by-law as Township owned and maintained public roads.

Financial Implications

The Township of South Frontenac is already performing winter maintenance on the subdivision roads.

Relationship to Strategic Plans

☒ Not applicable to this report.

☐ This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

Notice/Consultation

- Municipal solicitor
- Public Services Staff

Attachments

1. Attachment #1 Plan 13M-56
2. Attachment #2 Plan 13R17710
3. Attachment #3 Map showing Roads & Blocks 57 & 58
4. Attachment #4 By-Law 2021-65

Approvals

Report author:



Michelle Hannah, Planning Assistant

Submitted By:

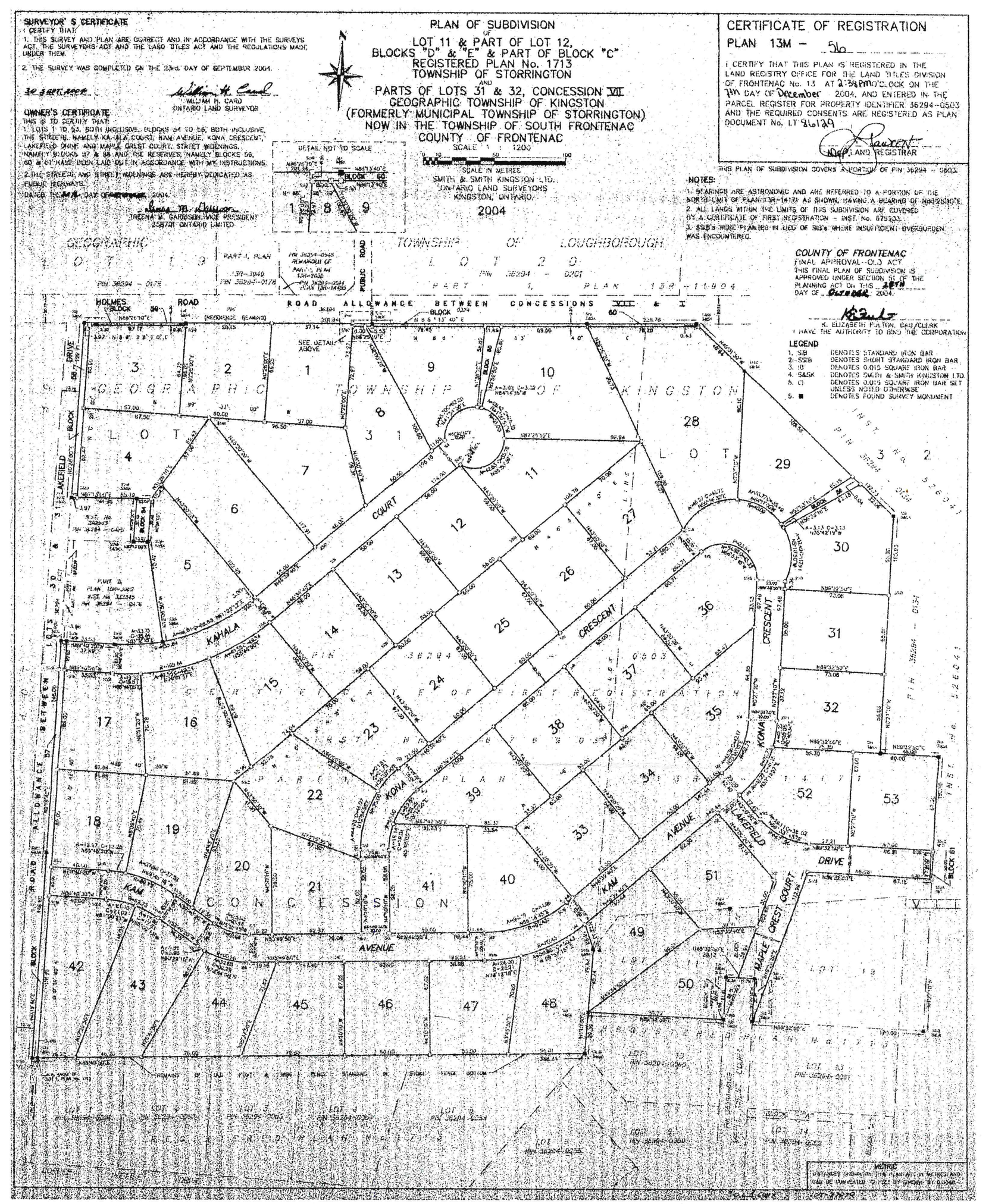


Claire Dodds, Director of Development Services

Approved By:



Neil Carbone, Chief Administrative Officer


SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 23rd DAY OF SEPTEMBER 2004.
30 SEPTEMBER 2004
WILLIAM H. CARD
ONTARIO LAND SURVEYOR
OWNER'S CERTIFICATE
THIS IS TO CERTIFY THAT:
1. LOTS 1 TO 53, BOTH INCLUSIVE, BLOCKS 54 TO 56, BOTH INCLUSIVE, THE STREETS, NAMELY KAHALA COURT, KAM AVENUE, KONA CRESCENT, LAKEFIELD DRIVE AND MAPLE CREST COURT, STREET WIDENINGS, NAMELY BLOCKS 57 & 58 AND THE RESERVES, NAMELY BLOCKS 59, 60 & 61 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS.
2. THE STREETS AND STREET WIDENINGS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS.
DATED THIS 4th DAY OF October 2004.
SHEENA M. GARDINER, VICE PRESIDENT
2387281 ONTARIO LIMITED
PLAN OF SUBDIVISION
OF
LOT 11 & PART OF LOT 12,
BLOCKS "D" & "E" & PART OF BLOCK "C"
REGISTERED PLAN No. 1713
TOWNSHIP OF STORRINGTON
AND
PARTS OF LOTS 31 & 32, CONCESSION VII
GEOGRAPHIC TOWNSHIP OF KINGSTON
(FORMERLY MUNICIPAL TOWNSHIP OF STORRINGTON)
NOW IN THE TOWNSHIP OF SOUTH FRONTENAC
COUNTY OF FRONTENAC
SCALE 1 : 1200
SCALE IN METRES
SMITH & SMITH KINGSTON LTD.
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO
2004
DETAIL, NOT TO SCALE
1 8 9
CERTIFICATE OF REGISTRATION
PLAN 13M – 516
I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF FRONTENAC No. 13 AT 2:38 PM O'CLOCK ON THE 7th DAY OF December 2004, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 36294-0503 AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. LT 961139
DEP. LAND REGISTRAR
THIS PLAN OF SUBDIVISION COVERS A PORTION OF PIN 36294 - 0503
NOTES:
1. BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO A PORTION OF THE SOUTHERLY LIMIT OF PLAN 13R-1673 AS SHOWN, HAVING A BEARING OF N89°38'30"E.
2. ALL LANDS WITHIN THE LIMITS OF THIS SUBDIVISION ARE COVERED BY A CERTIFICATE OF FIRST REGISTRATION – INST. No. 675333.
3. SSIB'S WERE PLANTED IN LIEU OF SIB'S WHERE INSUFFICIENT OVERBURDEN WAS ENCOUNTERED.
COUNTY OF FRONTENAC
FINAL APPROVAL – OLD ACT
THIS FINAL PLAN OF SUBDIVISION IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT ON THIS 28TH DAY OF OCTOBER, 2004.
K. ELIZABETH FULTON, DEP. CLERK
I HAVE THE AUTHORITY TO BIND THE CORPORATION
LEGEND
1. SIB DENOTES STANDARD IRON BAR
2. SSIB DENOTES SHORT STANDARD IRON BAR
3. IB DENOTES 0.015 SQUARE IRON BAR
4. SASK DENOTES SMITH & SMITH KINGSTON LTD
5. CI DENOTES 0.019 SQUARE IRON BAR SET
UNLESS NOTED OTHERWISE
6. ■ DENOTES FOUND SURVEY MONUMENT
GEOGRAPHIC TOWNSHIP OF KINGSTON
TOWNSHIP OF LOUGHBOROUGH
ROAD ALLOWANCE BETWEEN CONCESSIONS VII & I
HOLMES DRIVE
LAKEFIELD DRIVE
KAHALA COURT
KONA CRESCENT
KAM AVENUE
MAPLE CREST COURT
CONCESSION V
CONCESSION VI
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
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LOT 52
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BLOCK 54
BLOCK 55
BLOCK 56
BLOCK 57
BLOCK 58
BLOCK 59
BLOCK 60
BLOCK 61
PIN 36294 - 0503
PIN 36294 - 0504
PIN 36294 - 0505
PIN 36294 - 0506
PIN 36294 - 0507
PIN 36294 - 0508
PIN 36294 - 0509
PIN 36294 - 0510
PIN 36294 - 0511
PIN 36294 - 0512
PIN 36294 -

SURVEYOR' S CERTIFICATE

I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM REGISTERED PLAN 13M–56.

15 DEC. 2004

William H. Card
WILLIAM H. CARD
ONTARIO LAND SURVEYOR

NOTES:

1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF THE LOTS.
2. ALL EXISTING UNDEFINED PART LIMITS ARE PARALLEL TO EXISTING LIMITS AND PRODUCTIONS THEREOF AS SHOWN ON REGISTERED PLAN No. 13M–56.
3. PART WIDTHS ARE 3.00 METRES OR 6.00 METRES ON THE LOTS AS ILLUSTRATED.

COMPILED PLAN OF SURVEY
OF
PARTS OF LOTS 4,6,7,8,16,19,31,47,48,49,51,52 & 53
REGISTERED PLAN No. 13M–56
TOWNSHIP OF SOUTH FRONTENAC
COUNTY OF FRONTENAC

SCALE 1 : 1200

0 10 50 100

SCALE IN METRES

SMITH & SMITH KINGSTON LTD.
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO.
2004

PLAN 13R– 17710
RECEIVED AND DEPOSITED
DECEMBER 15, 2004
DATE
Marilyn Kilcox
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC No. 13

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

15 DEC. 2004
DATE

William H. Card
WILLIAM H. CARD
ONTARIO LAND SURVEYOR

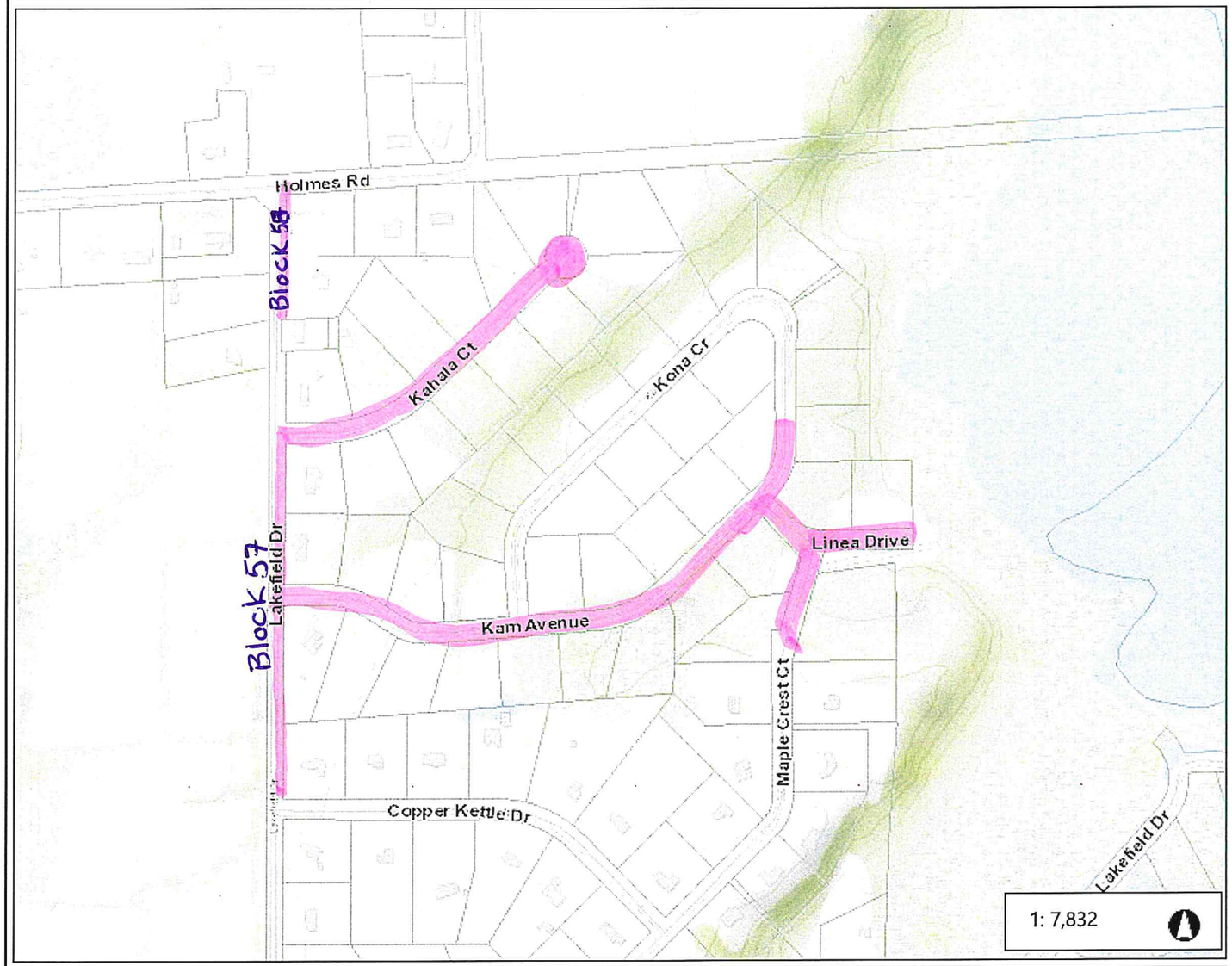
SCHEDULE

PARTS	LOT	PLAN	A PORTION OF PIN	WIDTH
1	4	13M–56	36294 – 0666	6.00
2	6		36294 – 0668	
3	7		36294 – 0669	
4	8		36294 – 0670	
5	16		36294 – 0678	3.00
6	19		36294 – 0681	
7	31		36294 – 0693	6.00
8	47		36294 – 0709	
9	48		36294 – 0710	3.00&6.00
10	49		36294 – 0711	
11	51		36294 – 0713	3.00
12	52		36294 – 0714	3.00&6.00
13	53		36294 – 0715	6.00

GEOGRAPHIC TOWNSHIP OF LOUGHBOROUGH
LOT 19 LOT 20
PART 1, PLAN 13R–3949 PIN 36294–0178
PIN 36294–0545 REMAINDER OF PART 1, PLAN 13R–2635
PIN 36294–0544 PLAN 13R–14455
PUBLIC ROAD
PIN 36294 – 0175
PART 1, PLAN 13R–11904
PIN 36294 – 0201
ROAD ALLOWANCE BETWEEN CONCESSIONS VIII & IX
PIN 36294 – 0324
HOLMES ROAD
BLOCK 59
BLOCK
PIN 36294 – 0721
60
INST. No. 526041 PIN 36294 – 0134
CONCESSION VII
LOT 32
PIN 36294 – 0134
INST. No. 526041
LOT 31
INST. No. 393865 PIN 36294 – 0473
PART 2, PLAN 13R–3962 INST. No. 333345 PIN 36294 – 0478
PART 1 PART 2 PART 3 PART 4 PART 5 PART 6 PART 7 PART 8 PART 9 PART 10 PART 11 PART 12 PART 13
PIN 36294–0665 PIN 36294–0664 PIN 36294–0663 PIN 36294–0670 PIN 36294–0724 PIN 36294–0666 PIN 36294–0669 PIN 36294–0668 PIN 36294–0678 PIN 36294–0679 PIN 36294–0680 PIN 36294–0681 PIN 36294–0725 PIN 36294–0693 PIN 36294–0694 PIN 36294–0714 PIN 36294–0715 PIN 36294–0727 PIN 36294–0709 PIN 36294–0708 PIN 36294–0710 PIN 36294–0711 PIN 36294–0713
LAKEFIELD DRIVE
KAHALA CRESCENT
KONA CRESCENT
KAM AVENUE
KONA COURT
MAPLE CREST COURT
REGISTERED PLAN No. 13M–56
REGISTERED PLAN No. 1713
LOT 1 PIN 36294–0051
LOT 2 PIN 36294–0052
LOT 3 PIN 36294–0053
LOT 4 PIN 36294–0054
LOT 5 PIN 36294–0055
LOT 6 PIN 36294–0056
LOT 9 PIN 36294–0059
LOT 10 PIN 36294–0060
LOT 12
LOT 13 PIN 36294–0061
LOT 14 PIN 36294–0062
PIN 36294–0109
COPPER KETTLE DRIVE
BLOCK A
BLOCK 61
BLOCK 55
BLOCK 51
BLOCK 57
LOT
LINE
STREET
BETWEEN LOTS 30 & 31
ROAD ALLOWANCE BETWEEN LOTS 57 & 58

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

FRONTENAC | Map Title





Legend

Road
- Highway
- Major Road
- Secondary Road
- Ferry Route

Assessment Parcels

Settlement Area

Citations

1: 7,832

Notes

0.4 0 0.20 0.4 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

From: Leslie and Tom Olvet
To: Angela Maddocks
Subject: More regulation for Short Term Rentals in South Frontenac
Date: October 8, 2021 8:29:50 AM

Hi Angela ~

I am writing SF's council upon Ross Sutherland's recommendation.

My husband and I and our two kids are residents of South Frontenac and have lived on Buck Lake year round for almost 19 years.

We and many of our neighbours are becoming increasingly concerned with the growth of short term rentals in our township. More and more we are seeing individuals or corporations from afar purchasing properties to provide income through renting daily, per weekend, or per week.

For the last 5 years the cottage directly next to us has been rented weekly from mid-June to mid-September. It is rented through Airbnb. The constant turnover of inhabitants and the level and types of the activity that goes on next to us during these months has severely impacted our enjoyment of our permanent residence.

The negative impacts from our observations over these years are as follows:
1) lack of proper management - the owners are not present for the majority of the time this property is rented out and often it is my husband or myself that are policing unacceptable behaviour such as loud music being played throughout the day and night, dogs left off leash and allowed to roam on adjacent properties, etc.
2) Number of renters over capacity - often there are more people that frequent this property than what the property can accommodate
3) Environmental impacts - as a result of over capacity, this no doubt taxes the septic system which could potentially impact the health of our lake. Also, each renter brings one or two boats with them which means more boaters on our lake that are not always familiar with safe and respectful boating practices. One renter who comes every year, brings their large wakeboard boat to wake surf which has a huge impact on our shorelines.
4) Lack of respect for local community - individuals visiting for a week's vacation have no vested interest in the community that surrounds them. They drive too fast on private lanes and they are noisy and "party" often regardless of the day of the week. Also, many times fireworks have been set off outside the allowable dates set out by the township. One renter in particular set them off three times in one week.
In addition, the owner of these properties often do not have any connection to the local community either and as a result are not sensitive to the impact of their STR.

We feel that there needs to be set regulations and more by-laws around Short Term Rentals. Currently South Frontenac has nothing in place to regulate this type of property use. The only by-law that neighbours of STRs can currently call upon is our noise by-law. This is not enough.

As full-time residents of SF and neighbours of an STR, we would like the Township to consider the following:
1) Categories for accommodation establishments to form a basis for relative by-laws and a regulatory infrastructure

2)Obligations and constraints via a classification certificate
3) consider an outright ban on short term rental of properties that are not inhabited by the owner at any time and have been purchased for the sole goal of generating income. OR require the owner to apply for rezoning in which it will be taxed and regulated as a commercial property.
4) as per 3), only allow these types of STRs in certain zones, not in residential areas and introduce a cap on the amount allowed within each zone/community of SF.
5) If it is a waterfront property, should be inspected to ensure that it is being properly maintained to avoid any negative impact on our lakes' sensitive ecosystems.

Please pass this letter on to council. I have been in contact with Rick Ottenhof and Gabor Solymar who will be presenting a deposition on this topic at November's council meeting.

Sincerely,
Leslie Kirby-Olvet
1002 Gee Ln, Perth Road, ON K0H 2L0
613-353-6072

October 27, 2021

To the Council of South Frontenac Township:

Re. Need for Short-Term Rental Zoning/Bylaws

At an online open house in August, I asked that consideration be given to controlling/directing the growth of short-term rental properties in the township. I was told at the time that such action could only be taken in bylaw form.

After much consideration and discussion with other residents negatively affected by the 244 AirBnB properties already listed in South Frontenac, I believe that this is not just a noise problem but also zoning problem. When the owner of an ordinary 3-bedroom house or cottage in a residential/rural neighbourhood wants to convert it into a $500-$700/night rental property for 10-12 “guests” there has been a serious change in use. That property should no longer be considered residential but rather a business.

While there should be room for OCCASIONAL rentals by ordinary residents and cottage owners who simply want to rent out personal properties for a few days a year to help cover their maintenance and tax costs, the business of full-time, year-round rentals must be controlled — or even stopped.

Either the township should create an STR zoning category or a system of STR variances that officially recognizes a change in use from residential housing to an unsupervised motel. There needs to be a framework for permitting or denying such use with input from neighbours. Right now a neighbour has input on many minor zoning issues but has no say about the establishment of an unsupervised rental unit that generates a range of disruption and problems

There are four perspectives from which to view the township’s STR situation.

1. Neighbours. Most residents (both part time cottagers and full-time residents) do not want an unregulated rental unit near them due to rowdy behaviour, noise problems, fire threats, as well as unregulated expansion of decks, docks, “beach” areas and removal of trees.
2. Guests. The safety of guests is threatened by low-capacity septic systems, untested drinking water supplies, overcrowded accommodation, and lack of fire/safety inspections.
3. Township services. Over-use of landfill and garbage services seems the most obvious problem as 10-12 temporary “guests” per STR unit create huge amount of waste. It is a volume that was not calculated into any previous waste management plan. When a single property’s guests consume dozens of beverages (water, soda, beer, liquor) a day, there is a flood of waste that does not get redirected to recycling and other waste diversion paths. Also affected is the cost of emergency services when fire, medical and police resources are used to manage complaints or real emergencies such as boating incidents and fires.
4. Business. The traditional campgrounds, trailer parks and cottage rental businesses of the township are being hurt by unlicensed/unregulated STR businesses that do not pay taxes or face health and safety requirements. While some hosts claim that local businesses benefit from new customers, it is safe to assume that out-of-town stores (grocery, liquor and superstores) provide the largest portion of guest supplies. Local shopping is more likely incidental rather than planned.

As a long-term resident , I have watched my quiet lakeside community start to evolve into a party site for out-of-town guests who have no stake in the community (for the profit of off-site business owners). This planning process seems to be an excellent time to look at this problem and deal with it before it gets out of hand.

It is safe to say that as other rural municipalities in Muskoka, Georgian Bay and the Kawarthas enact bylaws and zoning to control STR businesses, there will be an investor shift into unregulated communities such as those in Frontenac and Lennox-Addington counties.

I attended my first local council meeting in 1989 when I bought my property in Bedford district. Since then, I have built a house and made this township my home because it was a safe and peaceful place to live. Each of my new neighbours have gone through an administrative process that included building standards, permits and, occasionally, planning variances. Having played by the rules and respected each other's right to a quality of life that brought us here in the first place, it is hard to believe that investors are allowed to buy properties next door to us and run them as unregulated businesses that clearly undermine our community.

I hope that the South Frontenac planning process will recognize the need to protect its residents.

Thank you.

Frank B. Edwards
8844 Canoe Lake Road
Hartington, ON

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CUPE SCFP Ontario

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Phone: 905-739-9739 • *Fax:* 905-739-9740
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Dear Township of South Frontenac Council:

On behalf of CUPE Ontario's nearly 125,000 active members of the Ontario Municipal Employees Retirement System (OMERS), I am writing today to express our serious concerns with OMERS' investment performance.

In 2020, OMERS posted a net loss 2.7%, representing three billion dollars in losses. This was during a year that comparable defined benefit pension plans and funds in Canada posted substantial investment gains. CUPE Ontario investigated further and tracked investment returns at OMERS for ten years. We found that OMERS has underperformed relative to other large pension plans and funds, as well as relative to its own benchmarks. We also found that OMERS no longer shares this critical information in their annual reporting, making it difficult for plan members to hold their investment managers accountable.

Attached you will find a report detailing OMERS investment underperformance. Also attached, you will find the analysis of a third-party actuary (PBI Actuarial consultants) who confirmed that our reasoning and conclusions were sound.

CUPE Ontario believes plan members and employers have the right to know why OMERS' investments have, over a ten-year period, underperformed other large defined benefit pension plans and funds. If OMERS had performed in line with the average large Canadian public pension plan, it would have a substantial, multi-billion-dollar surplus, versus the deficit it currently faces.

Considering the significant impact such underperformance could have on plan members and on all sponsors who hold the liabilities of the plan, **we are calling on OMERS to cooperate fully with an independent and transparent third-party review of its investment performance** transparent and accountable to plan members, sponsors like CUPE Ontario, other unions, and employers like the Township of South Frontenac.

We are hoping that the Township of South Frontenac Council will join our call for an independent expert review of OMERS. **We are asking you, and other municipal councils across the province, to debate the following motion or to pass a similar motion calling for a third-party expert review of OMERS.** The terms of such a review would need to be agreed upon by sponsors and they could explore whether reasonable costs could be funded from the plan.

We simply cannot afford another decade of investment returns so far below other pension plans and funds. We know that ensuring strong investment returns is a goal shared by employers like the Township of South Frontenac and by unions like CUPE.

CUPE Ontario staff person Liam Bedard is available to answer any questions you may have. He can be reached at lbedard@cupe.on.ca.

All materials are available in French at cupe.on.ca/francaisomers.

It's time for all of us to work together to #FixOMERS.

Thank you,



Fred Hahn
President of CUPE Ontario

Proposed Motion – Independent Review of OMERS' Investment Performance

1. The Township of South Frontenac Council is calling for an immediate, comprehensive and independent third-party expert review of OMERS' investment performance and practices over the past ten years, conducted by the OMERS Pension Plan's sponsors and stakeholders.

2. Such a review would, at a minimum:

    a. Compare OMERS plan-level, and asset class-level performance to other comparable defined benefit pension plans and funds, OMERS internal benchmarks, and market-based benchmarks.
    b. Examine OMERS decision-making processes around the timing of various investment decisions.
    c. Assess the risk management policies and protocols that were in place and determine if they were followed and/or if they were sufficient to protect the plan from undue risk.
    d. Assess whether the disclosures provided to the OMERS Administrative and Sponsorship Boards were sufficient evidence to allow the Boards to respond appropriately and in a timely manner.
    e. Examine executive compensation, investment fees and investment costs at OMERS in comparison to other major defined benefit pension plans and funds.
    f. Examine other relevant issues identified by the third-party expert review.
    g. Make recommendations for changes at OMERS to ensure stronger returns moving forward.
    h. Issue their final report and recommendations in a timely manner.
    i. Publicly release its full report and recommendations to ensure that it is available to OMERS sponsors, stakeholders, and plan members.

3. The Township of South Frontenac Council further calls on the OMERS Administrative Corporation to:

    a. Provide all requested data, documentation and information required of the review panel to fulfill its mandate.
    b. Establish a step-by-step plan, with OMERS sponsors and stakeholders, to implement any recommendations set out in the review report.

PBI

PBI Actuarial Consultants Ltd.
Suite 1070, One Bentall Centre, 505 Burrard Street, Box 42, Vancouver, BC V7X 1M5
pbi@pbiactuarial.ca T. 604-687-8056 F. 604-687-8074

April 27, 2021

To: Fred Hahn, President CUPE Ontario
CUPE Ontario

From: Bradley Hough

Subject: **OMERS Performance Review**

Scope of review

CUPE has asked PBI to review "CUPE Ontario Concerns With OMERS Investment Returns". PBI has reviewed the performance data, methods, and comparisons of OMERS with peer pension plans and funds in CUPE's report.

The intention of our review is to determine:

a) if comparisons made between the pension plans and funds and their respective benchmarks are reasonable; and
b) if the analysis completed by CUPE supports the conclusions of their report.

We have reviewed the performance comparisons in CUPE's report by reviewing public information provided by the plans and funds referenced. Statements of investment policies and procedures, actuarial valuation reports, annual reports and other governance documents were reviewed to add as much context around plan performance as possible with the public information available.

Summary

We conclude that the comparisons made by CUPE are reasonable and show that there is a significant gap in performance between OMERS and other comparable public pension plans and funds. In our opinion, public information is unable to fully explain the performance gap. More information is required to truly understand why performance is so different between OMERS and comparable public pension plans and funds.

In our opinion, the comparisons and analysis in the report support CUPE's request for further review of performance.

Review

Is the choice of peer universe reasonable?

CUPE has chosen a universe of large public sector defined benefit plans ("plans"), or public sector investment managers managing assets ("funds") including, but not exclusively, defined benefit pension plans. Scale gives public plans and funds a different opportunity set versus smaller private sector plans as a result of the size of assets and also investment opportunities. We therefore believe that CUPE's approach of focusing on a limited universe of public sector peers rather than a broader pension plan universe is reasonable and fair.

Of the universe supplied, HOOPP, OTPP, BCMPP and LAPP are easier to directly compare given they are pension plans rather than funds; however, the public sector investment managers referenced by CUPE are still useful

points of reference when looking at comparable performance. Performance of funds such as PSP, CDPQ, BCI and AIMCO suggests that client defined benefit plans are likely to have higher absolute returns than OMERS for 2020.

LAPP and AIMCO have not published full performance information for 2020.

Would conclusions change if the universe of plans was expanded?

Defined benefit plans have different benefits, contributions, funding policies, and member demographics. Making comparisons across universes of defined benefit plans requires caution and it is difficult to draw firm conclusions. However, it is worth noting that OMERS performance is significantly below not only public peers, but wider universes of defined benefit plans.

RBC's universe of pension plans shows a median return of 9.2% for 2020[1]. PBI has access to the Northern Trust universe of Canadian defined benefit pension plans[2] and note that the median return is similar to RBC (full year 2020 median return is 9.9%). The lowest return in the Northern Trust Universe is 5% for 2020. We are not aware of an absolute return for PBI clients below 5%.

Could 'context' such as different asset mixes driven by Plan demographics or situation explain OMERS performance?

a. **Asset Mix**
We compared asset mixes with HOOPP, BCMPP and OTPP. HOOPP has a liability driven investment strategy and has a higher fixed income allocation. BCMPP and OTPP are return focused like OMERS. OMERS has a higher proportion in real assets and credit than these plans and lower fixed income assets. OTPP has a specific inflation management strategy. However, at a high level, asset allocations between OMERS, BCMPP and OTPP make use of similar asset classes and are comparable.

Asset Class	OMERS	BCMPP	OTPP	HOOPP
Public Equity	31%	33%	19%	23%
Fixed Income	6%	21%	16%	86%
Private Equity	14%	10%	19%	13%
Real Assets	34%	27%	21%	15%
Credit/Mortgages	17%	6%	8%	0%
Inflation Sensitive	0%	0%	17%	0%
Innovation	0%	0%	2%	0%
Absolute Return Strategies	0%	0%	6%	0%
Money Market	-2%	2%	-8%	-37%

Source: annual reports as of December 31, 2020, except for BCMPP, which is as of December 31, 2019.

[1] The RBC pension plan universe is published by RBC Investor and Treasury Services. "All Plan Universe" currently tracks the performance and asset allocation of a cross-section of assets under management across Canadian defined benefit pension plans.

[2] The Northern Trust universe of defined benefit plans is provided to PBI by Northern Trust. It consists of 34 defined benefit plans ranging from $16.4M to $8.7B in size. Average plan assets are $1.9B, median plan assets are $627M as of December 31, 2020.

As the differences in performance are so large between OMERS and two plans with comparable asset mixes (albeit with some differences), more information on specific strategies within each asset class, such as style of equity manager, exposure to office, retail, and industrial real estate within real assets, use of leverage/overlay strategies and derivatives, currency hedging, and approach to liquidity management would be required to explain differences in performance.

We note that on page 43 of the OMERS 2020 Annual Report, losses were incurred on foreign currency hedging positions due to actions taken to protect liquidity. This contributed $2.2B to the overall loss. Again, this indicates that a review, significantly beyond simple asset mix comparisons, is required to truly understand performance differentials.

Finally, understanding the role of the 'Total Portfolio Management' approach in determining asset allocations and strategies would be helpful to putting context around the asset mix choices and investment strategies.

b. Membership Demographics

We note that BCMPP and HOOPP have broadly similar membership demographics to OMERS. OTPP is more mature with a greater proportion of retirees. PBI does not believe plan demographics are different enough to render comparisons between the plans invalid.

Comments on CUPE's five principal findings:

1) **OMERS 10-year annualized performance was below peer group as of December 31, 2019**. PBI believes the comparisons made are reasonable and agree with the conclusion.
2) **OMERS performance in 2020 was significantly below peers**. PBI agrees with this conclusion and notes that expanding the peer group adds weight to this conclusion.
3) **OMERS does not report comparisons of its annualized long-term returns to its own benchmarks**

   Page 143 of the 2020 report has a comparison of calendar year returns vs benchmarks to 2011. We could not find a comparison of annualized long term performance vs benchmarks for OMERS.

   We understand benchmarks are set annually by OMERS and approved by the Administration Corporation Board. From the information made public by OMERS, we would need more detail on the methodology used to derive the absolute return benchmark to interpret performance.

4) **5 to 10-year returns versus 5 to 10-year benchmarks.**

   PBI verified the calendar year returns shown by CUPE. We were unable independently to verify the 5 and 10-year performance versus the benchmark as this was provided verbally to CUPE by OMERS and is not published. The peer group of public plans and funds all take different approaches to benchmarking. Some use composites of public market indices/asset class benchmarks according to their target allocations. PSP uses a reference portfolio approach and HOOPP may use a liability focused benchmark. We note that comparisons of relative performance vs stated benchmarks across peer group plans are challenging because of the differences in methodology.

   However, in our opinion the analysis is sufficient to show that OMERS is the only Plan underperforming their internal benchmark over a 10-year horizon. Understanding why requires a deeper understanding

PBI

of performance and benchmarking methodology beyond the information made public. In our opinion this adds weight to CUPE's request for a review of performance.

5) **OMERS 20-year return is not above its 20-year benchmark.** We were unable to independently verify this point as the performance versus the benchmark was provided verbally to CUPE by OMERS and is not publicly available.

Conclusions

The comparisons made by CUPE are high level and broad by the nature of information made public. However, we believe the comparisons are reasonable and that CUPE has chosen similar public plans and funds as practically possible. Overall, we believe the analysis is sufficient to conclude that OMERS investment performance in 2020 and longer term is significantly lower than other comparable plans.

PBI would require considerably more information than made public on OMERS' total portfolio management approach, investment strategies, third party managers, asset mix policies, liquidity management approach and derivative positions to interpret performance.

In our opinion, the comparisons made demonstrate that the longer-term performance gap between comparable peers is significant and supports CUPE's request for a further, more detailed review of performance beyond the information made public.

Bradley Hough, FIA, ACIA, CAIA

BH:jh
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TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2021-66

A BY-LAW TO CONFIRM GENERALLY ALL ACTIONS AND PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC ON NOVEMBER 2, 2021

Whereas Section 8 of the *Municipal Act*, S.O. 2001 c. 25 and amendments thereto provides that a municipality has the capacity, rights powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* of any other *Act;* and;

Whereas Subsection 2 of Section 11 of the *Municipal Act* S.O. 2001, c. 25 and amendments thereto provides that a lower-tier municipality and an upper-tier municipality may pass by-laws respecting matters within the spheres of the jurisdiction described in the Table to Subsection 2,subject to certain provisions, and;

Whereas Section 5 of the *Municipal Act*, S.O 2001 c. 25 and amendments thereto provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 shall be exercised by its council and by by-law unless the municipality is specifically authorized to do otherwise, and

Whereas the Council of the Township of South Frontenac deems it expedient to confirm its actions and proceedings;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, HEREBY ENACTS AS FOLLOWS:

1. The all actions and proceedings of the Council of the Corporation of the Township of South Frontenac taken at its regular meeting held on November 2, 2021 be confirmed as actions for which the municipality has the capacity, rights, powers and privileges of a natural person.

2. That all actions and proceedings of the Council of the Corporation of the Township of South Frontenac held November 2, 2021 be confirmed as being matters within the spheres of jurisdiction described in Subsection 2 of Section 11 of the *Municipal Act*, S.O. 2001, c.25 and amendments thereto.

3. That all actions and proceedings of the Council of the Corporation of the Township of South Frontenac taken at its regular meeting held on November 2, 2021 except those taken by by-law and those required by bylaw to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.

4. Execution by the Mayor and the Clerk of all Deeds, Instruments and other Documents necessary to give effect to any such Resolution, Motion or other action and the affixing of the Corporate Seal to any such Deed, Instruments or other Documents is hereby authorized and confirmed.

5. This By-law shall come into force and take effect on the date of its passage.

Read a first and second time this 2 day of November, 2021.

Read a third time and finally passed this 2 day of November, 2021.

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

_____
Ron Vandewal, Mayor

_____
Angela Maddocks, Clerk